

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA;
AT ITS
SESSION COMMENCING
January 19, 1869.



-X-5

Wheeling:
JOHN FREW, PUBLIC PRINTER.

1869.

A C T S .

CHAPTER 1.—An ACT authorizing James W. Davis, of the county of Greenbrier, to practice law in the courts of this state without taking the oath prescribed by chapter 30 of the Acts of 1866.

Passed January 25, 1869.

Be it enacted by the Legislature of West Virginia :

1. That James W. Davis, of the county of Greenbrier, late a practicing attorney in this state, be, and he is hereby exempted from the provisions of the act of the legislature, passed on the fourteenth day of February, eighteen hundred and sixty-six, entitled "An act in relation to the oaths of attorneys at law," and he is hereby authorized to practice law in the courts of this state without taking the oath prescribed by said act.

Authority to practice without taking the test oath.

2. The legislature reserves the right to repeal this act at any time when, in their discretion, they may deem it proper to do so.

Act may be repealed.

CHAPTER 2.—An ACT authorizing the trustees of the Evangelical Lutheran Church, of Shepherdstown, Jefferson county, to borrow money.

Passed January 25, 1869.

Be it enacted by the Legislature of West Virginia :

That the trustees of the Evangelical Lutheran Church of Shepherdstown, Jefferson county, West Virginia, be and are hereby authorized and empowered to borrow money for the use of said church, and by executing their bonds as said trustees for the same for said purposes, to bind said church property (consisting of church building and parsonage, and lots thereto attached,) situated in Shepherdstown, Jefferson county, West Virginia, and make the same legally liable for the payment thereof, and, if necessary, are authorized and empowered to convey said church property by deed of trust, so as to give a legal and valid lien thereon as security for the payment of money borrowed for benefit of said church.

Authority to borrow money

and secure its payment by lien.

CHAPTER 3.—An ACT in relation to the duties of assessors.

Passed January 26, 1869.

Be it enacted by the Legislature of West Virginia :

Assessment to
commence on
April 1.

1. The assessors throughout the state are hereby directed to commence the annual assessments for eighteen hundred and sixty-nine on the first day of next April, instead of the first day of February, as now required by law, and the auditor is hereby required to issue his instructions to them accordingly.

In counties
where two as-
sessor's authoriz-
ed, present as-
sessor, if but
one, to perform
duties.

2. In all counties authorized by chapter twenty-nine of the Code of West Virginia to elect two assessors, and where but one is now elected, it shall be the duty of the assessor now elected, to perform all the duties that would otherwise devolve upon said two assessors.

List of deeds to
be furnished by
recorder on
March 1.

3. The recorder shall, as soon as practicable after the first of March next, furnish to each of the assessors in his county, a list of deeds and conveyances of real estate, other than deeds of trust, for the months of January and February, eighteen hundred and sixty-nine, and said assessors shall make the transfers on their land books accordingly.

CHAPTER 4.—An ACT extending the time for the county officers of Nicholas county to qualify and execute official bonds.

Passed January 28, 1869.

Be it enacted by the Legislature of West Virginia :

Time extended
to April 1, 1869.

The time for the county officers of Nicholas county, elected October twenty-second, eighteen hundred and sixty-eight, to qualify and file their official bonds as such, is hereby extended to, and including April first, eighteen hundred and sixty-nine.

CHAPTER 5.—An ACT to refund certain taxes.

Passed February 2, 1869.

Be it enacted by the Legislature of West Virginia :

Auditor to issue
warrant for
\$13.15 to Jesse
Carney.

1. The auditor is hereby directed to issue his warrant upon the treasury for thirteen dollars and five cents, in favor of Jesse Carney for excessive taxes paid in the year eighteen hundred and sixty-five on two hundred acres of land.

Board of super-
visors of Jackson
to refund erro-
neous county tax.

2. The board of supervisors of Jackson county is authorized to refund to said Carney the county taxes erroneously charged on said two hundred acres of land for said year.

CHAPTER 6.—An ACT providing for filling vacancies in the office of Judge of the Circuit Court.

Passed February 4, 1869.

Be it enacted by the Legislature of West Virginia :

When a vacancy exists in the office of judge of any circuit court the governor shall fill such vacancy by appointment for the unexpired term. Vacancy to be filled by governor.

CHAPTER 7.—An ACT appropriating money to pay the expenses of the committee of investigation of the affairs of the Hospital for the Insane at Weston.

Passed February 5, 1869.

Be it enacted by the Legislature of West Virginia :

1. The sum of one hundred and thirty dollars and eighty cents is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the witnesses and officers attending the committee of investigation of the affairs of the Hospital for the Insane, at Weston, during their session in eighteen hundred and sixty-eight. \$130.80 appropriated.

2. The auditor is hereby authorized to draw his warrant on the treasurer for said amount, and pay unto the parties entitled, their respective fees. To be paid out by auditor.

CHAPTER 8.—An ACT to legalize a contract between the boards of education of the township of Eagle in the county of Harrison and Mannington in the county of Marion.

Passed February 6, 1869.

Be it enacted by the Legislature of West Virginia :

The contracts heretofore entered into between the boards of education of the townships of Eagle, in the county of Harrison and Mannington in the county of Marion, for educational purposes, are hereby legalized and made valid and effective. Contracts for educational purposes legalized.

CHAPTER 9.—An ACT to incorporate the Rathbone Gas Company.

Passed February 8, 1869.

Be it enacted by the Legislature of West Virginia :

1. That John W. Butters, Benjamin Flint, W. H. Harrison Wheaton, Isaac Sanborn, Jr., and L. D. Wheaton, their associates, successors and assigns be, and they are hereby constituted a body politic and corporate, by the name, style and title of the Rathbone Gas Company; the said company shall have power to lay, construct and maintain Corporators. Incorporation.

Authority to lay lines of gas pipe.

or cause to be laid, constructed and maintained a line or lines of pipe or tubing in Burning Springs township in the county of Wirt, for the purpose of conveying or transporting through the same, gas to be used for light, fuel or other purposes by the owners or proprietors of oil wells, or other persons residing or doing business in said township, and to sell the same and receive compensation therefor.

Capital stock.

2. The capital stock of said company shall consist of six hundred shares of the par value of twenty-five dollars each, and when said capital stock of said company is subscribed and ten per cent of the same is paid in, said company shall have the authority to commence business.

When company may commence business.

Right to hold and improve real estate.

3. The company shall have the right to purchase or lease such real estate and erect or cause to be erected such buildings and improvements thereon from time to time as may be convenient or necessary to the purposes of its improvement, and use and hold the same, and further shall have the right to purchase all necessary equipments, apparatus and appliances therefor.

Seal of corporation.

4. The said company shall have and use a common seal, and alter or amend the same at pleasure, and also shall have power to ordain, establish and put into execution such by-laws or ordinances and regulations as shall appear necessary or proper for its government, not inconsistent with the constitution of this State or of the United States.

By-laws.

Condemnation of land according to Code of Virginia.

5. The said company shall have power to enter upon lands in the said township of Burning Springs and condemn and acquire a sufficient right of way over, under and through the same for the purposes of its said improvement, as provided by law in the fifty-sixth chapter of the Code of Virginia, second edition.

Special mode of acquiring rights of way.

6. Instead of proceeding to condemn and acquire rights of way for its purposes aforesaid, in the manner prescribed in the said fifty-sixth chapter of the Code of Virginia, said company, may at its option proceed as follows: If said company or any of its officers or agents, shall make affidavit that said company has failed to obtain the right or rights of way over, under and through the lands proposed to be used for the purposes aforesaid, and shall make out a description of said lands in writing and file it in the office of the clerk of the circuit court of Wirt county aforesaid, stating therein the sum or sums they propose to pay to the owners thereof for said right or rights of way, and also file therewith a bond with security to the satisfaction of the clerk of said court, conditioned to pay all damages that may be recovered against them as hereinafter provided, the said company, its officers and agents, may enter upon said lands, and possess a right of way thereon, and to construct a line or lines of pipe or tubing through and over the same, for the purposes indicated in its incorporated charter. And the party or parties owning said lands, may file with the clerk of said court, his or their claim for compensation

On filing description of lands,

and bond,

company may enter on lands, and construct pipe.

for the right or rights of way so acquired as aforesaid, stating the sum demanded therefor. And the said court at any time, upon ten days notice to said company, shall appoint three disinterested free holders as viewers for the purpose of ascertaining a just compensation for said right or rights of way, any two of whom may act, and the sheriff of said county after said appointment is made, shall summon the said viewers to meet on the said lands at such time as he may appoint, giving at least ten days notice to the parties interested. And the said sheriff shall administer an oath to the viewers which he is hereby empowered to do, that they, and each of them will fairly, impartially and honestly assess, fix and determine the amount said company shall pay for said right or rights of way, and return their report in writing under their hands and seals, setting forth the amount, if any, to be paid by said company, which report shall be certified by the said sheriff, on the first day of the next term of said court, when the judge of said court shall direct judgment to be entered upon said report, if no exception be taken or filed thereto by either party; but if exceptions be filed, the court shall decide according to the evidence before it, and after judgment is entered upon said report, the company shall hold the right or rights of way over and through said lands, by a good and indefeasible title. The court shall also have power to order and determine which party shall pay the costs of this proceeding.

Land owners may file claims. Court may appoint viewers.

Oath of viewers.

Their report.

Exception to report.

Costs.

7. The said company shall be subject to all the provisions and liabilities, and entitled to all the benefits of the provisions of the Code of Virginia, second edition, prescribing general regulations for joint stock companies, and works of internal improvement, and all other laws now in force relating to the same, except so far as the provisions of this act are, or may be inconsistent therewith.

Powers and liabilities of company.

8. At every meeting of the stockholders of said company, each share of its stock shall be entitled to one vote.

Vote on stock.

9. The principal office or place of business of said company shall be kept in the township of Burning Springs, Wirt county aforesaid.

Principal office.

10. The legislature of West Virginia reserves the right to alter, amend or repeal this act, but such alteration, amendment or repeal shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof applied in discharge of their respective claims, or of the stock holders to have the surplus which may remain after providing for the debts and liabilities of the corporation distributed among themselves, according to their respective interests.

Act may be amended or repealed, but not to affect rights of creditors or stockholders.

CHAPTER 10.—An ACT to amend the charter of the West Virginia Transportation Company.

Passed February 9, 1869.

Be it enacted by the Legislature of West Virginia :

1. That an act, passed February twenty-sixth, eighteen hundred and sixty-eight, entitled "An act to amend the charter of the West Virginia Transportation Company," be so amended as that the West Virginia Transportation Company, organized under an act of the legislature, passed February twenty-sixth, eighteen hundred and sixty-seven, entitled "An act to incorporate the West Virginia Transportation Company," shall have power to construct and maintain pipes or tubing, together with all necessary and proper machinery, telegraphs, buildings and other appurtenances, for the purpose of transporting petroleum, or other oils or liquids, through such pipes or tubing. And said company shall also have the right to construct, own and run tank-cars, boats and other receptacles for the transportation of petroleum, or other oils or liquids, and to receive and hold such petroleum or other oils on storage, and to buy and sell the same on commission or otherwise. And said company shall have power, at any time during its corporate existence, to enter and condemn lands, and acquire rights of way in the counties of Wood, Wirt, Ritchie and Pleasants, for the purpose of constructing and maintaining such tubing, machinery, telegraphs and buildings, as aforesaid, in the manner provided in the fifty-sixth chapter of the Code of Virginia, second edition; and in such cases where said company may deem advisable, it shall, at its option, have the power to acquire a sufficient right of way, only for the purposes of its said improvement, through, on or under any such lands, instead of the fee simple thereof.

Company may construct pipes, buildings, &c.,

and run cars and boats.

Company may condemn lands or rights of way, according to Code of Virginia.

2. In addition to the power conferred upon said company to enter and condemn lands, and acquire rights of way, as hereinbefore provided, proceedings may, at the option of said company, be had as follows :

Special mode of condemning land.

On filing description of land

and bond,

company may enter land and possess right of way.

If said company, or any of its officers or agents, shall make affidavit, that said company has failed to obtain the right or rights of way over, under or through the land proposed to be used for the purposes aforesaid, or the fee simple thereof, at the option of the company, and shall make out a description of said lands in writing, and file it in the office of the clerk of the circuit court of the counties aforesaid, or either of them, as the case may require, stating therein the sum or sums they propose to pay to the owner or owners thereof, for said right or rights of way, or fee simple thereof, as aforesaid, and also file therewith a bond, with security, to the satisfaction of the clerk or clerks, of said court or courts, conditioned to pay all damages that may be recovered against them, as hereinafter provided, the said company, its officers and agents, may enter upon said lands and possess a right of way thereon, or the fee simple thereof, as aforesaid, and to construct a line or lines of pipe or tubing through, under or

over the same; erect pumping stations, telegraph lines, and all machinery, buildings and appurtenances necessary to carry out the purposes indicated in its corporate character. And the party or parties owning said lands, may file with the clerk or clerks of said court or courts, his or their claim for compensation for the right or rights of way, or fee simple, so required as aforesaid, stating the sum demanded therefor. And the court or courts, at any time, upon ten days' notice to said company, shall appoint three disinterested freeholders as viewers, for the purpose of ascertaining a just compensation for said right or rights of way, or fee simple, as aforesaid, any two of whom may act, and the sheriff of said county, after said appointment is made, shall summon the said viewers to meet on the said lands at such time as he may appoint, giving at least ten days' notice to the parties interested. And the said sheriff shall administer an oath to the viewers, which he is hereby empowered to do, that they and each of them will fairly, impartially and honestly assess, fix and determine the amount said company shall pay for said right or rights of way, or fee simple, as aforesaid, and return their report in writing, under their hands and seals, setting forth the amount, if any, to be paid by said company; which report shall be certified by the said sheriff on the first day of the next term of the said court or courts, when the judge or judges of said court or courts shall direct judgment to be entered upon said report or reports, if no exception be taken or filed thereto by either party. But if exceptions be filed, the court or courts shall decide according to the evidence presented, and after judgment is entered upon said report or reports, the company shall hold the right or rights of way over, under or through the said lands, or the fee simple, as aforesaid, by good and indefeasible title. The courts shall also have power to order and determine which party shall pay the costs of these proceedings.

Land owners may file their claims.

Appointment of viewers.

Their meeting.

Oath

and report.

Judgment on report.

When company to have right of way.

Costs.

3. So much of the above recited acts as is inconsistent with this act is hereby repealed.

Acts repealed.

CHAPTER 11.—An ACT to amend an act entitled "An Act to incorporate the village of Leatherwood," passed February 7, 1868.

Passed February 10, 1869.

Be it enacted by the Legislature of West Virginia :

1. That the village of Leatherwood in the county of Ohio, be and the same is hereby created a special school district, which shall be governed and controlled by the village council of said village.

Leatherwood created a school district.

2. That the village council of said village be and the same is hereby created a board of education for said village, of which the mayor shall ex officio be president, and the recorder shall be clerk; and said board shall have all the rights, powers and privileges, and perform

Board of education.

Its powers.

- Its duties.** the same duties, and be governed by the same laws as township boards of education, so far as they are applicable and not inconsistent with the provisions of this act.
- Further powers of board of education.** 3. That said village council shall have power to select a site for a school house, to procure a title therefor, to erect a school house thereon, and to establish and maintain a school therein in the same manner that township boards of education may do in their respective townships.
- Meeting of board.** 4. That the council of said village shall meet annually on the first Monday of July as a board of education, and ascertain, as near as practicable, the amount of money that will be required for the year commencing on that day, for the purpose of procuring a site, building and furnishing a school house and maintaining a school in said village. And they shall have power to levy a tax on all property within said village, which is subject to taxation for state and county purposes, sufficient to raise the amount so found to be necessary for the purpose aforesaid; provided, however, that the amount assessed and levied in any one year shall not exceed fifty cents on the hundred dollars on the taxable property of said village.
- District levy.**
- Proviso.**

CHAPTER 12.—An ACT to grant further powers to the Citizens' Street Railway Company of the city of Wheeling.

Passed February 11, 1869.

Be it enacted by the Legislature of West Virginia:

- Extension of line to Benwood authorized.** 1. That the Citizens' Street Railway Company, of the city of Wheeling, shall have the power and authority, and the same is granted to it, to extend the line of its road from its present southern terminus in South Wheeling, in Ohio county, to and through the town of Benwood, in the county of Marshall, under the same terms and limitations by which the said railway is empowered to make and use its road in the City of Wheeling.
- Condemnation of land.** 2. If the said company shall not be able to contract with the owners of the lands through which it may be necessary to construct the said railway from its present terminus to the terminus at the south end of the town of Benwood, then in that case, the said railway company shall have the right to condemn the lands necessary for such purpose, under and by virtue of the laws and acts of the legislature now in force.
- Use of dummy engine.** 3. The said railway company shall have the right to run on the said extension of their road, from its present southern terminus, at Benwood, their carriages by and with an engine called a "dummy engine," but not on any other parts of their railroad.
- Act may be amended or repealed.** 4. The legislature reserves the right to alter, amend or repeal this act whenever it may deem it proper to do so.

CHAPTER 13.—An ACT authorizing the trustees of the Methodist Episcopal Church on Phillippi circuit, in Barbour county, to sell and convey part of their parsonage property.

Passed February 12, 1869.

Be it enacted by the Legislature of West Virginia :

The trustees appointed by the quarterly conference of the Methodist Episcopal Church of Phillippi circuit, in Barbour county, are hereby authorized to sell a part of the parsonage property belonging to said church, in said circuit, and execute a conveyance therefor. Sale authorized.

CHAPTER 14.—An ACT authorizing the trustees of the Methodist Episcopal Church in Frankford, Greenbrier county, to sell their parsonage property.

Passed February 12, 1869.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Episcopal Church in the town of Frankford, in Greenbrier county, are hereby authorized to sell and convey their parsonage property in said town. Sale authorized.

CHAPTER 15.—An ACT extending the time for the county and township officers in Braxton county to qualify and file bonds.

Passed February 12, 1869.

Be it enacted by the Legislature of West Virginia :

The time now provided by law for the county and township officers in Braxton county to qualify and file their official bonds as such, is hereby extended to and including the first day of May, eighteen hundred and sixty-nine. Time extended to May 1, 1869.

CHAPTER 16.—An ACT authorizing the trustees of St. John's Protestant Episcopal Church, in the city of Wheeling, to borrow money.

Passed February 12, 1869.

Be it enacted by the Legislature of West Virginia :

1. That Joseph B. Ford, Adams Dodson and Charles B. Cecil, trustees of St. John's Protestant Episcopal Church, in the city of Wheeling, and their successors, be and are hereby authorized and empowered to borrow money for the use of said church, on such terms, and on such time, as to said trustees shall seem proper. And to secure the payment of such loans, and the contracted interest thereon, the said trustees may execute such deed or deeds of trust on Trustees may borrow money and secure its payment by deed of trust.

lot number one hundred and forty-two, on Market street, Centre Wheeling, upon which said church is erected, and to which the said trustees have title, as they may deem necessary.

Bonds issued under this act exempt from taxation.

2. Any bond, note or instrument, given or made in pursuance of this act, shall be exempt from taxation for state, county, school, city or township purposes.

Act repealed.

3. So much of an act passed July twenty-third, eighteen hundred and sixty-eight, entitled "An act to authorize the First United Presbyterian Church of the city of Wheeling, and St. John's Protestant Episcopal Church of Centre Wheeling, to raise money," as relates to St. John's Protestant Episcopal Church, is hereby repealed.

CHAPTER 17.—An ACT legalizing the acknowledgment and recording of deeds in Jefferson county during the year 1863.

Passed February 13, 1860.

Be it enacted by the Legislature of West Virginia :

Acknowledgment and recording legalized.

That the acknowledgment and recording of all deeds in the county of Jefferson, during the year eighteen hundred and sixty-three, be, and the same is hereby legalized.

CHAPTER 18.—An ACT authorizing Robert F. Dennis, of Greenbrier county, to practice law in the courts of this State without taking the oath prescribed by chapter 30 of the acts of 1866.

Passed February 19, 1869.

Be it enacted by the Legislature of West Virginia :

Authority to practice law without taking the test oath.

1. Robert F. Dennis of Greenbrier county, is hereby authorized to practice law in the courts of this state, without taking the oath prescribed by chapter thirty of the acts of eighteen hundred and sixty-six.

Act may be repealed.

2. The legislature reserves the right to repeal this act at any time they may deem it proper to do so.

CHAPTER 19.—An ACT to amend and re-enact section 63 of chapter 29, of an act entitled "An Act to establish a Code of Laws for this State," passed December 29, 1868.

Passed February 13, 1869.

Be it enacted by the Legislature of West Virginia :

Section sixty-three of chapter twenty-nine of an act entitled "An Act establishing a code of laws for this state," passed December

twenty-ninth, eighteen hundred and sixty-eight, is hereby amended and re-enacted so as to read as follows :

“63. The assessor shall ascertain the yearly value of all toll bridges and ferries in his district, except such as are by law exempted from taxation. He shall be governed by the actual rent received, where such toll bridges and ferries are rented or leased out ; otherwise he shall make a just estimate of their annual value. For purposes of taxation, the valuation of a toll bridge or ferry shall be taken to be sixteen and two-thirds times its annual value.”

How annual value of bridges and ferries ascertained.

CHAPTER 20.—An ACT exempting Samuel Woods of Barbour county, from the provisions of chapter 30 of the acts of 1866.

Passed February 13, 1869.

Be it enacted by the Legislature of West Virginia :

1. Samuel Woods, of Barbour county, is hereby exempted from the provisions of chapter thirty of the acts of eighteen hundred and sixty-six.

Authority to practice law without taking test oath.

2. The legislature reserves the right to alter or repeal this act at its pleasure.

Act may be repealed.

CHAPTER 21—An ACT amending the general corporation law.

Passed February 15, 1869.

Be it enacted by the Legislature of West Virginia :

That an act entitled “ An Act to amend and re-enact the twentieth section of an act entitled ‘An Act providing for the formation of corporations and regulating the same,’ passed October twenty-sixth, eighteen hundred and sixty-three,” passed February twenty-fifth, eighteen hundred and sixty-seven, is hereby amended and re-enacted so as to read as follows :

Act amended.

“20. It shall not be lawful for any corporation formed or continued under this act to hold more real estate than is proper for the purposes for which it was incorporated, and in no case shall any such corporation hold more than one hundred acres of land, except a company for mining iron, coal or copper ore, and manufacturing the same into metal, may hold ten thousand acres for every charcoal blast furnace, and three thousand acres for every other furnace ; other manufacturing companies one thousand acres each ; a company for mining coal for sale, three thousand acres ; other mining companies, including salt and oil companies, three thousand acres each ; and a spring company fifteen hundred acres. No corporation subject to this act shall hold more than five acres of land in a city or incorporated town,

Amount of land which may be held by corporations.

except in the case specified in the nineteenth section, and except agricultural societies and societies formed to promote agriculture and stock raising, which said last mentioned societies shall have power to hold not more than thirty acres of land in a city or incorporated town; provided that companies formed prior to the first day of April, eighteen hundred and sixty-nine, for the purposes of mining, manufacturing, wool growing and stock raising may hold land in the counties of Logan, Boone and Wyoming, not exceeding sixty thousand acres."

CHAPTER 22.—An ACT to provide for winding up the affairs of the Merchants' and Mechanics' Bank of Wheeling.

Passed February 15, 1869.

Be it enacted by the Legislature of West Virginia :

Notes and claims to be presented before July 1, 1870.

1. All notes and claims against the Merchants' and Mechanics' Bank of Wheeling shall be presented for payment during business hours at the banking house at which the same are respectively payable, on or before the first day of July, eighteen hundred and seventy, and after the said date no suit, motion or proceeding at law or in equity shall be commenced for the recovery of any note, claim or liability now existing against said bank, unless it shall have been presented, as aforesaid, without obtaining payment thereof.

after which no suit is to be commenced on any claim not so presented.

Appointment of commissioners to wind up affairs of bank.

2. The stockholders of said bank, in general meeting assembled, are hereby authorized to appoint commissioners to collect all outstanding debts and claims due to said bank, and convert into money its property and assets, and pay over and distribute the proceeds, after deducting reasonable expenses, to and among the creditors and stockholders, according to their respective rights.

Powers and duties of commissioners.

3. The commissioners, a majority of whom may act, may fill any vacancy occurring in their body, and may compromise any claim in favor of or against the said bank; and as soon after the first day of July, eighteen hundred and seventy, as in their judgment it can be properly done, they shall sell the remaining property, assets and claims of said bank, not theretofore converted into money, at public auction for cash, or on reasonable terms of credit, or in part for cash and on reasonable terms of credit as to the residue, and pay over and distribute the proceeds as directed by the preceding section.

First section of act to be published.

4. The said commissioners shall also, within thirty days after their appointment, cause a copy of the first section of this act to be published in the Wheeling Intelligencer, Wheeling Register, Parkersburg Times, West Virginia Journal, Berkeley Union, and Monroe Republican.

CHAPTER 23.—An ACT to release from taxation certain bonds issued for the improvement of the Little Kanawha river.

Passed February 16, 1869.

Be it enacted by the Legislature of West Virginia :

That with a view to aid and encourage the improvement of the Little Kanawha river, in the state of West Virginia, and to render it a navigable stream, that all bonds issued by the counties of Wood and Wirt, and the city of Parkersburg, and those issued by the Little Kanawha Navigation Company, under and by authority of any law of this state, to raise money to be applied and expended *bona fide* in the construction, building and completion of locks and dams necessary to render the Little Kanawha river navigable by slack-water, be and the same are hereby exempted from all and every kind of county, township or municipal taxation, in the hands of the holders of said bonds, so *bona fide* issued for the purpose aforesaid, for the period of twenty years.

Bonds issued in aid of improvement exempted from taxation

in hands of holders,

fortwenty years.

CHAPTER 24.—An ACT for the relief of the heirs and personal representatives of Joshua H. Staats.

Passed February 17, 1869.

Be it enacted by the Legislature of West Virginia :

The personal representatives and heirs of Joshua H. Staats, deceased, late sheriff of Jackson county, are hereby released from all liability to this state upon judgments rendered against said Staats and his sureties in the city of Richmond, on condition that said personal representatives release the supervisors of Jackson county from the liability to them, or to the estate of the said deceased.

Release from liability on judgments against Staats and his sureties, on certain conditions.

CHAPTER 25.—An ACT to pay Gustavus Cresap, late Prosecuting Attorney for Preston county, his unpaid salary for 1862.

Passed February 18, 1869.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby authorized to draw his warrant upon the treasury for fifty dollars, in favor of Gustavus Cresap, late prosecuting attorney for the circuit court of Preston county, for his unpaid salary for eighteen hundred and sixty-two.

Auditor to issue warrant for \$50.

CHAPTER 26.—An ACT to authorize the townships on the east side of the Monongahela river in the county of Monongalia, to subscribe to the capital stock of the Uniontown and West Virginia Railroad Company.

Passed February 18, 1869.

Be it enacted by the Legislature of West Virginia :

Townships authorized to subscribe not exceeding \$200,000.

1. The townships lying on the east side of the Monongahela river, in the county of Monongalia, or any of them, are hereby empowered to subscribe, severally or jointly, to the capital stock of the railroad company known as "The Uniontown and West Virginia Railroad Company," (which company is duly chartered by the Legislature of Pennsylvania,) any sum not exceeding two hundred thousand dollars.

Question of subscription to be submitted to voters.

2. Before making said subscription, the question of so doing shall be submitted to the qualified voters who are legally registered and entitled to vote for members of the house of delegates, at an election to be held by order of the board of supervisors of the said county of Monongalia, of which election notice shall be given at least thirty days before the time fixed for the holding thereof, in some newspaper published in said county, and the said election shall be held at the usual places of voting in said townships as established by law, and shall be conducted in the same manner and by the same officers provided by law to hold elections for members of the house of delegates, who shall receive the same compensation for their services as in other elections.

Notice of election.

Places and officers of election.

Poll books.

3. In a book for said election shall be kept a record of the names of all the voters, and in another book two columns shall be opened and headed respectively, the one "For the subscription," and the other "Against the subscription," in which shall be indicated the choice of the voters, and the result of said election shall be certified to the board of supervisors of the county of Monongalia, and there be entered in the record of their proceedings.

Certificate of result of election.

If majority favor subscription then supervisors to subscribe.

4. And if at the said election a majority of all the voters of said townships, or either of them, shall cast their votes in favor of subscribing as aforesaid to the capital stock of said railroad company, such sum as shall be designated in the order of the board of supervisors providing for said election, then the same shall be subscribed by the supervisors of the townships, or either of the townships, whose people by a majority vote may agree so to do. And to further the purpose of said subscription, the supervisor and clerk of a township, or supervisors and clerks of townships that have agreed to subscribe, shall issue bonds under their official seal payable at any time within twenty-five years, and bearing no greater rate of interest than seven per cent per annum, to facilitate or liquidate any subscriptions herein authorized. And any bonds so made shall be signed by the supervisor and clerk, or supervisors and clerks, as aforesaid, under the seal of their corporate authority.

Issue of township bonds.

5. The board of supervisors of the county of Monongalia shall annually make the necessary levies upon all property, real and personal, within the township or townships so agreeing, to provide for the payment of the debt and interest of said bonds.

Supervisors to make necessary levies.

6. In all matters of representation of the said stock so subscribed in the government and regulations of the said railroad company, and its stock, within the state of West Virginia, the voters of the township or townships interested shall annually appoint one proxy for each and every township so subscribing, to cast the vote of said township, or townships, in all matters relating to said railroad, at the yearly meetings.

How stock subscribed by township to be represented.

CHAPTER 27.—An ACT for the relief of John T. Sarrett, of Raleigh county, West Virginia.

Passed February 13, 1869.

Be it enacted by the Legislature of West Virginia :

John T. Sarrett, one of the securities of Wilson Abbott, late sheriff of Raleigh county, is hereby released from all liabilities to the commonwealth of Virginia, as security for the said Wilson Abbott, late sheriff as aforesaid ; provided, that this act shall not be construed to release the said Wilson Abbott or the remainder of his securities from any liabilities whatever, as such sheriff and securities.

Release from liability to Virginia.

Principal or other securities not released.

CHAPTER 28.—An ACT to provide for the publication and distribution of the Code of West Virginia.

Passed February 13, 1869.

Be it enacted by the Legislature of West Virginia :

1. That the act entitled "An act establishing a code of laws for this state," passed during the late extra session of the legislature, shall not be published with the other acts of said session, but shall be printed on good paper, in a separate volume, in such style as may be prescribed by the superintendent of the publication, well bound in law sheep, and lettered on the back "Code of West Virginia." Beside the said act, the volume shall contain the declaration of independence ; the constitution of the United States, and the amendments thereto ; the declaration of the people of Virginia, adopted at Wheeling on the thirteenth day of June, eighteen hundred and sixty-one ; the constitution of this state as amended, and a full and complete index.

How code to be printed.

What it shall contain.

2. The said volume shall be prepared for publication by James H. Ferguson, of the county of Cabell, or on his failure to act, by such other person as the governor may appoint. He shall prefix to each

By whom prepared for publication.

Syllabus of chapters. Correction of errors.	chapter a table stating briefly the contents thereof; correct all clerical errors, and errors of reference therein, and make such side notes and references as to him may seem fit, and prepare the index; for which services a reasonable compensation shall be allowed him by the governor, and paid out of the treasury of the state.
Side notes and index.	
Copy right.	3. The secretary of the state shall secure the copyright of the said volume for the benefit of the state.
Number to be printed.	4. Of the first edition of the said volumes, there shall be printed, bound and lettered, as aforesaid, three thousand five hundred copies as soon as possible after the passage of this act. The price to be paid by the state for the said copies shall be fixed by the governor, and paid out of the state treasury upon the delivery thereof.
Price therefor.	
By whom printed.	5. The public printer shall furnish the said copies, if he is satisfied with the compensation therefor fixed by the governor, and in case he shall decline to furnish the same, the governor shall contract therefor with such person as he may see fit.
Duty of clerk of house of delegates.	6. The clerk of the house of delegates shall superintend the printing and publication of the said volume, and shall read the proof-sheets thereof; for which service he shall receive a reasonable compensation, to be fixed by the governor and paid out of the state treasury.
His compensation.	
Distribution of copies.	7. When the said copies are received, the portion thereof necessary for the purpose, shall be distributed as acts of the legislature are to be distributed by the thirteenth chapter of the said code, except that in the distribution thereof, the members of the present legislature and the legislature of eighteen hundred and sixty-eight, and the clerk, assistant clerks, sergeant-at-arms of each house, shall each receive one copy, and no more; and what may not be required for such distribution, shall be sold by the secretary of the state at such price per copy as he may prescribe, not below the actual cost, and the proceeds of such sale be paid into the treasury.
Sale of copies not distributed.	
Printing and distribution of certain chapters in sheets.	8. The said Ferguson, or on his failure to act, the person appointed by the governor, as aforesaid, shall cause such chapters as he may deem necessary of said code to be printed in sheets and distributed to the several counties of the state for the use of the officers therein.

CHAPTER 29.—An ACT arranging the terms of the Circuit Courts in the Fifth Circuit.

Passed February 19, 1869.

Be it enacted by the Legislature of West Virginia :

Courts in Fifth Circuit.

The commencement of the terms of the circuit courts in the several counties of the fifth circuit, instead of being as heretofore prescribed, shall be as follows :

For the county of Mineral, on the twentieth day of March, August Mineral. and October ;

For the county of Hardy, on the first day of April, September and Hardy. November ;

For the county of Pendleton, on the tenth day of April, September Pendleton. and November ; and

For the county of Grant, on the twenty-fifth day of April, the Grant. twentieth day of September and the twentieth day of November.

CHAPTER 30.—An ACT to legalize the qualification and acts of Zane Underwood as Supervisor of McElroy township in Tyler county.

Passed February 22, 1869.

WHEREAS, It is represented to the legislature, that Zane Underwood Preamble. was duly elected at the general election in October last to the office of supervisor of McElroy township, in Tyler county, and qualified by taking all the oaths required by law, through mistake, such qualification was after the time prescribed by law ; therefore,

Be it enacted by the Legislature of West Virginia :

The qualification of Zane Underwood, as supervisor of McElroy township, in Tyler county, as set forth in the foregoing preamble, be and the same is hereby legalized, together with all the acts performed by him as such supervisor since his said qualification. Qualification and official acts: legalized.

CHAPTER 31.—An ACT extending the time for Uz H. Knight, county surveyor elect of Marion county, to qualify and execute his official bond.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

The time for U. H. Knight, county surveyor elect, of Marion county, West Virginia, to qualify and file his official bond, is hereby extended to and including April first, eighteen hundred and sixty-nine. Time extended to April 1, 1869.

CHAPTER 32.—An ACT authorizing the Trustees of the M. E. Church South, in Shepherdstown, Jefferson county, West Virginia, to sell and convey their church property.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Episcopal Church South, in Shepherdstown, Jefferson county, are hereby authorized to sell and convey their church property, situate on New Street, in said town. Sale and conveyance authorized.

CHAPTER 33.—An ACT to repeal an act passed February 27, 1867, entitled "An Act to provide for the improvement of the Navigation of the Great Kanawha River."

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

Act repealed.

The act passed February twenty-seventh, eighteen hundred and sixty-seven, entitled "An Act to provide for the improvement of the navigation of the Great Kanawha River," is hereby repealed.

CHAPTER 34.—An ACT to refund the taxes collected from the West Virginia State Guards.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

Taxes collected from state guards, for years 1861-7 to be refunded by board of supervisors.

All taxes heretofore collected from any person for bounty purposes who volunteered into the service of the state, and who has been honorably discharged therefrom, or from the heirs or widows of such guard for said purposes, during the years eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six and eighteen hundred and sixty-seven, shall be refunded upon application to the board of supervisors of the county wherein the taxes were paid.

CHAPTER 35.—An ACT to incorporate the Trustees of Raleigh High School.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Henry L. Gillespie, Edwin Prince, John S. Ewart, John Beckley, James Scott, Rev. Mathew Ellison, Rev. Neville C. Beckley, Garner Calloway, Jackson Carper, William Furguson, and Alfred Beckley, Sen., be and they are hereby constituted a body politic and corporate under the name and style of "The Trustees of Raleigh High School," and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, with power to purchase, receive and hold to them and their successors forever, any land, tenements, rents, goods and chattels of what kind soever, which may be purchased by or be devised, or given to them for the use of the said high school, and to lease, sell, rent, or otherwise dispose of the same in such manner as shall seem most conducive to the interests of said high school; provided, that the lands, tenements, goods and chattels so authorized to be held, shall not exceed in amount or value three thousand dollars; and provided, also, that not less than a majority of the trustees for the time being shall be sufficient to authorize the sale of any real estate belonging to the said high school.

Powers of corporation.

2. The said trustees and their successors shall have power to ap- Officers.
 point a president, librarian, treasurer, tutors, and such other officers
 as they may deem proper, and to make and establish from time to By-laws.
 time, such by-laws, rules and regulations, not contrary to the laws of
 this state, or of the United States, as they may judge proper for the Quorum.
 good government of said high school. A majority of said trustees
 shall be a board for the transaction of business, and they may ap- Executive com-
 point an executive committee of their own body, to consist of not mittee.
 more than five, three of whom may act, to transact such business as
 may be designated by the board; said committee to report to the Its reports.
 board as often as the board may deem necessary, and the said board
 shall have power to fill all vacancies among the trustees, occasioned Filling of vacan-
 by the removal, death, disability or resignation of any member or cies.
 members.

