

A C T S

OF THE

LEGISLATURE OF WEST VIRGINIA

AT ITS

THIRTEENTH SESSION,

Commencing January 10, 1877.



WHEELING:

W. J. JOHNSTON, PUBLIC PRINTER.

1877

ACTS OF 1877.

CHAPTER I.

AN ACT concerning the election and qualification of county and district officers elected at the last general election.

[Passed January 26, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That any county or district officer elected at the last general election in this state, who is required by law to give an official bond and qualify within a specified time, who has failed to do so by reason of there having been no session of the county court in his county within the time he was so required to give bond and qualify, may, within sixty days from and after the passage of this act, if there be a session of the county court of his county within that period, and if not, at the first session of said court held thereafter, give such bond and qualify in the manner required by law.

County or district officers elected at the last general election given further time to qualify.

2. If any such officer as is mentioned in the first section, has given the bond required by law and qualified after the expiration of the time required by law, the giving of the said bond and qualification of said officer is hereby legalized and made valid, and said bond and qualification shall have the same force and effect in all respects as if the same had been given and done within the time required by law,

Bonds and qualification of certain officers legalized.

4 AUTHORIZING GOVERNOR TO PROCURE FURNITURE, ETC, [CH. 2

Commencement 3. This act shall be in force from and after its passage.

[Approved January 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each House, by a vote taken by yeas and nays, having so directed.

CHAPTER II.

AN ACT authorizing the governor to procure the necessary furniture, carpets and matting for the legislative halls, offices, committee rooms and executive offices, and appropriating money to pay for the same.

[Passed January 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. The governor is hereby authorized to procure the necessary furniture, carpets and matting for the legislative halls, the offices of the officers of senate and house of delegates, the committee rooms and the executive offices of the state located in the capitol building ; and the sum of three thousand and five hundred dollars, or so much thereof as may be necessary for the purposes aforesaid, is hereby appropriated out of any money in the treasury not otherwise appropriated, and upon the requisition of the governor the auditor is hereby authorized and directed to draw his warrant upon the treasurer for the payment of the sum herein appropriated.

Governor to procure furniture, &c. for capitol building

Appropriation therefor.

Auditor to draw warrant upon requisition of governor.

Commencement 2. This act shall take effect from and after its passage.

[Approved January 31, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER III.

AN ACT authorizing corporations to issue either registered or coupon bonds and to exchange the one for the other.

[Passed January 31, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That any railroad company or other corporation which is now or shall hereafter be authorized by any law of this state to issue its bonds, may, at its discretion, issue either registered bonds, having the conditions as to transfer and payment of the principal and interest usual in such bonds, or coupon bonds, or both, in such proportion as it shall deem best; and any such company or corporation which has heretofore issued, or shall hereafter issue any coupon bonds, may, at the request of the lawful holder thereof, change any or all such coupon bonds into registered bonds, either by taking up and cancelling the coupon bonds and issuing registered bonds in lieu thereof, or by writing or printing upon such coupon bonds a proper certificate to the satisfaction of the holder desiring the same, changing such bonds into registered bonds, and may in like manner provide for changing registered into coupon bonds. *Provided*, That the amount of the indebtedness of such company or corporation and its liability upon such of its original bonds first issued as are not so changed or exchanged, together with the terms and conditions thereof as to the payment of principal and interest, shall in no wise be altered or affected by any such change or exchange of bonds.
2. That all bonds issued in lieu of others or changed as above provided, and the legal holder thereof, shall be entitled in every respect to all the security, liens, protection and rights under or arising from any mortgage, deed of trust or other security given by or in any way accruing to such company or corporation for the security or protection of its bonds first issued and so changed or exchanged as above provided, in the same manner and to the same intent and effect as if such new or changed bonds were specifically named and described or otherwise duly provided for in such mortgage, deed of trust or other security, the validity and lien of which as to any bonds not so changed or exchanged shall remain unimpaired and binding in all respects.

Railroad company or other corporation

May issue registered or coupon bonds.

May change the one for the other; when

Proviso.

The amount of indebtedness and liability shall not be altered or affected by such exchange.

Bonds issued in lieu of others, or changed.

Holders thereof entitled to all the security.

Given for protection of bonds first issued.

To same extent as if bonds changed were named and described.

Validity of mortgage as to such bonds to remain unimpaired and binding.

[Approved February 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-

thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER IV.

AN ACT changing the times of holding the circuit courts in the ninth judicial circuit.

[Passed February 10, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the commencement of the terms of the circuit courts in the several counties of the ninth judicial circuit, in each year, shall hereafter be as follows:

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| Wayne county. | For the county of Wayne, on the first Monday in March and the first Monday in August. |
| Cabell county. | For the county of Cabell, on the third Monday in March and the third Monday in August. |
| Lincoln county. | For the county of Lincoln, on the second Monday in April and the second Monday in September. |
| Boone county. | For the county of Boone, on the third Monday in April and the third Monday in September. |
| Logan county. | For the county of Logan, on the fourth Monday in April and the fourth Monday in September. |
| Wyoming county. | For the county of Wyoming, on the first Monday in May and the first Monday in October. |
| McDowell county. | For the county of McDowell, on the second Monday in May and the second Monday in October. |
| Mercer county. | For the county of Mercer, on the third Monday in May and the third Monday in October. |
| Raleigh county. | For the county of Raleigh, on the first Monday in June and the first Monday in November. |
| Commencement | 2. This act shall take effect and be in force from and after its passage. |

[Approved February 14, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER V.

AN ACT authorizing the county court of Brooke county and the board of commissioners of Ohio county to dispose of the stock in the Pittsburg, Wheeling and Kentucky railroad company and the debts, liens and claims against said company, and its property held by said counties respectively.

Passed February 5, 1877.

Be it enacted by the Legislature of West Virginia :

1. The county court of Brooke county and the board of commissioners of Ohio county are respectively authorized and empowered to give, transfer and assign the stock now held or hereafter acquired by them or their respective counties in the Pittsburg, Wheeling and Kentucky railroad company, and the debts, claims and liens against said railroad company and its property, which are now held or may be hereafter acquired by the said court or board, or their respective counties, to such persons, in such manner and upon such consideration, terms and conditions as to said court and board respectively may seem most for the interest of their respective counties, and are authorized and empowered to contract to give and transfer such stock, debts, liens and claims, when the said railroad shall be completed from the city of Wheeling to the Steubenville bridge, to such persons as shall have furnished the means for such completion; and said court and board respectively, if deemed by them desirable, may, for the greater security of any persons subscribing money for the purpose of such completion, transfer such stock, liens, claims and debts to trustees, to be transferred by said trustees, when said road shall be completed as aforesaid, to such persons as shall have furnished the means for such completion. And such court and board are respectively authorized and empowered to exchange said debts, claims and liens for stock in said company. They are further authorized to dispose of said stock and said debts, claims and liens now held and hereafter acquired in any other manner which may seem to them for the interest of their respective counties.

2. The purchase of said debts, liens and claims by said court and board respectively is hereby legalized, and said court and board are each hereby authorized to purchase or assume to purchase other debts, liens or claims against said railroad company or its property, when it shall seem

Brooke and Ohio counties authorized to transfer stock in Pittsburg, Wheeling and Kentucky railroad company. Also the debts, claims and liens against said company.

To such persons and upon such conditions as the court and board may prescribe.

Transfer to be made when railroad shall be completed from Wheeling to Steubenville bridge to person furnishing means for such completion.

May transfer to trustees if deemed desirable.

May exchange debts and liens for stock.

May dispose of said stock, etc., in any other manner.

Purchase of debts and liens legalized.

Court and board may purchase other debts and liens.

to them for the interest of their respective counties to do so.

[Approved February 14, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each House, by a vote taken by yeas and nays, having so directed.

CHAPTER VI.

AN ACT making an appropriation for the support of the state normal school and its branches, for the school year ending in one thousand eight hundred and seventy-seven, and the school year ending in one thousand eight hundred and seventy-eight, and providing the manner in which the same shall be paid.

[Passed February 7, 1877.]

Be it enacted by the Legislature of West Virginia :

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| Principals of normal schools.
To make reports
Of non-paying and paying pupils to president of board of regents.
President board of regents.
Report to auditor non-paying pupils, etc.
Auditor to issue warrants, when and to whom.
Rate per pupil, what to include. | <p>1. That the principals of the state normal school and its several branches shall make at the close of each session thereof to the president of the board of regents, in addition to the annual reports required of them, a report under oath of the number of non-paying normal pupils, and the number of paying pupils in the several departments of the school in actual monthly attendance during said session.</p> <p>2. That the president of the board of regents of the normal school, upon receipt of the reports required in the first section of this act, shall furnish the auditor of the state with the number of the non-paying normal pupils in actual monthly attendance in each of the said normal schools, and the number of months of actual attendance, upon the receipt of which report, and on the requisition of the president of the board of regents, the said auditor shall issue to the "executive committee" of each of said schools, warrants upon the treasury of the state for the amount due said schools, at the rate of three dollars and fifty cents per month for every non-paying normal pupil reported as in monthly attendance, which said sum shall include tuition</p> |
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and the use of books and apparatus: *Provided*, That the aggregate amount so appropriated in one year to any normal school, shall not exceed the sum of two thousand dollars. Proviso.
Limit of appropriation.

3. That the sum of twelve thousand dollars be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the support of the normal school and its branches for the school year ending in one thousand eight hundred and seventy-seven, and the like sum of twelve thousand dollars for the school year ending in one thousand eight hundred and seventy-eight, to be paid by the auditor of the state as provided in section two of this act. Appropriations for school years 1877-8.

4. All moneys appropriated by the preceding section, and not drawn as provided for in the second section of this act, before the end of the school year one thousand eight hundred and seventy-seven, or the end of the school year one thousand eight hundred and seventy-eight, respectively, shall revert to the state treasury. Moneys not drawn to revert to treasury; when.

[Approved February 14, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER VII.

AN ACT changing the times of holding the county courts in the counties of Putnam, Wayne, Lincoln, Cabell, Fayette and Raleigh.

[Passed February 10, 1877.]

Be it enacted by the Legislature of West Virginia :

The commencement of the terms of the county courts of the counties of Putnam, Wayne, Lincoln, Cabell, Fayette, and Raleigh shall hereafter be as follows: Terms of county courts in

In the county of Putnam, on the first Monday in January, March and November, and the second Monday in June, August and December. Putnam.

In the county of Wayne, on the first Monday in February, April, July, September, October and December. Wayne.

Cabell.	In the county of Cabell, on the second Monday in February, April, July, September, October and December.
Lincoln.	In the county of Lincoln, on the third Monday in February, April, June, September, October and December.
Fayette.	In the county of Fayette, on the first Tuesday in January, March, May, July, September and December.
Raleigh.	In the county of Raleigh, on the second Tuesday in January, March, May, July, September and December.

[Approved February 14, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER VIII.

AN ACT authorizing private corporations to purchase the stock or securities of railroad companies and to guarantee their debts.

[Passed February 5, 1877.]

Be it enacted by the Legislature of West Virginia:

Joint stock companies or private corporations may purchase stocks, or bonds, etc. of railroad companies; how

May become surety for or guarantee the debts of railroad companies or aid in the construction of.

1. Any joint stock company or private corporation may, with the assent of the holders of two-thirds of its stock, had by a vote at a stockholders' meeting, subscribe for or purchase the stocks, bonds or securities of any railroad company, whether such railroad company be incorporated under a special charter or under chapter eighty-eight of the acts of 1872-3, entitled "an act to provide for the incorporation of associations that may be organized for the purpose of constructing railroads, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized;" and may, with the like assent, become surety for or guarantee the debts of such railroad company, or in any other manner aid such railroad company in the construction of its railroad or other works or improvements.

[Approved February 19, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER IX.

AN ACT to amend and re-enact section forty of chapter one hundred and thirty of the code of West Virginia, in relation to the compensation of witnesses.

Passed February 15, 1877.

Be it enacted by the Legislature of West Virginia:

That section forty of chapter one hundred and thirty of the code of West Virginia be amended and re-enacted so as to read as follows:

“40. A person attending any court or other tribunal, under a summons or recognizance as a witness, shall receive one dollar for each day's attendance and five cents per mile for each mile necessarily traveled to the place of attendance and the same for returning, besides the tolls at the bridges and ferries which he crosses or turnpike gates he may pass. On his oath an entry of the sum he is entitled to, and for what, and by what party it is to be paid, shall be made, when the attendance is before either house or a committee of the legislature, by the clerk of such house or the chairman of such committee, and in other cases by the clerk of the court or other tribunal before which or by the person before whom the witness attended. A witness summoned or recognized to attend in several cases may have the entry made against any one of the parties by whom he is summoned, or for whom he is sworn as a witness, but no witness shall be allowed for his attendance in more than one case at the same time. But no compensation shall be allowed to a witness before a grand jury except in cases of felony. This section shall not apply to witnesses before justices of the peace.”

Section forty of chapter one hundred and thirty of code amended.

Allowance to witnesses for attendance.

How made and entered.

Where witness attends in several cases.

Before grand jury no compensation except in felony cases.

Not to apply to witnesses before justices.

[Approved February 20, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days from its passage.

CHAPTER X.

AN ACT changing the time for holding the county courts for the county of Calhoun.

[Passed February 15, 1877.]

Be it enacted by the Legislature of West Virginia :

County court for Calhoun county; when held.

1. That hereafter the county courts for the county of Calhoun shall be held on the fourth Monday in February, March, April, June, August and November.

Commencement

2. This act shall be in force from its passage.

[Approved February 20, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XI.

AN ACT to amend and re-enact sections seven and thirteen of chapter forty-two of the acts of the legislature of 1872-3, entitled "an act relating to and providing for official bonds and bonds taken in judicial proceedings." Approved March 5, 1873.

[Passed February 17, 1877.]

Be it enacted by the Legislature of West Virginia :

Sections seven and thirteen of chapter forty-two, acts 1872-3, amended.

Persons elected or appointed to office must take the oath prescribed by the constitution.

Time within which officers must qualify and give bond, and before what court.

1. That sections seven and thirteen of chapter forty-two of the acts of the West Virginia Legislature of 1872-3, is hereby amended and re-enacted so as to read as follows:

"7. Every person elected or appointed to an office in this state, shall take the oath prescribed by the fifth section of the fourth article of the constitution: and, if bond be required of him by law, give his official bond, unless otherwise specially provided within sixty days after he has been declared elected or appointed; or if at the time of his election or appointment he was absent from the state or from the circuit or county for which he has been chosen

or appointed, within sixty days after he has been notified of his election or appointment; or if no term of the county court or other tribunal in lieu thereof, shall be held within said sixty days after he was so declared elected, or after he was so notified of his said election or appointment, then at the first term of such court or other tribunal held next thereafter: *Provided, however,* That the officers elected to any such office at the general election of this state held on the tenth day of October, one thousand eight hundred and seventy-six, from whom an official bond is or may be required to be given or approved before or by the county court of any county or other tribunal in lieu thereof, who failed to qualify or give the bond required by law within the said sixty days, or who qualified and gave or executed such bond within the said sixty days, but who was prevented from having said bond approved by reason of no term of the county court of such county or other tribunal in lieu thereof, having been held within the said sixty days, may qualify and give such bond or have such bond approved, if sufficient, before or by the president of the county court of such county or other tribunal in lieu thereof, within sixty days from the passage of this act, and said president is hereby authorized to administer any oath necessary to said qualification or the execution of said bond, and to approve the said bond: *And, provided further,* That the executive officers shall qualify on or before the fourth day of March next, after they are declared elected, or before they exercise the duties of their respective offices, and shall give the bonds required by law before entering upon their said duties, except in case of appointment to vacancies in said offices herein otherwise provided for."

Time within which officers elected October tenth, one thousand eight hundred and seventy-six, must give bond and qualify.

Additional time granted in certain cases.

President of county court may approve bond.

Executive officers; when to qualify and give bond.

Exception.

"13. Every sheriff, surveyor of lands, clerk of the circuit court, clerk of the county court, or of any other tribunal in lieu thereof, assessor, constable and notary public, shall give bond to be approved by the county court or other tribunal in lieu thereof, of the county within which such officer is to act: *Provided, however,* That the persons elected to any such office at the general election of this state, held on the tenth day of October, one thousand eight hundred and seventy-six, from whom an official bond was required to be given or approved before or by the county court of such county, or other tribunal in lieu thereof, in which such officer is or was intended to act within sixty days from the time he was so declared elected or notified of his election, as provided by the seventh section of this chapter, and who failed to give such bond, or to have it so approved, or gave such bond within said sixty days, but failed or was prevented from having such bond approved by reason of no term of the county court or other tribunal in lieu thereof, of such county, having been held within said sixty days next, after he was declared elected or no-

Bonds of county and district officers; how approved.

Exceptions as to officers elected October tenth, one thousand eight hundred and seventy-six who failed to give or have their bond approved within sixty days.

May be approved by president of county court.

Penalty of bonds of county and district officers.

Officer taking or approving bond to certify the same, how and to whom.

Bonds to be recorded.

tified, may give such official bond and have it approved, or if such bond has been heretofore given, have it approved, if sufficient, by and before the president of the county court or other tribunal in lieu thereof, of such county within sixty days from the passage of this act, as in the said seventh section provided. The penalty of such bonds shall be in an amount deemed sufficient by such court or officer to whom the same may be submitted for approval. But the penalty in the case of a sheriff shall not be less than twenty thousand nor more than one hundred and fifty thousand dollars; of a surveyor of lands, not less than one thousand nor more than three thousand dollars; of a clerk of a county court or other tribunal in lieu thereof, not less than three thousand nor more than ten thousand dollars; of the clerk of the circuit court, not less than three thousand nor more than ten thousand dollars; of assessors and constables, not less than three thousand nor more than ten thousand dollars, and of notaries public, not less than two hundred and fifty nor more than ten hundred dollars. *Provided*, That in all cases of qualification or bond being made, had or given, or approved by, or before the president of the county court of the county, or other tribunal in lieu thereof, in vacation, as hereinbefore provided for, such officer so taking or approving the same, shall certify the same under his official signature to the clerk of his said court or tribunal, for record, who shall record the same in the order book of such court or tribunal, and thus recorded it shall have the same effect in law as if done in open court."

Commencement 2. This act shall take effect from its passage.

[Approved February 20, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XII.

AN ACT relating to sales of the works and property of railroad and other internal improvement companies under decrees of a court.

[Passed February 20, 1877.]

Be it enacted by the Legislature of West Virginia :

That in all cases where a mortgage or deed of trust has been executed upon the works and property of a railroad

company or other internal improvement company, the provisions of chapter seventy of the acts of one thousand eight hundred and seventy one shall be applicable to a sale of said property made under a decree of a court having jurisdiction in the case, and the purchaser at such sale shall have all the rights and privileges and be subject to all the responsibilities provided for in said chapter.

What provisions of law applicable to sale of property, etc. of a railroad company, etc. made under decree of court where a mortgage or deed of trust has been executed upon said property, &c. Rights of purchaser at such sale.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XIII.

AN ACT to pay to the county of Berkeley, out of the general school fund, money which through mistake was not paid in 1876.

[Passed February 19, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That the sum of two thousand one hundred and forty-five dollars and ninety cents is hereby appropriated out of any money in the treasury of the general school fund to the county of Berkeley, which said county was entitled to receive for the year 1876, but through mistake in reporting the number of youths (independent school district of Martinsburg being omitted) was not paid to it.

Appropriation to pay school money to the county of Berkeley.

2. The auditor is hereby authorized and directed to issue his warrant upon the treasury, upon the requisition of superintendent of free schools of Berkeley county, to said superintendent for said amount, who [shall] distribute said sum among the districts in the county of Berkeley, including the independent school district of Martinsburg.

Auditor authorized to issue his warrant; when and to whom.

How amount appropriated to be distributed, and by whom.

3. This act shall take effect from and after its passage.

Commencement

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays having so directed.

CHAPTER XIV.

AN ACT providing for the appointment of certain officers
by the governor.

[Passed February 17, 1877.]

Be it enacted by the Legislature of West Virginia :

Governor to appoint directors of hospital for insane and of penitentiary; also regents of the university, librarian and janitor; how 1. That hereafter the governor shall nominate and, by and with the advice and consent of the Senate, appoint the board of directors of the hospital for the insane; the board of directors of the penitentiary; the superintendent of the penitentiary; the board of regents of the West Virginia university; the state librarian and the janitor of the state house.

Terms of such officers; when to commence and continue; their compensation, duties and powers. 2. The terms of such officers shall respectively commence and continue, and they shall have such compensation and perform such duties and exercise such powers as are prescribed by law for such officers.

Power of Governor to remove such officers, and for what. May declare vacancies and fill the same. 3. The governor shall have power to remove any of such officers in case of incompetency, neglect of duty, gross immorality or malfeasance in office; and he may declare any such offices vacant, and fill the same as provided in the following section.

Vacancies during recess of senate; how filled. 4. In cases of vacancy, during the recess of the senate, in any of the offices mentioned in this act, the governor shall by appointment fill such vacancy until the next meeting of the senate, when he shall make a nomination for such office; and the person so nominated, when confirmed by the senate, (a majority of all the senators concurring by ayes and nays), shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office during the same session, unless at the request of the senate, nor shall such person be appointed to the same office during the recess of the senate.

A person rejected by senate not to be again nominated except, etc.; nor appointed to same office during recess of senate. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XV.

AN ACT amending and re-enacting section two of chapter one hundred and seventeen of the acts of 1875, entitled,

“An act to protect birds and game.”

Passed February 19, 1877.

Be it enacted by the Legislature of West Virginia:

1. That section two of chapter one hundred and seventeen of the acts of 1875 be amended and re-enacted as follows:

Section two of chapter 117 of acts 1875, amended.

“2. It shall be unlawful for any person in any place to catch, kill or injure, or pursue with such intent, any quail, or Virginia partridge, between the first day of January and the fifteenth day of October, inclusive, or any ruffed grouse, pheasant, pinnated grouse, or prairie chicken, blue winged teal, mallard or wood-duck, or other wild duck, wild goose or brant, at any time between the first day of February and the first day of September. And it shall be unlawful for any person at any time to catch by snare, net or trap any quail or Virginia partridge. And it shall be unlawful for any person, by the use of any swivel or pivot gun, or any other than the common shoulder gun, or by the aid of any push boat or sneak boat used for carrying such gun, to catch, kill, wound or destroy, or to pursue after with such intent, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort within the state of West Virginia, any wild goose, wild duck or brant.

Certain birds and game protected between the first day of January and the fifteenth day of October, and between the first day of February and the first day of September.

The trapping, netting or snaring at any time of quails or partridges prohibited.

Unlawful for wild geese, wild ducks or brants to be killed, etc., by any other than the common shoulder gun; also unlawful to use push boats or sneak boats.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XVI.

AN ACT fixing the times for holding the terms of circuit courts in the fifth judicial circuit.

[Passed February 19, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the times for the commencement of the terms of

Commencement of terms of circuit courts in the fifth judicial circuit.	the circuit court in the counties of the fifth judicial circuit shall, in each year, be as follows :
County of Wood	For the county of Wood, on the first Monday in March, and on the first Monday in September.
Pleasants.	For the county of Pleasants, on the third Monday in April, and on the fourth Monday in November.
Ritchie.	For the county of Ritchie, on the fourth Monday in April, and on the fourth Monday in October.
Tyler.	For the county of Tyler, on the Tuesday after the third Monday in May, and on the Tuesday after the second Monday in November.
Calhoun.	For the county of Calhoun, on the Tuesday after the fourth Monday in May and on the Tuesday after the third Monday in October.
Wirt.	For the county of Wirt, on the first Monday in June, and on the first Monday in December.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XVII.

AN ACT to make the silver coin issued by the United States government a legal tender within the state of West Virginia.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

Silver coin made a legal tender for the payment of all debts and of all taxes.

1. That the silver coin issued by the government of the United States shall be a legal tender for the payment of all debts heretofore or hereafter contracted by the citizens of this state, and the same shall be received in payment of all debts due to the citizens of this state, and in satisfaction of all taxes levied by the authority of the laws of this state.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XVIII.

AN ACT reviving and amending the charter of the Chesapeake and Ohio railroad company.

[Passed February 20, 1877.]

WHEREAS, It is claimed by persons not in the interest of the Chesapeake and Ohio railroad company that the charter of said company has been forfeited by reason of the failure of said company to complete its railroad to the mouth of the Big Sandy river, in the county of Wayne, within the time required by its contract; and, whereas, it is not deemed expedient to enforce such forfeiture, if it has occurred as claimed; therefore,

Preamble.

Be it enacted by the Legislature of West Virginia:

1. That the Chesapeake and Ohio railroad company be, and the same is, hereby released from any forfeiture of its charter that may have occurred for the cause stated in the preamble, or for any other cause, and said charter shall be and remain in full force and effect to the same extent as if no such forfeiture had occurred, if, in fact, any such forfeiture has occurred. But the Legislature expressly reserves the right, by a general law applicable to all the railroads in the state, to regulate the charges for freights and passengers transported over the railroad of the said company.

Chesapeake & Ohio railroad released from any forfeiture of its charter for any cause.

Charter to remain in full force and effect. Right reserved to the Legislature to regulate the charges for passengers and freights transported over road.

2. That subject to the provisions of the preceding section, the second section of the act passed January twenty-sixth, one thousand eight hundred and seventy, entitled "an act confirming and amending the charter of the Chesapeake and Ohio railroad company," be and the same is hereby amended and re-enacted so as to read as follows:

Section 2 of chapter 3, acts 1870, amended subject to provisions of preceding section.

"2. That the Chesapeake and Ohio railroad company, formed and organized under said contract, shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided for and declared in the said contract, and in the legislation of the states of Virginia and West Virginia therein referred to, except only that the said company shall be allowed, for the completion of that part of its railroad from Huntington, in the county of Cabell, to Big Sandy river, in the county of Wayne, until the first day of January, one thousand eight hundred and eighty-two; and it shall be the duty of said company to so complete its said road within that period. *Provided*, That the terminus of said railroad on the Big Sandy river aforesaid, may be at any point thereon not above that at which its railroad bridge, across said river, has been located.

Charter amended.

Rights and privileges of company.

Time allowed for completion of road from Huntington to Big Sandy river.

Company to complete its road within the period named. Proviso as to terminus of road.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XIX.

AN ACT to authorize the attorney-general to protect the interests of the citizens of this state in certain suits.

[Passed February 20, 1877.]

Be it enacted by the Legislature of West Virginia:

Attorney-general to protect the interests of citizens in certain suits in favor of or against railroad companies; when.

But to receive no compensation except, etc.

That it shall be the duty of the attorney-general of this state to appear and protect the interests of the citizens of this state in all actions, suits and other proceedings that are now, or shall hereafter be, instituted in any court of record in this state, in favor of or against any railroad company, whose road passes through any portion of the territory of this state, whenever such action, suit or other proceeding involves the right to assess or collect taxes upon the property, real or personal, of said railroad, by any authority in this state, authorized to levy taxes, whenever said attorney-general shall be requested by said authority to do so. But no compensation to be paid him therefor by the state except his salary and actual traveling expenses incurred.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XX.

AN ACT for the relief of J. M. and William S. Armstrong.

[Passed, February 20, 1877.]

WHEREAS, It is represented that J. M. and William S.

Armstrong were charged on the assessor's land book for the second assessor's district in Lewis county, for the year one thousand eight hundred and seventy-one, with a tract of two hundred and forty-six acres of land, at two dollars per acre, making a total value of four hundred and ninety-two dollars, but by mistake the value was extended at four thousand four hundred and ninety-two dollars, and the taxes were assessed thereon at that value for said year; and,

WHEREAS, The time within which the erroneous assessment might have been exonerated and the taxes refunded has expired:

Be it therefore enacted by the Legislature of West Virginia:

That it shall be lawful for the county court of Lewis county, at any time within twelve months from the passage of this act, to examine into the facts aforesaid, and relieve the said J. M. and William S. Armstrong against any erroneous assessment that may appear in respect to said tract, in the mode prescribed in chapter fifty-four of the acts of 1875.

County court of Lewis county authorized to examine the facts and relieve J. M. and Wm. S. Armstrong against any erroneous assessment as to certain land in 1871.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXI.

AN ACT amending and re-enacting sections fourteen and fifteen of chapter one hundred and fifty-one of the code of West Virginia.

[Passed February 17, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That sections fourteen and fifteen of chapter one hundred and fifty-one of the code of West Virginia, and the same are, hereby amended and re-enacted so as to read as follows:

"14. If any person shall, without authority of law, issue any note or other security purporting that money or other thing of value, is payable by or on behalf of such person with intent thereby to create a circulating medium, or

Sections 14 and 15 of chapter 151 of the code amended.

Illegal circulation, and punishment for issuing notes, etc., with intent to create a circulating medium, etc.

shall issue or deliver to any person in his employ or in the employ of any person or company of which he is agent or otherwise, any written, printed or stamped check, ticket or other thing to represent money or to be used in lieu thereof, purporting that money or other thing of value will be paid by such person or company, he shall be guilty of a misdemeanor and confined in jail not more than six months, and fined not less than one hundred nor more than five hundred dollars; and the acceptance of any such note, security, check, ticket or other thing, shall not operate as a payment of any debt or claim due or to become due to the person so accepting the same. *Provided*, That nothing in this section contained shall be so construed as to prevent the giving of bank checks, promissory notes, single bills, bonds, orders, drafts or bills of exchange in payment of debts or claims due or to become due."

The acceptance of any such note etc., shall not operate as payment, etc.

Provide as to bank checks, orders, bonds, etc.

Knowingly passing or receiving in payment any such note, etc.; deemed a misdemeanor; how punished.

"15. If any person not punishable under the provisions of the next preceding section, shall knowingly pass or receive in payment any such note, security, check, ticket or other thing mentioned in said section, he shall be guilty of a misdemeanor and fined not less than ten nor more than one hundred dollars."

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXII.

AN ACT to protect buoys, lamps, lanterns, signal lights or other aids to navigation erected or maintained by this state or the United States.

[Passed February 17, 1877.]

Be it enacted by the Legislature of West Virginia:

Wilfully or maliciously injuring or destroying any aid to navigation, etc.; deemed a misdemeanor; how punished.

That if any person or persons shall wilfully or maliciously interfere with, injure or destroy any buoy, lamp, lantern, signal light or other aid to navigation erected by or maintained by the government of this state or of the United States in this state, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the jail of the proper county

not exceeding six months, or both, according to the aggravation of the offense at the discretion of the court.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXIII.

AN ACT to repeal the act passed December thirtieth, one thousand eight hundred and seventy-five, entitled "an act regulating a sale of the property of joint stock companies under deed of trust or decree of court, and making the purchaser a corporation."

[Passed February 20, 1877.]

Be it enacted by the Legislature of West Virginia:

That the act passed December thirtieth, one thousand eight hundred and seventy-five, entitled "an act regulating a sale of property of joint stock companies under a deed of trust or decree of court, and making the purchaser a corporation," be, and the same is hereby, repealed; but nothing herein contained shall be so construed as to effect or impair the act passed February eighteenth, one thousand eight hundred and seventy-one, entitled "an act relating to sales made under deeds of trust or mortgages by railroads or other internal improvement companies in this state."

Act regulating sale of property of joint stock companies under decree of court, etc., and making the purchaser a corporation, repealed.
Act passed February 18, 1871, relating to sales made under deeds of trust, etc., by railroads, etc., not affected or impaired by this act.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXIV.

AN ACT to authorize the governor to convey to the person or persons, company or firm, contracted with under the act entitled, "an act to test the existence or non-existence of minerals under the bed of the Ohio river, in the county of Hancock," passed February 28, 1872, the title and interest of the state in the minerals under a portion of the bed of said river in said county.

[Passed February 21, 1877.]

Preamble.

WHEREAS, By an act of the legislature, passed February twenty-eighth, one thousand eight hundred and seventy-two, entitled, "an act to test the existence or non-existence of minerals under the bed of the Ohio river, in the county of Hancock," the board of public works was authorized to contract with N. B. Grafton, Alexander Mannypenny, Daniel Donehoo, Ephraim Atkinson and Alfred Chapman, or such of them as may choose so to contract, who were appointed trustees for the purpose of contracting, which contract is to the effect following: That whenever any person or persons, individually, as a partnership or company, joint stock or incorporated, with whom the said trustees, or a majority of them, shall have entered into a contract to faithfully develop and test the existence or non-existence of minerals under the bed of the Ohio river within the following boundaries, viz: Beginning at a point on the West Virginia shore of said river, at the mouth of Hardin's run, in said county of Hancock, corner to the lands of Isaac Evans; thence by a line due west, across the said river to the line between the states of Ohio and West Virginia; thence northwardly up said state line to a point opposite to the mouth of Deep Gut run, in said county of Hancock; thence by a straight line across said river to the line of the lands of Alexander Mannypenny, at the mouth of said Deep Gut run; thence southwardly along the lines of riparian owners of lands binding on the Ohio river, to the place of beginning; by at least one shaft sunk to the depth of at least four hundred feet, unless, in the opinion of the trustees, the test has been made at a less distance. Then the said board of public works, upon the receipt of a certificate of said trustees, or a majority of them, that such person or persons, company or firm, with whom they may have so contracted as aforesaid, has, or have, faithfully complied with the requirements and stipulations of their contract, shall cause to be conveyed by deed by the

governor, who is hereby authorized to do so, to such person or persons, company or firm, so contracted with, and to their heirs, assigns or successors, as the case may be, all the title and interest of the state of West Virginia in and to all the minerals under so much of the said bed of the Ohio river as is contained within the boundaries hereinbefore mentioned and described; and,

WHEREAS, By the terms of the act passed February ^{Preamble.} twenty-eighth, one thousand eight hundred and seventy-two, the certificate required must be made and filed in the office of the secretary of the board of public works on or before the first day of February, one thousand eight hundred and seventy-four, otherwise the act shall become null and void; and,

WHEREAS, All the terms and stipulations and conditions ^{Preamble.} of said act have been fully complied with on the part of said contractor or contractors and trustees, saving and excepting the filing of the certificate aforesaid mentioned; therefore,

Be it enacted by the Legislature of West Virginia:

1. That the governor is authorized to convey to the person or persons, company or firm, contracted with under the provisions of the act passed February twenty-eighth, one thousand eight hundred and seventy-two, entitled, "an act to test the existence or non-existence of minerals under the bed of the Ohio river in the county of Hancock," all the right, title and interest of the state of West Virginia of, in and to all the minerals under so much of the said bed of the Ohio river as is contained within the boundaries following, to-wit: Beginning at a point on the West Virginia shore of said river (at the mouth of Hardin's run, in the said county of Hancock, corner to the lands of Isaac Evans' saw mill tract); thence by a line due west across the said river to the line between the states of Ohio and West Virginia; thence northwardly up the said state line to a point opposite to the mouth of Deep Gut run, in the said county of Hancock; thence by a straight line across said river to the lands of Alexander and Joseph Mannypenny, at the mouth of said Deep Gut run; thence southwardly along the lines of riparian owners of lands binding on the Ohio river, to the place of beginning.

Governor authorized to convey the title and interest of the state in the minerals under a portion of the bed of the Ohio river in Hancock county; how and to whom.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXV.

AN ACT extending the time within which certain railroad companies must begin the construction of their roads.

[Passed February 21, 1877.]

Be it enacted by the Legislature of West Virginia :

Time extended within which certain railroad companies must begin the construction of their roads, and within which to expend ten per cent of its capital.

That the time within which any railroad company organized prior to the first day of January, one thousand eight hundred and seventy-seven, under the provisions of chapter eighty-eight of the acts of the Legislature of West Virginia, 1872-3, is required to begin the construction of its road, and expend thereon ten per cent of its capital, be and the same is hereby extended, so that every such company shall have three years from the filing of its articles of association with the secretary of state, within which to begin the construction of its road, and four years from its organization, within which to expend the ten per cent of its capital required by section thirty-six of said chapter.

[Approved February 22, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXVI.

AN ACT to amend and re-enact section four of chapter sixty-two of the code.

[Passed February 21, 1877.]

Be it enacted by the Legislature of West Virginia :

Section 4 of chapter 62 of the code amended.

1. That section four of chapter sixty-two of the code of West Virginia be, and the same is hereby amended and re-enacted so as to read as follows :

Fishing; within what periods prohibited, except with line and pole, gigs or spears.

"4. It shall not be lawful for any person to catch or destroy any of the fish in the rivers or creeks of this state, by means of drag, fish pots, nets, wires, traps or other devices, (except line and pole, gigs or spears,) between the first day of March and the first day of October of each year,

nor shall it be lawful for any person engaged at any time in catching or destroying fish to trespass upon or go into any enclosed field, adjoining or near to the stream in which such person may be fishing without permission from the owner or occupier of such premises. Nor shall it be lawful for any person at any season of the year to catch or destroy fish in any dam or pond the property of any citizen of this state in any case in which such citizen may have stocked said dam or pond with fish without the consent of the owner of such dam or pond. And it shall be the duty of the judge of the circuit court in each county to charge the grand jury of his court specially in regard to this matter at each term.

Persons engaged in fishing not to enter enclosed grounds of another, etc.

Unlawful at any time to fish in certain dams or ponds without consent of owner.

Duty of judge of circuit court in each county.

[Approved February 24, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXVII.

AN ACT to amend and re-enact section twenty-four of an act of the general assembly of Virginia, entitled "an act to incorporate the city of Wheeling, in Ohio county," passed March 11th, 1836.

[Passed February 20, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That the twenty-fourth section of an act of the general assembly of Virginia, entitled "an act to incorporate the city of Wheeling, in Ohio county," passed March eleventh, one thousand eight hundred and thirty-six, be amended and re-enacted so as to read as follows :

Sec. 24 of general assembly of Virginia, passed Mar. 11, 1836, incorporating the city of Wheeling, amended.

"Section 24. No money shall be appropriated by the council of the city of Wheeling, no contract on behalf of said city entered into or authorized, nor shall any ordinance be passed unless two-thirds of the members present when the question is put shall concur therein, or unless the same be concurred in at two consecutive meetings of the council held on different days, by a majority of the members present at each of said meetings.

What vote of council necessary to appropriate money, to authorize contract or to pass an ordinance.

On or before the first Tuesday in May in each and every year the joint or standing committee of the council of said city, known as the committee on streets and alleys and grades, shall prepare an estimate of the amount of money that will be required to meet the expenses for the ensuing year for macadamizing, curbstones, crossings, sewers, grad-

Committee on streets, alleys and grades; estimate to be prepared by and when.

Committee on water works, estimate to be prepared by, and when.

Committee on lights, estimate to be prepared by; and when.

When estimates to be reported to council.

Council to examine estimates, when; what to ascertain and determine.

Expenditures in no year to exceed the amount ascertained and determined by council, unless, etc.

Extra appropriations; must be concurred in by what vote.

ing, cleaning and repairing the streets and alleys of the said city. The joint or standing committee on water works shall, within said time, prepare a like estimate of the contingent expenses of the water-works, extensions of mains, fire plugs and placing of the same, and repairs to works, basin, mains and fire plugs. The joint or standing committee on fire department shall, within said time, prepare a like estimate of the amount required to meet the expenses of the fire department of said city. The joint or standing committee on lights shall, within said time, prepare a like estimate of the amount required to meet the expenses of lighting the said city, and the purchase, erection and repair of lamps and posts. And the said estimates being so made, the respective committees shall report the same to a meeting of the council of said city to be held on the first Tuesday in May in each year. At said meeting or at some meeting held in May or June of each year, the council shall examine said estimates and shall ascertain and determine by ordinance, the amount of money necessary to meet the said expenses for the ensuing year on account of the streets and alleys, including grades, the water works, the fire department and the lighting of said city as aforesaid, and in no year shall the expenditures on the streets and alleys, water works, fire department and lighting of said city exceed the amount so ascertained and determined, unless four-fifths of the members present when the question upon any extra appropriation for any subject in this section mentioned is put, shall concur therein, or unless the same shall be concurred in at two consecutive meetings of the council held on different days, by two-thirds of the members present at each of said meetings.

[Approved February 24, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXVIII.

AN ACT to increase the supply of food fishes in the rivers and waters of this state.

[Passed February 20, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the governor of this state is hereby authorized

and empowered to appoint three discreet and proper persons, one from each of the congressional districts of this state, who shall be known and designated as the commissioners of fishes. Said commissioners shall hold their said office for the term of four years from the date of their appointment, and they shall have power to elect one of their number as president of said commission. In case of the death, resignation or removal of any of said commissioners, before the expiration of his term of office, the governor shall have power to fill the vacancy. The governor shall also have power to fill said offices of commissioners so often as the regular term of office of said commissioners (four years) shall expire.

Commissioner of fishes; governor to appoint one from each Congressional district.

Their term of office.

One to be elected president.

Governor to fill vacancy.

Also, to fill said offices when regular term expires.

2. It shall be the duty of said commissioners to stock such of the rivers and waters of this state as they shall select, with food fishes, for the use of the people of the state, by the establishment of hatching houses and pools, by the removal of obstructions in the passage of fish, by the erection of fish ladders, and by such other means as shall recommend themselves to the wisdom of said commissioners.

Duty of commissioners.

3. Said commissioners shall serve without reward or compensation, except their actual expenses incurred in the discharge of their official duties, and shall annually report their proceedings to the governor, together with an accurate account of their disbursements, accompanied with proper vouchers.

Commissioners to serve without compensation, except actual expenses; and to report annually their proceedings to governor, with an account of disbursements, etc.

4. The sum of three thousand dollars is hereby appropriated, to be paid out of the treasury from any moneys not otherwise appropriated, one-half thereof to be paid during the fiscal year ending September thirty, one thousand eight hundred and seventy-seven, and the other half to be paid during the fiscal year ending September thirty, one thousand eight hundred and seventy-eight, for the purpose of carrying out the objects of this act, said sum to be paid upon the order of the president of said commission.

Appropriation to carry out objects of act.

When paid.

How paid.

5. One-third of the money hereby appropriated shall be expended in each of the congressional districts of this state.

Money appropriated to be expended equally in each Congressional district.

[Approved February 24, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXIX.

AN ACT fixing the number of justices to be elected in every magisterial district, and legalizing the election of two justices in certain of said districts at the last general election.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

Number of justices to be elected in each magisterial district; and when.

1. That at the general election to be held in the year one thousand eight hundred and eighty, and every four years thereafter there shall be elected in each magisterial district in this state, containing a population of twelve hundred or more by the qualified voters thereof, two justices of the peace.

Election of two justices in certain districts at last election, legalized.

2. That whenever any district at the time of the last general election held in October, one thousand eight hundred and seventy-six, voted for and elected two justices at said election, such election of two justices is hereby legalized.

County court may direct an additional justice to be elected; when.

3. In any district having a population exceeding twelve hundred and now having but one justice, the county court may, by order, direct that an additional justice be elected at the next election to be held in said district, and the justice so elected shall hold his office until the first day of January, one thousand eight hundred and eighty-one.

Term of office of such justice.

[Approved February 24, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXX.

AN ACT appropriating seventy-four dollars and seventy-one cents to Wm. M. Peyton for taxes erroneously assessed against and paid by him in the county of Boone.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That the sum of seventy-four dollars and seventy-one

cents is hereby appropriated out of any money in the treasury, not otherwise appropriated, to William M. Peyton for taxes erroneously assessed against and paid by him in Boone county.

Appropriation to pay Wm. M. Peyton for taxes erroneously assessed against and paid by him.

2. The auditor is hereby directed to draw his warrant upon the treasury for the amount so appropriated, in favor of William M. Peyton.

Auditor authorized to draw his warrant on treasury for same.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXI.

AN ACT to amend and re-enact section seven of chapter one hundred and twenty-three of the acts of 1872-3, entitled, "an act to amend and re-enact the school law of the state."

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia:

That section seven of chapter one hundred and twenty-three of the acts of 1872-3, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 7 of chapter 123, acts 1872-3, amended.

"7. The board of education shall be a corporation by the name of "the board of education of _____ district of _____ county," and as such may sue and be sued, plead and be impleaded; which boards of education shall be substituted to all the rights of the boards of education of the townships heretofore existing, of which they are the successors, and shall have power and authority to sue for and recover, in the name of "the board of education of _____ district of _____ county," successor to the board of education of _____ township of _____ county, all money and property heretofore vested in, due to, or contracted by said board of education of _____ township of _____ county, for school purposes; and the said board of education of _____ district of _____ county, shall be liable for any and all claims, debts, dues or demands owing to any person by the board of education of which it is the successor. They shall receive, hold, use and dispose of, according to

Board of education to be a corporation; by what name.

Powers of such board and to what rights substituted.

Liability of board as to debts, claims et., owing by the board of which it is the successor.

Duty of board as to any gift, grant, devise, etc., made for the use of any free school under their jurisdiction.

Board deemed owner of certain real and personal property without any transfer or conveyance.

Process; how served on board.

Certain suits and proceedings now pending made valid.

the rules of law and the intent of the instrument conferring title, any gift, grant, devise or bequest made for the use of any free school or schools under their jurisdiction; and without any transfer or conveyance, shall be deemed the owner of the real and personal property of their district, and the property of the former townships, for which their district was substituted. Process and notice may be served on said corporation by delivering a copy thereof to the secretary, or any two members of the board. And all suits or proceedings now pending in any of the courts of the state, in the name of the board of education of any district, for any demand or claim in favor of the board of education of any township, are hereby made valid.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXII.

AN ACT authorizing the Washington Hall association of Wheeling to increase its capital stock, and amending and re-enacting an act of the general assembly of Virginia, passed March twenty-ninth, one thousand eight hundred and sixty, entitled "an act to amend and re-enact the ninth section of an act passed March twenty-second, one thousand eight hundred and fifty, entitled 'an act to incorporate the Washington Hall association of Wheeling,'" and authorizing said association to issue bonds and secure them by deed of trust or otherwise.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

Act of general assembly of Virginia, passed March 29, 1860, relating to the Washington Hall association, amended.

1. That the act of the general assembly of Virginia, passed March twenty-ninth, one thousand eight hundred and sixty, entitled "an act to amend and re-enact the ninth section of an act passed March twenty-second, one thousand eight hundred and fifty, entitled 'an act to incorpor-

ate the Washington Hall association of Wheeling," be amended and re-enacted so as to read as follows :

"9. The presence of a majority in interest of the stockholders shall be necessary to constitute a general meeting of the stockholders. The presence and votes of the stockholders may be in person or by proxy. No proxy shall be legal unless given in writing in such form as may be prescribed by the by-laws. At least one week's notice of the time and place of holding such meeting shall be given by advertisement in some daily newspaper printed in the city of Wheeling, or by individual notices delivered to each stockholder ; and at such meetings each stockholder shall be entitled to one vote for every share of stock owned by him, whether the same be held by him as his own property or held in trust for others. Any person heretofore elected, or who shall hereafter be elected as a trustee of said association, who held or shall hold any of the stock thereof in trust, shall be eligible, and may lawfully discharge the duties of such trustee of said association. And all acts heretofore done by the trustees of said association, or by any such trustee which might otherwise have been lawfully done, shall not be deemed or held invalid by reason of any such trustee holding shares of stock of said association in trust for others."

Washington Hall association; general meetings of the stockholders of.

Proxies; how given.

Notice of time of meeting.

Votes.

Who may lawfully discharge duties of trustee

Acts of certain trustees heretofore done, shall not be deemed invalid.

2. It shall be lawful for said Washington Hall association to issue bonds to run for such time as its board of trustees may deem proper, and said bonds shall be issued in denomination of twenty-five dollars, fifty dollars, or one hundred dollars, as said board may elect, bearing interest at a rate not to exceed eight per cent per annum, payable semi-annually ; and said board of trustees shall have power to secure said bonds by mortgage or deed of trust on any real estate now owned by said association, or in such other manner as may be deemed proper by said board of trustees; and any deed of trust ordered by said board and executed by the president thereof in pursuance of such order, shall be deemed and taken as a valid lien on the property therein described for the purposes therein set forth. But no issue of bonds under this section shall be made to a greater sum in the aggregate than twenty-five thousand dollars.

May issue bonds; for what time to run; of what denomination;

What interest to bear;

When payable;

How secured.

Validity of deeds of trust ordered by board and executed by president.

Issue of bonds limited.

3. Said Washington Hall association of Wheeling, is hereby empowered and authorized to increase its capital stock to a sum not exceeding fifty thousand dollars. *Provided*, The same is authorized at a general meeting of the stockholders, called for the purpose of voting upon such proposed increase in the capital stock.

Authority to increase capital stock.

Limit.

Proviso as to how increase of capital stock to be made.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts to be repealed.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXIII.

AN ACT to amend and re-enact sections seven, eleven, seventeen, eighteen and thirty of chapter thirty-nine of the acts of 1875, of the charter of the city of Charleston, of the county of Kanawha.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

Certain sections of chapter 39 of acts of 1875, amended.

1. That sections seven, eleven, seventeen, eighteen and thirty of chapter thirty-nine of the acts of 1875 be amended and re-enacted so as to read as follows :

Term of office of councilmen, mayor, recorder, sergeant and treasurer. No councilman to hold any other office under this act.