3. The treasurer shall receive all moneys accruing to the high Treasurer; his
 school and property delivered to his care, and shall pay or deliver the duties and bond.
 same to the order of the board of trustees. Before entering upon the
 discharge of his duties, he shall give bond with such security and in
 such penalty as the board may direct, made payable to the trustees
 for the time being and their successors, and conditioned for the faithful
 performance of the duties of his office, under such rules and regula-
 tions as the board may adopt; and it shall be lawful for the said
 trustees to obtain a judgment for the amount thereof, or for any Judgment
 special delinquency incurred by said treasurer, on motion in any court against treasurer
 of record in this state, against the said treasurer or his securities, his for default.
 or their executors or administrators, upon giving ten days previous
 notice of said motion.

4. The said trustees are hereby authorized to raise by joint stock Subscription to
 subscription a sum not less than fifteen hundred, nor more than three stock.
 thousand dollars, to be divided into shares of twenty-five dollars each,
 and shall, from time to time, declare such dividend on the same as Dividends.
 the net profits of the high school may justify, and shall also have
 power to collect the subscription to the said stock, in the manner
 now provided by law for the collection of subscriptions to joint stock
 companies.

CHAPTER 36.—An ACT extending the time for the county
 and township officers in the counties of Hardy, Grant and
 Pendleton to file their official bonds.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia:

The time now provided by law for the county and township officers Time extended
 of Hardy, Grant and Pendleton counties to qualify and file their to May 1, 1869.
 official bonds as such, is hereby extended to and including the first
 day of May, eighteen hundred and sixty-nine.

CHAPTER 37.—An ACT creating a school district within the town of Brandonville.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

Boundaries of district.

1. The town of Brandonville, in the county of Preston, together with the adjacent farms of Thomas Scott, John S. Mitchell, William Kimberly, Isaac McGrew and Jonathan Chorpeneing; shall constitute one school district, which shall be governed by the council of said town.

Council of town to be board of education.

2. The council of said town is hereby created a board of education for said school district, of which the mayor shall be *ex officio* president, and the recorder shall be clerk; and said board shall have all the rights, powers and privileges, and perform the same duties, and be governed by the same laws, as township boards of education, so far as they are applicable and not inconsistent with the provisions of this act.

Its powers and duties as such.

Erection of school house.

3. The said council shall have power to select a site for a school house, to procure a title therefor, to erect a schoolhouse thereon, and to establish and maintain a school therein, in the same manner that township boards of education may do in their townships.

Maintenance of school.

Meeting of board.

4. The council of said town shall meet annually on the first Monday of July as a board of education, and ascertain, as near as practicable, the amount of money that will be required for the year commencing on that day, for the purpose of procuring a site, building and furnishing a school house and maintaining a school in said town. And they shall have power to levy a tax on all property within said district which is subject to taxation for state and county purposes, sufficient to raise the amount so found to be necessary for the purpose aforesaid; provided, however, that the amount assessed and levied in any one year shall not exceed fifty cents on the hundred dollars on the taxable property of said district.

District levy.

Limit to levy.

CHAPTER 38.—An ACT to amend and re-enact the charter of the town of West Union, in the county of Doddridge.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

Boundaries of town.

The corporate limits and boundaries of the town of West Union shall be as follows: Beginning at a point on the North-western Virginia Turnpike, west of the said town, where Doe run crosses the same; thence with the meanders of said run to the mouth; thence up Middle Island creek to the railroad bridge, crossing said creek; thence west with the railroad to a drain; thence up said drain to south-east corner of lot owned by L. T. Davis; thence a westerly course so as to embrace the lots owned by F. D. Hickman; thence to the upper and west corner of the orchard of A. C. Holmes; thence a

straight course to the beginning. And the inhabitants within the said boundaries, shall be a body corporate, by the name of "The Town of West Union," and subject as such to the provisions of chapter forty-seven of the Code of West Virginia.

Corporation; its powers.

CHAPTER 39.—An ACT authorizing the trustees of the German Reformed Church, in the town of Shepherdstown, in Jefferson county, to sell and convey their parsonage property.

Passed February 22, 1869

Be it enacted by the Legislature of West Virginia :

The trustees of the German Reformed Church, in Shepherdstown, Jefferson county, are hereby authorized to sell and convey their parsonage property, known as lot numbered three, and part of lot numbered ninety-two, in the plat of said town, together with the tenements thereon.

Sale and conveyance authorized.

CHAPTER 40.—An ACT to incorporate the Newark and Hughes' River Bridge Company.

Passed February 22, 1869.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding six thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock for constructing a toll bridge across Hughes' river, at or near the town of Greenville, in Wirt county. The said books shall be opened under the direction of Thomas Foster, J. W. Hale, Benjamin F. Stewart and Josephus Roberts, of the town of Newark, in Wirt county, and Isaac L. Enoch and C. S. Manning, of the town of Greenville, in Wirt county, and John Hannaman, of Wood county, or any one or more of them, and at such place or places, and at such times, as a majority of the above named commissioners may appoint; ten days' public notice thereof being previously given.

Capital stock.

Commissioners.

2. When four thousand dollars of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be incorporated into a company, by the name and style of "The Newark and Hughes' River Bridge Company," subject to the provisions of the Code of Virginia, second edition.

Corporation.

Its powers.

3. The company shall locate and construct said bridge at or near the town of Greenville, in Wirt county, and when completed may collect tolls thereon, not exceeding the following rates: For a footman, three cents; for a single horse, mare, gelding, mule, jack or jennet, if the same be not hitched to any vehicle, three cents; for twenty sheep or hogs, ten cents; for twenty cattle, forty cents, and

Location of bridge.

Rates of toll.

so in proportion to a greater or less number; for a riding carriage, whether two or four-wheeled, sledge or sleigh, if drawn by one horse, ten cents, and five cents for each additional horse.

Subscription to stock by Wirt county.

4. The board of supervisors of the county of Wirt, in behalf of said county, may subscribe for not exceeding the one sixth of the capital stock of said company, and levy the amount thereof on the taxable property of said county at their first levy thereafter, or the one-half of such amount at the first, and the residue at the second annual levy, as by said board may be deemed most expedient.

CHAPTER 41.—An ACT relating to Cemeteries in the county of Brooke.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia:

Trustees of church may provide burying grounds.

1. The board of trustees of any church property in the county of Brooke upon which is erected a house of worship, may provide by purchase or condemnation, suitable grounds for burying the dead in the vicinity of such church building, and for that purpose may select and have surveyed, a lot of land not exceeding six acres, or if necessary, in their opinion, to make an addition to existing burying grounds, six acres of land, or a less quantity, adjoining the same.

Condemnation of land.

2. When land has been designated by the board of trustees of any such church as a suitable location for such burying grounds, or enlargement of existing burying grounds, if the owner or owners refuse to sell the same, or demand a price therefor which is deemed by the board unreasonable, or the owner is a *feme covert*, a minor or *non compos mentis* or non-resident, after ten days' notice served upon such owner, or owners, or the owner or owners thereof being non-residents, by publication for four weeks in some newspaper published in the county, or if there be no newspaper published in the county, by posting the same for four weeks at the front door of the court house

Notice of petition.

Petition for condemnation.

and three other public places in the county, one of which shall be on the land intended to be used for such burying ground, the board may petition the circuit court of their county to have such lot of ground condemned for said use, and the court shall thereupon appoint a jury of viewers to consist of five free holders, persons not resident in the vicinity of said land or members of said church, or related to the owner of said land, who, being duly sworn or affirmed, faithfully and impartially to enquire of the value of the land, shall assess its value, and make due return of such assessment to said court, and the amount thereof being paid or tendered to the owner or owners of the land in question, or disposed of as the court may direct, the said board may enter upon and use such land for burying purposes, and the decree of the court in this behalf shall be recorded by such board of trustees in the recorder's office, and shall operate as a transfer to them of such land.

Viewers; their qualifications, oath and return.

On payment of judgment, trustees may enter on land.

Decree when recorded to operate as transfer.

3. Nothing in this act shall be so construed as to permit a board of trustees of church property located in a city or incorporated town, condemning land as provided in this act, within the corporate limits of such city or town, but such board may have the benefit of this act and condemn land one mile from such corporate limits.

CHAPTER 42.—An ACT extending the time for the Board of Supervisors of Wayne county to qualify and organize.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

That the time for the board of supervisors of Wayne county to qualify and organize, is hereby extended to, and including, the third Monday in March, eighteen hundred and sixty-nine.

Time extended to third Monday in March, 1869.

CHAPTER 43.—An ACT to change the time of holding the November term of the Circuit Court in the county of Lewis.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

That chapter one hundred and twelve of the Code of West Virginia be so amended, as that the time of holding the November term of the circuit court in the eighth judicial circuit, in the county of Lewis, be and the same is hereby changed from the first day of November of each year, to the tenth day of said November.

Lewis circuit court to be held November 10th.

CHAPTER 44.—An ACT to declare the National Savings Bank of Wheeling a State Depository.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

Money to be paid into the treasury of the state, may be paid into the National Savings Bank of Wheeling to the credit of the "Treasury of West Virginia," under the regulations prescribed by the laws now in force upon that subject, and by chapter seventeen of the Code of West Virginia.

Money due State may be paid into National Savings Bank of Wheeling.

CHAPTER 45.—An ACT authorizing the trustees of the Methodist Episcopal Church, in Point Pleasant, in Mason county, to sell and convey a portion of their church property.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

Sale and conveyance authorized.

The trustees of the Methodist Episcopal Church, in the town of Point Pleasant, in Mason county, are hereby authorized to sell and convey a portion of their lot on Vian street in said town.

CHAPTER 46.—An ACT extending the corporate powers and franchises of the Mill Creek Cannel Coal and Oil Company.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

Location of right of way authorized.

1. The Mill Creek Cannel Coal and Oil Company, a corporation duly established and organized under the laws of this state, in the county of Kanawha, may locate, construct, maintain and operate a subterranean or surface right of way, not exceeding one hundred feet in width, by railroad or otherwise, for the purpose of conveying coal and other articles, commencing at some convenient point on said corporation's lands in said county, and thence running to such convenient point or points as it may select on Elk river or on the Kanawha river, or on any railroad, through and over any railroad, turnpike, canal, road or land belonging to any other person.

Condemnation of land.

2. Said corporation may, as hereinafter provided, take and hold for its own use in fee simple such lands as it may from time to time select, at such points as it may select along said route for branches, depots, warehouses, turnouts and places of deposit and shipment, and also such lands as it may from time to time select, not exceeding in all two acres, on each side of Elk river, for landings and places of shipment and storage.

Description of lands to be filed with a statement of price proposed to be paid.

3. Said corporation may, from time to time, enter upon and set off by metes and bounds the parcels of land so selected under said second section, and file a written description thereof, and also of said right of way, in the clerk's office of the circuit court of the county in which said parcels and right of way respectively are situated, and a written statement of the estate they propose to have, and the price they propose to pay therefor, and shall also, whenever said court shall so order, file a bond, with sureties, conditioned that said corporation shall, upon receipt from the owner thereof of a good title to said parcels of land, pay said price, or within sixty days after recovery of judgment, as hereinafter provided, pay the amount of said judgment; or in lieu of such bond, said corporation may pay into said court, if said corporation so elect, said price in lawful money, or may furnish such other security for the payment of said price, or said judgment,

On filing bond or paying money into court,

as is satisfactory to said court. Said corporation may then appropriate said parcels and said right of way to its own use, and shall be thenceforth the owners thereof, and have such rights therein as they have set forth in their statement, but nothing in this act shall be construed to prevent said corporation acquiring said parcels by purchase or otherwise from the owners thereof, with their consent. And any party owning or interested in said parcels, may file with the said court a statement setting forth his interest in said parcels and the price he demands therefor, and the said court shall thereupon appoint, on the application of either party, three disinterested viewers, who shall be sworn by said court or the clerk thereof, faithfully and impartially to appraise said land or interest and fix the price to be paid by said corporation therefor. Said viewers shall thereupon, and without delay, post on the court house door, not less than ten days before meeting to make said appraisal, a notice of the time and place appointed, and shall give such other notice, if any be ordered, as said court shall direct. At the time and place appointed, they shall, together with the sheriff of said county, meet and go upon and view and appraise said land and said interest, and fix said price, and may, for cause, adjourn their meeting from time to time if necessary. They shall make at the earliest convenient day a report in writing under their hands, and return the same into said court, and the sheriff shall certify thereon whether or not said proceedings have been, in his opinion, fair and according to this act. Within ten days after said report is filed as aforesaid, either party may file written application for a writ of *ad quod damnum*, and the court may direct proceedings thereon, under and according to the provisions of chapter eighty-six of the Acts of eighteen hundred and sixty-five. But if said application be not so filed within said ten days after the return of said report, said parties shall be deemed to have waived all right to said writ and jury, and said court may, on the application of either party, direct judgment to be entered upon said report without delay, if no exception thereto be previously filed by either party, but if exceptions be filed, or in any manner it appear that said proceedings were, in the opinion of said court, irregular or unfair, the court shall take such other and final action thereupon as the law and justice may require, and when said price is paid into court or judgment satisfied, the clerk shall make entry of said fact on the records of said court, and said corporation shall thenceforth hold their estate in said land by a good, indefeasible title against all prior liens or interests. If said report, or in case a jury shall be impaneled, if said jury shall set on said land or interest a higher price than the price offered to be paid by said corporation, the said corporation shall pay all costs of said proceedings, but otherwise the costs shall be deducted by the clerk from said money paid into court, and the residue of said money shall be paid to the other party, if claimed within one year from said payment into court, and if not so claimed, said balance shall be paid into the county treasury, and the right of said party to said sum and payment for said land shall be deemed to be thenceforth waived and barred.

Corporation may appropriate land.

Land owner may file his claim.

Viewers.

Notice of their meeting.

Their meeting

and report.

Writ of AD QUOD DAMNUM.

Judgment on report.

After payment of judgment corporation to have good title.

Payment of costs.

Money, if not claimed by land-owner to be paid into county treasury.

Sidings and branches.

Corporation may take land and money by devise or gift.

Within what time road to be commenced and completed.

Acts inconsistent herewith not to apply to corporation.

Act may be amended but not so as to affect rights of creditors or stockholders.

4. The said corporation may, in like manner and by like proceedings, make such sidings, branches and extensions of said road, not exceeding fifteen miles in length in any direction, as it may deem necessary to the development of their property. The said corporation may take, by purchase, devise or gift, land or money for the purpose of building or equipping said road, its sidings, branches and extensions aforesaid. The said corporation and those to whom it may by any transfer or assignment convey, or have conveyed, its said property or franchise, shall commence the construction of said road to Elk river or other terminus thereof, as aforesaid, within two years after the passage of this act, and shall finish it within five years thereafter, otherwise this act shall be void. But said limitation, if said road to Elk river, or other terminus thereof as aforesaid, is finished within said five years, shall not apply to the other provisions of, and privileges granted by this act.

5. So much and such parts of the Codes of Virginia and West Virginia, or any other act or acts inconsistent with any of the provisions of this act, shall be held not to apply to the aforesaid corporation, so far as the same may affect the charter granted by this act.

6. The legislature reserves the right to alter, amend or repeal this act, but such alteration or amendment shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof expended or used under this act, applied in discharge of their respective claims, or of the stockholders to have the surplus, which may remain after providing for the debts and liabilities of the corporation, distributed among themselves according to their respective interests.

CHAPTER 47.—An ACT appointing trustees, and authorizing them to sell and convey Bethel Church, in Lewis county.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

Trustees appointed.

Sale authorized.

Application of proceeds.

That Charles F. McCue, Gilbert T. Gould and William L. Dunnington are hereby appointed trustees for Bethel Church, in Lewis county, and are hereby authorized to sell and convey by deed the lot and edifice owned and occupied by the congregation of said church; and to apply the proceeds arising from the sale of said property in erecting another church edifice, either at Weston or near the mouth of Spruce creek, in Lewis county, as they may elect.

CHAPTER 48.—An ACT for the relief of the Board of Education of Falling Springs township, in Greenbrier county.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia :

The school house site heretofore selected by the board of education of Falling Springs township, in Greenbrier county, in and for school district number five, of said township, is, so far as the same embraces vacant or escheated lands, vested in the said board of education, provided however, that the said site shall not exceed in area one acre.

School house site heretofore selected to be vested in board of education.

CHAPTER 49.—An ACT granting additional powers to the Mayor of Hartford city, in Mason county.

Passed February 21, 1869.

Be it enacted by the Legislature of West Virginia :

1. The mayor of Hartford city, in Mason county, shall have the same jurisdiction in civil cases as is now by law vested in the justices of said county.

Mayor to have powers of justice.

2. The legislature reserves the right to repeal this act whenever it may deem it expedient to do so.

Act may be repealed.

CHAPTER 50.—An ACT authorizing the Trustees of the first English Evangelical Lutheran Church in the city of Wheeling to borrow money.

Passed February 21, 1869.

Be it enacted by the Legislature of West Virginia :

1. That George Keline, and George Fricker, trustees of the First English Evangelical Lutheran church in the city of Wheeling, and their successors, be, and are hereby authorized and empowered to borrow money for the purpose of erecting a church building, on such terms, and on such time, as to the said trustees shall seem proper, and to secure the payment of such loans, and the contracted interest thereon, the said trustees may execute such deed or deeds of trust on lot numbered sixteen, situated on the corner of Fourth and John streets, in the city of Wheeling, upon which said church buildings are to be erected, and to which the said trustees have title, as they may deem necessary.

Authority to borrow money

and to secure the payment by deed of trust on church property.

2. Any bond, note, or instrument, given or made in pursuance of this act, shall be exempt from taxation for state, county, school, city or township purposes.

Evidences of debt under this act exempt from taxation.

CHAPTER 51.—An ACT authorizing Thomas J. Stealey, of Tyler county to practice law in the courts of this State without taking the oath prescribed by Chapter 30 of the Acts of 1866.

Passed February 24, 1869.

Be it enacted by the Legislature of West Virginia :

Authority to practice law without taking test oath.

1. That Thomas J. Stealey, of Tyler county, late a practicing attorney in this state, be and he is hereby exempted from the provisions of the act of the legislature passed on the fourteenth day of February, eighteen hundred and sixty-six, entitled "An Act in relation to the oaths of attorneys at law," and he is hereby authorized to practice law in the courts of this state without taking the oath prescribed by said act.

Act may be repealed.

2. The legislature reserves the right to repeal this act at any time when in their discretion they may deem it proper to do so.

CHAPTER 52.—An ACT to amend and re-enact the twenty-first section of an act to incorporate the town of Ceredo in the county of Wayne, passed February 23, 1866.

Passed February 24, 1869.

Be it enacted by the Legislature of West Virginia :

That the twenty-first section of an act to incorporate the town of Ceredo in the county of Wayne, passed February twenty-third, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows :

Council may decide on license,

assess tax thereon

and require bond in addition to that required by State.

"21. When anything for which a state license is required is to be done within the limits of said town, the council may decide whether such license may be granted or not, and if granted it shall be assessed and collected, the same as if granted by the supervisors of Wayne county ; in addition to the state tax for such license, the council may require an additional tax for the use of the town and in addition to the bonds and sureties required by the state, the council may require such additional bonds and sureties as they may determine."

CHAPTER 53.—An ACT to amend and re-enact the seventh, eighth and eleventh sections of chapter one hundred and thirty-five of the Code of West Virginia.

Passed February 24, 1869.

Be it enacted by the Legislature of West Virginia :

The seventh, eighth and eleventh sections of chapter one hundred and thirty-five of the Code of West Virginia, are hereby amended and re-enacted, so as to read as follows :

“ 7. Such record shall be delivered to the clerk of the court of appeals, who shall file the same in his office, and shall cause fourteen copies thereof to be printed, preserving in the margin of the printed record the paging of the record from the court below, which shall be used in printing and returned to the clerk’s office, provided, that it shall not be the duty of the clerk to have the record printed until the appellant or plaintiff shall deposit with him a sufficient amount to pay for the said printing, which shall be regulated by the price of the public printing, as provided by law, for printing of the same character. The clerk of the court of appeals shall superintend the printing of all records, and shall receive from the appellant for such services a cent for every ten words printed. The costs of such printing, unless otherwise ordered by the court, shall be taxed against the opposite party, if the judgment, decree or order appealed from be reversed.”

Printing of record for supreme court of appeals.

Costs of printing.

“ 8. Upon the filing of such record, the clerk of the court of appeals shall docket the appeal in the order in which the records are so filed.”

Docketing appeal.

“ 11. Of the printed records, the clerk shall deliver one to each judge, two to the counsel on each side, one to the reporter, transmit one to the clerk of the court below, (in which the case was originally decided,) and retain one in his office. With every such record there shall be printed a table of the contents thereof.”

How printed records disposed of.

CHAPTER 54.—An ACT to provide Free Schools for the District of Fairmont.

Passed February 23, 1869.

Be it enacted by the Legislature of West Virginia:

1. The town of Fairmont, and the parts of school districts contained within the following boundaries, to wit: Beginning at the line between Fairmont and Pawpaw townships, on the Monongahela river, and running with the same to Polecat run, thence down said run to Buffalo creek, thence up said creek with the meanders thereof to Ice’s run, thence up said run to the Fairmont and Wheeling turnpike, near the residence of John Conaway, thence in a straight line to the top of the ridge dividing the waters of Bell’s run from Goose run, thence with said ridge to the line dividing the lands of Archibald Fleming and William Vandervoort, thence with their line to the West Fork river, thence down said West Fork river to the Monongahela river, and down the same, with the meanders thereof to the place of beginning shall constitute one school district; and the board of education shall consist of three commissioners, who shall be elected by the resident voters of the district and have exclusive control of all schools within the same.

Boundaries of Fairmont school district.

Board of education.

2. The property, real and personal, within the district of Fairmont, now vested in the board of education of Fairmont township, shall by

Property vested in board.

Powers and duties of board.

this act vest in the board of education of the district of Fairmont, which board shall have the same right and shall exercise the same powers, perform the same duties, and be governed by the same laws, that boards of education of townships are, except so far as may be otherwise provided in this act. Whenever the word "township" occurs in the school law, it shall be construed to mean "school district," whenever necessary to give effect to this act.

Board incorporated.

3. The board of education of said district herein provided for shall be a corporation by the name of the board of education of the district of Fairmont, and by that name may sue and be sued, plead and be impleaded, purchase, hold and grant estates, personal and real, make ordinances, by-laws and regulations, not inconsistent with the laws of this state, for the government of all persons and things under its authority, and the proper conducting of its affairs.

Its powers.

Election of commissioners.

4. The qualified voters of the school district of Fairmont shall on the third Saturday of March next elect three commissioners and one treasurer, who shall qualify and give bond, as required of township treasurers. The council of the town of Fairmont shall appoint three voters of said district to conduct the said election.

How conducted.

Official term of commissioners.

5. The official term of the commissioners to be elected under this act shall commence on the first day of May next succeeding the time of their election, and shall be the same as that prescribed by law for township boards of education and treasurers, unless said election be to fill a vacancy, in which event the persons so elected shall commence the duties of their said office within five days after they shall have been officially notified of their election. The provisions of the general school law, in relation to the appointment of trustees, shall not be held to apply to the district of Fairmont.

General school law in relation to appointment of trustees not to apply.

Officers of board.

6. The board of education of the school district of Fairmont shall, at their first meeting or as soon thereafter as may be practicable, elect one of their number to act as president, and another to act as clerk of said board, who shall perform all the duties which are required to be performed by a president and clerk of a township, which may not be inconsistent with this act.

Their duties.

Establishment of primary schools and high school.

7. The board of education of the said district of Fairmont shall have power to establish an adequate number of primary schools and a central high school, by such name as may be prescribed by said board, in which may be taught all the branches of education usually taught in colleges, and shall have power to admit to said schools pupils not resident in said district, upon payment of such tuition as they may prescribe, and make all necessary rules and regulations for the admission of pupils therein, and for the examination that pupils must pass preparatory to admission into schools of higher grade, and to purchase and condemn all necessary real estate for school houses or college sites, and do any other act for the good government of said schools.

Admission of pupils not resident in district.

Admission and examination of pupils.

Acquisition of real estate.

8. It shall be the duty of the board of education of the said district to determine, at their annual meeting on the first Monday of May, as near as practicable, the amount of money necessary, in addition to all other available funds, which ought to be expended for school purposes in said district during the succeeding year, for which amount said board shall levy a tax upon the property included in said district and the residents thereof, and collect the same, and a lien is hereby declared to exist on the real estate taxable in said district for all taxes levied thereon, and the said board shall carry into effect the provisions of this act, in the same manner as other school tax is collected under the provisions of the general school law of this state.

District levy.

Lien for taxes.

9. The taxes to be raised in said district for school and building purposes, shall never exceed the rate prescribed in the law relating to general free schools, and the amount so levied and collected, as aforesaid, may be used entirely for educational purposes, or entirely for building purposes, or partly for either, as the board of education from time to time may deem expedient, but shall not be used for any other purpose, except that the board of education of said district shall settle with the board of education of Fairmont township, and after an adjustment of all the moneys expended for building purposes in said district, compared with that part of said township not therein included, shall pay to Fairmont township such proportion of said building fund as the said township may reasonably be entitled to.

Limit to taxation.

How taxes applied.

Settlement with board of education of Fairmont township.

10. The treasurer of said district shall be allowed the same commission allowed by law to township treasurers for the collection and disbursement of all moneys, and shall pay out the same only on the order of the board, signed by the president and countersigned by the secretary.

Treasurer's commission.

How moneys paid out.

11. The youths residing within the district created by this act may be formed into a *model department* for the branch of the West Virginia Normal School at Fairmont, and be educated under the corps of teachers of said school, and a part or all of them occupy the Normal School building, under such regulations and on such conditions as may be agreed upon between the board of education of the district of Fairmont and the regents of the said Normal School.

Model department of West Virginia Normal school at Fairmont.

CHAPTER 55.—An ACT fixing the times of holding the courts in the Twelfth and Thirteenth Judicial Circuits.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

That the times of holding the courts in the several counties of the twelfth and thirteenth judicial circuits of this state shall hereafter be as follows :

Boone.

Wayne.

Logan.

Lincoln.

Cabell.

First term in
1869 in Logan,
Boone and
Wayne.

Twelfth Circuit:—For the county of Boone on the sixth day of March, June and September; for the county of Wayne on the twenty-second day of March, July and November; for the county of Logan on the tenth day of April, July and October; for the county of Lincoln on the twenty-second day of April, June and October; and for the county of Cabell on the fourth day of May, August and November; provided, that the first term of said courts for each of the counties of Logan, Boone and Wayne in the present year shall be held at the times now prescribed by law, and that no court be held in the county of Logan in the month of April next.

Fayette.

Mercer.

Wyoming.

McDowell.

Raleigh.

First term in
1869 in Fayette.

Thirteenth Circuit:—For the county of Fayette on the twentieth day of February, May and August; for the county of Mercer on the eighth day of March, June and September; for the county of Wyoming on the twenty-fifth day of March, June and September; for the county of McDowell on the second day of April, July and October; and for the county of Raleigh on the twentieth day of April, July and October; provided, that the first term of said court for the county of Fayette in the present year shall be held at the time now prescribed by law.

CHAPTER 56.—An ACT amending the act establishing the county of Lincoln, passed February 23, 1867.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia:

1. The first section of the act passed February twenty-third, eighteen hundred and sixty-seven, entitled "An Act establishing the county of Lincoln out of parts of the counties of Cabell, Putnam, Kanawha and Boone," is hereby amended and re-enacted so as to read as follows:

New boundaries
of Lincoln coun-
ty.

"1. So much of the counties of Cabell, Kanawha, Boone, Wayne and Logan as are included within the following boundary lines, to wit: Beginning at the Putnam county line, where it crosses Harvey's creek, and running thence to the mouth of Fall creek on Guyandotte river; but so varied on reaching the top of the ridge next to said river as to include the farm on which Jerome Sheldon now resides, in Lincoln county, thence south forty degrees west to the Wayne county line on the top of the main dividing ridge between the waters of Guyandotte and Twelve Pole rivers; thence with the Wayne county line to the head of Four mile creek, above the farm of Alexander Watson; thence a straight line to the Logan county line where said line crosses the right hand fork of Twelve Pole river; thence a straight line to the top of the main dividing ridge between the waters of Guyandotte river and Big Ugly creek, above said creek; at the head of the creek next below Big creek in Logan county; thence with said ridge to the Boone county line, and with said line to the corner of Wall's farm; thence a

straight line to the head of Horse creek; thence along the dividing ridge between the right and left hand forks of Horse creek to the forks thereof, and to run so as to include the Washington Hill farm in the said county of Lincoln; thence down Horse creek to Little Coal river, but to run so as to leave the lands of Austin Griffith, William Price and Tunstil Price and the lands adjoining those of said Tunstil Price conveyed by him to his heirs, and the farm formerly owned by George Hill, now deceased, near the mouth of Big Horse creek, in the county of Boone; thence down Little Coal river to Big Coal river, but to run so as to leave the river farm of Allen M. Smith, in Kanawha county, thence down Big Coal river to the mouth of Island creek; thence due west to the Kanawha county line on the main dividing ridge between the waters of Mud river and those of Coal river, thence with said ridge to the Putnam county line, and with the same to the place of beginning, shall form one distinct and new county, which shall be called the county of Lincoln."

Boundaries of Lincoln county.

2. So much of the territory heretofore embraced within the said county of Lincoln, by virtue of the act creating said county recited in the preceding section, and of the act passed March third, eighteen hundred and sixty-eight, entitled "An Act changing the boundary lines of the county of Lincoln," as is not contained within the boundary lines specified in the preceding section, is hereby attached to and made part of the county of Cabell. All that portion of said territory now comprised within the township of Sheridan in the county of Lincoln, shall be attached to and included in the township of McComas in the said county of Cabell; and all the residue of said territory shall be attached to and included in the township of Grant, in said county.

Former territory of Lincoln not embraced in said boundaries attached to Cabell.

3. All that portion of the counties of Wayne and Logan comprised within the boundary lines specified in the first section, shall be attached to and included in the township of Sheridan, in the said county of Lincoln, and Christopher Cites is hereby appointed supervisor of said township until his successor is elected and qualified according to law. All that portion of said territory now forming a part of the township of Mud in the county of Boone, shall comprise a separate township in the county of Lincoln, to be called the township of Jefferson, and Lafayette Adkins is hereby appointed supervisor of said township until his successor is elected and qualified according to law. And all that part of said territory taken from the county of Kanawha shall comprise a separate township in the county of Lincoln, to be called the township of Washington, and the present supervisor of the township of Washington, in the county of Kanawha, being a resident of that part of said township hereby included in the county of Lincoln, he is hereby appointed supervisor of the said township of Washington in the county of Lincoln until his successor is elected and qualified according to law. Vacancies existing or happening for any cause in any township office in the said county of Lincoln, shall be filled by

Territory transferred from Wayne and Logan included in Sheridan township.

Territory transferred from Boone formed into Jefferson township.

Territory transferred from Kanawha formed into Washington township.

Vacancies in township offices; how filled.

the board of supervisors of the said county and the persons appointed by them shall hold their respective offices until their successors are elected and qualified according to law.

Collection of taxes heretofore assessed.

4. All state, county and township taxes heretofore assessed and made upon persons and property within any territory transferred by this act from one county to another, and now collectable by law, shall and may be collected and accounted for in the same manner and by the same officers as if this act had not been passed.

Lincoln county divided into two assessors' districts.

5. The said county of Lincoln is divided into two assessors' districts, as follows: The townships of Sheridan, Union and Jefferson shall constitute the first, and the townships of Carroll, Duval and Washington shall constitute the second district. Robertson Spurlock is hereby appointed assessor of the first district, and Jacob W. May is appointed assessor of the second district, and each of said assessors shall remain in office until his successor is elected and qualified according to law.

Assessors appointed.

Reassessment of lands of Yelverton and others, trustees.

6. It shall be the duty of each of the said assessors to re-assess any lands conveyed by deed to one Yelverton and others, trustees, heretofore assessed and charged with taxes upon the land books of the said county of Lincoln, in any township within his assessment district, and to charge the same with the proper amount of state, county and township taxes and levies for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, upon the assessment so made by him, and the said taxes and levies for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, so far as they have not been paid, shall be collected and accounted for at the same time and in the same manner as the taxes and levies of eighteen hundred and sixty-nine.

Collection of taxes on said lands.

County seat legalized

7. The county seat of the said county of Lincoln, as established by the board of supervisors of the said county, on the lands conveyed to said county for that purpose by Charles Lattin and others, is hereby legalized and made the permanent county seat of the said county, and shall so remain, and the same shall be called and known by the name of, "Hamlin."

and named.

Act repealed.

8. The act passed July twenty-seventh, eighteen hundred and sixty-eight, entitled "An act providing for a change of the boundary lines of certain counties," is hereby repealed.

CHAPTER 57.—An ACT relating to the settlement of Fiduciary Accounts.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia:

Any fiduciary who, since the seventeenth day of April, eighteen hundred and sixty-one, has omitted to exhibit his accounts before a

commissioner for settlement, and who shall do so within one year after the passage of this act, and cause such accounts to be settled according to law, may be allowed the compensation for his services prescribed by law.

Compensation allowed fiduciaries if accounts settled within one year after passage of this act.

CHAPTER 58.—An ACT to legalize the sale of certain church property in the town of Shepherdstown.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

The sale and conveyance made in eighteen hundred and sixty-seven by the trustees of the Evangelical Lutheran Church at Shepherdstown, in the county of Jefferson, of their parsonage property, is hereby legalized and made valid.

Sale and conveyance legalized.

CHAPTER 59.—An ACT authorizing the trustees of the Presbyterian Church, in Clay township, Ritchie county, to sell and convey their church property.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

The trustees of the Presbyterian Church, in Clay township, Ritchie county, are hereby authorized to sell and convey their church property, situated on the lands of William McGregor, in said county.

Sale and conveyance authorized.

CHAPTER 60.—An ACT changing the time of holding the Courts in the Seventh Judicial Circuit.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

The terms of the circuit courts of the several counties composing the seventh judicial circuit shall hereafter commence as follows :

Terms of courts in

For the county of Pocahontas, on the first day of April, June and October ;

Pocahontas.

For the county of Greenbrier, on the twelfth day of April, June and October ;

Greenbrier.

For the county of Nicholas, on the first day of May, July and November ; and

Nicholas.

For the county of Monroe, on the fifteenth day of May, September and November.

Monroe.

CHAPTER 61.—An ACT declaring a portion of Middle Island creek, in Doddridge county, a public highway.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia:

Part of Buckeye
fork declared
public highway. That so much of Buckeye fork of Middle Island creek, in Doddridge county, as lies between the mouth of Long run and the mouth of Indian fork, be and the same is hereby declared a public highway.

CHAPTER 62.—An ACT declaring Meat House fork of Middle Island creek, in Doddridge county, a public highway.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia:

Part between
Lick run and
Big Dry fork de-
clared public
highway, but
dams not to be
injured. The Meat House fork of Middle Island creek, in Doddridge county, is hereby declared a public highway between the mouth of Lick run and the mouth of Big Dry fork; provided, that nothing herein shall be construed so as to authorize or permit the injury or destruction of any mill-dam or water-gap now built on said stream.

CHAPTER 63.—An ACT authorizing the board of supervisors of Harrison county to refund certain taxes to Abraham D. Nuzum.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia:

Board authoriz-
ed to levy tax to
repay bounty
taxes to Nuzum. The board of supervisors of Harrison county are hereby authorized, in the manner prescribed by law, to levy and collect a tax on the property of said county sufficient to refund to Abraham D. Nuzum, of said county, the taxes collected from him in the years eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, for bounty purposes.

CHAPTER 64.—An ACT to amend the charter of the town of Weston, in Lewis county.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia:

1. That the charter of the town of Weston, in Lewis county, is so amended as to read as follows:

Town licenses.

“1. Whenever any business or occupation is conducted in said town, for which a state license is required, the council of said town may require a town license to be had for doing the same thing; and may impose a tax thereon for the use of the said town, but not of greater amount than is imposed by the state for like purpose. And the council may in any case require from the person or persons so licensed,

Tax thereon.

a bond, with such security and in such penalty, and with such conditions as it may deem proper, and may revoke such license at any time if the conditions of said bond be violated. And no license to sell strong drink, spirituous liquors, wine, ale, porter or strong beer within the said town, or within two miles of the corporate limits thereof, shall be granted by the supervisors of the county of Lewis, unless the persons applying therefor shall produce to the said supervisors a certificate of the consent of a majority of the council of said town to the granting of the said license."

Bond.
Supervisors of Lewis not to grant license in Weston without consent of council.

2. That the council of said town of Weston shall not expend, or cause to be expended, any greater amount of money for the purpose of the improvement of said town or for keeping the same in repair, in any one year, than the amount that may be levied in that year for such purposes, unless a majority of the voters of said town shall be in favor of the same, to be ascertained by a vote on that subject.

No more money to be expended in one year for improvement, than levied for in that year, except by consent of voters.

CHAPTER 65.—An ACT incorporating the town of Fetterman, in the county of Taylor.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

1. That the place known as the town of Fetterman, in the county Taylor, be and the same is hereby made a town corporate and body politic, by the name of "The town of Fetterman," under the regulations prescribed by chapter forty-seven of the Code of West Virginia, entitled "Of towns and villages."

Town incorporated.

Powers, &c., of town.

2. The corporate limits of said town shall be as follows : Beginning on the Valley river, opposite the mouth of Bantley creek, and thence with the line of Grafton township to the spring on the northwestern turnpike; thence with the said pike to the north-east corner of Hugh Evans' lot; thence in a straight line to the spring east of Fetterman; thence in a straight line to Keener's run, where the Kingwood road crosses; thence to Hoffman's lot, so as to include the plat of the addition to Fetterman by Joel Nuzums; thence on the line of W. D. Ray to Valley river, and thence with the said river to the beginning.

Corporate limits.

CHAPTER 66.—An ACT exempting James Hutchinson, of Wood county, from the provisions of chapter 30 of the Acts of 1866.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

1. James Hutchinson, of Wood county, is hereby exempted from the provisions of chapter thirty of the acts of eighteen hundred and sixty-six, "in relation to the oaths of attorneys at law."

Authority to practice law, without taking test oath.

2. The legislature reserves the right to alter or repeal this act.

Act may be repealed.

CHAPTER 67.—An ACT to incorporate the town of Harrisville.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

Town incor-
porated.

1. That the place known as the town of Harrisville, in the county of Ritchie, in the state aforesaid, be and the same is hereby made a town corporate and body politic, by the name of "The town of Harrisville," under the regulations prescribed by chapter forty-seven of the Code of West Virginia, entitled "Of towns and villages."

Powers, &c., of
town.

Corporate limits.

2. The corporate limits of said town shall be as follows: All the lots, streets and alleys, as shown in the original plat of said town, together with the several additions that have been since made, or that hereafter may be made to the same.

CHAPTER 68.—An ACT to amend and re-enact the charter of the town of Portland, in Preston county.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

Corporate limits.

The corporate limits and boundaries of the town of Portland shall be as follows: Beginning at a culvert on the Baltimore and Ohio Railroad where Saltlick crosses the same; thence a south-east course to the west side of the Catholic church; thence a direct south-east course to a point on the Baltimore and Ohio Railroad fifteen rods east of the water-station house; thence to the north-east corner of the school house lot; thence to Crane's line at the north end of Main street; thence with Crane's said line to the crossing of Saltlick in the turnpike; thence with said creek to the beginning; and shall be subject to the regulations prescribed by chapter forty-seven of the Code of West Virginia, entitled "Of towns and villages."

CHAPTER 69.—An ACT for the relief of Allen Simpson, administrator of the estate of John Morrow, deceased.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

Auditor to issue
warrant for \$71,
and credit it on
amount due from
Morrow.

The auditor is hereby directed to draw his warrant for seventy-one dollars, in favor of Allen Simpson, administrator of the estate of John Morrow, deceased, being the amount of allowances made to the said John Morrow, by the late county court of Lewis county: which amount is to be applied by the said administrator towards the satisfaction of the amount reported by the auditor as being due from the said Morrow, as late clerk of the county court of Lewis county, for tax on seals, writs, &c., for the year eighteen hundred and sixty-one, and to operate as a credit for that amount, as of the fifteenth day of December, eighteen hundred and sixty-one.

CHAPTER 70.—An ACT for the relief of *W. A. M. Reed.*

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

The sum of eleven dollars is hereby appropriated to be paid to ^{\$11 appropriated.} *W. A. M. Reed*, of *Wood county*, in full satisfaction of the claim mentioned in his petition submitted to the legislature at the present session.

CHAPTER 71.—An ACT refunding certain taxes erroneously assessed against the estate of *David Hall*, of *Mercer county*, in the year 1866.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

1. The amount of ten dollars and forty-three cents is hereby appropriated out of any funds in the treasury not otherwise appropriated, to refund unto the estate of *David Hall*, of *Mercer county*, certain taxes erroneously assessed against said estate in the year eighteen hundred and sixty-six. ^{\$10.43 appropriated.}

2. The auditor is directed to issue his warrant on the treasury for the sum of nine dollars and seventy-three cents, state tax, and seventy cents, school tax, in favor of said *Hall's* estate, to refund unto said estate the taxes mentioned in the preceding section. ^{Auditor to issue warrant therefor.}

CHAPTER 72.—An ACT releasing *Robert J. Parks*, of *Harrison county*, from the payment of a certain militia fine.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

That *Robert J. Parks* be, and he is hereby released from the payment of a fine of twenty dollars, assessed against him for failing to attend the rendezvous of his regiment at *Clarksburg*, in the month of September, eighteen hundred and sixty-four. ^{Fine of \$20 released.}

CHAPTER 73.—An ACT permanently locating the Seat of Government for this State.

Passed February 26, 1869.

Be it enacted by the Legislature of West Virginia :

1. The permanent seat of government for this state is hereby located at the town of *Charleston* in the county of *Kanawha*. ^{Location at Charleston.}

2. The governor of this state is hereby authorized to select and secure suitable buildings within the corporate limits of said town for ^{Governor to secure buildings for state offices.}

the state executive officers, also for the state library and for the accommodation of both branches of the legislature and the supreme court of appeals.

Removal of books, &c., pertaining to state offices.

3. The books, papers and all other things pertaining to the various state offices, required by law to be kept at the seat of government, and also the state library, together with everything connected therewith shall be removed to the places selected and secured as provided in section two of this act, and such removal shall be under the direction of the respective officers having charge of said books, papers and other things pertaining to their several offices.

Assistance in removal.

5. The governor is authorized to employ such assistance as may be necessary in carrying out the provisions of section three of this act.

How expenses paid.

5. All necessary expenses incurred under the second, third and fourth sections of this act, shall be paid out of the state treasury, upon the order of the governor.

When act to take effect.

6. This act shall take effect on the first day of April, eighteen hundred and seventy.

CHAPTER 74.—AN ACT to incorporate the Elk River Land Improvement, Manufacturing and Booming Company.

Passed February 27, 1869.

Be it enacted by the Legislature of West Virginia:

Corporators.

1. That Lewis G. Huling, James Gilliland, Lewis Jamison, Edmund Blanchard, J. Henry Black, Joseph Shields, E. C. Burton, Ellis Green, James H. Huling, W. W. McLanahan, and their associates and successors, be and are hereby constituted a body corporate and politic, by the name and style of "The Elk River Land Improvement, Manufacturing and Boom Company," and by that name may sue and be sued, plead and be impleaded, in all courts of record and elsewhere; have a common seal, to be altered by them at pleasure; make by-laws not repugnant to the laws of this state or of the United States, for the management of their corporate concerns, and have and enjoy all the rights of a corporation.

Powers of corporation.

Capital stock.

2. The capital stock of said company shall not be less than one hundred thousand dollars, to be divided into shares of one hundred dollars each, and which may, at any time hereafter, by vote of the stockholders, be increased to an amount not exceeding five hundred thousand dollars, and each share thereof shall entitle the holder to one vote in all meetings of the stockholders, to be given either in person or by proxy. And for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the direction of the persons named in the first section of this act, or a majority of them, at such time and place as the persons who act in

Subscription books.

that behalf shall deem expedient. And in case the company shall organize before a sufficient amount is subscribed to the said capital stock for the lawful purposes of said corporation, the president and directors thereof shall have authority and power at any time thereafter, and without opening new books of subscription, to receive further subscriptions to said capital stock, until the full amount authorized by this act is subscribed.

Subscriptions after organization.

3. That the said corporation are authorized and empowered to erect and maintain on the Elk river, at any point or points between its confluence with the Great Kanawha river at the city of Charleston, and village of Sutton, in Braxton county, such boom or booms, with or without piers, as may be necessary for the purpose of stopping and securing logs, masts, spars and other timber, and to erect such piers and side-branch or shear booms on said river, or any of its tributaries between the points above mentioned, as may be necessary for that purpose, and also to erect and maintain branch or shear booms at any point or points on the Elk river, as far up said river as the mouth of the Holly, one of the tributaries thereof; and shall have exclusive privileges; provided, that said booms be so constructed as to admit the safe passage of rafts and boats and not prevent the navigation of said river or tributaries; but no person or persons shall be allowed at any time to encroach upon or encumber said booms with boats or rafts, either of saw-logs or other timber.

Corporation authorized to erect booms on Elk river.

Privileges exclusive. Proviso.

4. That said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate, to engage in mining and manufactures, and to erect and maintain wharves on the Great Kanawha river at any point within ten miles above or below the town of Charleston.

Powers of corporation.

5. That if any person or persons suffer damage by the exercise of powers herein granted to said corporation, and the amount thereof cannot be agreed upon by the parties, nor by some suitable person or persons selected by the parties to estimate the same, the circuit court of the county where the boom or booms, piers or wharves are situated, shall, upon application of the party aggrieved, cause said damages to be ascertained by three disinterested freeholders of the same county, who shall make report to said court on or before the first day of the term next after the award shall have been made, and which being confirmed by the court, shall have the effect of a judgment from the time of such confirmation.

Assessment of damages caused by corporation.

6. That if any person or persons shall willfully and maliciously injure or destroy any of said booms or piers, or other works connected therewith, or shall remove, alter or deface any mark or marks on any logs or other timber intended for said booms, or contained therein, he or they shall pay treble the amount of the damages to the corporation, to be recovered by action at law, and further to be liable to indictment and prosecution before the circuit court of the county in

Penalty for injury to booms or timber therein.

which the offense is committed, for a misdemeanor, and, on conviction shall be sentenced to pay a fine not exceeding two hundred dollars and to suffer imprisonment in the county jail not exceeding one year. The Elk river and its branches are hereby declared public highways. The company shall not be liable for any loss or damage that may be caused by fire or flood, or by the unlawful acts of any person or persons not in their employ.

Elk declared public highway. Limit to liability of corporation.

Company's duty to guard and raft timber.

Notice to remove logs.

Removal if not made by owner may be made by company at his expense.

7. That it shall be the duty of the corporation to cause the passages or open spans of said booms to be carefully guarded, so that no timber be permitted to escape; to raft all timber in said booms securely and faithfully with suitable warps and wedges for rafting and securing the same below said booms. And after three days' notice shall have been given by the corporation to the owner or agent having charge of said logs, and if the owner or agent, at the expiration of the time aforesaid, has not removed said logs, the corporation may remove the same to some convenient place at the shore of the stream below, and fasten the float of logs to the shore by ropes and stakes, and the owner or owners thereof shall pay such expense as may arise in the removal and securing or fastening the same to the shore in the manner aforesaid, but the corporation shall not be responsible for any loss or damage, through the neglect or carelessness of their agents, that may ensue to the owner or owners aforesaid, who shall not have removed their logs before the expiration of the time aforesaid.

Rates of toll or boomage.

Lien for boomage.

8. That it shall and may be lawful for said corporation to deliver the saw-logs and other timber which may have come into their said booms to the owners thereof, and to charge and collect toll or boomage upon the saw-logs and other timber boomed, rafted and secured, including warps and wedges by which they are rafted, to wit: One dollar and fifty cents per thousand feet, board measure, for all board logs, square timber, spars, cla. boards, bolts and other timber. The corporation shall have a lien on all saw logs and other timber and lumber thus boomed, for the payment of all toll or boomage and other expenses until such times as the same shall be paid to the corporation.

Sale of unclaimed timber.

How proceeds of sale disposed of.

9. That if any timber shall have been boomed, rafted and secured as aforesaid, and no person should appear to claim the same and pay the tolls thereon, it shall be lawful for the corporation, after advertising the same four weeks in the city of Charleston, with the marks thereon, to sell said timber to the best advantage, if no owner appear to claim the same, and at any time within a year from said sale, the owner shall be entitled to receive the avails thereof after deducting the tolls, expenses and necessary charges, but if not claimed within said one year, the proceeds shall inure to and be vested in said corporation for their own use.

10. That for the purposes aforesaid, the said corporation shall be and are hereby authorized and empowered to purchase, hold and possess any real estate adjacent to said boom or booms, or convenient thereto, with the right to erect all such buildings as may be necessary for the convenient management of their affairs, and for the same purposes, their agents and those in their employ are hereby empowered to use and occupy the lands on the shore of said rivers and the tributaries thereof, so far as may be necessary, at the place or places where said booms or piers are erected, and at such other place or places as may be necessary for rafting and securing saw logs and other timber and to pass and repass to and from said booms and piers over the lands on both sides of said rivers and the branches thereof, for the purpose of making repairs from time to time and generally for doing all matters and things necessary for the full accomplishment of the objects and purposes of said corporation, subject, however, to pay such damages as may arise in the prosecution of such objects, the damages, if any, to be ascertained and determined as in the fifth section of this act.

Purchase of real estate and erection of buildings.

Power to use land adjacent to company's works.

11. That all timber rafted out of said booms or any of the branches thereof, shall be counted or measured and its quantity ascertained by some competent person or persons to be appointed by the company and confirmed by the court of the county, in which said booms are located.

How quantity of timber ascertained.

12. That it shall not be lawful for any person or persons to take up and raft any floating saw-logs or other timber within five miles above said boom or booms without being subject to the same charges for saw logs and other timber boomed, rafted and delivered by said corporation as in section eight of this act, to be collected from the person or persons taking up and rafting said logs, from the owner or owners thereof, at the option of the corporation, as debts of like amount are by law recoverable.

Charges on timber taken up within five miles above booms.

13. That should any boards, logs or other timber marked and registered in the office of the company, be carried by the winds, by the force of the current or otherwise, into any bays, creeks, coves or upon the shore, or any bar, or flat lands, it shall be a penal offense for any person or persons, except the owners thereof, to take possession of, sell or convert to his or their own use said logs or timber, punishable as in the sixth section of this act.

Penal offense to take possession of timber carried off by wind, &c.

14. If the president and directors of said company shall not commence operations within two years from the passage of this act, then the powers, privileges and franchises therein granted shall be forfeited and cease.

Operations to be commenced within two years.

15. The legislature reserves the right to alter or amend this act at any time, in such manner however, that no injustice may be done to the corporators or their creditors.

Act may be amended.

CHAPTER 75.—An ACT to authorize the construction of a bridge over the Little Kanawha river at Elizabeth, in the county of Wirt.

Passed February 27, 1869.

Be it enacted by the Legislature of West Virginia :

Commissioners to receive subscriptions.

1. That William McCoy, William V. Vernon, Levi Wells and Sylvester Barnes, of the town of Elizabeth, in the county of Wirt; L. D. Wheaton and S. P. Wells, of Burning Springs township, in said county, and John Hannaman and E. Butcher, of Wood county, or any two of them, respectively, at the places and counties named, are hereby appointed to open books of subscription to the capital stock of a company, to be entitled "The Elizabeth Bridge Company," which is authorized to construct a toll bridge over the Little Kanawha river at the town of Elizabeth, in Wirt county; the abutments and piers of said bridge to be constructed sufficiently high so as not to interfere with the navigation of said river when improved by slack-water.

Construction of bridge.

Capital stock.

2. The capital stock of said company, divided into shares of twenty dollars each, shall consist of not exceeding ten thousand dollars, to be paid in such assessments and at such times as the board of directors may direct. Subscriptions may be paid in labor or with materials furnished for the construction of said bridge, under a special agreement in writing entered into to that effect with the directors of said company, or with their representatives.

Payment of subscriptions.

Election of directors and president.

3. The said company may hold an election on the first Monday in April next, and on the same day in each year thereafter, for the election of five directors of the said company, who shall, within ten days thereafter, choose one of their own body as president. The said president and directors shall remain in office one year, or until their successors are appointed. The stockholders of the said company shall be entitled at any such meeting or election, either in person or by proxy, to cast one vote for each share of stock held by them, and each of them, in the said company.

Their term of office.

Vote on stock.

Erection of toll gate.

4. The said company may erect a gate upon said bridge, and collect tolls not exceeding the following rates for each passage, viz: Ten cents for twenty sheep or hogs, and fifteen cents for twenty cattle, and so in proportion for a less or greater number; five cents for a horse, mare, mule or gelding; ten cents for a riding carriage, whether two or four-wheeled, and five cents for each animal more than one drawing it; three cents for each foot-passenger; provided, that all coaches, carriages, horses or foot-passengers attending funerals shall be exempt from all tolls whatever. Said tolls shall first be applied to keeping the said bridge in good repair before any dividend shall be declared to stockholders.

Rates of toll.

Repairs to be made before dividend declared.

Subscription by Wirt county.

5. The supervisors of Wirt county are hereby empowered to subscribe to the capital stock of said company, either in money or by issuing county bonds, to an amount not exceeding three thousand dollars.

CHAPTER 76.—An ACT to legalize the execution, acknowledgment and recordation of a certain deed in Greenbrier county.

Passed February 27, 1869.

Be it enacted by the Legislature of West Virginia:

The execution, acknowledgment and recordation of a deed executed by Thomas Creigh and Sarah F., his wife, to Albert G. Williams, of Greenbrier county, bearing date February second, eighteen hundred and sixty-four, and admitted to record in the clerk's office of the late county court of Greenbrier county, is hereby legalized and declared valid.

Deed from Creigh and wife to A. Williams legalized.

CHAPTER 77.—An ACT to authorizing the Pan Handle Railroad Company to extend their road to the Kentucky state line.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia:

1. The Pan-Handle Railroad Company, incorporated by an act passed July fifteenth, eighteen hundred and sixty-eight, shall have authority to extend its road from the city of Wheeling in the direction of the Kentucky state line, through such sections of the state contiguous to the Ohio river as said company may deem most desirable.

Extension of line of Pan Handle R. R. authorized.

2. The counties and townships through which the extension hereby authorized may pass, shall respectively have the same rights to subscribe to the capital stock of said railroad as by the fourth section of said law are conferred upon the counties of Brooke and Ohio, and may raise money in like manner and upon similar terms.

Subscriptions by counties and townships.

3. The legislature reserves the right to amend or repeal this act.

CHAPTER 78.—An ACT to incorporate the Walker's Station and Burning Springs Turnpike Company.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding ten thousand dollars, to be divided into shares of twenty-five dollars each, for the purpose of constructing a graded turnpike road from a point at or near Walker's Station, in Wood county, to Burning Springs, in Wirt county, *via* Newark, in Wirt county; said turnpike as far as practicable to be located and constructed on the route of the Newark and Elizabeth turnpike.

Subscription books.

Route of turnpike.

2. The said books shall be opened at Walker's Station, under the direction of Thompson Devaughn, R. A. Byrd, George O. Wells, and J. W. Mussetter; at Newark under the direction of Isaac L. Enoch,

Commissioners to receive subscriptions.

Commissioners to receive subscriptions.	C. S. Manning, Benjamin Mount, B. F. Stewart, Thomas Foster, J. W. Hale, Josephus Roberts, Adam Foutty and James Phillips, and at Burning Springs, under the direction of L. D. Wheaton, Amos Allen and Isaiah Loman, or any one or more of them, and at such other places and under the direction of such persons as a majority of the above named commissioners may appoint.
When company incorporated.	3. When two thousand dollars of the capital stock shall have been subscribed, the subscribers, their executors, and administrators and assigns shall be incorporated into a company by the name and style of "The Walker's Station and Burning Springs Turnpike Company,"
Its powers.	subject to all the provisions and entitled to all the benefits of chapter fifty-three of the Code of West Virginia; but the said company shall have the privilege of making the said road, or any part thereof, with
Material of road.	gravel, sand, clay or plank as to them shall seem most expedient.
Township subscriptions.	4. The voters of any township through which any part of said road passes, may at their annual township meeting, or at any special meeting called for the purpose, if the voters in favor of the proposition are a majority of the whole vote cast, subscribe for so much of said capital stock as may be determined upon, and levy a tax on the property of their township subject to taxation, of not exceeding in any one year thirty cents on every one hundred dollars of the taxable value of such property, and when any township shall have so decided to subscribe to the capital stock aforesaid, the supervisor of the township shall subscribe for the amount so determined upon on behalf
Levies therefor.	of the township, and shall represent the stock subscribed by the township, in all meetings of the stockholders of said company.
Representation of stock.	
Width and grade of road.	f. The said road shall be opened not more than thirty feet in width and graded not less than twelve feet wide on hillsides and in cuts, and not less than eighteen feet wide in all other places, and shall be constructed at grades nowhere exceeding five degrees of elevation. Tolls
Rates of toll.	not exceeding the rates fixed by law, may be collected on any continuous section of five miles of the said turnpike road as soon as the same shall be completed and opened to the public.
Acts inconsistent repealed.	6. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAPTER 79.—AN ACT in relation to tolls on Turnpike Roads in Brooke county.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

Increase of rates of toll authorized.

The board of directors of the Wellsburg and Washington Turnpike and the Wellsburg and Bethany Turnpike, in the county of Brooke, are hereby authorized at any regular meetings thereof, to increase the rates of tolls on said roads above the rates now prescribed by law,

for the purpose of putting and keeping said roads and bridges thereon, in proper repair; provided, that such increase of tolls shall be confined to teams hauling timber, lumber, stone and coal, which increase shall not amount to more than will absolutely keep said roads and bridges in proper repair.

Increase confined to teams hauling certain articles.

CHAPTER 80.—An ACT authorizing the trustees of the Methodist Episcopal Church in the town of Shepherdstown, in Jefferson county, to sell and convey a portion of a certain lot in said town.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Episcopal Church, in the town of Shepherdstown, in Jefferson county, are hereby authorized to sell and convey a portion of lot numbered one hundred and fifty-eight, in said town.

Sale and conveyance authorized.

CHAPTER 81.—An ACT authorizing John S. Swann, of Kanawha county, to practice law in the courts of this state without taking the oath prescribed by chapter 30 of the Acts of 1866.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

1. That John S. Swann, of Kanawha county, be, and he is hereby exempted from the provisions of the act of the legislature, passed on the fourteenth day of February, eighteen hundred and sixty-six, entitled "An act in relation to the oaths of attorneys at law." And he is hereby authorized to practice in all the courts of this state without taking the oath prescribed by said act.

Authority to practice law without taking test oath.

2. The legislature reserves the right to repeal this act at any time when, in its discretion, it may deem it proper to do so.

Act may be repealed.

CHAPTER 82.—An ACT authorizing the trustees of the Marshall circuit, Methodist Episcopal Church, in Marshall county, to sell and convey their parsonage property on Boggs' Run.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

The trustees of the Marshall circuit of the Methodist Episcopal Church are hereby authorized to sell and convey their parsonage property on Boggs' Run, in Marshall county.

Sale and conveyance authorized.

CHAPTER 83.—An ACT to repeal an Act passed by the General Assembly of Virginia, March 16, 1861, entitled "An Act to authorize the sale of certain church property in the town of Moorefield."

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia:

Act repealed.

An act passed by the General Assembly of Virginia, March sixteenth, eighteen hundred and sixty-one, entitled "An act to authorize the sale of certain church property in the town of Moorefield," is hereby repealed.

CHAPTER 84.—An ACT to legalize a certain judgment rendered in the county court of Mercer.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia:

Judgment
against N. B.
French, W. H.
French and O.
W. Calfee for
\$200 legalized.

A certain judgment in favor of the North Western Bank of Virginia, plaintiff, against Napoleon B. French, William H. French and Charles W. Calfee, defendants, for the sum of two thousand eight hundred dollars, with legal interest thereon from the ninth day of May, eighteen hundred and sixty-one, till paid, and eight dollars and sixty-one cents, costs of said suit, obtained by the confession of each of said defendants, on the seventh day of March, eighteen hundred and sixty-two, before the clerk of the county court of Mercer county, Virginia, and by said clerk entered of record in said court, be, and the same is hereby legalized, and shall be as valid and binding to all intents and purposes upon all the parties thereto, and upon all property of the said defendants, and each of them, from the date of said confession of judgment aforesaid, as if such judgment had been confessed under and in conformity with the laws of West Virginia, and a court of West Virginia, as now existing.

CHAPTER 85.—An ACT authorizing James M. Blair, David Gardner and William T. Keyser to convey a lot of ground in Marshall county to the Methodist Episcopal Church.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia:

Conveyance au-
thorized.

That James M. Blair, David Gardner and William T. Keyser are hereby authorized to convey a lot of ground, with its appurtenances, situated in Marshall county, hitherto held and used for religious and educational purposes, known as "Blair's Meeting House," in Webster township, for the use of the Methodist Episcopal Church.

CHAPTER 86.—An ACT to exempt John Brannon, of Lewis county, from the provisions of chapter 30 of the Acts of 1866.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

1. John Brannon, of Lewis county, is hereby exempted from the provisions of chapter thirty of the acts of eighteen hundred and sixty-six. Authority to practice law without taking test oath.

2. The legislature reserves the right to alter or repeal this act at its pleasure. Act may be repealed.

CHAPTER 87.—An ACT exempting Levi Johnson from the provisions of chapter 30 of the acts of 1866.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

1. Levi Johnson, of Gilmer county, is hereby exempted from the provisions of chapter thirty of the acts of eighteen hundred and sixty-six, relating to the oaths of attorneys at law. Authority to practice law without taking test oath.

2. The legislature reserves the right to alter or repeal this act. Act may be repealed.

CHAPTER 88.—An ACT to amend the laws respecting the Municipal Court of Wheeling.

Passed March 1, 1869.

Be it enacted by the Legislature of West Virginia :

1. The eleventh section of chapter fifty-one of the acts of eighteen hundred and sixty-five, is hereby amended and re-enacted so as to read as follows :

“11. The said court shall also have within the city, the same jurisdiction and powers at law and in equity, in civil suits and proceedings where the amount in controversy exceeds one hundred dollars, exclusive of interest and costs, or the possession or title of real or personal estate is concerned, as the circuit court of Ohio county now has or may hereafter be vested with, but in the following cases only :

Jurisdiction at law and in equity.

I. Where the defendant or one of the defendants resides in the city ; In what cases.

II. Where the cause of action arose within the city ;

III. Where the property, real or personal, the title or possession of which is in controversy, or some part of such property, is in the city.

IV. Where the defendant or one of the defendants, being a non-resident of the state, is found in the city, or has estate or effects therein ; and any demand against a resident of the city, or a corpora-

tion or firm doing business therein, or any stock or share in the capital of such corporation or firm, shall be deemed effects in the city within the meaning of this clause."

When terms to commence.

2. In every month in which it is not by law provided that a circuit court for Ohio county shall commence, and in such months only, a term of the municipal court shall be held, commencing on the third Monday of the month, and continuing until the business is completed.

Acts inconsistent repealed.

3. All acts heretofore passed are hereby repealed, so far as they are inconsistent with this act.

CHAPTER 89.—An ACT for the relief of Samuel Young, of Pocahontas county.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia:

\$65 appropriated for money expended in establishing civil government in Pocahontas.

1. The sum of sixty-five dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, to the payment of a claim due Samuel Young, of Pocahontas county, for money expended by him in organizing and establishing civil government in said county in the year eighteen hundred and sixty-five.

Auditor to issue warrant therefor.

2. The auditor is hereby authorized to draw his warrant on the treasury for said amount, and pay the same to the said Samuel Young.

CHAPTER 90.—An ACT exempting Joseph Trapnell, of Jefferson county, from the provisions of chapter 30 of the Acts of 1866.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia:

Authority to practice law without taking test oath.

1. Joseph Trapnell, of Jefferson county, is hereby authorized to practice law in all the courts of this state, without taking the oath prescribed by chapter thirty of the acts of eighteen hundred and sixty-six.

Act may be repealed.

2. The legislature reserves the right to repeal this act at any time they may deem it proper to do so.

CHAPTER 91.—An ACT to incorporate the Shenandoah Navigation Company.

Passed March 2, 1869.

Preamble.

WHEREAS, The legislature of Virginia, on the third day of February, eighteen hundred and fourteen, passed an act incorporating "The New Shenandoah Company," to open and improve the navigation of the Shenandoah river and its branches, and for other purposes, and

whereas, the New Shenandoah Company since the year eighteen hundred and sixty-one has been entirely disorganized, and has permitted the Shenandoah river to become unnavigable in dry seasons for vessels drawing one foot of water, in violation of the charter of said company, and have taken no toll on said river since that date; and whereas, great inconvenience is sustained by the citizens of the state, by reason of the unnavigable condition of said river; now, therefore,

Preamble.

Be it enacted by the Legislature of West Virginia :

1. That for the purpose of raising a capital sum of five thousand dollars, in shares of twenty-five dollars each, it shall and may be lawful to open books of subscription in Charlestown, Jefferson county, West Virginia, under the direction of Logan Osborne, George W. Eichelberger, George W. T. Kearsley and Wells J. Hawks; at Harper's Ferry, under the direction of John G. Cockrell, Solomon V. Yantis, George Koonce, J. A. McCright and J. C. Child; in Berryville, in Clarke county, Virginia, under the direction of A. W. McDonald, William Taylor, Henry Castleman, and Dangerfield Louis; at Conrad's store, Rockingham county, Virginia, under the direction of S. P. H. Miller, Joseph Monger and James Donough; at Shenandoah Iron Works, Page county, Virginia, under the direction of William Milnes, J. R. Deacon and William Dofflemyer. The said books shall be opened on the first day of March, eighteen hundred and sixty-nine, and continue open for this purpose until the first day of May, eighteen hundred and sixty-nine, and on the fifteenth day of May, eighteen hundred and sixty-nine, there shall be a general meeting of the subscribers at Charlestown, Jefferson county, West Virginia, of which meeting notice may be given by any two of said managers, in a newspaper, published in said Jefferson county, at least one month next before said meeting, should they think such notice necessary; and said meeting shall be adjourned from time to time till the business is finished; and the acting managers shall lay before such meeting the books by them respectively kept, and said managers are hereby authorized to receive such subscriptions at said meeting, or at any time to which it may be adjourned; but if at least one half of the capital aforesaid shall not have been subscribed, or shall not be subscribed at said meeting, or at any continuance or adjournment thereof, on or before the first day of July, eighteen hundred and sixty-nine, then all the subscriptions made under this act shall be void.

Commissioners to open subscription books.

When books to be opened.

Meeting of subscribers.

In what case subscriptions to be void.

2. That in case one half of the said capital or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns from the time of said first meeting shall be and are hereby declared to be incorporated into a company by the name of "The Shenandoah River Company" and may sue and be sued as such. And such of the said subscribers as shall be present at said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors for conducting said undertaking and managing all of said company's business

Incorporation.

Name of corporation.

Election of officers.

Vote on stock. and concerns, for and during such time, not exceeding three years, as said subscribers or a majority of them may think fit; and in counting the votes at all general meetings of said company, each member shall be allowed one vote for each share as far as ten shares, and one vote for every five shares above ten, by him or her held at the time, and any proprietor by writing under his or her hand may depute any other person to vote or act as proxy for him or her at a general meeting.

President and directors may receive new subscriptions; 3. The president and directors and their successors shall have power to open new books of subscription, until the whole capital shall be subscribed; and the said president and directors and their successors, or a majority of those assembled shall have full power and authority to agree with any person or persons on behalf of said company to cut such canals, erect such locks or repair and improve such locks or canals or other works of the "New Shenandoah Company" and perform such other works as they shall judge necessary, for opening and improving the navigation of said river in this state, and connecting the said works or improvements with the Chesapeake and Ohio canal, so as to allow boats to go immediately out of the said river into said canal; and out of the moneys arising from said subscriptions and the tolls, to pay for the same and to repair said locks and canals and works, and defray all incidental charges; and also to appoint a treasurer, clerk and such other officers, toll gatherers, managers and agents as they shall judge requisite, and to agree for and settle their respective compensations; and to pass upon the accounts, and transact all other business of the company, between the general meetings of the same; and they shall further have all other powers which by the act of the Virginia Legislature first mentioned, or any amendment thereto is or was conferred on the president and directors of the "New Shenandoah Company," said powers to be exercised only in this state; and they shall be allowed for their pay such amounts as a general meeting of the subscribers shall determine; provided always, that the treasurer shall give bond in such penalty and with such securities as said president and the directors or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him, and the allowance to be made to him shall not exceed five per cent on his disbursements by him made.

contract for new works and repairs;

appoint officers and agents

and transact other business.

Their Power and compensation.

Bond and compensation of Treasurer.

How succession of president and directors kept up.

4. That the succession of president and directors shall be kept up as in the manner prescribed by the said act of the Virginia legislature for continuing the succession of the "New Shenandoah Company."

General meeting of stockholders. 5. That the presence of stockholders, having fifty shares, shall be necessary to constitute a general meeting; there shall be a general meeting of stockholders on the fifteenth day of November annually at said Charlestown, but if a sufficient number should not attend that day, those attending may adjourn such meeting from day to day until the business of the company is finished;

at which meeting an equal dividend shall be made of all net profits arising from tolls; and the president and directors, or a majority of them, may appoint a general meeting of the stockholders at any time, giving at least two weeks notice thereof in some newspaper printed in said Jefferson county.

General meeting
of stockholders.

6. It shall be lawful for the president and directors at all times forever hereafter, at Little Falls on said river, or at any place which the president and directors, or a majority of them, may see fit for that purpose, to demand and receive tolls at the same rates as the New Shenandoah Company were by law authorized to receive when the same was disorganized, and the payment of said tolls may be enforced in the same manner, as they might lawfully have been by said "New Shenandoah Company" at the time of its disorganization.

Rates of toll.

How payment
enforced.

7. That land for the purpose of said improvements may be acquired or condemned by said Shenandoah River Company in the same manner as by the said act of the Virginia legislature, or any amendment thereto, the "New Shenandoah Company" might lawfully have done.

Acquisition of
land.

8. That the Shenandoah River Company may use all the improvements and works of "The New Shenandoah Company" so abandoned by them, without any obligation to pay any rent or other compensation for such use, till such time as the said "New Shenandoah Company" shall be again organized, at which time the Shenandoah River Company is hereby authorized to purchase of "The New Shenandoah Company," all its improvements, rights and franchises, lying in this state, or in case they shall not agree, "The New Shenandoah Company" is hereby authorized to purchase the improvements, rights and franchises of the Shenandoah River Company, paying them therefor a sum equal to the entire capital of the latter company, which may have been subscribed, with six per cent interest thereon from the time of its subscription, deducting the actual amount of dividends which may have been received by the subscribers; the said purchase money to be in no case less than the original par value of the shares of stock which may have been subscribed; and until such purchase money has been actually paid in cash by the "New Shenandoah Company," they shall have no right to take tolls on the said river, nor shall they receive any rent or compensation for any of their works, and they shall have no rights to interfere or in any way to interrupt the Shenandoah River Company in the use of the works or improvements made by said "New Shenandoah Company," which works and improvements, as well as all their franchises, have been forfeited by them. But with the assent of a general meeting of the stockholders held for that purpose, after one month's notice thereof by the president and directors of the Shenandoah River Company, their works, improvements and franchises may be sold out to "The New Shenandoah Company," when and if reorganized, at a less sum than is above named.

Use of works of
New Shenandoah
Company.

Purchase
thereof.

Improvement deemed real estate and exempt from taxes.

9. The said canals and works of the Shenandoah River Company, are hereby vested in the stockholders thereof as tenants in common, each stockholder's interest being in proportion to the amount of his stock, and the said improvements shall be deemed real estate and exempt from the payment of any tax.

Increase of capital stock.

10. If their said capital shall prove insufficient, it shall be lawful for the Shenandoah River Company from time to time to increase the same by addition of so many whole shares as shall be judged necessary by the said stockholders or a majority of them who may be present at a general meeting; and the president and directors are hereby authorized and directed to open books for receiving such additional subscriptions, at such time and place and after such notice as they may determine upon as proper.

Conditions on which tolls may be collected.

11. The said tolls shall be paid or exacted on condition only that the said Shenandoah River Company shall make said river along its whole course, in and through Jefferson county, West Virginia, capable of being navigated in dry seasons by vessels drawing one foot of water; and if the said river is not made so navigable in two years after said company is established, then said company shall not be entitled to any benefit, privilege or advantage under this act.

Act may be amended or repealed.

12. The legislature reserves to itself the right to alter, amend or repeal this act.

CHAPTER 92.—AN ACT for the relief of J. B. Solomon.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

Authority to teach without taking test oath.

That it shall be lawful for J. B. Solomon, of the county of Taylor, to teach in any free school in this state without taking the oath prescribed by the act passed November sixteenth, eighteen hundred and sixty-three, entitled "An Act to amend and re-enact the first section of an act entitled 'An Act concerning oaths and affirmations,' passed June twenty-sixth, eighteen hundred and sixty-three."

CHAPTER 93.—AN ACT to legalize the execution and acknowledgment of a certain deed in MasoL county.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

Deed from Comstock and wife to Marine Railway company legalized.

The execution and acknowledgment of a deed executed by Stephen Comstock and Caroline Comstock, his wife, to the Point Pleasant Marine Railway Company, for lot numbered one, fifth tier, of the town of Point Pleasant, bearing date on the twenty-first day of March, eighteen hundred and sixty-six, are hereby legalized and declared valid.