"7. The term of office of councilmen shall be three years; that of mayor, recorder, sergeant and treasurer shall be for two years, except when they are to fill vacancies.

No councilman shall hold any other office under this act.

Who may vote for officers.

"11. Every male person residing in said city shall be entitled to vote for all officers elected under this act, but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery at an election, or who has not been a resident of the state for one year, and of the city of Charleston for sixty days, and of the ward in which he offers to vote thirty days next preceding such offer.

Who not to vote

Oath of office.

"17. The mayor, recorder, councilmen and all officers herein provided for, shall each, before entering upon the duties of his office and within two weeks from the time of his election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of his office, and the oath to support the constitution of the United States and the constitution of the state of West Virginia.

Bonds of officers; when to be given.

"The mayor, recorder, sergeant, treasurer and any other officer required to give bond shall, within the said two weeks, give bond with approved security.

Mayor may administer oath to councilmen and other officers; when.

"The mayor having taken such oath or affirmation may administer the same to the councilmen and other officers. The said oath or affirmation, together with the bonds, shall be recorded in the journal kept by the council.

"18. If any one who shall have been duly elected or appointed mayor, recorder, sergeant, treasurer, councilman, or other officer shall not have been eligible at the time of his election or appointment, or shall refuse or fail to take the oath or affirmation and give bond as required under this act, within the time prescribed, the council shall declare his office vacant, and proceed to fill such vacancy, as provided in section twelve of this act.

Oaths and bonds to be recorded. For what causes council shall declare a vacancy in the office of mayor, recorder, sergeant, etc., and proceed to fill such vacancy.

"30. The council shall have power to require and take from the mayor, recorder, sergeant, treasurer, or any other officer that may be appointed or elected to any office or trust under this act, an official bond, and the said council shall determine the amount of the penalty of the bond, and shall, by a recorded vote, determine and approve said bond or bonds. The bond of the sergeant shall not be for a less amount than twenty thousand dollars, and all such bonds shall be made payable to the city of Charleston, and shall be conditioned for the true and faithful performance of the duties of his office, and that he will faithfully pay over and account for all moneys that shall come into his hands as such officer, whenever and as he shall be required by the council. No councilman or other officer of the city shall be taken as security on any of the bonds of any other officer; and new or additional bonds may be required of any of the said officers at any time, and in the event the said officer fails or refuses to give such new or other bond when required by the council, within thirty days after said requirement, his office shall be declared vacant.

Official bond; council to have power to require and take such bond of all officers. To determine the amount of the penalty of bonds and approve the same by a recorded vote. Amount of bond of sergeant. All bonds made payable to the city of Charleston. How conditioned. Who not to be taken as security on official bonds. New or additional bonds may be required at any time. Failure to give new bond when required, within 30 days, office to be declared vacant. Council have power to remove any officer or member for good cause. Order of removal to show the cause, and be entered of record. What deemed good cause for removal.

The council shall have power to remove any of its officers or members for good cause shown, and the order of removal shall show the cause, and the same shall be entered of record on the journal of the council. Misconduct in office, habitual or wilful neglect of duty, manifest incompetence, the commission of any offense punishable by imprisonment or involving a violation of his official oath, habitual intemperance or grossly immoral conduct shall be deemed good cause of removal.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXIV.

AN ACT legalizing the sale of the third story of the building known as the Washington Hall, in the city of Wheeling, with certain franchises and other property, by certain trustees, to the Washington Hall association, and legalizing a decree of the circuit court of Ohio county in relation to such sale.

Passed February 22, 1877.

Preamble. WHEREAS, By a deed dated the eighteenth day of April, one thousand eight hundred and fifty-four, and now of record in deed book number thirty-nine, folio two hundred and seventy-five, of the land records of Ohio county, the Washington Hall association of Wheeling conveyed to William J. Bates and others, as trustees, the third story of the building known as the Washington Hall, together with other property therein named; and,

Preamble. WHEREAS, Said building has been destroyed, and said trustees have sold the property embraced in said deed to said Washington Hall association of Wheeling; and,

Preamble. WHEREAS, The circuit court of Ohio county did, by a decree made on the eighteenth day of October, one thousand eight hundred and seventy-six, confirm and ratify said sale, and appointed a special commissioner to make conveyance of said property, and such conveyance has been made; and,

Preamble. WHEREAS, A doubt has arisen as to whether said sale could be made under the provisions of sections three and nine of chapter eighty-six of the acts of 1872-3; therefore,

Be it enacted by the Legislature of West Virginia:

The sale by W. J. Bates and others, as trustees, of the building known as the Washington Hall, made valid and binding; also the decree of the circuit court of Ohio county

appointing said Bates a special commissioner to convey said property, etc.; also the conveyance made in pursuance of such decree.

1. That the sale made of the property held by William J. Bates and others, under deed dated April eighteenth, one thousand eight hundred and fifty-four, of the Washington Hall association of Wheeling, to said Bates and others, and the decree of the circuit court of Ohio county, made on the eighteenth day of October, one thousand eight hundred and seventy-six, appointing the said William J. Bates a special commissioner to convey said property and rights held under said deed to the Washington Hall association, and the conveyance made in pursuance of such decree, are hereby made valid and binding. And all the property mentioned and described in said deed of the Washington Hall association to William J. Bates and others dated the eighteenth day of April, one thousand eight hundred and fifty-four, is hereby declared to be land or real

estate within the contemplation of sections three and nine of chapter eighty-six of the acts of 1872-3.

Said property declared to be land or real estate.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXV.

AN ACT to provide for the working of the convicts in the penitentiary.

[Passed February 23, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That in order to provide for hard labor by each convict according to his sentence, the directors of the penitentiary are hereby authorized and required (so soon as the shops now under way are completed and supplied with power), to let and hire the labor of the convicts upon such branches of business, and for the manufacturing of such articles, as in their judgment will best accomplish the ends and subserve the interests of the state, which letting and hiring shall be as follows:

Working of convicts in the penitentiary provided for.

Directors authorized to let and hire the labor of convicts; when.

And upon such branches of business, etc., as will best subserve the interests of the state.

Such letting and hiring shall be advertised by the superintendent of the penitentiary, in two newspapers published in the state, for four weeks, and in such other manner as may be directed by the board of directors; the advertisement to specify the number of men to be let, the length of time, which shall not exceed five years, and the last day, at twelve o'clock, meridian, on which bids will be received.

Letting and hiring to be advertised; how and by whom.

What advertisement to specify. Time not to exceed five years.

2. The board may, in their discretion, designate what articles or class of articles shall be manufactured.

Board may designate what shall be manufactured.

3. Each bidder may separately state in his bid what he will give for the labor bid for, with or without the exclusive right to manufacture the articles specified.

What bidder may separately state in his bid.

4. Each bid shall specify the articles proposed to be manufactured, and the number of square feet of shop room which will be required, and if steam power is required, the amount of power and the price per day they are willing to pay therefor.

What each bid must specify as to articles to be manufactured, shop room, and steam power, etc.

Bids to be unconditional.

Price per day for each convict to be specified. How stated if a different price for different periods is offered.

How bid to be made if bidder desires to manufacture different classes of articles.

Bond to accompany bid.

Bid to be sealed; how addressed and endorsed.

Bids to be opened by board; when.

To whom labor awarded.

Regulations governing the awarding of labor.

Contract between directors and bidders when bid is accepted and labor amended.

Bond of bidder. Blank form of contract and bond; where to be deposited; when and for what.

Reasonable time may be given bidder after his contract; for what. Not to exceed sixty days.

If contract be made for exclusive right of manufacturing; subsequent con-

5. Each bid shall be unconditional.

6. The price per day for each convict shall be specified, and if a different price per day is stated for different periods, each period and price must be so stated, that one may be accepted and the other rejected.

7. If the person bidding desires to manufacture different classes of articles, the labor to be employed on each class must be bid for separately.

8. Each bid must be accompanied with a bond, with sureties to the satisfaction of the board, that the bidder will comply with the terms of his bid, if it is accepted, and be sealed up and addressed to the superintendent, endorsed "bid for labor."

9. The bids shall be opened by the board at their next monthly meeting after the last day and hour specified for receiving bids, and the labor shall be awarded to the highest bidder, subject to the following regulations:

(a.) As between bids which are for substantially the same price, the board may, in its discretion, give preference to the one which, in their judgment, best promotes the interest of the state.

(b.) As between bids of the same party, one with and the other without the exclusive right to manufacture, the board may accept either.

(c.) The board may reject all bids, if they are for less than a fair and reasonable price for the labor bid for, and the board shall not be required in any case to apportion the labor advertised among the bidders, or any number of them.

(d.) Any bid may be rejected, if it is against the interest of the state, or the welfare of the convict, that the articles should be manufactured.

10. When a bid is accepted and labor awarded to the bidder, the directors, on the part of the state, and the bidder shall enter into a contract in pursuance of the bid, and such bidder shall produce a bond, to be executed to the satisfaction of the board, conditioned for the faithful performance of such contract on his part, a blank form of which contract and bond shall be deposited and remain with the clerk for inspection during the time of the advertisement.

11. The board may give to a bidder, after he shall have entered into a contract, a reasonable time to procure machinery and make preparations for manufacturing, not exceeding sixty days from the acceptance of the bid.

12. If a contract be made for the exclusive right of manufacturing the articles therein named, all contracts made subsequently by the same party, and within the same period, and for the manufacture of the same articles, or any

of them, shall terminate at the same time with the first contract. tracts made by same party, etc.; when to terminate.

13. If any contractor shall not manufacture one or more articles specified in his contract, the board may give him two months' notice to manufacture them, and on failure of the contractor to do so within that period, the right to manufacture shall cease and terminate. If contractor shall not manufacture one or more articles specified in contract; what then.

14. The contractors shall furnish all machinery and tools used, except shafting and pulleys. The state will furnish no machinery or tools other than the steam power required to run the machinery put in by contractors, and all attachments to said power must be at the contractor's cost. What contractors to furnish
What state to furnish.

15. The convicts shall labor for the contractors on an average ten hours a day during the year, Sundays and national holidays excepted. What number of hours a day convicts to work.
Days excepted.

16. On or before the fifth week day of each month the clerk shall make out, and the superintendent certify and deliver to treasurer of the board a statement of the amount due from each contractor for the preceding month, and within five days thereafter each contractor shall pay the amount due to said treasurer. *Provided*, A credit of three months, at the discretion of the board, be allowed to the several contractors: *And, provided, further*, That within and before the tenth day of December, in each year, payment in full for the previous year to the first day of the month shall be made. Statement to be made by clerk of penitentiary; when, how certified, to whom delivered and what to contain.
When contractor to pay amount due.
Provide as to what credit may be allowed contractors.
Further provide as to when full payment shall be made.

17. It shall be the duty of the board to keep as many convicts employed on contracts as the interests of the state will permit, and all convicts not employed on contracts may be employed by the superintendent under the direction of the board, in the performance of work for the state or temporarily hired, which hiring shall terminate whenever their labor is required on any contract. Duty of board to keep convicts employed on contracts.
Convicts not employed on contracts to be worked by superintendent or hired.
When hiring to terminate.

18. The superintendent, under directions of the board, may employ a portion of the convicts in the manufacture and repair of articles used by the state in carrying on the penitentiary, or articles used by any of the other state institutions. How superintendent may employ a portion of the convicts, and for what.

19. A sufficient number of convicts may be hired by the superintendent for domestics, on terms to be agreed upon between him and the board of directors. How convicts may be hired for domestics.

20. No officer or employe shall receive, directly or indirectly, any other compensation for his services than that provided by law, or by the board before his appointment, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or Officers and employes of the State to receive no other compensation than that provided by law, etc.

Dismissed from office, etc., for receiving any compensation for, etc., from any contractors, etc.

Penalty on contractors, etc., for violating this section.

Who prohibited from making any gift to, or receiving one from a convict; and from dealing with.

Penalty for.

Who not to be appointed to any office or employed in penitentiary on behalf of the state. If any officer or employe become a contractor, his agent, etc., it shall be cause for removal. Who not to be employed a guard or superintendent of state work, etc. Single act of intoxication justifies removal.

Who to purchase all forage, fuel, supplies, etc.; articles for repairs, etc., and make all sales; how. Such orders, etc. to be filed and preserved. To keep an accurate account of all sales and purchases. Books to be open for inspection. Other supplies; how purchased. Commissary to receive no money due penitentiary. All moneys to be paid to superintendent. Commissary to make duplicate accounts; how disposed of. Superintendent to receipt account when paid. To be entered in books of clerk. Payment to superintendent alone discharges the liability.

perform for or on behalf of any contractor, or agent or employe of a contractor. For every violation of this section the officer, agent, or employe of the state engaged therein, shall be dismissed from his office or service, and every contractor, or employe or agent of a contractor, engaged therein, shall be expelled from the penitentiary, and not again employed in it as a contractor, agent or employe.

21. No officer or employe of the state, or contractor or employe of a contractor, shall make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a convict; and for every violation of this section the party engaged therein shall incur the same penalty as is prescribed in the preceding section.

22. No person shall be appointed to any office or be employed in the penitentiary on behalf of the state who is a contractor, or agent or employe of a contractor, or who is interested directly or indirectly in any business carried on therein. and should any officer or employe become such contractor, his agent or employe, or interested in such business, it shall be cause for such removal. And no person who is not a citizen of this state shall be appointed a guard or superintendent of any state work, nor shall any person be appointed to office or employment by virtue of this act who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge.

23. The commissary, or such other person as the board of directors may direct, shall purchase all the forage, fuel, lights and supplies for the kitchen and hospital, and all articles for manufacturing and repairs, and make all sales for the penitentiary, under the written orders and direction of the superintendent, subject to such rules as the board may prescribe. He shall file and preserve all such orders and directions, and keep a full and accurate account of all such purchases and sales made by him, in a book to be furnished for that purpose, which shall be open to the inspection of the superintendent and the board, or any member thereof. All other supplies shall be purchased by order and under direction of the board.

24. No money shall be received by the commissary for or on account of any claim due the penitentiary for sales made by him, or other acts of his. All money so due shall be paid to the superintendent. Duplicate accounts shall be made out by the commissary, one to be retained by him, and laid before the board at its next monthly meeting, and the other certified to the superintendent. When the amount is paid to the superintendent he shall receipt the account, and it shall be properly entered on the books by the clerk, and payment to the superintendent shall alone discharge the liability.

25. All other revenues, except herein otherwise provided, shall be paid to the superintendent and account thereof be kept by the clerk, and reported to the board at its next meeting.

All other revenues, except etc., to be paid to superintendent.
Account thereof to be kept by clerk.
To whom and when reported.

26. The superintendent shall balance his cash account at the end of each month, and report the same to the board, if in session, or at their first meeting, and on the fifth week day of each month pay over to the treasurer of the penitentiary so much thereof as in the opinion of the board is not required for the current use of the penitentiary.

Duty of superintendent as to his cash account
When and what to pay to treasurer.

27. Visitors may be charged a reasonable sum for going through the prison, which sum shall be prescribed by the board. The superintendent shall procure suitable tickets, which shall be sold by him, who shall keep an account of such sales and pay the money over to the treasurer monthly. The guard at the door of the guard room shall receive the tickets and also keep an account of them in a book as they are received, and return them each day to the clerk after the prison is closed. The board of directors shall expend the proceeds of sales of such tickets in the purchase of a library for the use of the convicts.

Visitors charged a reasonable sum for going through the prison, to be fixed by board; how collected, accounted for and disposed of

28. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXVI.

AN ACT to establish a county court and a board of commissioners for the counties of Mineral, Hardy, Grant and Pondleton, under the thirty-fourth section of the eighth article of the constitution of the state of West Virginia.

[Passed February 13, 1877.]

Be it enacted by the Legislature of West Virginia :

1. In the counties of Mineral, Hardy, Grant and Pen-

Authority to establish a county court and board of commissioners for the counties of Mineral, Hardy, Grant and Pendleton. dleton, there shall be elected by the qualified voters of each county, at the time and places of holding the election for school officers in the year one thousand eight hundred and seventy-seven, (of which not less than ten days' notice shall be given in the manner prescribed by law for holding general elections), and on the second Tuesday in October, one thousand eight hundred and eighty, and on the second Tuesday in October, in every fourth year thereafter, a judge for the county court of said counties, who shall be commissioned by the governor, and hold his office until his successor is elected and qualified. His term of office shall be four years, and he shall receive a salary of fifteen hundred dollars, to be divided equally between said counties, provided this act is adopted by the four counties; but if one county shall reject said act, then the remaining three shall pay said salary equally, and to be paid out of the county treasury of each, in quarterly installments. A vacancy in said office, if not more than one year shall remain of the term thereof, shall be filled by the commissioners of said counties jointly, who shall appoint some one learned in the law to fill such vacancy, a majority of whom shall make an appointment to fill such vacancy; but if more than one year of said term shall remain, then shall said appointment be made until the next general election, at which time said vacancy shall be filled by the election of some suitable person learned in the law, by the qualified voters of the counties. The judge of said county court, during his term of office, shall not practice the profession of law, or hold any other office, appointment or public trust, under the authority of this state or any other government; and upon his acceptance thereof, shall not be, during his continuance therein, eligible to any other political office. He may be removed from office by a concurrent vote of both houses of the legislature, when from any disease, mental or bodily infirmity, he shall be incapable of discharging the duties of the office, in the manner provided by the eighteenth section of the eighth article of the constitution of this state. He shall also be subject to impeachment for corruption, malfeasance, maladministration, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor, in the manner prescribed by the ninth section of the fourth article of said constitution, and upon conviction shall be subject to the same judgment as therein prescribed.

Election of judge; when.

Notice to be given.

How judge commissioned.

Term of office.

Salary.

How divided between counties.

If one county reject act; what then.

How paid.

Vacancy in office of judge; how filled.

What judge prohibited from doing during his term of office.

How removed from office, and for what.

May be impeached, for what and how.

Who to be clerk.

When clerk to be elected.

His term of office.

2. The clerks of the present county courts shall be the clerks of this court until the election provided for and to be held in October, one thousand eight hundred and seventy-eight, at which time a clerk shall be elected in each of said counties for said courts, and thereafter the clerk shall hold his office for the term of four years.

3. The county court shall have original jurisdiction in

all actions at law when the amount in controversy exceeds twenty dollars, and also in all cases of *habeas corpus, quo warranto, mandamus, prohibition, certiorai*, and all suits in equity. It shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees and curators, and the settlement of their accounts, and in all matters relating to apprentices; and of all criminal cases under the grade of felony, except as hereinbefore provided. But the jurisdiction of the county court, established in pursuance of this act, shall be subject to such limitations as may be prescribed by law. The said courts shall have the custody, through their clerks, of all wills, deeds and other papers presented for probate or record in said counties, which shall be disposed of or preserved as required by law. The said county courts shall have jurisdiction of all appeals from the judgment of justices, and its decision upon such appeals shall be final in all cases, except such as involve the title, right of possession or boundaries of lands, the freedom of a person, the validity of a law or an ordinance of any corporation, or the right of a corporation to levy tolls and taxes.

Original jurisdiction of court.

Jurisdiction in all matters of probate, etc., apprentices and criminal cases.

May be limited by law.

Custody of wills, deeds, etc.

Appeals from justices.

Decision final, except, etc.

4. There shall be four sessions of said court in each year in each of said counties, and which shall be held for the trial of causes, at the same time as is now fixed by law or ordinance in said counties; to all of which terms petit jurors, and to one or two of said terms, as the court may order, grand jurors shall be summoned to attend, as at the terms of the circuit courts for said counties.

Sessions of court for trial of causes.

Petit and grand jurors.

5. The present sub-divisions of the said counties into districts shall constitute such districts until changed by the board of commissioners hereinafter mentioned.

Present districts to remain until changed, etc.

6. The justices of the peace now in office, and elected in the several districts from time to time, shall constitute a board to be known as the board of commissioners of the counties of Mineral, Hardy, Grant and Pendleton, respectively. They shall meet statedly, on the same days as are now fixed by their respective county courts for their fiscal and police terms in each year.

Board of commissioners; who to constitute the board.

How to be known.

When to meet.

They shall elect one of their number president of the board, and the clerk of the county court shall be *ex officio* clerk of said board of commissioners, who shall keep a journal of their proceedings, including a record of their ordinances, in a volume separate from the journal of proceedings, and transact such other business pertaining to his office as may be by them or by law required, and whose compensation they shall fix by ordinance and pay from the county treasury. The said boards shall each have the superintendence and administration of the internal police and fiscal affairs of the county, including the establish-

President of board.

Clerk of board.

Duties of clerk.

His salary; how fixed and paid.

Jurisdiction and duties of board.

Proviso as to licenses granted in incorporated cities, towns, etc.

ment and regulation of roads, ways, bridges, public landings, ferries and mills, the granting of ordinary and other license, with authority to lay and disburse the county levies. *Provided*, That no license shall be granted for the sale of intoxicating liquors in any incorporated city, town or village, without the consent of the authorities thereof, the same first had and obtained.

Writs of *ad quod damnum*; where to issue from.

Contested election cases; board to determine.

Right of appeal in such cases.

Other jurisdictions and duties.

Compensation of commissioners.

How paid.

Limit.

May be indicted; for what.

Conviction vacates office.

Vacancies; how filled.

All writs of *ad quod damnum* shall issue from the county court. The board of commissioners shall, in all contested cases, judge of the election, qualification and returns of its own members, and of all county and district officers, with the right of appeal, under such regulations as may be prescribed by law, to the county court; and it shall exercise such other jurisdiction, and perform such other duties as may be prescribed by law.

The said commissioners shall each receive a compensation of three dollars per day for every day's attendance upon a meeting of the said board, to be paid out of the county treasury; but neither shall receive pay for more than twelve days' attendance during any one year.

Any commissioner may be indicted for malfeasance, misfeasance or neglect of official duty, and upon conviction thereof, his office shall become vacant. A vacancy in the board of commissioners, whether from resignation, removal from the district, removal from office, death, or other cause, shall be filled by the remaining members of the board.

Election to take the sense of the voters as to rejection or adoption of this act, and for the election of officers under it; when and how held.

Failure to appoint as required or failure to act; the voters at polls may appoint, etc.

Who to vote.

How election held.

Result; how ascertained and certified.

Returns; to whom made, and when.

Governor to commission person elected as judge.

Majority vote determines question.

7. The county courts of Mineral, Hardy, Grant and Pendleton counties shall provide, by the appointment of commissioners and other officers for the election at said school election in the year one thousand eight hundred and seventy-seven, to take the sense of the qualified voters of said counties upon the question of adoption or rejection of this act, and for the election of officers under it; and should the said county court fail to meet and appoint three persons, as aforesaid, or the same being appointed shall fail to act, then the voters present at any poll may appoint three qualified voters to conduct said election, at which election all the qualified voters of said counties shall have the right to vote. Said election shall be held according to the laws now in force, and the result shall be certified by the precinct commissioners of election to the county commissioners at the court house of each of said counties, and the vote of the county ascertained by them and a return thereof be made by them to the governor of the state at the expiration of five days from the date of said election, who shall issue a commission to the candidate receiving the highest number of votes as judge of said court.

8. If it appears that a majority of all the votes cast upon the question of the adoption or rejection of this act are in favor of its adoption, then the same shall take effect and

be in force on and after the twentieth day after the vote is taken upon this act. The person elected judge under it shall qualify within twenty days after his commission is issued as aforesaid.

When to take effect.

When judge to qualify.

9. If any one of the counties of Mineral, Hardy, Grant or Pendleton should, by a majority vote, reject this act, it shall be binding upon the other three; but if more than one of the said counties reject this act, then the act shall be null and void.

Rejection of act by one county or more than one; what then.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXVII.

AN ACT to amend and re-enact chapter eighteen of the code of West Virginia, and to repeal chapter seventy-two of the acts of 1871.

[Passed February 20, 1877.]

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code be amended and re-enacted to read as follows:

Chapter 18 of code amended.

1. The state librarian shall be *ex-officio* adjutant-general.
2. He shall execute the orders of the governor when not contrary to law, and keep a record thereof. He shall also report to the governor within one week after the end of every year, and at all other times when specially requested to do so.
3. All accounts for expenditures necessary to the discharge of his duties, shall be paid, if there be any appropriation for the purpose, upon his requisition, approved by the governor.
4. The governor shall have power to remove the adjutant-general whenever, in his opinion, the public interest will be promoted by such removal. Vacancies in the office of adjutant-general arising from whatever cause, shall be filled for the unexpired term.

Adjutant-general; librarian to be *ex-officio*.

To execute orders of governor, etc.; his report to governor.

His accounts for expenditures; when and how paid.

May be removed by governor.

Vacancies to be filled for unexpired term.

SPECIAL DUTIES.

Special duties as
adjutant-general.

5. The adjutant-general shall discharge the duties required of him by the laws of the United States, that is to say: He shall distribute all orders from the commander-in-chief of the state to the several corps; attend all public reviews when the commander-in-chief of the state shall review the militia, or any part thereof; obey all orders from him relative to carrying into execution and perfection the system of military discipline established by the laws of the United States for the militia of the several states; furnish blank forms of the different returns that may be required, and explain the principles on which they should be made; receive from the several officers of the different corps throughout the state returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline; make proper abstracts of the said returns, and lay the same annually before the commander-in-chief of the state, and make return of the militia of the state, their arms, accoutrements and ammunition to the president of the United States, on or before the first Monday in January in each year, according to the directions which may be given from time to time by the secretary of war. The adjutant-general shall also prepare general regulations prescribing what returns of the militia and volunteers shall be made, and how the same shall be made, and regulating the powers and duties of the several officers and departments thereof; which regulations, if approved by the governor and not contrary to law, shall be respected and obeyed; he shall examine all pay rolls and claims for pay for the military service, and certify the amount, if any, due thereon by the state.

Special duties as
quartermaster-general.

6. The adjutant-general, subject to the instructions of the governor, shall have charge of the ordnance, arms, accoutrements, ammunition, camp equipage, military apparatus, subsistence and stores belonging to the state; attend to the inspection, proving and safe keeping, repair and preparation of the same for service, and direct where and in what manner they shall be kept or stored, and the transportation thereof as may be necessary. Whenever the supply of any article necessary for the military defense is insufficient, he shall make report thereof to the governor, and attend to procuring the same in such manner as may be authorized by law and ordered by the governor. Whenever any property of the state, placed as aforesaid in his charge, which has been issued and not consumed, lost or destroyed, is no longer required for service, it shall be his duty to cause the same to be collected together, inspected

and put in its proper order, and stored in some safe and proper place, to be designated by the governor. He shall have charge, subject to the instructions of the governor, of all captured property. With the advice, and under the direction of the governor, he may sell or exchange, from time to time, such articles belonging to his department as may be found unserviceable or in a state of decay, or which he shall think it for the interest of the state to sell or exchange; but all arms condemned as unsafe, before they are offered for sale, shall be unbreached or broken, so as to prevent their use as firearms. The proceeds of such sale shall be paid into the treasury. With the like advice and direction, he may cause any of the arms or military apparatus belonging to the state to be altered or improved. He shall cause proper accounts to be kept in his office of all property under his charge, showing what portion thereof is on hand and how the residue has been disposed of. He shall, with the approval of the governor, prescribe proper forms and regulations respecting the matters pertaining to his department, and require proper returns thereof to be made at his office; and it shall be his duty to consolidate such returns and make report thereof to the governor.

7. The adjutant-general shall receive for his services the **His salary.** salary of two hundred dollars per year.

8. Chapter seventy-two of the acts of 1871 is hereby **Chapter 72. acts** repealed. **1872-3, repealed.**

9. It shall be the duty of the adjutant-general, as soon as he is appointed and commissioned, to make prompt requisition upon the ordnance department of the war department of the United States for the immediate delivery to his order of the quota of ordnance, small arms and military equipments now due to the state of West Virginia under the acts of congress providing for the distribution of arms to the several states of the union, under the conditions, limitations and proportions provided and contained in such acts of congress. To make prompt requisition upon the ordnance department, U. S., for the quota of ordnance, small arms, etc., due the state.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXVIII.

AN ACT fixing the times of holding the county courts in the counties of Wood, Wirt, Grant and Randolph.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia :

Terms of county courts in 1. That the commencement of the terms of the county courts in the counties of Wood, Wirt, Grant and Randolph, in each year, shall hereafter be as follows :

Wood. In the county of Wood, on the first Monday in February, April, June, August, October and December.

Wirt. In the county of Wirt, on the third Monday in February, April, June, August, October and December.

Grant. In the county of Grant, on the third Tuesday in February, the fourth Tuesday in April, the second Tuesday in June, the third Tuesday in August, the fourth Tuesday in October and the second Tuesday in November.

Randolph. In the county of Randolph, on the fourth Monday in February, April, June, August, October and November of each year.

Terms for trial of causes in Grant county, and the transaction of other business, except, etc. 2. Until otherwise ordered by the said county court of Grant county, the said February, April, August and October terms thereof for that county, shall be held for the trial of causes, and for the transaction of all the other business within the general jurisdiction of the court, except an assessment or levy upon the property of the county. And the said June and November terms shall be limited to matters connected with the police and fiscal affairs of the county.

Police and fiscal terms.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXIX.

AN ACT to legalize the election of Noah Booker and George B. Stathers, justices of McElroy district; and F. M. Kennedy and William Martin, of Union district, in the county of Tyler.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia :

That the election of Noah Booker and George B. Sta-

thers, of McElroy district; and of F. M. Kennedy and William Martin, of Union district, Tyler county, on the second Tuesday in October, one thousand eight hundred and seventy-six, to the office of justice of the peace for their respective districts, be and the same is hereby legalized, and each of said persons so elected, if they have not already qualified, shall have until the expiration of thirty days after this act takes effect, in which to qualify as required by law.

Election of certain justices in Tyler county legalized.

When to qualify if they have not already qualified.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XL.

AN ACT providing for the exemption of the working-tools of the trade or occupation of mechanics, artisans and laborers from forced sale or execution.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That any mechanic, artisan or laborer residing in this state, whether he be a husband or parent or not, may hold the working tools of his trade or occupation, to the value of fifty dollars, exempt from forced sale or execution: *Provided*, That in no case shall the exemption allowed any one person exceed two hundred dollars.

Working tools of the trade, etc., of mechanics, etc., exempted from forced sale or execution.

Proviso.

2. The benefit of this act may be taken as provided in said chapter one hundred and ninety-three of the acts of 1872-3, as to the personal property exemption therein provided: *Provided*, That this act shall not affect any debt contracted prior to the time this act goes into effect.

Benefit of act; how taken.

Proviso as to debts heretofore contracted.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLI.

AN ACT in relation to the boundary line between the states of Virginia and West Virginia.

[Passed February 23, 1877.]

Be it enacted by the Legislature of West Virginia:

Duty of governor as to locating the true boundary line, when in dispute, between this state and Virginia.

To appoint three commissioners; for what.

Appropriation to defray expenses.

How paid.

Report to be made by commissioners; to whom, when, and for what.

1. That the governor of this state apply to the proper officers of the United States government for the assignment of a competent corps of engineers to ascertain and locate the true boundary line between the state of West Virginia and the state of Virginia, whenever the line is in dispute.

2. The governor is hereby authorized to appoint three commissioners on behalf of this state to confer and act with such corps of engineers, and with similar commissioners on behalf of the state of Virginia, appointed by said state.

3. The sum of fifteen hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of ascertaining the said boundary line; and the auditor of public accounts is hereby authorized and directed to issue his warrants upon the treasurer, upon the certificates of the governor of this state, for such portions thereof as may from time to time be required.

4. That the commissioners so appointed shall submit to the legislature, immediately after the completion of their labors, a full report of their acts and findings in performance of their duties as herein prescribed, for ratification or rejection.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLII.

AN ACT to grant additional power to the Fairmont and Palatine Bridge Company, in the county of Marion.

[Passed February 23, 1877.]

Be it enacted by the Legislature of West Virginia:

That the Fairmont and Palatine Bridge Company are

hereby authorized and empowered to build one or more piers in the Monongahela river, under its bridge.

Company authorized to build one or more piers, where.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLIII.

AN ACT extending the time of Joseph Barry to qualify as recorder, and John J. Gilbert, Thomas A. Kirwan and G. L. Myers, respectively, as councilmen of the town of Harper's Ferry.

[Passed February 23, 1877.]

WHEREAS, At the annual municipal election of the town of Harper's Ferry, on the fourth of January last, Joseph Barry was elected recorder, and John J. Gilbert, Thomas A. Kirwan and G. L. Myers, respectively, were elected councilmen of said town, but owing to unacquaintance with the law, failed to qualify by taking their oaths of office within the time required by the act of incorporation; therefore,

Preamble.

Be it enacted by the Legislature of West Virginia:

1. That the time in which the said Joseph Barry, John J. Gilbert, Thomas A. Kirwan and G. L. Myers are to qualify be, and the same is hereby, extended twenty days from the time this act goes into effect.

Time extended in which certain officers of the town of Harper's Ferry may qualify.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XLIV.

AN ACT to amend and re-enact sections one, three and eleven of the act approved December 21, 1872, entitled, "an act regulating appeals, writs of error and super-sedeas."

[Passed February 16, 1877.]

Be it enacted by the Legislature of West Virginia :

Sections 1, 3 and 11, acts 1872-3, amended.

1. That sections one, three and eleven of the act approved December 21, 1872, entitled, "an act regulating appeals, writs of error and super-sedeas," be, and the same are hereby, amended and re enacted so as to read as follows :

Cases in which an appeal, writ of error or super-sedeas may be had to supreme court of appeals.

"1. A party to a controversy in any circuit court may obtain an appeal, writ of error or super-sedeas to the supreme court of appeals from a judgment, decree or order therein, in the following cases :

"*First*—In civil cases, where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars.

"*Second*—In controversies concerning the title or boundaries of land, the probate of a will, or the appointment of a personal representative, guardian, committee or curator.

"*Third*—Concerning a mill, road, way, ferry or landing.

"*Fourth*—Concerning the right of a corporation, county or district to levy tolls or taxes.

"*Fifth*—In any case of *quo warranto*, *habeas corpus*, *mandamus* or prohibition.

"*Sixth*—In any case involving freedom, or the constitutionality of a law.

"*Seventh*—In any case in chancery, wherein there is a decree or order dissolving or refusing to dissolve an injunction, or requiring money to be paid, or real estate to be sold, or the possession or title of the property to be changed, or adjudicating the principles of the cause.

"*Eighth*—In any case wherein there is an order granting a new trial, or re-hearing, and in such cases an appeal may be taken from the order without waiting for the new trial or re-hearing to be had.

"*Ninth*—In any criminal case where there has been a conviction in a circuit court, or there has been a conviction in an inferior court which has been affirmed in a circuit court."

No appeal after five years.

"3. No petition shall be presented for an appeal from, or writ of error or super-sedeas to, any judgment, decree or order, whether the state be a party thereto or not, which shall have been rendered or made more than five years

before such petition is presented, nor to any judgment of a county or corporation court, rendered in an appeal from the judgment of a justice.”

Nor to judgment of county court, etc., rendered in an appeal from judgment of justice. When order of rejection final, If petition be rejected by judge in vacation, it may be presented to court in session.

“11. In a case wherein the court to whom such petition is presented, shall deem the judgment, decree or order complained of, plainly right, and reject it on that ground, no other petition therein shall afterward be entertained. But the rejection of such petition by a judge in vacation, shall not prevent the presentation of such petition to the court when in session.”

EUSTACE GIBSON,
Speaker of the House of Delegates.
U. N. ARNETT,
President of the Senate.

OFFICE OF SECRETARY OF STATE, }
February 27, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,
Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLV.

AN ACT to amend and re-enact section thirteen of chapter forty-seven of the code of West Virginia.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That section thirteen of chapter forty-seven of the code be amended and re-enacted so as to read as follows:

Section 13 of chapter 47 of code amended.

“13. The municipal authorities of such town or village shall be a mayor, a recorder and five councilmen, who shall be freeholders of such town or village, and who shall form a common council.”

Municipal authorities of whom composed etc.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLVI.

AN ACT to amend and re-enact section twenty-three of an act passed February 24, 1865, entitled "an act to establish a court of limited jurisdiction in the city of Wheeling."

[Passed February 24, 1877.]

Be it enacted by the Legislature of West Virginia:

Section 23 of chapter 51, acts 1865, amended.

1. That section twenty-three of chapter fifty-one of the acts of 1865, establishing the municipal court of Wheeling be, and the same is hereby, amended and re-enacted so as to read as follows:

Clerk municipal court of Wheeling; his fees.

"23. For services performed by him by virtue of his office, the clerk of said court shall receive the same fees as clerks of the circuit courts, are or may be, entitled to receive for similar services, but in cases arising under the police jurisdiction of said court after the first of June, one thousand eight hundred and seventy-nine, the city of Wheeling shall not be required to pay, as clerk's fees, more than one dollar in any case where the said city, as plaintiff, prevails in the suit or action."

Inconsistent acts repealed.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLVII.

AN ACT to authorize the construction of sidewalks within one mile of towns, and to protect the same.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia:

Any person may construct sidewalks; where.

1. It shall be lawful for any person or persons, at private expense, to construct and maintain sidewalks of stone, brick, wood, concrete, slag, cinder or other suitable material along the side and within the limits of any public

highway leading to any town in this state. *Provided*, The same be within one mile of such town, and be so constructed as not to obstruct or interfere with ordinary travel on such highway.

2. Any person who shall ride or drive any horse or mule upon any such sidewalk, or shall drive or cause to be driven any kind of vehicle thereon, (except in necessarily crossing the same), or who shall injure or destroy any such sidewalk, shall be guilty of a misdemeanor, and upon conviction before a justice of the peace of the county wherein the offense shall have been committed, or upon indictment, shall be fined not less than two nor more than ten dollars.

Riding or driving any horse, etc., upon such walk, except, etc., or destroying or injuring the same, deemed a misdemeanor.

Penalty on conviction.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLVIII.

AN ACT making appropriations of public money to pay members and officers of the legislature, and for salaries of the officers of the government, in pursuance of the forty-second section of the sixth article of the constitution.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That so much of the public taxes and arrears of taxes, and all other sources of revenue which may have been received into the public treasury since the first day of October, one thousand eight hundred and seventy-six, and which may be received therein prior to the first day of October, one thousand eight hundred and seventy-eight, which may be necessary for the pay of members and officers of the legislature, and for salaries for the officers of the government, shall constitute a fund, according to the forty-second section of article six of the constitution; and no money belonging to any fund shall be taken for any other purpose than that for which it has been or may be appropriated or provided; and to that end there shall be, and is hereby, appropriated out of the fund from taxation and other sources of revenue,

Fund to pay members and officers of the legislature, and salaries of officers of the government.

Appropriation to pay charges upon the treasury; for what time. a sum sufficient to pay the following charges, payable out of the treasury during the fiscal year ending with the thirtieth day of September, one thousand eight hundred and seventy-seven, and the thirtieth day of September, one thousand eight hundred and seventy-eight, as follows:

First fiscal year. *First*—For the fiscal year ending the thirtieth day of September, one thousand eight hundred and seventy-seven.

LEGISLATIVE DEPARTMENT.

Senate.

To pay mileage of senators. To pay mileage allowed to the members of the senate for the session commencing on the tenth day of January, one thousand eight hundred and seventy-seven, one thousand and eighty-four dollars and forty cents.

Per diem of senators. To pay per diem compensation of the twenty-four members of the senate, from the tenth day of January to the twenty-third day of February, one thousand eight hundred and seventy-seven, four thousand four hundred and ten dollars.

Per diem and mileage of officers, etc., of senate. To pay the per diem compensation of the officers, clerks of committees, pages and their mileage, where mileage is allowed, to-wit: Per diem, that is to say, to the clerk of the senate, five hundred and fifty dollars; to his assistant, two hundred and seventy dollars; to pay three committee clerks, five hundred and forty dollars; to pay three pages, four hundred and five dollars; to pay sergeant-at-arms and doorkeeper, four hundred and five dollars; mileage, six hundred and forty-eight dollars and seventy cents.

House of Delegates.

Mileage of delegates. To pay mileage of sixty-five members of the house of delegates for the session of the legislature commencing on the tenth day of January, one thousand eight hundred and seventy-seven, three thousand three hundred and fifty-seven dollars and forty cents.

Per diem of delegates. To pay per diem compensation of the members of the house of delegates for the session commencing on the tenth day of January, one thousand eight hundred and seventy-seven, to the twenty-third day of February, one thousand eight hundred and seventy-seven, eleven thousand seven hundred and ninety dollars.

Per diem and mileage of officers, etc., of House of Delegates. To pay per diem compensation of the officers, clerks of committees, pages and their mileage, where mileage is allowed, to-wit: Per diem, that is to say, to the clerk of the house of delegates, five hundred and fifty dollars; to four assistant clerks, six dollars per day, one thousand and eighty dollars; to pay four committee clerks, seven hundred and twenty dollars; to pay sergeant-at-arms and doorkeeper, four hundred and five dollars; to pay four

pages, five hundred and forty dollars; mileage, nine hundred and thirty-four dollars and eighty cents.

EXECUTIVE DEPARTMENT.

To pay the salary of the governor, two thousand seven hundred dollars. Salary of governor.

Secretary of State.

To pay salary of the secretary of state, one thousand dollars. Secretary of state.

Auditor.

To pay the salary of the auditor, two thousand dollars. Auditor.

Treasurer.

To pay the salary of the treasurer, one thousand four hundred dollars. Treasurer.

State Superintendent of Free Schools.

To pay the salary of the state superintendent of free schools, to be paid out of the general school fund, one thousand five hundred dollars. State sup't free schools.

Librarian.

To pay the salary of the librarian and *ex-officio* adjutant-general, eight hundred and sixty-six dollars and sixty-six cents. Librarian.

Keeper of the Rolls.

To pay the salary of the keeper of the rolls, three hundred dollars. Keeper of rolls.

Janitor.

To pay the salary of janitor, one thousand dollars. Janitor.

To pay extra compensation allowed by law during the session of the legislature, at three dollars per diem, one hundred and thirty-five dollars.

JUDICIAL DEPARTMENT.

To pay the salaries of the four judges of the supreme court of appeals, nine thousand dollars. Judges supreme court appeals.

To pay the salary of the clerk of the supreme court of appeals, one thousand dollars. Clerk of court.

To pay the salary of the judges of the several circuit courts, eighteen thousand dollars. Circuit judges.

To pay mileage, three thousand dollars. Mileage.

Attorney-general. To pay the salary of the attorney-general, *ex-officio* reporter of the court of appeals, one thousand three hundred dollars.

Second fiscal year. 2. For the fiscal year ending on the thirtieth day of September, one thousand eight hundred and seventy-eight.

EXECUTIVE DEPARTMENT.

To pay salary of governor. To pay the salary of the governor, two thousand seven hundred dollars.

Keeper of the Rolls.

Keeper of rolls. To pay the salary of the keeper of the rolls, three hundred dollars.

Secretary of State.

Secretary of state. To pay the salary of the secretary of state, one thousand dollars.

Auditor.

Auditor. To pay the salary of the auditor, two thousand dollars.

Treasurer.

Treasurer. To pay the salary of the treasurer, one thousand four hundred dollars.

State Superintendent of Free Schools.

State sup't free schools. To pay the salary of the state superintendent of free schools, to be paid out of the general school fund, one thousand five hundred dollars.

Attorney-General.

Attorney-general. To pay the salary of the attorney-general and *ex-officio* reporter of the court of appeals, one thousand three hundred dollars.

Librarian.

Librarian. To pay the salary of librarian and *ex-officio* adjutant-general, nine hundred and fifty dollars.

Janitor.

Janitor. To pay the salary of the janitor, one thousand dollars.

JUDICIAL DEPARTMENT.

Judges of court of appeals. To pay the salaries of the four judges of the court of appeals, nine thousand dollars.

To pay the salary of the clerk of the court of appeals, Clerk of court.
one thousand dollars.

To pay the salaries of nine judges of the circuit court, Circuit judges.
eighteen thousand dollars.

To pay mileage, three thousand dollars. Mileage.

3. Be it further enacted :

The auditor is hereby authorized and required, when Auditor authorized to pay. properly demanded, to issue his warrants on the treasury in the same manner he would be required to if each item of expenditure was directed to be paid to a creditor by name; and no money shall be drawn from the treasury No money beyond appropriation to be drawn unless, etc. for the payment of all moneys hereby appropriated, beyond the appropriations hereby made, unless the same is authorized by the constitution, or by some general law not provided for in this act.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XLIX.

AN ACT to regulate the deposits of the state funds, and to secure interest thereon to the state while said funds or any part thereof are on deposit.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That the board of public works may designate any What banks board of public works may designate as depositories of state moneys. national bank or banks, and any bank or banks chartered pursuant to the laws of this state, with paid-up capitals of twenty thousand dollars, as depositories of money belonging to the state, and shall contract with said banks for the payment of interest thereon, at a rate not less than four Rate of interest to be contracted for. per cent. per annum, for such time as any deposit, or part thereof, may remain in such banks.

2. Said board, before allowing any money to be deposited with them, shall require said depositories to give bond Board to require depositories to give bond, when with good security, payable to the State of West Virginia,

- Condition of bond, and how payable. conditioned for the prompt payment, whenever lawfully required, of any state money, or part thereof, that may be deposited with them, which bond shall be recorded by the secretary of state in a book kept in his office for the purpose, and a copy of such bond, or the record thereof, certified by said secretary, shall be *prima facie* evidence of the execution and contents of such bond in any suit or legal proceeding.
- Bond to be recorded by secretary of state.
- Certified copy of, to be *prima facie* evidence, etc.
- Limit to amt. of deposits in any bank. 3. The amount of deposits in any bank shall at no time exceed three-fourths of the amount of the securities aforesaid, and all such securities shall be examined by the board at least once in every three months. And whenever the security is deemed insufficient, additional security shall be required. But in no case shall the security be less than fifty thousand dollars.
- Examination of securities by board; when.
- Additional security; when required.
- Minimum of security.
- Transfer of deposits; when board may order such transfer, and how. 4. Said board shall issue its order to the auditor directing him to draw his warrants on the treasurer for the full amounts of the deposits held by depositories neglecting or refusing to give security at any time required, or to pay either principal or interest whenever lawfully required; said order shall also designate the depositories to which said amounts shall be transferred, and what amount to each. The board may also thus cause transfer to be made whenever it becomes necessary, in order to protect the interests of the state; and may also, whenever it is thought necessary, designate and contract with additional depositories, subject to the provisions of this act. The designation or discontinuance of every depository shall be published by the board in some newspaper published at the seat of government, and the auditor shall promptly notify all collectors of moneys belonging to the state by mail, of any such discontinuance.
- Board may designate additional depositories; when.
- Designation or discontinuance of every depository to be published; how and where.
- Notice by auditor to collector of the discontinuance of depository.
- Money collected in any senatorial district; where deposited. 5. The money collected in any senatorial district of this state shall be deposited in some lawful depository of state funds situate therein, if there be such depository. But if from any cause there be no such depository, or no safe depository in said district, then said money shall be deposited in, or transferred to, some lawful depository or depositories in a different district or districts in the same congressional district.
- When deposited in some other senatorial district.
- Depositories to make monthly reports; to whom, and what to contain.
- How verified. 6. Each depository of state funds shall once in each month report to said board, by its president or cashier, the amount of state funds then on deposit, and said report shall be verified by the affidavit of the officer making it. For failure so to report, the board may in its discretion, cause all state funds to be withdrawn from any depository so failing.
- Failure to make report; what then.
- Interest on deposits; how received for, and duty of auditor in relation to. 7. It shall be the duty of the auditor on all certificates of deposit of interest on deposits to indicate to the treasurer to receipt for one-half of the amount of such certifi-

cato as of interest on state fund, and one-half as interest on general school fund.

8. The state treasurer shall, in his semi-annual report of money on deposit in each depository, show the rate of interest, and the amount and character of security, including the penalty of the bond and the names of the securities given by each depository. He shall also, at least once in every two months, report to said board the amount of state funds in each depository, so far as appears by the papers and records in his office.

Semi-annual report of treasurer; what to contain.
His report to board; what to contain.

9. Any depository violating any of the provisions of this act, shall be discontinued as a state depository.

For what depository may be discontinued.

10. Chapter one hundred and eighty-four of the acts of the legislature of 1873 and 1872, and any and all parts of acts inconsistent with the provisions of this act are hereby repealed.

Chapter 184, acts 1872-3, and all inconsistent acts, repealed.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER L.

AN ACT to amend the law relative to the compensation of prosecuting attorneys, clerks and sheriffs.

[Passed February 24, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section twenty-five (improperly numbered as section twenty-two in the printed acts), of chapter fifty-one of the acts of the legislature of West Virginia, amending and re-enacting an act entitled "an act regulating and fixing the fees of officers," approved December twentieth, one thousand eight hundred and seventy-two, which said act amending and re-enacting the former act was approved March twenty-one, one thousand eight hundred and seventy-three, be amended and re-enacted so that the same shall read as follows :

Section 25, chap-ter 51, acts 1872-3, amended

<p>Allowances to certain officers by county court.</p>	<p>“ Section 25, (improperly numbered section twenty-two.) The county court of every county shall allow annually to the county officers hereinafter mentioned, for their public services, for which no other fee or reward is allowed by law, such sums to be paid out of the county treasury as are deemed reasonable by the court, within the limits ascertained by law, that is to say :</p>
<p>How paid.</p>	<p>To the sheriff, not to exceed two hundred dollars, except that the sheriffs of Kanawha, Marshall and Wood counties shall be allowed a sum not to exceed three hundred dollars.</p>
<p>To sheriffs. Special provisions as to sheriffs of Kanawha, Marshall and Wood.</p>	<p>To the clerk of the circuit court, not to exceed two hundred dollars, except that the clerk of the circuit court of Ohio county shall be allowed annually not less than five hundred nor more than one thousand dollars; and of Kanawha and Wood counties a sum not to exceed three hundred dollars.</p>
<p>To clerk of circuit court. Special provisions as to clerk circuit court of Ohio, Kanawha and Wood.</p>	<p>To the clerk of the county court, not to exceed two hundred dollars, except that the clerks of the county courts of Kanawha and Wood counties shall be allowed a sum not to exceed three hundred dollars.</p>
<p>To clerk of county court. Special provisions as to clerk Kanawha and Wood counties.</p>	<p>To the prosecuting attorney, not less than one hundred nor more than two hundred and fifty dollars, except as follows :</p>
<p>To prosecuting attorneys.</p>	<p>The prosecuting attorney in the counties of Boone, Lincoln, Wayne, Marion, Summers and Wetzel shall be allowed annually not less than one hundred nor more than four hundred dollars.</p>
<p>Special provisions as to prosecuting attorneys of certain counties.</p>	<p>In the counties of Braxton, Brooke, Hancock, Putnam, Monroe, Monongalia, Mason, Barbour, Doddridge, Fayette, Gilmer, Jackson, Lewis, Mercer, Morgan, Nicholas, Preston, Raleigh, Ritchie, Tyler, Upshur, Taylor and Wirt, not less than two hundred nor more than four hundred dollars.</p>
<p>No extra compensation to be allowed; nor salary increased or diminished.</p>	<p>In the counties of Berkeley, Cabell, Greenbrier, Harrison, Jefferson and Marshall not less than two hundred and fifty nor more than five hundred dollars.</p> <p>In the counties of Kanawha, Wood and Ohio not less than five hundred nor more than one thousand dollars.</p> <p>But no extra compensation shall be granted or allowed to any public officer, agent, servant or contractor after the services shall have been rendered or the contract made, nor shall the salary of any public officer be increased or diminished during his term of office.”</p>

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LI.

AN ACT to amend and re-enact section one of chapter one-hundred and sixty of the acts of the legislature of 1872-3.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section one of chapter one hundred and sixty of the acts of 1872-3 be, and the same is hereby, amended and re-enacted so as to read as follows : Section 1 of chapter 160, acts of 1872-3, amended.

“1. That if any railroad company has been or shall be incorporated under a general law of this state, to construct or operate a railway for the transportation of persons and property in and from the city of Wheeling to some terminus at or near Elm Grove, in Ohio county, or any intermediate point, the assent of the state is hereby given to the construction and operating by animal power only of said railway along the sides of the national road, and across the same when necessary and proper, but subject, nevertheless, to such regulations and directions, if any, as may be in that behalf prescribed by the board of public works. And for the purpose of constructing and operating its railway, along or near the national road, any such railway company may remove any of the telegraph poles along its route, replacing the same in other convenient positions, so as not to injure or impair the rights of any telegraph company.” Right granted to construct railway track along the sides of, and across national road, to be operated with animal power only. To what point. Subject to regulations, etc. prescribed by board of public works, if any. Telegraph poles may be removed and replaced.

[Approved February 27, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LII.

AN ACT making appropriations of public money to pay general charges upon the treasury.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. There shall be, and is hereby, appropriated out of the general state fund, for the fiscal year ending September thirtieth, one thousand eight hundred and seventy-seven, the following sums for the purposes following, viz : Appropriations to pay general charges upon the treasury for the fiscal year ending September 30, 1877.

PENITENTIARY.

For support of convicts.	2. For the support of convicts in the penitentiary, ten thousand dollars.
Deficit for last fiscal year.	To pay deficit for the support of convicts in the penitentiary for the fiscal year ending September thirtieth, one thousand eight hundred and seventy-six, two thousand one hundred and thirty-nine dollars and thirty-six cents.
Guards.	For pay of guards at the penitentiary, nine thousand dollars.
Machinery, etc.	For power, machinery and heating apparatus, ten thousand dollars.
Superintendent.	For salary of superintendent, one thousand five hundred dollars.
Clerk.	For salary of clerk, one thousand dollars.
Commissary.	For salary of commissary, one thousand dollars.
How paid.	The foregoing appropriations for the penitentiary are to be drawn from the treasury upon requisition or orders of the board of directors, addressed to the auditor.

CRIMINAL CHARGES.

Criminal charges.	3. For criminal charges, forty thousand dollars.
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LUNATICS IN JAILS.

Lunatics in jail.	4. For expenses of lunatics in jails, fifteen thousand dollars.
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NORMAL SCHOOLS.

Expenses of regents.	5. For expenses of the regents of the normal schools, three hundred dollars.
Repairs on Marshall college.	For repairs on Marshall college, two thousand dollars.
	For insurance for same, for two years, four hundred dollars.
West Liberty.	For repairs on normal school building at West Liberty, five hundred dollars.
How paid.	The foregoing appropriations for the normal schools and the regents, to be paid upon orders of the board of regents, addressed to the auditor.

FOR THE UNIVERSITY.

Expenses of regents.	6. For the expenses of the regents of the university, five hundred dollars.
Current expenses.	For the current expenses of the university, eight thousand seven hundred and fifty dollars.
Insurance.	For insurance, six hundred and fifty dollars.
Furniture.	For furniture, one thousand dollars.
Repairs, etc.	For repairs, improvements and construction, one thousand eight hundred and twenty-four dollars and fifty-seven cents.

To be drawn from the treasury upon orders of the executive committee. How drawn.

INSTITUTION FOR THE DEAF, DUMB AND BLIND.

7. For current expenses of the institution for the deaf, dumb and blind, twenty-eight thousand dollars. Current expenses.

For transportation of indigent pupils to the institution, three hundred dollars. Transportation.

For insurance, three hundred dollars.

The foregoing appropriations to be drawn from the treasury upon orders of the board of directors. Insurance-
How drawn.

HOSPITAL FOR THE INSANE.

8. For current expenses of the hospital for the insane, fifty-three thousand dollars. Current expenses.

For transportation of patients to the hospital, two thousand five hundred dollars. Transportation.

For completion of engine house, one thousand dollars. To complete engine house.

The foregoing appropriations to be drawn from the treasury at the beginning of each quarter of the fiscal year, upon the orders of the board of directors. How drawn.

CONTINGENT LEGISLATIVE EXPENSES.

9. For contingent expenses of the Senate, to be paid upon the certificate of the sergeant-at-arms, two hundred dollars. Contingent expenses of senate.

For contingent expenses of the house of delegates, to be paid upon the certificate of the sergeant-at-arms, three hundred dollars. Of house of delegates.

To pay the compensation of joint committees authorized to sit after the adjournment of the present session of the legislature, to be paid on the certificate of the chairmen of the respective committees, one thousand dollars. To pay compensation of joint committees; etc.

VACCINE AGENTS.

10. For vaccine agents, subject to the order of the governor, seventy-five dollars. Vaccine agents.

EXECUTIVE DEPARTMENT.

Contingent Expenses.

11. For civil contingent fund, five thousand dollars. Civil contingent fund.

For contingent expenses of the auditor's office, one thousand dollars. Contingent expenses of auditor's office.

For contingent expenses of the treasurer's office, three hundred dollars. Treasurer's office.

For contingent expenses of the secretary of state's office, six hundred dollars. Secretary of state.

- Attorney-general. For contingent expenses of the attorney-general's office, one hundred dollars.
- Librarian. For contingent expenses of the library, one hundred dollars.

Salaries of Clerks.

- Secretary of governor. To pay salary of private secretary of the governor, one thousand dollars.
- Clerk in office of secretary of state. To pay salary of clerk in the office of secretary of state, one thousand dollars.
- Clerks in auditor's office. To pay salaries of the four clerks in the auditor's office, the first clerk to receive one thousand three hundred dollars; the second clerk one thousand one hundred dollars; the other two clerks each one thousand dollars (two thousand dollars)—four thousand four hundred dollars.
- Extra clerk hire. Extra clerk hire, five hundred dollars.
- Clerk in office of treasurer. To pay salary of clerk in treasurer's office, one thousand dollars.
- Clerk in office of state superintendent schools. To pay salary of clerk in the office of state superintendent schools, to be paid out of the general school fund, one thousand dollars.
- Contingent expenses; how drawn. The foregoing contingent expenses of the executive offices to be drawn upon the requisition of the officer to whom the fund is allowed.

JUDICIAL DEPARTMENT.

- Contingent expenses of courts. 12. For contingent expenses of courts, two thousand dollars.
- Printing; etc., supreme court reports. For printing and binding supreme court reports, one thousand two hundred dollars.

OVER-PAID TAXES.

- Refunding over-paid taxes. Refunding over-payments to the treasury on account of taxes, licenses, fines, commissions, etc., two thousand dollars.
- How paid. To be paid upon such form of vouchers as may be prescribed by the auditor, out of the fund into which the payment was made.

ERRONEOUS ASSESSMENTS.

- Refunding taxes erroneously assessed. 14. For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund into which the taxes were paid, one thousand dollars.
- Out what fund paid.

COUNTY AND DISTRICT TAXES.

- County and district taxes refunded. 15. For refunding to counties, county and district taxes paid into the treasury for the redemption of land, ten thousand five hundred and eighty-two dollars.

For refunding to counties, county and district taxes paid into the treasury by railroad companies, eight thousand six hundred and seventy-five dollars.

PUBLIC PRINTING.

16. For public printing, fifteen thousand dollars.

Public printing.

For purchasing books to complete sets in the state library, six hundred dollars.

Purchase books for library.

RAILROAD COMMISSIONERS.

17. To pay commissioners to assess railroad property, four hundred dollars.

Pay commissioners.

CIVIL SUITS—STATE AGENTS.

18. For the expenses of civil suits and commissions of state agents, two thousand dollars.

Expenses civil suits, etc.

PUBLIC LOAN.

19. For payment of public loan from banks, twenty-four thousand six hundred dollars.

Public loan.

For the payment of interest on state bonds held by the board of the school fund, six thousand eight hundred and thirty-three dollars.

Interest on state bonds.

To pay the insurance upon the capitol building, six hundred dollars.

Insurance on capitol.

To pay for the furniture of the court of appeals room, one thousand dollars.

Furniture court appeals room.

To pay Joseph McMuran's expenses as state board of examiners, ninety-eight dollars.

Jos. McMuran.

To pay W. J. Kenny's expenses as state board of examiners, one hundred and two dollars.

W. J. Kenny.

1. There shall be, and is hereby, appropriated out of the general state fund, for the fiscal year ending September thirtieth, one thousand eight hundred and seventy-eight, the following sums for the purposes following, viz:

Appropriations to pay general charges on the treasury for the fiscal year ending September 30, 1878.

PENITENTIARY.

2. For the support of convicts, ten thousand dollars.

Support of convicts.

For the pay of guards of the penitentiary, seven thousand seven hundred and forty dollars.

Pay guards.

For the pay of the salary of the superintendent, one thousand five hundred dollars.

Salary superintendent.

For the pay of the salary of the clerk, one thousand dollars.

Clerk.

For the pay of the commissary, one thousand dollars.

Commissary.

The foregoing appropriations for the penitentiary are to

How dr. w.n.

to be drawn from the treasury upon requisitions or orders of the board of directors, addressed to the auditor.

CRIMINAL CHARGES.

Criminal charges.

3. For criminal charges, thirty-five thousand dollars.

LUNATICS IN JAIL.

Expenses lunatics in jails.

4. For the expenses of lunatics in jail, fifteen thousand dollars.

NORMAL SCHOOLS.

Expenses of regents.

5. For expenses of the regents of the normal schools, three hundred dollars.

How paid.

The foregoing appropriation to be paid upon orders of the board of regents, addressed to the auditor.

FOR THE UNIVERSITY.

Expenses regents of university.

6. For the expenses of the regents of the university, five hundred dollars.

Current expenses.

For the current expenses of the university, eight thousand seven hundred and fifty dollars.

Insurance.

For insurance, six hundred and fifty dollars.

Repairs.

For repairs for the year one thousand eight hundred and seventy-eight, five hundred dollars.

How drawn.

To be drawn from the treasury upon orders of the executive committee.

INSTITUTION FOR THE DEAF, DUMB AND BLIND.

Current expenses.

7. For current expenses of the institution of the deaf, dumb and blind, twenty-eight thousand dollars.

Transportation.

For the transportation of the indigent pupils to the institution, three hundred dollars.

Insurance.

For insurance, three hundred dollars.

How drawn.

The foregoing appropriations to be drawn from the treasury upon orders of the board of directors.

HOSPITAL FOR THE INSANE.

Current expenses.

8. For current expenses of the hospital for the insane, fifty-three thousand dollars.

Transportation.

For transportation of patients to the hospital, two thousand five hundred dollars.

How drawn.

The foregoing appropriations to be drawn from the treasury at the beginning of each quarter of the fiscal year upon the orders of the board of directors.

VACCINE AGENTS.

Vaccine agents.

9. For vaccine agents, subject to the order of the governor, seventy-five dollars.

EXECUTIVE DEPARTMENT.

10. For civil contingent fund, five thousand dollars. Civil contingent fund.
 For contingent expenses of the treasurer's office, three hundred dollars. Contingent expenses treasurer's office.
 For contingent expenses of the auditor's office, one thousand dollars. Auditor's office.
 For contingent expenses of the secretary of state's office, six hundred dollars. Sec'y of state.
 For contingent expenses of the attorney-general's office, one hundred dollars. Attorney-general.
 For contingent expenses of the library, one hundred dollars. Library.

Salaries of Clerks.

- To pay salary of private secretary of the governor, one thousand dollars. Salary secretary of governor.
 To pay salary of clerk in the office of the secretary of state, one thousand dollars. Clerk to secretary of state.
 To pay salaries of the four clerks in the auditor's office, the first clerk to receive one thousand five hundred dollars. Clerks in office of auditor.
 To pay second clerk, one thousand one hundred dollars.
 To pay salaries two other clerks, each one thousand dollars, two thousand dollars.
 Extra clerk hire, five hundred dollars. Extra clerk hire.
 To pay salary of clerk in treasurer's office, one thousand dollars. Clerk to treasurer.
 To pay salary of clerk in the office of state superintendent schools, to be paid out of the general school fund, one thousand dollars. Clerk to sup't schools.
 The foregoing contingent expenses of the executive offices to be drawn upon the requisition of the officer to whom the fund is allowed. Contingent expenses; how drawn.

JUDICIAL DEPARTMENT.

11. For contingent expenses of courts, two thousand dollars. Contingent expenses of courts.
 For printing and binding supreme court reports, one thousand two hundred dollars. Printing, etc. supreme court reports.

OVER PAID TAXES.

12. Refunding over-payments to the treasury on account of taxes, licenses, fines, commissions, &c., three thousand dollars. Refunding overpaid taxes.
 To be paid upon such forms of vouchers as may be prescribed by the auditor, to be paid out of the fund into which it has been paid. How paid, etc.

ERRONEOUS ASSESSMENTS.

13. For refunding taxes erroneously assessed, collected Refunding taxes etc.

Out of what
fund paid.

and paid into the treasury, to be paid out of the fund into which it has been paid, one thousand dollars.

COUNTY AND DISTRICT TAXES.

Refunding
county and dis-
trict taxes, etc.

14. For refunding to counties county and district taxes paid into the treasury, for the redemption of land, ten thousand dollars.

For refunding to counties county and district taxes paid into the treasury by railroad companies, eight thousand dollars.

PUBLIC PRINTING.

Public printing.

15. For public printing, ten thousand dollars.

Purchase books
for library.

16. For purchasing books to complete sets in the state library, six hundred dollars.

RAILROAD COMMISSIONERS.

Pay railroad
commissioners.

17. To pay commissioners to assess railroad property, four hundred dollars.

CIVIL SUITS.—STATE AGENTS.

Expenses civil
suits, etc.

18. For the expenses of civil suits and commissions of state agents, one thousand dollars.

PUBLIC LOAN.

Pay public
loans.

19. For payment of loan from school board, August tenth, one thousand eight hundred and seventy-six, and interest thereon, thirty-seven thousand dollars.

For payment of loan of sixteen thousand nine hundred and seventy dollars, October tenth, one thousand eight hundred and seventy-three, from the school board, with one year's interest thereon, seventeen thousand nine hundred and eighty-eight dollars and twenty cents.

For payment of loan from school board, September twenty-eighth, one thousand eight hundred and seventy-six, and interest thereon, eleven thousand six hundred and sixty dollars.

Insurance on
capitol.

To pay the insurance upon the capitol building, six hundred dollars.

Be it further enacted :

Moneys not
drawn within
three months
after fiscal year,
not afterwards
drawn with the
authority of
law.

That all moneys hereby appropriated, to be used within the fiscal years, and not drawn within three months after each fiscal year ending respectively on the thirtieth day of September, one thousand eight hundred and seventy-seven, and the thirtieth day of September, one thousand eight

hundred and seventy-eight, shall not be thereafter drawn without authority of law. But to pay the same and every part thereof, the auditor is hereby authorized and required when properly demanded, to issue his warrant on the treasury in the same manner he would be required to do if each item of expenditure was directed to be paid to a creditor by name; and no money shall be drawn from the treasury beyond the appropriation hereby made, unless the same is authorized by the constitution or by some general law not provided for in this act. But appropriations to any of the public institutions of the state, for said fiscal years, may be drawn after the end of said fiscal years, and no money appropriated hereinbefore for said institutions shall be drawn from the treasury except as the same may be required for immediate use.

Auditor to pay; when.

No money beyond appropriations to be paid, unless, etc.

Public institutions may draw at end of fiscal year.

When appropriations to public institutions to be drawn.

[Approved February 28, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LIII.

AN ACT to amend and re-enact sections four and five of chapter fifty-eight of acts of the legislature of 1870, entitled "an act to provide free schools for the district of Ravenswood, in the county of Jackson."

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

That sections four and five of chapter fifty-eight of the acts of 1870, be, and the same are hereby, amended so as to read as follows:

Sections 4 and 5 of chapter 58, acts 1870, amended.

"4. The qualified voters of the said school district of Ravenswood, shall at the time and place the superintendent of free schools is voted for, in said district, for the year one thousand eight hundred and seventy-seven, elect three commissioners. The person receiving the highest number of votes shall hold his office for three years; the person receiving the next highest number of votes shall hold his office for two years, and the person receiving the next highest number of votes shall hold his office for one year.

Three commissioners for school district of Ravenswood, to be elected; when.

Their term of office.

The vote; how decided.

How evidenced.

When term of office to begin.

One commissioner to be elected annually His term of office, and when to begin.

Commissioners now in office to continue, etc.

Vacancies; how filled and for what time.

When vacancy filled by election

Person so elected to enter upon duties of office; when.

Conductors of election; who and how appointed.

No other school officers to be elected.

School law to govern election as far as applicable.

What provisions of school law not to apply to district.

In case any two or more persons shall receive an equal number of votes at any election herein provided for, the persons conducting the election shall elect one of such persons having such vote, and a certificate of such election signed by two of the persons so conducting, shall be evidence of the facts therein stated. The term of office of the commissioners elected under the provisions of this section shall commence on the first day of the month succeeding their election."

"5. There shall be elected in said district annually one commissioner, who shall hold his office for three years, commencing on the first day of the month succeeding his election. The commissioners now in office in said district shall continue therein until their successors shall be elected and qualified, as provided in this act. Any vacancy in the office of commissioner shall be filled by appointment of the board of education of the unexpired term, unless it be for the period of one year or more from the time provided for the next annual election, in which event such appointment shall be until the next annual election herein provided for, at which time an election shall be held to fill the vacancy, and the person so elected shall enter upon the duties of his office on the first day of the month succeeding his election. The board of education shall from time to time appoint three voters therein to conduct the elections provided for in this act, at which no other school officers are elected. And the provisions of the general school law for the election of school officers shall govern the officers conducting said election as far as applicable.

The provisions of the general school law in relation to trustees, shall not apply to the district of Ravenswood."

[Approved February 28, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LIV.

AN ACT to donate to the Jefferson county agricultural college any public lands or land warrants, which have been, or which may hereafter be, donated to the state (and not otherwise appropriated), for the purpose of endowing agricultural colleges, or for other educational purposes, by the general government of the United States.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That any public land or land warrants which have been, or may hereafter be, donated to the state (and not otherwise already appropriated by the state), for the purpose of endowing agricultural colleges, or for other educational purposes, by the government of the United States, be, and the same are and shall hereafter be, set apart for and donated to the president and directors, and their successors, of the Jefferson county agricultural college, located in Jefferson county, to the value of (100,000) one hundred thousand dollars of said lands, or the proceeds thereof, as may first become available under any such act of congress, and the governor of the state and other officers of the state be, and they are hereby, directed to set apart and assign for the use of said college, all said lands or land warrants, or moneys arising from the sale thereof, to the value of one hundred thousand dollars and interest accrued, accruing, or which may hereafter accrue thereon, for the purposes of said college.

Certain public lands or land warrants donated to Jefferson county agricultural college.

To the value of \$100,000.

Duty of governor, etc., as to such lands or land warrants, etc.

2. That the governor shall require the president and directors of said college to educate, free of tuition, (12) twelve boys each year, said boys to be appointed by the governor, and by him selected from the different parts or sections of the state; and said students so appointed shall have the full advantage of a complete course, and free access to each and every class or department; but in no one year shall the college be required to educate, free, more than (12) twelve boys; there shall be no vacancy so long as (12) twelve students, as aforesaid, are present.

Governor to require college to educate twelve boys, free of tuition, each year. Such students to be selected by governor. Privileges of such students. Number limited to twelve. No vacancy so long as that number is present.

3. That if the act of congress should direct a specific mode of investing the funds arising from the sale of the land or land warrants donated, or which may hereafter be donated, as aforesaid, or should designate the manner or conditions upon which said lands are donated, then, in that event, said conditions shall be complied with by the officers of the state and the officers of the college, to the end that Jefferson county agricultural college shall receive the full benefit of said donations.

Should congress direct a specific mode of investing the funds arising from the sale of such lands, etc.; what then.

4. This act shall not apply to any lands situate in this state that may be donated to it by the government of the United States.

Act not to apply to lands donated situate in state.

[Approved February 29, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LV.

AN ACT authorizing the incorporation of mutual fire insurance companies.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia :

- Incorporation of mutual fire insurance companies authorized; mode of.** 1. Any twenty or more citizens of this state may associate themselves together for the protection of themselves against loss to their property by fire, by signing an agreement in writing to that effect, and thereupon they shall become a corporation and take such name as a majority of the members may determine, and have successsion by such name for such time as may be prescribed by its by-laws, and if no time be fixed, perpetually, such agreement shall be acknowledged and filed as provided by the third section of chapter eighty-three of the acts of 1872-3. Such corporation shall have a common seal, and may renew or alter the same at pleasure. It may sue and be sued, plead and be impleaded, contract and be contracted with by simple contract or specialty, purchase, hold, use and grant estate, real and personal, appoint officers and agents, prescribe their powers, duties and liabilities, take bond and security from any of them, and fix and pay their compensation, and make ordinances, by-laws and regulations for the government of its board of directors and other officers and agents, and the management and regulation of its property and business.
- Name.**
- Duration.**
- Agreement; how acknowledged and when filed.**
- General powers of such corporations.**
- Power to take risks, etc., of insurance.** 2. All companies organized under this act shall have power to take risks and make contracts of insurance on such real and personal property as may be designated and provided for in their by-laws.
- Provisions of code applicable.** 3. Sections two, three, seventeen, eighteen, nineteen, twenty-one and twenty-two of chapter fifty-two of the code of West Virginia shall be applicable to every company organized under this act.
- When to commence business.** 4. Every such company shall commence its proper corporate business within one year after its organization by issuing policies and making contracts of insurance; otherwise the same shall be considered dissolved without any legal proceeding to that end.
- Failure to begin dissolves company.**
- By-laws; how and when adopted. When void.** 5. All by-laws shall be adopted by the directors of the company in a general meeting assembled, and shall be void if not consistent with the laws of the state.
- Legislature to have power to repeal, alter or amend law.** 6. The legislature shall have the power to repeal, alter or amend this law. But in no case shall such repeal or

alteration affect the right of the creditors of the company to have its assets applied to the discharge of its liabilities, nor affect any contract or proceeding at law or in equity, either for or against the company.

But such repeal or alteration not to affect rights of creditors, etc.

7. All persons insuring with and continuing to be insured in such company and none other, shall thereby become members thereof during the period they shall remain so insured and no longer, and shall pay such rates as shall be determined by the board of directors, and be liable for all losses and expenses of said company to the amount of the premiums paid or agreed to be paid by said members respectively, and no farther.

Who to be members, and for what period.

Rates to be paid by.

Their liability.

8. At the first meeting of the members of such company held after the association of twenty or more, as provided in the first section of this act, there shall be elected a board of directors consisting of five or more members; *Provided, however,* that at least two weeks' notice of the time and place of holding such meeting shall have been given by advertisement in some newspaper having a circulation in the county where the meeting is to be held.

Board of directors; when elected.

Notice to be given; how.

9. The annual meetings of the members of such company shall be held as prescribed for the annual meetings of the stockholders of joint stock companies by the forty-first section of chapter fifty-three of the code of West Virginia, at which meeting there shall be elected by the members, or a majority thereof, the board of directors and other officers for the ensuing year.

Annual meeting; when and how held.

Board of directors and other officers to be elected at.

10. At the first meeting held for the purpose of organizing, a majority of the members shall constitute a quorum. The number necessary to constitute a quorum at all subsequent meetings shall be determined by the by-laws, and if at any time a quorum is not in attendance, those present may adjourn from time to time until a quorum is obtained.

Quorum at first meeting.

At subsequent meetings.

Less than a quorum may adjourn, etc.

11. At the first election of the board of directors each member shall have one vote and no more; and at all subsequent elections the number of votes to be cast by each member, and the mode and manner of casting same may be prescribed by the by-laws; but if not so prescribed, then each member shall have one vote, to be given either in person or by proxy.

Number of votes members entitled to at first election and subsequent elections, and how cast.

12. The forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth and sixty-first sections of chapter fifty-three of the code of West Virginia shall be applicable to companies organized under this act, and in the application of said sections the word "members" shall be substituted for the word "stockholders."

Certain sections of chapter 53 of code, applicable to companies organized under this act.

Word "members" substituted for word "stockholders."

13. A majority of the board of directors shall constitute

Quorum of board of trans- action of busi- ness.

Powers of board.

a quorum for the transaction of business, and, when au- thorized by the by-laws, may appoint such officers or agents as may be necessary for the transaction of the busi- ness of the company, and remove the same at any time; and may require bond of the same payable to the company, in such penalty and with such conditions and security as they may think proper, and, when so authorized, may ac- cept or reject applications for insurance, and may deter- mine the rates of insurance, the sums to be insured, and also the terms and conditions upon which insurance may be affected by the company; and, when so authorized, may generally do any and all acts authorized by this act.

What required of person who becomes mem- ber of company by effecting in- surance therein.

14. Every person who shall become a member of such company by effecting insurance therein, shall, before re- ceiving a policy, deposit a note with approved security, and shall also pay in cash such a per centum of said note as he or she may be required to pay, and the remainder of said note shall be paid at such times and in such installments as the same may be required for the payment of losses by fire, but said note shall bear no interest until required as aforesaid, and until there is a failure to pay when so re- quired; and at the expiration of the term of insurance, the said note, or such part thereof as remains unpaid af- ter deducting its proportion of all losses and expenses in- curred during said term, shall be given up to the maker or makers thereof.

When deposit note to bear in- interest.

When and what part of deposit note to be given up to maker.

When policy void and to be delivered up and annulled.

What then as to deposit note.

If policy be as- signed the alienee or grantee may have same con- firmed, etc., to him.

Effect of such ratification or confirmation.

Liability of members as to losses, damages, etc.

15. When property insured has been aliened by sale or otherwise, the policy shall thereafter be void, and the same shall be delivered up and annulled, and upon such delivery the insured shall be entitled to receive his or her deposit note on payment of his or her proportion of losses and ex- penses incurred prior to such surrender; but the alienee or grantee having the policy assigned to him may, upon proper application, have the same ratified and confirmed to him for his own proper use and benefit, and thereafter shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party, to whom the policy was issued was entitled and subject.

16. Every member of such company shall be bound to pay for losses, damages and such necessary expenses as may be incurred by the company in proportion to his or her deposit or premium note.

Suits may be maintained by company against any member, and by member against company; when.

17. Suits at law or in equity may be maintained by such company against any member thereof for the collection of his or her premium note or any assessment thereon, or for any other cause relating to the business of the company, or growing out of the obligations assumed by, or liability incurred by him or her in becoming a member of such company, and like suits may be maintained by any mem- ber against such company for loss or damage sustained by

him or her by fire, if payment be withheld or refused contrary to the by-laws of such company, and the terms and conditions of the policy, and all members and officers of the company shall be competent witnesses either for or against the company.

Members and officers competent witnesses, etc.

18. The expenses of the company as well as the losses, shall be paid out of any moneys, securities or funds in the treasury, or by assessment on the insurances or premium notes, each member to pay in proportion to the amount of his premium note.

Expenses and losses of company; how paid.

19. An annual statement of the affairs of the company shall be published in one or more newspapers published near the principal office of the company, which report shall show the amount of property insured, and all the other liabilities and expenses of the company; and also the amount of premium notes and the amount of cash on hand, and all other statistics necessary to give the members and the public generally full information of the condition of the company.

Annual statement; how published and what to show.

[Approved February 28, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LVI.

AN ACT extending the time in which distraint and sale may be made for taxes and fee bills.

[Passed February 26, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the sheriff or collector of a former term, by himself or his deputies, or any constable of the county he or his personal representatives may select, shall have the power of distress and sale for the collection of taxes not returned delinquent, and fee bills due or payable in the year one thousand eight hundred and seventy-one, or at any time since, notwithstanding the expiration of the term of office of such sheriff or collector, under the following restrictions, to-wit: Such power of distress shall be exercised within two years after this act takes effect. There

Time extended in which distraint and sale may be made for taxes and fee bills.

For what years.

Power of distress to be exercised within two years.

Levy must be actually made to create lien.

Such lien not to have priority, etc.

Not to apply to tax tickets, etc., barred; etc.

Debtor may give forthcoming bond; when.

Where bond returned and proceedings thereon.

What defense may be made to a suit or motion on such bond.

Person making distress to give security for costs in such cases.

shall be no lien, however, for such taxes and fee bills on the property levied on by virtue of this act until from and after the levy is actually made; nor shall such lien have any priority over liens already accrued on the property levied on. This act shall not apply to any tax ticket or fee bill now barred by the five years' statute of limitation. And upon distress or levy being made by virtue hereof, the debtor may give such bond as may now be given for the forthcoming of property upon which a *feri facias* or distress warrant has been levied, and the bond shall be returned to the clerk's office of the county court, and the proceedings thereon shall be the same as now provided by law in relation to bonds for the forthcoming of property levied upon by virtue of a distress warrant, and defense may be made to a suit or motion upon such bond that the amount levied upon or distrained for, is not due in whole nor in part, or that the levy or distress is otherwise illegal; and the person making such distress shall in such cases be required to give security for costs.

[Approved February 28, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LVII.

AN ACT to authorize Samuel George, of Brooke county, to remove the remains of the dead interred in a certain lot of land owned by him, adjoining the town of Wellsburg, in said county, and to re-inter the same in the Brooke cemetery.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia:

Samuel George authorized to disinter the remains of the dead buried in a certain lot of land owned by him.

Proviso.

1. That it shall be lawful for Samuel George, of the county of Brooke, to disinter the remains of the dead buried in a certain parcel of land owned by said S. George, adjoining the town of Wellsburg, in said county, provided he decently re-inter said remains in the burial grounds of the Brooke cemetery company, in said county, at his own expense. But said George shall also remove all tombstones and boards, and shall place every such

stone or board in the cemetery to which the remains are removed, and over the body to which it belongs.

To remove, also, tombstones, etc. and properly place the same, etc.

[Approved February 23, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LVIII.

AN ACT providing for the location of a permanent seat of government for this state, and the erection thereat of the necessary public buildings for the use of the state.

[Passed February 21, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That in order to ascertain the sense of the people of this state as to the proper location of the permanent seat of government for the same, an election shall be held at the court house of each county, and at every other place of voting therein, on the first Tuesday in August, in the year one thousand eight hundred and seventy-seven. The voting at said election shall be by ballot, and the qualifications for voting thereat shall be the same as at an election for state officers. It shall be the duty of the county court or other tribunal, whose duty it is by law to appoint commissioners to superintend the election of state and other officers, to appoint three commissioners to superintend the first election required by this act, at the court house and at every other place of voting in their county. The commissioners conducting the election shall receive no compensation for their services. And the said election, as well as the second election, hereinafter provided for, shall be superintended, conducted and returned, and the result thereof ascertained and certified in all respects, as is provided by law in relation to the election of state officers, unless otherwise herein provided. And all the provisions of the laws of this state in relation to general elections, as far as applicable, shall apply to any election held under the provisions of this act. If the second election herein provided for, be held, it shall be superintended, conducted and returned, and the result thereof ascertained and certified by the commissioners superintending the election of members of the legislature.

Permanent seat of government; election to ascertain sense of the people as to the proper location of. Where and when held. To vote by ballot. Qualifications for voting. Commissioners; how appointed.

To receive no pay. Election; how superintended, conducted and result ascertained and certified. Provisions of law as to general elections, etc., to apply. Second election; how conducted, etc., certified, etc.

What places to be voted for.

2. At the said election the following places for a permanent seat of government may be voted for, to-wit: Charleston, in the county of Kanawha; Clarksburg, in the county of Harrison, and Martinsburg, in the county of Berkeley; and if any place other than those herein named be voted for at any election held under the provisions of this act, the same shall not be counted in ascertaining the result of such election.

If any other be voted for not to be counted in ascertaining result.

Ballot to be voted; what to have written or printed thereon. If more than one place be written, etc., on ballot, what then.

3. Each voter at any election held under the provisions of this act, shall deposit his ballot with the name of some one of the places named in the preceding section, written or printed thereon, and if more than one of said places be written or printed thereon, the name first so written or printed shall alone be counted.

Result; when and to whom certified.

4. The result, in each of the counties of the state, of any election held under the provisions of this act, shall, within five days from and after such result is ascertained, be certified to the governor, whose duty it shall be, within twenty days from that on which said election is held, to declare by proclamation published in some newspaper printed in each of the congressional districts of the state, the result of said election as the same shall appear from the returns so made to him as aforesaid, and if a majority of all the votes cast under the provisions of this act be for any of the places hereinbefore named, such place shall, from and after the first day of May, one thousand eight hundred and eighty-five, be the permanent seat of government of this state.

To be declared by governor; when and how.

Majority of all the votes cast necessary to locate.

When to take effect.

Second election; when to be held.

5. If none of the places hereinbefore named shall receive a majority of all the votes cast at said election, a second election for the purpose aforesaid shall be held at the several places of voting in each of the counties of the state on the day on which the next general election is held, at which said second election only the two places receiving the highest number of votes cast at said first election shall be voted for, which places shall be named in the proclamation mentioned in the next preceding section.

What places to be voted for.

To be mentioned in proclamation.

If any place be written, etc., on ballot other than one of the places mentioned in proclamation, such ballot not to be counted.

And if any ballot cast at said second election shall have written or printed thereon the name of any place other than one of those designated in said proclamation to be voted for at said second election, such ballot shall not be counted in ascertaining the result of said election.

Result of second election, when, how and by whom declared.

6. Upon the return of the said second election, as provided for in regard to the said first election, and the result thereof being ascertained as aforesaid, the governor shall, within thirty days after the day of the said second election, by proclamation published as provided for in regard to said first election, declare the result of said second election, and the place receiving the highest number of votes cast under the provisions of this act at said second election, shall be the permanent seat of government of this state from and after

Highest number of votes necessary to locate.

the first day of May, one thousand eight hundred and eighty-five. When to take effect.

And in case the votes cast at said second election for each of the places designated in said proclamation to be voted for at said election be equal, then the board of public works, at a meeting called for the purpose by the governor, shall determine which of the said places shall be such permanent seat of government, and the place so determined shall, from and after the said first day of May, one thousand eight hundred and eighty-five, be the permanent seat of government of this state. If votes cast be equal; what then.

7. Whenever a permanent seat of government for this state is fixed and determined, under any of the provisions of this act, it shall be the duty of the board of public works to select and procure a suitable site on which to erect the necessary public buildings for the use of the state, and for this purpose said board shall accept and receive such donations in real estate or money, or both, as may be offered to said board; and in order to further aid in carrying into effect the provisions of this section, a sum of money, not exceeding fifty thousand dollars, is hereby appropriated and placed at the disposal of said board, payable out of any moneys in the treasury not otherwise appropriated, and the same shall be paid from time to time, when required for the purposes of this section, upon the order of said board. All real estate acquired under the provisions of this section, shall be conveyed to the board of public works for the use of the state, and every such conveyance shall show the real consideration thereof, and whether the said real estate was acquired by gift or purchase. If moneys be donated to the state for the purposes aforesaid, a record showing the amount donated, and by whom, shall be made and preserved by the said board, and a certificate of the amount so donated shall be given by said board to the donor. The moneys donated, as aforesaid, as well as the sum hereby appropriated, may be expended by the said board, either in the erection of a new capitol building, if that should be necessary, or in making repairs and additions to, or alterations in, any buildings which may be upon the site acquired as aforesaid, so far as said repairs, additions or alterations may be deemed necessary by said board, in order to fit the same for the occupation of the several departments of the government. When permanent seat is determined and fixed; duty of board of public works.
May accept, etc. donations in real estate, etc.
Appropriation to carry into effect provisions of this section.
How and when paid.
Real estate acquired; how conveyed, etc.
What to show.
If money be donated; what then.
How and for what expended.

But before expending any moneys under the provisions of this section, said board shall employ a competent architect to make a plan and specifications, either for a new capitol building or for such repairs, alterations or additions in and to any building already erected, and in either event the work to be done shall be let, after publication of reasonable notice, to the lowest responsible bidder. Duty of board before expending any money.
Work to be done; how let.

8. The permanent seat of government of this state,

Permanent seat of government when fixed and determined shall never be removed, except, etc.

Act deemed a contract between state and persons donating real estate, etc.

Power of circuit court to enjoin removal.

Duty of governor as to removing books, papers, records, etc., and other personal property of state government to permanent seat; when.
Expenses of; how paid.

Commencement

when so fixed and determined as aforesaid, shall never be removed from the place at which the same is located, except by the vote of a majority of the qualified voters of the state, cast at an election held for that purpose, in pursuance of an act of the legislature, the adoption of a new constitution, or an amendment to the present constitution of the state.

And this act shall be held and deemed to be a contract between the state and the persons who may donate real estate or money, or both, as provided for in this act, that the said seat of government shall never be removed except as herein provided for.

And the circuit court of the county in which such seat of government is located under the provisions of this act, shall have jurisdiction and power, upon a bill filed by any such donor as is mentioned in the next preceding section, his heirs or personal representatives, or by any one or more of the tax-payers of the county, to perpetually enjoin the removal of such seat of government, if it be attempted in any way or manner other than that herein provided for.

9. As soon as possible after the first day of May, one thousand eight hundred and eighty-five, the governor shall cause all the books, papers, records and other personal property of the state, including the state library, pertaining to the several departments of the government, to be removed to the permanent seat of government established under the provisions of this act, the expenses of which removal shall be paid out of the contingent fund.

10. This act shall take effect and be in force from and after the expiration of ninety days from its passage.

EUSTACE GIBSON,
Speaker of the House of Delegates.

U. N. ARNETT,
President of the Senate.

OFFICE OF SECRETARY OF STATE, }
March 1, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,
Secretary of State.

CHAPTER LIX.

AN ACT to amend and re-enact section three, chapter sixty-eight of the code of West Virginia, concerning grants and the repeal of patents.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section three of chapter sixty-eight of the code of West Virginia, concerning grants and the repeal of patents, be, and the same is hereby, amended and re-enacted so as to read as follows :

“3. All entries on lands in this state made before the twentieth day of June, one thousand eight hundred and sixty-three, under the provisions of the laws in force on that day, and which have not heretofore been surveyed, shall be surveyed in the manner prescribed by law ; and all plats and certificates of such surveys, whether heretofore or hereafter made, plats and certificates of all other surveys in force on said twentieth day of June, one thousand eight hundred and sixty-three, and copies of all plats and certificates of surveys heretofore filed in the land office at Richmond, on which no grants have been issued and delivered to the parties entitled to the same, shall, before the twentieth day of June, one thousand eight hundred and seventy-eight, be returned by those for whom the surveys are made to the secretary of state, and they may demand from him a receipt for the same.”

Sec. 3 of chap. 68 of code amended.

Entries on lands prior to June 20, 1863, to be surveyed.

Plats and certificates of surveys, etc., to be delivered to secretary of state before June 20, 1878, and receipt therefor demanded.

[Approved March 4, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LX.

AN ACT to amend section four of chapter seventy-three of the acts of 1875, relating to clerks of courts.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section four of chapter seventy-three of the acts of 1875, be amended and re-enacted so as to read as follows :

Sec. 4 of chapter 73, acts 1875, amended.

Papers not to be removed out of county, except, etc.

Penalty for violation.

But judge of circuit court may take files of papers from any county of his circuit, etc.

“4. None of the records or papers of a court shall be removed by the clerk nor allowed by the court to be removed out of the county wherein the clerk’s office is kept, except on an occasion of invasion or insurrection, actual or threatened, when in the opinion of the court, or in a very sudden case of the clerk, the same will be endangered, after which they are to be returned as soon as the danger ceases, and except in such other cases as are specially provided for by law. Any clerk violating this section shall forfeit six hundred dollars. But this act shall not be so construed as to prevent a judge of a circuit court from taking files of papers from any county of his circuit or directing the clerk to send such files to him, when necessary to be used in vacation.”

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXI.

AN ACT in relation to the fees of sheriffs, clerks and other officers.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia:

Sheriffs, clerks and other officers may demand fees in advance; when.

That no sheriff, clerk or other officer in this state shall be required to perform any service for any non-resident of this state, or for any person who resides outside the limits of his county, unless his fees be paid in advance, if he so demands them.

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXII.

AN ACT for the relief of William Gray, of Marion county.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That the sum of seventy-five dollars be, and the same is hereby, appropriated out of the general school fund, to pay William Gray, of Marion county, for his services as county superintendent of free schools of said county for the year one thousand eight hundred and sixty-eight.

Appropriation
to pay Wm.
Gray.

For services as
county superin-
tendent.

2. The auditor is hereby directed to draw his warrant upon the treasurer for the amount so appropriated, payable to said William Gray.

Auditor author-
ized to issue his
warrant.

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXIII.

AN ACT to amend and re-enact section one hundred and twenty-eight of chapter two hundred and twenty-six of the acts of 1872-3.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section one hundred and twenty-eight of chapter two hundred and twenty-six of the acts of 1872-3 be, and the same is hereby, amended and re-enacted so as to read as follows :

Sec. 128 of chap-
ter 226, acts
1872-3, amended

“ 128. Appeals from the judgments of justices may be granted after the expiration of ten days, and within three months from the rendition of such judgment by the county court in term time or the president thereof in vacation, when the party seeking the appeal (except as provided in the one hundred and nineteenth section), shall deliver to the court or president a proper bond with sufficient security thereto, as hereinbefore prescribed, and show by his

Appeals from
judgments of
justices; within
what time
granted;

Bond to be
given.

(good cause to
be shown, etc.,
on oath, etc.)

own oath or otherwise, good cause for his not having taken such appeal within the said ten days."

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXIV.

AN ACT to authorize the county court of Berkeley county, to appoint a commissioner, who shall be known as "the sinking fund commissioner," and prescribing his duties.

Passed February 28, 1877.

Preamble.

WHEREAS, The county court of Berkeley has issued its bonds for one hundred and twenty thousand dollars, payable twenty years after date, with — per centum interest from date, under authority of an act of the legislature of West Virginia, and no provision was or has since been made looking to the redemption of said bonds at maturity; therefore,

Be it enacted by the Legislature of West Virginia:

Sinking fund
commissioner;
county court of
Berkeley county
may appoint;
how.

His powers and
duties.

Notes, bonds,
etc., to be taken
in his name and
kept by him.

1. That authority is hereby given to the county court of Berkeley county, a majority of the justices elected in said county being present and concurring, to appoint a commissioner, who shall hold his office at its pleasure, and who shall be known as the "sinking fund commissioner," and as such may sue and be sued, plead and be impleaded, contract and be contracted with, receive, take charge of and invest all money which may be paid over to him by order of the county court; and also to pay out and dispose of the same as the court may order in extinguishing and paying off the aforesaid bonded indebtedness.

2. The notes, bonds and other security in which such investment may be made, shall be taken in the name of the "sinking fund commissioner," and kept by him. He shall have power to sell, transfer or collect the same; and in

case of his death, resignation or removal, the county court, a majority of the justices being present and concurring, shall appoint his successor, who shall have like power.

May sell, etc., or collect same. Vacancy in office; how filled.

3. The sinking fund commissioner shall collect the interest on the notes, bonds or other security in which investment may be made, when and as often as the same may become due and payable thereon, and shall invest the same unless ordered by the court to pay it on the aforesaid bonded indebtedness.

To collect interest on bonds, etc., and invest the same, unless, etc.

4. Said commissioner shall keep an accurate and particular account of all money received, invested and paid out by him, and at any time when required by the court, furnish a statement of the amount.

Account to be kept by.

To furnish statement; when.

5. Said commissioner shall be liable for all money which may come into his hands; and which if at any time he shall fail to invest money paid to him by the court for the space of sixty days after it shall be so paid him for that purpose, he shall be charged with interest from said time until such investment is made, unless upon good cause shown to the court, it shall order otherwise.

His liability.

Failure to invest money within sixty days; what then

6. He shall annually give before the court a bond with good personal security to be approved by it, in such penalty as the court may direct, sufficient at least to cover the amount paid into said sinking fund.

His bond.

7. Said commissioner shall receive as a compensation for his services such per centum of the amount received and invested and paid out by him as the court may direct for receiving, investing and paying out the same.

His compensation.

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXV.

AN ACT authorizing the mayor and city council of the city of Parkersburg to purchase from the Wood county agricultural and mechanical association the grounds belonging to said corporation near said city of Parkersburg, to be used by the inhabitants of said city as a public park.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

Mayor and council of Parkersburg authorized to purchase for a park, the lands, etc., of Wood county agricultural association.

1. That the mayor and city council of the city of Parkersburg are hereby authorized and empowered to contract for and purchase from the Wood county agricultural and mechanical association, upon such terms as may be agreed upon by the authorities of said parties respectively, the lands, premises and improvements now owned by the said Wood county agricultural and mechanical association, near the city of Parkersburg, which said lands, premises and improvements when so purchased by said city and conveyed to it, to be used by the inhabitants of said city as a public park.

Authority to issue bonds to make purchase.

Amt. limited.

How long to run and what interest to bear.

Proviso as to the purchase of property and issuing of bonds.

2. To enable said city to make said purchase, the corporate authorities of said city are authorized and empowered to issue the bonds of the said city to an amount not exceeding twenty thousand dollars, which said bonds shall run twenty years and bear interest at six per centum per annum. *Provided, however,* that the purchase of said property shall not be made nor bonds issued under this section until three-fifths of the qualified voters of said city voting at such election concur in the same at an election to be held for that purpose.

Before purchase, question to be submitted to voters of city; also as to loan, at a special election.

Notice; when and how given.

Vote by ballot.

What ballots to have written or printed thereon.

How election conducted.

3. Before said purchase shall be made, the council of said city shall submit to the qualified voters of said city the question of making said purchase and of authorizing said loan at a special election to be held in said city, of which at least sixty days' notice shall be given by a proclamation made by the mayor of said city, and published in the newspapers published in said city. The vote shall be by ballot. The person voting for the purchase and loan shall have written or printed on his ballot "For purchase and loan," and the person voting against the purchase and loan shall have written or printed on his ballot "Against the purchase and loan." Said election shall be conducted as other elections held in said city for mayor and city council.

If purchase be made, mayor and council authorized to make, etc., all needful ordinances for improvements, etc., of said grounds. Police jurisdiction extended over grounds. Commencement

4. Should said purchase be made by said city in pursuance of the provisions of this act, the mayor and council of said city are hereby authorized and empowered to make and pass all needful ordinances for the proper management and improvement of said grounds for a public park for said city, and for such purpose the police jurisdiction is extended over said grounds when so purchased as fully as if the same were in the corporate limits of said city.

5. This act shall be in force from and after its passage.

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXVI.