CHAPTER 94.—An ACT to incorporate the Shepherdstown and Halltown Turnpike Company.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding thirty thousand dollars, to be divided into shares of fifty dollars each, to constitute a joint capital stock for constructing a macadamized turnpike road from the corporate limits of Shepherdstown, in Jefferson county, to Halltown, either upon the bed or track of the existing public road, or any part thereof, between the above named points, or by such other route as the corporation hereinafter provided for may determine. The books may be opened under the following named commissioners, viz : David Billmyer, Edward Chambers, George W. Eichelberger, Jacob Rinehart, Daniel P. Luce, J. P. A. Entler, and Samuel Knott, at such place or places, and at such times as a majority of the above named commissioners may appoint, ten days' previous notice thereof being previously given.

Subscription books.

Route of road.

Commissioners to open books.

2. When five thousand dollars of the capital stock shall be subscribed by individuals, the subscribers shall be incorporated into a company by the name of the "Shepherdstown and Halltown Turnpike Company," which shall be governed by the provisions of the Code of West Virginia.

Incorporation.

3. The grading and construction of the road shall be under the control of the company, provided always that it shall be macadamized with a bed of at least fifteen feet in width, and the whole road shall be at least forty feet in width.

Grading and construction of road.

4. When four miles shall be completed continuously from either terminus, a toll gate may be opened at some convenient point on said section, and when the whole extent of said road is completed there may be two toll-gates on the whole, and there may be charged the same tolls for the whole distance as is now allowed by law to be charged for ten miles, and for four miles or less in the same proportion.

Toll gates.

Rates of toll.

5. No officer of the road or other person shall be allowed to pass free of toll, unless by consent of the company and of the board of supervisors, which shall not be given without strong and sufficient cause.

Officers not to pass free of toll.

6. Nothing in this act shall be construed to repeal or in anywise affect the construction of an act passed the twenty-sixth day of June, eighteen hundred and sixty-eight, entitled "An Act to authorize the Board of Supervisors of Jefferson county, to borrow money," except that said last mentioned act may be so construed as to allow the board of supervisors to issue the bonds of the county to any amount not exceeding fifty thousand dollars, and to sell the same for the purpose specified in said last mentioned act.

Construction of former act.

Stock subscribed may be pledged as a guaranty of bonds or devoted to their payment.

7. The board of supervisors may make any arrangement with the corporation herein provided for to which a majority of the stockholders thereof may consent, by which the stock subscribed under the previous sections hereof, may be pledged as a guaranty for or directly appropriated to the payment of the interest or the redemption of the principal of said bonds, so as to increase their market value, and relieve the county, to that extent, of taxation.

Representation of stock subscribed by county.

8. The county shall be regarded as a stockholder to the amount of the par value of the bonds so sold, and the board of supervisors shall elect some one, for such term as they may think proper, to cast the vote of the county in every meeting of the stockholders.

Appropriation of tolls.

9. The tolls received upon the said road shall be appropriated first, to keeping it in such good repair as turnpikes where tolls are taken are now by law required to be kept, and secondly, any surplus shall be divided among the stockholders in such annual or semi-annual dividends as a majority thereof may decide.

Dividends.

CHAPTER 95.—AN ACT authorizing the Board of Supervisors of Mineral county to change the names of Townships in said county.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

Authority to change names of townships.

The board of supervisors of Mineral county are hereby authorized to change the name of any township in said county, whenever in their discretion they may think proper to do so.

CHAPTER 96.—AN ACT to prevent the destruction of small game.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

Unlawful to kill any game between February 14 and September 15, and to kill certain birds at any time.

1. It shall not be lawful for any person to kill or destroy pheasants, wild ducks, partridges, or rabbits, at any time between the fourteenth day of February, and the fifteenth day of September, or to kill or destroy any other birds, except crows, ravens, eagles, hawks, owls, jay-birds, wood-peckers and black birds, or to hunt or catch rabbits with ferrets or snares, at any season of the year.

Penalty for violation of foregoing section.

2. Any person or persons violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the township wherein the offense was committed, shall be fined not less than five nor more than ten dollars and costs; and on default of payment, shall be imprisoned in the county jail not exceeding ten days; one half of said fine to go to the informer and one half to the general school fund.

CHAPTER 97.—An ACT to amend and re-enact chapter 95 of the acts of the extra session of the Legislature of 1868.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

That an act entitled "An Act to authorize Margaret Erskine and others to borrow money upon the Salt Sulphur Springs, in the county of Monroe, West Virginia, at eight per cent interest," passed July twenty-seventh, eighteen hundred and sixty-eight, is hereby amended and re-enacted so as to read as follows :

"Margaret Erskine, N. Harrison, and Mary M. Harrison, bis wife, owners and proprietors of the Salt Sulphur Springs property, in the county of Monroe, West Virginia, are hereby authorized to borrow money by mortgage or deed of trust upon said property, to an amount not exceeding thirty thousand dollars, and at a rate of interest not exceeding ten per centum per annum ; and any contract or contracts to that effect shall be deemed legal and valid between the parties, or their proper representatives, any law of this State to the contrary notwithstanding."

Act amended.
Authority to borrow money on the Salt Sulphur Springs at 10 per cent interest.

CHAPTER 98.—An ACT legalizing the acknowledgment and recording of a certain deed in Berkeley county.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

That the acknowledgment and recording of a certain deed in Berkeley county, executed in the year eighteen hundred and sixty-one, by Jacob Swartz to Samuel Alburdis, in trust for the benefit of Mary C. Alburdis, wife of E. G. Alburdis, conveying to said Alburdis, as trustee, the house on the corner of John and Water streets, in the town of Martinsburg, Berkeley county, with one half of the lot which is numbered on the plat of said town, as lot number seventy-seven, be and the same is hereby legalized and made valid.

Deed from Swartz to Alburdis, trustee legalized.

CHAPTER 99.—An ACT providing for the payment of a certain claim due D. D. Davis, late Superintendent of the North Western Turnpike.

Passed March 2, 1869.

Be it enacted by the Legislature of West Virginia :

1. The sum of two hundred and sixty-two dollars and seventy-two cents is hereby appropriated out of any funds in the treasury, not otherwise appropriated, for the payment of a claim due D. D. Davis, for services rendered and expenses incurred as superintendent of the North Western turnpike, during the quarter ending March thirty-first, eighteen hundred and sixty-six.

\$262 72 appropriated.

Auditor to issue warrant therefor.

2. The auditor is directed to issue his warrant on the treasury for the said amount, and pay the same to said Davis, in liquidation of said claim.

CHAPTER 100.—An ACT to incorporate the Moorefield and South Branch Valley Railroad Company.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Joseph Sprigg, Thomas Maslin, John W. Duffey, Samuel Mc-Mecheu, Daniel R. McNeal and William M. Randolph, of the county of Hardy, West Virginia; George Washington, John M. Snyder and John Heiskell, of the county of Hampshire, West Virginia; George Harman, Jonathan Seymour, Felix S. Walton and Ernest Muntzing, of the county of Grant, West Virginia; Junius B. Anderson, Jacob F. Johnson, Johnson Sites and William McCoy, of the county of Pendleton, West Virginia; and such others as may become associated with them in the manner hereinafter provided, shall be and they are hereby constituted a body politic and corporate, by the name of "The Moorefield and South Branch Valley Railroad Company," and by that name shall have succession, and have power to sue and be sued in any court whatever, and may have and use a common seal, with the right to alter or renew the same at pleasure, and shall have all the powers,

Incorporation

Style of company.

Its powers.

Route of railroad.

Powers of company.

rights and franchises necessary and proper to locate, construct and maintain a railroad to be known as "The Moorefield and South Branch Valley Railroad Company," to begin in the county of Hampshire, at some point on the Baltimore and Ohio railroad, and to run thence by way of Romney, in said county; Moorefield, in the county of Hardy; Petersburg, in the county of Grant; and to run thence by the most practical route to some point on the Ohio river, at or near Point Pleasant, in the county of Mason; and the said company shall be, and is hereby invested with all and singular the rights, powers, immunities, franchises and privileges, for surveying, locating, constructing and equipping said railroad, and working, repairing, preserving the same, and the necessary vehicles and appurtenances thereto belonging for the safe and convenient transportation of freight and passengers thereon, and with the power and authority to charge and collect tolls on freights and passengers on the same, and every part thereof, which the Baltimore and Ohio railroad company enjoys under the act incorporating said company, and the acts amendatory and supplementary thereto, and subject to any of the laws of this state, as if the same was hereby expressly enacted as part hereof.

Capital stock.

2. The capital stock of said company shall not exceed the sum of ten millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property, and transferable in such manner as may be provided by the by-laws of said company, and each share thereof shall entitle the holder thereof to one

Vote thereon.

vote in all meetings of the stockholders of said company, to be given in person or by proxy; and for the purpose of obtaining subscriptions to the capital stock, books may be opened under the direction of the persons named in the first section of this act, or any three of them, at such times and such place or places as the persons who may act in that behalf shall deem expedient, and payment may be made for the whole, or any part of such subscription, either in lands or other property, or money; and if in lands, or other property, then at such price and valuation as may be agreed upon by those securing such subscriptions; and the said company may also accept and receive from any person or persons voluntary donations of any lands or other property, or money, given in aid of the location, construction and equipment of the said road, and may hold and enjoy the same as part of the capital stock of said company. And real estate may be conveyed to said company for the purposes aforesaid, by proper deeds of conveyance, and the same may be disposed of for the lawful purposes of the company, by proper deeds of conveyance, executed by the president thereof, upon the order of a majority of the directors of said company at a meeting thereof; and in case the said company shall organize and proceed to act as a corporate body, before the whole amount of said capital stock shall have been subscribed, the president and directors of said company shall have power at any time thereafter, and as often as they may deem it proper and necessary, and without opening new books of subscription, to receive further subscriptions to said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of said company, not to exceed, however, the said sum of ten millions of dollars; and it may be lawful for all persons and bodies corporate and politic, whatever, to become subscribers for and owners of the capital stock of said company, or any part thereof, and power and authority is hereby granted to the counties of Hampshire, Hardy, Grant, Mineral, Pendleton, Randolph, Tucker, Upshur, Barbour, Lewis, Mason, Pocahontas, Greenbrier, Fayette, Clay, Nicholas, Webster, Roane and Kanawha, to become subscribers for and owners of the capital stock of said company, or any part thereof, in the manner following, to wit: The boards of supervisors of said counties shall, immediately after the organization of said company, appoint a day when the sense of the people of their respective counties shall be listed as to whether or not said counties desire to become subscribers for and owners of the capital stock of said company, or any part thereof, and said vote in said counties shall be by ballot, and all white male citizens of said counties of the age of twenty-one years shall be entitled to vote; said board of supervisors shall designate the amount to be voted for by said counties, and shall prepare and have printed on white paper, ballots, to be headed "For subscribing \$— to the capital stock of the Moorefield and South Branch Valley Railroad Company;" and "Against subscribing to the capital stock of the Moorefield and South Branch Valley Railroad Company;" and a majority of the votes cast in each of said counties at such election, shall determine whether said counties will become subscribers for and owners of said capital stock, but in no case shall any of

Subscription books.

Payment of subscriptions.

Donations of land, money or property.

Power to hold and convey real estate.

Subsequent subscriptions to stock.

Authority granted certain counties to subscribe.

Vote on question of subscription.

Who may vote.

Tickets.

Majority vote to determine whether counties will subscribe.

Issue of bonds
for county sub-
scriptions.

said counties be allowed to subscribe more than four hundred thousand dollars thereto; if all or any of said counties vote to become subscribers to and owners of said capital stock, the board of supervisors of any of said counties so voting, shall at once issue the bonds of said county for the amount so subscribed by said county, said bonds to bear six per centum per annum interest, and with the money raised on said bonds, said county shall purchase of the capital stock of said company.

Temporary
directors.

3. The affairs of said company shall be managed by the persons named in the first section of this act, who are hereby constituted directors of said company until directors shall be elected as hereinafter provided, and in case of the death of one or more of said persons, or their refusal to act, the remaining persons shall have power to select

How vacancies
in board filled.

other persons as directors, for the time being, in their stead, and whenever an amount of the capital stock of said company shall be subscribed, sufficient in the judgment of the said directors to justify it in proceeding to the prosecution of its business, a general meeting of the stockholders or subscribers to the stock of said company shall be

General meeting
of stockholders.

held, at such time and place as the directors, for the time being, may appoint, for the purpose of electing a president and directors of said company, to serve for one year thereafter, until the next election shall be held; and all subsequent elections for president and directors of

Elections of
officers.

said company shall be held annually thereafter, at such times and places as by the by-laws of said company may be prescribed; and the said directors of said company shall have all the powers and authority given them by this act, and shall have such other powers and authority not inconsistent with the provisions of this act, nor with the laws of this state or of the United States, as may be conferred on them by the resolutions and by-laws of said company.

Powers of direc-
tors.

Number and
qualifications of
directors.

4. The directors of said company shall consist of such number, not less than five nor more than nine, as by the by-laws of said company may be fixed, all of whom shall be stockholders of said company. And the president and directors of said company shall have the power to appoint and remove all officers, servants, agents and employees of the company; to manage and conduct all of its business of every kind; to borrow money at any time, and from time to time, for the use of said company, and execute, if deemed necessary and expedient, any deed or deeds of mortgage or trust on its property, for the payment or fulfilment of any or all its debts, contracts or liabilities.

Powers of presi-
dent and direc-
tors.

Meetings of
stockholders.

Meetings of
directors.

5. All meetings of the stockholders of said company may be held at such place or places, and at such times as the directors may from time to time appoint, and all meetings of the directors and president of said company may also be held at any place or places, and times which the president of said company may from time to time appoint, and at all meetings of said president and directors, a majority of said president and directors shall constitute a quorum for the transaction of business.

Quorum.

6. The said company may, and shall have full power and authority to locate, construct, equip and maintain any branch railroads, not exceeding twenty-five miles in length, from any point on their said road to any coal or timber lands, saw mills, iron works or other manufacturing establishments, owned, used, operated or worked by the said company, or other person or persons.

Branch railroads.

7. For the purpose of laying out and locating their said road and branches, the president and directors of said company, with their engineers and agents, shall have full power and authority to enter upon and pass through and over any lands on the contemplated route, and to occupy the same so long as may be necessary for locating said road. But the said company, in locating their said railroad, branches, depots and stations, shall not throw open any fences or enclosures on any land, or injure the property of the owner or occupier without consent, or invade the dwelling house of any person, or any space within sixty feet thereof, without his or her consent. And when the line of the said road is located, if the owners of said land or their agents, and the officers and agents of said company cannot agree upon the value of such lands as said company may deem necessary to use and occupy for their railroad, depots, ware houses and stations, the said company may have and hold the said lands for their use, in the manner following, to wit: The said company shall make out a particular description of said lands in writing and file it in the office of the clerk of the circuit court of the county in which such lands are located, stating therein the sum they propose to pay therefor, and also file therewith a bond with security to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against them as hereinafter provided, and thereupon they may enter upon and take possession of said lands, and proceed at once to operate and use the same for the purposes designated in said description, but in no case shall the amount of land for the track of said road exceed seventy feet in width, except in case of cuts and fills, when the width may be one hundred and eighty feet; and the party owning said land, or his or her agent, may file with the clerk of said court, his or her claim therefor, in which shall be stated the sum he or she may demand for said land, and the said court shall thereupon appoint five disinterested persons for the purpose of ascertaining a just compensation therefor, any three of whom may act; and no person shall be considered by said court a disinterested person, qualified for such purpose, through whose lands said road is to pass, and which is yet to be condemned or the price agreed upon; and the sheriff, after said appointment is made, shall summon the said owners to meet on said land at such time as he shall appoint, within thirty days after such viewers are appointed, having first given at least ten days notice to the parties interested. And the said sheriff shall administer an oath to said viewers, which he is hereby empowered to do, that they and each of them will fairly, impartially, and honestly fix and determine the amount the said railroad company shall pay for the use of the said land, and return their report in writing, under their hands and seals, setting forth

Authority to occupy lands in locating road.

But property not to be injured nor dwelling house invaded.

Condemnation of lands.

On filing description of lands and bond,

company may enter on land.

Land owners may file claim.

Viewers;

their appointment; qualifications;

meeting;

oath; and

report.

Judgment on report.

the amount, if any, to be paid by said company ; which report shall be certified by said sheriff to the court; and on the first day of the next term of said court, the judge thereof shall direct judgment to be entered upon said report, if no exceptions be taken and filed thereto by either party ; but if exceptions be taken and filed, the court shall decide according to the evidence before it; and after judgment is entered upon said report, the said company shall hold said land by a good, indefeasible title, subject only to the payment of said judgment. The judge shall have power to determine and order which party shall pay the costs of such proceeding; and said railroad company shall not be subject to taxation until the president and directors shall declare a dividend of six per centum per annum upon the capital stock of said company.

Costs.

Company not to be taxed until dividend of six per cent declared.

Company not to have banking privileges.

8. Nothing herein contained shall be construed to give said company any banking privileges.

Office of company.

9. The office or principal place of business of said company shall be in Moorefield, in the county of Hardy.

Act may be amended.

10.*The legislature reserves the right to alter or amend this act.

CHAPTER 101.—An ACT to amend and re-enact section 9 of chapter 137 of the Code of West Virginia.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

That section nine of chapter one hundred and thirty-seven of the Code of West Virginia, be and the same is hereby amended and re-enacted so as to read as follows :

Chapter amended.

CLERK OF THE COURT OF APPEALS.

Fees of Clerk of Supreme Court of Appeals.

For filing the record upon an appeal.....	\$1.50
For docketing appeal, to be charged but once.....	1.50
For entering judgment on appeal, for every ten words, three cents, or the clerk may charge a specific fee of.....	2.00
For all other services not here provided for, the clerk shall have the same fees as the clerk of a circuit court for similar services.	

CHAPTER 102.—An ACT legalizing the acknowledgment and recording of a certain deed in Jefferson county.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

Deed from Yates to Moler legalized.

That the acknowledgment of a deed, executed January twenty-seventh, eighteen hundred and sixty-three, by Francis Yates to Matilda Moler, before William Nathaniel Craighill, a notary public for Jeffer-

son county, on the second day of February, eighteen hundred and sixty-three, which deed was duly admitted to record in the recorder's office of Jefferson county, on the nineteenth day of February, eighteen hundred and sixty-six, be and the same is hereby legalized and made valid, and also any deed made since by the said Matilda Moler.

CHAPTER 103.—An ACT authorizing E. Boyd Faulkner, of Berkeley county, to practice law in this state, without taking the oath prescribed by chapter 30, of the acts of 1866.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

That E. Boyd Faulkner be and he is hereby authorized to practice as an attorney at law in the courts of this state without being required to take the oath prescribed by chapter thirty of the acts of eighteen hundred and sixty-six, subject to the right of the legislature at any time hereafter to modify or repeal this act.

Authority to practice law without taking test oath.

CHAPTER 104.—An ACT to provide for the payment of county taxes heretofore levied on real estate, and regulate the sale thereof for the non-payment of such taxes.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

1. Any taxes heretofore levied on real estate for county purposes, with six per cent interest thereon, may be paid to the recorder of the county in which the same were levied, until a sale thereof for such taxes and he shall deliver to the person making the payment a certificate therefor, and enter the amount so paid, and the date thereof, opposite the entry of the real estate in the book in which the same is entered in his office, and the lien for such taxes shall thereby be discharged.

County taxes may be paid recorder until sale.

Certificate of payment.

Discharge of lien.

2. The recorder of such county shall, in the month of June next, make and transmit to the auditor a list of all such real estate heretofore returned delinquent for the non-payment of taxes, entered in such book, on which such taxes heretofore levied, and so entered, shall not have been paid, not in the year for which such county tax was levied, or afterwards, sold for any state tax, and yet remaining unredeemed.

Recorder to transmit list of delinquent real estate to auditor.

3. Such real estate shall be subject to the provisions of chapter thirty-one of the act to establish a code of laws for this state, passed in the year eighteen hundred and sixty-eight, or any act amending the same, relative to real estate hereafter returned delinquent for non-payment of county taxes thereon ; and if such taxes be not paid, a part or the whole of such real estate shall be sold accordingly. A

Real estate subject to chapter 31 of Code of West Virginia.

Validity of sale or deed. deed made for any real estate, so sold for such taxes heretofore levied, need not recite any other facts, and the validity of the sale or deed shall not be questioned for any other irregularity or cause than if the real estate were sold for county taxes hereafter levied. Any such taxes, heretofore levied, paid into the treasury shall be accounted for as such taxes, hereafter levied, paid into the treasury, according to the provisions of the said chapter.

CHAPTER 105.—An ACT to incorporate the Cumberland, Moorefield and Broadway Rail Road Company.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

Corporators. 1. That Joseph Sprigg, Samuel A. McMechen, Isaac G. Mash and John G. Harness, of Hardy county, West Virginia; Henry G. Davis, of Mineral county, West Virginia; Josiah H. Gordan, John T. Edwards and Thomas J. McKaig, of Cumberland, Maryland, and such other persons as may become associated with them in the manner hereinafter provided, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Cumberland, Moorefield and Broadway Rail Road Company," and by that name shall have succession and have power to sue and be sued in any court whatever, and may have and use a common seal with the right to alter or renew the same at pleasure; and shall have all the powers, rights and franchises necessary and proper to locate, construct and maintain a railroad to be known as "The Cumberland, Moorefield and Broadway Railroad Company," to begin in Mineral county, at some point on the North branch of the Potomac river, opposite or near the city of Cumberland, Maryland, and to run thence by the most practicable route, by way of Moorefield, in Hardy county; Petersburg, in Grant county; and thence to some point on the West Virginia and Virginia state lines, near Monterey, in the county of Highland, Virginia; and the said company may and shall have power and authority to locate, construct, equip and maintain a branch railroad from Moorefield, in Hardy county, by the most practicable route, to some point on the West Virginia and Virginia state line, near Broadway, in the county of _____, in Virginia. And the said company shall be, and is hereby invested with all and singular the rights, powers, immunities, franchises and privileges for surveying, locating, constructing and equipping said railroad, and working, repairing, and preserving the same, and the necessary vehicles and appurtenances thereto belonging, for the safe and convenient transportation of freight and passengers thereon, and with the power and authority to charge and collect tolls on passengers and freight on the same and every part thereof which the Baltimore and Ohio Railroad Company enjoys under the act incorporating said company, and the acts amendatory and supplementary thereto, and subject to any of the laws of this state, as if the same were hereby enacted as part hereof.

Name of company.

Its powers.

Route of railroad.

Branch railroad authorized.

Tolls on passengers and freight.

2. That the capital stock of said company shall not exceed twelve millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property and shall be transferable in such manner as may be provided by the by-laws of said company, and each share thereof shall entitle the holder thereof to one vote in all meetings of the stockholders of said company, to be given either in person or by proxy; and for the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the persons named in the first section of this act, or any three of them, at such times and place or places as the persons who may act in that behalf shall deem expedient, and payment may be made for the whole or any part of said subscriptions, either in land or other property, or money, and if in lands or other property, then at such price and valuation as may be agreed upon by those securing such subscriptions; and the said company may accept and receive from any person or persons voluntary donations of any lands or other property or money given in aid of the location, construction and equipment of the said road, and may hold and enjoy the same as part of the capital stock of said company. Any real estate may be conveyed to the said company for the purposes aforesaid by proper deeds of conveyance, and the same may be disposed of for the lawful purposes of the company, by proper deeds of conveyance executed by the president thereof; and in case the said company shall organize and proceed to act as a corporate body before the whole amount of said capital stock shall have been subscribed the president and directors of the said company shall have power at any time thereafter and as often as they may deem it necessary, and without opening new books of subscription, to receive further subscriptions to said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of said company, not to exceed however, the said sum of twelve million dollars; and it may be lawful for all persons and bodies, corporate and politic whatsoever, to become subscribers for and owners of the capital stock of said company, or any part thereof, and power and authority is hereby given to the counties of Mineral, Hampshire, Grant, Hardy, Pendleton, Randolph, Tucker, Pocahontas and Upshur to become subscribers for and owners of the said capital stock of said company, or any part thereof, whenever a majority of the legal voters of either of said counties shall at any election ordered therefor, vote in favor thereof; but neither of the said counties shall have power to subscribe for and become the owners of more than five hundred thousand dollars of the capital stock of said company; and immediately after the organization of said company the boards of supervisors of said counties may order an election to be held in said counties to test the sense of the people thereof as to whether or not said counties desire to become subscribers for and owners of the capital stock of said company or any part thereof, and the board of supervisors of each of said counties shall have power to fix the amount of subscriptions to be voted for, and said amount shall be printed on the ticket, to be headed "For subscribing \$— to the capital stock of the

Capital stock

Vote on stock.

Subscription books.

How subscriptions may be paid.

Donations to company.

Company may hold and dispose of real estate.

Further subscriptions.

All bodies and persons authorized to subscribe

Subscription by certain counties.

Election in counties on question of subscription.

If majority favor subscription, board of supervisors to issue bonds and purchase stock.

Cumberland, Moorefield and Broadway Rail Road Company," and as soon as it is ascertained as herein provided that any of said counties desire to become subscribers for and owners of the capital stock of said company or any part thereof, the board of supervisors of such county or counties, shall proceed to raise the amount so subscribed by issuing bonds of such county or counties, payable at such time and in such manner as they may deem best, and with said amount so subscribed, purchase of the capital stock of said company in the name of such county or counties so subscribing, or transfer to said company said bonds in payment of the subscriptions of said county or counties to said capital stock, whichever they may deem best for the interest of said county or counties.

Temporary directors.

3. The affairs of said company shall be managed by the persons named in the first section of this act, who are hereby constituted directors of said company, until directors shall be elected as hereinafter provided, and in case of the death of one or more of said persons, or their refusal to act as directors, the remaining person or persons shall have power to select other persons as directors for the time being, if they deem it best, in their stead. And whenever an amount of the capital stock of said company shall be subscribed, sufficient, in the judgment of the said directors, to justify it in proceeding to the prosecution of its business, a general meeting of the stockholders of said company shall be held at such time and place as the directors for the time being may appoint, for the purpose of electing a president and directors, of said company, to serve for one year thereafter, until the next election shall be held; and subsequent elections for president and directors of said company shall be held annually thereafter, at such times and places as the by-laws may prescribe; and the said directors of said company shall have all the powers and authority given them by this act, and such other powers and authority not inconsistent with this act, nor with the laws of this state, or of the United States, as may be conferred on them by the resolutions and by-laws of said company.

How vacancies filled.

General meeting of stockholders.

Elections of officers.

Powers of directors.

Number of directors;

4. The directors of said company shall consist of such number not less than six nor more than twelve, as the by-laws of said company may prescribe, all of whom shall be stockholders of said company. And the president and directors of said company shall have the power to appoint and remove all officers, servants, agents and employees of said company; to manage and conduct all of its business of every kind; to borrow money at any time, and from time to time, for the use of said company, and execute, if deemed necessary and expedient, any deed or deeds of mortgage or trust on its property for the payment and fulfillment of any or all of its debts, contracts or liabilities.

Their powers.

Authority to borrow money and secure its payment.

Meetings of stockholders.

5. All meetings of the stockholders of said company may be held at such place or places and at such times as the directors from time to time appoint, and all meetings of the president and directors of

said company may also be held at any place or places, and times, which the president of said company may from time to time appoint. And at all meetings of said president and directors, a majority thereof shall constitute a quorum for the transaction of business.

Meetings of directors.
Quorum.

6. The said company may, and shall have full power and authority to locate, construct and equip and maintain any branch of said roads, not exceeding sixty miles in length, from any point on their main road or the branch thereof from Moorefield to Broadway, to any coal or timber lands, saw mills, iron works or other manufacturing establishments.

Branch roads.

7. For the purpose of laying out and locating their said rail road and the branch thereof from Moorefield to Broadway and the other branches mentioned in section six of this act, the president and directors of said company, with their engineers and agents, shall have full power and authority to enter upon and pass through and over any lands on the contemplated route, and to occupy the same so long as may be necessary for locating said road and branch or branches, but the said railroad company in locating their said railroad and branches, depots and stations, shall not leave open any fences, or enclosures on any lands, or injure the property of the owner or occupier without his or her consent, or invade the dwelling house of any person, or any space within sixty feet thereof, without his or her consent. And when the line of said road or any of said branches is located, if the owners of said lands or their legally constituted agents and the officers and agents of the said company cannot agree upon the value of such lands as said company may deem necessary to use and occupy for their railroads, depots, warehouses and stations, the said company may have and hold the said lands for their use in the manner following, to wit: the said company shall make out a particular description of said lands in writing and file it in the office of the clerk of the circuit court of the county in which such lands are located, stating therein the sum they propose to pay therefor, and also file therewith a bond with securities to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against them, as hereinafter provided, and thereupon they may enter upon and take possession of said lands, and proceed at once to operate and use the same for the purposes designated in the said description, but in no case shall the amount of land for the track of said road exceed seventy feet in width, except in case of cuts and fills, when the width may be one hundred and seventy-five feet; and the party owning said land, or his or her agent, may file with the clerk of said court his or her claim therefor, in which shall be stated the sum he or she may demand for said land, and the said court shall thereupon appoint five disinterested persons for the purpose of ascertaining a just compensation therefor, any three of whom may act, but in no case shall said court appoint for such purpose any person through whose lands said road is to pass; and the sheriff, after said appointment is made, shall summon the said owners to meet on said

Authority to occupy lands in locating road.

But property not to be injured nor dwelling house invaded.

Condemnation of lands.

On filing description of lands

and bond.

company may enter on land.

Land owners may file claim.

Viewers;

their appointment;

qualifications;

- meeting ; land at such time as he may appoint, within sixty days after such appointment is made by the court, having first given at least ten days' notice to the parties interested ; and the said sheriff shall administer an oath and report. assess, fix and determine the amount said railroad company shall pay for the use of said land, and return their report in writing, under their bands and seals, setting forth the amount, if any, to be paid by said railroad company, which report shall be certified by the said sheriff to the said court, and on the first day of the next term of said court the judge thereof shall direct judgment to be entered upon said report, if no exceptions be taken and filed thereto by either party, but if exceptions be taken and filed, the court shall decide according to the evidence before it ; and after judgment is entered upon said report, the said company shall hold said land by a good indefeasible title, subject only to the payment of the said judgment. The judge of said court shall also have power to determine which party shall pay the costs, if more damages are given by him than by said viewers, but in case he gives the same damages that said viewers did, then the party filing the exceptions shall pay the costs, and in case he gives less damages than said viewers, then the owner or owners of said lands shall pay the costs.
- Judgment on report.
- Costs.
- Company not to have banking privileges.
- Office of company.
- Act may be amended.
8. Nothing herein contained shall be construed to give to said company banking privileges.
9. The office or principal place of business of said company shall be at Moorefield, in the county of Hardy.
10. The legislature reserves the right to amend or repeal this act.

CHAPTER 106.—AN ACT creating a board for the examination of certain military claims.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

- Auditor, adjutant general and treasurer to constitute board to examine claims for services by state troops;
- subistence furnished state troops;
- transportation of state troops;
1. The auditor, adjutant general and treasurer of the state are hereby constituted a board of claims, to examine, adjust and audit such claims as in the opinion of said board are justly chargeable to this state, and not otherwise provided for, growing out of military services of the following character :
- I. Claims for services rendered by state troops since the nineteenth day of June, eighteen hundred and sixty-one.
- II. Claims for subsistence and supplies furnished the state troops when called into service.
- III. Claims for necessary transportation of state troops and for transportation of arms, supplies, &c., for their use.

IV. Claims for services rendered by officers organizing state troops under orders of the governor, and for necessary expenses incurred in publishing orders and notices, and for printing done upon the orders of such officers.

services in organizing state troops;

V. Claims for subsisting and equipping volunteer recruits, under the order, or by the authority of the governor.

subsisting volunteer recruits.

2. The said board shall have the power to require the attendance of witnesses, and to examine them under oath, which oath may be administered by any member of the board; to require the production of any books and papers deemed necessary to properly adjust any claim and to decide upon all claims; fixing the amount from the evidence they may have before them, as shall seem just and equitable.

Attendance of witnesses.

Other evidence.

3. Said board shall hold monthly meetings at the capitol building, of which due notice shall be given by publication in at least two newspapers, published in this state, and shall make to the governor a report of their action at each meeting, certifying in duplicate to him all claims audited by them.

Meeting of board; notice thereof.

Report of board.

4. Duplicates of claims thus certified to the governor shall be filed in the office of the secretary of the state, with a view to having the amounts paid out refunded by the general government.

Duplicates of claims to be filed in secretary's office.

5. Said board is hereby authorized to employ a competent clerk, whose duty it shall be to keep a full and correct record of all claims presented, make true abstracts thereof for the use of the board, execute all orders of the board, and receive as compensation such sum as the board may fix; which compensation, together with the necessary expenses of the board, shall be paid in the same manner that other claims are paid.

Clerk of board;

his duty and compensation.

6. The governor shall transmit to the next legislature the report of the said board, in order that provision may be made for the payment of said claims.

Report of governor.

7. This act shall expire two years from its passage.

How long act to be in force.

CHAPTER 107.—An ACT exempting William E. Lively from the provisions of chapter 30, of the acts of 1866.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

1. William E. Lively is hereby exempted from the provisions of chapter thirty of the acts of eighteen hundred and sixty-six, relating to the oaths of attorneys-at-law.

Authority to practice law without taking test oath.

2. The legislature reserves the right to alter or repeal this act.

Act may be repealed.

CHAPTER 108.—An ACT authorizing the trustees of Preston Academy to sell and convey their property in the town of Kingwood, in Preston county.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

Sale of academy authorized.

1. The board of trustees of Preston Academy (a majority of said board consenting thereto) are hereby authorized to sell (through a commissioner appointed for the purpose) the property situate in Kingwood, known as the Preston Academy, with the lot of ground attached thereto, and cause the proceeds of such sale to be paid to the township treasurers of Preston county on account of the building fund of the townships, in proportion to the taxable property of said townships.

To be sold by commissioner.

How proceeds of sale disposed of.

Further duties of commissioner.

2. If the said board of trustees shall order such sale, the commissioner appointed by them to make it, shall also sell any other real estate belonging to said board, and collect any debts due for real estate heretofore sold, and pay the proceeds thereof to the township treasurers as provided in section one.

Notice of sale.

3. Said commissioner shall sell said property at the front door of the court house in Kingwood, on some court day, after advertising the time, terms and place, for four weeks in the Preston County Journal, on a credit of six and twelve months, taking from purchaser bonds bearing interest, with good security; and shall be allowed the same commissions as allowed by law to special commissioners. Said commissioner is also authorized to convey the property so sold to the purchaser.

Terms of sale.

Commissions.

Conveyance.

CHAPTER 109.—An ACT changing the boundary lines of the Morgantown school district.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

East line changed.

The east line of the boundary of the Morgantown school district is hereby so changed as to include the dwelling house and lands of D. R. P. Hill, within said district.

CHAPTER 110.—An ACT to refund certain taxes.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

Auditor to issue warrant for \$23 39.

1. The auditor is hereby directed to issue his warrant upon the treasury for twenty-three dollars and thirty-nine cents, in favor of the New York and Hughes Rivor Oil Company, for excessive taxes paid in the year eighteen hundred and sixty-six, on one thousand six hundred and seventy acres of land.

2. The board of supervisors of Wirt county is authorized to refund to said New York and Hughes River Oil Company the county taxes erroneously assessed on said one thousand six hundred and seventy acres of land for said year.

CHAPTER 111.—An ACT relating to the summoning of juries in the county of Mineral.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

It shall be lawful for the clerk of the circuit court of Mineral county, to issue a writ of *venire facias* for thirty-six jurors, fifteen days before the term of the said court commencing on the twentieth day of March, eighteen hundred and sixty-nine; provided, that this act shall not apply to any other term of said court.

Writ of *VENIRE FACIAS* may issue 15 days before March term, 1869.

CHAPTER 112.—An ACT to provide for the division of Mercer county into two assessor's districts.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

1. The county of Mercer is hereby divided into two assessor's districts. The townships of East River and Plymouth shall form the first district, and the townships of Beaver Pond, Jumping Branch and Rock shall form the second district; but until assessors for each of said districts are elected and qualified, as hereinafter provided, the county shall be assessed, and returns thereof made, as though this act had not been passed.

Boundaries of districts.

Until two assessors elected, assessment to be made as heretofore.

2. The board of supervisors shall, at the election to be held on the fourth Thursday of October, eighteen hundred and seventy, cause a vote to be taken for two assessors, one for each of the districts named in the preceding section, whose term shall commence on the first day of January, eighteen hundred and seventy-one, and who having qualified according to law, shall enter upon the discharge of their duties.

Election of assessors.

When term of office to begin.

3. The said assessors shall each copy from the land book of the said county so much thereof as relates to the townships in their respective districts, and the copy so made shall constitute the original land book for their respective districts.

Copies of land book.

CHAPTER 113.—An ACT to place the real estate of Riverside Iron Works Company on the footing of personal property.

Passed March 3, 1869.

Preamble.

WHEREAS, Chauncey Dewey, Orville C. Dewey, J. Nelson Vance, John D. Culbertson, Joseph Dudley, James Nesbitt, Arthur C. McKee, Nathan Wilkinson, Robert W. McClellan, Charles Rahr, Jacob Bowman, Lewis Jones, William L. Hearn, David M. Thornburg, Frederick Linderman and Frank J. Hearn, as partners, are owners of the Riverside Iron Works, now in operation in the city of Wheeling, under the firm name and style of "Dewey, Vance & Co.," having a capital stock of three hundred and fifty thousand dollars, paid in and owned in divers shares by said partners; and whereas, the said partners, for the more convenient management of their affairs, desire that their real estate may be placed on the footing of personal property owned by their co-partnership.