AN ACT to regulate pleadings in actions on policies of insurance.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

1. A declaration or count on a policy of insurance, whether the policy be under seal or not, may be in effect as follows : Declaration or count on policies of insurance; form of.

A. B. complains of C. D., who has been summoned to answer this : for that the defendant, by virtue of the policy of insurance herewith filed, (or a copy of which is herewith filed), owes, (here state the amount claimed under the policy), to the plaintiff for loss in respect to the property (or subject) insured by said policy, caused by (here insert the cause of loss in general terms, for example: by fire, by the damages of navigation or otherwise, according to the fact), on or about the — day of —, in the year —, at (or near to —), stating the place at or near to which the loss occurred.)

If the declaration or count be on a life policy, then it shall be sufficient to follow the above form in effect down to and including the word "plaintiff," and add thereto in effect as follows :

Because of the death of E. F., whose life was insured by said policy, and who died on or about the — day of —, in the year —, at (or near to, stating the place where his death occurred), —, or, if the fact be so, the plaintiff may state in the declaration or count that the time or place where the loss or death occurred is unknown to him, giving in general terms such information as may be in his power in respect thereto.

Nothing contained in this act shall render insufficient in law any declaration or count which would be sufficient if this had not been passed.

2. If good cause therefor be shown or appear, the court or judge in vacation may order the plaintiff to file a more particular statement, in any respect, of the nature of his For good cause, court or judge may order plaintiff to file a more particular statement.

And may stay the action; until when.

Such statement to be under oath, etc., the effect, etc.

Order not to be made if there has been unreasonable delay.

For good cause, court or judge may order defendant to file a more particular statement, etc.

Such statement to be under oath and to the effect, etc.

What defendant may plead.

If defense be the failure to perform, etc., or violation of any clause, condition, etc., in policy, etc., defendant must file a statement in writing, etc.

How verified, etc.

Plaintiff may join issue without further pleading. When plaintiff must file a statement in writing.

How verified.

If either party fail to file a statement re-

claim or the facts expected to be proved at the trial, and may stay the action until a reasonable time after such order is complied with; and such statement must be made under the oath of the plaintiff, his officer, agent or attorney-at-law, to the effect that the affiant believes the same will be supported by evidence at the trial. But no such order shall be made if it appear that there has been unreasonable delay on the part of the defendant in applying therefor.

3. In like manner, if good cause therefor appear, and there be no unreasonable delay on the part of the plaintiff in applying for such order, the court or judge in vacation may order the defendant to file a more particular statement, in any respect, of the nature of his defense or the facts expected to be proved at the trial, which statement shall be made under the oath of the defendant, his officer, agent or attorney-at-law, to the effect that the affiant believes the same will be supported by evidence at the trial.

4. To any declaration or count on a policy of insurance whether the same be in the form prescribed by this act or not, and whether the action be covenant, debt or assumpsit, the defendant may plead that he is not liable to the plaintiff as in said declaration is alleged. But if in any action on a policy of insurance, the defense be that the action cannot be maintained because of the failure to perform or comply with, or violation of any clause, condition or warranty in, upon or annexed to the policy, or contained in or upon any paper which is made by reference a part of the policy, the defendant must file a statement in writing specifying, by reference thereto, or otherwise, the particular clause, condition or warranty in respect to which such failure or violation is claimed to have occurred, and such statement must be verified by the oath of the defendant, his officer, agent or attorney-at-law, to the effect that the affiant believes the matter of defense therein stated will be supported by evidence at the trial.

5. Upon the plea mentioned in the preceding section, the plaintiff may join issue without other pleading. But if the plaintiff intends to rely upon any matter in waiver, estoppel, or in confession and avoidance of any matter which may have been stated by the defendant as aforesaid, the plaintiff must file a statement in writing, specifying in general terms the matter on which he intends so to rely; and such statement must be verified by the oath of the plaintiff, his agent or attorney-at-law, to the effect the affiant believes the matter of reply therein stated will be supported by evidence at the trial.

6. If either party to the action fail to file any statement required of him by this act or by the other party pursuant

to this act, or if the statement be adjudged insufficient in whole or in part, the court, as justice may require, may grant further time for filing the same, or permit the statement filed to be amended, or may, at the trial, exclude the evidence offered by the party in default as to any matter which he has so failed to state or has insufficiently stated. But no statement which, in the particulars required by or under this act to be stated or referred to therein, is sufficient to notify the adverse party in effect of the nature of the claim or defense intended to be set up against him, shall be adjudged insufficient.

quired of him; what then.

When statement shall not be adjudged insufficient.

7. This act shall not affect any pending suit.

Act not to affect any pending suit.

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXVII.

AN ACT fixing the compensation of officers and employes of the legislature.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section eleven of chapter eleven of the code of West Virginia be, and is hereby, amended so as to read as follows :

Sec. 11 of chapter 11 of code amended.

“ 11. The officers and employes of the legislature mentioned in this section shall respectively receive compensation as follows for each day during the session, that is to say : The clerk of the senate, ten dollars ; the assistant clerk, six dollars ; the sergeant-at-arms, five dollars ; the doorkeeper and committee clerks each, four dollars, and the pages, two dollars each. The clerk of the house of delegates, ten dollars ; the assistant clerk, six dollars ; the sergeant-at-arms, five dollars ; the doorkeeper and committee clerks, four dollars each, and the pages, two dollars each, but no mileage nor extra compensation shall be allowed to any of the foregoing officers or employes.

Compensation of officers and employes of the legislature.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXVIII.

AN ACT to amend and re-enact sections four, seven and fourteen of chapter one hundred and thirty-nine of the code of West Virginia, in relation to enforcing decrees and orders, docketing judgments and other liens of like nature, the effect of such liens, and the limitations of proceedings on judgments.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

Sections 4, 7 and 14 of chapter 139 of code amended.

1. That sections four, seven and fourteen of chapter one hundred and thirty-nine of the code of West Virginia, in relation to "enforcing decrees and orders, docketing judgments and other liens of like nature, the effect of such liens, and the limitation of proceedings on judgments," be amended and re-enacted so as to read as follows :

Judgment docket to be kept by clerk of county court.

His duty to docket judgments therein.

What to be stated, and how.

"4. The clerk of the county court of every county shall keep in his office, in a well-bound book, a judgment docket, in which he shall docket without delay any judgment in this state when he shall be required to do so by any person interested, on such person delivering to him an authenticated abstract of it. In such docket there shall be stated in separate columns,

1. The names of the parties.
2. The amount of the judgment.
3. The value of specific property (if any) recovered by it.
4. The date of the judgment.
5. The court in which it was rendered.
6. The date of docketing it.

And it shall be the duty of the clerk of the court in which, or of the justice before whom, any judgment is rendered, to include in the abstract thereof the foregoing particulars. Every judgment shall, as soon as it is docketed, be indexed in the name of the defendant therein. If a clerk of a county court fail to do anything required of him by this section, he shall pay a fine of not less than thirty nor more than three hundred dollars to any person who will prosecute therefor."

How indexed.

Penalty on clerk for failure.

“7. No judgment shall be a lien on real estate as against a purchaser thereof for valuable consideration without notice, unless it be docketed according to the third and fourth sections of this chapter, in the county wherein such real estate is, either within ninety days after the date of the judgment, or before a deed therefor to such purchaser is delivered for record to the clerk of the county court.”

Lien of judgments on real estate as against purchaser for value, without notice.

How docketed, and from what time it dates.

“14. The pendency of any action, suit, attachment or proceeding to subject real estate to the payment of any debt or liability upon which a previous lien shall not have been acquired in some one or more of the methods prescribed by law, shall not bind or affect the purchaser of such real estate, unless and until a memorandum setting forth the title of the cause, the court in which it is pending, the general object of the suit, attachment or other proceeding, the location and quantity of the land, as near as may be, and the name of the person whose estate therein is intended to be affected by the action, suit, attachment or proceeding, shall be filed with the clerk of the county court of the county in which the land is situated; and such clerk of the county court shall forthwith record the said memorandum in the deed book, and index the same by the name of the parties. But the passage of this act shall not affect any proceedings now pending.”

Notice of lis pendens to be filed with and recorded by clerk; what to set forth.

If not done; what then.

Act not to affect any pending proceeding.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXIX.

AN ACT amending and re-enacting sections three, nine, sixteen, twenty-six and twenty-eight of chapter one hundred and nineteen of the acts of 1871, incorporating the city of Huntington.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That sections three, nine, sixteen, twenty-six and twenty-eight of chapter one hundred and nineteen of the acts of 1871, be amended and re-enacted so as to read as follows:

Secs. 3, 9, 16, 26 and 28 of chapter 119, acts 1871, amended.

Municipal au-
thorities; of
whom to con-
sist.

“3. The municipal authorities of said city shall consist of a mayor, a recorder and nine councilmen, who together shall form a common council.”

Who may vote.

Who not to vote

“9. Every male person residing in said city shall be entitled to vote for all officers elected under this act; but no person who is a minor, or of unsound mind, or a pauper, or who is under a conviction of treason, felony, or bribery in an election, or who has not been a resident of this state for one year, and of the city of Huntington for six months, and of the ward in which he offers to vote for ten days next preceding such offer, or who has not been assessed with corporation taxes in the last preceding year, or who has not paid the same, shall be permitted to vote at any election under this act while such disability continues.”

Commencement
of duties of
councilmen.

“16. Whenever a majority of the newly elected councilmen shall have been so qualified, they shall enter upon the duties of their said office, and supersede the former councilmen.”

Powers and du-
ties of council.

“26. The said council shall also have power to establish and construct buildings, wharves and docks on any ground which does or shall belong to said city, and to repair, alter or remove any building, wharf or dock which has been or shall be so constructed; and to levy and collect a reasonable duty on vessels coming to or using the same; and it shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order at the same, and regulate the manner in which they shall be used; they shall have power to appoint as many wharf-masters for said city as may appear necessary; to prescribe their duties, fix their fees, and make regulations in respect to such officers as they may deem proper. The council shall provide for the employment and safe keeping of persons who may be committed for default in payment of fines, penalties or costs under this act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the city, and to use such means to prevent their escape while at work as they may deem expedient; and shall keep on hand a necessary supply of material for the same; and shall provide all necessary tools, implements, fixtures and facilities for the immediate employment of any and all such persons; shall fix a reasonable rate per diem as wages to be allowed to any such person until such fine and costs against him are discharged; and the recorder shall keep an account of all fines and penalties so collected and expended. Whenever, in the opinion of the council, it becomes necessary to lay off said city into wards, the said council shall so lay it off, and have power to change and alter the same at any time, and apportion the councilmen of said city so that each ward shall be equally represented

Recorder to
keep account of
all fines, etc.

Further powers
and duties of
council.

in the council, and to prescribe the place of holding election in such wards.

And the council shall have power to provide by taxation ^{Further powers of council.} or otherwise for the maintenance of the poor of the city, and contract with the overseers of the poor of Cabell county to keep and maintain the poor of said city in the poor house of said county; upon terms to be agreed upon between the council and the overseers of the poor of said county. To carry into effect these enumerated powers, and other powers conferred upon the said city or its councils, expressly or by implication, by this or any other future act of the legislature of this state, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of the state; and to prescribe impose and enact reasonable fines, penalties and imprisonments in the county jail, or such other place as they may provide, for a term not exceeding thirty days, for violations thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the mayor of said city, or the person lawfully exercising his functions. And the authorities of the said city may, with the consent of the county court, entered of record, use the jail of the said county of Cabell for any purposes for which the use of a jail may be needed by them, under the acts of the council or of the state."

"28. The levy so ordered shall be upon all male persons ^{Annual levy.} resident of said city, over the age of sixteen years, dogs and all real and personal estate within said city subject to state or county taxes: *Provided*, That the taxes so levied ^{Proviso.} upon property do not exceed one dollar on every hundred dollars of the value thereof, and upon persons two dollars per head; and the said city and the taxable persons and property therein shall be exempt from all expenses or liability for the construction or repairs of roads or bridges, or taxes for the support of the poor of Cabell county outside of the corporate limits of said city for any year in which it shall appear that said city shall, at its own expense, provide for its own poor and keep its roads and streets in order."

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXX.

AN ACT changing the times of holding the county courts
in the counties of Lincoln and Cabell.

[Passed February 23, 1877.]

Be it enacted by the Legislature of West Virginia:

Times for hold-
ing county
courts in

Lincoln and

Cabell.

Terms for trial
of causes, etc.;
when deter-
mined.

1. That the commencement of the terms of the county courts in the counties of Lincoln and Cabell shall hereafter be as follows:

In the county of Lincoln, on the third Monday in February, April, June, September, October and December.

In the county of Cabell, on the fourth Monday in January, April, June, July, September and November.

2. Each of the said courts shall, at its April term, in the present year, designate, by an order entered of record, which of said terms in each year shall be devoted to the trial of causes, and which to the transaction of police and fiscal affairs.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXI.

AN ACT to amend and re-enact section one of chapter fifty-two of the acts of 1872, entitled "an act to provide free schools for the district of Spencer, in the county of Roane," passed February sixteen, one thousand eight hundred and seventy-two.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia:

Sec. 1 of chap.
52, acts 1872,
amended.

1. That section one of chapter fifty-two of the acts of 1872, entitled "an act to provide free schools for the district of Spencer, in the county of Roane," passed Febru-

ary sixteen, one thousand eight hundred and seventy-two, be amended and re-enacted so as to read as follows :

“1. That the town of Spencer and the suburbs thereof contained within the following boundaries, to-wit: Beginning at a point on the ridge above McKown's mill where the McKown mill property and the lands of W. R. Goff join; thence by the boundary of, and including, the home farm of said W. R. Goff, to where they meet the line of the Jesse Tanner farm, and with the line of, and to include, said farm to Spring creek; thence across Spring creek, and up the point between Spring creek and the run which empties into Spring creek near the big rock and walnut tree, above the old Greathouse dwelling; thence by said ridge to the line of the farm formerly owned by Mathew Mullen's estate, and with and including the boundary of said farm to where it joins to the H. J. Fisher survey, and with the lines of and including said survey to where it joins the property of H. T. Hughes, on the hill opposite McKown's mill, and with the outside line of the Hughes property to the nearest point on the back line of the farm formerly known as the Payne farm; thence by a straight line to said point; thence with the lines of and including said farm to where it strikes Spring creek; and thence a straight line to the beginning, shall constitute one school district, to be known as the Spencer independent school district, and the board of education thereof 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 district.}

^{Name of district.}

^{Board of education.}

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXII.

AN ACT to amend and re-enact sections thirteen and sixteen of chapter one hundred and thirty-eight of the code of West Virginia, in relation to the fees of attorneys.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

That sections thirteen and sixteen of chapter one hun-

Sess. 13 and 16 of chapter 135 of the code amended and re-enacted so as to read as follows:

What costs are to be taxed.

“13. He shall include in the costs to the prevailing party:

I. In an action at law, not less than two and a half nor more than ten dollars, as the court may prescribe.

II. In a chancery cause, not less than five nor more than fifteen dollars, as the court may prescribe.

To the party prevailing in the court of appeals, thirty dollars.

In civil cases in a municipal court, or in a county court, the same fees as are allowed in a circuit court for like cases.”

Fees of prosecuting attorneys.

“16. The clerk shall include in the costs, for fees of the prosecuting attorney, the following:

In cases of misdemeanor, or an action upon a bond for a violation of the license laws, ten dollars.

In a case of bastardy, ten dollars.

In a suit or proceeding upon a forfeited recognizance upon behalf of the state, five per cent upon the amount recovered and paid into the treasury.

In a case of felony, thirty dollars.

In any other case of the state, if a different fee is not proscribed, five dollars.

Not to be paid out of county or state treasury

But such fees shall not in any case be paid out of the county or state treasury.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXIII.

AN ACT prescribing the duties and fixing the compensation of presidents of the county courts.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia:

President of county court; may administer oaths, take depositions, etc.

1. When any oath may be lawfully administered, or affidavit or deposition taken, within any county, it may be done by the president of the county court of said county, unless otherwise expressly provided by law.

2. A president of a county court may, under the regulations prescribed by law, take within his county, acknowledgments of deeds and other writings, and certify the privy examination of married women respecting the same.

May take acknowledgement of deeds, etc.

He shall also be a conservator of the peace within his county, and as such conservator, shall exercise all the powers conferred by law upon justices of the peace, and shall have the same compensation for any of the services mentioned in this or the first section, as are now allowed justices for similar services. But nothing in this act shall be construed to deprive presidents of county courts of any jurisdiction heretofore given them, or to change their compensation for duties already imposed on them.

Shall be conservator of peace

His compensation.

Act not to affect jurisdiction heretofore given or compensation for other duties.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXIV.

AN ACT amending and re-enacting section one of chapter thirty-five of the acts of 1862-3, of the general assembly of Virginia, passed January 28, 1863, in relation to Brooke academy.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That chapter thirty-five of the acts of 1862-3 of the general assembly of Virginia, passed January twenty-eight, one thousand eight hundred and sixty-three, be, and the same is, amended and re-enacted so as to read as follows :

Chap. 35, acts 1862-3, general assembly of Virginia, amended.

"1. That Thomas Everett, John Ervin, Thomas P. Grimes, John S. Beall and C. H. Beall be, and they are hereby, appointed and made trustees of the Brooke academy, a majority of whom shall have power to act and to fill all vacancies occurring in their own body. And the said trustees are hereby authorized to take possession of all real estate now or formerly belonging to said Brooke academy whenever the same shall have been conveyed to them as hereinafter provided for, and to collect and receive all

Brooke academy; trustees of appointed.

Majority to act, etc.

Authorized to take possession of all real estate, etc.

To collect and receive all moneys.

How to apply the same.

Authorized to purchase other real estate; for what purpose.

May accept donations.

Powers and duties of trustees.

moneys due, or in anywise belonging to or held in the name of Brooke academy, and apply the same to the best advantage for an academy of education within the intent and meaning of its former charter.

And they are hereby authorized to purchase other real estate for the purpose of enlarging said academy, and of adding thereto a female seminary, whether such real estate adjoins the aforesaid real estate or not, and to this end may accept donations in land, money, or other property.

And the trustees hereinbefore named are hereby invested with all the powers, duties and responsibilities heretofore vested in the trustees of Brooke academy by virtue of any act of the general assembly of Virginia. And they are hereby authorized and empowered to carry into effect the provisions of the original charter of said Brooke academy and the several amendments thereof."

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXV.

AN ACT to amend and re-enact section seven of an act entitled "an act providing for the inspection of tobacco," approved December 23, 1875.

[Passed, February 26, 1877.]

Be it enacted by the Legislature of West Virginia :

Sec. 7 of chapter 84, acts 1875, amended.

Inspector to have charge of all receipts, etc, and make all contracts, except for repairs. To make returns to auditor; when and what to show.

1. That section seven of an act entitled "an act providing for the inspection of tobacco," be amended and re-enacted so as to read as follows :

"7. The inspector of tobacco shall have charge of all the receipts and disbursements of the warehouse, and shall make all contracts for nails or any other articles that may be required for the use of his warehouse, except for repairs; and shall make a regular return to the auditor of the state four times in each year, viz : December, March, June and September, showing the receipts and disbursements of his warehouse, with vouchers therefor, setting forth in his report of receipts the amount received for out-
age, storage, cooperage, reconditioning, stays, sale of

scraps, and so forth; and in his disbursements, the amount paid for labor, nails, lumber, hoops, and ordinary incidental expenses, and pay into the treasury of the state all moneys remaining in his hands at the end of the quarter. Said return shall be transmitted to the superintendent of state tobacco warehouses, to be approved and forwarded by him to the auditor. Not more than one-half each of the salaries provided for in this act shall be paid out of the treasury of the state until the receipts into the treasury from said warehouses shall amount to the sum of ten thousand dollars; and no clerks shall be employed until the receipts from said warehouses shall amount to the sum of five thousand dollars; and until then the inspectors shall perform the duties prescribed for the clerks."

Moneys to be paid into treasury.
 Superintendent to approve return, etc.
 One-half of salaries paid out of state treasury, until, etc.
 No clerk to be employed until, etc.
 Inspectors to perform duties of clerks.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXVI.

AN ACT to authorize the supreme court of appeals to appoint and hold special sessions for the hearing and decision of causes.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That special terms of the supreme court of appeals may be held for the trial and decision of causes at any of the places now designated by law for holding the regular terms of said court, or which may hereafter be designated by law for holding such regular terms, at such time or times, place or places, as the said court may designate by an order entered on its record at a regular term of said court. And the said court, by such order made at any such regular term in one grand judicial division, may order and direct such special term to be held in the same or any other judicial grand division; and said court may, at any special term or terms, authorized by this act, decide any cause which may have been heard at a previous regular or special term: *Provided, however,* That this act shall not be construed to in anywise prohibit or prevent the said court from adjourning at any

Special terms of court appeals authorized.
 At what places.
 Time and place; how designated at regular term.
 Special terms may be held in any one of the grand judicial divisions.
 May decide any cause, etc.
 Provide as to adjournment at regular terms.

regular term from day to day, or from time to time, as the court may order, until its close.

May adjourn from day to day, etc., at special term.

2. Said court may, at any special term, adjourn from day to day, or from time to time, as the court may order, until its close.

Judges may, by warrant directed to clerk, appoint a special term.

3. The judges of said court, or a majority of such judges, may, by warrant signed by them, directed to the clerk of said court, appoint a special term of said court to be held for the trial and decision of causes, at any of the places now designated by law for holding the regular terms of said court, or which may hereafter be designated by law for holding such regular term or terms of said court. The clerk of said court shall enter the said warrant in the order book of the court.

Duty of clerk as to such warrant.

What causes may be heard and decided at any special term within or without its grand division.

4. At any special term of said court, any cause, the record of which has been previously printed, may, in the discretion of said court, be heard and decided by consent of parties or their counsel, entered of record, or upon at least thirty days' notice in writing, given by the parties desiring the hearing to the opposite party or his counsel, of his intention to insist on a hearing, when the same may, in the discretion of the court, be heard and determined, within or without its grand division.

Regular terms of court not affected by this act.

5. This and the preceding sections of this act shall not be construed to repeal, in whole or in part, the acts of the legislature in force at the passage thereof, in relation to the regular terms of said court, so far as they apply to such regular terms, or to repeal, in whole or in part, an act of the legislature approved March twenty-fourth, one thousand eight hundred and seventy-three, entitled, "an act to amend and re-enact chapter one hundred and eleven of the code of West Virginia," but this and the preceding sections of this act shall be construed as applicable only to the special terms of said court therein authorized.

Only applicable to special terms.

Court may at any regular or special term decide causes heard at either of said terms.

6. The said court may, at any regular or special term, decide any cause or proceeding which may have been previously heard by the court at any regular or special term thereof.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXVII.

AN ACT amending and re-enacting sections one, two, three, four, five, twelve, thirteen, thirty, forty-six, forty-seven and fifty-two of the act passed April 12, 1873, entitled, "an act to amend and re-enact the school law of the state."

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That sections one, two, three, four, five, twelve, thirteen, thirty, forty-six, forty-seven and fifty-two of the act passed April twelfth, one thousand eight hundred and seventy-three, entitled, "an act to amend and re-enact the school law of the state," be, and the same are hereby, amended and re-enacted so as to read as follows :

Secs. 1, 2, 3, 4, 5, 12, 13, 30, 46, 47 and 52 of chapter 123, acts 1872-3, amended.

"1. That for free school purposes, the several districts in each county, as they are now or may be hereafter laid off for the election of justices and constables, shall be divided into such number of school districts as may be necessary for the convenience of the free schools therein; and the present sub-districts shall be such school districts until changed as provided for in this act. The words "district" and "districts," wherever they occur in this act, shall be construed to mean the whole district, laid off as aforesaid, and the words "sub-district" and "sub-districts" shall be construed to mean the school district or districts therein."

School districts.

Construction of words "district" and "districts," "sub-district" and "sub-districts."

"2. A county superintendent of free schools in each county shall be elected by the voters thereof on the first Tuesday in August, one thousand eight hundred and seven-seventy, and in every second year thereafter, whose term of office shall commence on the first day of September next after his election, and continue for two years, and until his successor shall be elected and qualified according to law. There shall be elected at the same time, in each district of the county, by the voters thereof, a president and two commissioners, who shall constitute the board of education for the district, whose term of office shall commence on the first day of September next after their election, and continue for two years, and until their successors shall be elected and qualified according to law. No person shall be eligible to more than one office under the provisions of this act at the same time. The voting at said election shall be by ballot, and the same shall be held in each district of the county at the several places of voting therein for state officers and members of the legislature, and it shall be the duty of the board of education of each district to give at least three weeks' notice of such election by

County superintendent, when elected.

Term of office.

Board of education; when elected.

Term of office.

Eligible to only one office at same time.

Vote by ballot.

Where voting to be.

Notice to be given.

posting the same at each place of voting, and at such other places as they may deem necessary. Poll books for said election shall be prepared by the board of education of each district for the several places of voting therein, and delivered to the commissioners or some of them appointed to superintend the election at each place of voting, before seven o'clock A. M. of the day on which the election is held. The court of each county and the proper court or other tribunal of each city, shall, before every election to be held under the provisions of this act, appoint three commissioners at the court house, and the like number for each place of voting in the county or corporation at which a poll is to be taken under the provisions of this act, to superintend the said election, and the said election shall be superintended, conducted and returned, and the result thereof ascertained, in all respects as is provided for by law in regard to the election of county and district officers; and all the provisions of the law in regard to general elections shall, as far as applicable, govern and apply to elections held under the provisions of this act: *Provided*, That if in the year one thousand eight hundred and seventy-seven, any other election be held on the same day of the election herein provided for, the commissioners appointed to superintend such other election shall superintend, conduct, certify and return the result of the election at each poll where a vote is taken under the provisions of this act. The commissioners appointed under this act shall receive no compensation for their services. The county superintendent of free schools shall, immediately upon receiving the certificate of his election from the commissioners at the court house, forward a written notice thereof to the state superintendent of free schools. In case of a tie in the vote for members of the board of education, the county superintendent of free schools shall give the casting vote; and in case of a tie in the vote for a county superintendent of free schools, the president of the several boards of education in the county shall, at a meeting called for that purpose at the court house of the county, by the clerk of the county court, not less than six nor more than twelve days after the result of such election is ascertained, appoint one of the persons receiving the highest number of votes for said office at said election as county superintendent of free schools, who shall give notice, as aforesaid, to the state superintendent of his appointment. A notice of such meeting shall be made out by the clerk of the county court, and served upon each president of the board of education in the county, at least three days before the day of such meeting, by the sheriff or other officer to whom the same may be delivered to be served. The ballots used at said election shall have written or printed thereon the words "for school levy," or "against school levy," as the voter may choose, and if a majority of the ballots cast in a dis-

Poll books.

Commissioners of election; how appointed.

Election; how superintended, conducted, etc., and result ascertained.

Proviso as to any other election to be held on same day.

Commissioners to receive no pay.

Duty of county superintendent as to his election.

The vote for members of board of education; who gives casting vote.

The vote for county superintendent; how determined and when.

Notice to be given by appointee.

Notice of such meeting to be given by clerk of county court.

How served.

Ballots for levy; what to have written or printed thereon.

trict have written or printed thereon "for school levy," it shall be the duty of the board of education to make the levies required by the thirty-eighth and fortieth sections of this act, for each year during its term of office; but if a majority of the ballots cast in a district have written or printed thereon, "against school levy," no levy shall be made by said board for the year next succeeding. But it shall be the duty of said board to cause a special election to be held on the same day in the following year, at which the question of levy or no levy shall in like manner be again submitted to the people for their decision; and if a majority of the ballots cast at such special election be "for school levy," such levy shall be made as hereinbefore required. Of every such special election, the clerk of the board of education of the district shall give notice by posting the same at each place of voting in the district, at least ten days before the day on which the same is to be held."

Majority vote necessary to make levy.

Special election for levy; when.

Notice of such election; when and how given.

"3. Any person who may act as commissioner or conductor of any election held under the provisions of this act, who shall willfully reject the vote of any person entitled to vote at said election, or receive the vote of any person not so entitled, or who shall knowingly make any false return of the result of any such election, or of any poll held at any place of voting, shall be guilty of a misdemeanor, and fined not less than fifty dollars and imprisoned not less than twenty days."

What deemed a misdemeanor by person acting as commissioner of election.

Penalty.

"4. At the meeting of the district board of education, held on the first Monday of September, one thousand eight hundred and seventy-seven, they shall appoint three intelligent and discreet persons as trustees for each sub-district in their district, one of whom shall be appointed for one year, one for two years, and one for three years; and the board of education shall thereafter annually appoint one trustee, who shall hold his office for three years. And the said trustees shall hold their respective offices until their successors are appointed and qualified."

Trustees; how and when appointed.

Term of office.

"5. Vacancies in the office of school trustee shall be filled by the board of education for the unexpired term, and in the board of education by the county superintendent of free schools for the unexpired term."

Vacancies in board and office of trustee; how filled.

"12. The trustees shall be under the supervision and control of the board of education, and in all cases the action of the trustees shall be subject to the revision and correction of the board of education on the motion of any member thereof, or upon the complaint in writing of any three tax payers of their sub-district. Whenever it shall happen that the persons authorized to attend school are so situated as to be better accommodated at the primary school of an adjoining sub-district, whether in the same or in an adjoining district or county, or whenever it may be

Trustees; board of education to control and revise action of; when.

Transfer of pupils; how and when.

Not to affect enumeration. necessary to establish a school composed of pupils from parts of two sub-districts, whether in the same or in an adjoining district or county, it shall be the duty of the trustees of the sub-districts interested, under the direction of the board of education to transfer such persons, for school purposes, to the sub-district in which such school house is or may be situated; but the enumeration of youth shall be taken in each sub-district as if no transfer had been made, and the trustees of the sub-district in which the school is situated shall have the management of such school.

Payment in such cases; how made.

But in all cases of transfer of pupils from one district to another district, the board of education of the district from which the transfer is made shall pay to the board of education of the district in which the school is carried on, such proportion of the cost of said school, as the scholars so transferred bear to the whole number of scholars taught in such school.

Trustees to have charge of schools.

Appointment of teachers; how made.

How removed, and for what.

May exclude a person from any school or suspend, etc., any scholar; for what.

But board may revise, etc., such action.

How trustee may be removed.

When school discontinued, unless, etc.

When high school discontinued.

Register to be kept by teacher. To make monthly reports.

"13. The trustees of every school district shall have charge of the schools therein, and shall appoint the teachers of such schools. Such appointment shall be in writing according to the form furnished by the state superintendent of free schools, and shall be submitted to the board of education, or to the president thereof when the board is not in session, for approval; and when approved by either it shall be filed within one week thereafter with the secretary of the board of education. Any teacher so appointed may be removed by the trustees or by the board of education for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality. The trustees may exclude from any school under their charge a person having a contagious or infectious disease, and they may suspend or expel any scholar found guilty of disorderly, refractory, indecent or immoral conduct, and may refuse to admit such scholar again to the school until satisfied that he will properly conduct himself thereafter; but their action in each particular shall be subject to the revision and correction of the board of education. Any trustee may, for good cause shown, be removed from office by the board of education upon ten days' notice, in writing, of the cause alleged for his removal, and of the time and place the board will take action thereon. Whenever, at the end of any school month, the daily average attendance for that month has been less than thirty-five per cent of the whole number of pupils enumerated in the sub-district, the trustees shall dismiss the teacher and discontinue the school, unless otherwise directed by the board of education; and no high school shall be continued if at the end of any school month it has not had a daily attendance of twenty-five scholars."

"30. Every teacher shall keep a daily register, and make monthly reports to the secretary of the board of education of his district. He shall also keep a term register, in

which shall be entered the date of the commencement and termination of every term of the school; the name and age of every scholar who attended the school during such term; the daily attendance, distinguishing between males and females; the branches taught, and the number of scholars engaged in each month in the study of each branch, and such other particulars as are necessary to enable the secretaries of the board of education, or directors, to make the reports required of them. The state superintendent of free schools shall prescribe such forms and regulations respecting the register to be kept and reports to be made by the teachers, as shall seem to him necessary. At the close of each term the register thereof shall be returned by the teacher to the office of the secretary of the board of education for the district, who shall file the same, and unless such register be properly kept and returned, the teacher shall not be entitled to demand payment of the balance due on his salary. Teachers shall be paid monthly, and by orders on the sheriff or collector, signed by the secretary and president of the board. Where any teacher has taught according to his contract, for one month, the trustees for the sub-district in which he has so taught, shall certify the fact to the secretary of the district board, whereupon he shall receive from said secretary an order upon the sheriff, or collector, of the county, signed by the said secretary and the president of the board of education, for one month's salary; but in no case shall such order be given unless the monthly report containing the facts required in the preceding part of this section, to be shown in the term register, be first duly made out and returned to the secretary.

What to be entered in term register.

State sup't to prescribe forms and regulations as to such registers and reports.

Where register filed at close of term.

For what teacher forfeit balance of salary.

When and how teachers paid.

When entitled to pay.

The school month shall consist of twenty-two days, excluding Saturday, twenty days of which shall be devoted to teaching the school contracted for; and two days shall be devoted by the teacher to attending county or district institutes for each month contracted for, and there devote his full time in such institutes as are in operation, to the improvement of himself and his fellow teachers in the branches of learning taught in the free schools and in the art of teaching. And each teacher shall so attend some institute during the year, for two days for each month, he or she shall be employed to teach, not exceeding eight days in any year. It shall be the duty of the county superintendent to organize and conduct such institutes in person or by some competent teacher whom he shall appoint in his stead, and to procure and keep a record of the proceedings of said institutes, and of the teachers of his county who attended, and of the length of time each one attended, and of the teachers who failed to attend the institutes held in the county or districts, and report their names to the respective boards of education, and also report to the state superintendent the whole number of teachers who attend-

School month.

Number of days to be taught and number of days to attend institutes.

Not to exceed eight days.

Duty county superintendent as to such institutes.

Reports to be made.

Non-attendance by teacher abates his salary; how much.	ed institutes in his county during the year, at or before the end of the school year. If any teacher is reported as aforesaid for non-attendance on the institutes designated in this section and in section fifty-four of this chapter, the board of education of the district in which he is employed as a teacher, shall make a <i>pro rata</i> reduction from his or her salary for the time of non-attendance so reported, but such reduction shall in no case be for more than eight days in any year.
Sheriff, etc., to collect and disburse all school moneys.	<p>“46. The sheriff or collector of the county shall receive, collect and disburse all school money for the several districts and independent districts therein, both that levied by said districts and that distributed thereto by the state. He shall be required by the county court to give, in addition to his bond as collector of the state and county taxes, a special bond with approved security, in a penalty equal to double the amount of school money which will probably come into his hands for school purposes during his term of office, and shall be made payable to the state of West Virginia, with one or more sureties deemed sufficient by such court, and proved or acknowledged before such court, and an order stating such proof or acknowledgment shall be entered of record of such court. He shall keep his accounts with the several boards of education of each district and independent school district; one of money belonging to the teachers' fund, and the other of money belonging to the building fund, and shall credit every receipt and charge every disbursement to the fund to which it belongs. He shall pay out no money standing to the credit of the board of education, except upon an order signed by the secretary and president thereof, specifying the sum to be paid and the fund to which it is to be charged; or upon a certified copy of a judgment or decree of a court of justice against the said board, for a sum of money therein specified, or upon an order of the county superintendent, as provided in section eight of this chapter. He shall, on or immediately before the first day of September in each year, settle with the board of education of each district and independent school district, in which settlement he shall be charged with the amount of taxes levied by the board of education upon the property of the district or independent school district for the teachers' fund and the building fund, and with the amount distributed thereto from the general state fund, and for any other moneys received by him during the current year on account of the free school of such district or independent school district; and he shall be credited with the amount of delinquent taxes of such district or independent school district that has been duly returned by him and certified by the clerk of the county court to such board of education. He shall also be credited in such settlement with all vouchers produced by him, if found to be correct by the district board</p>
To give special bond.	
Penalty of bond.	
How made payable.	
Proof to be entered of record. Accounts to be kept by sheriff.	
How money paid out by him.	
Annual settlement; when and with whom made.	
With what charged and credited.	

of education, and he shall receive no other credit, except his commission, as hereinafter provided; an account of this settlement shall be made out by each board of education, naming the district for which it is made, with the proper debits and credits which were the subject of this settlement. They shall also number all vouchers with which the sheriff has been credited by them, and endorse on the back of each the words, "settled by B. E." Under this endorsement the secretary of the board shall sign his name and date of settlement. All such accounts and vouchers so endorsed shall then be delivered to the sheriff or collector, whose duty it shall be to deliver them to the clerk of the county court, which accounts and vouchers shall serve as a basis of the settlement to be made by the sheriff or collector with the county court, according to article twelve and section seven of the constitution, and section fifty-two of this chapter. If any sheriff or collector shall pay out in any one year more money on account of the teachers' fund or building fund than shall have been levied and could have been collected by him during said year, together with the amount remaining in his hands from any preceding year, he shall, in said settlement, receive no credit for such excess. He shall receive no pay for receiving the state school fund nor for the disbursement of any school money. If he fail to account for and pay over, as required by law, any money which may come to his hands, or for which he is liable, judgment may be recovered therefor against him and his securities, with interest and ten per cent damages; and upon the failure of such sheriff to pay any proper draft which may be drawn by the said board of education upon him, judgment upon motion therefor may be obtained before any justice of his county, or before the county or circuit court thereof, he having had at least ten days' notice of the motion.

Duty of board as to such settlement.

Duty of secretary of board.

Duty of sheriff as to accounts and vouchers delivered to him.

To be basis of settlement with county court.

To receive no credit for excess paid out; when.

No pay for receiving state fund or disbursing any school money.

Remedy for failure to account for or pay over money.

DELINQUENT LISTS—SALE OF DELINQUENT LANDS FOR DISTRICT LEVIES.

"47. The delinquent lists for district levies shall be returned, and real estate sold therefor as hereinafter provided. Such lists of delinquent lands shall be in form or in substance as follows:

Delinquent lists.

"List of real estate in the district of —, in the county of —, delinquent for the non-payment of school taxes thereon, for the year—.

Form for real estate.

Name of person.	Estate held.	Quantity of land.	Description and location of land.	Distance and bearing from court house.	Teachers' fund.	Building fund.	Why returned delinquent.

“The delinquent lists of personal property shall be in form or in substance as follows :

Form for personal property.

“List of personal property in the district of —, in the county of —, delinquent for the non-payment of district taxes thereon for the year —.

Name of person.	Total value of personal property charged.	Teachers' fund.	Building fund.	Why returned delinquent.

Form of oath.

“ And the sheriff or collector returning such list shall, at the foot thereof, subscribe the following oath: ‘I, A— B—, sheriff (deputy sheriff or collector) of the county of —, do swear that the foregoing list is, I verily believe, correct and just; and that I have received no part of the taxes for which the real estate (or personal property, as the case may be,) therein mentioned is returned delinquent, and that I have used due diligence to find property within my county liable to distress for said taxes, but have found none.’”

Commission of sheriffs for collecting district levies.

“52. Every sheriff or collector shall be allowed three per centum commissions on the collection of all district levies for free school purposes. In addition to the settlements required of each board of education of a district

every sheriff or collector of school moneys shall also make annual settlements by districts with the county court of each county at its next term after the first day of September of each year, showing the amount of all moneys received and disbursed by him for the preceding year for school and building purposes, from state and from the district and independent school district funds and the amount due to each district; which settlement shall be made matter of record by the clerk of said court, in a book to be kept for that purpose.

Annual settlement with court; when and what to show.

To be recorded.

All accounts and vouchers required to be returned to the clerk of the county court by section forty-six of this chapter, shall be filed by said clerk in his office, and the file of each district shall be kept separately.

Accounts, etc., to be filed by clerk; how.

If any sheriff or collector of school moneys shall fail to make the settlement required by this section at the time required, he shall forfeit fifty dollars to the general school fund, and a like penalty shall be incurred by him for each subsequent term of the court that shall pass without such settlement. And the sheriff or collector shall, moreover, be charged with twelve per cent interest on all school moneys in his hands for the time he is in default in making the settlement required in this section, which interest shall be charged up against him when the settlement shall be made.

Penalty on sheriff failing to make settlement.

When the sheriff or collector shall fail to make this settlement at the time required herein, it shall be the duty of the prosecuting attorney to proceed by action against him and his securities in the county court, to recover the fine imposed upon him by this section. Every sheriff or collector shall, moreover, be liable to any person injured in consequence of his failure to make the settlement herein required.

Duty of prosecuting attorney as to sheriff so failing.

Liability of sheriff to person injured by such failure.

This settlement shall extend back to the time when the sheriff became collector of district levies for school purposes.

What time settlement to extend back to.

If any board of education fail to make the settlements required by section forty-six of this chapter, with the sheriff, when requested by him to do so, each member of such board so failing or refusing shall be fined twenty dollars for the benefit of the school fund.

Penalty on board for failure to make settlement.

The clerk of the county court shall transmit a copy of the settlement to the state superintendent of free schools, within ten days after the same has been made."

Clerk of court to send copy of settlement to state superintendent; when.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXVIII.

AN ACT providing for altering, changing or amending the charter of any city, town or village in this state containing a population of less than two thousand.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia :

- Charter of city or town, etc., containing population less than two thousand; how amended. What number may petition court. What stated in petition.**
1. That whenever it shall be desirable to alter, change or amend the charter of any city, town or village in this state, containing a population of less than two thousand, it shall be lawful for any five or more freeholders of such city, town or village to file their petition in writing in the circuit court of the county in which such city, town or village is situated, in which petition the object of the petitioners shall be clearly stated and proper prayers be made. The proposed amendments shall be accurately set out, and any facts may be stated necessary to enable the court to decide whether the said charter should be amended as proposed.
- Upon filing of petition, what order court to have entered.**
2. Upon the filing of such petition the said court shall have an order entered upon the chancery order book of the court, in which shall be briefly and intelligently stated the object of petitioners, which order duly attested by the clerk of said county shall be posted for four consecutive weeks at the front door of the court house of said county, and shall be published for same length of time in a newspaper published in said city, town or village (if any), and if none be so published, then said order, so attested as aforesaid, shall not only be posted as aforesaid by said clerk, but shall be posted by the sheriff of said county, or the sergeant of the corporation, in at least four public places in such city, town or village.
- How such orders published, etc.**
- Answer to such petition; when, how and by whom filed, and what to state.**
3. Any one or more freeholders of such city, town or village, may file their answer in writing to said petition, contesting the object sought to be attained by the petitioners, and praying the court for reasons which may be stated in said answer not to grant the prayers of the petitioners, which answer may be filed at any time before the court finally acts upon the case, and if the object of the petitioners is to enlarge or diminish the boundary of such city, town or village, such answer may be filed by one or more freeholders residing upon or owning the territory proposed to be annexed to or included in the corporate limits of such city, town or village.
- Depositions, etc. when and how taken.**
4. After the expiration of the four weeks mentioned in section two, any of the parties, upon reasonable notice to

the adverse party, may take depositions or affidavits to enable the court to decide whether or not the prayer of the petitioners shall be granted; and the court is hereby vested with full power to reject the prayers of the petitioners. And if no answer is filed as aforesaid, the court may, upon the petition alone, grant the relief prayed for, or the object sought to be attained; and the court is vested with authority to have such orders entered and such surveys made, and other acts done as may be necessary to enable it to decide the case fairly upon its merits.

Court may reject prayer of petitioners.

If no answer is filed; what then

What court may do to enable it to decide case fairly, etc.

5. If the court grants the amendment or amendments prayed for, it or they shall be written out in full in proper form; shall be signed by the judge of said court, and attested by the clerk, and recorded in the chancery order book of the court, and, if not inconsistent with the laws of this state, shall become part or parts of the charter of such city, town or village.

If court grant amendment; what then.

How signed, attested and recorded.

Effect of.

6. The court may decide all questions of costs in favor of or against any or all of the parties, for which an execution may issue when directed by the court, or may order that such city, town or village shall pay all the costs.

Costs.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXIX.

AN ACT to amend and re-enact section two of chapter ninety-eight of the acts of 1875.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section two of chapter ninety-eight of the acts of 1875, be, and is, hereby amended and re-enacted so as to read as follows:

Sec. 2 of chapter 98, acts 1875, amended.

"2. Every such court of limited jurisdiction shall have concurrent jurisdiction with and the same powers as such circuit court, in cases of *habeas corpus*, as to leasing lands of infants, married women or insane persons, in every case in which lands within, or partly within, such town

Courts of limited jurisdiction. In what cases said courts have concurrent jurisdiction with and same powers as circuit courts.

Proviso as to
granting in-
junctions.

or city, might have been sold by decree or order of such circuit court, under authority of either statutory or common law, if the case had been brought therein, in all cases as to corporations having their principal office or place of business within such town or city, as to the appointment of receivers, and as to a bill for injunction: *Provided*, That such power shall not extend to the granting of injunctions to the judgments and proceedings of the circuit or county court."

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXX.

AN ACT to amend the law providing for the incorporation of railroad companies.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

Incorporated
railroad compa-
nies may reduce
amount of capi-
tal stock.

How.

A agreement
making reduc-
tion; where re-
corded.

Demands
against company
contracted prior
to recordation
not impaired,
etc., by this
act.

1. That it shall be lawful for any company incorporated under and by virtue of the act passed April third, one thousand eight hundred and seventy-three, entitled, "an act to provide for the incorporation of associations that may be organized for the purpose of constructing railroads, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized," to reduce, by agreement of the stockholders thereof, a majority in interest and number of such stockholders concurring therein, the amount of capital stock mentioned in their articles of association, as they shall find it necessary or expedient to do; but the agreement by which such reduction is made shall be recorded in the office of the clerk of the county court of each county through or into which such railroad runs or is proposed to run, and in the office of the secretary of state. But nothing herein contained shall affect or impair any demand against the company or its stockholders contracted before the recordation aforesaid.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXXI.

AN ACT to authorize any judge of this state to administer oaths, oaths of office, to swear persons to affidavits, and to administer an oath in any proceeding.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That any judge of this state, whether a judge of a circuit court, or of the supreme court of appeals, may administer any oath that is, or may be, lawful for any person to take, including oaths of office, and also may swear any person to an affidavit, and administer an oath to any person in any proceeding.

Judges authorized to administer oaths, etc.

2. This act shall be in force from its passage.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXXII.

AN ACT to amend and re-enact section thirty-two of chapter thirty-nine of the code, as amended by chapter one hundred and fourteen of the acts of 1872-3, concerning the administration of county affairs.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That section thirty of chapter thirty-nine of the code,

<p>Sec. 32 of chapter 39 of code, as amended by chap. 114 acts 1872-3, amended</p>	<p>as amended by chapter one hundred and fourteen of the acts of 1872-3, be amended and re-enacted so as to read as follows:</p>
<p>Disputed boundary lines of counties; how settled.</p>	<p>"32. Whenever a doubt shall exist, or a dispute arise, as to the boundary line between any two counties in this state, it shall be lawful for the circuit court of the counties interested in such boundary line, or for the judge thereof in vacation, to appoint from each of said counties three commissioners to ascertain and establish the true line so in dispute. At least two of said commissioners from each county, together with the umpire hereinafter mentioned, shall act, and the number from each county to be the same, whether two or three. The said commissioners, before proceeding to execute their duties, shall choose an umpire having no interest in the matter in doubt or dispute, who shall be a resident of some county in the state other than the counties interested in such line. Said commissioners and umpire, before acting, shall take and subscribe an oath that they will faithfully, honestly and impartially ascertain, to the best of their ability, the true line so in dispute, and make true reports of the same.</p>
<p>Commissioners appointed.</p>	<p>"They may cause such surveying to be done as they may deem necessary, and have summoned before them such witnesses as, in their opinion, will aid them in ascertaining such line.</p>
<p>Umpire; when and how chosen.</p>	<p>"Before proceeding to ascertain such line, they shall employ a competent surveyor and chain-carriers to run the same, and, with the best evidence they can procure, direct such surveyor where to run and mark the same.</p>
<p>Oath of commissioners and umpire.</p>	<p>"When the disputed line shall be ascertained, fixed and marked, they shall cause to be made three plats of the course or courses and distances of the said line, and to note particularly thereon such places of notoriety or prominent objects on or near said line, and make such explanatory notes thereon as, in the opinion of a majority of the commissioners, will best designate the line.</p>
<p>May have surveying done and witnesses summoned.</p>	<p>"Said plats shall each be signed by the umpire and the commissioners, or a majority of them, and they shall return one to the clerk of the county court of each county, to be recorded in his office, and transmit the remaining one to the secretary of the state, and the said report and plat, certified by the secretary of state or by either clerk of said counties, shall be evidence of said line.</p>
<p>Surveyors and chain-carriers to be employed.</p>	<p>"The county court of each county shall pay their own compensation and clerk, and shall pay one-half of the compensation of the umpire, surveyor, chain-carriers and witnesses."</p>
<p>Line to be run and marked.</p>	
<p>Plats to be made and what noted thereon.</p>	
<p>How signed; where returned and recorded.</p>	
<p>How evidenced.</p>	
<p>Compensation of commissioners, surveyors, etc.; how paid.</p>	

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXIII.

AN ACT to amend and re-enact section three of chapter eighty of the acts of 1872-3, entitled "an act to amend and re-enact chapter forty-six of the code of West Virginia, concerning the poor."

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That section three of chapter eighty of the acts of 1872-3, be amended and re-enacted so as to read as follows: Sec. 3 of chapter 80, acts 1872-3, amended.

"3. If at the time fixed for any meeting a majority fail to attend, those present may adjourn to another day. The overseers shall annually appoint a president and clerk. They shall fix the salary of their clerk at a sum not exceeding fifty dollars per annum, to be included in their annual statement and paid on the order of the county court out of the county treasury. A meeting of the board may be called at any time by the president or one-third of the overseers, upon giving to the others reasonable notice of the time of such meeting. If at any time the president or clerk of the board be absent, a president or clerk *pro tempore* may be appointed." Meeting of board of overseers; less than a majority may adjourn. President and clerk; when appointed. Salary of clerk. How paid. How meetings may be called. President and clerk pro tempore.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXIV.

AN ACT to amend and re-enact section three of chapter one hundred and eight of the code of West Virginia.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That section three of chapter one hundred and eight of the code of West Virginia be amended and re-enacted so as to read as follows: Sec. 3 of chapter 108 of code amended.

How and when
award entered
as judgment of
the court.

Allowance to
arbitrators.

How taxed.

“3. Upon the return of any such award, made under such an agreement (whether any previous record of the submission, or a rule thereupon, has been made or not), it shall be entered up as the judgment or decree of the court, unless good cause be shown against it at the first term after the parties have been summoned to show cause against it. And the court shall make to such arbitrators such reasonable allowance for their services as it may deem proper, to be taxed in the costs of the suit or proceeding, where no provision is made for the pay of the arbitrators in the arbitration agreement.”

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXV.

AN ACT providing for the condemnation of land for burial purposes.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

How and when
land may be
condemned for
burial purposes.

Amt. limited.

1. That where any public buryingground is not sufficiently large to answer the purpose for which it was intended, the corporate authorities of any city, town or village, or the trustees of any church interested therein, may, in case of necessity, proceed in the manner prescribed by chapter forty-two of the code of West Virginia, to have the same extended by condemnation to an amount not exceeding five acres.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXVI.

AN ACT to change the time of holding the county courts in the counties of Boone, Logan, McDowell and Wyoming.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the commencement of the terms of the county courts in each of the counties of Boone, Logan, McDowell and Wyoming in each year shall hereafter be as follows: Commencement of terms of county court in

In the county of Logan, on the second Tuesday in February, April, June, August, October and December. Logan.

In the county of Wyoming, on the fourth Tuesday in January, March, May, July, October and November. Wyoming.

In the county of McDowell, on the first Tuesday in January and March, the third Tuesday in June, and the first Tuesday in July, September and November. McDowell.

In the county of Boone, the term now held in the month of September, be changed to the third Tuesday in August. Boone.

2. That all acts and parts of acts inconsistent herewith are hereby repealed. Inconsistent acts repealed.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXXVII.

AN ACT to amend and re-enact section twelve of the act approved December 22, 1873, entitled, "an act to provide for opening and keeping in repair the county roads."

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That section twelve of the act approved December 22, 1873, entitled, "an act to provide for opening and keeping in repair the county roads," be, and the same is hereby amended and re-enacted so as to read as follows: Sec. 12 of chap. 72 of acts of 1872-3, amended

Who liable to work on roads.

Notice.

What time to work on roads.

Must attend in person.

Work two days.

If two days be insufficient, court to levy tax.

How levy made and where expended.

Two-thirds of taxes levied to be expended when.

Commissioners; when and how appointed.

Duty of commissioners.

What report to show.

“12. Every able-bodied male person not under eighteen nor over fifty years of age, residing in any road precinct, and who is not a pauper, having had at least three days' notice, shall, between the first day of April and the first day of September in each year, attend in person or by a sufficient substitute, acceptable to the surveyor of roads, with proper tools, and work on the county roads in such precinct, under the direction of the surveyor thereof, at such places and on such days during such period, as said surveyor may appoint, two days. If the said two days' work herein provided for shall be insufficient to open, construct and keep in good repair the roads and bridges in any county, it shall be the duty of the county court thereof to levy a tax on the real and personal property of the district or districts of the county sufficient, in addition to such labor, to open, construct and keep in good repair the roads and bridges during the year next succeeding such levy. Such levy shall be by districts, and expended in the district where collected. At least two-thirds of the taxes so levied shall be expended on the roads between the first days of April and September of the year for which it was levied.

“The county court of every county shall biennially, at the January, February or March term, appoint three intelligent and discreet persons in each district in such county, to act as road commissioners, whose duty it shall be to examine the roads in their district and report to the county court at its levy term in each year, the condition of the roads in their respective districts, and the amount necessary to be levied in addition to the labor herein provided for.”

[Approved March 1, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXVIII.

AN ACT creating an independent school district in New Creek district, in the county of Mineral.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That sub-district number two of New Creek school

district, in the county of Mineral, which is bounded as follows: Beginning at the mouth of Limestone run, on the north branch of the Potomac river, near Bull Neck; running thence with Limestone run, to what is called Wild Cat Den; thence along the top of middle ridge to the south side of the lands of the heirs of James Paris; thence along the south line of said Paris' heirs' land, and the south side of Samuel Arnold's land, to the line of Piedmont district, in said county; thence along the east line of said Piedmont district to the north branch of the Potomac river; and thence along said river to the place of beginning, be and the same is hereby created an independent school district, by the name of "The School District of Keyser."

Independent school district created.

Boundary of.

Name of.

2. The board of education of said district shall consist of three commissioners, who shall be elected by the voters residing in said district, and shall be a corporation by the name of the "The Board of Education of the District of Keyser," and by that name may sue and be sued, plead and be impleaded, purchase and hold so much real estate and personal property as may be necessary for the purposes of this act, and shall discharge within the said district all the duties, and possess all the powers, and be subject to all the liabilities, both of the boards of education and of the trustees of the school districts.

Board of education.

How elected.

Incorporated.

Powers and duties of board.

3. The said three commissioners shall be elected on the first Tuesday in August, one thousand eight hundred and seventy-seven, and one of those so elected shall hold his office for three years, one for two years, and one for one year, and on the first Tuesday in August, one thousand eight hundred and seventy-eight, and on the same day in every year thereafter one of said commissioners shall be elected. The said elections shall be conducted, and the result thereof ascertained and declared, as is provided for school elections generally. At least three weeks' notice shall always be given of the time of such elections, and the county superintendent of free schools of Mineral county shall appoint three freeholders of said district to conduct said election on the first Tuesday in August, one thousand eight hundred and seventy-seven. The said commissioners so elected shall qualify within ten days after their election is duly declared, as other school officers are required to qualify. At their first meeting they shall elect one of their number president and another secretary of said board.

When board elected.

Their term of office.

How election conducted, etc.

Notice to be given.

Commissioners of election.

When board to qualify.

Election of president and secretary.

4. The said independent school district shall be subject to the general school law, except where it is herein otherwise provided.

School law to govern district, except, etc.

5. All accounts between said independent district of Keyser, and the said school district of New Creek shall be settled upon the basis of the ratio of the assessed value of the taxable property within said district of Keyser, to the

How accounts between independent district and the school district to be settled.

assessed value of the taxable property within the remainder of said district of New Creek.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXIX.

AN ACT legalizing certain records in the county of Preston.

[Passed March 1, 1877.]

Preamble.

WHEREAS, It appears to the satisfaction of the Legislature, that the late Henry Startzman, failed as recorder of the county of Preston, to make any entry or record in his order book, as to granting administrations, appointing guardians, admitting wills to probate, confirming the reports of the settlements of fiduciaries, the admission of deeds and other writings to record, etc., as well as to endorse copies of all such orders (as relates to the confirmation of such reports) upon said reports, from the eleventh day of September one thousand eight-hundred and seventy-one, to the close of his official term, (December thirty-first, one-thousand eight-hundred and seventy-two), and that to remedy such failure, the county court of said county has recently employed Smith Crane, who undertook, and has accordingly made up and completed the said entries and record in said order book of all matters and proceedings had before the said Startzman, as such recorder, during said period, that were required by law to be so entered or recorded, and has also made the endorsements on said reports of all such entries as relates to their confirmation; therefore,

Be it enacted by the Legislature of West Virginia :

Certain records and entries legalized in Preston county.

1. That the said entries and record, including the said endorsements, so made by the said Crane, as aforesaid, are hereby declared to be as legal and valid, as if the same had been made by the said Startzman, as required of him by law.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XC.

AN ACT to amend and re-enact section fifteen of chapter one-hundred and sixty-three, of the code.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section fifteen of chapter one hundred and sixty-three of the code, concerning the penitentiary, be amended and re-enacted so as to read as follows: Sec. 15 of chapter 160 of code amended.

“ 15. Such committee shall sue and be sued in respect to debts due to or from such convict, and respecting all other causes of action for which the convict might sue or be sued had no such conviction taken place, and shall have the privilege of an administrator as to the right of retaining his own debt. And judgments recovered against such committee shall be a lien upon the lands of the convict to the same extent as if recovered against the convict before the conviction. But the plaintiff in an action against the committee of a convict shall not be examined as a witness in his own behalf in such action in respect to any transaction or communication had personally with the convict, unless the convict is examined himself as a witness in respect to such transaction or communication.” Committee of convict's estate; powers of in respect to debts due to or from convict. Force of judgment against committee. Plaintiff in such action not to be examined as a witness, unless, etc.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XCI.

AN ACT to amend and re-enact section twenty-two of chapter thirty-five of the code of West Virginia.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

Sec. 22 of chapter 35 of the code amended.

1. Section twenty-two of chapter thirty-five of the code of West Virginia is hereby amended and re-enacted so as to read as follows :

Authority of auditor to appoint agents to collect claims, etc. of state.

Governor to approve.

May give further credit; when.

Compensation where claims, etc. are over five years old.

Limit.

Compensation in other cases.

“22. The auditor, with the approval of the governor, may appoint agents to superintend the collection of debts to, or claims of, the state, and may authorize them to secure payment thereof by installments or otherwise, and give further credit in consideration of additional security or indemnity satisfactory to him. In cases where the indebtedness or claim is over five years old, the compensation to agents thus appointed may be fixed by the auditor, subject to approval by the governor, at such per cent. on collections as he may deem just and commensurate with the labor required or service performed, not, however, to exceed twenty-five per cent. of the amount of the claim. In all other cases the compensation shall be that fixed by the twenty-eighth section of said chapter.”

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XCII.

AN ACT to amend and re-enact section ten of chapter two hundred and twenty-seven of the acts of 1872-3, passed December twenty-seventh one thousand eight-hundred and seventy-three, entitled, “an act to establish a reasonable maximum rate of charges for the transportation of passengers and freight, and to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in the state for the transportation of passengers and freight on said roads.”

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section ten of chapter two hundred and twenty-

seven of the acts of 1872-3, passed December twenty-seventh one thousand eight-hundred and seventy-three, to establish a reasonable maximum rate of charges for the transportation of passengers and freight, and to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in the state for the transportation of passengers and freight on said roads, be, and the same is hereby amended and re-enacted so as to read as follows :

"10. The compensation for the transportation of passengers, goods and merchandise, and all kinds of property hereinbefore prescribed, shall be interpreted to include all fees and commissions charged by any railroad corporation, their agent or agents, for manifesting, receiving, handling shipping and delivering any goods, merchandise, and all other kinds of property for transportation on such railroad, so that the entire charges made by such railroad corporation, or their agent or agents, shall not exceed the regular transportation fees herein prescribed, except for the storage of articles in any depot or ware-house of the company, or in any depot or ware-house, by their agent or agents, which remain in such depot or ware-house after the lapse of twenty-four hours from the time the consignee is notified by the agent, or other employes of the company, of their arrival, in cases where the abode of the consignee is known to said agent. A charge may also be made for such longer time as they so remain, not exceeding the ordinary ware-house rates charged in the town in which, or near which the depot or ware-house is situated; and it shall be lawful for any railroad corporation, their agent or agents, at any depot in the state, to charge or receive such fees and commissions for manifesting, receiving, handling, shipping or delivering any goods, merchandise and all other kinds of property for transportation on such railroads, as they were authorized to charge and receive on December twenty-seventh, one thousand eight-hundred and seventy-three; but when any such fees and commissions are so charged or received by such railroad corporation, their agent or agents, such railroad corporation shall abate from their regular transportation fees herein prescribed, the amount of such fees and commissions so charged or received by such railroad corporation, or by their agent or agents."

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

Sec. 10 of chapter 227, acts 1872-3, amended

Compensation for transportation of passengers and freight; what interpreted to include so as not to exceed, etc.

Exception as to storage for articles which remain in depot after twenty-four hours from time of notice.

Charge may also be made for such longer time, etc.

May charge and receive such fees and commissions for manifesting, receiving, delivering, etc., any goods, etc., as they were authorized to charge, etc., on 27th Dec., 1873, but when so charged or received, they shall abate such fees, etc., from regular transportation fees.

CHAPTER XCIII.

AN ACT to amend and re-enact section one of chapter one hundred and forty of the acts of the legislature of West Virginia, approved December 2, 1873.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

Sec. 1 of chapter 140, acts 1872-3, amended.

1. That section one of chapter one-hundred and forty of the acts of the legislature of West Virginia, approved December second, one thousand eight hundred and seventy-three, be amended and re-enacted so as to read as follows:

Clerks of courts to make reports to auditor; when and what to contain,

“1. It shall be the duty of the clerk of the supreme court of appeals, and the clerks of the circuit and county courts, on or before the first day of October in each year, to report to the auditor the number of suits commenced, pending and decided in their respective courts; and the number of days the courts were in session; and the average number of hours of each day's session; and the clerks of the county courts shall, moreover, include in their reports the amount of debts or claims against the county levied for during the year, showing separately the amount levied for county, jury, court, school, road, salary of county officers, elections, and other purposes, and the per centum of each on the taxable property of the county during the preceding year.”

Additional to be included in reports of clerks of county courts

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of nine days after its passage.

CHAPTER XCIV.

AN ACT making appropriations of public money to pay members and officers of the legislature from the twenty-third day of February, one thousand eight hundred and seventy-seven, to the second day of March, one thousand eight hundred and seventy-seven, in pursuance of the forty-second section of the sixth article of the constitution.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

1^o That there is hereby appropriated, out of the fund from taxation and other sources of revenue, in the treasury, not otherwise appropriated, a sum sufficient to pay the following charges, payable out of the treasury during the fiscal year ending the thirtieth day of September, one thousand eight hundred and seventy-seven.

Additional appropriation to pay members and officers, etc. of legislature for extended session.

LEGISLATIVE DEPARTMENT.

Senate.

To pay per diem compensation of the twenty-four members of the senate from the twenty-third day of February, one thousand eight hundred and seventy-seven, to the second day of March, one thousand eight hundred and seventy-seven, six hundred and eighty-six dollars.

Per diem of senators.

To pay the per diem compensation of the officers, clerks of committees and pages, to-wit:

Officers and clerks of senate.

To pay the clerk of the senate, seventy dollars.

To pay his assistant, forty-two dollars.

To pay three committee clerks, eighty-four dollars.

To pay three pages, sixty-three dollars.

To pay sergeant-at arms and doorkeeper, sixty-three dollars.

House of Delegates.

To pay per diem compensation of the sixty-five members of the house of delegates from the twenty-third day of February one thousand eight hundred and seventy-seven, to the second day of March one thousand eight hundred and seventy-seven, one thousand eight hundred and thirty-four dollars.

To pay per diem of delegates.

To pay per diem compensation of the officers, clerks of committees and pages, to-wit:

Officers, clerks, etc. of house of delegates.

To pay the clerk of the house of delegates, seventy dollars.

To pay four assistant clerks, one hundred and sixty-eight dollars.

To pay four committee clerks, one hundred and twelve dollars.

To pay four pages, eighty-four dollars.

To pay sergeant at arms and door-keeper, sixty-three dollars.

To pay janitor extra compensation, twenty-one dollars.

To pay assistant sergeant-at-arms, his per diem and mileage, one hundred and eighty-five dollars.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XCV.

AN ACT directing the secretary of state to correct a clerical error in the articles of association of the New River Railroad Mining and Manufacturing Company, and relieving certain stockholders of said company.

[Passed March 1, 1877.]

Preamble.

WHEREAS, It appears that by a clerical error in the articles of association of the New River Railroad Mining and Manufacturing Company, filed with the secretary of state, the number of shares taken in the capital stock of said company, by the New River Railroad Mining and Manufacturing Company of Virginia, is stated to be five thousand, when, in fact, it was only five hundred; therefore,

Be it enacted by the Legislature of West Virginia:

Sec'y of state to correct clerical error in articles of association of New River Railroad Company.

1. That the secretary of state is hereby authorized and required to correct the error aforesaid, so that the record in his office of the articles of association of the New River Railroad Mining and Manufacturing Company shall state the number of shares of the stock of said company, held by the New River Railroad Mining and Manufacturing Company of Virginia, to be five hundred instead of five thousand.

Future liability of company fixed as to number of shares owned.

2. This act shall not affect existing interests and rights of creditors of the New River Railroad Mining and Manufacturing Company, but as to the future liabilities of said company, the New River Railroad Mining and Manufacturing Company of Virginia shall be held responsible as the owner of only five hundred shares of the stock of the aforesaid company.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XCVI.

AN ACT to amend and re-enact section five of chapter one hundred and twenty-nine of the code of West Virginia.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That section five of chapter one hundred and twenty-nine of the code of West Virginia be amended and re-enacted so as to read as follows: Sec. 5 of chapter 129 of code amended.

"5. Any circuit judge may, in vacation, make an order in any cause pending in his circuit, at any time after process has been duly served on the defendants or such of them as may appear to be interested in the subject matter upon which the commissioner is to report, or at any time after such defendants have entered their appearance in said cause, referring the same to a commissioner for the purpose of stating any proper account or reporting upon any matter which it is proper there should be a commissioner's report in said cause. But no such order of reference shall be made in any cause until reasonable notice in writing has been served upon the opposite party or his attorney, of the time and place of making said motion." Circuit judges may in vacation order account to be taken; when. Notice in such cases.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XCVII.

AN ACT providing for the collection of taxes, public dues and fee bills in certain cases.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That in all cases in which a vacancy has heretofore occurred, or may hereafter occur, in the office of sheriff, by resignation or removal, all state taxes and dues, all county, district and school taxes and all fee bills remaining uncollected in the hands of such sheriff at the time of his Vacancy in office of sheriff by resignation or removal; who to collect taxes, etc. remaining uncollected, in such cases.

His liability.

Power of such sheriff to distrain for taxes, etc. Within what time. Not compelled to receive taxes, etc. which previous sheriff could not distrain for. Bond or liability of sheriff removed or resigned not affected by this act. Taxes, etc. collected under this act; to whom paid and how credited.

resignation or removal, shall be collected by the person elected or appointed to fill the vacancy caused by such resignation or removal. The sheriff so elected or appointed, together with his official securities, shall be bound for the collection, according to law, of such taxes, dues and fee bills.

2. The sheriff so elected or appointed shall have the power to distrain for said taxes, dues and fee bills, at any time within two years from the date of his qualification. But he shall not be compelled to receive any taxes, dues or fee bills which the previous sheriff could not, at the time of his resignation or removal, have distrained for.

3. This act shall in no case affect or impair the obligation of the bond given by the sheriff who may have resigned or been removed, nor any liability incurred by him and his official sureties prior to his resignation or removal.

4. All taxes, dues and fee bills collected under this act shall be paid over to the proper officer or person, and credited to the sheriff so resigning or removed, so far as the same may be legally and properly applicable thereto.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act shall take effect at the expiration of ninety days after its passage.

CHAPTER XCVIII.

AN ACT to amend and re-enact section thirty-two of chapter twenty-nine of the code of West Virginia, as amended and re-enacted by chapter fifty-four of the acts of 1875.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

Section 32, chapter 29, of the code amended.

Land situated in different counties; where entered for taxation.

1. That section thirty-two of chapter twenty-nine of the code of West Virginia, amended and re-enacted by chapter fifty-four of the acts of 1875, be, and the same is hereby, amended and re-enacted so as to read as follows:

“32. Land lying partly in one county and partly in another, shall, for the purposes of state taxation, be entered on

the land book of the proper district in the county in which the same, or the greater part thereof in value, lies; but the entry thereof, and payment of taxes thereon, in any county where any part thereof is situated, shall, for the time during which the same is so entered and paid, be a discharge for the whole of the state and state school taxes charged and chargeable thereon. And when any such land is so entered on the land book in any such county, the same shall not, nor shall any part thereof, be entered for state taxation on the land books of any other county, so long as the same remains on the land books first above mentioned.

Entry thereof and payment of taxes thereon in any county, etc. valid, etc.

When so entered, not to be entered on land books of any other county, etc.

“When new buildings are erected of the value of one hundred dollars or more, upon that part of the land lying out of the district or county in which it is assessed, the assessor on whose books it is entered shall assess and add the value of such building, as in other cases.

New buildings erected on land lying out of district or county in which it is assessed; by whom assessed, etc.

“For the purposes of county and district taxation, every tract of land of one thousand acres or more, lying in two or more counties, shall hereafter be entered and charged with taxes in each magisterial district in each of the counties in which it is situated, to the extent, as near as may be, that it is situate in such district; but the whole number of acres so entered and charged in said districts shall not exceed the number of acres for which the same is entered and charged for state taxation. And in case the assessor of any two or more districts or counties cannot agree as to the proper number of acres to be charged in any magisterial district, the circuit court of any county in which any part of said land may be, may, on motion of any such assessor, appoint one or more commissioners to ascertain and report the proper number of acres to be entered in any district to which such disagreement relates.

Land of one thousand acres lying in two or more counties; how entered and taxed for county and district purposes.

Not to exceed number of acres entered and charged for state taxation.

When assessors cannot agree as to number of acres to be charged in magisterial district; how ascertained. Commissioners appointed.

“The report of such commissioner or commissioners may be confirmed or recommitted, as in other cases; and when the court, by means of any such report or otherwise, shall determine the quantity of acres to be entered in any such district, the assessor shall enter the same as the court shall order.

Report of commissioners may be confirmed or recommitted.

When court determines number acres to be entered, assessor to enter same.

“In case the number of acres so entered and charged for district and county purposes in all the districts shall exceed the number charged as aforesaid for state purposes, the owner, or his agent, may apply to such court as is hereinbefore mentioned, to have the same corrected, and the court shall thereupon take such proceedings as may be necessary to make the required correction.

When land entered and charged for district and county purposes exceeds that charged for state purposes; how corrected.

“But nothing in this section contained shall affect or impair the entry of, and payment of, taxes for county and district purposes on any such tract of land in any one county heretofore made; but every such entry and payment shall, for the time for which the same was made, be a discharge for all the county and district taxes charged

Entry and payment of taxes heretofore made not affected by act.

Duty of assessor of county, etc., in which any part of tract of land is subject to entry and charges for county and district taxes

Not to charge such land with state and state school taxes.

Penalty on assessor for violating provisions of section.

and chargeable thereon. It shall be the duty of the assessor of every county and district in which any part of a tract of land is subject to entry and charge for county and district taxes, other than that in which the whole is entered and charged for state taxation, to charge the amount so entered for county and district taxation, with county and district taxes only, and not with state and state school taxes, and the columns in his land book in which the state and state school taxes on lands are entered shall be left blank as to such lands. Any assessor who shall willfully violate any of the provisions of this section shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars."

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XCIX.

AN ACT to change the boundaries of the independent school district of Ripley, in the county of Jackson.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia :

Boundaries changed.

What tracts of land excluded.

1. That the boundaries of the independent school district of Ripley be, and the same are hereby, changed so as to exclude from said district the tracts of land and residences owned and occupied by C. C. Campbell and D. J. Sayre.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER C.

AN ACT to amend and re-enact section twenty-seven of chapter fourteen of the code of West Virginia.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That section twenty-seven of chapter fourteen of the code of West Virginia be amended and re-enacted so as to read as follows: Sec. 27 of chap. 14 of code amended.

“27. Of the biennial messages hereafter submitted by the governor, and any documents which he may deem essential to accompany the same, he shall cause two thousand copies to be printed, if practicable, before the beginning of the session, of which two hundred and forty copies shall be delivered to the clerk of the senate, and six hundred and fifty copies to the clerk of the house of delegates for the use of those branches of the legislature respectively; five hundred copies shall be disposed of as the governor may direct, and the remainder to be disposed of as directed in the twenty-eighth section of said chapter.” Messages of governor and documents; number of to be printed. How disposed of

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CI.

AN ACT repealing chapter eleven of the acts of 1869, entitled, “an act to amend an act, entitled an act to incorporate the village of Leatherwood,” passed February seventh, one thousand eight hundred and sixty-eight.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the act of the Legislature of West Virginia, passed February the tenth, one thousand eight hundred and sixty-nine, entitled “an act to amend an act entitled, an act to incorporate the village of Leatherwood,” passed Feb- Act amending act incorporating village of Leatherwood repealed.

To affect no corporate power or right other than the creation of independent school district

ruary the seventh, one thousand eight hundred and sixty-eight, be and the same is hereby repealed. But this act shall not be construed to affect any of the corporate rights or powers of said village of Leatherwood, other than the creation of an independent school district in said village.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CII.

AN ACT exempting persons and property in certain cities and towns from the payment of poor and district road levies.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia :

Persons and property in certain cities and towns exempted from payment of poor and road levies.

1. The inhabitants of any incorporated city or town that provides for its own poor and keeps its streets in order, shall not be required to pay any poor levies or district road taxes assessed by the county court on persons and property within such city or town, or to perform any labor on the roads outside the corporate limits of the city or town in which they reside; but beyond this, the taxable property in no city or town shall be exempt from the payment of county levies, whether for bridge or other purposes, except as hereinbefore mentioned, by reason of any provision in its charter or act of incorporation.

Inconsistent acts repealed.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CIII.

AN ACT to pay J. S. Fairfax for services as architect at the penitentiary.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the sum of seventy dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the payment in full of J. S. Fairfax for services performed as architect at the penitentiary.

Appropriation to pay J. S. Fairfax.
For what.

2. The auditor is hereby directed to draw his warrant on the treasury, for the amount hereby appropriated in favor of J. S. Fairfax for seventy dollars, for services as architect at the penitentiary.

Auditor to pay.

[Approved March 2, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CIV.

AN ACT to amend and re-enact section three of chapter one hundred and sixty-one of the acts of 1872-3, and repealing section four of same chapter.

Passed March 2, 1877.

Be it enacted by the Legislature of West Virginia:

1. That section three of chapter one hundred and sixty-one of the acts of 1872-3, be, and the same is hereby amended and re-enacted so as to read as follows:

Sec. 3 of chapter 161, acts 1872-3, amended.

"3. When any minister of the gospel shall, before the circuit or county court of any county in the state produce proof that he is duly licensed as such, and of his being in regular communion with the religious society of which he is a member, and give bond in the penalty of fifteen hundred dollars, such court may make an order authorizing him to celebrate the rites of marriage in all the counties of this state. And no person, other than a minister who has

Ministers authorized to celebrate the rites of marriage; how and when.

No person other than a minister, who has complied with this section, authorized.

complied with this section, shall hereafter celebrate the rites of marriage in this state, anything in any act of the legislature, or order of any court, to the contrary notwithstanding."

Sec. 4 of chapter 161, acts 1872-3, repealed.

2. That section four of chapter one hundred and sixty-one of the acts of 1872-3, be, and the same is hereby, repealed.

Approved March 2, 1877.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CV.

AN ACT making an appropriation of public money to pay two hundred and eighty-seven dollars and forty-six cents to the personal representative of Beniah H. McCallister, deceased.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

Appropriation to pay personal representatives of B. H. McCallister.

1. That the sum of two hundred and eighty-seven dollars and forty-six cents is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the personal representative of Beniah H. McCallister, deceased, the amount of principal and interest due to the estate of said Beniah H. McCallister for services rendered by him as assessor for the second assessor's district of Mason county, in the year one thousand eight hundred and sixty-one.

For what.

When and who auditor authorized to pay.

2. Upon the presentation to the auditor of a properly authenticated certificate of his appointment and qualification as administrator of the estate of Beniah H. McCallister, the said auditor shall draw his warrant upon the treasurer in favor of the personal representative aforesaid for the sum hereby appropriated.

EUSTACE GIBSON,
Speaker of the House of Delegates.
U. N. ARNETT,
President of the Senate.

OFFICE OF SECRETARY OF STATE, }
 March 3, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,
Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CVI.

AN ACT to amend and re-enact sections twenty-three and thirty-seven, of chapter eighty-eight of the acts of 1872-3 entitled, "an act to provide for the incorporation of associations that may be organized for the purpose of constructing railroads, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized."

[Passed, February 26, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That sections twenty-three and thirty-seven of chapter eighty-eight, of the acts of 1872-3, entitled, "an act to provide for the incorporation of associations that may be organized for the purpose of constructing railroads, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized," are hereby amended and re-enacted so as to read as follows:

"23. No railroad corporation shall consolidate its capital stock with any other railroad running a parallel or competing line without the consent of the legislature, but any railroad corporation may merge, or consolidate with, or lease its railroad for a term of years, to any corporation owning or operating any connecting line of railroad wholly

Secs. 23 and 37
 of chapter 88
 acts 1872-3,
 amended.

Consolidation of
 railroads run-
 ning parallel, or
 competing lines
 prohibited
 without consent
 of legislature.

May merge or consolidate with connecting lines in order to make continuous line, etc.

May also sell or purchase such line.

May change name of merged or consolidated road; how.

How merger, etc. or sale to be made.

Suits, claims, etc. not be invalidated by such merger, etc.

Notice to be given of consolidation

Proviso as to B. & O. railroad and Northwestern Virginia railroad.

What railroads to have all the powers and privileges contained in this act. Rights, powers, etc., heretofore conferred on railroads by special charters, not abridged, etc. Companies now constructing roads may acquire title to lands, etc.

or partly within this state, in order to make a continuous line of railroad to be run and operated with or without change of cars, or break of bulk, or exchange or transfer of passengers or freight, and may sell to or purchase such connecting line of railroad, and may adopt another name for their said road thus merged, consolidated or connected, by filing in the office of the secretary of state a declaration of the adoption of such other name, and publishing such declaration for sixty days in all newspapers published along the line of such railroad. But such merger, consolidation or sale shall be made only upon such terms and conditions as shall be agreed to by a majority of the stockholders in each of the companies so merging, consolidating selling or purchasing: *Provided*, that such merger or consolidation shall not invalidate any action, suit, claim or demand against any or either of the companies who are parties thereto, and any such action, suit, claim or demand shall be held to be in full force against the company owning such consolidated or merged line of railroad. And in no case shall any consolidation take place except after sixty days' notice thereof, which notice shall be given in the manner prescribed in section fifteen of this act: *Provided*, that this section shall not apply to the Baltimore and Ohio railroad and the northwestern Virginia railroad so as to enlarge any powers or privileges which either of said railroads now possess."

"37. All railroad corporations now existing within this state shall have all the powers and privileges contained in this act, but nothing in this act contained shall be construed as abridging in any way the rights, powers and privileges heretofore conferred upon railroad corporations by special charter or general law, or as subjecting any railroad corporation heretofore formed to any of the liabilities or requirements in this act contained. All railroad companies that are now constructing their roads, may acquire title to lands necessary for that purpose under the provisions of this act."

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER CVII.

AN ACT to amend and re-enact chapter thirty-two of the code of West Virginia, and to repeal chapter ninety-nine of the acts of 1872-3.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

1. That chapter thirty-two of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows: Chapter 32 of code amended.

CHAPTER XXXII.

REGULATIONS RESPECTING LICENSES; INJURIES TO PERSONS ARISING FROM ILLEGAL SALES OF INTOXICATING LIQUORS; REMEDY THEREFOR.

For what a State License is Necessary.

1. No person without a state license therefor shall keep a hotel or tavern, or furnish intoxicating drinks or refreshments at a public theatre, or sell, offer or expose for sale, spirituous liquors, wine, porter, ale or beer, or any drink of a like nature. And all mixtures or preparations known as "bitters," or otherwise, which will produce intoxication, whether they be patented or not, shall be deemed spirituous liquors within the meaning of this section. For what a license must be obtained. "Bitters" deemed spirituous liquors.

Nor shall any person without such license therefor, carry on the business of a druggist, or keep for public use or resort a bowling alley, billiard table, bagatelle table, or any table of like kind.

2. No person without a state license therefor shall exhibit any circus, menagerie, theatrical performance, or public show to which admission is obtained for money or other reward, or act as hawker or peddler, or act as auctioneer, or practice the business of stock or other broker by buying or selling for others stocks, securities or property for a commission or reward, or practice the business of a money broker or private banker by buying or selling uncurrent or depreciated money or funds, or exchanging one kind of money or funds for another, for profit or reward. Nor shall any person without a state license therefor sell or barter, or offer or expose for sale or barter, any patent right. For what a license must be obtained.

Penalty for Acting without License.

3. Any person violating either of the two preceding sec-

Penalty for acting without license.

tions shall, except where it is otherwise provided herein for every such offense forfeit not less than ten nor more than one hundred dollars.

License not Required in Certain Cases.

In what cases license not required.

Cases enumerated.

4. This chapter shall not be construed to require license to keep a boarding house or boarding school, where boarders are not received for less than three days; or to require any person having license to sell spirituous liquors or wine at retail to obtain another license to sell porter, ale or beer, or any drink of like nature, at the same place; or to prohibit a druggist from selling, without license, spirituous liquors or wine, in good faith, for medicinal purposes, or alcohol for medicinal or mechanical purposes; or to require any incorporated bank, savings bank or savings institution to obtain license as a broker or private banker; or to require any resident of this state to obtain license to exhibit any work or production of his own invention or skill; or to require license for any school exhibition, literary or scientific lecture, or musical concert; or to affect any person furnishing refreshments at any public dinner, fair festival or celebration, or any trustee selling trust property, or any personal representative or committee selling property belonging to the estate under his charge, or any officer or commissioner selling property under the order, decree, execution or process of any court of justice of this state or of the United States; or any colporteur or person selling religious books; nor shall any company or person engaged in manufacturing goods in this state be required to pay a license as peddler for selling such goods, either by himself or his agent. If any druggist shall sell spirituous liquors or wine, unless for medicinal purposes, or alcohol, unless for medicinal or mechanical purposes, he shall, for each and every offense, be fined not less than twenty nor more than one hundred dollars; and it shall be the special duty of the circuit court to give this provision in charge of the grand juries of their respective courts. And in any prosecution against a druggist for selling alcohol, spirituous liquors or wine, without a license therefor, if the sale be proved, it shall be presumed that the sale was unlawful in the absence of satisfactory proof to the contrary. No sale of alcohol, except for mechanical purposes, spirituous liquors or wine shall be made by any druggist under the provisions of this section, except upon the written prescription of a practicing physician in good standing in his profession and not of intemperate habits, specifying the name of the person and the kind and quantity of such liquors to be furnished him, and stating that such liquors, so prescribed, are absolutely necessary as a medicine, and not as a beverage, for such person. And the production of such prescription by the de-

Penalty on druggist for selling contrary to law.

Duty of circuit court as to this provision.

In prosecution against druggist if sale be proved it is presumed unlawful till contrary shown.

Druggist not to sell, etc. except on written prescription of physician, etc.

What prescription to specify.

endant at the trial of an indictment against him for the sale of the alcohol, spirituous liquors or wine mentioned therein, shall be sufficient to rebut the presumption arising from the proof of such sale as hereinbefore provided for, if the jury believe from all the evidence in the case that the sale was made in good faith, under the belief that such prescription and statement were true.

Effect of such prescription when produced at trial of indictment against druggist.

If any physician shall, for the purpose of aiding a druggist or other person in the violation of any of the provisions of this chapter or otherwise, give such prescription and make such statement falsely, he shall be guilty of a misdemeanor, and fined not less than fifty nor more than two hundred dollars. Every such prescription and statement shall be filed and preserved by the druggist selling such liquors thereon, and the same shall be open and subject to the inspection of the prosecuting attorney of the county, or any member of a grand jury thereof, or any relative of the person to whom such liquors were sold, and any druggist or person in charge of such prescriptions and statements who shall wilfully fail or refuse to produce the same when demanded for inspection by any of the persons aforesaid, shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars.

Penalty on physician for giving prescription to druggist or other person in violation of the provisions of this chapter.

Prescription, etc. to be filed and preserved.

Open to inspection; to whom.

Penalty on druggist, etc., for refusing to produce prescription for inspection.

Certain Provisions Respecting Tavern Licenses.

5. Every house where food and lodging is usually furnished to travelers, and payment required therefor, shall be deemed a hotel or tavern. Every person licensed to keep a hotel or tavern shall constantly provide the same with lodging and diet for travelers and their servants, and with stabling and provender, or pasture and provender, as the season may require, for their horses; but if such hotel or tavern be in a city, village, or town, the council may, if the applicant desire it, dispense with the necessity of providing for horses. If any person so licensed fail to comply with this section, the license may be revoked pursuant to the twentieth section; and shall always be revoked if it appear that the principal object in obtaining the same is not to provide lodgings and diet for travelers and their servants, but to use it as a facility for selling intoxicating liquor.

What deemed a hotel or tavern.

What keeper thereof to provide.

When and for what cause license may be revoked.

6. The state tax on a license to keep a hotel or tavern shall be determined by the yearly value of the premises occupied for that purpose. The assessor may require the proprietor, and if the premises be leased or rented, the tenant, to declare on oath the amount of rent agreed to be paid; and if either of them refuse to do so, the person so refusing shall forfeit not less than twenty nor more than one hundred dollars. From such information, if obtained, and a comparison of the premises, where it is in his power, with other premises actually leased or rented, and other

State tax on license; how determined.

Duty of assessor in relation thereto.

circumstances affecting the value, the assessor shall estimate the yearly value to the best of his judgment, taking into consideration not only the house itself, but all the lots, gardens, stables, out-houses, booths, and watering places held and used therewith, but excluding the contiguous farm and farm houses.

How State Licenses are Obtained.

Issuing of license to be authorized by county court, etc.

Exception as to cities, towns, etc.

7. The state licenses mentioned in the first section shall be issued only when authorized by the county court of the county, or other tribunal therein acting in lieu of the county court, except that where the act, occupation, or business for which such state license is necessary is to be done or carried on in an incorporated city, village or town the license shall be issued only when authorized, under the charter of said city, village or town, by the council thereof.

Person desiring license must apply to assessor.

When he must deliver to assessor copy of order of county court council, etc., authorizing license.

8. Every person desiring to obtain a state license shall apply for a certificate thereof to the assessor of the proper assessment district. If he desire such license for any purpose named in the first section, he shall, if the business is to be carried on in an incorporated city, town or village, wherein the municipal authorities are vested with the sole power of granting such license, deliver to the assessor a copy of the order or resolution authorizing such license, and in other cases he shall deliver to the assessor a copy of the order of the proper county court, or other tribunal acting in lieu of a county court, and if the business is to be carried on in an incorporated city, town or village, wherein the authorities are not vested with the sole power of granting licenses, and the charter of which requires the assent of the municipal authorities thereof to the issuing of such license, he shall also deliver a copy of the order of said authorities authorizing such license, which copies must be authenticated by the signature of the clerk of such court or other tribunal acting in lieu thereof, and by the clerk or other proper officer of the council of such city, town or village. The assessor shall thereupon deliver to the applicant a certificate of the license to be obtained, and of the amount of tax to be paid thereon to the state, which certificate shall be conformable in other respects to the provisions hereinafter contained. Such certificate shall be produced by the applicant to the officer to whom the state tax is to be paid; and his receipt for such tax, written on the certificate, shall be sufficient license, while it remains in force, to the person and for the purpose specified in the said certificate, except so far as is otherwise provided in this chapter.

Copies of such orders; how authenticated.

Certificate to be delivered to applicant by assessor.

Certificate, to whom presented

Receipt written on certificate, for tax, a sufficient license, etc.

Assessor may obtain license from clerk of county court.

9. An assessor may obtain a certificate for a state license from the clerk of the county court or other tribunal acting in lieu thereof, in the same manner as another person

may obtain such certificate from the assessor. And the clerk, in relation to such certificate issued by him, shall perform the same duties and be subject to the same penalties as the assessor would be in relation to the certificate issued by such assessor.

Duties and liabilities of clerk in such cases.

Power of City, Village or Town Council not to be Impaired.

10. Where the council of a city, village or town are authorized by its charter or any law of the state to impose a penalty for doing any act, or engaging in any business or occupation, within the limits of such city, village or town, without first having obtained license therefor pursuant to the ordinances of said city, village or town, no state license shall exonerate the person holding the same from any such penalty.

Certificate of Character and Qualification Required in Certain Cases.

11. The county court or other tribunal acting in lieu thereof, or city, village or town council shall not authorize any license mentioned in the first section, unless they are satisfied, and so enter on their record, journal or minutes, that the applicant for such license is not of intemperate habits.

Certificate of good character given before license granted.

And if the license applied for be to carry on the business of a druggist, such license shall not be authorized until the applicant shall present the certificate of two practicing physicians, of good standing in their profession, and not of intemperate habits, that they have fully examined such applicant and find him duly qualified to carry on the business of a druggist. If such business is intended to be carried on by a firm, a certificate of the qualification of one member of the firm, as herein required, shall be sufficient.

What required in cases of druggists.

12. If any person having a state license to sell spirituous liquors, wine, porter, ale, beer, or drink of like nature, shall knowingly sell or give any such liquors or drink to any minor or person of unsound mind, or to any person who is intoxicated at the time, or is in the habit of drinking to intoxication, or if he permit any person to drink to intoxication on any premises under his control, or sell or give any intoxicating drink to any one on Sunday, he shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars.

Penalty on person for selling or giving liquors, etc. to minors, etc. or person intoxicated; or for permitting any person to drink to intoxication, etc.

Penalty for giving or selling on Sunday.

13. A sale of any such liquors or drink by one person for another shall, in any prosecution for such sale, be taken and deemed as a sale by both, and both may be indicted and fined therefor, either jointly or separately.

Sale by one person for another, in any prosecution, deemed a sale by both. Both may be indicted and fined.

14. All houses, buildings, and places of every descrip-

When houses, etc. where liquors are sold, deemed public nuisances and may be abated.

tion where intoxicating liquors are sold or vended contrary to law, shall be held, taken and deemed to be common and public nuisances, and may be abated as such, upon the conviction of the owner or keeper thereof, as hereinafter provided.

When owner of house, etc., or other person may be indicted for keeping, etc. a public nuisance.

15. The owner of any house, building, or other place mentioned in the next preceding section, who sells or knowingly permits intoxicating liquor to be sold or vend- ed therein contrary to law, and every person engaged in any such unlawful sale in any such house, building or place, may be indicted for keeping and maintaining a com- mon and public nuisance, and upon conviction thereof he shall be fined not less than twenty nor more than one hun- dred dollars, and, at the discretion of the court, imprisoned in the county jail not less than ten nor more than thirty days; and judgment shall be given that such house, building or other place be abated or closed up as a place for the sale of such liquors contrary to law, as the court may determine.

Penalty on con- viction.

May be impris- oned.

Judgment of court in such cases.

Who may serve notice on seller of liquors not to sell to certain persons.

16. Any husband, wife, child, parent or guardian may serve upon any person engaged in the sale of intoxicating liquors a written notice not to sell or furnish such liquors to the wife, husband, child, parent or ward of the person giving such notice; and thereafter, if the person so served with such notice shall, by himself or another, sell or fur- nish such liquors to the person named in said notice, and by reason thereof the person to whom such liquor is sold or furnished shall become intoxicated, and, while in that condition, do damage to another, or shall, by reason of such intoxication, injure any person in his or her means of support who may have the legal right to look to him therefor, upon due proof that such liquors were sold or furnished as aforesaid, and that the person mentioned in said notice was, at the time of the service thereof, in the habit of drinking to intoxication, an action may be main- tained by the husband, wife, child, parent or guardian: of the person mentioned in said notice, or other person in- jured by him as aforesaid, against the person selling or furnishing him such liquors, as well as for all such dam- ages as the plaintiff has sustained by reason of the selling or giving of such liquors, as for exemplary damages, and if the person so proceeded against has given the bond and security hereinafter provided for, such suit may be brought and prosecuted upon such bond, against him and his sure- ties therein. Such suit may be brought and prosecuted by a married woman in any case where the person men- tioned in such notice is her husband or infant child, and the damages recovered therein shall be her sole and separ- ate property, and governed by the provisions of the code of West Virginia in relation to the separate property of married women. Where such suit is brought by a guar- dian, the damages recovered therein shall be the property of his ward.

Selling to such person after such notice; what then.

For what action may be main- tained.

By whom.

For what dam- ages.

Suit may be prosecuted upon bond.

Suit may be brought and prosecuted by married women; when.

Damages recov- ered to be her sole and separ- ate property.

Suit by guar- dian; damages to be property of ward.

17. If in any such house, building or place as is hereinbefore mentioned the sale of intoxicating liquors is carried on clandestinely, or in such a manner that the person so selling cannot be seen and identified, any sheriff, constable or other officer charged with the execution of a warrant issued under the nineteenth section, may, whenever it is necessary, for the arrest or identification of the person so selling, break open such house, building or place.

When sheriff or other officer may break open house, etc.

Bonds Required in Certain Cases.

18. No county court or other tribunal acting in lieu thereof, or city, village or town council shall authorize the issuing of any license to sell spirituous liquors, wine, porter, ale, beer or drink of like nature, until the applicant shall have given bond with good security, to be approved by the court or other tribunal, or council, in the penalty of at least three thousand five hundred dollars, conditioned that he will not permit any person to drink to intoxication on any premises under the control of such applicant; and will not knowingly sell or furnish any intoxicating drink to any person who is intoxicated at the time, or who is known to him to have the habit of drinking to intoxication, or who he knows, or has reason to believe, is under the age of twenty-one years; and that he will not sell or furnish such drink to any person on Sunday. And with the further condition that he will pay all such damages and costs as may be recovered against him by any person under any of the provisions of chapter thirty-two of the code of West Virginia, as amended. And such applicant, and his securities in said bond, shall be liable in a suit or suits thereon for the fine and costs which may be recovered against him for any offense under this chapter which is a violation of any of the conditions of said bond, as well as for the damages hereinbefore provided for, until the penalty of said bond is exhausted.

Bond required to sell spirituous liquors, etc.

Security and by whom approved

Penalty and conditions of bond.

Liability of securities in bond for costs and damages.

To what extent.

19. Every justice of the peace, upon information, made under oath or affirmation, that any person is selling, offering or exposing for sale spirituous liquors, wine, porter, ale, beer, or drink of like nature, or that the affiant has cause to believe and does believe that any such liquors are sold in any house, building or other place named therein, contrary to the provisions of this chapter, whether such persons have a license or not, shall issue his warrant requiring the person suspected to be brought before him for examination, or the said house, building or other place to be searched, and the parties found therein arrested and brought before him as aforesaid, and in the same warrant shall require the officer to whom it is directed to summon such witnesses as shall be therein named, or whose names are indorsed thereon, to appear and give evidence on the examination. If, upon the examination of such person, it

Duty of justice upon complaint that any person is selling spirituous liquors, etc. contrary to law.

shall appear to the justice that there is probable cause to believe him guilty of the offense charged, he shall require the accused to enter into a recognizance, with sufficient sureties, in the sum of one hundred dollars, to appear before the next term of the circuit court of the county or the next grand jury term of the county court, if that be sooner held, to answer an indictment, if one be preferred against him; and upon his failure to enter into such recognizance the justice shall commit him to jail to answer such indictment. The justice shall also recognize all the material witnesses, with or without sureties, as he may deem proper, to appear before the grand jury at the next term of said court and give evidence against the accused.

Revocation of License in Certain Cases.

When, how and by whom license revoked.

20. The county court, or other tribunal or council, who authorized any license mentioned in the first section, may, for good cause shown, revoke the same, upon the petition in writing of any inhabitant of the county, city, village or town. But the person holding the license must first have reasonable notice of the proposed revocation, and the privilege of being heard in person or by counsel. After such revocation, the license shall be of no effect to protect him from any penalty imposed by this chapter.

Person holding license must have notice.

Licenses of no effect after revocation.

Of the Place to which the License is Confined.

To what place license confined

Certificate of assessor to keep hotel, etc. to specify the house.

To keep at different place unlawful.

Certificate to sell liquors, etc. what to specify.

Sale of liquors at any other place unlawful. Other licenses co-extensive with county.

21. Every certificate issued by an assessor as aforesaid, if it be to authorize the keeping of a hotel or tavern, or bowling alley, billiard table or bagatelle table, or any table of like kind, or to carry on the business of a druggist, shall specify the house in which it is to be kept or carried on, and to keep or carry on the same at a different place shall be deemed a violation of this chapter. Every certificate to sell spirituous liquors, wine, porter, ale or beer, or any drink of like nature, or to furnish drinks or refreshments at a public theatre, shall specify the house where they are to be sold, and a sale at any other place shall be held to be a sale without license. Other licenses shall be deemed co-extensive with the county, but of no effect beyond the limits of such county.