Be it enacted by the Legislature of West Virginia :

Real estate put on footing of personal property.

1. Real estate held or acquired for the purposes or in the business of said co-partnership, and the shares of the partners therein shall be held and be transferable, and shall descend and be administered in like manner as personal property owned by said co-partnership; and a transfer by any partner, or his personal representative, of his share or interest in the property of the co-partnership shall be as effectual to transfer, rent, and convey his share or interest in the real estate as in the personal property of the co-partnership; provided that every such transfer of a share or interest shall be in writing; and every conveyance of land from the co-partnership to other persons shall be by deed as in other cases.

Transfer of shares in writing to transfer interest in real estate.

Conveyances of land by co-partnership to be by deed.

2. Conveyances and leases of real estate to or from said co-partnership, and contracts in relation thereto, may be made in and by the name of the Riverside Iron Works; and may be executed or accepted on behalf of the co-partnership by any person or persons designated for that purpose, by or in pursuance of the articles of co-partnership; and the same shall be as effectual as if duly made by or to all the partners for the time being, and as effectual to convey and transfer the interest, share and legal estate of a deceased partner as of the other partners.

Contracts in relation to real estate may be in name of Riverside Iron Works.

If members of co-partnership changed, act to apply to new co-partnership.

3. In case of any change of the members of said co-partnership by death or assignment, or the retirement or introduction of a partner or otherwise, the preceding sections shall be deemed and taken to be applicable to the co-partnership as thus changed.

Act to have no effect until assented to by co-partnership in writing, recorded in Ohio county.

4. The preceding sections shall have no effect until the present members of said co-partnership shall subscribe and acknowledge before the recorder of Ohio county for record, an instrument in writing, expressing their assent to the provisions of this act. And nothing in this act shall be construed to exempt the partners from personal

liability for the engagements of the co-partnership, or to prevent the affairs of the co-partnership from being conducted, regulated and managed according to the articles of co-partnership or otherwise, as in other cases of partnership, except as hereinbefore enacted.

Liability of partners and management of their affairs not to be affected.

6. Judgments against the partners for debts or liabilities of the company shall have like effect as liens upon the real estate of the company as if this act had not been passed.

Judgment liens not to be affected.

CHAPTER 114.—AN ACT to enlarge the powers and define the duties of the Kanawha Board and to authorize them to prosecute the improvement of the Kanawha river.

Passed March 3, 1869.

WHEREAS, The Virginia Canal Company has failed to comply with the provisions of its original charter, granted by the state of Virginia, on the twenty-ninth day of March, eighteen hundred and sixty-one, and has also failed to comply with the provisions of an act of the General Assembly of Virginia, passed February third, eighteen hundred and sixty-six, which was intended to re-enact and amend said charter and which last mentioned act was approved by this legislature on the twentieth day of February, eighteen hundred and sixty-six; this legislature by virtue of the power reserved to it by the three before recited acts, doth hereby announce and declare, that by reason of the failure aforesaid, all rights, interest and franchises of the said Virginia Canal Company, within the jurisdiction of this state, have forever ceased and terminated as fully and effectually as if neither of the aforesaid acts had ever been passed; and whereas, the General Assembly of the State of Virginia having, by an act passed March twenty-third, eighteen hundred and sixty, entitled "An Act to amend the charter of the James River and Kanawha Company," declared, "that in case the said James River and Kanawha Company shall not complete the canal to Covington or the western terminus of the Virginia Central Railroad, within six years from the passage of this act, all the property, rights, franchises and privileges of every kind and description of the said company shall be transferred to and become the property of the state," and the said James River and Kanawha Company having accepted the provisions of said act and having failed to complete the canal to Covington or the western terminus of the Virginia Central Railroad, within six years from the twenty-third of March, eighteen hundred and sixty, so much of the property, rights, franchises and privileges of said company as are situated within the limits of this state, became and were vested in the state of West Virginia, by the thirteenth section of the said act of March twenty-third, eighteen hundred and sixty, and by virtue of the act passed on the third day of February, eighteen hundred and sixty-three, by the General Assembly of Virginia, which transfers to the state of West

Preamble.

Forfeiture of rights of Virginia Canal company.

Property and rights of James River and Kanawha company vested in this state.

Virginia all the property, which the state of Virginia owned within the limits of this state. The legislature doth therefore declare and announce that the Kanawha river and all dredge and other boats and property under the control of the Kanawha board are now the property of this state, free from all claims, incumbrances or control of any party, state or corporation whatever. Therefore

Be it enacted by the Legislature of West Virginia :

Appointment of directors for Kanawha board.

1. The board of public works shall annually appoint five directors for the Kanawha Board, with power to sue and be sued, as a body politic and corporate, who shall have control and supervision of the Kanawha River, according to the provisions of the act providing more effectual means for the improvement of the Kanawha river, passed February fifteenth, eighteen hundred and fifty-eight, and an act to amend the charter of the James River and Kanawha Company, passed March twenty-third, eighteen hundred and sixty, so far as the same may be consistent with the provisions of this act. The said board of directors shall hold their offices for one year and until their successors are appointed, and shall have all the powers pertaining to the said board, as fully as if they had been appointed according to the provisions of the said act, passed February fifteenth, eighteen hundred and fifty-eight. The board of public works shall on the fifth day of March in each year or as soon thereafter as practicable, appoint two collectors and one superintendent, who shall hold their offices for the term of one year and until their successors are elected and qualified.

The p ers.

Terms of office.

Appointment of collectors and superintendent.

Board authorized to borrow money, issue bonds, and secure their payment by lien.

2. The Kanawha Board is hereby authorized to borrow not exceeding two hundred thousand dollars for the purpose of improving the navigation of the Great Kanawha river and paying the just debts contracted by said board on account of said river ; and may issue bonds therefor with coupons attached, bearing any rate of interest not exceeding ten per cent per annum and as security for the payment of the same, may execute a lien or liens on the Kanawha river, the improvements thereof, the revenue arising therefrom, and on all the the property now in the possession of or under the control of said board. The said bonds shall be payable at not more than twenty years from their date, but the said board may reserve the right to redeem or pay the same at any time after five years from the date thereof, provided that in no event shall the state of West Virginia be liable for any of the debts or contracts of said Kanawha Board.

Time bonds to run.

State not to be liable for contracts of board.

Plan of improvement.

3. It shall be the duty of the Kanawha Board to prosecute the improvement of the Kanawha river either by contract or by agents of the board upon a plan and specifications to be recommended by a competent engineer and approved by the board, and the said board shall expend in such improvement, the surplus tolls arising from the river, which may not be required to meet the present liabilities of the board, or to pay the interest on the bonds authorized to be issued by this act, and to provide a sinking fund to pay such bonds at maturity.

Expenditure of tolls.

4. The treasurer and collectors of tolls shall severally execute bonds with good security and in an amount to be approved by the Kanawha Board for the faithful discharge of their respective duties and the prompt accounting for and payment of all moneys that may come into their possession. The collectors shall render weekly accounts of the tolls collected by them, and shall pay to the treasurer at the end of each week the money that they may have received during the preceding week.

Bonds of treasurer and collectors.
Accounts of collectors.
5. The officers and agents of the company may be allowed a reasonable compensation for their services, to be fixed by the Kanawha Board, but the collectors of tolls shall be allowed a commission on the amount received and paid over by them, as a compensation for their services, to be fixed by the Kanawha Board.

Compensation of officers.
Commissions of collectors.
6. One of the collectors of tolls shall be stationed at Charleston and the other at Point Pleasant, and their collection districts shall be so arranged as to secure the collection of all the tolls.

Stations of collectors.
7. The Kanawha Board shall make semi-annual reports to the Board, of Public Works of all their transactions and of the amount of money received and the manner of expending the same; which report shall be published in a newspaper at the seat of government.

Reports of board
8. The Kanawha Board may elect one of their number president who shall perform such duties as may be assigned to him by the said Board, for which he shall receive a reasonable compensation to be fixed by said board. Each director shall be entitled to three dollars for each day's attendance on the meetings of the board.

President of board.
His compensation.
Pay of directors.
9. After the improvement of the river and the payment of the debts contracted therefor, the rate of tolls shall be reduced so as to yield only a sum sufficient to pay expenses and keep the works in repair.

Reduction of tolls.
10. The Kanawha Board shall have power and authority to collect tolls at not exceeding the following rates: For commodities transported on steamboats, flat-boats, barges and all other description of water-craft, between Charleston and the mouth of the river, and in the same proportion for transportation for less distance, that is to say, on salt, four mills per bushel; on wheat, beans, peas, dried fruit, flax and other seeds, one cent per bushel; on corn, potatoes, apples and corn meal, four mills per bushel; on bacon, three cents per one hundred pounds; on lard, butter, cheese and tallow, four cents per one hundred pounds; on sugar, four cents per one hundred pounds; on coffee, five cents per one hundred pounds; on cordage, four cents per one hundred pounds; on nails, iron and hemp, three cents per one hundred pounds; on flour, three cents per barrel; on cider, vinegar and pickles, six cents per barrel; on pork, beef and molasses, eight cents per barrel; on linseed, lard and refined coal or petroleum oil, ten cents per barrel; on crude petroleum or coal oil, eight cents per barrel; on whisky, rum, brandy, gin and foreign

Rates of toll.

Rates of toll.

wine, one cent per gallon; on native wine, ten cents per barrel; on ale and beer, five cents per half barrel; and in the same proportion for larger or smaller packages; on salt fish, ten cents per barrel; on manufactured tobacco, five cents per one hundred pounds; on leaf tobacco, three cents per one hundred pounds; on live and slaughtered hogs, five cents each; on dry goods, ten cents per one hundred pounds; on pig iron, twenty cents per ton; on empty barrels, two cents per one hundred; on hoop poles for barrels, three cents per thousand; on hogshead poles, ten cents per thousand; on pipe staves, twenty cents per thousand; on all articles not enumerated, four cents per one hundred pounds; on coal, at the rate of one mill per ton per mile; on steamboats carrying passengers, one half cent per passenger per mile for each passenger carried; on lumber and timber, seventy-five cents per thousand feet, board measure.

Board of Public Works authorized to use name of state in any judicial proceeding against Virginia Canal Company, or James River and Kanawha Company.

11. In the event that the Board of Public Works should elect hereafter to proceed against the Virginia Canal Company or the James River and Kanawha Company by inquisition, inquest or judicial proceeding, more formally to ascertain the termination of their franchises over the Kanawha river, authority is hereby vested in it to institute such proceedings in the name of this state; and full benefit of such procedure shall inure to the state of West Virginia and of the perfecting of its title to the Kanawha river.

Inconsistent acts repealed.

12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 115.—An ACT to provide for the Improvement of the Great Kanawha River.

Passed March 3, 1869.

Preamble.

WHEREAS, The Virginia Canal Company has failed to comply with the provisions of its original charter, granted by the state of Virginia on the twenty-ninth day of March, eighteen hundred and sixty-one; and has also failed to comply with the provisions of an act of the General Assembly of Virginia, passed third of February, eighteen hundred and sixty-six, which was intended to re-enact and amend said charter, and which last mentioned act was approved by this Legislature on the twentieth day of February, eighteen hundred and sixty-six; this Legislature, by virtue of the power reserved to it by the three before recited acts, doth hereby announce and declare, that by reason of the failure aforesaid, all rights, interests and franchises of the said Virginia Canal Company, within the jurisdiction of this state, have forever ceased and terminated as fully and effectually as if neither of the aforesaid acts had ever been passed; and whereas, the General Assembly of the state of Virginia, having by the thirteenth session of an act passed twenty-third March, eighteen hundred and sixty, entitled "An Act to amend the charter of the James River

Forfeiture of rights of Virginia Canal Company.

and Kanawha Company," declared "that in case the said James River and Kanawha Company shall not complete the canal to Covington or the western terminus of the Virginia Central railroad, within six years from the passage of this act," "all the property, rights, franchises and privileges of every kind and description of the said company shall be transferred to and become the property of the state;" and the said James River and Kanawha Company having accepted the provisions of said act, and having failed to complete the canal to Covington or the western terminus of the Virginia Central railroad, within six years from the twenty-third March, eighteen hundred and sixty, so much of the property, rights, franchises and privileges of said company as are situated within the limits of this state, became and were vested in the state of West Virginia, by virtue of the said thirteenth section of the act aforesaid, and by virtue of the act passed third of February, eighteen hundred and sixty-three, by the General Assembly of Virginia, which transfers to the state of West Virginia all the property which the state of Virginia owned within the limits of this state. The Legislature doth therefore declare and announce that the Kanawha river is now the property of this state, free from all claims, incumbrances or control of any party, state or corporation whatever; therefore,

Property of James River and Kanawha Company vested in this state.

Be it enacted by the Legislature of West Virginia:

1. That the Governor of West Virginia, James H. Brown, and Charles W. Smith, of Kanawha county, Daniel H. K. Dix, of Putnam county, and John M. Phelps, of Mason county, are hereby appointed commissioners on the part of the state of West Virginia, whose duty it shall be to offer the benefits of this charter for the acceptance of capitalists, so as to secure the improvement of the navigation of the Great Kanawha river from its mouth to Loup Creek Shoals. To this end, they or a majority of them, are empowered to contract with any person or incorporated company, who shall give the best terms and the most satisfactory assurances of capacity and responsibility, and to introduce into said contract any additional stipulations for the benefit of the state, and in furtherance of the purposes herein declared, and not inconsistent with this act; which said contract shall be to all intents and purposes as much a part of this charter as if the same had been herein included at the time of the passage of this act. The persons upon whom the benefits of this charter may hereafter be conferred, and who may be duly organized as a company, shall thereupon be constituted a corporation, under the name and style of the "Great Kanawha Improvement Company," and shall have all the powers, rights and privileges conferred by the Code of West Virginia, on similar corporations, subject, however, to the restrictions therein contained, so far as the same are applicable to and not inconsistent with the provisions of this act. The certificate of the commissioners of the due execution of the said contract and the organization of the company, shall operate to confer on said company all the benefits of this charter. Provided, that no such contract or transfer of the river and other property of this state shall take effect

Commissioners to offer benefits of this charter to capitalists.

Authority to make contracts.

Incorporation of Great Kanawha Improvement Company.

Its powers.

No contract to take effect until approved by Board of Public Works.

until approved by the Board of Public Works of this state. Provided further, that said commissioners shall not directly or indirectly receive any emolument from or have any interest in any company created by this act, except that they may each receive their necessary expenses incurred in the execution of the duty imposed upon them by this act from said company when organized, and the state shall not be liable for any of the expenses of said commissioners.

Commissioners not to be interested in contract.

Capital stock.

2. The capital stock of said company shall not be less than five hundred thousand dollars, nor more than four million dollars, to be divided into shares of one hundred dollars each. And any railroad, mining, manufacturing, banking or other incorporated company may subscribe to the stock and guarantee the bonds of the "Great Kanawha Improvement Company."

Any corporation may subscribe.

When company organized, Kanawha Board to turn over property to it.

3. When the company shall have been duly organized, it shall be the duty of said commissioners to certify the fact to the Kanawha Board, and thereupon it shall be the duty of the Kanawha Board to turn over to the said "Great Kanawha Improvement Company" the possession, use and control of the Kanawha river, and the property hereinafter mentioned, to be held, used and enjoyed in pursuance of the provisions of this charter.

Company to have all the property and pay all the debts of Kanawha Board.

4. All dredge and other boats in the possession of the Kanawha Board, and pertaining to the improvement of the river, with all other property of every kind thereto pertaining, shall belong to the said company when it takes control and possession of the river, but the said company shall pay off and discharge all the debts and liabilities incurred for the purchase of the same, including mortgage bonds issued by the Kanawha Board, under authority of the Legislature.

Buoys and ring bolts.

5. The company shall place and keep good buoys and ring bolts wherever needed, for the guidance, safety and convenience of navigators.

Receivers of tolls.

6. The company shall have power to appoint receivers of tolls at such points as it may designate.

Collection of tolls.

7. When the company takes control and possession of the river, and shall have expended one hundred thousand dollars in improving the same, it shall have power and authority to collect tolls at the following rates for commodities transported on steamboats, flatboats, barges, and all other description of water craft, between Charleston and the mouth of the river, and in the same proportion for transportation for less distance. That is to say, on salt, four mills per bushel; on wheat, beans, peas, dried fruit, flax, and other seeds, one cent per bushel; on corn, potatoes, apples and corn meal, four mills per bushel; on bacon, three cents per one hundred pounds; on lard, butter, cheese and tallow, four cents per one hundred pounds; on sugar, four cents per one hundred pounds; on coffee, five cents per one hundred pounds; on cordage, four cents per one hundred pounds;

Rates of toll.

on nails, iron and hemp, three cents per one hundred pounds; on flour, three cents per barrel; on cider, vinegar and pickles, six cents per barrel; on pork, beef and molasses, eight cents per barrel; on linseed, lard and refined coal or petroleum oil, ten cents per barrel; on crude petroleum or coal oil, eight cents per barrel; on whiskey, rum, brandy, gin and foreign wine, one cent per gallon; on native wine, ten cents per barrel; on ale and beer, five cents per half barrel, and in same proportion for larger or smaller packages; on salt fish, ten cents per barrel; on manufactured tobacco, five cents per one hundred pounds; on leaf tobacco, three cents per one hundred pounds; on live and slaughtered hogs, five cents each; on dry goods, ten cents per one hundred pounds; on pig iron, twenty cents per ton; on empty barrels, two cents per hundred; on hoop poles for barrels, three cents per one thousand; on hogshead poles, ten cents per one hundred; on pipe staves, twenty cents per one thousand; on lumber, seventy-five cents per one thousand feet, board measure; on all articles not enumerated, four cents per one hundred pounds; on coal, shall be charged tolls at the rate of one and a half mills per ton per mile; and on steamboats carrying passengers, one half cent per passenger per mile, for each passenger carried. And when the company shall have completed any section of ten miles or more of the improvement above Charleston, it may collect additional tolls thereon and in proportion to the rates authorized to be collected below Charleston. And when completed, if the foregoing rates of toll shall not produce a net average annual revenue of fifteen per centum on the amount expended on the river by this company, then the company may increase *pro rata* the said tolls, so as to produce a net average annual revenue of fifteen per centum.

Rates of toll.

Increase of tolls so as to produce annual revenue of 15 per centum.

8. When the company has completed the improvement of the river according to its charter, if at any time it is ascertained that its net annual revenue exceeds an average of fifteen per centum per annum, on the application of any toll-payer, the judge of the circuit court of Kanawha county shall appoint three discreet, disinterested freeholders residing within his circuit, who shall revise equitably the tariff of tolls herein provided, so as to produce, in their judgment, as near as may be, the net average annual income of fifteen per centum on the capital expended by this company. Said commissioners shall make their report to the said judge, who shall on hearing confirm the said report, or re-commit until said tariff is by him approved, which shall then be the tariff by which tolls shall be collected.

Reduction of rates of toll when revenue exceed 15 per centum

9. The navigation improvements and property of the company shall be exempt from taxation until the net income arising therefrom shall be six per centum per annum.

Property exempt from taxation until income is 6 per centum.

10. Manifests (under oath, if required) of the cargoes of all boats navigating the Kanawha river, shall be filed with the receiver of tolls, designating the names of the cargoes, of their owners, and the masters of the boats or other vessels in which said cargoes shall be

Manifests to be filed with receiver of tolls.

Receivers may
seize vessels fall-
ing to pay toll

and sell cargoes
for tolls.

Attachments for
tolls due and un-
paid.

Receiver may
board vessels
and demand
tolls.

Penalty for ves-
sels refusing to
come to.

Penalty for
shipping article
without enter-
ing it with re-
ceiver.

Receiver may
prosecute for
penalties.

shipped, and of the boats and vessels, together with those of the shippers or other agents having the control or direction of the said cargoes, and the legal tolls shall be demanded and paid to the collector of tolls accordingly; in all cases of failure to comply with the regulations hereby established and to pay the tolls aforesaid, it shall be the duty of the said receiver to seize and hold the boat, or other vessel concerned in the neglect and evasion thereof, until the law is fully complied with; and if that be not done within the space of ten days from the time of such seizure, it shall be lawful for the receiver of tolls, after giving five days' previous notice of his intention, by advertisement at the door of the court house of Kanawha county, to sell at public auction for ready money, so much of the said cargoes of said boat or vessel as will be sufficient to pay the tolls due, with the addition of fifty per cent thereon, and the necessary expenses incurred by the said receiver in seizing, securing and taking care of the said vessel and cargo. And the said boat or vessel, with the remaining cargo, and any balance of money which may remain from the sale aforesaid, shall then be returned to the lawful owners or proprietors thereof, or to their agents. The said company, their receivers or agents, may sue out an attachment before any justice, against boats and cargoes upon the Kanawha river, for tolls due and unpaid by the said boats, their owners, masters or shippers, which attachment shall be prosecuted as in other cases of attachment for debt.

11. The receiver of tolls shall be authorized to board and enter all boats or other vessels in the said river, whether in the stream or at anchor, or at the landings on either shore of the Kanawha river, and to demand and receive the legal tolls on all the commodities contained in said boats or vessels, whether fully or in part loaded, and in case of failure to pay the said tolls when thus demanded, the boats and vessels, and the cargoes thereof, shall be liable to seizure, sale and disposition in all respects, as prescribed in the foregoing section. And all and every person or persons on board of any boat or other vessel, in the said river, and having control of the same, refusing or neglecting to come to when required by the receiver to do so, shall forfeit and pay twenty dollars to the use of said company, to be recovered before any justice of the peace; and all persons resisting the said receiver in the execution of any powers given to him by law, shall be deemed guilty of a misdemeanor and be prosecuted accordingly.

12. All persons, whether principals or agents, who shall ship off, or authorize to be shipped off, any article subject to the payment of toll, without having first entered the same with the receiver of tolls, as herein prescribed, and having paid the tolls due thereon, shall forfeit and pay three times the amount of the tolls on the articles so shipped off, to be recovered for the use of said company before any justice.

13. The receivers of tolls are hereby authorized to prosecute in the name of the company, in the usual form, for any penalties, forfeitures or punishments authorized and sanctioned by this act.

14. The company may proceed to condemn any lands which will be overflowed by reason of its improvements, and as many as five acres in any one place for erecting thereon locks, abutments, toll houses and other buildings necessary for navigation purposes, and may proceed to take from the adjacent lands any rock or earth necessary for its improvement. But before overflowing lands, or taking lands and materials, the said company shall proceed to ascertain the value of the lands to be overflowed, and of the lands and of the materials to be taken, in the method provided in the Code of West Virginia, so far as the same is applicable to the circumstances, *mutatis mutandis*.

Condemnation of lands and materials.

15. The company is required to commence *bona fide* the improvement of the Kanawha river, within six months from the time it takes possession thereof, and to complete the improvement within five years thereafter. The upper part of the river, from Loup Creek Shoals down to such point as may be deemed necessary by the company, shall be improved by locks and dams. The residue of the river shall be improved upon such plan as may be recommended by engineers and adopted by the company. And if the plan of sluices should be adopted for any part of the river, the channel shall be constructed of a proper width, grade and depth, to be recommended by engineers and approved by the company and the said commissioners. And all the water flowing in the river shall be confined, as far as practicable, in the channels until they are full. The company shall expend not less than one million dollars in improving the navigation of the river, within five years from the time it takes possession thereof, and shall expend not less than two hundred thousand dollars during the first year thereof. In the event of failure to expend the specified amount, or to complete the improvements within the time required by the charter, the rights and franchises of the company shall cease and terminate.

Improvement to be commenced within 6 months and completed within 5 years.

Upper part of river to be improved by locks and dams.

What amount of money to be expended in improvement.

16. The company may borrow money, and may issue bonds with coupons attached, bearing any rate of interest not exceeding eight per centum per annum, and may sell said bonds at a discount, and as security for the payment of the same, may execute a mortgage or deed of trust upon its corporate franchises and all its property, real, personal and mixed.

Company may borrow money, issue bonds and secure their payment by lien.

17. The company is hereby authorized and empowered, if it shall so elect, to continue its water line up the Kanawha valley to New river, and thence up New river to the State line, in the county of Mercer, and also up Greenbrier river to Howard's creek, either by canal, sluices, locks and dams, or all or any combined. Should it elect to extend such improvement, it is hereby authorized to increase its capital stock not exceeding ten millions of dollars additional, and to borrow money as before provided.

Construction of water line.

Increase of capital stock.

18. In the event that the said company should elect hereafter, to proceed against the Virginia Canal Company or the James River and

Company may proceed against Virginia Canal Company, or James River and Kanawha Company, in the name of the state.

Kanawha Company by inquisition, inquest or other judicial proceeding, more formally to ascertain the termination of their franchises over the Kanawha river, authority is hereby vested in it to institute such proceedings in the name of the state. And full benefit of such procedure shall inure to the said company, and of the perfecting of its title to the Kanawha river, at its own expense.

Company may become part of through water line company

19. If, hereafter by authority of the Legislature of Virginia and of West Virginia, any company shall be duly organized to construct a water-line from the Ohio river to the waters of Chesapeake bay, that the company herein authorized may, with its consent, become a part of such enlarged organization, or may sell its works and franchises to such organization, upon such terms as may be agreed on. In no event, however, shall it prevent the establishment of such water-line; provided such through water-line company shall pay this company the fair cash value of the improvements made and money expended on the river under this charter and the future amendments thereof, which value shall be ascertained by arbitrators, and in estimating the value thereof, no compensation shall be allowed for the franchises of the river or this charter, as the state hereby transfers said franchises to the Great Kanawha Improvement company without compensation.

or sell its property to such company.

Acquisition of land.

20. The company is hereby authorized and empowered to acquire land by purchase, in payment of stock, or otherwise, and to lease, sell and dispose of the same at its pleasure.

Contract of commissioners with any incorporated company.

21. Should the commissioners contract with any incorporated company to improve the navigation of the Great Kanawha river, such company shall have all the rights, interests, privileges and franchises which by this act would be conferred upon the "Great Kanawha Improvement Company," if organized.

How vacancies among commissioners filled.

22. The governor is authorized to fill any vacancy that may occur in the board of commissioners.

When inconsistent acts repealed.

23. When the Great Kanawha Improvement Company takes possession of the river in pursuance of this act, then all acts or parts of acts inconsistent with the provisions of this charter are repealed.

Continuation of charter.

24. This charter shall remain and be in full force one hundred years from its date. But the right is hereby reserved to the Legislature to alter or amend this act at its pleasure. And if the commissioners fail to make a contract and the work be not commenced according to the provisions of this charter within two years from passage of this act, then, and in that event, this act shall terminate.

Act amendable.

In what event act to terminate.

CHAPTER 116.—An ACT incorporating the town of Mason, in the county of Mason.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

The charter of the town of Mason, in the county of Mason, is hereby amended and re-enacted so as to read as follows :

"1. The corporate limits and boundaries of the said town of Mason shall be as follows: Beginning on the Ohio river on the line now dividing the land originally owned by R. C. M. Lovell and Lewis Anderson; thence back from the river with the said line to the river hills; thence up and along the foot of said hills to the line now dividing the land originally owned by the said R. C. M. Lovell, and the land owned by the Mason City Coal and Salt Company; thence with said line to the Ohio river; thence with the course of said river, at low water mark, to the place of beginning, and shall be a body corporate by the name of the town of Mason and in all respects be subject to the provisions of chapter forty-seven of the Code of West Virginia, entitled "Of towns and villages."

Corporate limits.

Subject to provisions of Code.

CHAPTER 117.—An ACT legalizing the election of township officers of Summerville and Wilderness townships, in Nicholas county.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

1. The persons having received a majority of the legal votes cast for township officers, October twenty-second, eighteen hundred and sixty-eight, of Summerville and Wilderness townships, in Nicholas county, are hereby declared duly elected to their respective offices.

Persons having received majority of legal votes declared elected.

2. The time now fixed by law for said township officers to qualify and file their official bonds is hereby extended to, and inclusive of May first, eighteen hundred and sixty-nine.

Time for qualification extended.

CHAPTER 118.—An ACT to incorporate the Kabletown and Bloomery Turnpike Company.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books and receive subscriptions to be divided into shares of fifty dollars each, to constitute a joint capital stock for constructing a turnpike road from Myerstown, in Jefferson county, to some point on the Smithfield and Harper's Ferry turnpike, at or near William Shafer's, with a branch extending from Bloomery Mills to a point at or near Charlestown, and with the privilege of extending the Myerstown terminus south as far as the Clarke line,

Subscription books.

Route of road.

- either upon the beds or tracks of the existing public roads upon the route indicated, or by such other routes as the corporation herein provided for may determine. The books may be opened under the direction of George T. Kearsley, John S. Locke, Roger P. Shew, George H. Turner, George W. Eichelberger, Logan Osborne and Henry Castleman, at such place or places, and at such times, as a majority of the above named commissioners may appoint, ten days notice thereof being previously given.
- Commissioners.**
2. Whenever ten thousand dollars of the capital stock shall be subscribed, the subscribers and their personal representatives, and those claiming under them, shall be incorporated into a company by the name of the "Kabletown and Bloomery Turnpike Company," which shall be a body corporate, governed in all respects by and endowed with all the rights and privileges conferred by the existing laws of this state in reference to such corporations, except as excepted or modified by this act.
- Incorporation.**
- Powers of company.**
3. The grading and constructing of the road shall be under the control of the company, provided that it shall be macadamized with a road bed of at least fifteen feet in width, and its grade shall not be over five degrees, and the whole road shall be thirty-two feet in width.
- Grading and construction of road.**
4. Whenever the main road is completed from Myerstown to the intersection of the Bloomery and Charlestown branch, a toll-gate may be opened on said section at some convenient point, which shall take the same toll now allowed to be taken on five miles; and when the entire main road is finished there may be two toll gates on the same, which may each take such toll as is now by law allowed to be charged on five miles; and when the Bloomery and Charlestown branch is finished there may be one toll gate thereon which may take such toll as is now by law allowed to be charged on five miles.
- Toll gates and rates of toll.**
5. No officer, or stockholder of the road, or other person except the president in person, shall be allowed to pass free of toll.
- Who to pass free of toll.**
6. The board of supervisors of the county may subscribe not exceeding twenty thousand dollars of said capital stock, and levy the same on the taxable property of said county in such levies as the board may deem expedient, and the county shall be a stockholder to the extent of its stock subscribed, and the board of supervisors shall appoint one or more persons to cast the vote of the county, in any meeting of the stockholders, and the number of such votes shall be in proportion to the number of shares of stock held by the county at the time of such meeting.
- Subscription by Jefferson county.**
7. And whereas the legislature by an act entitled "An act—
—————, passed the ——— day .of
—————, eighteen hundred and sixty-eight, gave authority to the board of supervisors of Jefferson to issue the bonds of the county to the amount of fifty thousand dollars for the purpose of constructing a
- Supervisors authorized to apply part of proceeds of county bonds to company.**

turnpike from Shepherdstown to Halltown, the said board are hereby authorized to appropriate a portion of the proceeds arising from the sale of said bonds, or any part thereof to the capital stock of the company contemplated by this act, to be invested in shares of the same to be held as provided for in the preceding section.

Supervisors authorized to apply part of proceeds of county bonds to company.

8. The tolls received upon the road may be disposed of as the stockholders may lawfully decide.

How tolls disposed of.

CHAPTER 119.—An ACT to refund taxes collected from soldiers for bounty purposes.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

All taxes heretofore collected from any person who volunteered into the service of the United States, prior to the first day of January, eighteen hundred and sixty-three, and who has been honorably discharged therefrom, or from the heirs or widow of such soldier, for bounty purposes, during the year eighteen hundred and sixty-eight, shall be refunded upon application to the board of supervisors of the county wherein the taxes were paid; provided that this act shall not apply to any person who held the rank of quartermaster or provost marshal; and further provided, that this act shall only include such other officers as were promoted from the ranks.

Bounty taxes of 1868 to be repaid except to quartermasters, provost marshals and officers not promoted from ranks.

CHAPTER 120.—An ACT to repeal chapter 1 of the acts of 1867.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Chapter one of the acts of eighteen hundred and sixty-seven is hereby repealed.

County seat of Calhoun.

CHAPTER 121.—An ACT to prevent the destruction of fish in Big Fishing Creek in Wetzel county.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

1. It shall be unlawful for any person to catch any fish in Big Fishing Creek in Wetzel county from its mouth to the Big Falls of said creek at John W. Morgan's mill, or in the Ohio river at or near the mouth of said creek, with any seine, drag or set net, from the first day of March to the first day of May in any year.

Unlawful to catch fish in net between March 1 and May 1.

2. Any person violating this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined fifty dollars.

Penalty for violation of act.

Church Property—John F. Kirby—John C. Way. [CH. 126.]**CHAPTER 122.—An ACT** authorizing certain trustees to sell certain church property in Marion county.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Sale authorized.

The trustees of the Methodist Protestant Church in the town of Palatine and the trustees of the Methodist Protestant church of the town of Winfield, in the county of Marion, are hereby authorized to sell and convey their church and parsonage property in each of said towns.

CHAPTER 123.—An ACT for the relief of John F. Kirby.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Authority to collect certain bonds.

Sale legalized.

That John F. Kirby, of the county of Pocahontas is hereby authorized to collect for his own use and benefit, the total amount of bonds given to Isaac McNeal (sheriff) as administrator of Edward Kirby, deceased, for property sold by him, the sale of said property being hereby legalized.

CHAPTER 124.—An ACT for the relief of John C. Way, Sheriff of Tyler county.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Auditor may allow Way 12 months to pay state revenue of 1865, if securities consent.

The auditor is hereby authorized to allow John C. Way, Sheriff of Tyler county, twelve months from the passage of this act in which to pay into the treasury the balance of the state revenue of Tyler county for the year eighteen hundred and sixty-eight; provided, that such extension of time shall not be allowed by the auditor until the said Way has filed with him the assent in writing thereto of all the securities of said Way as such sheriff for the year eighteen hundred and sixty-eight.

CHAPTER 125.—An ACT to explain and amend the law relative to the sale of real estate, for the non-payment of taxes, forfeiture for non-payment and non-assessment of taxes, and transfer of title vested in the state.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Chapter 31 of code of West Virginia amended.

Chapter thirty-one of the act to establish a code of laws for this state, passed in the year eighteen hundred and sixty-eight, is amended and explained, and section thirty-four thereof re-enacted, except so far as it is hereby repealed, so that what follows shall be a part of the law on the subject of the said chapter.

1. Real estate sold in the year eighteen hundred and sixty-seven, for the non-payment of taxes thereon, may be redeemed at any time within two years from the sale. If such real estate be not so redeemed, deeds may be obtained therefor in the same manner and with the like effect as if the said chapter had been in force when the sale was made, and the proceedings had been made according to its provisions.

Real estate sold for taxes may be redeemed within two years.

Deeds for real estate not redeemed.

2. When the owner of real estate sold for the non-payment of taxes thereon, or any other person having the right to redeem the same, shall pay the amounts mentioned in section fifteen of the said chapter, he shall furnish to the person to whom he shall make the payment, the proper revenue stamps for the purpose; and the purchaser, his heirs or assigns, to whom such payment is made, shall sign and give to the owner, or other person redeeming, duplicate receipts, showing when and by whom the payment is made and the amount paid, or duplicate certificates or statements that the former owner, or other person having such right, redeemed the real estate. If such purchaser or other person, to whom such amounts are actually paid and stamps furnished, shall refuse, or on request fail to sign and give such receipts, he shall pay to the person making such payment, twice the amount thereof, which may be recovered as any other debt, and such owner or any other person having the right to redeem such real estate may do so, as if the purchaser, his heirs or assigns, had refused to receive the amount so paid to him or them.

Owner making payment to purchaser to furnish revenue stamps.

Purchaser to give duplicate receipts

or on failure to do so to pay twice the amount.

3. Within sixty days after such redemption, one of the said writings shall be lodged in the office of the recorder of the county in which the sale was made, and he shall endorse the fact and time thereof on both of such duplicate writings, and file the one so lodged in the said office. If such receipt, certificate or statement be not within such time lodged in such office to be filed, such redemption shall be void as to creditors and subsequent assignees of the benefit of the purchaser or purchasers of the real estate so sold, for a valuable consideration without notice. But if such writing be not so lodged in such office within such time, such redemption shall not prevent a future redemption within the time prescribed by law. If a deed has been made to the purchaser, his heirs or assigns, who reconvey by deed, properly recorded, no such receipt need be signed, given or lodged in such office, and no such redemption shall be void as to any person, because such writing is not so lodged.

One of the duplicate writings to be lodged in office of recorder.

If not so lodged redemption to be void as to certain persons, but future redemption not prevented.

If purchaser reconvey by deed, no receipt necessary.

4. The recorder of every county shall, in the month of June, in each year in which real estate is required to be sold for the non-payment of taxes thereon, make a list of all such real estate redeemed, not before included in a similar list, showing what appears by such receipts, certificates or statements. If the taxes on any real estate sold for the non-payment of taxes thereon and redeemed, charged to the owner thereof for the year in which the sale was made, be not paid, such real estate shall be included in the lists of real estate

Recorder to make list of real estate redeemed.