How license may be transferred from one place to another.

22. If the person holding a state license which is limited to a particular house as aforesaid, desires to have such license transferred to another place, the county court or other tribunal of the county, or council of the city, village, or town (if the council thereof has the sole authority to grant such license), or both, if both be required, in which is situated the place to which the license is to be transferred, may authorize the alteration and cause a memorandum thereof to be endorsed on such license by their clerk, who shall in such case immediately make report thereof

to the assessor of the proper district. After such endorsement the license shall have the same effect as if the place to which it is so transferred had been inserted therein instead of the house therein specified.

Assignment of License to Other Persons.

23. A person holding any license mentioned in the first section may assign the unexpired term thereof to another, with the assent of the county court or other tribunal or council, or both, who authorized such license, endorsed thereon by their clerk, who shall in such case immediately make report thereof to the proper assessor. If the assignment be of such a license as is mentioned in the eighteenth section, the assignee shall give bond and security as required by that section, and the said section shall in all respects be applicable thereto. A person holding any state license other than those mentioned in the first section, may transfer the unexpired term thereof to another, by assignment endorsed on the license and attested by the assessor of the district. But no assignment of a license shall be of any effect unless made in the manner prescribed in this section.

When and how license may be assigned.

When assignee to give bond.

Assignment not effectual, unless etc.

Fees for Licenses, and for Alterations and Assignments of the same

24. For every state license, or alteration, or assignment of the same, authorized or assented to as aforesaid, the clerk of such court or other tribunal or council shall be entitled to a fee of fifty cents. For every certificate for a license, or alteration or assignment of such license, the assessor shall also be entitled to a fee of fifty cents. The said fees shall be paid by the person on whose application the license is issued, or the alteration or assignment made.

Fees of clerk and assessor.

By whom paid.

Of the Time for Which the License is to be Granted.

25. Every state license to keep a hotel or tavern, or sell at wholesale or retail spirituous liquors, wine, porter, ale, or beer, or any drink of like nature; or keep for public use or resort a bowling alley, billiard table, bagatelle table or any table of like kind; or act as auctioneer; or practice the business of stock or other broker, by buying or selling for others, stocks, securities or property, for a commission or reward; or practice the business of a money broker or private banker, by buying or selling uncurrent or depreciated money or funds, or exchanging one kind of money or funds for another, for profit or reward, or to carry on the business of a druggist, shall expire on the thirtieth day of April next after the commencement thereof. If granted for a less time than a year, the state tax thereon shall be computed from the annual tax in proportion to time such license has to run.

What licenses expire on April 30 next after commencement thereof.

If granted for less than one year, how tax computed.

Certain license to be for one year, four mos. or two mos.

How taxed in such cases.

Theatrical performance to be taxed per week. Circuses, etc., for each exhibition.

26. A state license to furnish intoxicating drinks or refreshments at a public theatre, or sell patent rights, or act as hawker or peddler, or to keep for public use or resort at any public watering place in this state, a bowling alley, billiard table, bagatelle table, or any table of a like nature, shall be either for a year, four months or two months from the commencement thereof. If for four months, the state tax thereon shall be one-half, and if for two months, one third of the annual tax.

There shall be a state tax per week on theatrical performances, and on a circus, menagerie, or public show, for every exhibition.

Appeal from the Assessor.

Relief against erroneous assessment of license tax.

27. If any person desiring a state license of any kind be dissatisfied with the valuation of the assessor, or the amount of tax to be paid thereon as stated in the assessor's certificate, or with any decision of the assessor respecting such license, or if any person be aggrieved with any assessment of a license tax, he may obtain relief in the manner and subject to the regulations specified in the several sections from ninety-four to ninety-eight, inclusive, of chapter twenty-nine of the code of West Virginia, as amended.

Production of License, if Demanded.

When and to whom license to be produced when required.

Penalty for refusal to produce

28. Every person claiming to hold a state license of any kind shall produce the same for inspection whenever required by the prosecuting attorney, sheriff, justice, collector, or assessor for the county, or assessment district, and if he refuse to do so, shall forfeit ten dollars for every such offense.

Assessor's Lists of Licenses.

Assessor must ascertain all persons from whom license required.

To deliver each a certificate; its contents.

Duty of such persons to apply to assessor, etc.

Penalty for transacting business without paying tax.

29. It shall be the duty of every assessor to ascertain from time to time all persons in his district from whom state license is required by law, and deliver them proper certificates of the licenses to be obtained and the tax to be paid thereon to the State; but it shall also be the duty of every such person to apply to the assessor and cause himself to be properly listed and licensed. And in case he shall transact any business for which he obtains such license, without having paid the taxes thereon, he shall forfeit not less than ten nor more than one hundred dollars for every such offense.

Lists to be made by assessor, etc.

What to specify in such lists.

30. The assessor shall from time to time make fair, classified lists of all persons in his district from whom state license is required by law, specifying in such lists the date of every certificate, the name of the person to whom de-

livered, the amount of state tax, for what the license is to be obtained, and such other particulars as he may be directed by the auditor to state therein.

31. The assessor shall complete and deliver to the sheriff or collector, before the thirtieth day of April in each year, the lists of licenses expiring on that day. Of other licenses, he shall make out and deliver to the sheriff or collector proper lists at intervals not exceeding two weeks.

Lists to be delivered to sheriff, etc.; when.

32. He shall transmit to the auditor proper lists of all state licenses for which certificates may have been issued in his assessment district, that is to say: a list of such as are issued on or after the first day of November in any year, and before the first day of May following, shall be transmitted on or before the tenth day of May, and of such as are issued on or after the first day of May in any year, and before the first day of November following, a list shall be transmitted on or before the tenth of November. If he shall have ascertained that the state tax specified in any certificate was not paid, he shall note the fact on the proper list. The said list shall be verified by the affidavit of the assessor. If no certificate for license has been issued during any of the periods above mentioned, he shall return that fact to the auditor, verified by his affidavit, at the times specified for transmitting the said lists.

What lists to be transmitted to auditor and when.

What to be noted on lists.
Lists to be verified.
If no license issued, to report that fact to auditor on oath.

33. Such lists shall be evidence against the sheriff or collector to charge him with the amount of state tax therein stated.

Effect of lists as evidence.

Instructions by Auditor to Assessors.

34. The auditor, by letter or printed circular, shall give such instructions from time to time to the assessors respecting their duties under this chapter, as may seem to him judicious.

Instructions by auditor; when and how given.

Penalty on Assessors for Neglect of Duty.

35. If an assessor fail to perform any duty required of him by this chapter, or to obey the instructions of the auditor so far as they are not contrary to law, he shall forfeit for every such offense not less than ten nor more than one hundred dollars.

Penalty on assessors for neglect of duty and failure to obey instructions of auditor.

Collection of License Taxes—Power to Distrain—Delinquents.

36. The sheriff or other collector shall be authorized to distrain, immediately upon the receipt of the list, provided for in section thirty-one for the amount with which any person may have been assessed by the assessor upon any state license under the provisions of this chapter, and to sell upon ten days' notice so much of such person's property

When sheriff, etc., may distrain for license taxes, etc.
Sale of property distrained; when.

subject to distress as may be necessary to pay the tax so assessed.

When sheriff, etc., may return person charged with license tax insolvent.

Laws applicable in such cases.

37. When a sheriff or collector is unable to find property out of which to make the taxes imposed upon persons who may have been assessed with a license, such sheriff or collector may return such persons as insolvent, subject to all the laws in relation to uncollected taxes.

At what time the License Taxes are to be Paid into the Treasury.

At what time license tax to be paid into treasury by sheriff or collector.

38. Every sheriff or collector shall account for and pay into the treasury the state taxes on licenses at the following times: The taxes assessed on or after the first day of November, and before the first day of May following, shall be accounted for and paid on or before the thirty-first day of the said month of May; and the taxes assessed on or after the first day of May, and before the first day of November following, shall be accounted for and paid on or before the fifteenth day of December following.

How Payments Enforced against the Collector.

When and how auditor to proceed against officer failing to pay license tax.

What judgment to be entered against officer by clerk of court in such cases.

Effect of such judgment.

39. If any sheriff or collector fail to pay as required by the last section, the auditor, within three months after such failure, may file in the clerk's office of the circuit court for the county in which the seat of government at the time may be, an accurate account of the amount with which such sheriff or collector may be chargeable on account of said taxes; and the said clerk shall enter up judgment thereupon against such sheriff or collector for the said amount, with lawful interest thereon from the time of such failure until payment, and fifteen per cent damages on the principal in addition thereto, unless the auditor direct a reduction of the said damages; which judgment shall have the same force and effect, and be subject in all respects to the same proceedings, as if it had been rendered by the said court.

Remedy of person aggrieved by such judgment.

40. But any person aggrieved by such judgment may, within one year after it is entered up, upon notice to the auditor, apply to the said court to set the judgment aside and try the case, or for leave to prove errors, set-offs or credits against the same; and the court, for good cause, may either set aside the judgment and proceed to try the case as if no judgment had been entered, or, allowing the judgment to stand as a security for what may appear ultimately to be due, may give leave to the applicant to prove errors, set-offs and credits before a jury or commissioner, and render such final judgment in the case as the law and equity may require.

41. The right of the state to proceed, by motion or otherwise, against the sureties of any sheriff or collector, shall not be impaired or affected by anything contained in the two last sections, or which may be done in pursuance thereof. And if any sheriff or collector fail to pay as required by the thirty-eighth section of this chapter, proceedings may be had according to the thirty-fifth chapter.

Right of state not affected. To proceed by motion against sureties, etc.

Every sheriff or collector who fails to pay as required by the said thirty-eighth section shall be charged with interest at the rate of twelve per cent. per annum on the amount in arrear, from the time it ought to have been paid into the treasury.

Interest to be charged against officer failing to pay, etc.

Commissions for Collecting License Taxes.

42. Every sheriff or collector receiving taxes on licenses under this chapter shall be allowed a commission of two per cent for his collections on the first five thousand dollars, and one per cent on any excess over that sum.

What allowed officer for collecting taxes.

Duty of Prosecuting Attorney.

43. In addition to the general duties of the prosecuting attorney in each county, he shall, upon his own motion, or upon the application of any revenue officer, institute prosecutions for the offenses and suits upon the bonds mentioned in this chapter, in all proper cases. And no indictment or presentment for a violation of the revenue laws shall be dismissed without a trial, nor shall a confession of judgment be taken in any prosecution for a misdemeanor, where there is a specified fine or penalty, for a less sum than that so specified.

Duty of prosecuting attorney in certain cases.

No indictment to be dismissed without trial.

No confession of judgment taken where there is a fixed fine, for a less sum.

44. The provisions of this chapter shall in all cases be construed as remedial and not penal."

Provisions of chapter remedial and not penal.

2. That the act passed April fourth, one thousand eight hundred and seventy-three, entitled, "An act to provide against the evils resulting from the sale of intoxicating liquors in the state of West Virginia," be and the same is hereby repealed.

Act passed April 4, 1873, as to sale of intoxicating liquors repealed.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER CVIII.

AN ACT amending and re-enacting chapter thirty-three of the code of West Virginia.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia:

Chapter 33 of code amended. 1. That chapter thirty-three of the code of West Virginia be, and the same is hereby, amended and re-enacted so as to read as follows:

CHAPTER XXXIII.

AMOUNT OR RATE OF TAX ON EACH SUBJECT OF TAXATION.

Rate of tax in absence of special law.

"1. In every year for which a different rate is not prescribed by special enactment, the state taxes on the persons and subjects hereinafter mentioned shall be as follows:

On Real and Personal Property.

Tax on real and personal property.

2. On real and personal property not exempt from taxation, twenty cents on every hundred dollars' valuation thereof for general state purposes, and ten cents on every hundred dollars' valuation thereof for the support of free schools.

Capitation Tax.

Capitation tax.

3. On every male inhabitant, whether white or colored, who has attained the age of twenty-one years, one dollar.

Tax on Licenses.

Tax on licenses.

4. The annual state tax on licenses mentioned in this section shall be as follows:

On hotels and taverns.

On every license to keep a hotel or tavern, five per centum per annum upon the yearly value of the premises occupied for that purpose, estimated according to the sixth section of chapter thirty-two.

How estimated.

On every license to furnish intoxicating drinks or refreshments at a public theatre, one hundred dollars.

To furnish drinks, etc., at public theatre.
To sell spirituous liquors at retail.

On every license to sell spirituous liquors, wine, porter, ale, beer, and drinks of like nature, at retail, one hundred dollars.

To sell same at wholesale.

On every license to sell spirituous liquors, wine, porter, ale, beer, and drinks of like nature, at wholesale, three hundred dollars, in addition to all other taxes. No person having such license to sell at retail, shall sell or deliver, by virtue thereof, more than five gallons at a time, and the

Sale of more than five gallons at a time, at retail, deemed a sale

sale or delivery of more than five gallons at a time shall be deemed a sale without license. Nor shall any person having such license to sell at wholesale, sell or deliver, by virtue thereof, a less quantity than five gallons at a time, and if any such sale or delivery be made, it shall be deemed a sale without license. *Provided*, That apple and peach brandy distilled within any of the counties of this state from fruit grown in the State, may be sold by the distiller thereof in quantities not less than five gallons at a time, to be carried away and not drunk on the premises where sold, by paying a license tax of twenty dollars. But the sale or delivery of a less quantity than five gallons at a time, shall be deemed a violation of the provisions of this chapter.

without a license.
Sale of less than five gallons at a time at wholesale deemed a sale without license.
Proviso as to peach and apple brandy distilled etc.
Distillers may sell in quantities not less than five gallons at a time.
Where to be drunk.
License tax for selling.

On every license to sell at retail, domestic wines, porter, ale, beer, and drinks of like nature only, twenty dollars.

But sale of less quantity than five gallons deemed violation of law.
Tax on license to sell at retail domestic wines.

On every license to carry on the business of a druggist, ten dollars, in addition to all other taxes.

To carry on the business of druggist.
To keep a bowling alley.

On every license to keep a bowling alley for public use or resort, one hundred dollars; but if more than one be kept in one house by the same person, one hundred dollars for the first one and fifteen dollars for every other one.

On every license to keep a billiard table, or table of like kind, for public use or resort, one hundred dollars; but if more than one be kept in the same house by the same person, one hundred dollars for the first one, and thirty dollars for every other one.

To keep a billiard table.

On every license to keep a bagatelle table, or table of like kind, for public use or resort, twenty-five dollars; but if more than one be kept in one house by the same person, twenty-five dollars for the first one, and ten dollars for every other one.

To keep a bagatelle table, etc.

Provided, That at any public watering place in this state a license may be granted to keep such alley or billiard table, bagatelle table or other table of like kind, for public use or resort, for four months or two months from the commencement thereof. If for four months, the state tax thereon shall be one-half, and if for two months, one-third of the annual tax.

Proviso as to license to keep a bowling alley, billiard table, etc., at a public watering place.

On every license to act as an auctioneer, if the place of business be not in a town, three dollars; if in a town, at a rate of ten dollars for every thousand of the population of such town, according to the last preceding United States census.

How taxed in such cases.

On every license to practice the business of a stock or other broker, by buying or selling for others, stocks, securities or property for a commission or reward, twenty-five dollars; but the person holding such license shall, while it continues in force, have the right to sell stocks, securities or property at public auction, without a state license to act as auctioneer.

License tax to act as auctioneer.

To practice business of stock broker

On every license to practice the business of money

To practice business of money broker. broker or private banker by buying or selling uncurrent or depreciated money or funds, or exchanging one kind of money or funds for another for profit or reward, one hundred dollars.

To sell or barter patent rights. On every license to sell or barter patent rights, twenty dollars.

To act as hawker or peddler. On every license to act as hawker or peddler, if the person licensed travel on foot without a horse, ten dollars; if he travel with one or more horses, with or without a wagon or other vehicle, twenty-five dollars.

Manufacturer of goods in state not to pay tax to sell same either by himself or agent. But no company nor person engaged in manufacturing goods in the State shall be required to pay a license as a peddler for selling such goods, either by himself or his agent.

License tax for theatrical performances. 5. The state tax on every license for theatrical performances shall be twenty dollars for each week, and no such license shall be issued for any fraction of a week. Provided. That a theatre, opera house or other permanent public show shall have license to exhibit for three months for fifty dollars, or six months for seventy-five dollars, or one year for one hundred dollars: *Provided*, That the provisions of this section shall not apply to literary, dramatic or benevolent societies, where they do not give exhibitions outside of their county.

Proviso as to theatre, opera house, or other permanent public show.

Proviso as to literary associations.

Tax on license to exhibit circus. To exhibit menagerie. To exhibit any other show, except panorama. To exhibit panorama.

6. The state tax on every license to exhibit a circus shall be forty dollars for each exhibition; on a license to exhibit a menagerie, twenty dollars for each exhibition; and on a license to exhibit any other public show, except a panorama, ten dollars on each exhibition, and for a panorama, five dollars for each exhibition.

Taxes on Seals.

Tax on seals.

7. Except in the cases mentioned in the succeeding section, there shall be a tax of one dollar whenever the seal of the state is affixed to any paper. There shall also be a county tax of fifty cents, except as aforesaid, paid whenever the seal of a court or notary is affixed to any paper. And the tax shall be the same, though a scroll be used instead of an official seal.

Tax same, though scroll used.

When no tax to be charged on seals.

8. When a seal is affixed to the credential or commission of a public officer, no tax or fee shall be charged therefor, nor shall there be any tax when the seal is affixed to any paper to be used in obtaining the benefit of a pension, revolutionary claim, military claim or bounty; or when the seal of a notary public is affixed to any affidavit or deposition to be used in this state.

Taxes on Deeds, etc.

Tax on deeds, etc.; amt. of.

9. There shall be a county tax of one dollar on every deed, (releases excepted), lease, power of attorney, or con-

tract relating to real estate admitted to record in a clerk's office, whether the same has been recorded before or not; and the clerk shall be liable to the county for the tax on every such paper admitted to record.

Liability of clerk for such tax.

How Taxes on Seals and Deeds are to be Paid and Accounted for.

10. The tax on the seal of a court shall be paid to the clerk of the court, the seal of which is to be used. The tax on the seal of a notary shall be paid to such notary. The tax on the seal of the state shall be paid to the secretary of state. The tax on papers admitted to record in the clerk's office shall be paid to such clerk. In each case the payment shall be made by the person on whose application the seal affixed, or paper admitted to record.

Tax on seal of court; to whom paid.
On seal of notary; to whom paid.
On seal of state, to whom paid.
On papers admitted to record, to whom paid.
By whom such taxes paid.

11. The secretary of state shall semi-annually, within the thirty days succeeding the first day of January and July, render under oath to the auditor an account of the taxes received by him as aforesaid, and pay into the treasury of the state the amount appearing thereby to be due, after deducting a commission of three per cent as his compensation for collecting and paying over the same; or if such officer have received nothing, he shall, within the said thirty days, transmit his affidavit to that effect to the auditor. Each of the other officers mentioned in the preceding section shall in like manner, and at the same time, render an account of the taxes received by him as aforesaid to the sheriff of his county, and pay the same over to him, after deducting a like commission for his compensation for collecting and paying over the same.

When and how such taxes accounted for.
Report of sec'y of state of taxes received by him; when and to whom made.
When such taxes paid: Commission to be deducted. If he receives nothing, that fact to be certified to auditor.
Report of other officers as to taxes received by them; when and to whom made.
By whom such taxes paid.
Commission to be deducted.
Penalty on officers for failure to perform duties required of them by preceding section.

12. If any officer fail to perform the duty required of him by the preceding section, he shall, for every such offense, forfeit one hundred and fifty dollars; and for every month that such failure shall continue after the expiration of the time within which the duty should have been performed, he shall forfeit an additional sum of ten dollars. The said penalties may be recovered by motion, or repeated motions, against the delinquent officer in the circuit court of the county where such officer resides.

How recovered.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER CIX.

AN ACT to amend and re-enact the sixty-seventh section of the act approved December twentieth, 1875, entitled "an act to amend and re-enact the twenty-ninth chapter of the code, concerning the assessment of taxes."

[Passed February 25, 1877.]

Be it enacted by the Legislature of West Virginia :

Section 67 of chapter 54, acts 1875, amended.

1. That the sixty-seventh section of the act approved December twentieth, one thousand eight hundred and seventy-five, entitled "an act to amend and re-enact the twenty-ninth chapter of the code, concerning the assessment of taxes," be amended and re-enacted so as to read as follows :

Railroad companies; how assessed for taxation.

Duty of president, secretary or other officer of company.

Property exempt, not assessed.

Proportional value of rolling stock, etc., added to fixed property and apportioned among the counties, etc.

Property so listed; how taxed.

Provide as to road bed, bridges, tunnels, etc.

"67. The president, secretary or principal accounting officer of every railroad company, whether deriving its corporate powers exclusively from the state or not, shall list for taxation at its true value in money, verified by the oath or affirmation of the officers so listing, all the property, money, credits and investments of such company, of whatsoever kind, wholly held or used in this state, and also the proportional value of all locomotives and rolling stock passed in and out of this state on railroads crossing the lines thereof, to be ascertained by the proportion which the number of miles run within this state by such locomotives and other rolling stock may bear to the whole number of miles run by such locomotives and other rolling stock over the road belonging to such company or any connecting line; the proportional value of all such locomotives and other rolling stock so ascertained, to be assessed as the property of the company owning and using the same, whether it be run upon its own or any other railroad within this state. The property exempt from taxation by the charter of such company or otherwise shall not be assessed. The proportional value of all locomotives and other rolling stock, and the value of all other personal and movable property, money, credits and investments, shall be added to the stationary and fixed property and real estate and shall be apportioned by such officer to each county through which the road passes, in proportion to the fixed property and real estate, belonging to the company in such county; and all the property so listed shall be subject to and pay the same taxes as other property listed in such county. *Provided*, That the road bed, bridges, tunnels, depots, stations, machine shops, machinery, freight houses, stock-yards, rolling stock, and all other necessary appendages and structures connected an used therewith, together with all the real estate which the company is allowed by

law to hold, shall be listed as aforesaid, or assessed by the board of commissioners as hereinafter provided, at their actual value in money, without reference to the amount expended in the construction or purchase thereof. Said officer shall, on or before the first day of February in each year, make out and file with the auditor such list and *pro rata* valuation of the real and personal property, and money, credits and investments of such company, verified as aforesaid. The auditor shall lay said list and valuation before the board of public works as soon as possible after the filing thereof, and if the same be deemed satisfactory the said board shall direct the auditor to assess the property of such company for state and general free school and county purposes, and for free school purposes in each county, district and independent school district through which said railroad runs, as hereinafter provided upon the valuation of its property as contained in said list, and the auditor shall assess the same accordingly. But if the said list and valuation be not satisfactory to the board, or if such railroad company fail to file the list and valuation herein required, the said board shall, as soon as possible after the said first day of February, appoint a board of commissioners, consisting of one discreet and intelligent freeholder from each congressional district of the state, to assess the property of said company as hereinafter required; but no person shall be appointed as such commissioner who resides in a county through which a railroad runs. It shall be the duty of the said commissioners, as soon as they are informed of their appointment, to convene at some convenient point on the line of railroads to be assessed, and to examine, as far as practicable, all the taxable property of such railroad company hereinbefore mentioned within each of the counties of this state, and to assess the fair value thereof, in money, for the purpose of taxation, upon the principles hereinbefore stated. If a statement of the property of such company has been filed as herein required, a copy thereof shall be delivered to said commissioners by the auditor to enable them to discharge their duties; but if no such statement has been filed, the said commissioners shall assess the value of such property within each county of this state upon the principles aforesaid, from the best information they can obtain. The assessment so made by the said commissioners shall be returned by them to the auditor on or before the first day of July succeeding their appointment, and their decision shall be final. In case the list and valuation of the property filed with the auditor as aforesaid be satisfactory to the board of public works, and in cases where an assessment of the property of such company is made and returned by the board of commissioners as aforesaid, the auditor shall immediately certify to the county court of each county through which such railroad runs, the value of the property therein of every such company, as valued or assessed as aforesaid; and it shall

Such list, etc., when and with whom filed.

Duty of auditor as to such list and valuation.

If satisfactory to board, and auditor to assess property of company.

If not satisfactory, etc., board to appoint commissioners to assess property; when.

Who not to be appointed as such commissioners.

Duty of commissioners.

What statement to be furnished commissioners.

If no statement what then,

Assessment made by commissioners; when and to whom returned.

Decision final.

When auditor to certify to county court of each county through which road runs the value of property therein.

Duty of court as to apportionment.

Clerk of court to certify to auditor amt. of county levy; when.

Proviso prohibiting taxation for certain purposes.

Secretary of board of education to certify amt. levied for schools; when.

Penalty on officers for violating provisions of this section.

Taxes charged to company by auditor; how.

Auditor to transmit statement of taxes charged; when and to whom.

When company to pay taxes.

Deduction.

When ten per centum added to amount.

Auditor to certify to sheriff amount of taxes to be collected.

Duty of sheriff in such case.

be the duty of such court to apportion such value between the several districts and independent school districts in their county through which such road runs, as near as may be, according to the value thereof in each of said districts. It shall be the duty of the clerk of the county court of every county through which such railroad runs, within ten days after the county levy of such county is laid, to certify to the auditor the amount levied upon each one hundred dollars value of the property therein for county purposes, *Provided*, that no railroad company shall be taxed by any county for the purpose of building or to assist in building any other railroad. It shall also be the duty of the secretary of the board of education of every such district, county and independent school district, within thirty days after a levy is laid therein for free school purposes, to certify to the auditor the amount levied for such purpose upon each one hundred dollars value of the property therein, and any officer violating the provisions of this section shall be deemed guilty of a misdemeanor and fined not less than one hundred, nor more than five hundred dollars. And it shall be the duty of the auditor to charge every railroad company assessed under the provisions of this section, in a book to be kept by him for that purpose as follows :

I. With the whole amount of taxes upon its property, in each year, for state and general free school purposes.

II. With the amount payable to each county through which such road runs, for county purposes aforesaid.

III. With the amount payable to each district and independent school district through which such road runs, for free school purposes.

The auditor shall, on or before the fifteenth day of December in each year, make out and transmit by mail or otherwise a statement of all the taxes and levies so charged, to the president, secretary, or principal accounting officer of such company. And it shall be the duty of such company so assessed and charged to pay the whole amount of such taxes and levies upon its property into the treasury of the state by the twentieth day of January next after the assessment thereof, subject to a deduction of two and a half per centum upon the whole sum, if the same be paid on or before that day. If any such company fail to pay such taxes and levies by the said twentieth day of January, the auditor shall add ten per centum to the amount thereof, to pay the expenses of collecting the same, and shall certify to the sheriff of each county the amount of such taxes and levies assessed within his county; and it shall be the duty of every such sheriff to collect and account for such taxes and levies in the same manner as other taxes and levies are collected and accounted for by him. And when the district and independent school district taxes and levies are collected by him, he shall imme-

diately pay the same to the treasurer of the proper district. *Provided*, The authorities of any county shall not be allowed to compromise, or remit any portion of said taxes so certified to the sheriff. When such taxes and levies are paid into the treasury as herein provided, the auditor shall account to the sheriff of each of the counties to which any sum so paid in for county levies belongs, for the amount due such county, and may arrange the same with such sheriff in his settlement for the state taxes in such a way as may be most convenient, and the sheriff shall account to the county court of his county for the amount so received by him in the same manner as for other county levies. The amount so paid in for each district and independent school district shall be added to the distributable share of the school fund payable to such district, and paid upon the requisition of the county superintendent of free schools, in like manner as other school moneys are paid. The auditor shall certify to the county court of every such county, on or before the first day of February in each year, the amount with which the sheriff thereof is chargeable on account of the levy upon the property of such company. He shall also certify to the county superintendent of free schools the amount of such levies due to each district and independent school district in his county. The right of the state or any county or district to enforce, by suit or otherwise, the collection of taxes or levies heretofore assessed, or the right to which has heretofore accrued, shall not in any manner be affected or impaired by anything in this chapter contained. The taxes and levies so assessed upon the said property of any such railroad company for any year shall, when paid, be in full of all taxes and levies of every sort and description which might be assessed upon its property for such year if this section had not been passed; and no other assessment shall be made in any year upon the property of such company than is heretofore provided for in this section, except that all buildings and real estate owned by such company, and used or occupied for any purpose not immediately connected with its railroad, or which is rented for any purpose to individuals, shall be assessed with and taxes shall be paid thereon the same as other property of the like kind belonging to an individual. Each of the said commissioners shall be paid out of the treasury of the state three dollars per day for each day he shall be actually and necessarily employed in the discharge of his duties under this section, and five cents per mile for each mile necessarily traveled by him in going and returning in the discharge of his duties.

Vacancies in the board of commissioners shall be filled, and new boards may be appointed from time to time, by the board of public works, when necessary to carry into effect the provisions of this section.

Where district levies and taxes paid.
Compromise, etc., of taxes prohibited by county.
When company pays taxes into treasury, settlement to be made by auditor with sheriff.

Sheriff to account to county court for amount received.

Amt. so paid for school purposes; how disposed of and paid.

Auditor to certify to county court amt. so chargeable to sheriff; when.

Also to county sup't schools, amt. levys due each district.

Right of state to enforce by suit, etc., collection of taxes, etc., heretofore assessed, etc., not affected.

Taxes so assessed when paid, to be in full satisfaction, etc.

No other assessment to be made, etc.

Exception as to certain buildings, etc.

Compensation of commissioners; how paid.

Vacancies in board of commissioners; how filled, etc.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CX.

AN ACT amending and re-enacting sections five, eleven and twenty-eight of chapter ninety of the code of West Virginia, concerning the action of ejectment.

[Passed February 23, 1877.]

Be it enacted by the Legislature of West Virginia :

Secs. 5, 11 and 20, chapter 90, of code amended.

1. That sections five, eleven and twenty-eight of chapter ninety of the code of West Virginia be, and the same are, hereby amended and re-enacted so as to read as follows:

Who to be made defendant in action of ejectment.

“5. If the premises be occupied, the occupant shall be named defendant in the declaration; and whether they be occupied or not, any person exercising acts of ownership thereon, or claiming title thereto, or any interest therein, at the commencement of the action, may also be named as defendant in the declaration. If a lessee be made defendant without joining his landlord, such landlord may appear and be made a defendant with, or in place of his lessee.”

If lessee be made defendant, landlord may appear and be made defendant.

Notice to accompany declaration, contents of, and to whom addressed.

“11. To such declaration there shall be subjoined a written or printed notice by the plaintiff, or his attorney, addressed to the defendant, and notifying him that the said declaration will be filed on some specified rule day, in the clerk's office of the court in which the action is to be prosecuted, or in such court on some day named at the next term thereof, and that if he fails to appear and plead thereto, within the time required by law, judgment will be given against him. Such declaration and notice may be served in the same manner as other notices may by law be served. But if the defendant do not reside in the county where the action is brought, or cannot be found therein, such service may be made in any part of the state where he may reside or be found; and if he do not reside in the state, or cannot be found therein, so that such service cannot be made, an order of publication, as provided by law in other cases, may be awarded against him, and all the laws in force in relation to judgments and decrees obtained on publication and proceedings in such cases, shall be ap-

How notice, etc. served.

How notice served if defendant does not reside in the county where action is brought, or resides out of the state.

plicable to the proceedings and judgment had and rendered in such action on such publication."

"28. If the right or title of the plaintiff in ejectment be that of a tenant for life or for a term of years, and such right or title shall expire after the commencement of the action, but before trial, the verdict shall be according to the fact, and judgment shall be entered for his damages sustained by the withholding of the premises by the defendant; and as to the premises claimed, the judgment shall be that the defendant go thereof without day. But the right of the plaintiff to recover in the action shall not be affected or impaired by reason of any conveyance or transfer of the legal title to the premises in controversy, by or from the plaintiff to another, pending the action.

Verdict in case plaintiff's right to recover expires after commencement of suit.

Judgment for plaintiff; what it shall be, etc.

Right of plaintiff to recover not affected by any conveyance or transfer made by plaintiff of property in controversy, etc.

And where any such conveyance or transfer is made, the person in whom the legal title to said premises is thereby vested, may, at any time before trial, on motion of either party, be made a party plaintiff in the action, either with or without an amendment of the declaration, as the court may deem proper; and in such case, if the plaintiff recover, the verdict and judgment may be for all the plaintiffs, or for such of them as may be entitled to the possession of the premises at the time of the trial."

If such conveyance, etc., be made, person in whom legal title is vested, may be made a party plaintiff; how and when.

Judgment in such cases, if plaintiff recover.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXL

AN ACT providing more effectually for the collection and accounting for of state, county, district and municipal taxes and moneys and the protection of payees and owners of drafts and orders, payable out of such taxes and moneys.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That if any sheriff or collector of state, county, district, or municipal taxes, or the deputy of any such officer, or any officer or person charged with the custody or dis-

Penalty on sheriff or collector, etc., for misappropriation.

ting taxes or money that come into his hands.

bursement of any such taxes or moneys belonging to the state, or to any county or district thereof, or to such municipality, shall in any way misappropriate any part of such taxes or moneys which may come to his hands by virtue of his office or employment, he shall be guilty of misdemeanor, and fined not less than one hundred nor more than five hundred dollars, and at the discretion of the court, be confined in the county jail not less than two nor more than twelve months

Penalty on such officer for discounting, etc., any draft or order drawn upon him, payable out of any taxes, etc., in his hands.

2. If any such sheriff, collector or deputy, or officer or person charged with the custody or disbursement of such taxes or moneys as aforesaid, shall discount, or directly or indirectly, either alone or in connection with another, purchase any draft or order made or drawn upon him, payable out of any such taxes or moneys as is mentioned in the preceding section, for a less sum than is specified therein, he shall forfeit five times the amount of such discount, or of the sum less than the amount specified in such draft or order realized by such purchaser, one-half of which shall go to the person entitled to such draft or order at the time of such discount or purchase, and the other half to the state, county, district or municipality, as the case may be.

How such forfeit disposed of.

Penalty on such officer for failure, etc., to pay any draft, etc., drawn on him when he has or might have had money to pay same.

3. If any such officer as hereinbefore mentioned shall fail or refuse to pay any draft or order lawfully drawn upon him, when he has, or by the use of due diligence in the collection of the taxes and moneys applicable to the payment of such draft or order, might have had, in his hands moneys sufficient to pay the same, he shall be guilty of a misdemeanor, and fined not less than one hundred nor more than five hundred dollars, one-half of which fine shall go to the person injured by such failure or refusal, and the other half to the state.

How such fine disposed of.

Statement to be made by such officer; what to contain.

4. At every settlement made by any such officer as is hereinbefore mentioned, as required by law, he shall return and file a written statement of every draft, order and claim paid by him, for which he claims a credit, and of the true amount actually and in good faith paid by him thereon, together with the drafts and orders, upon which such payments were made, and shall append to such statement his affidavit that the same is true; and until he does so, no credit shall be allowed him for any such payment. The making of any affidavit required by this act falsely shall be perjury.

To be sworn to. No credit for payments until, etc. An affidavit made falsely deemed perjury.

Officer failing to pay over and account for taxes, etc. collected, as required by law; what then.

5. If any officer whose duty it is to collect or disburse any state, county, district or municipal taxes or moneys, shall fail to pay over and account for the same, or any part thereof, as required by law, in any year, the proper state, county, district or municipal authority or authorities may withhold from such officer the collection of any

such taxes or moneys, or the disbursement thereof, for the next succeeding year, and may appoint a collector or disbursing officer of such taxes or moneys in lieu of such officer in such manner as is or may be prescribed by law. May appoint a collector, etc., in lieu of officer so failing.
 The court, board, council, officer or officers making such appointment shall take from such collector or officer a bond with good security, in a penalty double the amount of the moneys which will probably come into his hands by virtue of his appointment, payable to the state of West Virginia, and conditioned as the law directs. Bond of officer appointed.

6. It shall be the duty of the judge of every circuit court and of the prosecuting attorney of every county court to give this act in charge to the grand jury at every term of the circuit, and every grand jury term of the county court. Duty of judges of circuit courts and prosecuting attorneys.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXII.

AN ACT legalizing the record of certain deeds and other writings.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That all deeds and other writings admitted to record under chapter seventy-three of the code of West Virginia, (on and between the second Monday of December, one thousand eight hundred and seventy-two, and the first day of January, one thousand eight hundred and seventy-three,) by the recorders of the respective counties of this state, and by the clerks of the county courts of said counties, on and between the day last aforesaid and the passage of this act, are hereby declared to be as legal and valid as if the provisions of the ninth section of said chapter had been fully complied with. Recordation of certain deeds and other writings legalized.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXIII.

AN ACT to amend and re-enact section two of chapter ninety-five of the acts of 1872-3, approved April 3, 1873, entitled, "an act to amend and re-enact section two of chapter thirty-five of the code of West Virginia," in relation to the recovery of claims due the state.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia :

Sec. 2, chap. 95,
acts 1872-3,
amended.

1. That section two of chapter ninety-five of the acts of 1872-3, approved April third, one thousand eight hundred and seventy-three, entitled, "an act to amend and re-enact section two of chapter thirty-five of the code of West Virginia," be amended and re-enacted so as to read as follows:

Recovery of
claims due
state; when, at
law, proceedings
may be by motion
or action.
In what court
proceedings to
be had.

"2. When the proceeding is at law, it may be by motion on thirty days' notice, or by action; and whether at law or in chancery, it shall be in the circuit court of the county in which the seat of government is; or if property or debt be attached, in the circuit court of the county where such property may be found or the person owing such debt may reside; and it may be in the name of the state, though the liability is created or secured by bond or other instrument payable to, or covenant or contract with, any public officer or other person acting on behalf of the state. But this act shall not apply to suits now pending in any court of this state."

May, in all
cases, be in
name of state.

Not to affect
pending suits.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXIV.

AN ACT to carry into effect section forty-eight of article six of the constitution of the state, in relation to homesteads.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia :

Homesteads;
who may hold.

1. That any husband or parent residing in this state, or

the infant children of deceased or insane parents, may hold a homestead of the value of one thousand dollars, subject to the provisions of section forty-eight of article six of the constitution of this state, upon complying with the provisions of the next section of this act.

Value of.

What provisions of constitution subject to.

2. Every husband or parent, and every guardian or curator of any infant child or children of deceased or insane parents, desiring to set apart such homestead, may do so, by a writing executed and acknowledged in the same manner that deeds are executed and acknowledged, in the following form or to the following effect:

How homestead set apart.

"This is to certify that I have set apart as a homestead for my own use (or for the use of _____, the infant child, or children, of _____, deceased, or who is insane, for whom I am guardian or curator, as the case may be,) the following real estate, to-wit: All that certain piece or parcel (or lot, as the case may be,) of land, situate in the county (or counties, as the case may be,) of _____, and bounded and described as follows, to-wit: (Here insert such description of the tract, parcel or lot of land as will clearly identify the same.) together with the premises and appurtenances thereunto belonging.

Form of acknowledgment.

"Witness the following signature and seal this _____ day of _____, 18—.

_____ [Seal.]"

Such writing, when executed and acknowledged as aforesaid, shall be presented to the clerk of the county court of the county in which such real estate, or the greater part thereof, may be, and the same shall be recorded by said clerk in a book to be provided by the county court and kept by him for that purpose. But no tax shall be charged or paid upon such writing.

Such writing, when executed, etc.; to whom presented for recordation.

No tax to be paid, etc., on such writing.

3. The real estate so set apart as aforesaid shall, from the time such writing as is mentioned in the next preceding section is delivered to said clerk for record, be exempt from all debts and liabilities contracted and incurred after the recordation of the writing aforesaid, except debts incurred for the purchase money thereof, or for the erection of permanent improvements thereon, and claims for taxes due thereon. But it shall not be exempt from liens and all other debts and liabilities contracted and incurred prior to the delivery of such writing for record as aforesaid. But nothing herein contained shall affect or impair any right acquired under chapter one hundred and ninety-three of the acts of 1872-3.

Effect of such writing after delivery for record, as to real estate so set apart.

Exception as to certain debts.

4. If the homestead so set apart as aforesaid shall not be of greater value than one thousand dollars, at the time of the execution and recordation of said writing, the same shall not be affected by any increase in the value thereof afterwards, unless such increase is caused by permanent

When homestead not affected by any increase in value, unless, etc.

Proceedings by creditor if homestead be of greater value than \$1,000, etc.

Order for decree of court in such cases if allegations of bill are true.

If more than one creditor join in bill, etc., what then.

If husband or parent owning homestead die, what then.

improvements made thereon. But any creditor of the person owning said homestead may file his bill in equity, alleging that the value thereof at the time of the execution and recordation of said writing was more than one thousand dollars, or that by reason of permanent improvements made thereon since such execution and recordation, the said homestead is of greater value than one thousand dollars; and if the court shall be satisfied, from the proofs in the cause, that the allegations of said bill are true, it shall make such order or decree as may be necessary to subject such excess of value above the sum of one thousand dollars to the payment of the debt or demand of such creditor. And if more than one such creditor shall join in said bill, and their debts or claims be of equal priority, the said excess shall be paid *pro rata* upon the debt or claim of each.

5. In case of the death of a husband or parent owning such homestead, the benefit thereof shall descend to his or her minor children, and shall be held and enjoyed by them as such homestead until all of the said infants attain the age of twenty-one years, unless they sooner die.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXV.

AN ACT amending and re-enacting the eighth and seventy-eighth sections of chapter one hundred and twenty-three of the acts of 1872-3, entitled, "an act to amend and re-enact the school law of the state," so as to allow the secretary of the board of education thirty days to report assessments to the auditor, and to provide for the appointment of a board of regents for the West Virginia university.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia:

Secs. 8 and 78 of chapter 123, acts 1872-3, amended.

1. That sections eight and seventy-eight of chapter one hundred and twenty-three of the acts of 1872-3, be amended and re-enacted so as to read as follows:

"8. The board of education, at their first meeting after their election, shall appoint a secretary, who shall not be a member of the board of education, and shall attend all meetings of the board and record all their official proceedings in a book kept for that purpose, which record shall be attested by his signature and the signature of the president of the board, which record shall at all seasonable times be open to the inspection of any person interested therein; he shall have the care and custody of all papers belonging to the board, containing evidence of title, contracts or obligations, or what are otherwise valuable, and preserve the same in his office, properly arranged for reference, and shall record and keep on file in his office such papers and documents as the board or the law may direct. He shall keep such accounts and prepare and certify such reports and writings pertaining to the business of the board as the board or law may direct. He shall publish within three days after any meeting of the board of education, an abstract of the proceedings thereof by posting the same at the front door of the place of meeting; he shall be, however, allowed thirty days within which to certify to the auditor the amount levied for school purposes upon each one hundred dollars' value of property in his district. He shall also have authority to administer oaths to school officers in all cases where they are required to take an oath as such. For his services as secretary, he shall receive such compensation as the board may determine, not exceeding fifteen dollars per year, to be paid out of the building fund by an order drawn by the county superintendent, when, after an examination by said superintendent of said secretary's books, they are found to be correct. But such order shall not be drawn until the said secretary shall have made his annual report to the county superintendent, as hereinafter provided."

Secretary of board of education; how appointed.

His duties.

Authorized to administer oaths to school officers.

His compensation: how determined and paid.

To make annual report before paid.

"78. For the government and control of the said university, there shall be a board of regents, consisting of one person from each senatorial district, to be appointed by the governor as provided by law, to be called the regents of West Virginia university. And as such they may sue and be sued, and have a common seal. Any three of said regents shall constitute a quorum for the transaction of business, except that for making arrangements for the erection of buildings, or the permanent alteration thereof, or the appointment to or removal from office of professors, the concurrence of a majority of the regents shall be required. The term of office of the members of the present board of regents shall expire on the thirtieth day of June, one thousand eight hundred and seventy-seven, and on that day a board of regents shall be appointed. And on that day in each year thereafter, two of the regents so appointed shall retire from said board. Those appointed from the first and second senatorial districts shall retire

Board of regents for university; how appointed, etc.

Powers.

Three to be a quorum, except, etc.

When term of office of present members to expire; new board appointed.

When, &c. and what members to retire annually.

at the end of the first year, and those of the third and fourth districts at the end of the second year, and so on in continuous rotation, following the order in which the said senatorial districts are numbered respectively. Vacancies in said board shall be filled by the governor as aforesaid, as they occur."

Vacancies; how filled.

Inconsistent acts repealed.

2. All acts or parts of acts inconsistent with these sections are hereby repealed.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXVI.

AN ACT to extend the time within which clerks of county courts and secretaries of district boards of education may certify the levies of their counties or districts to the auditor, when there has been a failure to do so, and to prescribe the time and manner in which taxes due such counties or districts from railroad companies shall be paid.

[Passed March 2, 1877.]

Be it enacted by the Legislature of West Virginia:

1. It shall be the duty of the clerk of the county court of every county and the secretary of the board of education in each district through which any railroad passes which is liable to said county or district for any taxes, and when the county or district levy of such county or district for any year has not been certified to the auditor within the time and in the manner prescribed by law, to certify to the auditor on or before the first day of July, one thousand eight hundred and seventy-seven, the amount levied on each one hundred dollars' worth of property in such county or district for county or district purposes for the year or years for which such levy was not so certified since the year one thousand eight hundred and seventy-one, observing the provisions of section sixty-seven of chapter twenty-nine of the code in regard to the railroad tax of any county or district, and the failure of any such clerk to so report shall subject such clerk to a fine of not less than fifty nor more than two hundred dollars.

Time extended within which clerks of courts and secretaries of boards of education may certify certain levies to auditor where there has been a failure to do so.

What to certify.

Since what year.

Penalty on clerk for failure to make report.

2. It shall be the duty of the auditor, upon the receipt of the certificate aforesaid, to charge every railroad company assessed under the provisions of this act with the amount to which it is indebted to every county or district through which it passes for county or district purposes.

Duty of auditor on receipt of certificate aforesaid.

3. The auditor shall, on or before the fifteenth day of August, one thousand eight hundred and seventy-seven, transmit by mail or otherwise to the president, secretary or principal accounting officer of the railroad company so charged a detailed statement of the amount with which it is charged; and it shall be the duty of such railroad company to pay the whole amount of the taxes so charged against it into the treasury of the state on or before the thirtieth day of September, one thousand eight hundred and seventy-seven.

Statement to be sent by auditor to railroad company; when and what to contain.

Company to pay such taxes; when.

4. If any railroad company, having its property so assessed or taxed under the provisions of this act, fail or refuse to pay such tax within the time and in the manner prescribed in the preceding section, the auditor shall add ten per cent to the amount thereof to pay the expense of collecting the same, and shall certify to the sheriff of each county the amount of such tax assessed within his county; and it shall be the duty of such sheriff to distrain for and collect and account for such tax in the manner in which he is required by law to account for other county or district taxes.

Company failing or refusing to pay taxes assessed under this act, within time specified; what then.

Auditor to add ten per cent.

Also to certify to sheriff amt. of such taxes, etc.

Duty of sheriff as to collecting such taxes.

5. When such tax is paid into the state treasury, as heretofore provided for, the auditor shall account to the sheriff of each county for the amount thereof to which such county or district may be entitled, and may arrange the same with such sheriff in his settlement for state taxes in the way and manner most convenient. And said sheriff shall account to the county court of his county (or other tribunal substituted in lieu thereof) and the board of education of such districts for the amount so received by him in the way and manner in which he is required by law to account for other county or district taxes.

When such tax paid into treasury auditor to account for and arrange the same with sheriff.

Sheriff to account for amt. of such taxes received by him; how.

6. The auditor shall certify to the county court of every county (or other tribunal substituted in lieu thereof) and to the board of education of the district the amount with which the sheriff of such county is chargeable for taxes levied under the provisions of this act.

Auditor to certify to county court, etc., amt. sheriff chargeable with for taxes, etc.

[Approved March 3, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER CXVII.

AN ACT amending and re-enacting section fifteen of chapter two hundred and twenty-seven of the acts of 1872-3, concerning transportation of passengers and freight on railroads.

[Passed February 27, 1877.]

Be it enacted by the Legislature of West Virginia :

Sec. 15 of chapter 227, acts 1872-3, amended

1. That section fifteen of chapter two hundred and twenty-seven of the acts of the legislature of West Virginia, passed December twenty-seventh, one thousand eight hundred and seventy-three, be amended and re-enacted so as to read as follows :

Willful violation on part of company deemed and taken as a forfeiture of its franchises.

“ 15. Any willful violation of the provisions of this act, on the part of any railroad corporation, shall be deemed and taken as a forfeiture of its franchises, and such corporation so offending shall be proceeded against by the prosecuting attorney in any county through or into which its roads may run, by *scire facias* or upon information in the nature of a *quo warranto* to judgment of ouster and final execution.

How proceeded against.

If violation be proved, presumed to have been willful.

In any prosecution or proceeding under this section, if the violation complained of be proved, it shall be presumed to have been willful until the contrary thereof be proved.”

[Approved March 6, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXVIII.

AN ACT for the relief of Noah Staats, one of the sureties of D. J. Keeney, late sheriff of Jackson county.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia :

Noah Staats; act for relief of as one of the sureties of D. J.

1. That the auditor of this state may, on the application of Noah Staats, postpone the collection of the judgment of the state of West Virginia against D. J. Keeney, late sheriff

of Jackson county, and his sureties, as to said Noah Staats, and the purchase money for which the real estate of said Staats was sold under said judgment, for the period of two years from the passage of this act, on such terms and consideration as said auditor may regard as just to the state, and may at the same time protect the said Staats against the sacrifice of his property to pay the same; and the said auditor may from time to time enter into such other and further arrangements with said Staats as the auditor may think expedient and proper, to enforce payment in part of said judgment to be made by the co-sureties of said Staats, as well as by the said D. J. Keeney, in whole or in part. But this act shall in no wise be construed as relief of any or either of the co-sureties from their liabilities as such surety.

Keeney, late sheriff, etc.

Duty of auditor in relation to.

Act not to relieve the co-sureties from their liability.

EUSTACE GIBSON,
Speaker of the House of Delegates.
U. N. ARNETT,
President of the Senate.

OFFICE OF SECRETARY OF STATE, }
March 6, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,
Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXIX.

AN ACT providing for the construction of a road from Helvetia, in Randolph county, to some convenient point on the Staunton and Parkersburg turnpike road, in said county, and appropriating money from the treasury to aid therein.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the sum of one thousand dollars be, and the

Appropriation to aid in constructing a road from Helvetia, in Randolph co. to, etc.

Proviso as to amt. to be expended per mile and in the aggregate.

Agent to be appointed by county court; his bond and duties.

When and how money appropriated to be paid.

State to pay one-half the expenses of said road, but not to exceed amt. appropriated.

same is, hereby appropriated to aid in the construction of a good wagon road from Helvetia, in said county, to some convenient point on the Staunton and Parkersburg turnpike road, in said county of Randolph. *Provided*, That not more than fifty dollars per mile of this appropriation shall be expended, and not more in the aggregate than shall be expended by the county of Randolph for said road, per mile.

2. It shall be the duty of the county court of Randolph county to appoint an agent of said county, who shall give bond and security to perform his duty as such agent in the penal sum of two thousand dollars, who shall cause said road to be located, and contract for its construction, subject to the ratification of the county court of said county of Randolph. It shall be his duty to receive the money appropriated by the state and county, and individually disburse the same under the order of said court, for the construction of said road; and when said agent shall certify on oath that he has received any money from the county of Randolph, or from individual contributors, for the purposes of this act, then it shall be the duty of the board of public works to direct the auditor to issue his order upon the treasurer for an equivalent amount to that so certified by said agent, it being the purpose of this act that the state shall pay one-half the expenses of said road, so that the same shall not exceed the sum appropriated by this act.

EUSTACE GIBSON,
Speaker of the House of Delegates.

U. N. ARNETT,
President of the Senate.

OFFICE OF SECRETARY OF STATE, }
March 6, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,
Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXX.

AN ACT authorizing the county court to construct roads on petition of a majority of the resident land-owners along and adjacent to the line of said road.

[Passed March 1, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That the county court of Marshall county shall have the power to lay out, construct or improve by straightening, altering, grading, draining in any direction required to reach the most convenient and sufficient outlet, paving, planking, grading or macadamizing any state or county road or any part of such road within the limits of said county. County court authorized to construct or improve, etc., any state or county road in county; to what point.
2. Upon the presentation of a petition stating the kind of improvement desired, and the points between which the same is asked, signed by five or more of the land-holders whose lands will be assessed for the expense of the same, and the filing of a bond signed by one or more responsible freeholder, to whom the petitioners shall be responsible. *pro rata*, conditioned for the payment of the expenses of the preliminary survey and report, if the said improvement shall not finally be ordered, the county court shall appoint three disinterested freeholders of the county as viewers, and a competent surveyor or engineer to proceed, upon a day to be named by the county court, to examine, view, lay out or straighten said road as in their opinion public convenience and utility require. And the sheriff shall notify said viewers and surveyor of the time and place of their meeting to make said view, and shall also give notice, by publication in a newspaper printed in said county, for three consecutive weeks prior to said meeting, or if no such newspaper be published, then notice shall be posted for three weeks at the front door of the court house, and at three other public places in said county, the kind of improvement asked for, the place of beginning, intermediate points, if any, and the place of termination. Petition; what to state. By whom signed. Bond; by whom signed. Condition of bond. Viewers and surveyor to be appointed by court. Notice to viewers and surveyor by sheriff. Other notice by sheriff, how given and what to contain.
3. It shall be the duty of the said viewers and surveyor or engineer to meet at the time and place specified by said county court, and, after taking an oath or affirmation faithfully and impartially to discharge the duties of their appointments respectively, shall take to their assistance two suitable persons as chain-carriers and one marker, and proceed to view, examine, lay out and straighten, as in their opinion, public utility and convenience require, and assess and determine the damages sustained by any person or persons through whose premises said road is Duty of viewers and surveyor, and their oath of office.

Proviso as to person aggrieved by assessment.

Writ of *ad quod damnum*.

Proviso as to guardian of any minor, etc.

Report to be made by viewers and surveyor; when and to whom.

What report to show.

Proviso as to lands to be assessed.

When lands not to be re-assessed unless, etc.

Duty of court upon return of report.

What order entered by court to state.

But such order not to be made until a majority in value of land owners, etc., sign the petition.

In determining majority, minor heirs not counted, unless etc.

Effect of action of guardian. Vote, heirs of undivided estate, entitled to.

After final order court may make additions to the property to be assessed, and reapportion taxes, when. May also change manner of improvement ordered.

proposed to be laid out, straightened or improved. *Provided*, That any person or persons feeling aggrieved by the assessment as aforesaid made, may demand of the county court a writ of *ad quod damnum*, as is provided for in section thirty-eight of chapter one hundred and ninety-four of the acts of 1872-3, and like orders and judgments may be rendered under said writ of *ad quod damnum* as is provided in said chapter one hundred and ninety-four of the acts of 1872-3. *Provided*, That the guardian of any minor, idiot or insane person may act for, and all his acts shall be binding upon, his said ward.

4. The viewers and surveyor or engineer shall make a report to the county court at their next regular session, showing the public necessity of the contemplated construction or improvement, the damages claimed and by whom, and the amount assessed by each claimant, and an estimate of the expense of said improvement; and the lots of lands which will be benefited thereby, and ought to be assessed for the expense of the improvement. *Provided*, That no lands shall be assessed which do not lie within two miles of the contemplated improvement. *Provided, further*, That the lands having once been assessed for the expense of any improvement made under the provisions of this act, shall not be re-assessed under subsequent proceedings for an extension of the same, unless the prior assessment shall not be deemed proportioned to the whole benefit resulting to said lands.

5. Upon the return of the report mentioned in the last section, the county court shall, if in their opinion public utility requires it, enter upon their records an order that the improvement be made, which order shall state the kind of improvement to be made, and the width and extent of the same, and the lands which shall be assessed for the expense of the same; but such order shall not be made until a majority in value of the land holders of the county whose lands are reported as benefited, and ought to be assessed, shall have subscribed the petition mentioned in the second section of this act. And in determining said majority minor heirs shall not be counted for or against said improvements, unless represented by legal guardians, and the action of such guardians shall be binding upon such minor heirs, and all heirs, either adults or minors, to any undivided estate, shall only be entitled to one vote for or against said road improvements.

If at any time after making such final order, the county court shall find that there has been an omission of lots or lands within the territory sought to be assessed, or that there has been manifest injustice in the apportionment of taxes, or that public necessity requires any alteration in the manner of the improvement as ordered, they are authorized to make such addition and re-apportionment as

they may deem just and proper, and such change in the improvement as will conform the same to the public requirement. After making such order for an improvement, or for any change in the same, the county court shall appoint a competent engineer to superintend the performance and completion of said work, who shall, with the approval of the county court, make a contract for the performance of the work, and the contractor may at once enter upon the performance of said work under the superintendence of the engineer appointed as aforesaid. *Provided*, That said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give such reasonable security for the proper performance of his contract within the time and manner described, as the county court may deem expedient.

Engineer to superintend completion of work; when and how appointed.

Contract to be made by.

Contractor to enter at once upon performance of work.

Proviso as to how improvement to be let.

Security given by contractor.

6. The county court, when any such improvement shall be ordered, shall immediately appoint three disinterested freeholders of the county, who shall, upon actual view of the premises, apportion the estimated expenses of said improvement upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom, and report the same to the sheriff of said county; and in making said apportionment they shall take into consideration previous assessments made upon such real property for the improvement of said road under the provisions of this act, and any benefits which will accrue to any land, or by reason of drainage resulting from the making of said improvement. When the report of said committee shall be returned, the sheriff shall give notice of it by publication in some newspaper published, and of general circulation in said county, and shall also give notice for at least three consecutive weeks before the term of the said county court at which said report will be acted upon. On the time named in said notice, when the said county court shall act upon said report, if there are no exceptions filed thereto, the court shall confirm the same, but if exceptions in writing are filed thereto, they shall proceed in the manner prescribed by chapter one hundred and ninety-four of the acts of 1872-3.

When improvement ordered court to appoint three freeholders to apportion estimated expense upon property embraced in order.

To report same to sheriff.

In making apportionment what to be taken into consideration.

When report of committee returned, notice to be given of it by sheriff, how.

If no exceptions to report, court to affirm; if exceptions, what then.

After such hearing, they may either confirm said report or change the same, or refer the same to a new committee of three disinterested freeholders. In case last named of a reference, the new committee shall, upon an actual view of the premises, make their report of a new apportionment, or they may recommend the confirmation of the former report; and upon the return of their report to the county court, the same proceedings shall be had as upon the return of the first report, except that there shall not be a re-reference to another committee. The final action of the county court shall be entered upon its record, together with the report as confirmed, showing how the said

After hearing, court may either confirm report or change same; or refer same to new committee.

If reference to a new committee; what then.

Their report. Proceedings thereon.

Except, etc. Final action of court; to be entered of record, together with report.

What to show.

Duty of clerk before placing assessment on record.

Assessment on land to be placed upon a special record. Proviso as to costs and expenses of survey and report; how paid.

Court authorized to issue bonds to meet expenses of improvement. How paid. What interest to bear and when payable. Not to be sold for less than par value. Bonds not to be issued until submitted to vote of people, and receives three-fifths vote. How assessment to be divided.

How money collected to be applied.

Proviso as to when contractor to be paid.

How road to be kept in repair.

Compensation of persons employed; how paid. Not to exceed three dollars per day. Proviso as to compensation of engineer and surveyor, etc.

Where road improved begins or terminates in a city, etc., said city, etc., may agree to pay in bonds of city, etc., in addition to amt. assessed on real estate.

estimated expense has been apportioned upon the lands ordered to be assessed as aforesaid. The county clerk, before placing the said assessment upon the record, shall add to or deduct from said estimates, *pro rata*, the amount that the actual expenses shall be found to be, more or less, than the said estimate. The said assessment on land, under the provisions of this act, shall be placed upon a special record, to be provided by the county court at the expense of the county, for that purpose; *provided*, That the costs and expenses of the preliminary survey, proceedings and report of said improvement shall be paid out of the county treasury.

7. That for the purpose of raising the money necessary to meet the expenses of said improvement, the county court is hereby authorized to issue the bonds of the county, payable in installments, or at intervals not exceeding in all a period of five years, bearing interest at the rate not to exceed eight per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; but no such bonds shall be issued until all questions connected with the issuing of the same shall have first been submitted to a vote of the people of the county, and have received three-fifths of all the votes cast; and the said assessment shall be divided in such manner as to meet the payment of principal and interest of said bonds, and so be placed upon the duplicate for taxation against the lands assessed, and collected in the same manner as other taxes; and when collected, the money arising therefrom shall be applied to no other purpose but the payment of said bonds and interest; *provided*, That no bonds shall be delivered, or money paid, to any contractor, except upon estimate of work done as the same progresses or is completed; said road or improvement to be kept in repair by tolls as collected at the gates as on other toll roads.

8. The compensation of persons employed under this act shall be fixed by the county court, and shall not exceed three dollars per day; *provided*, That the surveyor or engineer and the sheriff shall receive such compensation for their services as is now or may be fixed by law for the compensation of the county surveyor and sheriff, respectively, for like services in other cases.

9. That when any road to be improved under and by virtue of this act, begins or terminates in a city or incorporated village, the corporate authorities of said city or village may, upon the recommendation of the county court (if they deem the same expedient), agree to pay, in bonds of said city or village, in the manner and proportions described in the seventh section of this act, in addition to any amount that may be assessed upon the real property of such village, by virtue of the provisions of this act, an

amount not exceeding one-fifth of the entire cost of said road; provided, That the entire tax to be imposed for road purposes, by virtue of this section, shall not in any one year exceed five mills on the dollar of the taxable values of said city or village.

Amt. not to exceed one-fifth entire cost of road. Entire tax for road purposes in any year not to exceed 5 mills on the dollar. If road be continued into or through an adjoining county, what city council may do.

10. That when it may be desirable or expedient to continue any road contemplated under this act, into or through an adjoining county, the city council of any city may, upon the application and recommendation of the county court of such county (if the council shall deem the same promotive of the general interests of said city), aid in the construction of said road to an extent not exceeding one-fifth of its cost, the payment of the same to be provided in the manner and proportions described in the seventh section of this act,

And the said lands within the prescribed boundary shall not be taxed for any adjacent or road district.

Lands within prescribed boundary not to be taxed for adjacent or road district.

11. The county court of Marshall county shall have the power to receive subscriptions and donations in money or property, real or personal which shall be applied to the construction or improvement of said road; and the said court shall have the power to contract for and purchase such stone, gravel, or other material, as may be necessary for the construction and keeping in repair said road; and if the court and the owners of such stone, gravel, or other material, cannot agree on a price deemed fair and reasonable, the commissioners may apply to the county court of the county to appoint appraisers to assess the value of said stone, gravel or other material; and on the filing of such application it shall be the duty of the court to appoint three disinterested freeholders, who, after being duly sworn to impartially assess the value of said materials, or any of the same, shall enter on the premises of the owner or owners of said material, and assess the value thereof. They shall also assess the damages that might accrue to the owner or owners of said material by the removing of the same through his premises. The appraisers shall within ten days after their appointment return their award to the county Court. The clerk of the county court, upon the return of said award, on application of the commissioners, furnish them a copy of said award. Thereupon said commissioners may enter upon the lands either inclosed or uninclosed, and remove such stone, gravel or other material as may be required to make a good road. An appeal from the decisions of the appraisers may be allowed to the county Court, if taken in thirty days after the rendering of said award; but such appeal shall not prevent the immediate entry upon the premises by the commissioners, for the purpose of taking said stone, gravel, or other material; and if the court should render judgment for not more than the appraisers' allowance, the appellant shall pay all costs and damages.

Court may receive subscriptions and donations in money, etc.

Material for constructing, etc.; how contracted for and purchased. If price cannot be agreed on, appraisers may be appointed to assess value; how.

Duty and oath of appraisers.

When appraisers to return their award to court.

Clerk to furnish award to commissioners; when.

What commissioners may then do.

Appeal from decision of appraisers; within what time.

Commissioners not prevented by appeal from taking material. When appellant to pay costs and damages.

Laws in relation to roads, bridges, etc., in force, as changed or repealed by this act.

12. Nothing in the act contained shall be so construed as to change, alter or repeal any law of this state in force on the day before the passage of this act in relation to roads and bridges.

EUSTACE GIBSON.

Speaker of the House of Delegates.

U. N. ARNETT,

President of the Senate.

OFFICE OF SECRETARY OF STATE, }
March 8, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,

Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER CXXI.

AN ACT authorizing the formation of corporations for the purpose of constructing booms or dams for the purpose of stopping and securing boats, rafts, logs, masts, spars, etc., in certain counties of this state.

[Passed February 28, 1877.]

Be it enacted by the Legislature of West Virginia:

Incorporation of boom companies authorized.

Within what counties.

In what waters such boom or dam not to be constructed.

How to organize

1. That any number of persons, not less than five, may become an incorporated company for the purpose of constructing any boom or booms, with or without piers, dam or dams, in the rivers, creeks or other streams within any of the following counties in this state, to-wit: Mineral, Pocahontas, Greenbrier, Summers, Raleigh, Fayette, Nicholas, Webster and Harrison, which may be necessary for the purpose of stopping and securing boats, rafts, logs, masts, spars, lumber and other timber. No such boom or dam shall be constructed in any of the rivers, creeks or other streams of this state which are navigated by steamboats at an ordinary stage of water, above the place where such boom or dam is proposed to be located.

2. Such persons shall organize by adopting and signing articles of incorporation, which shall be acknowledged by

the several incorporators before some person authorized to take acknowledgment of deeds, and such acknowledgments shall be certified by the officers before whom they are made, and be recorded in the office of the clerk of the county court in the county in which any such boom may be constructed, and in the office of the secretary of state. The organization of such proposed corporation shall take place within six months from the filing of such articles in the last named office.

When organization to take place.

Such articles shall contain :

First—The name of the proposed corporation.

Articles of incorporation; what to contain.

Second—The place at or near which it is proposed to construct such boom or other structure for the purpose aforesaid.

Third—The place at which shall be established and maintained the principal office of such corporation.

Fourth—The time of commencement and the period of continuance of such proposed corporation.

Fifth—The amount of capital stock of such proposed corporation, the number and amount of shares and the par value thereof.

Sixth—The names and places of residence of the several persons forming the association for incorporation, and the number of shares subscribed by each, and that at least ten per cent of the par value of each share has been paid. And the affidavits of at least two of the incorporators named in the agreement shall be annexed thereto to the effect that the amount stated to be paid on the capital stock has, been, in good faith, paid in for the purposes and business of the intended corporation, without any intention or understanding that the same shall be withdrawn therefrom before the expiration or dissolution of the corporation.

4. When the articles shall have been filed and recorded as aforesaid, the secretary of state shall issue his certificate in accordance with section nine of chapter fifty-four of the code of West Virginia, and the persons named as incorporators shall thereupon become and be deemed a body corporate, and shall be authorized to proceed to carry into effect the object set forth in such articles, in accordance with the provisions of this act. As such body corporate they shall have succession for the time limited in the articles of incorporation, and, in their corporate name, may sue and be sued, plead and be impleaded. The said corporation shall have a common seal which it may alter at pleasure; may declare the interest of its stockholders transferable; shall establish by-laws, and make all rules and regulations deemed necessary for the management of its affairs, in accordance with law. A copy of any articles of incorporation filed and recorded in pursuance of this act, or the record thereof, and certified to be a copy by the secretary of state, shall be presumptive evidence of the incorporation of such company and of the facts therein stated.

After filing and recordation of articles, secretary of state to issue his certificate of incorporation. Corporators shall then become a body corporate, and authorized to carry into effect articles of incorporation. General powers.

What deemed presumptive of incorporation, etc.

Copy of by-laws; when and where recorded. 5. A copy of the by-laws of the corporations, when formed and adopted by the stockholders, duly certified, shall, within thirty days after their adoption, be recorded as provided for the recording of the articles of incorporation in section two of this act. And all amendments and additions thereto, duly certified, shall also be recorded as herein provided, within ninety days after they have been adopted.

Amendments, etc., thereto; when and where recorded.

First meeting of corporation; when and where held. 6. Every such corporation organized under the provisions of this act, shall hold its first meeting at such time and place as may be designated by the corporators thereof, and all subsequent meetings at such place or places, in or out of this state, as the directors may from time to time appoint, except as hereinafter specially provided, and the stockholders shall have authority at their first meeting, or any subsequent meeting, to fix and determine the place of meeting (in or out of the state) of the directors and the principal office or place of business of said corporation.

Subsequent meetings; where held.

When place of meeting of directors and principal office fixed. Such corporation shall have and maintain an office or place in this state for the transaction of business, where an exhibit of all transfers of its stock shall be kept, and in which shall be kept for inspection of any officer or stockholder, books wherein shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, the number of shares held by each person, and the number by which each of said shares is respectively designated, and the amount owned by them respectively; the amount of stock paid in, and by whom; the transfer of said stock, the amount of its assets and liabilities, and the names and places of residence of all its officers.

Shall have office in this state.

What to be kept in office or at place of business and to whom open for inspection.

Corporation to appoint person to accept service; where, how and within what time. 7. Every such corporation shall, within one hundred days after organizing, appoint, by power of attorney duly executed, some person residing in the county in this state wherein it has an office, to accept service on behalf of said corporation, of any process or notice; the said power of attorney shall be filed and recorded in the clerk's office of the county in which the attorney resides; and the admission to record of such power of attorney shall be deemed evidence of a compliance with the requirements of this section. Any such corporation failing to comply with such requirements, shall, during the continuance of such failure, forfeit not less than five hundred nor more than one thousand dollars for every six months that such failure continues; and its property, real and personal, shall be liable to attachment in like manner as the property of non-resident defendants. And whether such attorney accept the attorneyship or not, the service of process upon such person so appointed shall be legal and binding on the corporation.

Power of Attorney; where filed. 8. All the corporate powers of every such corporation

Such recordation deemed evidence, etc.

Penalty on corporation for failure to appoint attorney, etc.

Property of corporation liable to attachment, etc.

Service on attorney shall be legal, whether he accepts or not.

Corporate powers vested in

shall be vested in and be exercised by a board of directors, composed of not less than five nor more than thirteen persons, who shall be stockholders of the corporation, and shall be elected at the annual meeting of the stockholders, which annual meeting shall be held at such time and place as may be prescribed by the by-laws; or if there be no such by-law, then on the first Tuesday of September in each year, at the principal office or place of business of the corporation. The number of such directors, manner of the election, and the mode of filling vacancies, shall be specified in the by-laws, subject to the provisions of chapter one hundred and eighty-one of the acts of 1872-3, and shall not be changed except at the annual meeting of the stockholders. At all regular meetings, a majority in value of the stock of such corporation shall be represented either in person or by proxy.

board of directors.
What number composed.
Who to be.
When elected.
Where annual meeting to be held and when.
Number of directors, manner of election and filling vacancies to be specified in by-laws.
Changed only at annual meetings.
What amt. of stock to be represented at regular meetings, and how.

9. A special meeting of the stockholders may be called at any time between the annual meetings, by a majority of the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of such meeting, and the object thereof, in some newspaper of general circulation, published near the principal office or place of business of the corporation. If at any such special meeting, so called, a majority in value of the stock, equal to two-thirds of the stock of such corporation shall not be represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding ten days, without transacting any business; and if, within said ten days, two-thirds in value of said stock shall not be so represented at such meeting, then the meeting shall be adjourned *sine die*, and a new notice may be published as herein provided.

Special meeting; how and when called.
Notice to be given.
When such meeting to be adjourned from day to day.
When *sine die*, and new notice published.

10. In case it shall happen at any time that an election of directors shall not be made on the day of the annual meeting, as provided for in the eighth section of this act, the corporation, for such cause, shall not be dissolved if within six months the stockholders shall meet and hold an election for directors in such manner as shall be prescribed by the by-laws. Such meeting shall be called in the manner prescribed in the ninth section of this act. It shall require two-thirds in value of the stock of such corporation to be represented either in person or by proxy, at such meeting last mentioned.

In case of failure to elect directors, as provided, at annual meeting, corporation not to be dissolved.
If within six months, stockholders shall meet and elect.
How such meeting called.
Amt. of stock to be represented at such meeting.

11. There shall be a president of such corporation, who shall be chosen by and from the board of directors, and such other subordinate officers as such corporation, by its by-laws, may designate, who may be elected or appointed, and shall perform such duties and be required to give such security for the faithful performance thereof, as shall be required by the by-laws. It shall require a majority of

President; how chosen, etc.
Subordinate officers.
Their duties, and security for performance of.

Majority of directors must elect, appoint and fix salary. No pay to president or director unless allowed by stockholder. Member of board, when to vote or to be present. Less than a quorum in such cases may act.

the directors to elect or appoint any officer and fix his compensation; but there shall be no compensation for services rendered by the president or any director, unless it be allowed by the stockholders. No member of the board of directors shall vote upon a question in which he is interested, otherwise than as a stockholder, or be present at the board while the same is being considered; but if his retiring from the board, in such case, reduce the number present below a quorum, the question may, nevertheless, be decided by those who remain.

Statement to be made by president and directors at annual meeting or at any meeting of stockholders.

12. At the regular annual meeting of the stockholders it shall be the duty of the President and directors to exhibit a full, distinct and accurate statement of the affairs of such corporation, and at any meeting of the stockholders a majority of those present, either in person or by proxy, may require similar statements from the president and directors; and at any regular meeting of the stockholders, a majority in value of the stock may fix the rate of interest which shall be paid by the corporation for loans for the construction of such booms and its appendages, and the amount of such loans. All stockholders shall, at all reasonable hours, have access to, and may examine all books, records and papers of such corporation.

Rate of interest to be paid for loans; when and how fixed.

Stockholders to have access to books, etc.

When and how directors may be removed, etc.

13. At any special meeting, by a two-thirds vote in value of all the stock, such stockholders may remove any one or all the directors, and elect others instead of those removed in the manner prescribed in the eighth section of this act; but a vacancy not caused by such removal may be filled by the board of directors. The proceedings of all meetings, whether regular or special, shall be entered on the journal of said corporation.

Vacancy not caused by removal, how filled.

All proceedings to be entered on journal.

When and how subscribers to capital stock to pay.

14. The directors may require the subscribers to the capital stock to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall fail to pay any installment, as required by a resolution or order of the board of directors, the said board shall be authorized to declare such stock and all previous payments thereon, forfeited for the use of the corporation, in the manner following, to-wit: They shall first cause a notice in writing to be served on the stockholder personally, or by registered letter deposited in a postoffice, with necessary postage for its transmittal, properly prepaid and properly directed to the postoffice address of such stockholder, and stating therein that, in accordance with such resolution or order, he is requested to make such payment at a time and place and in the manner to be specified in such notice, and that if he fails to make the same in the manner prescribed, his stock and all previous payments thereon will be forfeited for the use of such corporation; and, thereafter, should

Failure to pay by stockholders, when properly required, board may declare such stock and previous payments forfeited.

Notice to be given to the delinquent stockholder; how, and what to contain.

default in payment be made, the corporation may sell the same at public sale, and, after deducting the expenses of the proceedings, shall apply the residue to the payment of the installment due under the call of the directors, and if there be any surplus then remaining, it shall be paid to the delinquent stockholder. But the notice, as aforesaid, shall be personally served or duly deposited as above required, at least sixty days previous to the day on which payment is required to be made.

Manner of disposing of stock of delinquent subscriber.

Surplus; to whom paid.

Sixty days' notice to be given.

15. The stock of such corporation shall be deemed personal property, and shall be transferable in the manner prescribed by the by-laws, but no share shall be transferred until all previous calls thereon shall have been paid.

Stock deemed personal property and transferable. No transfer until all calls are paid.

16. In case the capital stock shall be found insufficient for constructing and operating such boom or booms, or other structures, such corporation may, with the concurrence of two-thirds in value of its stock, increase the capital stock from time to time to any amount required for the purpose aforesaid, in the manner following, to-wit: Notice shall be given by the directors to each stockholder, in writing, to be served personally or by depositing the same in a postoffice, directed to the postoffice address of each stockholder severally, with necessary postage for its transmittal properly prepaid, at least sixty days prior to the day appointed for such meeting, and by advertising the same in some newspaper published near the principal office of such corporation, at least four weeks prior to the day appointed for such meeting. Such notice shall state the time and place of such meeting, the object thereof, and the amount to which it is proposed to increase the capital stock. At such meeting the capital stock may be increased to an amount not exceeding the amount mentioned in the notice, by an affirmative vote of not less than two-thirds in value of all the stock. Every order or resolution increasing the capital stock of any such corporation shall be duly recorded as required by section two of this act. The additional stock so authorized shall in no case be sold at less than par value of the original stock.

Increase of capital stock; how paid.

What notice to state.

Increase not to exceed amt. mentioned in notice.

Vote required to increase.

Order increasing stock to be recorded.

At what value additional stock to be sold.

17. No person holding stock in such corporation, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as a stockholder; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly.

Who holding stock not liable, personally, as stockholder.

Who liable.

18. Each stockholder shall be held individually liable to the creditors of such corporation to an amount not exceeding the amount unpaid on the stock held by him, and no more, for any and all debts and liabilities of the corporation.

Liability of stockholder.

How corporation may acquire title to real estate required for purposes of corporation, when unable to agree with owner.

19. If any such corporation shall be unable to agree with the owner for the right of way, or for the purchase of any real estate required for the purpose of its corporation or the transaction of its business, or for its boom or booms or other structures, or wharves, or for any other lawful purpose connected with, or necessary to, the building or operating of such boom or booms or other structures, such corporation may acquire such title in the manner as hereinafter provided, viz: The court of any county

Court to appoint viewers; when.

wherein the land or material to be taken may be, upon application therefor, shall appoint five disinterested persons (any three of whom may act) for the purpose of reviewing and ascertaining a just and equitable compensation for the quantity of land actually taken by said corporation (but in no case shall the court appoint any person or persons who are interested in said corporation) and the sheriff of the county, after such appointment is made, shall summon the said viewers to meet on the land at such time as they may appoint, within thirty days after such appointment, giving twenty days' notice to the parties interested, unless such parties shall be non-residents of this state, in which case notice shall be given to such non-residents by publication, for four successive weeks, in some newspaper published in the county in which said land is located, and if none be so published, then in some newspaper of general circulation in said county; and such viewers shall not meet for the purposes of their appointment until the publication herein prescribed shall have been completed. The

But no one interested in corporation to be appointed.

Sheriff to summon witnesses; when and where

Notice to parties interested.

If non-residents how notice given.

Viewers not to meet until, etc.

Oath of viewers.

viewers aforesaid shall, before proceeding to perform the duties aforesaid, take an oath before some person authorized to administer oaths, that they, and each of them, will honestly, fairly and impartially ascertain and determine the amount said corporation shall pay for the land actually taken as aforesaid, and the damage to the residue of the tract, and return their report, signed by them, to the clerk of the court, prior to the first day of the term thereafter, wherein the proceeding is pending, setting forth therein the amount to be paid for the land so taken, or to be taken, by said corporation. And in estimating the value or damages on account of the land actually taken, the viewers, or jury, as the case may be, shall determine its actual value, without reference to any prospective enhancement by reason of the construction of any work for which the land is to be taken, and shall not diminish the value by reason of such construction; and in all such cases the value or damages, as aforesaid, shall be determined by the actual and true value of the land taken or to be taken. On the

Value or damages; how estimated.

If no exceptions to report, judge to direct judgment to be entered; when.

first day of said term, the said court shall direct judgment to be entered on said report for the amount therein ascertained and determined by said viewers, if no exceptions be taken and filed; but if exceptions be taken and filed thereto, and when required by either of the parties, such

compensation shall be ascertained by an impartial jury of twelve freeholders, selected according to law. The right is hereby given to said corporation to object, and its objection shall be sustained, to any juror who may be an owner of, or interested in, such land. The cause or proceeding shall be tried as any other cause in said court, and the viewers, as well as the jury aforesaid, who may try the cause or proceeding, shall, by their award or verdict, as the case may be, ascertain and determine the amount to be paid by the corporation for the land actually taken and the damage to the residue of the tract.

If exceptions, compensation to be ascertained by jury. Corporation may object to any juror owning or interested in such land. How proceedings tried. Award or verdict to be for land actually taken and damages to residue.

20. Any such corporation may, by their agents and employes, enter upon and take from any land adjacent to its boom, earth, gravel, shale, stone or other materials, except wood for fuel, necessary for the construction of such boom or other structure, paying, if the owner of such land and the said corporation can agree thereto, the value of such material taken and the amount of damages occasioned thereby to any such land or its appurtenances; and if such owner and corporation cannot agree, then the value of such material and the damage occasioned to such real estate may be ascertained, determined and paid in the manner prescribed in section nineteen of this act; but the value of such material and the damage to such real estate shall be ascertained, determined and paid before such corporation can enter upon or take the same.

Material may be taken by corporation necessary for construction of booms, etc.

To pay for same and damages, if value can be agreed on.

If value of material and the damages cannot be agreed on, what then.

21. Every corporation formed under this act shall, in addition to the powers hereinbefore conferred, have power, *First*—To cause such examination and survey for its proposed boom or other structure, to be made as may be necessary to the selection of the most advantageous site, and, for such purpose, by its officers, agents, engineers or employes, may enter upon the lands or waters of any person or corporation, but subject to responsibility for all damages which shall be occasioned thereby.

Additional powers of corporation.

For what may enter upon the lands and waters of others; subject to responsibility, etc.

Second—To take and hold such voluntary grants of real estate and other property as shall be made to it, in and of the construction and use of its boom, and to convey the same when no longer required for the use of such boom or booms, not incompatible with the terms of the original grant.

May hold voluntary grants, etc. and convey same, etc.

Third—To purchase, hold and use all such real estate and other property as may be necessary for the construction and use of its boom and the stations and other accommodations necessary to accomplish the object of its incorporation, and to convey the same when no longer required for the use of such boom.

May purchase, hold and use all such real estate, etc.

Fourth—The said corporation shall, after erecting its boom, have the exclusive privilege of maintaining a suitable boom or booms, with or without piers, dam or dams, across the stream designated, within three miles of its

Exclusive privileges of corporation.

boom so erected for the purpose of stopping and securing boats, rafts, saw-logs and other timber of value, but such boom or booms shall be so constructed as to permit boats, rafts and other lumber, when desired by the owner, to pass them without avoidable delay, and without paying toll, boomage, or other charge, and may erect shear booms on the rivers or other streams, and may dredge and clear the channels thereof, and remove obstructions therefrom, and may build saw-mills on lands acquired in any other way than by condemnation, and manufacture and sell lumber, and construct tram-railways, dams, and do such other work as may be necessary for the purpose of getting logs and lumber to, down and from the river and its branches on which said boom is located.

How boom to be constructed.

For what charges not to be made.

May erect shear booms, dredge, etc., channels, etc.

May build saw mills; where also manufacture and sell lumber, etc.

May purchase, hold and sell timber, lands, etc.

Fifth—The said corporation is authorized and empowered to purchase, hold and sell timber lands and lands necessary for their saw-mills, lumber-yards, tram-railways and wharves.

Rate of boomage or toll to be charged.

How determined.

How commission appointed, etc.

Duty of such commission.

In determining rate, what to be taken into consideration.

Sixth—Boomage or toll shall be charged at a rate not less than twenty-five cents nor more than one dollar per thousand feet, board measure, except as hereinafter provided, which rate shall be determined by a commission in the manner following, to-wit: The circuit court of each county whose timber can be floated into the boom, shall appoint one person, not a stockholder or otherwise interested in the corporation, as a member of said commission, and if the number of said commissioners be even, they shall choose an odd member. The persons so appointed and chosen shall constitute a commission, whose duty it shall be to fix the rates of boomage which the corporation may charge; and in determining this rate they shall take into consideration the ease or difficulty, as the case may be, of booming logs, &c., in said boom, and also any extraordinary expenditure of money which the corporation may have made to facilitate their business; and the said commissioners shall fix a rate which shall be, in their judgment, a fair and just compensation to the corporation for the capital invested and labor performed in booming logs, timber, &c., within the limits above prescribed. And said commissioners may, in their discretion, or when requested to do so by parties interested, fix the separate rate which shall be charged for logs, ties, lumber, staves, or any other specific kind of timber or lumber, which may be floated into such boom, by the hundred, thousand, or by the bulk, as the case may be. The report of such commissioners shall be filed in the office of the clerk of the circuit court of each county in which a commissioner was appointed, and published in some newspaper of general circulation in the counties interested in said boom, and within ten days after the report has been agreed upon. Should the corporation or any interested party not be satisfied with the report of the commissioners, they may take exceptions

Separate rate for specific kind of timber or lumber.

Where report of commissioners filed.

How published, and when.

Report may be excepted to.

thereto, which exceptions may be heard by the judge of circuit court of any county interested, in term time or at chambers, and if it appears to the court that the rates established by the commissioners are unjust either to the corporation or to private persons, said report may be set aside and a new commission appointed. But unless exceptions are taken to the report of said commissioners within thirty days after the filing of the same, the report shall be taken as confirmed, and shall be binding upon all parties interested. Any corporation organized under the provisions of this act, or any party interested, may, if it so desires, ask for a commission once every five years, to revise the rate of boorage, such commission to be constituted as provided for in this section. When the stream boomed lies wholly within one county, there shall be three commissioners appointed by the circuit court of that county as such commission. The commissioners appointed under this section shall receive three dollars per day for their services, to be paid by such corporation; except that after the rates have been fixed, any subsequent commission shall be paid by the party asking it.

When exceptions to be heard.
 For what report set aside and new commission appointed.
 Exceptions to be taken within certain time, or report taken as confirmed, etc.
 Rate may be revised every five years; how.
 If stream boomed lies wholly in one county, three commissioners to be appointed from such county.
 Pay of commissioners, and how paid.
 When paid by party asking commission.
 Lien on logs, etc., for toll.

Seventh—The said corporation shall have a lien on all saw-logs and other timber and lumber thus boomed, for the payment of all toll for booming, until the same shall be paid.

Eighth—That if any timber shall have been boomed securely as aforesaid, and no person shall appear to claim the same and pay the tolls thereon, within sixty days, it shall be lawful for the corporation, after advertising the same for three weeks in some newspaper published nearest the said boom or booms, and by posting the same for three weeks at three public places nearest the said boom or booms, reciting the marks thereon, to sell said timber to the best advantage, and at any time within a year from said sale, the owner shall be entitled to receive the proceeds thereof, after deducting the toll and expenses; but if not claimed within the said one year, the proceeds shall inure to, and be vested in, said corporation for its own use.

When and how unclaimed timber may be sold by corporation.
 Within what time owner may receive proceeds, except etc.
 When proceeds to inure to corporation.

Ninth—Where several companies are operating on the same stream, the upper companies shall pass, free of charge, through or around their booms, with as little delay as possible, all logs, lumber, &c., distinctly marked as belonging to, or in the care of, the other boom or booms below them.

Where several companies operate on same stream, what then.

22. 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 boom, he shall pay trouble damages, to be recovered by an action of trespass, brought in the name of said corporation, before a justice or any of the courts of the county having jurisdiction in which he or they shall reside, or in the county in which the offense was commit-

Damages for willfully, etc., injuring, etc., booms, etc., or altering, etc., marks on logs, etc.
 How recovered.

Person so offending may also be punished by fine and imprisonment.

ted; and said person or persons so offending may also be subject to an indictment in the circuit or county court for the county where the offense was committed, and upon conviction thereof may be punished by fine and imprisonment, in the discretion of the court.

If parties interested cannot agree as to measurement of timber, how determined

23. If the parties interested shall not agree as to the measurement of the timber in said boom, it shall be done by commissioners appointed by the circuit court of the county in which such boom is located, for that purpose the expenses which shall be paid by the party in error as to the measurement, and if both parties are found to be in error, said expenses shall be paid by them equally.

Expenses; by whom paid.

Logs, timber, etc., of corporation lodged on lands of another; within what time to be removed.

24. If any logs, timber or other lumber of said corporation while floating down any stream be lodged in any bay, creek or cove, upon the shores or any bar or flat lands of another, it shall be the duty of said corporation to cause the same to be removed therefrom within thirty days from the time such logs, timber and lumber is so lodged; and upon the failure of said corporation to remove the same within the time aforesaid, said logs, timber and lumber shall be the property of the person upon whose lands the same is lodged as aforesaid. If any person shall without the authority of said corporation, during the said thirty days, take, carry away, injure, destroy or convert to his own use any of said logs, timber, or lumber, he shall be guilty of a misdemeanor, and fined not less than ten dollars, and at the discretion of the court, be imprisoned not less than ten days. But the said corporation shall be liable to the owner of the land for any damages sustained by him by reason of said logs, timber or lumber remaining thereon.

If not removed within such time, such logs, etc., to be property of person owning land.

Penalty on person for converting to his own use, etc., such logs, etc., within time allowed for removal.

Liability of corporation for damages.

Obstructing stream; expenses of removing such obstruction, etc.; by whom paid.

25. In case the owner of logs or other lumber placed in a stream above a boom erected thereon shall unreasonably delay driving said logs or lumber into said boom, so that persons wishing to use said stream for driving or floating logs or other lumber into such boom, shall be compelled to drive said logs or lumber into the boom; or break any jam, to enable such person so to use the said stream, the reasonable expenses of driving or floating such logs or other lumber, or breaking such jam, shall be borne by the owner of such logs or other lumber so obstructing said stream, to be recovered before a justice of the peace or other judicial tribunal having jurisdiction, and shall constitute a lien on such logs or other lumber until the same shall be paid.

How recovered.

Lien on logs until paid.

Liability of corporation, except etc.

26. The said corporation shall be liable for all logs, timber and other floatables which may come into its boom, except when they sink in deep water or are destroyed by fire, not caused by the negligence of said corporation, its agents or employes.

Meaning of words "logs" or "timber."

27. Wherever the words "logs or timber" occur in the this act, they shall be taken to mean logs and timber of

every kind and description manufactured or unmanufactured.

28. That nothing in this act shall be so construed as to deprive the owners of mill property, and other proprietors on the said rivers and branches thereof from recovering damages for injury to their property by the said corporation their agents or employes. Rights reserved to property-holders on said rivers, etc.

29. All corporations formed under this act shall be subject to the provisions of chapter fifty-two, fifty-three and fifty-four of the code of West Virginia, and the amendments thereto, except when the same are inconsistent with the provisions of this act. And the right is hereby reserved to the legislature to alter any charter or certificate of incorporation hereunder granted to a joint stock company, and to alter or repeal any law applicable to such company. But in no case shall such alteration or repeal affect the right of the creditors of the company to have its assets applied to the discharge of its liabilities, or of its stockholders to have the surplus, if any, which remains after discharging its liabilities and the expenses of winding up its affairs, distributed among themselves in proportion to their respective interests, or in any wise impair the vested rights of the corporators or any of them. Provisions of law, corporations formed under the act, subject to. Right reserved to the legislature. Certain rights of creditors and stockholders not to be affected, etc.

30. Nothing in this act contained shall be so construed as to affect or impair the right and power of the legislature to provide for the connection, by canal or slack water, of the waters of the Chesapeake bay with the Ohio river, by any line it may select, and all the rights, privileges and franchises of any company incorporated under the provisions of this act shall be held in subordination to the exercise of such right by the legislature. Right and power reserved to legislature to connect waters of Chesapeake bay with Ohio river by canal, etc.

31. Any boom company heretofore incorporated may surrender its charter, and may procure a new charter and reorganize under the provisions of this act. Boom companies heretofore organized may re-organize, etc.

32. No company incorporated under the provisions of this act shall so exercise its corporate privileges as to materially obstruct any public road or ford across any stream. Obstructing public roads or fords across any stream prohibited.

EUSTACE GIBSON,
Speaker of the House of Delegates.

U. N. ARNETT,
President of the Senate.

OFFICE OF SECRETARY OF STATE, }
March 8, 1877. }

I certify that the foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it

originated within the time prescribed by the constitution of the state, has become a law without his approval.

C. HEDRICK,
Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION providing for a joint committee of the two houses on rules for the government of the joint convention for counting the vote for state officers.

Resolved by the Legislature of West Virginia:

That a joint committee of the two houses, of two members from the senate and three from the house of delegates, be appointed to prepare rules and regulations for the government of the joint convention of the two houses, when assembled as provided for in the third section of article seven of the constitution, to canvass the vote for state officers.

[Adopted January 11, 1877.]

[No. 2.]

JOINT RESOLUTION appointing a joint committee to wait upon the governor.

Resolved by the Legislature of West Virginia:

That a committee of three on the part of the house and two on the part of the senate, be appointed to wait on his excellency, the governor, and inform him that the two houses are organized, with a quorum of each house present and in session, and ready to receive any communication he may have to submit.

[Adopted January 12, 1877.]

[No. 3.]

JOINT RESOLUTION for the appointment of a committee in relation to the furniture, &c., necessary for the capitol building.

Resolved by the Legislature of West Virginia :

That a joint committee, consisting of one member from each house, be appointed, to report to the two houses what furniture and other supplies are necessary to be furnished for the capitol building, in order to the successful transaction of business.

[Adopted January 13, 1877.]

[No. 4.]

JOINT RESOLUTION instructing our senators and requesting our representatives in congress to favor a modification of the internal revenue laws in relation to the sale of tobacco.

Resolved by the Legislature of West Virginia :

That our senators be instructed, and our representatives in the congress of the United States be requested, to use their best efforts to procure a modification of the internal revenue laws of the United States so that tobacco growers may be permitted to sell leaf tobacco produced by them, without paying a license therefor.

Resolved, That a copy of the foregoing resolution be transmitted by the governor of this state to each of said senators and representatives, with the request that the same be laid before the senate and house of representatives of the congress of the United States.

[Adopted January 23, 1877.]

[No. 5.]

JOINT RESOLUTION providing for a joint committee to arrange for the inauguration of the governor elect on the fifth day of March next.

Resolved by the Legislature of West Virginia :

That a committee of two on the part of the senate, and three on the part of the house, be appointed to make all suitable and necessary ar-

rangements for the inauguration of the governor elect, on the fifth day of March next.

[Adopted January 23, 1877.]

[No. 6.]

JOINT RESOLUTION instructing the senators and requesting the representatives of this state in congress to use their best efforts to secure appropriations for the improvement of the Guyandotte and Tug rivers in this state.

Resolved by the Legislature of West Virginia :

That our senators be instructed, and our representatives in the congress of the United States requested, to use their best efforts to have appropriations made for the improvement of the navigation of the Guyandotte river from Logan court house, in Logan county, to Bailey's mill, in Wyoming county, in this state, and also to have appropriations made for the improvement of Tug river from the mouth of Ben's creek, in Logan county, to the mouth of Dry Fork, in McDowell county, in this state.

Resolved, That a copy of the foregoing resolution be transmitted by the governor of this state to each of said senators and representatives, with the request that the same be laid before the senate and house of representatives of the congress of the United States.

[Adopted January 29, 1877.]

[No. 7.]

JOINT RESOLUTION to ascertain the amount of per diem and mileage paid to each of the directors of the hospital for the insane and the penitentiary.

Resolved by the Legislature of West Virginia :

That the treasurer of the hospital for the insane, and the clerk of the penitentiary; furnish without delay, to this body, a detailed statement of the amount each member of the boards of directors for the

JOINT RESOLUTIONS.

above named institutions has received for mileage and per diem (separate items), and all other moneys received for extra services or otherwise from their respective institutions, from December first, one thousand eight hundred and seventy-four, to December first, one thousand eight hundred and seventy-six.

[Adopted January 29, 1877.]

[No. 8.]

JOINT RESOLUTION providing for a joint committee to examine the penitentiary, as provided by law.

Resolved by the Legislature of West Virginia:

That a committee of five from the house and three from the senate be appointed to examine, as provided by law, the condition of the penitentiary, and report the proceedings thereunder to the legislature.

[Adopted January 29, 1877.]

[No. 9.]

JOINT RESOLUTION requesting congress to appropriate money to improve the navigation of the Guyandotte and Little Coal rivers.

WHEREAS, There is great mineral wealth and valuable timber on and adjacent to the Guyandotte and Little Coal rivers, in this state, but no facilities for developing the same and forwarding it to market; therefore,

Resolved by the Legislature of West Virginia :

That our representatives in congress be requested, and our senators instructed, to secure an appropriation for the improvement of the navigation of the Guyandotte river from its mouth, in the county of Cabell, to Logan court house, in the county of Logan; also, to improve the navigation of Little Coal river from its mouth to Boone court house, in the county of Boone.

Resolved, That the governor be requested to transmit a copy of this joint resolution to each of our senators and representatives in congress.

[Adopted February 1, 1877.]

[No. 10.]

JOINT RESOLUTION appointing commissioners to inquire into the rates of freight and travel on the Baltimore and Ohio railroad.

Resolved by the Legislature of West Virginia :

That a joint committee, consisting of two on the part of the senate and three on the part of the house of delegates, be appointed with power, and they are hereby directed and instructed, to make inquiry into the charges for travel and transportation over the Baltimore and Ohio railroad, and the branches thereof in this state, and whether the same are legal, just and equitable, or otherwise; what discriminations exist between through and way freight and travel; whether said railroad company is in any way violating the laws of the state, or affecting its material interest; and all other matters in connection with said railroad which concern the rights and equities of the public, with power to send for persons and papers, and report to this legislature now in session.

[Adopted February 5, 1877.]

[No. 11.]

JOINT RESOLUTION instructing our senators and requesting our representatives in congress to use their best efforts to secure an appropriation sufficient to continue the improvement of the Monongahela river to its head.

Resolved by the Legislature of West Virginia :

1. That our senators be instructed, and our representatives in the congress of the United States be requested, to use their best efforts to obtain an appropriation sufficient to continue the improvement of the Monongahela river to the head thereof, at Fairmont.

2. That his excellency, the governor of this state, do forward to each of said senators and representatives a copy of these resolutions, to be laid before the senate and house of representatives of the United States.

[Adopted February 5, 1877.]

JOINT RESOLUTIONS.