If taxes for year in which sale was made be not paid, real estate to be included in list delivered to sheriff and to be sold.

which the auditor shall cause to be delivered to the sheriff of the proper county, and may be sold for the taxes previous to that in which it was sold as aforesaid, or that year, as if such sale and redemption had not been made.

Deed to be obtained within five years from sale or two years after the passage of this act.

6. No deed for real estate sold for the non-payment of taxes thereon shall be obtained from a recorder or made by a commissioner after the expiration of five years from the sale; except that when the sale was made heretofore, nothing herein shall prevent any person from obtaining any deed within two years after the passage of the act aforesaid.

When real estate sold for taxes charged to person not entitled and also sold for taxes charged to person having the title, or when person entitled was not charged with or did not pay the taxes, but shall do so within one year, chapter 31 of code not to make first mentioned sale effectual against the other title or impair rights of purchaser of latter.

6. When any person was charged with taxes for any year or years on real estate to which he had not the title, and the same or a part thereof was heretofore sold for taxes; and another person who had the title, legal or equitable, was charged with the taxes for the same, or any subsequent year or years, on such real estate or any part thereof, and the same or any part thereof was sold for such taxes; or any person by whom such real estate was owned or claimed, was not charged with the taxes, for such year or years, as first in this section mentioned, or did not actually pay the same before the sale, but he or his heirs or assigns has heretofore or shall hereafter, within one year after the passage of the said act, properly pay such taxes charged or chargeable on such real estate, owned or claimed by him or them, or any part thereof; nothing in the said chapter shall directly or indirectly make such sale as in this section first mentioned, or any deed made pursuant thereto, effectual against the title or claim under such other sale or such other title or claim, as in this section before mentioned, or impair or limit the right or remedy of any purchaser or claimant thereunder. When any real estate was before the creation of this state sold for the non-payment of taxes thereon and purchased on behalf of the commonwealth of Virginia, but for any reason the sale was not valid or the title did not vest in the commonwealth or afterwards heretofore in this state, nothing in the said chapter shall make the said sale or purchase valid against any title or claim of any individual, or limit his right or remedy as to such real estate or any part thereof.

If real estate was bought by Virginia at a sale not valid said chapter not to make sale valid.

Owner of real estate to have the same assessed and charged with taxes not charged since 1832.

7. It shall be the duty of any person owning any real estate to cause the same to be entered on the land books of the proper assessor and charged with the state taxes thereon not charged to the owner, for the year eighteen hundred and thirty-two, or any year thereafter, heretofore or hereafter, not released, paid or in any manner discharged, which were and shall remain properly chargeable thereon. When any person owning real estate has not, or shall not have for five successive years, been charged on such books with such taxes on such real estate, the same, and all the title, right and interest of the owner, legal and equitable thereto, shall without any proceeding be absolutely forfeited to and vested in this state. Provided, however, that such owner may, within one year after the passage of the said act, cause such

Estate not charged for five successive years to be forfeited.

real estate to be charged with such taxes, chargeable for any such years heretofore, and thereby prevent a forfeiture for the failure so to charge the taxes for such years. And when real estate owned by co-tenants, or heirs or devisees, or held by one person in trust for another, has been or shall be charged with any such taxes thereon in the name of one of such co-tenants, or the ancestor or deviser of such heir or devisee, or such trustee or *cestui que trust*, if such taxes heretofore so charged thereon, have been paid otherwise than by a sale of the real estate so charged therefor, or within one year after the passage of the said act shall be paid, the failure of any such co-tenant, heirs, devisees, trustee, or *cestui que trust*, to enter or cause the same to be entered on such books and charged with such taxes thereon otherwise, shall not cause or tend to occasion a forfeiture of his or her title, right or interest in such real estate under this section; but if such real estate was heretofore sold for taxes charged as aforesaid, and not redeemed, unless the amount thereof with interest be paid to the purchaser at the sale, within one year after the passage of the said act, any such title, right or interest which shall not have vested in such purchaser, his heirs or assigns, who shall have obtained a deed for such real estate and had it recorded in the proper county, shall be forfeited to the state and transferred to such purchaser, his heirs or assigns. And when any real estate has not been charged on the land books of the proper commissioners of the revenue or assessors for any years, and such owner has been or shall be thereafter charged with taxes thereon for any year, and the same or any part thereof has been or shall be sold therefor, unless it shall be redeemed from the purchaser, his heirs or assigns, the failure to charge the owner with taxes for any years previous to that in which such sale was or shall have been made, shall not cause or tend to occasion a forfeiture of the real estate.

Forfeiture prevented if taxes charged within one year.

or, where land is held by co-tenants, heirs, devisees, or trustees if taxes paid within one year;

unless real estate was sold and not redeemed.

As to forfeiture for non-assessment of lands since sold, and not redeemed.

8. A record of all real estate so forfeited, which shall come to the knowledge of the auditor, shall be kept in his office, in which shall be shown the name of some former owner or supposed owner, the quantity or supposed quantity, and local or other description of the real estate, for what years the owner was not charged with the taxes, and when the real estate became forfeited. Such record shall be *prima facie* evidence that the owner was not for such years charged with the taxes on such real estate, and that he did not cause it to be entered and charged with such taxes as aforesaid, and that the real estate was forfeited and vested in the state at the time specified. In order to enable the auditor to make such record, it shall be the duty of the assessor of each county or district in which such real estate ought to have been entered and charged with taxes as aforesaid, upon discovering any such failure, to inform the auditor of all the facts in relation thereto.

Record to be kept by auditor.

Record made evidence.

Assessor to furnish information to auditor.

9. All the estate, title, right and interest which has vested or shall vest in this state or become irredeemable under the said chapter or shall be forfeited under this act, shall be hereby transferred to and

Forfeited real estate transferred to persons claiming under state grants who have paid certain taxes.

vested in any person (other than those for whose default the same may have been returned delinquent or forfeited, their heirs or devisees) for so much thereof as such person may have title or claim to, regularly derived, mediately or immediately, from or under any grant from the commonwealth of Virginia, or this state, who, together with those, if any, through or under whom he claims, shall have paid or shall pay all the state taxes charged thereon against him or them from the date of such grant, and all the state taxes which, if such title or claim had been valid, ought to have been charged thereon against him or them, from the date of such grant, or for the year eighteen hundred and sixty-three, and subsequent years before this year, and all such state and county taxes for this year; and when such real estate shall not become irredeemable or forfeited this year, then such taxes for any subsequent year or years, till it become redeemable and the payment be made. Such payment may be made at any time before the real estate is sold for the benefit of the school fund. When more than one person shall have such title or claim and shall have paid such taxes, such estate, title, right or interest, shall vest in him whose title or claim, but for another, would be the valid title. When it shall have so vested in one person, it shall not afterwards be divested by such payment of taxes by another person. All the real estate forfeited as aforesaid, and not so transferred and vested, shall be sold for the benefit of the school fund.

Part of section 30, chapter 31, repealed.

10. So much of section thirty of the said chapter as is not reenacted in this act is hereby repealed.

Land owner may have part of tract assessed,

11. Any person owning or claiming any tract of land may have any part thereof entered on the books of the proper assessor and assessed with taxes thereon, and pay the same, as he might do as to the whole tract; specifying the part of the said land so entered and assessed or on which the taxes are so paid, by reference to a deed or paper, or otherwise, so that it may be conveniently ascertained. Any such assessment or payment, as to such part of any land, shall have the like effect as to the same as if it had applied to the whole tract. But such entry, assessment or payment shall not preclude the assessor from entering or assessing the residue of such taxes, if it be proper, or charging the owner thereof with taxes thereon, or prevent a sale or forfeiture of such residue for the failure to cause the same to be charged with taxes.

but such assessment not to prevent assessment of taxes on residue, or sale or forfeiture thereof.

Record of real estate heretofore delinquent for taxes to be kept by auditor.

12. Of real estate heretofore delinquent for the non-payment of taxes, as well as that hereafter returned for such cause, a record shall be kept by the auditor in his office; and any person may pay into the treasury the taxes thereon, with interest, as provided by section twenty-one of chapter thirty of the said act "to establish a code of laws for this state," and obtain from the auditor a certificate of such payment, as provided in section three of the said chapter thirty-one. Any taxes on any real estate for any former years, or this the year eighteen hundred and sixty-nine, with any interest, charged to the

Payment of taxes thereon by any person and auditor's certificate thereof.

owner or claimant of the real estate on the land books of the proper assessor for this year, may, before it is returned delinquent for such taxes, be paid into the treasury, and a certificate obtained from the auditor as aforesaid; and the sheriff shall have credit for the amount of such taxes; and upon evidence of such payment, he shall not return the real estate delinquent for the non-payment thereof.

Taxes on real estate may be paid auditor, before it is returned delinquent.

13. When real estate has been or shall be entered on the land books of the commissioners of the revenue or assessor of any county or district for any year and thereon charged with taxes, and does not appear in the list of lands and lots or real estate in such county delinquent for the non-payment of taxes thereon, for such year, upon proper evidence thereof, in the absence of rebutting evidence, it shall be presumed that such tax was paid before the time when such list was required to be made.

Presumption as to time when tax paid.

14. This act shall take effect and be in force from and after the first day of April next.

When act to take effect.

CHAPTER 126.—An ACT appropriating the public revenue for the fiscal year 1869.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia:

1. All payments made by the treasurer of this state, in excess of appropriations authorized by law, and all payments made since the thirtieth day of September, eighteen hundred and sixty-eight, by virtue of appropriations made by the act passed March fifth, eighteen hundred and sixty-eight, entitled "An Act appropriating the public revenue for the fiscal year eighteen hundred and sixty-eight," or under the provisions or by virtue of any general or special law, requiring such payments, if made upon warrants legally issued by the auditor, are hereby legalized. And all money remaining in the treasury, on the first day of October, eighteen hundred and sixty-eight, or that may have since been thereinto paid, the surplus of all appropriations made prior to the nineteenth day of January, eighteen hundred and sixty-nine, and all money that may come into the treasury before the first day of October, eighteen hundred and sixty-nine, subject to appropriation for state purposes, shall constitute a general fund, and be appropriated as follows:

Certain payments legalized.

General fund. Appropriations.

For the expenses of the legislature of eighteen hundred and sixty-nine, twenty-five thousand dollars.

Legislature.

For rent of Lindsley Institute, including repairs and furniture, one thousand one hundred dollars.

Rent of Lindsley Institute.

For salaries of the judges of the supreme court of appeals and of the circuit courts, thirty-one thousand dollars; for salary of the clerk of the supreme court of appeals, one thousand dollars; and for salary of the reporter of the supreme court of appeals, one thousand dollars.

Salaries of judges, clerk and reporter.

- Contingent ex-
penses of courts.** For contingent expenses of courts, three thousand five hundred dollars.
- Criminal charges.** For criminal charges, the arrest, conveyance and support of criminals in jail, conveying them to the penitentiary, and pay of witnesses and jurors, twenty-five thousand dollars.
- Support of con-
victs.** For support of convicts in the penitentiary, including clothing, sixteen thousand dollars.
- Hospital for the
insane.** For current expenses of West Virginia hospital for the insane, twenty-five thousand dollars.
- Guards of peni-
tentiary.
Expenses of
lunatics.** For guards and expenses of penitentiary, ten thousand dollars.
For expenses of lunatics confined in jails and elsewhere than in the hospital, six thousand dollars.
- Salaries of exe-
cutive officers.** For salary of the governor, two thousand dollars; auditor, one thousand five hundred dollars; secretary of the state, one thousand three hundred dollars; treasurer, one thousand four hundred dollars; adjutant general, one thousand five hundred dollars; attorney general, one thousand dollars.
- Salaries of clerks** For salary of first clerk in auditor's office, one thousand two hundred dollars; for salary of second clerk in auditor's office, one thousand dollars; for salary of third clerk in auditor's office, eight hundred dollars; for salary of clerk in adjutant general's office, seven hundred dollars; for salary of clerk in secretary of state's office, one thousand dollars; for salary of clerk in the treasurer's office, four hundred dollars; for clerk of the house of delegates as keeper of the rolls, three hundred dollars; for salary of vaccine agent, one hundred and fifty dollars; for salary of state superintendent of free schools, one thousand five hundred dollars; for janitor and guard for executive offices, one thousand dollars; for salary of superintendent of weights and measures, commencing April first, eighteen hundred and sixty-nine, one hundred and fifty dollars.
- Rent of execu-
tive mans'n.
Contingent ex-
penses of execu-
tive offices.** For rent of executive mansion, seven hundred and fifty dollars.
For civil contingent fund, six thousand dollars; for contingent expenses of auditor's office, including books, stationery, printing, postage and fuel, one thousand six hundred dollars; for contingent expenses of adjutant general's office, three hundred dollars; for contingent expenses of the office of secretary of the state, six hundred dollars; for contingent expenses of treasurer's office, two hundred dollars.
- Public printing.** For public printing, including the Code of West Virginia, sixteen thousand dollars; for balance due for printing second volume of the report of the supreme court of appeals, one hundred and fifteen dollars.
- Regents of nor-
mal school.** For salary of the clerk of the board of regents of normal school, two hundred and fifty dollars; for expenses of board of regents of normal school, two hundred dollars.
- Registration of
births, marriages
and deaths.** For expenses of registration of births, marriages and deaths, six hundred dollars.

For refunding capitation tax under act of February fourteenth, eighteen hundred and sixty-five, two thousand five hundred dollars.	Refunding capitation tax.
For refunding over-paid taxes, and pay of sheriffs' commissions six thousand dollars.	Refunding over-paid taxes.
For refunding taxes erroneously assessed, five hundred dollars.	Refunding erroneous taxes.
For care and education of deaf, dumb and blind at Staunton, one thousand nine hundred and twenty-five dollars.	Deaf, dumb and blind at Staunton.
For balance due Western Lunatic Asylum at Staunton, Virginia, for support of lunatics from West Virginia, two thousand and eighty-six dollars and forty-five cents.	Balance due Western Asylum Va.
For expenses of registering voters, six thousand five hundred dollars.	Registering voters.
For serving notices, printing, and defending suits, under registration act, six hundred dollars.	Defending suits under registration act.
For insurance on state library, one hundred and fifty dollars,	Insurance on library.
For current expenses of West Virginia University, one thousand dollars.	West Virginia University.
For building purposes of West Virginia University, seven thousand five hundred dollars, and if there is sufficient money in the treasury after providing for other appropriations, an additional sum of seven thousand five hundred dollars.	Building purposes of West Virginia University.
For rent and contingent expenses of attorney general's office, three hundred dollars.	Attorney general's office.
For state librarian, three hundred dollars.	State librarian.
For West Virginia hospital for the insane, ten thousand dollars, to be expended under the direction of the superintendent and board of directors.	Hospital for the insane.
For the payment of teachers at the Fairmont branch of the state normal school, two thousand dollars.	Teachers at Fairmont Normal school.
For the payment of teachers at Marshall college, two thousand five hundred dollars.	Teachers at Marshall college.
For construction of penitentiary, ten thousand dollars, and if there is sufficient money in the treasury, after providing for other appropriations, an additional sum of fifteen thousand dollars.	Construction of penitentiary.
For the construction of the West Virginia hospital for the insane, forty thousand dollars, provided that this appropriation shall not be paid unless there is sufficient money in the treasury to provide for all the foregoing appropriations.	Construction of hospital for insane.
No money appropriated as above, shall be drawn from the treasury, except as the same may be actually required for immediate use.	No money to be drawn until actually required.

CHAPTER 127.—An ACT for the relief of Samuel J. Hiner, of Upshur county.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

\$75 appropriated 1. The sum of seventy-five dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to the payment of a claim due Samuel J. Hiner, of Upshur county, for repairs done on the Staunton and Parkersburg Turnpike, in said county, in the year eighteen hundred and sixty-six.

Auditor to draw warrant therefor.

2. The auditor is hereby authorized to draw his warrant on the treasury for said amount, and pay the same to said Samuel J. Hiner.

CHAPTER 128.—An ACT to incorporate the Citizens' Railway company of the city of Parkersburg.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Commissioners to open books.

1. That John A. Hutchinson, Bennett Cook, K. B. Stephenson and O. G. Scofield, or a majority of them, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the capital stock of the company hereby incorporated, by the name and style of the "Citizens' Railway Company," with power to lay out and construct a railway of single track, and the necessary sidings and switches, which may commence at any point at the corner of Kanawha and Ann streets, in the city of Parkersburg, and may run through and along said Ann street, and through and along upon any of the streets of the said city; and any extensions or changes of said streets; and through, along and upon any streets hereafter opened, established and extended in said city; and through along and upon the North Western Turnpike to the Catholic cemetery on said turnpike; and through, upon and along the Williamstown road, leading from the city of Parkersburg to the lower side line of the land of John B. Johnson. But the consent of the authorities of said city, shall be first obtained for the right of way over and along said streets and extensions thereof.

Construction of railway

with consent of city authorities.

Capital stock.

2. The capital stock of the said company shall consist of not less than ten thousand dollars, nor more than two hundred thousand dollars, which shall be divided into shares of fifty dollars each.

Meeting of stockholders.

3. That as soon as two thousand dollars of said capital stock is *bona fide* subscribed, the said commissioners or a majority of them, may call a meeting of said stockholders, after giving ten days notice of the time and place thereof, by publication in one or more newspapers published in the city of Parkersburg, and if a majority of the stockholders are not represented on the day, in person or by proxy,

the meeting shall stand adjourned from day to day, until a majority of said stockholders at said meeting shall proceed to organize said corporation; and shall choose by a majority of the votes represented at said meeting, by ballot, five directors, all of whom shall serve until the time fixed by the by-laws for the next annual meeting of the stockholders, or until their successors are regularly and lawfully chosen; that every member of said company shall be entitled to vote for each share of stock held by him or her; and that the directors of said company may, at any time, increase the capital stock to the maximum limit of two hundred thousand dollars; and the city of Parkersburg is authorized to subscribe to said capital stock to a sum not exceeding two thousand dollars.

Meeting of stockholders.

Election of directors.

Vote on stock.

Increase of capital stock.

Subscription by city.

4. That as soon as said directors shall be elected, the said stockholders shall become known as a body corporate, in deed and in law, by the name and title of "Citizens' Railway Company," and by that name shall have perpetual succession, and power to have a corporate seal, and to alter the same, or modify and renew it at pleasure; and to ordain, establish and enforce such by-laws, ordinances, rules and regulations as may appear necessary and convenient for the purposes of said company, not being contrary to the constitution of the United States, nor of this State; and shall have power to take and hold their capital stock and the increase of profits, and to purchase, take, receive and hold all such real estate and personal property as may be necessary and convenient to enable them to carry on the business and traffic of their said railway with economy, facility and dispatch; and to exchange, barter, sell, let on ground rent, mortgage or let, or otherwise use or dispose of at their pleasure, and to sue and be sued, plead and be impleaded, by their corporate name, and shall have, generally, all the rights, privileges, franchises, and incidents belonging or appertaining to a corporation, and the right of doing all and every other matter or thing which any other like corporation may lawfully do.

Incorporation.

Powers of company.

5. The said company shall not allow the transfer of any share or shares of stock, except by resolution of the board of directors, until all the instalments have been fully paid in, and if any stockholder shall fail, for the space of six months, to pay any instalments, which may have been called for, the directors may either declare the share or shares of stock, on which the instalment or instalments are unpaid, as aforesaid, to be forfeited, or may, at their option, bring suit to recover the said instalment, or instalments, with interest at the rate of ten per centum, against the person or persons appearing by their books to be the owner, or owners thereof.

Collection of instalments on shares of stock.

6. The dividends of so much of the profits of said company as shall appear advisable to the directors shall be declared in the month of January and July in each year, and be paid at the office of said company any time after ten days' notice from the time of declaring the same; but said dividends shall in no case exceed the amount of

Dividends.

the net profits of said company, so that the capital stock shall never be thereby impaired; and in case the directors shall declare a dividend exceeding the amount of the net profits, and thereby impair the capital stock, they shall be held individually liable for all such excess.

Use of track by
carriages.

7. The said company shall be, and they are hereby required to lay the track of their said road of such a gauge as to be most convenient for the use of carriages and buggies passing over the said road, and in all cases the carriage or vehicle following the car shall have the right to the track, and the carriage or vehicle coming in the opposite direction, shall be required to turn off the track.

Penalty for in-
juring property
of the company.

8. If any person shall willfully break, remove, destroy or injure any part of said railway or cars, carriages, station houses or any buildings or other property of said company, or shall, without the consent of said company, willfully and unnecessarily obstruct or impede the passage on or over the said railway, or any part thereof, he or they shall forfeit and pay to the company, for every such offense, the sum of five dollars; but no suit for the recovery of such forfeiture shall be brought unless commenced within thirty days after the offense was committed; and the offenders, in addition to such forfeiture, shall be liable to an action at the suit of the said company, for any loss or damage occasioned by his or their acts aforesaid.

Part of street to
be kept in repair
by company.

9. The said company shall not alter the grade of any street over which its railway passes, without the consent of the authorities of said city, and the supervisors of said county, and they shall keep so much of said streets in perpetual and good repair as are used by said company, from the distance of two feet on the outer side of one rail to a like distance on the outer side of the opposite rail of their said track, at the proper expense and charge of the said company; and the said company shall in no case use locomotive engines on said railway without first obtaining the consent of the city council and the board of supervisors of said county.

Use of locomotive
engines.

Regulations for
repair of streets.

10. The city of Parkersburg and the board of supervisors of Wood county shall have power to establish such regulations in said railway as may be requisite for the purpose of having repairing, grading, culverting and laying gas and water pipes in and along the streets used by said company, and to prevent obstructions thereon; and the city of Parkersburg may assess and collect a tax on the cars used by said company, of a sum to be agreed on between said company and said city; provided, that the sum so assessed be not more than at the rate of twenty dollars per annum for each car used in the said streets.

City tax on cars.

Passenger fares

11. The fare of each passenger on said railway shall not exceed ten cents; and the said company is authorized to carry and transfer baggage, parcels and packages at such rates as may be fixed by the board of directors of the company.

Rates for pack-
ages.

When work to
be commenced.

12. The said company shall commence the work of laying out its railway track within five years from the date of the passage of this act.

CHAPTER 129.—An ACT amending and re-enacting chapter 54 of the acts of 1867, and 192, of 1868.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

That chapter fifty-four of the acts of eighteen hundred and sixty-seven, and chapter one hundred and ninety-two of the acts of eighteen hundred and sixty-eight, be so amended and re-enacted as to conform to the following provisions :

Acts amended.

"1. That all taxes assessed for state purposes in the county of Pocahontas for the year eighteen hundred and sixty-five, and appropriated to constructing a turnpike road from the county of Pocahontas to the county of Webster, and still in the hands of John F. Wanless, the sheriff of Pocahontas county, or in the hands of the tax-payers, shall be collected and paid over by said sheriff, with interest, to the auditor of the state."

Unpaid taxes appropriated to road in Pocahontas to be paid to auditor.

"2. The said auditor shall upon the order of George P. Moore, Robert T. Gay and Nathan G. Barlow, (commissioners,) and their successors pay over the same, to be appropriated as provided in acts heretofore referred to."

Auditor to pay over taxes on order of commissioners.

"3. All previous acts coming in conflict with the provisions of this act are hereby repealed."

Inconsistent acts repealed.

CHAPTER 130.—An ACT supplementary to and amendatory of an act, entitled "An Act to incorporate the Moorefield and South Branch Valley Railroad Company," passed March 3, 1869.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

1. That section one of an act to incorporate the "Moorefield and South Branch Valley Railroad Company," be and the same is hereby amended and re-enacted to read as follows: That Elisha C. Litchfield, William Bement, A. N. Duffie, David B. Barnum, and Rensselaer N. Havens, all of the state of New York; Joseph Sprigg, Thomas Maslin, John W. Duffey, and J. T. Hoke, of West Virginia; or a majority of them, are hereby authorized to open books of subscription, at such place or places, and at such time or times, and on such conditions, as they may prescribe, for raising subscriptions to a joint capital stock of one hundred thousand shares of one hundred dollars each, for the purpose of constructing a railroad from some point at or near the Potomac river, west of Harper's Ferry, by way of the South Branch Valley to a point on the Ohio river, south of Parkersburg, by such direct, eligible and convenient route as the company, when organized, shall elect.

Section 1 amended.

Commissioners to open books of subscription.

Capital stock.

Route of road.

2. The said act is hereby further amended by striking out section two, and inserting the words following:

"2. The said subscriptions shall be received in the manner prescribed in the Code of West Virginia, and when one hundred shares of said capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and hereby are incorporated into a company, corporate and politic, by name of "The Potomac and Ohio Railway Company," with all the powers, rights, franchises and liabilities incident to such corporations, by virtue of existing laws of the state, not being in conflict with the special provisions of this act. And the company hereby incorporated may acquire by lease, purchase and contract any franchises, rights, or immunities of any other incorporated work of internal improvements."

Incorporation of Potomac and Ohio Railway Company.

Its powers.

3. The ninth section of said act is hereby amended to read as follows:

"9. The company shall have its chief office of business within the state of West Virginia."

Chief office.

Act amendable.

4. The legislature reserves the right to alter, amend or repeal this act at pleasure.

CHAPTER 131.—An ACT amending the act passed December 29, 1868, entitled "An Act establishing a Code of Laws for this State."

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia:

Section 3, chapter 4, amended.

1. So much of section three of chapter four of the Code of West Virginia as provides for filling vacancies in the office of judge of the supreme court of appeals, and of judge of a circuit, is hereby amended and re-enacted so as to read as follows:

How vacancy in office of judge filled.

"3. When a vacancy exists in the office of judge of the supreme court of appeals, or of judge of any circuit, the same shall be filled by appointment by the governor for the unexpired term."

Section 7, chapter 5, amended.

2. Section seven of chapter five of said Code is hereby amended and re-enacted so as to read as follows:

Misbehavior at elections.

"7. Any person who shall, by force, menace, fraud or intimidation, prevent or attempt to prevent any officer whose duty it is by law to assist in holding, conducting or superintending an election, or in counting the votes cast thereat, and certifying and returning the result thereof, from discharging his duties according to law, or who shall by violence, threatening, gestures, speeches, force, menace, or intimidation, prevent, or attempt to prevent an election being held; or who shall in any manner obstruct, or attempt to obstruct the hold-

ing of an election; or who shall by any manner of force, fraud, menace or intimidation prevent, or attempt to prevent any voter from attending any election, or from freely exercising his right of suffrage at any election at which he is entitled to vote, shall be guilty of a misdemeanor, and fined not less than one hundred nor more than five hundred dollars for every such offense; and at the discretion of the court, may be imprisoned in the county jail nor more than three months."

Penalty for misbehavior at elections.

3. Section eleven of chapter five of said Code is hereby amended and re-enacted so as to read as follows:

Section 11, chapter 5, amended.

"11. Every place at which intoxicating liquors are sold shall be kept closed on the day of an election, and on the day previous thereto. And if any person (whether licensed to sell intoxicating liquors or not) shall, on the day of any election, or on the day previous thereto, sell, or offer or expose for sale such liquors, or shall, on either of said days, at any time, keep open any place in his possession, or under his control, where such liquors are usually sold, or shall permit any person to drink any intoxicating liquor on the day of an election at any place in his possession or under his control, he shall be guilty of a misdemeanor and fined not less than fifty nor more than one hundred dollars for every such offense. Provided, that this section shall not be so construed as to require any person licensed to sell intoxicating liquors who is engaged in any other business in connection therewith to close his place of business as aforesaid, except the part thereof in which such liquors are usually sold."

Places where liquor sold to be kept closed on election day and the day before.

Penalty for violation.

Proviso.

4. Section twelve of chapter five of said Code is hereby amended and re-enacted so as to read as follows:

Section 12, chapter 5, amended.

"12. If any person be drunk at or near the place of holding an election on the day the same is held, he shall be guilty of a misdemeanor, and fined not less than ten nor more than fifty dollars, and shall moreover be required to give security for his good behavior for six months. If he fail to give such security, he shall be imprisoned not less than five nor more than twenty days."

Penalty for drunkenness on day and at place of election.

5. Section twenty-one of chapter ten of said Code is hereby amended and re-enacted so as to read as follows:

Section 21, chapter 10, amended.

"21. The court, board or officer by whom any official bond is required by law to be approved, or the successor of any such officer, may, at any time, require from any officer by whom such bond may have been given, a new bond, or an additional bond to that already given, to be approved by such court, board or officer, or the successor of such officer. If the officer so required to give a new bond, or to give such additional bond, shall, after being notified of the requirement, fail to comply therewith within the time required, his office shall be deemed vacant, unless the time for giving such new or additional bond be extended or the requirement withdrawn. In case such

New bond may be required from officer.

If he fail to give it, office vacated.

Effect of additional bond.

additional bond be given, the former bond shall remain in force and have the same effect in all respects as if such additional bond had not been required, but in such case the sureties in the additional bond shall be jointly liable with those in the former bond for any default of their principal, occurring after the approval of such additional bond."

Section 5, chapter 15, amended.

6. Section five of chapter fifteen of said Code is hereby amended and re-enacted so as to read as follows :

Delivery of copies of reports.

"5. He shall deliver one copy of each volume of said reports, as soon as practicable, to the reporters, one copy to the attorney general, one copy to each judge of the supreme court of appeals and of the circuit court."

Section 63, chapter 29, amended.

7. Section sixty-three of chapter twenty-nine of said Code is hereby amended and re-enacted so as to read as follows :

Assessment of toll bridges and ferries for purposes of taxation.

"63. The assessor shall ascertain the yearly value of all toll bridges and ferries in his district, except such as are by law exempted from taxation. He shall be governed by the actual rent received, where such toll bridges and ferries are rented and leased out; otherwise, he shall make a just estimate of their annual value. For purposes of taxation, the valuation of a toll bridge or ferry shall be taken to be ten times its annual value."

Chapter 106 amended.

8. Chapter one hundred and six of said Code is hereby amended by inserting after the word "required" in each of the forms of orders of attachment and of arrest therein contained, the words, "in the name of the state of West Virginia."

Orders of attachment and arrest.

Section 3, chapter 112, amended.

9. Section three of chapter one hundred and twelve of said Code is hereby amended and re-enacted so as to read as follows :

Terms of circuit court.

"3. There shall be three regular terms of the circuit court in every year in each county, commencing at such times as may be prescribed by law."

Section 9, chapter 157, amended.

10. Section nine of chapter one hundred and thirty-seven is hereby amended and re-enacted so as to read as follows :

"CLERK OF THE COURT OF APPEALS."

Fees of clerk of supreme court of appeals.

"9. For filing the record upon an appeal..... \$1 50
For docketing appeal, to be charged but once..... 1 50
For entering judgment on appeal, for every ten words, three cents, or a specific fee of..... 2 00
For all other services not here provided for, the clerk shall have the same fees as the clerk of a circuit court for similar services."

Section 4, chapter 142 amended.

11. Section four of chapter one hundred and forty-two is hereby amended and re-enacted so as to read as follows :

"4. The persons signing said forfeited undertaking shall be liable for the value of the property therein mentioned and not delivered as aforesaid, with interest on such value from the date of the undertaking. And the payee in such undertaking, or his assignee or personal representative, may recover said sum and interest, or so much thereof as may be necessary to satisfy his demand against the defendant in the execution or warrant, with costs, by action or motion against the persons signing said undertaking. And, in case the said payee fail, for any cause, to recover a judgment on said undertaking, or to collect the amount specified in any such judgment, or any part thereof, he may proceed against the defendant in such execution for the amount remaining unpaid, in the same manner as if such undertaking had not been given."

Recovery on undertaking.

12. The said code shall be printed as amended by this and all other acts amending the same, passed during the session of the present legislature.

Code to be printed as amended.

CHAPTER 132.—An ACT repealing so much of chapter 45, of the Code of West Virginia, as provides for a model school at Marshall College.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Sections ninety-four, ninety-five, ninety-six and ninety-seven of the code of West Virginia, providing for a model school at Marshall College, in Cabell county, are hereby repealed.

Sections 94, 95, 96 and 97 of chapter 45 of code repealed.

CHAPTER 133.—An ACT authorizing personal service on non-resident defendants.

Passed March 4, 1869.]

Be it enacted by the Legislature of West Virginia :

On affidavit that a defendant is not a resident of this state, the personal service of a summons or notice upon such non-resident defendant in the county in which he resides shall have the same effect and no other as an order of publication completed against him, but where service has been made as aforesaid, the returns shall be made under oath, and show the time and place of such service.

Personal service out of state sworn to, to have same effect as order of publication.

CHAPTER 134.—An ACT relating to road tax and labor of John Wylie and W. W. Wylie of Hancock county.

Passed March 4, 1869.;

Be it enacted by the Legislature of West Virginia :

For the purpose of performing labor on roads, or payment of taxes for road purposes, John Wylie and W. W. Wylie shall be, and they are hereby deemed to reside in Clay township, Hancock county.

J. & W. W. Wylie deemed residents of Clay township.

CHAPTER 135.—An ACT providing for the distribution of the school fund of the year 1868.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Fund to be distributed according to act of February 27, 1867.

1. The state school fund for the year eighteen hundred and sixty-eight, shall be distributed according to the provisions of an act entitled "An Act providing for the establishment of a system of free schools," passed February twenty-seventh, eighteen hundred and sixty-seven.

Distribution after 1868 not to be affected.

2. Nothing in this act shall affect, in any way, the distribution of the school fund of any year subsequent to the year eighteen hundred and sixty-eight.

CHAPTER 136.—An ACT releasing Zebedee Brown, treasurer of Clay township, in Braxton county, and his sureties, from the payment of certain money.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Release from payment of \$1354.31.

That Zebedee Brown, treasurer of Clay township, in Braxton county, and his sureties, are hereby released from the payment of thirteen hundred and eighty-four dollars and thirty-one cents, township funds, in the bands of said treasurer, December twenty-ninth, eighteen hundred and sixty-eight, and alleged to have been stolen.

CHAPTER 137.—An ACT exempting George T. Wilson from the provisions of section 32 of chapter 98 of the acts of 1867.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Authority to teach school without taking test oath.

1. George T. Wilson, of Pendleton county, is hereby exempted from the provisions of section thirty-two of chapter ninety-eight of the acts of eighteen hundred and sixty-seven.

Act may be repealed.

2. The legislature reserves the right to alter or repeal this act.

CHAPTER 138.—An ACT legalizing a mill dam across Buffalo creek, at the town of Mannington.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Mill dam legalized.

1. The mill dam heretofore erected across Buffalo Creek, at the town of Mannington, in the county of Marion, and now used by Losson Nay, in connection with his saw mill, is hereby allowed, legal-

ized and established, and the said Nay and those who may hereafter claim said mill property under him, may and are hereby authorized to continue and maintain the said mill dam, and shall have exclusive property therein and use thereof for said mill and for the purposes thereof.

Continuance and use of dam.

2. The said Nay or those hereafter claiming said mill property under him, may at pleasure lower or raise said dam for the use and purposes of said mill; provided however that it shall not exceed two feet over and above its present height.

Height of dam.

CHAPTER 139.—An ACT creating a school district within the town of Philippi.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia:

1. The town of Philippi and suburbs, contained within the following boundaries, to wit: Beginning at the mouth of Anglin's run; thence running up said run with its meanders to a red oak, standing in an alley, between lands of Lewis Wilson and land formerly owned by Henry A. Barron; thence with said alley to the Beverly and Fairmont turnpike road, crossing said road and running with an alley between lands of William P. Keyes, Daniel Wilson and Edward F. Grant, to a stone bridge across a branch of said Anglin's run; thence a westwardly direction to the point of a ridge above the dwelling house of David F. Byrer; thence with the top of said ridge to the corner of lands of Lair D. Morrall and Samuel Woods; thence with said ridge with the lines of said Morrall to the Valley river, and thence up said river, with the meanders thereof to the beginning, shall constitute one school district; and the board of education thereof shall consist of five commissioners, who shall be elected by the resident voters of the district, and have exclusive control of all common schools within the same.

Boundaries of district.

Board of education.

2. The board of education of the school district of Philippi, and their successors shall be a body corporate, by the name of "The board of education of the district of Philippi," and shall be vested with the same rights, exercise the same powers, perform the same duties, and be governed by the same laws as boards of education of townships, except so far as may be otherwise provided in this act. They shall elect one of their number as president, and one as secretary, and may allow a reasonable compensation to the secretary for his services, to be paid out of the school fund.

Incorporation of board.

Its powers.

Its officers.

3. The board of education shall be invested with the same rights, exercise the same powers and perform the same duties as the trustees of school districts, so far as the same may be necessary for the prosperity and welfare of their schools, and they may close any school in their district, whenever, in their opinion, the attendance of

Further powers of board.

General law in relation to trustees not to apply to district.

pupils will not justify the continuance of the same. The provisions of the general school law, in relation to the appointment of trustees, shall not be held to apply to the district of Philippi.

District levy.

4. It shall be the duty of the board of education to determine at an annual meeting, to be held in the month of July, as near as may be practicable, the amount of money necessary in addition to all other available funds, to continue the schools of the district for a period not exceeding eight months, and they shall cause the amount to be assessed on all the taxable property of the district, and the same shall be levied, collected and disbursed in such manner, and at such rates of commission as they may determine.

Elections of commissioners.

5. The qualified voters of the school district of Philippi shall on the third Monday in March next, elect five commissioners as herein provided for, and the board of supervisors of Barbour county shall appoint three voters to conduct said election; and the annual election thereafter for said commissioners shall be held at the same time and place, and by the same officers as the borough elections for the town of Philippi.

CHAPTER 140.—An ACT changing the boundary lines of the school district of Weston, in the county of Lewis.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia:

Act amended.

That the first section of the act passed February twenty-eighth, eighteen hundred and sixty-eight, entitled "An Act to provide free schools for the town of Weston," be amended and re-enacted so as to read as follows:

Boundaries of district as changed.

"1. The town of Weston, and parts of school districts contained within the following boundaries, to-wit: Beginning at the mouth of Panther run, thence up the said run with the meanders thereof to its head; thence in a line to Stone Coal creek, east of the dwelling house of John Kierans, so as to include East Weston, or Germantown; thence in a line so as to include the dwelling houses of John Kierans and Catharine McGearry, to the stable of Abraham Smith, Jr., on the road from Weston to Clarksburg; thence in a straight line to the low gap at the head of Gee Lick run; thence in a straight line to the low gap in the ridge between Polk creek and Murphy's creek, near the dwelling house of James M. Turner, and so as to include the dwelling house of David S. Peterson and the said Turner; thence down the ridge between Calf run and Murphy's creek to the place of beginning, so as to exclude the dwelling house of Thomas Cox; shall constitute one school district; and the board of education shall consist of three commissioners, who shall be elected by the resident voters of the district, and have exclusive control of all schools within be same."

Board of education.

CHAPTER 141.—An ACT to incorporate the Randolph, Tucker and Preston Turnpike Company.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding fifteen thousand dollars, to be divided into shares of ten dollars each, to constitute a joint capital stock for constructing a turnpike road from New Interest, in the county of Randolph, by way of the Holly Meadows, in Tucker county, to West Union, or Chisholm's mills, in Preston county, either upon the bed or track of any turnpike road, or roads, heretofore constructed or authorized by law to be constructed, or by such other route, or any part thereof as the corporation hereinafter provided for may determine upon. The said books shall be opened under the direction of David Blackman, Archibald Wilmoth and Elam Hart of Randolph county, and Jacob H. Long, David B. Hart, Jesse Parsons, William Evans and William Ewin, of Tucker county, and A. D. Weills, Summers McCrum and Isaac Startzman, of Preston county, or any three or more of them, and at such place or places, and at such times as a majority of said commissioners may appoint, ten days' public notice thereof being previously given.

Subscription books.

Capital stock.

Rent of turnpike.

Commissioners to open books.

2. When one thousand dollars of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be incorporated into a company by the name and style of "The Randolph, Tucker and Preston Turnpike Company," subject to the provisions and possessed of all the powers contained in the code of West Virginia, except that the road bed of said turnpike shall be at least twelve feet wide.

Incorporation of company.

Its powers.

3. Whenever as much as five miles continuously of said road shall have been completed, and is in good repair, tolls, not exceeding the rates allowed by law, may be charged and collected upon such part or parts of said road.

Collection of tolls.

4. The said company shall not take possession of any turnpike without the consent of the company owning such turnpike and the consent of the supervisors of the county or counties through which said road shall pass.

Other turnpikes to be taken only with consent of owners.

CHAPTER 142.—An ACT to amend and re-enact section 7 of chapter 163 of the code of West Virginia.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

1. The board of public works shall on the fifteenth day of April, in the year eighteen hundred and sixty-nine, and every two years thereafter, appoint a superintendent of the penitentiary at Mounds-

Appointment of superintendent.

Powers and duties of superintendent.

ville, whose term of service shall begin on the first day of May next after his appointment, and who shall be its chief executive officer, and have charge of its internal police, and management, and provide for feeding, clothing, working and taking care of the convicts, prepare drawings and superintend the erection of the buildings and outer walls of said penitentiary, subject to the control of the board of directors. The superintendent shall receive as an annual salary not to exceed fifteen hundred dollars, at the discretion of the board of directors, and shall give bond with one or more sufficient sureties, in the penalty of ten thousand dollars, conditioned for the faithful performance of his duties. He shall submit to the board from time to time, a list of material needed at the penitentiary, make purchases of materials at their direction, and may, during the recess of the board, make purchases subject to their approval. He shall also have the custody of the public property at the penitentiary, and may in the name of the state, take all necessary, legal measures to enforce and protect the rights of the state in and to such property. The legislature when in session and the board of public works when the legislature is not in session, may remove the superintendent, and said board may fill any vacancy that may occur in the office of superintendent.

His salary and bond.

Further powers of superintendent.

How superintendent removed and vacancy filled.

CHAPTER 143.—An ACT to alter the time for holding the rules in the clerk's office of the circuit court of Marshall county.

Passed March 4, 1869.

Be it enacted by the Legislature of West Virginia :

Rules to be held on 3d Tuesday of the month.

Rules shall be held in the clerk's office of the circuit court of Marshall county on the third Tuesday of every month, instead of the time heretofore prescribed by law, and the said rules may continue three days.

JOINT RESOLUTIONS.

[No. 1.] Joint Resolution raising a Committee to wait on the Governor.

Resolved by the Legislature of West Virginia, That a joint committee of three members on the part of the House and two on the part of the Senate be appointed to wait upon His Excellency, the Governor, and inform him of the organization of both branches of the Legislature, and their readiness to receive any communication he may desire to make.

ADOPTED, January 19, 1869.

[No. 2.] Joint Resolution fixing a day for the election of a Public Printer.

Resolved by the Legislature of West Virginia, That the two branches will proceed on Wednesday, the twenty-seventh instant, at eleven o'clock, A. M. to elect a public printer.

ADOPTED, January 22, 1869.

[No. 3.] Joint Resolution fixing a day for the election of a State Superintendent of Free Schools.

Resolved by the Legislature of West Virginia, That the two branches will proceed on Friday, the twenty-ninth instant, at eleven o'clock, A. M., to elect a state superintendent of free schools.

ADOPTED, January 25, 1869.

[No. 4.] Joint Resolution asking Congress to make a donation to the West Virginia Central Railway.

Whereas, The early construction of the West Virginia Central Railway, extending from the Pennsylvania line through the centre of the State to Charleston, on the Kanawha river, is of the utmost importance in the development of the resources of the state, and of the country ;

And whereas, the State of West Virginia has in former years and while a part of Virginia, contributed largely to the public domain, and is now possessed of no public lands or other resources adequate to the accomplishment of so great a work of internal improvement, therefore

Resolved by the Legislature of West Virginia :

1. That our senators in congress be instructed, and our representatives be requested to press the importance of this enterprise upon the attention of congress, and to urge the passage of an act granting a portion of the public lands to aid in the construction of the said line of railroad.

2. The governor is hereby requested to furnish a copy of these resolutions to the speaker of the house of representatives, and the president of the senate of the congress of the United States, and to each of our senators and representatives therein.

ADOPTED, January 26, 1869.

[No. 5.] Joint Resolution fixing a time for counting the votes for State officers.

Resolved by the Legislature of West Virginia, That the two Houses meet in joint convention in the house of delegates this day, at eleven o'clock, A. M., to count the votes and declare the election of State officers.

ADOPTED, January 26, 1869.

[No. 6.] Joint Resolution accepting the invitation to visit the Penitentiary at Moundsville.

Resolved by the Legislature of West Virginia, That the invitation of the superintendent of the penitentiary at Moundsville, be accepted, and that a committee to consist of three from the senate and three from the house of delegates, be appointed to confer with the Baltimore and Ohio Railroad Company, and provide suitable and convenient transportation.

ADOPTED, January 27, 1869.

[No. 7.] Joint Resolution postponing the election of Public Printer.

Resolved by the Legislature of West Virginia, That the election of public printer be postponed until Thursday, February fourth, eighteen hundred and sixty-nine, and be made the joint order for eleven o'clock, A. M., of that day.

ADOPTED, January 29, 1869.

[No. 8.] Joint Resolution postponing the election of State Superintendent of Free Schools.

Resolved by the Legislature of West Virginia, That the joint order of the day for the election of State Superintendent of Free Schools is hereby postponed until Thursday, the fourth day of February next, and be made the special order for two o'clock P. M. of that day.

ADOPTED, January 29, 1869.

[No. 9.] Joint Resolution providing for the election of United States Senator.

Resolved by the Legislature of West Virginia, That the two branches will proceed on Tuesday, the second day of February, eighteen hundred and sixty-nine, at the hour of eleven o'clock A. M. to elect a United States Senator to fill the vacancy

which will occur on the third day of March next by expiration of the term of Hon. P. G. Van Winkle.

ADOPTED, February 1, 1869.

[No. 10.] Joint Resolution providing for a Committee to investigate the condition of Berkeley Springs.

Resolved by the Legislature of West Virginia, That the report of the trustees of the state property known as Bath or Berkeley Springs, in Morgan county, be printed and the same referred to a joint special committee, consisting of three from the House and three from the Senate, with powers to visit said springs during the present session and make a further report to this House.

ADOPTED, February 12, 1869.

[No. 11.] Joint Resolution requesting the officers of the Hospital for the Insane and Penitentiary to make a certain report.

Resolved by the Legislature of West Virginia, The board of directors and superintendent of the West Virginia Hospital for the Insane, and the Penitentiary, are hereby requested in their next annual report to state the amount of money expended to date of report, and the probable amount of money and time required to complete the buildings with the necessary out buildings.

ADOPTED, February 13, 1869.

[No. 12.] Joint Resolution providing for the payment of balance due Western Lunatic Asylum at Staunton.

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized and directed to pay the Western Lunatic Asylum at Staunton, the sum of two thousand and eighty-six dollars and forty-five cents out of the appropriation heretofore made for that purpose, being the balance due said asylum for the support of lunatics properly chargeable to this State.

ADOPTED, February 13, 1869.

[No. 13.] Joint Resolution appointing a committee to investigate the charges preferred against G. S. McFadden, superintendent of the Penitentiary.

Resolved by the Legislature of West Virginia, That a joint committee be appointed consisting of three members of the House of Delegates, and three of the Senate, whose duty it shall be to thoroughly investigate the charges preferred against G. S. McFadden, the superintendent of the State Penitentiary, by Peter Yarnall, (late clerk of the Penitentiary,) and report to the Legislature as soon as possible; and that said committee shall have power to send for any books and papers belonging to the office of the Penitentiary, together with any witnesses that may be necessary to a full and fair investigation of said charges.

ADOPTED, February 17, 1869.

[No. 14.] Joint Resolution authorizing the Commissioner appointed to refund the direct taxes in the counties of Jefferson and Berkeley to parties entitled thereto, who have lost their receipts for the same.

Resolved by the Legislature of West Virginia, That the commissioner appointed under chapter fifty five of the acts of eighteen hundred and sixty-seven, entitled "An Act to refund the money paid by the counties of Berkeley and Jefferson to the United States as direct tax, passed February twenty-second, eighteen hundred and sixty seven," be, and he is hereby authorized to refund said taxes to all parties who may be entitled thereto, and who have lost their receipts therefor; provided, the names of such parties appear upon the books kept by L. H. Leering, the collector of said taxes, and the loss of the receipts for such taxes be set forth in an affidavit filed with said commissioner.

ADOPTED, February 18, 1869.

[No. 15.] Joint Resolution proposing to celebrate the anniversary of Washington's birthday.

Resolved by the Legislature of West Virginia, That the Senate and House of Delegates meet in joint session in the hall of the latter, on Monday the twenty-second instant, at two o'clock, P. M., and that Washington's farewell address be read.

ADOPTED, February 22, 1869.

[No. 16.] Joint Resolution ratifying the amendment proposing a Fifteenth Article to the Constitution of the United States.

WHEREAS, The Senate and House of Representatives of the United States of America, in Congress assembled, by a concurrent vote of two-thirds of both Houses, have proposed to the Legislatures of the several States the following amendment to the Constitution of the United States, to be classified as Article Fifteen of the amendments to said constitution, namely:

"ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation."

Resolved by the Legislature of West Virginia, That the said proposed amendment is hereby ratified.

ADOPTED, March 3, 1869.

[No. 17.] Joint Resolution endorsing the proceedings of a convention held on the 22d day of February, 1869, at Moorefield, in Hardy county.

WHEREAS, A large and respectable meeting of the citizens of the central and south-western portion of this State, assembled in Convention at Moorefield, in the county of Hardy, on the twenty-second day of February, eighteen hundred and

sixty-nine, for the purpose of inaugurating a scheme by which the agricultural, mineral and commercial interests of the State may be developed ; and whereas, the proceedings of said convention indicate a laudable and praiseworthy spirit on the part of our people ; and whereas, said convention by resolution requested this legislature " if no specific application be made for a charter for the proposed improvement," during the present session " to pass a general resolution expressing the assent of this body to the general scheme" advocated by that convention ; therefore

Resolved by the Legislature of West Virginia, That the proposed improvement, indicated by the proceedings of said convention, meets with our hearty approval.
ADOPTED, March 3, 1869.

[No. 18.] Joint Resolution authorizing the auditor to place certain delinquent lists to the credit of M. L. Rader, late sheriff of Nicholas county.

Whereas, M. L. Rader, late sheriff of Nicholas county, has made a return of his delinquent lists of persons and personal property for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, and under the provisions of the law the auditor is not authorized to enter the amount of the same to the credit of said sheriff ; therefore

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized to enter such amount of said delinquent lists as he may find correct, to the credit of the said M. L. Rader, late sheriff as aforesaid.

ADOPTED, March 3, 1869.

[No. 19.] Joint Resolution creating a board to settle with the Baltimore and Ohio Railroad Company for back taxes.

1. The board of public works, consisting of the governor, auditor, and treasurer of this State, is hereby constituted a board or committee, with full power to adjust, compromise and settle, on fair, equitable and liberal terms, all State and school taxes assessed against the Baltimore and Ohio Railroad Company and Parkersburg branch thereof, up to December thirty-first, eighteen hundred and sixty-eight, and upon payment into the State treasury of the amount agreed between said board and said company, the said company shall be discharged from all liability for the same.

2. The board of supervisors of each county through which the Baltimore and Ohio Railroad and Parkersburg branch runs, are hereby authorized and empowered to compromise and settle, on fair and liberal terms, all taxes assessed against said company by any of the said counties and townships.

ADOPTED, March 4, 1869.

[No. 20.] Joint Resolution requesting Congress to aid Captain Frederick Ford, of Mason county.

Whereas, our much esteemed fellow-citizen, Captain Frederick Ford, of Mason county, West Virginia, has petitioned the Congress of the United States for remuneration for valuable services to the government, cited in said petition ; therefore

Resolved by the Legislature of West Virginia:

1. That our representatives in Congress are most respectfully and earnestly requested to use their influence to procure the passage of an act of Congress to secure the object of the prayer of said petition.

2. That the governor is hereby authorized to forward, as soon as possible, a copy of these resolutions to each of our representatives in Congress.

ADOPTED, March 4, 1869.

[No. 21.] Joint Resolution providing for the payment of the expenses of the Investigating Committee of the Penitentiary.

Resolved by the Legislature of West Virginia, That the governor is authorized to pay out of the civil contingent fund the actual expenses of the joint committee of the Legislature, raised under Resolution No. 10, and sent to Moundsville to investigate certain charges preferred against G. S. McFadden, and also to pay the witnesses summoned by the committee aforesaid, on the part of the State.

ADOPTED, March 4, 1869.

[No. 22.] Joint Resolution raising a Committee to investigate the affairs of the West Virginia Penitentiary.

Resolved by the Legislature of West Virginia, That the investigation of the whole matter of the Penitentiary management be re-committed to a joint committee of five, consisting of two from the Senate and three from the House, who are hereby required to meet at Moundsville, Marshall county, West Virginia, on the tenth day of May, A. D. eighteen hundred and sixty-nine, or at such other time as said committee may agree upon, to make a full investigation of all matters relating to the Penitentiary, and make a report to the next regular session of the Legislature, and also make report as soon as possible, after they have completed their investigation, to the board of public works.

ADOPTED, March 4, 1869.

CORPORATIONS.

THE WHEELING IRON AND NAIL WORKS COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Wheeling Iron and Nail Works Company,' for the purpose of manufacturing and dealing in iron in any of the forms in which it may be used; which corporation shall keep its principal office or place of business in or near the city of Wheeling, Ohio county, West Virginia, and is to expire on the thirty-first day of December, eighteen hundred and eighty-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of three hundred thousand dollars to the capital stock thereof, and have paid said subscriptions by obligations to convey to said company, on the receipt of the grant of incorporation by a duly authenticated certificate from the secretary of the state of West Virginia, the property known as the 'Wheeling Iron Works,' situated north of and adjoining the city of Wheeling, with the improvements thereon, at the cost thereof, being two hundred and eighty-six thousand and fifty-five dollars and eighty-eight cents, and personal property to the amount of thirteen thousand nine hundred and forty-four dollars and twelve cents for the balance of said subscription. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by James C. Acheson, seventy-eight shares; by Joseph Bell, sixty-five shares; by James C. Acheson, trustee for Mrs. Mary J. Lynn, five and one-fifth shares; by Moses B. Cox, sixty-seven shares; by said Cox, trustee for Mrs. Annie T. Stephens, five shares; by said Cox, trustee for Ellen J. Cox, six shares; by said Cox, trustee for Mrs. Mary A. Cregan, two and three-fifths shares; by Wilbur C. and Charles W. Brockunier, ninety-one shares; by John Voltz, seven and four-fifths shares; by Josiah C. Van Fossen, six and one-half shares; by Theophilus Pugh, four shares; by Joseph Bell, trustee for Mrs. Ann Coats, one share; by Henry Serig, two and three-fifths shares; by Andrew Thallman, two and three-fifths shares; by John Harberfield, two and three-fifths shares; by John F. Baer, two and three-fifths shares; by George Carenbaur, two and three-fifths shares; by David R. Bell, two and three-fifths shares; by Samuel Phipps, two and three-fifths shares; by Matthew J. Chew, five and one-fifth shares; by Thomas H. Brashears, five and one-fifth shares; by John Ebbert, five and one-fifth shares; by Wilson Morrison, three and nine-tenths shares; by George Otto, one and three-tenths shares, and by the firm of Acheson, Bell & Co., two hundred and twenty-one and nine-tenths shares.

Given under hands this twenty-fifth day of January, eighteen hundred and sixty eight.

[Signed] J. C. Acheson,
 J. C. Acheson,
 Trustee for Mary J. Lynn,
 Joseph Bell,
 M. B. Cox,
 M. B. Cox,
 Trustee for Mrs. Annie T. Stephens,
 M. B. Cox,
 Trustee for Ellen J. Cox,
 M. B. Cox,
 Trustee for Miss Mary A. Cregan,
 W. C. and C. W. Brockunier,
 John Voltz,
 J. C. Van Fossen,
 Acheson, Bell & Co.,
 For shares named, but which, while
 owned by them, are not to have any
 vote in the business of the company.

Theophilus Pugh,
 Joseph Bell,
 Trustee for Mrs. Ann Coats,
 Wilson J. Morrison,
 Henry Serig,
 Andrew Thallman,
 Jno. Harberfield,
 J. F. Baer,
 George Carenbaur,
 D. R. Bell,
 Samuel Phipps,
 M. J. Chew,
 Thomas H. Brashears,
 Jno. Ebbert,
 Geo. Otto."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of December, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the state, at the city of Wheeling, this twenty-fifth day of January, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
 Secretary of the State.

THE FAIRMONT LITERARY ASSOCIATION.

I, John S. Witcher, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the Fairmont Literary Association, for purposes of mutual improvement and the diffusion of knowledge, which corporation shall keep its principal office or place of business at Fairmont, in the county of Marion, in the State of West Virginia, and is to be perpetual; and for the purpose of forming said corporation, we have subscribed the sum of four hundred dollars (\$400) to the capital thereof, and have paid in on said subscription the sum of four hundred dollars (\$400), and desire the privilege of increasing the said capital by sales of additional shares from time to time to ten thousand dollars (\$10,000) in all. The capital so subscribed is divided in shares of ten dollars each, which are held by the undersigned respectively, as follows, that is to say, by

Andrew J. Stone, four shares,	John J. Chisler, four shares,
Benjamin F. Burns, four shares,	T. Worth Fleming, four shares,
John B. Crane, four shares,	Frank E. Nichols, four shares,
Charles C. Eyster, four shares,	John W. Lott, four shares,
Thomas W. Fleming, four shares,	Edwin W. S. Moore, four shares,

all of Fairmont, Marion county, West Virginia; and the capital hereafter sold is to be divided into shares of the like amount.

Given under our hands this thirteenth day of January, eighteen hundred and sixty-eight. :

[Signed,]

A. J. Stone,	John J. Chisler,
B. F. Burns,	T. Worth Fleming,
John B. Crane,	F. E. Nichols,
C. C. Eyster,	Jno. W. Lott,
Thomas W. Fleming,	E. W. S. Moore.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until dissolved according to law, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State at the city of Wheeling, this first day of February, eighteen hundred and sixty-eight.

SEAL.

J. S. WITCHER,
Secretary of the State.

GERMAN EVANGELIC PROTESTANT ST. PAUL'S CHURCH.

I, John S. Witcher, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of German Evangelic Protestant St. Paul's Church, for the purpose of building a house (church), for religious services and all other matters connected therewith, which corporation shall have its place of worship in the town of South Wheeling, in Ohio county and is to expire on the third day of February, eighteen hundred and eighty-eight; and for the purpose of forming the said corporation we have subscribed the sum of one hundred dollars to the capital thereof and have paid in on said subscription the sum of fifty dollars, and desire the privilege to increase the said capital by sales of additional shares from time to time to one hundred and twenty-five thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively, as follows that is to say, by Peter Zimmer, two shares; August Weidebusch, two shares; Christian Honecker, two shares; Balthaser Schul, two shares, and Anton Tofaute, two shares, and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this third day of February, eighteen hundred and sixty-eight.

[Signed,]

Peter Zimmer,
August Weidebusch,
Christian Honecker,
Balthaser Schul,
Anton Tofaute.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the third day of February, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this third day of February, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE HANCOCK COUNTY AGRICULTURAL ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of 'The Hancock County Agricultural Association,' for the purpose of improving the breed and speed of horses, the breed and quality of other stock and for developing the agricultural interests of Hancock county, which corporation shall keep its principal office or place of business at Fairview, in the county of Hancock, and is to expire on the third day of January, A. D. eighteen hundred and eighty-eight. And for the purpose of forming said corporation, we have subscribed the sum of twenty-five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of two hundred and fifty dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to five thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively, as follows, that is to say: Hiram C. Beall, fifty shares; A. McFlanegin, fifty shares; John Wilson, fifty shares; James G. Marshall, fifty shares; and Samuel Moore, fifty shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this third day of February, eighteen hundred and sixty-eight.

[Signed]

Hiram C. Beall,
A. McFlanegin,
John Wilson,
James G. Marshall,
Samuel Moore."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the third day of January, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this third day of February, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL

THE CENTRAL SALT AND COAL COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Central Salt and Coal Company,' for the purpose of manufacturing salt and mining coal for sale and transportation, which corporation shall keep its principal office or place of business at West Columbia, in the county of Mason, and is to expire on the twenty-seventh day of February, A. D. one thousand eight hundred and eighty-eight. And for the purpose of forming said corporation, we have subscribed the

sum of sixty thousand dollars to the capital thereof, and have paid in on said subscription the sum of fifty thousand dollars, and desire the privilege of increasing the said capital stock, by sales of additional shares from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say: by William H. Martin, Philadelphia, Pennsylvania, two hundred shares; James Mooney, Philadelphia, Pennsylvania, one hundred and fifty shares; Pennock Edwards, Philadelphia, Pennsylvania, one hundred shares; Lewis C. Kerlin, Philadelphia, Pennsylvania, one hundred shares; J. Warren Jones, Middleport, Ohio, twenty-five shares; John McGrew, Mason county, West Virginia, twenty-five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-fourth day of February, A. D. one thousand eight hundred and sixty-eight.

[Signed]

William H. Martin, [SEAL]
 James Mooney, [SEAL]
 Pennock Edwards, [SEAL]
 Lewis C. Kerlin, [SEAL]
 J. W. Jones, [SEAL]
 John McGrew, [SEAL]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-seventh day of February, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-seventh day of February, eighteen hundred and sixty-eight.

{
SEAL.
}

JOHN S. WITCHER,
Secretary of the State.

REDEMPTION PETROLEUM AND MINING COMPANY (OF WESTERN VIRGINIA.

I, John S. Witcher, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of Redemption Petroleum and Mining Company of Western Virginia, for the purpose of producing and disposing of lubricating coal oil, the property or properties owned and leased or to be leased by them in the State of Western Virginia, which corporation shall keep its principal office or place of business in the city of Boston, county of Suffolk, and State of Massachusetts, and is to expire on the tenth day of March, A. D., eighteen hundred and eighty. And for the purpose of forming said corporation we have subscribed the sum of three hundred thousand dollars, and have paid in on the sum thirty-one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The capital so subscribed is divided into shares of three

Corporations.

dollars each, which are held by the undersigned respectively, as follows, that is to say, by

Solomon J. Horn; of Wilmington, Delaware,.....	62,945 shares.
Robert Soper, Boston, Massachusetts,.....	22,492 "
Samuel T. Soper, of Provincetown, Massachusetts,.....	9,063 "
James K. Barber, of Boston, "	2,000 "
David M. Pierce, of " "	1,000 "
Rodney F. Payrow, of " "	1,000 "
Charles T. Gay, of " "	1,500 "

100,000 shares.

And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this tenth day of March, A. D. eighteen hundred and sixty-eight.

[Signed,]

Solomon J. Horn,
Robert Soper,
Samuel T. Soper,
James K. Barber,

David M. Pierce,
Rodney F. Payrow,
Charles T. Gay.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of March, eighteen hundred and eighty, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of March, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

NEWBURG DIVISION NO. 362, SONS OF TEMPERANCE.

I, John S. Witcher, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me, which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of Newburg division No. 362, Sons of Temperance, for the purpose of carrying out the benevolent objects of the order of sons of temperance, which are to reclaim the inebriate, drive intemperance from our midst, and to succor and assist our brothers in sickness and adversity, and for that purpose desire authority to purchase, hold, lease, sell and convey real property to the value of fifteen hundred dollars, and personal property to the value of fifteen hundred dollars.

Given under our hands this thirtieth day of March, one thousand eight hundred and sixty-eight.

[Signed,]

J. Hope Sutor,
S. Evans,
Wm. Sharpes,
A. T. Simpson,
G. R. Crawford,
C. T. Frazier,
L. L. Allen,
James Stevenson.

Wherefore, the incorporators named in said agreement, and who have signed the same, are hereby declared to be, from this date a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling; this eight day of April, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE WEST VIRGINIA COAL AND MINING COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of 'The West Virginia Coal and Mining Company,' for the purpose of mining coal, selling, shipping and transporting coal to market; which corporation shall keep its principal office or place of business in Baltimore, in the state of Maryland, and is to expire on the first day of April, one thousand eight hundred and eighty-eight. And for the purpose of forming said corporation, we have subscribed the sum of three hundred thousand dollars to the capital stock thereof, and have paid in on said subscription the sum of thirty thousand dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say:

By James L. Rippetoe of Augusta county, Virginia,.....500 shares.
 S. L. M. Couser, of Baltimore, Maryland,.....500 shares.
 Francis Grover, of Baltimore, Maryland,.....500 shares.
 Ephraim Hoffman, of Baltimore, Maryland,.....500 shares.
 Aaron Hoffman, of Baltimore, Maryland,.....500 shares.
 Levi Couser, of Clinton county, Pennsylvania,.....500 shares.

Given under our hands this nineteenth day of March, one thousand eight hundred and sixty-eight.

Teste:

Allen E. Forrester, as to	[Signed]	S. L. M. Couser,	[SEAL.]
S. L. M. Couser, Francis Grove,		Francis Grove,	[SEAL.]
Ephraim Hoffman and Aaron Hoffman,		Ephraim Hoffman,	[SEAL.]
C. W. Couser, as to Levi Couser,		Aaron Hoffman,	[SEAL.]
Jas. A. Trotter, as to Jas. L. Rippetoe,		Levi Couser,	[SEAL.]
		Jas. L. Rippetoe.	[SEAL.]

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this eleventh day of April, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE KANAWHA AND GALLIPOLIS PACKET COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the names of The Kanawha and Gallipolis Packet Company; for the purpose of carrying, navigating and running one or more steam boats (of which the steamer Mountain Boy is one,) to carry freight and passengers from any or all points on the Kanawha River, in the State of West Virginia, to the town of Gallipolis or any other point on the Ohio River, and to tow boats and barges between the same points, which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire on the first day of April, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of ten thousand (10,000) dollars, to the capital thereof, and have paid in on said subscription the sum of two thousand (2,000) dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to the sum of fifty thousand dollars (\$50,000.) The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively, as follows, that is to say: John Q. Dickinson, residing in Kanawha Salines, West Virginia; holds one share; Ebenezer Oaks, Jr., residing in Kanawha Salines, holds six shares; James Newton, residing at Gallipolis, Ohio; holds six shares; C. D. Bailey, residing at the same place, holds six shares, and Frank Eastwood, residing near the mouth of Davis Creek, West Virginia, holds one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this thirty-first day of March, eighteen hundred and sixty eight.

[Signed,]

John Q. Dickinson,
Ebenezer Oaks, Jr.,
James Newton,
C. D. Bailey,
Francis Eastwood.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirteenth day of April; eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER;
Secretary of the State.

CAPE FEAR FIBRE COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the Cape Fear Fibre Company, for the purpose of manufacturing fibre from cane, bamboo, hemp

or flax stalks, husks of Indian corn or maize; or stalks thereof, or any raw material containing vegetable fibre, and for manufacturing from such fibre paper stock, box board, binders board, paper and all such products as can be manufactured by the treatment of fibre, either alone or in connection with other substances; and for the sale and disposition of all such manufacture; which corporation shall keep its principal office or place of business at Wilmington; North Carolina, and a branch office at Charleston, Kanawha county, West Virginia, and is to expire on the thirty-first day of March, in the year eighteen hundred and eighty-eight; and for the purpose of forming the said corporation, we have subscribed the sum of fifty-eight thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty-nine thousand dollars, and desire the privilege of increasing said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, by

Amos B. Jones, one hundred and eighty shares;

John P. Hall, one hundred and eighty shares;

Isaac V. Smith, one hundred and eighty shares;

Benj. H. Smith, twenty shares;

James W. Oakes, ten shares;

Ebenezer Oakes, Jr., ten shares;

all of whom are residents of Kanawha county, West Virginia; and the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-seventh day of April, eighteen hundred and sixty-eight.

[Signed,]

A. B. Jones,

J. P. Hall,

Isaac V. Smith,

Benj. H. Smith,

James W. Oakes,

Ebenezer Oakes, Jr.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of March, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fourth day of May, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER;

Secretary of the State.

CAMERON CEMETERY ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Cameron Cemetery Association,' for the purpose of laying out and beautifying a piece of ground to be purchased hereafter, to be used as a cemetery, which corporation shall keep its principal place of business in the town of Cameron, county of Marshall, state of West Virginia, and is to be perpetual. And for the purpose of forming the said corporation, we have subscribed the sum of one hundred dollars

to the capital thereof, and have paid in on said subscription the sum of one hundred dollars, and desire the privilege of increasing the said capital, by sale of additional shares from time to time, to one thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: Jno. Miller, of Cameron, West Virginia, one (1) share; Wm. Franklin, of Cameron, West Virginia, one (1) share; W. B. Williams, of Cameron, West Virginia, one (1) share; J. B. Kilpatrick, of Cameron, West Virginia, one (1) share; Wm. Hosack, of Cameron, West Virginia, one (1) share; Charles H. Mackin, of Cameron, West Virginia, one (1) share; Josiah Lydick, of Cameron, West Virginia, one (1) share; C. A. Woodward, of Cameron, West Virginia, one (1) share; B. Parkinson, of Cameron, West Virginia, one (1) share; J. H. Pipes, of Cameron, West Virginia, one (1) share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this second day of May, one thousand eight hundred and sixty-eight.

[Signed]

Jno. Miller,
Wm. Franklin,
W. B. Williams,
J. B. Kilpatrick,
Wm. Hosack,
Chas. H. Mackin,
Josiah Lydick,
B. Parkinson,
J. H. Pipes,
C. A. Woodward."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this eleventh day of May, eighteen hundred and sixty-eight.

SEAL
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JOHN S. WITCHER,
Secretary of the State.

THE CRATER OIL COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Crater Oil Company,' for the purpose of mining coal and other minerals, and for the purpose of boring, excavating and mining for petroleum, rock or carbon oil, and buying and selling the same; which said corporation shall keep its principal office or place of business at the city of Chicago, in the state of Illinois, and is to expire on the first day of May, one thousand eight hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of twelve thousand dollars to the capital thereof, and have paid in on said subscription the sum of three thousand dollars, and desire the privilege of increasing

the said capital, by sale of additional shares from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into six shares of two thousand dollars each, which are held by the undersigned respectively as follows, that is to say : by Nathan Eisendrath, of Chicago, Illinois, one share ; by John A. Allen, of Waupum, Wisconsin, one share ; by James M. Riter, of Pittsburg, Pennsylvania, one share ; by George W. Bittenger, of Chicago, Illinois, one share ; by Eli Hooker, of Waupum, Wisconsin, one share ; by Thomas H. B. Riter, of Pittsburg, Pennsylvania, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twelfth day of May, one thousand eight hundred and sixty-eight.

[Signed]

Nathan Eisendrath,
John A. Allen,
James M. Riter,
George W. Bittenger,
by N. Eisendrath, his attorney in fact.
Eli Hooker,
by J. A. Allen, his attorney in fact.
Thomas H. B. Riter.'

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of May, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fifteenth day of May, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE KANAWHA SAVINGS AND BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

"The undersigned have this day agreed to become a corporation by the name of the 'Kanawha Savings and Building Association,' for the purpose of raising moneys to be loaned among the members of such corporation for use in buying lots or houses, or in building or repairing houses ; which corporation shall keep its principal office and place of business in Charleston, in the county of Kanawha, and is to expire within the tenth day of March, eighteen hundred and eighty-eight, (1888.) And for the purpose of forming the said corporation, we have subscribed the sum of two thousand dollars to the capital thereof, and have paid in on said subscription the sum of two hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of two hundred dollars each, which are held by the undersigned respectively, as follows, that is to say : by William A. Quarrier, one share ; Isaac N. Smith, one share ; George Jeffries, two shares ; Edward B. Knight, two shares ; John W. Cracraft, one share ; James M. Laidley, two shares ; David Strauss, one share ;

all of whom are residents of the town of Charleston, in the county of Kanawha, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this tenth day of March, eighteen hundred and sixty-eight.

[Signed]

William A. Quarrier,
Isaac Smith,
E. B. Knight,
James M. Laidley.

J. W. Cracraft,
David Strauss,
George Jeffries."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of March, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of March, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

BUENA OIL COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Buena Oil Company,' for the purpose of mining coal and other minerals, and for the purpose of boring, excavating and mining for petroleum, rock or carbon oil, and buying and selling the same, which said corporation shall keep its principal office or place of business at the city of Chicago, in the state of Illinois, and is to expire on the first day of May, one thousand eight hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of six thousand dollars to the capital thereof, and have paid in on said subscription the sum of three thousand six hundred and fifty dollars. The capital so subscribed is divided into shares of one thousand dollars each, which are held by the undersigned respectively, as follows, that is to say: by Nathan Eisendrath, of Chicago, Illinois, one share; by James M. Riter, of Pittsburg, Pennsylvania, one share; by Eli Hooker, of Wanpum, Wisconsin, one share; by George W. Bittenger, of Chicago, Illinois, one share; by Thomas H. B. Riter, of Pittsburg, Pennsylvania, one share; by David C. Fairbank, of Waupum, Wisconsin, one share.

Given under our hands, this twenty-sixth day of May, eighteen hundred and sixty-eight.

[Signed]

Nathan Eisendrath,
James M. Riter,
By N. Eisendrath,
Eli Hooker,
George W. Bittenger,
Thos. H. B. Riter,
By N. Eisendrath.
David C. Fairbank,
By Eli Hooker.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of May, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this first day of June, eighteen hundred and sixty-eight.

JOHN S. WITCHER,

Secretary of the State.

SEAL.

TIMES PRINTING COMPANY:

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of the Times Printing Company, for the purpose of publishing newspapers and books, and printing all kinds of book and job work; which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood, and is to expire on the tenth day of March, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to twenty-five thousand dollars in all. The capital so subscribed is divided into shares of twenty-five (\$25) dollars each, which are held by the undersigned, respectively, as follows, that is to say, by M. C. Church, of Parkersburg, fourteen (14) shares; \$350; Samuel D. Karns, of Parkersburg, ten (10) shares, \$250; J. A. Hutchinson, Jr., of Parkersburg, ten (10) shares, \$250; Charles Murphy, of Parkersburg, twenty (20) shares, \$500; E. H. Rice, of Parkersburg, ten (10) shares, \$250; K. S. Boreman, of Parkersburg, ten (10) shares, \$250; E. T. Drahosh, of Parkersburg; one hundred and twenty-six (126) shares, \$8150. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this tenth day of March, eighteen hundred and sixty-eight.

[Signed,]

M. C. C. Church,
E. T. Drahosh,
Jno. A. Hutchinson
S. D. Karns;
Chas. Murphy,
E. H. Rice,
K. S. Boreman.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of March, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fifth day of June; eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

THE TRAVERSE OIL COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of the Traverse Oil Company, of the State of West Virginia, for the purpose of mining for petroleum and preparing the same for market and selling the same, which corporation shall keep its principal office at Lick Fork on the Laurel Fork and Sand Hill Rail Road in Ritchie county, West Virginia, and is to expire on the fifth day of June, A. D. one thousand eight hundred and seventy-two. And for the purpose of forming said corporation we have subscribed the sum of twenty-five hundred dollars, and have paid in on said subscription seven hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to twenty-five thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively, as follows: by David Alban, of Marietta, Ohio, fifty (50) shares; Thomas C. H. Smith, of Marietta, Ohio, one hundred and thirty (130) shares; George M. Woodbridge, of Marietta, Ohio, fifty (50) shares; J. W. Wills, of Lick Fork, aforesaid, ten (10) shares; and Samuel S. Knowles, of Marietta, Ohio, ten (10) shares; and the capital hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fifth day of June, A. D. eighteen hundred and sixty-eight.

[Signed,]

Samuel S. Knowles,
David Alban,
T. C. H. Smith,
J. W. Wills,
George M. Woodbridge.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifth day of June, eighteen hundred and seventy-two, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twentieth day of June, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

MARION MACHINE WORKS.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of the Marion Machine Works, for the purpose of manufacturing articles from wood and iron, or either of them, which corporation shall keep its principal office or place of business at Palatine, in the county of Marion, and State of West Virginia, and is to expire on the eighteenth day of June, eighteen hundred and eighty-eight. And

for the purpose of forming said corporation we have subscribed the sum of four thousand dollars to the capital thereof, and have paid in on said subscription the sum of two thousand five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively, as follows, that is to say by

John A. Leonard, of	Palatine, West Virginia,	.....	one share.
Harvey F. Leonard, of	“ “	.....	one share.
Nathaniel D. Helmick, of	“ “	.....	one share.
Lindley Rea, of	“ “	.....	one share.
Joshua Layman, of	“ “	.....	one share.
Thomas W. Hostler, of	“ “	.....	one share.
Jasper E. Hamilton, of	Fairmont, “	.....	one share.
Thomas A. Maulsby, of	Marion county, “	.....	one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our bands this eighteenth day of June, one thousand eight hundred and sixty-eight.

[Signed,]

John A. Leonard,
Harvey F. Leonard,
Lindley Rea,
Joshua Layman,
T. W. Hostler,
Jasper E. Hamilton,
Nathaniel D. Helmick,
Thomas A. Maulsby.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighteenth day of June, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my band and the great seal of the state, at the city of Wheeling, this twentieth day of June, eighteen hundred and sixty-eight.

{
SEAL.
}

JOHN S. WITCHER,
Secretary of the State.

WARM SPRING DIVISION NO. 21, SONS OF TEMPERANCE.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of ‘Warm Spring Division No. 21, Sons of Temperance,’ of the town of Berkeley Springs, Morgan county, West Virginia, for the purpose of buying, selling and leasing of real and personal property, and for that purpose desire authority to purchase, hold, lease and convey real property to the value of five hundred dollars, and personal property to the value of five hundred dollars.

Given under our hands, this eighteenth day of May, eighteen hundred and sixty-eight.

[Signed]

Wm. Crosfield,	Kate Boone,
John S. Hunter,	Geo. Crosfield, M. E. M.
Peter J. Cughlin,	W. F. Topton,
Edward Bechtol,	J. W. Young,
Isaac L. Mead,	R. G. Dawson,
Edward Ganoe,	J. W. Hunter,
C. H. Hodgson,	Marion Mechem,
A. S. Gallion,	L. C. Fisher."

Wherefore; the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-ninth day of June, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL

SHINNSTON LODGE NO. 16, INDEPENDENT ORDER OF ODD FELLOWS.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Shinnston Lodge No. 16, Independent Order of Odd Fellows,' for the purpose of diffusing the principles of benevolence and charity, and for that purpose desire authority to hold, lease, sell and convey real property to the value of twenty thousand dollars, and personal property to the value of ten thousand dollars.

Given under our hands, this twenty-third day of April, eighteen hundred and sixty-eight.

[Signed]

Emory Strickler,
S. M. Ogden,
Luther C. Shinn,
B. Tyson Harmer,
A. W. Shinn,
Levi C. Shinn,
Bart. Clark,
S. J. Ogden,
James W. Moffat."

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date, a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this seventh day of July, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL

THE GRAFTON BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

"The undersigned agree to become a corporation by the name of ' The Grafton Building Association,' for the purpose of raising money to be loaned among its members to purchase land and houses, and for the purpose of building and repairing the same ; which corporation shall keep its principal office or place of business at Grafton, in the county of Taylor, and is to expire on the twenty-third day of June, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscription the sum of one hundred dollars, and desire the privilege of increasing the said capital, by sale of additional shares from time to time, to two hundred thousand dollars in all. The capital so subscribed is divided into shares of two hundred dollars each, which are held by the undersigned respectively as follows, that is to say :

By Thomas Kennedy, of Grafton, West Virginia,	.....	one share.
George H. Shaffer,	" "	.....one share.
John W. Haslup,	" "	.....one share.
Lee Swearingen,	" "	.....one share.
Henry Compton,	" "	.....one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-third day of June, eighteen hundred and sixty-eight.

[Signed]

Thos. Kennedy,
Geo. H. Shaffer,
John W. Haslup,
Lee Swearingen,
Henry Compton."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-third day of June, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my band and the great seal of the said state, at the city of Wheeling, this third day of July, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

MOUNT NEBO LODGE NO. 91 A. F. AND A. M.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

"The undersigned agree to become a corporation by the name of Mount Nebo Lodge No. 91, A. F. and A. M., for the purpose of perpetual succession, that they may sue and plead, and that they may purchase, sell and hold to them and their

successors, for the charitable and benevolent purposes of said lodge, real and personal estate, and make such laws and regulations for the management of said property as a majority of said lodge may prescribe, and for that purpose desire authority to purchase, hold, lease, sell, and convey real property to the value of \$20,000, and personal property to the value of \$20,000.

Given under our hands this twenty-seventh day of June, eighteen hundred and sixty-eight.

[Signed,]

G. M. Beltzhoover, [SEAL.]
Lee H. Moler, [SEAL.]
B. F. Harrison, [SEAL.]
Thomas Turner, [SEAL.]
John Keplinger. [SEAL.]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State at the city of Wheeling, this sixteenth day of July, eighteen hundred and sixty-eight.

SEAL.

J. S. WITCHER,
Secretary of the State.

WEST VIRGINIA COAL AND LIME COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the West Virginia Coal and Lime Company, for the purpose of mining for coal and lime and preparing the same for use and transporting the same to market, and selling the same, which corporation shall keep its principal office or place of business at Volcano, in the county of Wood, and is to expire on the first day of July, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of twelve thousand dollars to the capital thereof, and have paid in on said subscription the sum of two thousand four hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to twenty-five thousand dollars in all. The capital so subscribed is divided into shares of two hundred and fifty dollars each, which are held by the undersigned respectively, as follows, that is to say, by

- R. H. Gratz, of Philadelphia,..... sixteen shares.
- Samuel I. Billmyer, of Philadelphia,..... eight shares.
- Wm. C. Stiles, Jr., of "..... eight shares.
- H. C. Kennedy, of "..... eight shares.
- J. M. Kennedy, of "..... eight shares.

and the capital hereafter sold is to be divided into shares of the like amount.

[Signed,]

Samuel I. Billmyer,
Wm. C. Stiles, Sr.,
H. C. Kennedy,
John M. Kennedy,
R. H. Gratz.

Sworn to and subscribed before me this twenty-first day of August, A. D., eighteen hundred and sixty-eight.

W. W. DAUGHERTY, *Alderman.*

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the seventh day of July, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this third day of September, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

COALSMOUTH COAL MINING AND MANUFACTURING COMPANY.

I, John S. Witcher, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Coalsmouth Coal Mining and Manufacturing Company,' for the purpose of mining or boring for coal, oil, salt or other minerals, obtaining and marketing the same in the state of West Virginia, upon the lands held and owned by C. C. Capehart and Thomas A. Teays, and said land to become part of the capital stock of said company, that is, all minerals in the said lands, and all privileges necessary for mining and manufacturing the same are accredited to the said C. C. Capehart and Thomas A. Teays, as ten thousand dollars of stock in said company; which corporation shall keep its principal office or place of business at Coalsmouth, in the county of Kanawha, and expire on the first day of August, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of fifteen thousand dollars to the capital stock, and have paid in on the said subscription the sum of fourteen thousand five hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to one hundred thousand dollars in all. The capital so subscribed is the lands of C. C. Capehart and Thomas A. Teays, at ten thousand dollars, and forty-five hundred dollars in money, at shares of ten dollars each, which are held by the undersigned respectively as follows: G. F. Hansford, seventy shares; R. G. Hodge, twenty shares; L. Wilkerson, ten shares; G. P. Thompson, twenty shares; F. H. Taylor, ten shares; John S. Cunningham, forty shares; D. J. Lewis, twenty-five shares; G. C. Holsten, ten shares; S. P. Capehart, twenty shares; A. Fox, ten shares; W. L. Childress, ten shares; C. C. Capehart, twenty shares; John P. Turner and brother, fifteen shares; B. Tompkins, ten shares; J. W. Huppard, ten shares; Thomas A. Teays, twenty shares; John W. Overshiner, ten shares; W. G. Miller, ten shares; R. H. Lee, ten shares; R. H. Shelton, ten shares; George H. Dillon, twenty shares; G. F. Williams, twenty shares; Joseph D. Weekline, ten shares; James H. Blaker, ten shares; Joseph Tiosley, ten shares; C. C. Parsons, ten shares; J. W. Teays, ten shares; Augustus Tinsley, ten shares; R. H. M. Smith, ten shares; Gilbert Meed, twenty shares; H. Y. Salters, ten shares; J. L. Cato, ten shares; Joseph T. Simms, ten shares; R. Ballard, twenty shares; Fayette Weekline, ten shares; M. L. Calvert, ten shares; W. F. Webb, ten shares. The remaining ten per cent is to be paid when called for within sixty days after the said first day of August, eighteen hundred and sixty-eight.

Given under our hands and seals, this twenty-fifth day of July, eighteen hundred and sixty-eight.

[Signed]	C. C. Capehart,	[SEAL.]	S. P. Capehart,	[SEAL.]
	T. A. Teays,	[SEAL.]	Arthur Fox,	[SEAL.]
	James S. Hansford,	[SEAL.]	M. L. Childress,	[SEAL.]
	R. G. Hodge,	[SEAL.]	C. C. Capehart,	[SEAL.]
	L. Wilkerson,	[SEAL.]	J. P. Turner and brother	[SEAL.]
	F. H. Taylor,	[SEAL.]	B. Tompkins,	[SEAL.]
	John S. Cunningham,	[SEAL.]	John W. Huppard,	[SEAL.]
	Daniel J. Lewis,	[SEAL.]	Thos. A. Teays,	[SEAL.]
	J. C. Holsten,	[SEAL.]	John W. Overshiner,	[SEAL.]
	Jos. D. Weekline,	[SEAL.]	W. G. Miller,	[SEAL.]
	Jas. H. Blaker,	[SEAL.]	R. H. Lee,	[SEAL.]
	Jos. Tinsley,	[SEAL.]	R. H. Shelton,	[SEAL.]
	C. C. Parsons,	[SEAL.]	Geo. H. Dillon,	[SEAL.]
	J. W. Teays,	[SEAL.]	J. F. Williams,	[SEAL.]
	Augustus Tinsley,	[SEAL.]	John L. Cato,	[SEAL.]
	R. H. M. Smith,	[SEAL.]	Gilbert Meed,	[SEAL.]
	H. Y. Salters,	[SEAL.]	R. Ballard,	[SEAL.]
	Joseph T. Simms,	[SEAL.]	Fayette Weekline,	[SEAL.]
	M. L. Calvert,	[SEAL.]	W. T. Webb,"	[SEAL.]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of August, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this eighth day of September, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

[SEAL.]

THE BURNAP SALT COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of "The Burnap Salt Company," to erect one or more salt furnaces for the purpose of manufacturing salt, and for the transacting of any and all business necessarily connected therewith, including the transportation to market and the sale thereof; which shall keep its principal office or place of business on the premises in Clifton, Waggener township, Mason county, West Virginia, and is to expire on the fifteenth day of July, A. D. eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of thirty thousand dollars to the capital stock thereof, and have paid in the sum of ten thousand dollars, and desire the privilege of increasing said capital by sales of additional shares of stock from time to time to the sum of one hundred thousand dollars. The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say by S. A. Burnap, one hundred and fifty shares; M. O. Burnap, ten shares; P. H. Wintersteen, sixty shares; David C. Noyes, ten shares; Edward Diffney, fifty shares; W. T. Carr, ten shares; and Paul Stahl, ten shares; all of the county of Meigs and State of Ohio.

Given under our hands and seals this fifteenth July, eighteen hundred and sixty-eight.

[Signed]	S. A. Burnap,	[SEAL.]	.....	150 shares.
	M. O. Burnap,	[SEAL.]	.....	10 shares.
	P. H. Wintersteen,	[SEAL.]	.....	60 shares.
	David C. Noyes,	[SEAL.]	.....	10 shares.
	Edward Diffney,	[SEAL.]	.....	50 shares.
	Wm. S. Carr,	[SEAL.]	.....	10 shares.
	Paul Stahl,	[SEAL.]	.....	10 shares.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifteenth day of July, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fifth day of July, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

THE TRANSMONTANE COMPANY OF WEST VIRGINIA.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the Transmontane Company of West Virginia, for the purpose of mining, transporting and dealing in coal and other mineral substances, and manufacturing, producing, transporting and dealing in iron, salt, lumber, leather, wool, and other mineral, animal, or vegetable articles and the product thereof, which corporation shall keep its principal office or place of business at New York, in the county and State of New York, and is to expire on the first day of January, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of fifty dollars to the capital thereof, and have paid in on said subscription the sum of fifty dollars and desire the privilege of increasing the said capital by sales of additional shares from time to time to seven hundred thousand and fifty dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say, by William D. Wilson, of Newark, in the State of New Jersey: one share; Joshua C. Sanders, of the city of New York, one share; Isaac Steane, of the city of Brooklyn, in the State of New York, one share; Addison M. Burt, of the city of New York, one share; and Henry Palmer of the city of New York, one share, and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of September, A. D. eighteen hundred and sixty-eight.

(Signed,)	W. D. Wilson,	[SEAL]
	Joshua C. Sanders,	[SEAL]
	Adison M. Burt,	[SEAL]
	Isaac Steane,	[SEAL]
	Henry Palmer.	[SEAL]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January,

eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-eighth day of September, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE PARKERSBURG MUTUAL RELIEF BENEVOLENT ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Parkersburg Mutual Relief Benevolent Association,' for the purpose of co-operation in giving aid and relief to the members thereof in case of sickness or accidental bodily injury, and to accumulate funds for this purpose, and to secure annuities to such of the members as benevolence may demand therefor; which corporation shall keep its principal office or place of business at the city of Parkersburg, in the county of Wood, and is to expire on the thirteenth day of October, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of fifty dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say:

By Ernest T. Drahosh, of Parkersburg,	.....one share,	(\$100.)
Pascal Rieden,	"	one share, (\$100.)
Louis Hechmer,	"	one share, (\$100.)
James M. Boreman,	"	one share, (\$100.)
Charles Murphy,	"	one share, (\$100.)

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this thirteenth day of October, eighteen hundred and sixty-eight.

[Signed]

E. T. Drahosh,
Pascal Rieden,
Louis Hechmer,
James M. Boreman,
Chas. Murphy."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirteenth day of October eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my band and the great seal of the said state, at the city of Wheeling, this fourteenth day of October, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE STATE IMMIGRATION AND RELIEF SOCIETY OF WEST VIRGINIA.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

“The undersigned agree to become a corporation by the name of ‘The State Immigration and Relief Society of West Virginia,’ for the purpose of giving aid and direction to immigrants intending to locate in this state or on their way to other places, and affording pecuniary relief in sickness to subscribing members, partly on the plan of a mutual association ; which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood, and is to expire on the tenth day of October, one thousand eight hundred and eighty-eight. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of fifty (\$50) dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say : by Henry Hess, of Parkersburg, four shares ; by J. H. Dis Debar, of the same place, four shares ; by Andrew Als, of the same place, four shares ; by Chris. Hechmer, of the same place, four shares ; and by J. W. Curtis, of the same place, four shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twelfth day of October, eighteen hundred and sixty-eight.

[Signed]

Henry Hess,
J. H. Dis Debar,
Chris. Hechmer,
A. Als,
J. W. Curtis.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of October, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this nineteenth day of October, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

HARRISON COUNTY COAL COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

“The undersigned agree to become a corporation by the name of ‘The Harrison County Coal Company,’ for the purpose of purchasing or leasing and holding,

either in fee or for a term of years, not to exceed one hundred acres of land, and mining therefrom gas, coal and any other minerals the said land may contain, and selling and disposing of the same from time to time at pleasure, and doing any other thing and act necessary for their said powers; which corporation shall keep its principal office or place of business in the town of Clarksburg, in the county of Harrison, State of West Virginia, and is to expire on the twenty-second day of October, A. D. eighteen hundred and eighty-eight; and for the purpose of forming the said corporation we have subscribed the sum of four thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of four hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, not to exceed in all one hundred thousand dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say, by John Chorpening, ten shares; W. H. Freeman, Jr., ten shares; Joseph Osborn, two shares; C. S. Despard, eight shares; N. Goff, Jr., ten shares, all of whom reside in the county of Harrison, in the State of West Virginia; and the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-second day of October, eighteen hundred and sixty-eight.

[Signed,]

John Chorpening,
W. H. Freeman, Jr.,
Joseph F. Osborn,
C. S. Despard,
N. Goff, Jr.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of October, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirtieth day of October, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

UNITED DIVISION NO. 16, SONS OF TEMPERANCE.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of United Division No. 16, Sons of Temperance, of Sir John's Run Station, in Morgan county, West Virginia, for the purpose of buying, selling and leasing of real and personal property, and for that purpose desire authority to purchase, hold, lease, sell and convey real property to the amount or value of one thousand dollars and personal property to the amount and value of one thousand dollars.

Given under our hands this twenty-fifth day of July, one thousand eight hundred and sixty-eight.

[Signed,]

Wilbur F. Thomas,
Wm. H. Brady,
Stansbury Gallion,
J. H. Wheat,
J. W. Buzzard,
John T. Modlin,
John Johnson,
J. J. Brady,
Wm. R. Gallion,

U. Mendenhall,
Elmira S. Buzzard,
Mollie Thompson,
Wm. Magown,
Jerome Culp,
C. C. West,
John W. Ambrose,
George P. Tritope.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-third day of November, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

WEST VIRGINIA MONUMENTAL ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of ‘West Virginia Monumental Association,’ for the purpose of building a monument of stone, granite or marble, upon such plan as may be hereafter agreed upon by the several corporators, or a majority thereof, to be dedicated to the memory of the soldiers of West Virginia, who died in defense of the republic during the late rebellion; which corporation shall keep its principal office or place of business in the city of Wheeling, Ohio county, West Virginia, and is to be perpetual. And for the purpose of forming the said corporation, we have subscribed the sum of one hundred and fifty-five dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to twenty-five thousand dollars in all. The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned respectively as follows, that is to say: by B. F. Kelley, ten shares; by John Carlin, five shares; by W. P. Hubbard, five shares; by Thayer Melvin, five shares; by C. J. Rawling, ten shares; by J. M. Ray, two shares; by John L. Morrison, two shares; by W. T. Singleton, five shares; by B. B. Dovener, two shares; by I. H. Duval, five shares; by Jacob Bentz, two shares; by James A. Macauley, five shares; by David Greer, one share; by P. D. Grove, one share; by Henry K. List, ten shares; by D. Bell, five shares; by W. S. Tippett, two shares; by John Bishop, five shares; by W. B. Simpson, five shares; by John Donlon, ten shares; by Jacob Hornbrook, ten shares; by Alexander Laughlin, ten shares; by John E. Wilson, five shares; by T. H. Logan, five shares; by Henry Crangle, five shares; and by G. K. Wheat, five shares; all of Ohio county, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this first day of November, eighteen hundred and sixty-eight.

[Signed]

Jno. Carlin,	W. T. Singleten,
B. B. Dovener,	C. J. Rawling,
J. M. Ray,	W. P. Hubbard,
John L. Morrison,	John Bishop,
Jacob Hornbrook,	Jacob Bentz,
J. A. Macauley,	P. D. Grove,
Henry K. List,	Alex. Laughlin,
John Donlon,	Thayer Melvin,
T. H. Logan,	B. F. Kelley,
W. S. Tippet,	I. H. Duval,
David Greer,	Geo. K. Wheat,
W. B. Simpson,	Henry Crangle."
John E. Wilson,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, a perpetual corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fifth day of November, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

THE WHEELING, PARKERSBURG AND CINCINNATI TRANSPORTATION COMPANY.

I, John S. Witcher; secretary of the state of West Virginia, hereby certify that an agreement; duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

"The undersigned agree to become a corporation by the name of The Wheeling, Parkersburg and Cincinnati Transportation Company, for the purpose of carrying on a transportation business with steamboats and barges upon the western rivers; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the twenty-fourth day of November in the year eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of twenty-four thousand dollars to the capital thereof and have paid in on said subscription the sum of twenty-four thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to four hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say, by

- Charles H. Booth, of Wheeling, West Virginia,.....eighty-nine shares.
- Charles Muhleman, of Monroe county, Ohio,.....seventy-eight shares.
- John Mulrine, of Wheeling, West Virginia,.....thirty-three shares.
- James C. Jelly, of Wheeling, West Virginia,ten shares.
- Thomas C. Wilson, of Wheeling, West Virginia,.....ten shares.
- Philip H. Anshutz, of Monroe county, Ohio,.....fifteen shares.
- Frederick Kemple, of Monroe county, Ohio,.....five shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-fourth day of November, one thousand eight hundred and sixty-eight.

[Signed,]

Chas. H. Booth,
Chas. Muhleman,
John Mulrine,
James C. Jelly,
Thos. C. Wilson,
Philip Anshutz,
Frederick Kimple.

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of November, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling; this twenty-seventh day of November, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

FAIRMONT MANUFACTURING COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of the Fairmont Manufacturing Company, for the purpose of manufacturing stoves, grates, hollow-ware and every other description of castings. Also, for the purpose of constructing and manufacturing all kinds of tools, implements and every article of every name, kind and description whatsoever that can be manufactured with or out of wood, iron, brass, copper, or any other kind of material, of any name, kind or description, whatsoever, including every thing that can be manufactured out of or from any material or growth, either vegetable or mineral, that this corporation may think proper to use in any way whatever, and in selling and vending the same at pleasure, and also for the purpose of purchasing and holding such real estate as may be lawful for the purposes of said corporation, and erecting thereon all necessary buildings and machinery for its purposes; which corporation shall keep its principal office or place of business in or near the town of Fairmont, in the county of Marion, State of West Virginia, and is to expire on the thirty-first day of December, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of two thousand five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of two hundred and fifty dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to the sum of fifty thousand dollars in all. The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned respectively, as follows, that is to say, by Thomas Stone, ten shares; Andrew J. Stone, ten shares; James Bumbaugh, ten shares; John O. Bond, ten shares; and Robert Shaw, ten shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this fifth day of December, eighteen hundred and sixty-eight.

[Signed.]

Thomas Stone,
Andrew J. Stone,
James Bumbaugh,
John O. Bond,
Robert Shaw.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of December, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twentieth day of December, eighteen hundred and sixty-eight.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

WEST VIRGINIA INSURANCE COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of ‘West Virginia Insurance Company,’ for the purpose of insuring against all marine risks and against any damage or loss by fire or by any other liability, casualty or hazard upon any and every kind of property, real and personal or mixed; to make insurance on lives; to grant annuities; to receive endowments; to contract for reversionary payments; to guarantee the payment of promissory notes, bills of exchange and other evidences of debt; to lend money on bottomry and respondentia; to cause themselves to be insured against all risks they may have in any property or lives in their own right, or in virtue of any bonds or advances, or of any policy or contract of insurance; to invest its capital stock or other funds of the company in bank or other stocks, in the purchase of bonds issued by this state, or the United States, or any one of the United States, or the bonds of any incorporated company; to lend money upon personal or real security; to discount notes and bills of exchange, and receive the interest in advance; to pay interest upon money deposited with them and give certificates therefor, and all other things deemed necessary to carry on a general insurance business; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio and the state of West Virginia, and is to expire on the twenty-ninth day of December, eighteen hundred and eighty-eight. And for the purpose of forming said corporation, we have subscribed the sum of twenty thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of two thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to one million dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by D. D. T. Farnsworth, of Buckhannon, West Virginia, twenty shares; by W. E. Stevenson, of Wood county, ten shares; by I. H. Duval, of Brooke county, fifteen shares; by Thomas Boggess, of Roane county, ten shares; by H. C. McWhorter, of Kanawha county, ten shares; by D. H. K.

Dix, of Putnam county, five shares; by W. B. Crane, of Preston county, twenty shares; by Jonathan Rowley, of Ohio county, twenty shares; by P. B. Dobbins, of Ohio county, ten shares; by J. M. McWhorter of Roane county, ten shares; by Francis Heermans, of Preston county, twenty shares; by W. R. White, of Marion county, fifteen shares; by John H. Charnock, of Ohio county, ten shares; by George Koonce, of Jefferson county, ten shares; by David Billmyer, of Jefferson county, ten shares; and Thayer Melvin, of Hancock county, five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-ninth day of December, eighteen hundred and sixty-eight.

[Signed]

D. D. T. Farnsworth,	P. B. Dobbins,
Wm. E. Stevenson,	Francis Heermans,
I. H. Duval,	J. M. McWhorter,
Thomas Boggess,	W. R. White,
H. C. McWhorter,	John H. Charnock,
Wm. B. Crane,	David Billmyer, for Geo. Koonce,
D. H. K. Dix,	David Billmyer,
Jonathan Rowley,	Thayer Melvin."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-ninth day of December, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-ninth day of December, eighteen hundred and sixty-eight.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE MONONGAHELA VALLEY AGRICULTURAL AND MECHANICAL SOCIETY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Monongahela Valley Agricultural and Mechanical Society of Morgantown,' for the purpose of promoting the agricultural and mechanical interests of Monongalia and adjoining counties, and encouraging the growth and improvement of the stock therein, and for the purpose of acquiring real estate for fair grounds, buildings, &c.; which corporation shall keep its principal office or place of business at Morgantown, in the county of Monongalia, and is to expire on the first day of January, eighteen hundred and eighty-nine (1889.) And for the purpose of forming the said corporation, we have subscribed the sum of eighteen hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and eighty dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to ten thousand dollars in all. The capital so

subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say:

By Alexander L. Wade, of Morgantown.....	4 shares.
William Wagner, “	4 shares.
William A. Hanaway, “	8 shares.
William P. Willey, “	4 shares.
John K. Durr, “	8 shares.
James C. Wallace, “	8 shares.
John M. Hagans, “	4 shares.
Lewis S. Layton, “	4 shares.
John H. Hoffman & Co., “	4 shares.
Eliza C. Lazier, “	4 shares.
John H. Hoffman, “	4 shares.
Waitman T. Willey, “	4 shares.
Manliff Hays, “	4 shares.
Jacob P. Shafer, “	4 shares.
Samuel Howell, “	4 shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this first day of January, one thousand eight hundred and sixty-nine.

[Signed]

John H. Hoffman,
W. Wagner,
Samuel Howell,
M. Hayes,
J. P. Shafer,
W. T. Willey,
E. C. Lazier,
W. A. Hanaway,

W. P. Willey,
J. M. Hagans,
J. K. Durr,
J. C. Wallace,
L. S. Layton,
A. L. Wade,
John H. Hoffman & Co.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this seventh day of January, eighteen hundred and sixty-nine.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

THE NATIONAL SAVINGS BANK OF WHEELING.

I, John S. Witcher; secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of “The National Savings Bank of Wheeling,” for the purpose of carrying on the business of banking in all its various branches, buying and selling gold and silver, United States bonds, bills of exchange, commercial paper; and other evidences of

debt, loaning money upon real or personal security, receiving money upon transient or special deposit, to issue certificates of loans and deposit for money deposited and to pay interest on the same, and generally to carry on such business as is usually carried on by a bank of discount and deposit; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the thirteenth day of January, (1889) eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of (\$30,300) thirty thousand three hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of thirty thousand three hundred dollars (\$30,300,) and desire the privilege of increasing the said capital by sales of additional shares from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say by

Thomas H. List, of Wheeling, West Virginia,	one hundred and forty (140) shares.
Robert Gibson, of " "	one hundred (100) shares.
Robert A. McCabe, of " "	twenty-five (25) shares.
Robert Pratt, of " "	ten (10) shares.
James McCluney, of " "	twenty-eight (28) shares.

And the capital hereafter sold is to be divided into shares of the like amount.

Given under our hands, this thirteenth day of January, eighteen hundred and sixty-nine.

[Signed]

Thomas List,
Robert Gibson,
R. A. McCabe,
Robert Pratt,
J. McCluney.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirteenth day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fifteenth day of January, eighteen hundred and sixty-nine.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, during the years 1867, 1868 and 1869, with the residence and date of appointment of each Commissioner; also, the date when evidence of his qualification was filed. The term of office of Commissioner under such appointment is two years.

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification was filed.
Pennsylvania.....	A. B. Stephenson...	Buchanan.....	Feb. 26, 1867	Mar. 7, 1867
"	George Griscom....	Philadelphia....	Mar. 1, 1867	Mar. 1, 1867
Kentucky.....	George H. Owen....	Louisville.....	Mar. 1, 1867	Mar. 1, 1867
Pennsylvania.....	E. H. Tharp.....	Philadelphia....	Mar. 5, 1867	Mar. 11, 1867
Ohio.....	Sam'l S. Carpenter	Cincinnati.....	Mar. 13, 1867	Mar. 16, 1867
Dist. Columbia..	J. S. Hollingshead..	Washington.....	Mar. 14, 1867	Mar. 14, 1867
Maryland.....	William B. Hill....	Baltimore.....	Mar. 20, 1867	Mar. 29, 1867
Pennsylvania.....	Jacob Stout.....	Philadelphia....	Mar. 28, 1867	.....
New York.....	Michael Phillips....	New York.....	April 9, 1867	April 20, 1867
Maryland.....	John T. McGlone...	Baltimore.....	April 9, 1867	May 3, 1867
"	H. L. Edmonds, jr.	"	April 19, 1867	May 6, 1867
New York.....	Dana L. Hubbard....	New York.....	May 14, 1867	May 31, 1867
"	Alex. Ostrander....	"	May 20, 1867	May 24, 1867
"	John Butcher.....	"	June 1, 1867	June 24, 1867
Pennsylvania.....	William F. Robb....	Pittsburg.....	May 31, 1867	June 6, 1867
Ohio.....	Victor Abraham....	Cincinnati.....	June 14, 1867	June 20, 1867
New York.....	Matthew H. Ellis...	New York.....	July 12, 1867	July 18, 1867
Pennsylvania.....	Charles Chauncy....	Philadelphia....	July 20, 1867	July 26, 1867
New York.....	Jas. L. Chittenden	New York.....	July 27, 1867	Sept. 6, 1867
Pennsylvania.....	A. L. Henneshotz...	Philadelphia....	Aug. 6, 1867	Aug. 10, 1867
New York.....	William F. Lett....	New York.....	Aug. 17, 1867	Aug. 23, 1867
Ohio.....	Alex. H. McGuffy...	Cincinnati.....	Aug. 22, 1867	Aug. 27, 1867
New York.....	Joseph B. Nones....	New York.....	Aug. 24, 1867	Aug. 31, 1867
"	Fred. R. Anderson	"	Sept. 12, 1867	Sept. 16, 1867
Massachusetts.....	James B. Bell.....	Boston.....	Sept. 24, 1867	Sept. 30, 1867
Maryland.....	Jos. S. Atkinson...	Baltimore.....	Oct. 1, 1867	Oct. 7, 1867
Illinois.....	Philip A. Hoyne....	Chicago.....	Oct. 3, 1867	Oct. 12, 1867
"	Simeon W. King...	"	Nov. 4, 1867	Dec. 19, 1867
New York.....	J. Spencer Smith...	New York.....	Nov. 13, 1867	Dec. 7, 1867
"	Sizamong Lazar....	"	Nov. 22, 1867	Nov. 28, 1868
Maryland.....	Lloyd Lowndes, jr.	Cumberland....	Nov. 29, 1867	Jan. 8, 1868
New York.....	Henry C. Banks....	New York.....	Dec. 2, 1867	Dec. 7, 1868
Pennsylvania.....	J. Morris Harding	Philadelphia....	Dec. 5, 1867	.....
Illinois.....	O. R. W. Lull.....	Chicago.....	Dec. 7, 1867	Dec. 12, 1867
Pennsylvania.....	Theodore D. Rand	Philadelphia....	Jan. 27, 1868	Feb. 1, 1868
Ohio.....	James Wade.....	Cleveland.....	Jan. 27, 1868	Feb. 1, 1868
New York.....	Fred. B. Swift.....	New York.....	Jan. 27, 1868	Feb. 6, 1868
"	George W. Colles...	"	Jan. 27, 1868	Feb. 17, 1868
Pennsylvania.....	Wm. H. Whitehead	Philadelphia....	Jan. 27, 1868	Feb. 1, 1868
New York.....	Wm. A. Abbott....	New York.....	Feb. 3, 1868	.....
Louisiana.....	H. A. Morse.....	New Orleans....	Feb. 6, 1868	.....
Massachusetts.....	Samuel Jennison...	Boston.....	Feb. 16, 1868	Feb. 21, 1868
New York.....	Charles Nettleton...	New York.....	Feb. 17, 1868	.....
Pennsylvania.....	John H. Frick.....	Philadelphia....	Feb. 19, 1868	Feb. 24, 1868
New York.....	A. Gano Dunn.....	New York.....	Feb. 21, 1868	Feb. 27, 1868
Pennsylvania.....	John McClaren....	Pittsburg.....	Feb. 20, 1868	Feb. 26, 1868
California.....	N. Proctor Smith...	San Francisco	Feb. 22, 1867	.....
Ohio.....	W. W. Evans.....	Portsmouth....	Jan. 8, 1868	Jan. 20, 1868

List of Commissioners.

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification was filed.
Pennsylvania....	James Starr.....	Philadelphia....	Jan. 20, 1868	Jan. 25, 1868
Dist. Columbia..	Chas. Walters.....	Washington....	Jan. 18, 1868	Jan. 24, 1868
Pennsylvania....	Kinsley J. Tener....	Philadelphia....	Feb. 26, 1868	Mar. 6, 1868
"	Joshua Spering.....	"	Feb. 26, 1868	Mar. 5, 1868
"	John Russell.....	"	Mar. 16, 1868	Mar. 21, 1868
"	W. M. Barlow.....	"	Mar. 26, 1868	.....
New York.....	William V. Archer	New York.....	Mar. 26, 1868	June 11, 1868
"	Chas. J. Bushnell..	"	April 11, 1868	April 20, 1868
Pennsylvania....	Robert Arthurs....	Pittsburg.....	April 25, 1868	May 1, 1868
New Jersey.....	Joseph T. Rowand	Camden.....	May 5, 1868	May 9, 1868
New York.....	Thomas Sadler....	New York.....	May 11, 1868	May 11, 1868
Pennsylvania....	Samuel L. Taylor...	Philadelphia....	May 13, 1868	May 19, 1868
Maryland.....	William W. Latimer	Baltimore.....	July 21, 1868	July 25, 1868
New York.....	Nathaniel Gill....	New York.....	Sept. 14, 1868	.....
Pennsylvania....	Samuel B. Huey....	Philadelphia....	Oct. 9, 1868	Oct. 19, 1868
Dist. Columbia..	J. F. Callan.....	Washington....	Oct. 12, 1868	Oct. 19, 1868
Ohio.....	Samuel E. Crawford	Cincinnati....	Oct. 16, 1868	Oct. 31, 1868
Pennsylvania....	S. W. Pennypacker	Philadelphia....	Oct. 19, 1868	Oct. 29, 1868
New York.....	Rufus K. McHarg..	New York.....	Oct. 24, 1868	Oct. 29, 1868
"	George R. Jaques..	"	Oct. 29, 1868	Dec. 9, 1868
Pennsylvania....	J. H. Wheeler.....	Philadelphia....	Oct. 29, 1868	Nov. 7, 1868
Missouri.....	Joseph L. Papin...	St. Louis.....	Nov. 2, 1868	Nov. 2, 1868
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