[No. 12.]

JOINT RESOLUTION instructing our senators and requesting our representatives in congress to use their best efforts to secure an appropriation sufficient to continue the improvement of the Little Kanawha river.

Resolved by the Legislature of West Virginia :

1. That our senators be instructed, and our representatives in the congress of the United States be requested, to use their best efforts to obtain an appropriation sufficient to continue the improvement of the Little Kanawha river.

2. That his excellency, the governor of this state, do forward to each of said senators and representatives a copy of these resolutions, to be laid before the senate and house of representatives of the United States.

[Adopted February 12, 1877.]

[No. 13.]

JOINT RESOLUTION providing for the appointment of a joint committee to examine the West Virginia hospital for the insane.

Resolved by the Legislature of West Virginia :

That a committee of two on the part of the senate, and three on the part of the house of delegates, be appointed by the president of the senate and the speaker of the house of delegates, respectively, to visit and examine into the condition of the West Virginia hospital for the insane, and report to the legislature, and that the said committee have power to send for persons and papers. Said committee may sit, in the discharge of their duties, after the adjournment of the present session of the legislature.

[Adopted February 14, 1877.]

[No. 14.]

JOINT RESOLUTION for the relief of James I. Morehead.

Resolved by the Legislature of West Virginia :

That Jacob B. Jackson, agent for the state, be, and he is hereby, authorized to stay proceedings in the matter of a certain suit in

chancery now pending in the circuit court of Wood county, wherein William J. Hill is complainant and James L. Morehead is defendant, in which it is sought to enforce a judgment lien against the property of said Morehead, on account of a judgment obtained against said Morehead for two thousand five hundred dollars, in favor of William H. Mattingly, and by him assigned to the state of West Virginia, so far as it relates to the said judgment now owned by the state, for the period of three years from and after the date of the passage of this resolution, it being the intention of this resolution to stay judgment, so far as the state is concerned, for the period hereinbefore named. But upon failure of the said Morehead to pay the costs of said suit, and upon his failure to pay the interest annually on the said debt as the same becomes due, after thirty days' notice, then the state may proceed to enforce the collection of said debt as if this resolution had not passed.

[Adopted February 19, 1877.]

[No. 15.]

JOINT RESOLUTION authorizing the joint committee charged with the duty of inquiring into the rates of freights and travel on the Baltimore and Ohio railroad to sit after the adjournment of the present session of the legislature.

Resolved by the Legislature of West Virginia:

That the joint committee of the legislature, appointed to inquire into the rates of freights and travel on the Baltimore and Ohio railroad, have leave to sit in the discharge of their duties after the adjournment of the present session of the legislature, and that the members of said committee be allowed the same per diem as members of the legislature, and their actual expenses in traveling to and returning from the seat of government, and make a full and complete report to the next session of the legislature.

[Adopted February 20, 1877.]

[No. 16.]

JOINT RESOLUTION providing for an extension of the present session of the legislature.

WHEREAS, The two houses of the legislature have a large amount of business before them that cannot be matured before the time when

by constitutional limitation, the present session would expire; be it therefore,

Resolved by the Legislature of West Virginia:

Two-thirds of the members elected to each house concurring, that the present session of the legislature, which will expire by constitutional limit on the twenty-third day of February, one thousand eight hundred and seventy-seven, be, and the same is hereby, extended, not beyond two o'clock P. M., on Friday, the second day of March.

[Adopted February 22, 1877.]

[No. 17.]

JOINT RESOLUTION providing for the printing and distribution of the acts of the Legislature.

Resolved by the Legislature of West Virginia:

That the clerk of the house of delegates furnish the public printer, within twenty days after the adjournment of the legislature, the acts and joint resolutions passed at the present session, with side notes and headings, showing when passed and when to take effect; and that the public printer, as soon thereafter as practicable, print and bind four thousand copies thereof, and deliver twenty-five hundred copies to the secretary of state, who shall distribute them as follows: one copy to each judge, president of the county court, justice, prosecuting attorney, clerk, sheriff, governor, secretary of state, attorney-general, auditor, treasurer and superintendent of free schools, and the residue transmit equally to the members of the legislature, and that he deposit the balance of the said four thousand copies in the office of secretary of state, for sale.

[Adopted March 1, 1877.]

[No. 18.]

JOINT RESOLUTION acknowledging the liberality and enterprise of the citizens of Wheeling in providing a suitable and commodious building for the use of the legislature and state officers.

WHEREAS, A number of citizens of the city of Wheeling have, in accordance with a contract entered into by them, furnished the state

with a capitol building, pleasantly located, conveniently constructed, comfortably furnished and admirably well calculated for all the purposes for which it was designed; and,

WHEREAS, It has been recommended by the governor, in his biennial message to the legislature, that that body take appropriate action acknowledging the liberality of said citizens; therefore,

Resolved by the Legislature of West Virginia:

That we, the senators and members of the house of delegates of the West Virginia legislature, do hereby return our thanks to the citizens aforesaid for their liberality and enterprise, and for the faithful and commendable manner in which they have performed their work.

[Adopted January 22, 1877.]

[No. 19.]

JOINT RESOLUTION appointing a joint committee to wait on the governor.

Resolved by the Legislature of West Virginia:

That a committee of three 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 that the two houses have completed the business before them, and are ready to adjourn *sine die*, and ascertain whether his excellency has any communication to make to the two houses.

[Adopted March 2, 1877.]

CORPORATIONS.

THE ANCHOR INSURANCE COMPANY.

I, Charles Hedrick, 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 Anchor Insurance Company," for the purpose of insuring property against loss and damage by fire, and transacting a general fire insurance business, which corporation shall keep its principal office or place of business at the city of Chicago, in the county of Cook, in the state of Illinois, and its principal office for the transaction of business in the state of West Virginia at the city of Wheeling, in the county of Ohio, and is to expire on the twenty-sixth (26th) day of February, in the year eighteen hundred and ninety-six (1896).

And for the purpose of forming the said corporation, we have subscribed the sum of five hundred thousand dollars (\$500,000) to the capital thereof, and have paid in on said subscriptions the sum of five hundred thousand dollars (\$500,000).

The capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned, respectively, as follows, that is to say:

By James M. Flagg, who resides in the city of Chicago, four thousand seven hundred and fifty (4,750) shares;

By Abraham Suydam, who resides in the city of Chicago, fifty (50) shares;

By James W. Johnson, who resides in the city of Chicago, fifty (50) shares;

By George M. Kimbark, who resides in the city of Chicago, fifty (50) shares;

By James George, who resides in the city of Chicago, fifty (50) shares;

By Frederic J. Knott, who resides in the city of Chicago, fifty (50) shares.

Given under our hands, this twenty-sixth (26th) day of February, in the year one thousand eight hundred and seventy-six (1876.)

JAMES M. FLAGG,
ABRAHAM SUYDAM,
JAMES W. JOHNSON,
GEO. M. KIMBARK,
JAMES GEORGE,
FREDERIC J. KNOTT.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-sixth day of February, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this second day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

QUINCY SALT COMPANY.

I, C. Hedrick, 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 "Quincy Salt Company," for the purpose of buying, building, leasing and operating salt furnaces, and manufacturing, shipping and selling salt, mining and selling coal, and dealing in all kinds of merchandise, groceries and supplies generally, in connection with such salt and coal business, and conducting all kinds of business operations necessary and proper for the business above stated; which corporation shall keep its principal office or place of business at Kanawha Salines, in the county of Kanawha, West Virginia, and is to expire on the first day of March, eighteen hundred and ninety-six.

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 thousand 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 fifty dollars each, which are held by the undersigned respectively as follows, that is to say:

Name.	Residence.	No. Shares.
Charles F. Corben,	Kanawha Salines, W. Va.,	41 $\frac{1}{2}$ shares.
Joseph H. Corben,	Kanawha Salines, W. Va.,	5 shares.
Robert H. Farley,	Kanawha Salines, W. Va.,	6 $\frac{1}{2}$ shares.
James W. Womeldorff,	Kanawha Salines, W. Va.,	5 shares.
Howard R. Womeldorff,	Middleport, O.,	5 shares.
Helen A. Womeldorff,	Kanawha Salines, W. Va.,	16 $\frac{1}{2}$ shares.

Total,

80 shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this sixteenth day of February, eighteen hundred and seventy-six.

CHARLES F. CORBEN,
JOSEPH H. CORBEN,
ROBERT H. FARLEY,
JAS. W. WOMELDORFF,
H. R. WOMELDORFF,
HELEN A. WOMELDORFF,

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of March, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this second day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE COALMONT COAL COMPANY.

I, Charles Hedrick, 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 Coalmont Coal Company," for the purpose of mining and shipping coal found upon the lands hereafter to be acquired by them, which corporation shall keep its principal office or place of business at Charleston, Kanawha county, W. Va., and is to expire on the seventh day of March, eighteen hundred and ninety-six.

And for the purpose of forming said corporation, we have subscribed the sum of (\$25,000) twenty-five thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty-five thousand (25,000) dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to (\$100,000) one hundred thousand dollars in all.

The capital so subscribed is divided into shares of fifty (50) dollars each, which are held by the undersigned, respectively, as follows, that is to say:

D. C. Gallaher, of Charleston, Kanawha county, four hundred and ninety-five (495) shares;

P. H. Galligher, of the same place, one share;

A. Q. Miller, of the same place, one share;

H. P. Ripplier, of the same place, one share;

C. A. Ripplier, of the same place, one share;

J. C. Ruby, of the same place, one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this seventh day of March, eighteen hundred and seventy-six.

D. C. GALLAHER,
P. H. GALLIGHER,
A. Q. MILLER,
JOHN C. RUBY,
H. P. RIPPLIER,
C. A. RIPPLIER.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the seventh day of March, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this tenth day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE COMBINED IRON AND STEEL ORDNANCE COMPANY.

I, Charles Hedrick, 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 under and in pursuance of the code, chapter fifty-four of the laws of eighteen hundred and sixty-eight, of West Virginia, by the name of "The Combined Iron and Steel Ordnance Company, for the purpose of manufacturing and selling ordnance, cannon or artillery of all kinds, and small arms with machinery and fixtures pertaining thereto and to other purposes; also, ship armor and other products of iron or steel and combined iron and steel; which corporation shall keep its principal office or place of business at Washington City, in the District of Columbia, or at the City of Wheeling, in the county of Ohio, state of West Virginia, and is to expire on the first day of January, eighteen hundred and ninety-six.

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 subscriptions the sum of five hundred 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 dol-

lars each, which are held by the undersigned respectively, as follows, that is to say : by

J. Timberlake Snead, of Camden, New Jersey, ten shares, (\$1,000);
Joseph S. Ruckel, of Washington City, D. C., ten shares, (\$1,000);
John T. M. Orendorf, of Montgomery county, Maryland, ten shares,
(\$1,000);

John A. Rice, of Bangor, Maine, ten shares, (\$1,000), and

Henry Cummins, of New York City, New York, ten shares, (\$1,000.)

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventh day of March, A. D. eighteen hundred and seventy-six.

J. T. SNEAD,
J. S. RUCKEL,
JNO. T. W. ORENDORF,
H. CUMMINS,
JOHN H. RICE.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this eleventh day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE TWELVE POLE RIVER MINING AND MANUFACTURING COMPANY.

I, Charles Hedrick, 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 Twelve Pole River Mining and Navigation Company," for the purpose of improving the navigation of Twelve Pole River and its tributaries by slack water dams and otherwise, and of mining and shipping coal and other products therefrom; which corporation shall keep its principal place of business at Ceredo, in Wayne county, West Virginia, and is to expire on the first day of January, eighteen hundred and ninety-six.

For the purpose of forming said corporation, the sum of five thousand dollars to the capital stock thereof has been subscribed by us, and we have paid in on said subscriptions the sum of five thousand dollars, and have the privilege of increasing the said capital stock, by

sales of additional shares from time to time, to eight hundred thousand dollars in all.

The capital so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say:

By Charles Leonard Eddy, of Euclid, Cuyahoga county, Ohio, shares, one;

By Merritt Marsilliot, of Cuyahoga county, Ohio, shares, one;

By Thomas M. Marsilliot, of Lansing, Michigan, shares, four hundred and ninety-five;

By S. A. Forbes, of Ceredo, Wayne county, West Virginia, shares, one;

By Samuel J. Ferguson, of Wayne county, West Virginia, shares, one;

By Henry A. Frink, of Baltimore, Maryland, shares, one.

The capital stock hereafter to be sold is to be divided into shares of one hundred dollars each.

Given under our hands and seals this twentieth day of January, eighteen hundred and seventy-six.

MERRITT MARSILLIOT,	{ L. S. }
CHARLES L. EDDY,	{ L. S. }
THOMAS M. MARSILLIOT,	{ L. S. }
H. A. FRINK,	{ L. S. }
S. A. FORBES,	{ L. S. }
SAMUEL J. FERGUSON.	{ L. S. }

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this fifteenth day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

GAULEY-KANAWHA COAL COMPANY.—LIMITED.—FOR- EIGN.

I, Charles Hedrick, secretary of the state of West Virginia, hereby certify under the act of the legislature of the state of West Virginia, approved the twenty-first day of December, eighteen hundred and seventy-five, that the Gauley-Kanawha Coal Company, limited, have this day filed in my office a copy of their articles of association and also a certificate of their incorporation, which certificate is in the words and figures following, to-wit:

No. 7,436 c.]

[N. L. 7,182.

[Coat of Arms of England.]

CERTIFICATE OF INCORPORATION OF THE GAULEY-KANAWHA COAL COMPANY.—LIMITED.

I hereby certify that the "Gauley-Kanawha Coal Company," limited, is this day incorporated under the companies' act, eighteen hundred and sixty-two, and this company is limited.

Given under my hand, at London, this fourth day of July, eighteen hundred and seventy-three.

[Signed.]

E. C. CURZON,
Registrar of Joint Stock Companies.

Fee £16. 5. 0.

In testimony whereof I have hereunto set my hand and [G. S.] the great seal of said state, at the city of Wheeling, this thirty-first day of January, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

And further: I, Charles Hedrick, secretary of the state of West Virginia, do certify that the "Gauley-Kanawha Coal Company," limited, have this day filed with me in my office the law under which they are incorporated.

In testimony whereof I have hereunto set my hand and [G. S.] affixed the great seal of the said state, at the city of Wheeling, this twenty-first day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

 THE MUTUAL BUILDING ASSOCIATION.

I, Charles Hedrick, 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 Mutual Building Association," for the purpose of raising money to be used among the members of said corporation in buying lots and houses, and in building and repairing houses; which said corporation shall keep its principal office or place of business at the city of Parkersburg, Wood county, state of West Virginia, and is to expire on the twentieth day of March, A. D. eighteen hundred and ninety-six.

And for the purpose of forming 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 capital, by sales 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 Levi Campbell, of the city of Parkersburg, one share ; .

By O. G. Scofield, of the city of Parkersburg, one share ;

By W. H. Brown, of the city of Parkersburg, one share ;

By A. N. Gibbens, of the city of Parkersburg, one share ;

By Walter S. Sands, of the city of Parkersburg, one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twentieth day of March, eighteen hundred and seventy-six.

LEVI CAMPBELL,
O. G. SCOFIELD,
A. N. GIBBENS,
W. H. BROWN,
WALTER S. SANDS.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twentieth day of March, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, on this twenty-fourth day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE EUREKA ASSOCIATION NUMBER TEN PATRONS OF HUSBANDRY OF WEST VIRGINIA.

I, Charles Hedrick, 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 Eureka Association Number Ten Patrons of Husbandry of West Virginia." for the purpose of buying, selling and trading in dry goods, groceries, and notions, in the county of Berkeley, state of West Virginia, which corporation shall keep its principal office at Falling Waters, in said county and state, and is to expire on the first day of April, in the year eighteen hundred and eighty-nine.

And for the purpose of forming said corporation, we have subscribed the sum of one hundred and forty dollars to the capital stock thereof, and have paid in on the said subscriptions the sum of one hundred and forty 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 five dollars each, which are held by the undersigned respectively, as follows, that is to say :

Jacob Ropp, five shares ;
 C. J. Weaver, two shares ;
 S. O. Cunningham, eight shares ;
 W. L. Cunningham, four shares ;
 Wm. E. Light, nine shares ;

All residents of the county of Berkeley.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twenty-fourth day of March, A. D. eighteen hundred and seventy-six.

JACOB ROPP,
 CHARLES J. WEAVER,
 S. O. CUNNINGHAM,
 WM. L. CUNNINGHAM,
 WM. E. LIGHT.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this twenty-ninth day of March, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

ELM GROVE TOWN HALL ASSOCIATION.

I, Charles Hedrick, 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 "Elm Grove Town Hall Association," for the purpose of purchasing certain lands near the town of Elm Grove, in the county of Ohio, and state of West Virginia, not exceeding twenty acres, and erecting thereon suitable buildings, to be used as town or public halls, the whole to be used by said corporation for the purposes of mutual profit ; which corporation shall keep its principal office or place of business at the town of Elm Grove, in the county of Ohio, and state of West Virginia, aforesaid, and is to expire on the seventeenth day of March, A. D. eighteen hundred and ninety-six.

And for the purpose of forming the said corporation we have sub-

scribed the sum of four hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of forty 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 Barnard Shanley, of Elm Grove, Ohio county, West Virginia, two shares;

W. H. Waddle, Elm Grove, Ohio county, West Virginia, two shares;

Taylor Foreman, Triadelphia, Ohio county, West Virginia, two shares;

Wm. A. Cracraft, Elm Grove, said county and state, two shares;

E. E. Post, Elm Grove, said county, one share;

E. M. Atkinson, of said county and state, two shares;

Charles Deiters, two shares;

G. W. Kennedy, two shares;

E. G. Cracraft, one share; the last three residing in the city of Wheeling, and 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 seventeenth day of March, A. D. eighteen hundred and seventy-six.

BARNARD SHANLEY,	[SEAL.]
W. H. WADDLE,	[SEAL.]
TAYLOR FOREMAN,	[SEAL.]
WM. A. CRACRAFT,	[SEAL.]
E. E. POST,	[SEAL.]
E. M. ATKINSON,	[SEAL.]
CHAS. H. DEITERS,	[SEAL.]
G. W. KENNEDY,	[SEAL.]
E. G. CRACRAFT.	[SEAL.]

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the seventeenth day of March, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state,
[G. S.] at the city of Wheeling, this eighteenth day of April, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE COMBINATION TRUST COMPANY.

I, Charles Hedrick, 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 under and in pursuance of the code, chapter fifty-four, of the laws of eighteen hundred and sixty-eight, of West Virginia, by the name of "The Combination Trust Company," for the purpose of carrying on a general manufacturing and trust business, and especially to manipulate, handle and transport iron and steel and make and convert the same into merchant bars and other objects of utility and commerce composed of iron and steel and combined iron and steel, and to vend the same; to act as trustee and agent for individuals, firms and corporations, public and private, receiving moneys, stocks, bonds and other property in trust for them, collecting moneys, royalties and revenues and disbursing the same, and generally having all the rights and powers, privileges and franchises incident to and granted to similar corporations organized under the laws of West Virginia; which corporation shall keep its principal office and place of business at the city of Philadelphia, state of Pennsylvania, with a branch office at New York City, New York, and a branch office at Washington City, District of Columbia, and is to expire on the first day of January, A. D. eighteen hundred and ninety-six.

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 five hundred 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 Henry Cummins, of New York City, New York, one share, (\$100);

By J. Timberlake Sneed, of Camden, New Jersey, one share, (\$100);

By Matthew B. Brady, of New York City, New York, one share, (\$100);

By John T. M. Orendorf, of Montgomery county, Maryland, one share, (\$100);

By John H. Rice, of Bangor, Maine, one share, (\$100.)

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this fifteenth day of April, A. D. eighteen hundred and seventy-six.

H. CUMMINS,
J. T. SNEAD,
M. B. BRADY,
JNO. T. M. ORENDORF,
JOHN H. RICE.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this seventeenth day of April, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE PARKERSBURG TRANSPORTATION COMPANY.

I, Charles Hedrick, 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 Transportation Company," for the purpose of purchasing one or more steamboats, barges, etc., and running and navigating the same, to carry freight and passengers from any and all points on the Ohio river or its tributaries to any and all points on said river and its tributaries, and more especially from Parkersburg, in the state of West Virginia, to Ravenswood, in the said state of West Virginia; and to tow boats and barges between said points or any points on the Ohio river and its tributaries; which corporation shall have its principal office or place of business at Belleville, in the county of Wood, in the state of West Virginia, and is to expire on the first day of April, eighteen hundred and ninety-six.

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 whole of said stock, by putting into said company the steamer "M. S. Thanhauser," owned by the corporators herein, and desire the privilege of increasing the capital, by sales of additional shares from time to time, to the sum of twenty 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:

Selden Humphrey, who resides at Belleville, Wood county, West Virginia, holds fourteen shares;

Morris Humphrey, who resides at Belleville, Wood county, West Va., holds ten shares;

Charles S. Humphrey, who resides at Belleville, Wood county, West Va., holds five shares;

Edwin J. Humphrey, who resides at Belleville, Wood county, West Va., holds five shares;

James H. Owings, who resides at Reedsville, Meigs county, Ohio, holds five shares;

Dudley F. Fields, who resides at Reedsville, Meigs county, Ohio, holds one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our bands, this twenty-sixth day of April, eighteen hundred and seventy-six.

SELDEN HUMPHREY,
MORRIS HUMPHREY,
C. S. HUMPHREY,
EDWIN J. HUMPHREY,
JAS. H. OWINGS,
DUDLEY F. FIELDS.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-seventh day of April, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE TAYLOR COUNTY COAL COMPANY.

I, Charles Hedrick, 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 Taylor County Coal Company," for the purpose of buying and leasing land for coal purposes, mining and shipping coal and selling the same; erecting buildings and fixtures for miners and employes, and for such other purposes as may be required to fully carry into effect the main purposes for which this corporation is being formed, viz: the mining, shipping and selling of coal; which corporation shall keep its principal office or place of business at the city of Philadelphia, in the county of Philadelphia, in the state of Pennsylvania, and is to expire on the first day of April, eighteen hundred and ninety-six.

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 subscription the sum of five 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 one hundred dol-

lars each, which are held by undersigned, respectively, as follows, that is to say :

George B. Markle, of Philadelphia, one share ;
 J. Gillingham Fell, of Philadelphia, one share ;
 Francis C. Yarnall, of Philadelphia, one share ;
 A. S. Letchworth, of Philadelphia, one share ;
 Charles Hartshorne, of Philadelphia, one share ;
 Richard H. Chinn, of Washington, District of Columbia, one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this fourth day of April, A. D. eighteen hundred and seventy-six.

G. B. MARKLE,
 J. G. FELL,
 F. C. YARNALL,
 A. S. LETCHWORTH,
 CHARLES HARTSHORNE,
 RICHARD H. CHINN.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this first day of May, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

SMITH AND COMPANY.

I, Charles Hedrick, 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 "Smith and Company," for the purpose of manufacturing, bottling, vending and selling ale, beer, porter and malt, and doing a general brewing and malting business, which corporation shall keep its office or principal place of business at Wheeling, Ohio county, West Virginia, and is to expire on the first day of October, A. D. eighteen hundred and eighty-six.

And for the purpose of forming said corporation, we have subscribed the sum of sixteen hundred and fifty dollars to the capital

stock thereof, and have paid in on said subscription the sum of sixteen hundred dollars, and desire the privilege of increasing said capital, by sales of additional shares, from time to time, to twelve thousand dollars in all.

The capital so subscribed is divided into thirty-three shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say:

Alfred E. Smith, of Wheeling, W. Va., one share, fifty dollars;

Virginia B. Smith, of Wheeling, W. Va., one share, fifty dollars;

John Barton, Pittsburgh, Pa., twenty shares, one thousand dollars;

Ada B. Stevenson, of Allegheny City, Pa., ten shares, five hundred dollars;

A. K. Stevenson, of Allegheny City, Pa., one share, fifty dollars.

And the capital hereafter subscribed is to be divided into shares of like amount.

Given under our hands, this second day of June, A. D. eighteen hundred and seventy-six.

JOHN BARTON,
ADA B. STEVENSON,
V. B. SMITH,
ALFRED E. SMITH,
A. K. STEVENSON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of October, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this fifth day of June, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

PATRONS' EXCHANGE AND TRUST ASSOCIATION.

I, Charles Hedrick, 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 "Patrons' Exchange and Trust Association," for the purpose of buying, selling, storing and exchanging all kinds of produce, lumber, medicines, agricultural implements and stock, and everything used or produced by the farmer, mechanic and manufacturer, for keeping on

deposit and loaning money and transacting all kinds of business of use or needful to the farmer; which corporation shall keep its principal office for the present at Point Mills, Ohio county, with privilege of changing the principal office or establishing branch offices at any other place that may be deemed best by the association, in Ohio county, and is to expire on the first day of June, eighteen hundred and ninety-six.

And for the purpose of forming the said corporation we have subscribed the sum of one thousand one hundred and ninety dollars, and have paid in on said subscription the sum of eight hundred and forty-six 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 ten dollars each, which are held by the undersigned, respectively, as follows, that is to say, by

P. Whitham, Valley Grove, Ohio county, W. Va., five shares;
 John Faris, Valley Grove, Ohio county, W. Va., five shares;
 N. S. Whitecotton, Valley Grove, Ohio county, W. Va., two shares;
 John C. Faris, Valley Grove, Ohio county, W. Va., five shares;
 Wm. Pollock, Valley Grove, Ohio county, W. Va., five shares;
 Levi Fenton, Valley Grove, Ohio county, W. Va., one share;
 John F. Hanna, Valley Grove, Ohio county, W. Va., one share;
 Edward Ray, Roney's Point, Ohio county, W. Va., five shares;
 Jas. H. McConnell, Roney's Point, Ohio county, W. Va., one share;
 Wm. Gaston, Roney's Point, Ohio county, W. Va., ten shares;
 George Muldoon, Roney's Point, Ohio county, W. Va., three shares;
 Samuel McConnell, Roney's Point, Ohio county, W. Va., five shares;
 James Gray, Roney's Point, Ohio county, W. Va., five shares;
 John Johnson, Roney's Point, Ohio county, W. Va., five shares;
 Alfred Kimmins, Elm Grove, Ohio county, W. Va., five shares;
 Ernest Stevens, Roney's Point, Ohio county, W. Va., two shares;
 John Buchanan, Elm Grove, Ohio county, W. Va., one share;
 Edward McConnell, Roney's Point, Ohio county, W. Va., ten shares;
 Wm. Buchanan, Dallas, Marshall county, W. Va., ten shares;
 Margaret McConnell, Roney's Point, Ohio county, W. Va., one share;
 Hettie McConnell, Roney's Point, Ohio county, W. Va., seven shares;
 James Creighton, Roney's Point, Ohio county, W. Va., five shares;
 Geo. Buchanan, Elm Grove, Ohio county, W. Va., one share;
 Wm. Eimer, Roney's Point, Ohio county, W. Va., one share;
 M. J. Whitham, Valley Grove, Ohio county, W. Va., one share;
 Carrie Whitham, Valley Grove, Ohio county, W. Va., one share;
 Chester G. Whitham, Valley Grove, Ohio county, W. Va., one share;
 F. P. Sisson, Roney's Point, Ohio county, W. Va., three shares;
 J. M. Carson, West Alexander, Washington county, Pa., one share;
 J. M. Pollock, West Alexander, Washington county, Pa., ten shares;
 Clarence E. Seabright, Roney's Point, Ohio county, W. Va., one share.

And the capital hereafter sold is to be divided into shares of like amount.

Given under our hands, this twentieth day of May, eighteen hundred and seventy-six.

P. WHITHAM,
 JOHN BUCHANAN,
 JAMES CREIGHTON,
 SAMUEL McCONNELL,
 EDWARD RAY,
 JAMES GRAY,
 JAMES H. McCONN,
 J. M. POLLOCK,
 N. S. WHITECOTTON,
 JOHN JOHNSON,
 ERNEST STEVEN,
 EDWARD McCONNELL,
 WILLIAM BUCHANAN,
 MARGRET McCONNELL,
 HETTIE McCONNELL,
 GEORGE BUCHANAN,
 JOHN C. FARIS,
 JOHN FARIS,
 J. M. CARSON,
 M. J. WHITHAM,
 WM. POLLOCK,
 JOHN L. HANNA,
 CHESTER G. WHITHAM,
 CARRIE WHITHAM,
 GEORGE MULDOON,
 WM. EIMER,
 WM. GASTON,
 ALFRED KIMMINS,
 CLARENCE E. SEABRIGHT,
 F. P. SISSON,
 LEVI LINTON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of June, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this twenty-sixth day of June,
 eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

GERMANIA CLUB.

I Charles Hedrick, 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 "Germania Club," for the purpose of social enjoyment, reading, conversation, and mental cultivation; which corporation shall keep its principal office or place of meeting at the city of Charleston, in the county of Kanawha, and is to expire on the first day of July, A. D. eighteen hundred and ninety.

And for the purpose of forming the said corporation we have subscribed the sum of twenty-five dollars to the capital thereof, and have paid in on said subscription the sum of twenty-five dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to fifteen hundred dollars in all.

The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned, respectively, as follows, that is to say:

Jacob Haberer, one share;
Simon Burke, one share;
A. W. Flach, one share;
Joseph Bonhert, one share;
Fredrick Miller, one share.

All of Kanawha county, West Virginia.

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 July, eighteen hundred and seventy-six.

JACOB HABERER,	{SEAL.}
SIMON BURKE,	{SEAL.}
A. W. FLACH,	{SEAL.}
JOSEPH BONHERT,	{SEAL.}
FRED. MILLER,	{SEAL.}

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of July, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this tenth day of July, eighteen hundred seventy-six.

C. HEDRICK,
Secretary of the State.

SOUTH BRANCH IRON, LAND AND TIMBER COMPANY.

I, Charles Hedrick, secretary of the state 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

"South Branch Iron, Land and Timber Company, of West Virginia," for the purpose of holding real estate in the counties of Hardy, Grant and Pendleton, West Virginia, and of selling and disposing of the same, and for the purpose of mining, digging, or otherwise obtaining from the earth, iron, or other ores, and limestones and coal and transporting and vending or manufacturing the same, and also for the purpose of cutting, sawing, vending and transporting lumber, and manufacturing and disposing of the products thereof; the mining and other aforesaid operations of the said corporation are to be conducted and carried on upon the lands of the company in said counties. The said corporation shall keep its office or principal place of business in the town of Moorefield, Hardy county, West Virginia, and the said corporation is to expire on the first day of May, eighteen hundred and ninety-six.

For the purpose of forming the said corporation we have subscribed the sum of seventy thousand dollars to the capital thereof, and have paid in on said subscription the full sum of seventy thousand dollars, in real estate, which it has been agreed by and between us shall be accepted in full of said subscription, and desire the privilege of increasing said capital, by sales of additional shares from time to time, to the amount of five hundred thousand dollars in all.

The capital so subscribed is divided into shares of the par value of one hundred dollars each and is held by the undersigned, as follows :

Daniel R. McNeill, Hardy county, West Virginia, two hundred shares;

Samuel A. McMechen, Moorefield, West Virginia, one hundred shares;

Henry L. Hoover, Moorefield, West Virginia, one hundred shares;

Homer S. Carr, Moorefield, West Virginia, one hundred shares;

William Fisher, Hardy county, West Virginia, one hundred shares;

Robert White, Romney, West Virginia, one hundred shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this eighth day of May, eighteen hundred and seventy-six.

DANIEL R. MCNEILL,
S. A. McMECHEN,
ROBERT WHITE,
H. L. HOOVER,
H. S. CARR.
WILLIAM FISHER.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of May, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the the city of Wheeling, this twenty-fourth day of July,
eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

CLIFTON NAIL COMPANY.

I, Charles Hedrick, 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 "Clifton Nail Company," for the purpose of manufacturing iron and nails; for making kegs or other packages for the products; to transport the same to market and to sell it; to engage in the business of general merchandizing, and to do all things necessary or convenient to the conduct of the business above mentioned, or usually connected therewith; which corporation shall keep its principal office or place of business at Clifton, in the county of Mason, and is to expire on the fifth day of May, eighteen hundred and ninety-six.

And for the purpose of forming the said corporation, we have subscribed the sum of one hundred thousand dollars to the capital thereof, and paid in on said subscriptions the sum of one hundred thousand dollars, and desire the privilege of increasing the said capital, 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 H. H. Swallow, of Clifton, W. Va., three hundred shares;

By William P. Rathburn, of Chattanooga, Tenn., two hundred and fifty shares;

By George E. Downing, of Clifton, W. Va., two hundred shares;

By H. G. Daniel, of Pomeroy, Ohio, one hundred and twenty-five shares;

And by George W. Plantz, of Clifton, W. Va., one hundred and twenty-five 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 May, A. D. eighteen hundred and seventy-six.

H. H. SWALLOW,
WM. P. RATHBURN,
GEO. E. DOWNING,
H. G. DANIEL,
GEO. W. PLANTZ.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the fifth day of May, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this seventh day of August, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

POINT PLEASANT MACHINE WORKS.

I, Charles Hedrick, 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 "Point Pleasant Machine Works," for the purpose of carrying on a foundry and machine shop, and doing all manner of work and business usually done in connection therewith; which corporation shall keep its principal office or place of business at Point Pleasant, in the county of Mason, and is to expire on the twenty-seventh day of October, eighteen hundred and ninety-six.

And for the purpose of forming the said corporation we have subscribed the sum of nine thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of nine thousand 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

Wm. J. Kallam, Point Pleasant, W. Va., twenty-nine shares;

Wm. H. Smith, Point Pleasant, W. Va., twenty-one shares;

Theodore Moore, Point Pleasant, W. Va., twenty-one shares;

James Karrack, Point Pleasant, W. Va., fourteen shares;

S. E. McKnight, Point Pleasant, W. Va., 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-seventh day of October, eighteen hundred and seventy-six.

W. J. KALLAM,
W. H. SMITH,
THEODORE MOORE,
JAMES KARRACK,
SAMUEL E. MCKNIGHT.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this day until the twenty-seventh day of October, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this first day of November, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

THE STRANGE CREEK IRON COMPANY.

I, Charles Hedrick, 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 Strange Creek Iron Company," for the purpose of the manufacture of pig iron; which company shall keep its principal office or place of business at Strange Creek, Braxton county, and is to expire on the first day of January, eighteen hundred and ninety-six.

And for the purpose of forming the said corporation we have subscribed the sum of forty thousand dollars to the capital thereof, and have paid in on said subscription the sum of thirty-five thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to eighty 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 Jesse S. Savage, ten shares;
 By William A. Savage, ten shares;
 By William L. Corley, two shares;
 By Charles Frame, one share;
 By Marshall T. Frame, fifty-seven shares.

All of said parties, corporators, being residents of Braxton county, West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fifteenth day of November, eighteen hundred and seventy-six.

JESSE S. SAVAGE,
 W. A. SAVAGE,
 W. L. CORLEY,
 CHARLES FRAME,
 MARSHALL T. FRAME.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this twenty-seventh day of November, eighteen hundred and seventy-six.

C. HEDRICK,
 Secretary of the State.

BRAXTON IRON COMPANY.

I, Charles Hedrick, 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 "Braxton Iron Company," for the purpose of renting the Strange Creek cold blast iron furnace and for mining and manufacturing pig iron and merchandising, which corporation shall keep its principal office or place of business at Strange Creek, Braxton county, West Virginia, and is to expire on the first day of January, eighteen hundred and ninety-six.

And for the purpose of forming 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 six hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to fifteen 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 Jesse S. Savage, fifteen shares ;
 By Pierson B. Adams, ten shares ;
 By John Adams, five shares ;
 By Charles Frame, four shares ;
 By Marshall T. Frame, twenty-six shares.

All of said parties, corporators, being residents of Braxton county, West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this thirtieth day of November, eighteen hundred and seventy-six.

JESSE S. SAVAGE,
 P. B. ADAMS,
 JOHN ADAMS,
 CHARLES FRAME,
 M. T. FRAME.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-six, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this twenty-second day of December,
 eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

SNOW HILL SALT COMPANY.

I, Charles Hedrick, 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 "Snow Hill Salt Company," for the purpose of buying or leasing salt and coal property, mining, shipping and selling coal, manufacturing, shipping and selling salt, soda ash, bromine, and other chemical products, from brines and bitterns, the manufacture, use and sale of barrels and boats, the running of steam boats and barges, for freighting, towing and other business; the purchase and sale of goods and supplies, and for such other operations as may be necessary to the economical and successful working of the enterprises named, which corporation shall have its principal office or place of business at Charleston, in the county of Kanawha, West Virginia, and it is to expire on the first day of September, eighteen hundred and ninety-six.

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 subscription the sum of five hundred dollars, and desire the privilege of increasing said capital by sales of additional shares from time to time to fifty thousand in all.

The capital so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say:

By Mordecia Levi, of the city of Charleston, West Virginia, one share;

By Richard Channing M. Lovell, of Covington, Kentucky, one share;

By Philipp W. Morgan, of Charleston, West Virginia, one share;

By William A. Quarrier, of Charleston, West Virginia, one share;

By John P. Hale, of Charleston, West Virginia, 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-fifth day of October, eighteen hundred and seventy-six.

R. C. M. LOVELL,
WM. A. QUARRIER,
J. P. HALE,
P. W. MORGAN,
MORDECIA LEVI.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of September, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city Wheeling, this thirtieth day of December, eighteen hundred and seventy-six.

C. HEDRICK,
Secretary of the State.

BROWNSTOWN C. C. COMPANY.

I, Charles Hedrick, 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 "Brownstown C. C. Company," for the purpose of buying and selling, leasing and sub-leasing, coal, timber and other lands, mining, transporting and selling coal; constructing, owning, possessing, occupying, using, leasing, renting, hiring, buying, chartering and disposing of inclines, tramways, coal cars, wagons, mules, horses, oxen, barges, steamboats and other fixtures and other things convenient and necessary to the successful operation of a general coal-mining business, carrying on a general merchandise business, including buying, selling, bartering and exchanging, by wholesale and retail, dry goods, groceries, hardware, lumber, timber, manufactured articles and whatever else may be presented by way of legitimate trade; which corporation shall keep its principal office or place of business at Brownstown, in the county of Kanawha, and is to expire on the twenty-fifth day of December, eighteen hundred and ninety-six.

And for the purpose of forming the said corporation we have subscribed the sum of forty-six hundred dollars to the capital thereof, and have paid in on said subscription the sum of four thousand dollars; and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to sixty thousand dollars in all.

The capital so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say, by

Nathaniel English, of Kanawha Salines, West Virginia, fifteen shares;

Layton Williams, of Kanawha Salines, West Virginia, fifteen shares;

Elijah Rooke, of Kanawha Salines, West Virginia, seven and one-half shares;

J. H. Norton, of Kanawha Salines, West Virginia, seven and one-half shares;

M. Norton, of Kanawha, West Virginia, one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this eighteenth day of December, eighteen hundred and seventy-six.

NATH. ENGLISH,
L. WILLIAMS,
E. ROOKE,
J. H. NORTON,
M. NORTON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-fifth day of December,

eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this second day of January, eighteen hundred and seventy seven.

C. HEDRICK,
Secretary of the State.

WEST VIRGINIA LUBRICATING OIL COMPANY.

I. Charles Hedrick, 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 Lubricating Oil Company," for the purpose of mining and producing petroleum oil, manufacturing and preparing the same and its products for market, and buying and selling the same and doing a general merchandise business; which corporation shall keep its principal office or place of business at the city of Parkersburg, Wood county, state of West Virginia, and is to expire on the twenty-sixth day of December, eighteen hundred and ninety-six.

And for the purpose of forming the said corporation we have subscribed the sum of fifty thousand dollars to the capital thereof, and have paid in on said subscription the sum of five thousand 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Johnson N. Camden, one hundred and fifty shares;

William C. Stiles, jr., one hundred shares;

John A. Steel, one hundred shares;

David E. Steel, ten shares;

Wm. P. Thompson, one hundred and forty shares.

All residents of the county and state aforesaid.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-sixth day of December, A. D. eighteen hundred and seventy-six.

JOHNSON N. CAMDEN,

WM. C. STILES, JR.,

JOHN A. STEEL,

DAVID E. STEEL,

By John A. Steel, his attorney in fact.

W. P. THOMPSON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby

declared to be, from this date until the twenty-sixth day of December, eighteen hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this fifth day of January eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

WESTERN TELEGRAPH COMPANY.

I, Charles Hedrick, secretary of the state of West Virginia, do hereby certify that the Western Telegraph Company, incorporated by an act of the legislature of the state of Maryland, this day filed with me in my office, a properly authenticated copy of said act, being the law and authority under which said company is incorporated; and I further certify that it appears by a resolution of the stockholders of said company, passed the twenty-eighth of December, eighteen hundred and seventy-six, by a majority vote of more than two-thirds, and duly certified to me by the president thereof, under his hand and the seal of said company, and filed in my office, that the said company has no other articles of association than such as are embraced in said act.

Done and given under and in pursuance of section thirty of chapter fifty-three of the act of the legislature of West Virginia, approved December twenty-first, eighteen hundred and seventy-five.

[G. S.] In witness whereof, I have hereunto set my hand and affixed the great seal of said state of West Virginia, at the city of Wheeling, the eighth day of January, eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

WHEELING STOCK YARD COMPANY.

I, Charles Hedrick, 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 "Wheeling Stock Yard Company," for the purpose of buying and selling cattle, hogs, sheep and other stock; keeping and feeding stock for drovers and others, and for furnishing lodging and boarding for butchers and others; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, in the state of

West Virginia, and is to expire on the ninth day of January, A. D. eighteen hundred and ninety-seven.

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 four hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to twenty 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:

Frederick Schenk, sixteen shares;
 D. C. List, jr., sixteen shares;
 Otto Hess, sixteen shares;
 Charles Loeffler, sixteen shares;
 Leopold Ackerman, sixteen shares.

All of the county of Ohio, in the state of West Virginia.

And the capital hereafter sold is to be divided into shares of like amount.

Given under our hands, this ninth day of January, A. D. eighteen hundred seventy-seven.

FREDERICK SCHENK,
 D. C. LIST, JR.,
 OTTO HESS,
 CHARLES LOEFFLER,
 LEOPOLD ACKERMAN.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the ninth day of January, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this tenth day of January, eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

SWEETSER OIL COMPANY.

I, Charles Hedrick, 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 decomp a corporation by the name of the "Sweetser Oil Company," for the purpose of mining for and producing petroleum oils; buying, selling and refining petroleum oils and the products thereof; owning and operating refineries; transporting oil in cars; pipes and barges; manufacturing barrels and purchasing and selling all materials necessary therefor, and doing a general man-

ufacturing and mercantile business; which corporation shall keep its principal office and place of business in the district of Tygart, Wood county, and state of West Virginia, and is to expire on the twenty-seventh day of January, A. D. eighteen hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of twenty-five thousand dollars, and have paid in on said subscriptions the sum of twenty-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 divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

Moses Sweetser, Parkersburg, W. Va., one hundred and forty-eight shares;

George Merrell, Newburyport, Mass., fifty shares;

John Cook, Wood county, W. Va., fifty shares;

Wellington Backus, Volcano, W. Va., one share;

J. P. Tracewell, Wood county, W. Va., one share.

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 January, A. D. eighteen hundred and seventy-seven.

MOSES SWEETSER,
GEORGE MERRILL,
JOHN COOK,
WELLINGTON BACKUS,
J. P. TRACEWELL.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-seventh day of January eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this first day of February, eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

BUFFALO CREEK COAL COMPANY.

I, Charles Hedrick, 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 "Buffalo Creek Coal Company," for the purpose of mining, manufacture and sale of coal, iron, lime and other materials, at Summit township, county of Somerset, state of Pennsylvania; which corporation

shall keep its principal office or place of business at Washington City, District of Columbia, and is to expire on the first day of January, eighteen hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of two hundred thousand dollars to the capital thereof, and have paid it in full, and desire the privilege of increasing 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 :

Joseph C. Ramsey, five hundred shares ;
 Silas L. Loomis, one thousand shares ;
 L. Charles Loomis, four hundred shares ;
 A. G. M. Prevost, fifty shares ;
 Richard A. Shekell, fifty shares.

All of the city of Washington, District of Columbia, excepting R. A. Shekell, of Rockville, Md.

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 January, eighteen hundred and seventy-seven.

SILAS L. LOOMIS,	[L. S.]
L. C. LOOMIS,	[L. S.]
A. G. M. PREVOST,	[L. S.]
R. A. SHEKELL,	[L. S.]
J. C. RAMSEY,	[L. S.]

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city Wheeling, this third day of February, eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

THE SAINT RONAN'S OIL COMPANY.

I, Charles Hedrick, 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 Saint Ronan's Oil Company," for the purpose of producing natural oils, and transporting, refining and marketing the same ; which corporation shall keep its principal office or place of business at Park-

ersburg, in the county of Wood, state of West Virginia, and is to expire on the twenty-fifth day of January, eighteen hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of forty thousand dollars to the capital thereof, and have paid in on said subscription the sum of four thousand dollars, and desire the privilege of increasing the said capital, by sale of additional shares from time to time, to one 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 R. H. Thomas, of Parkersburg, Wood county, W. Va., one hundred shares ;

By E. H. Moore, of Athens, Athens county, Ohio, one hundred shares ;

By C. K. Leonard, of Marietta, Washington county, Ohio, one hundred shares ;

By James Patterson, of Volcano, Wood county, W. Va., fifty shares ;

And by T. H. Sheldon, of Athens, Athens county, Ohio, 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 seventy-seven.

R. H. THOMAS,
E. H. MOORE,
C. K. LEONARD,
JAMES PATTERSON,
T. H. SHELDON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-fifth day of January, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this twelfth day of February,
eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

McKIM MANUFACTURING COMPANY.

I, Charles Hedrick, 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 "McKim Manufacturing Company," for the purpose of manufactur-

ing kegs, measures and other vessels and ware of iron or wood; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the twelfth day of February, eighteen hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid in on said subscriptions 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 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:

George W. McKim, of Martin's Ferry, O., twenty shares.

John F. Budke, of Allegheny, Pa., one share.

Wm. Row, of Richmond, Va., five shares.

Nelson E. Whitaker, of Wheeling, W. Va., one hundred and sixty-seven shares.

Wm. Sanders, of Wheeling, W. Va., five shares.

Edwin C. Ewing, of Wheeling, W. Va., two shares.

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 February, eighteen hundred and seventy-seven.

GEORGE W. MCKIM.

JOHN F. BUDKE.

WILLIAM ROW.

NELSON E. WHITAKER.

Wm. ^{his} SANDERS.

EDWIN C. EWING.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this day until the twelfth day of February, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this thirteenth day of February,
eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

GRAFTON GAS COMPANY.

I, Charles Hedrick, secretary of the state 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

"Grafton Gas Company," for the purpose of purchasing, building, constructing and establishing gas works in the town of Grafton, Taylor county, state of West Virginia; also to manufacture, supply and sell gas for the purpose of lighting and illuminating all the streets, squares, houses, grounds and alleys, public and private, in said town of Grafton, and also in the town of West Grafton; and for the purpose of manufacturing and vending coal, and for all such other business as a gas company may do; and for acquiring and holding such real estate as may be necessary for the purposes of said business; which corporation shall have its principal office or place of business at Grafton in the county of Taylor, and shall expire on the twenty-fourth day of February, eighteen hundred and ninety-seven.

And for the purpose of forming said corporation we have subscribed the sum of two thousand three hundred dollars to the capital thereof, and have paid in on said subscription the sum of two hundred and thirty 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 one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say:

Joseph Miller, of Grafton, W. Va., ten (10) shares;
 John W. Mason, of Grafton, W. Va., ten (10) shares;
 Abel H. Thayer, of Grafton, W. Va., one (1) share;
 Leonard Mallonee, of Grafton, W. Va., one (1) share;
 George Brinkman, of Grafton, W. Va., one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands and seals, this twentieth day of February, eighteen hundred and seventy-seven.

JOSEPH MILLER,	[SEAL.]
JOHN W. MASON,	[SEAL.]
ABEL H. THAYER,	[SEAL.]
LEONARD MALLONEE,	[SEAL.]
GEORGE BRINKMAN,	[SEAL.]

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-fourth day of February, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of February, eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

NOVELTY MILL COMPANY.

I. Charles Hedrick, 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 "Novelty Mill Company," for the purpose of manufacturing flour, feed, meal, and other products from wheat, corn, rye, oats and other grains, and for the purpose of buying and selling such products, grain and hay; which corporation shall keep its principal office or place of business in the city of Parkersburg, in the county of Wood, and state of West Virginia; and is to expire on the twenty-second day of February, in the year eighteen hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of twenty-four thousand dollars to the capital stock thereof, and have paid in on said subscriptions the sum of twelve thousand dollars; and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to the sum of 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:

Charles H. Shattuck, thirty shares;
 H. H. Moss, thirty shares;
 R. T. Skinner, thirty shares;
 W. P. Thompson, thirty shares;
 George W. Thompson, thirty shares;
 Henry C. Jackson, thirty shares;
 James M. Jackson, Jr., thirty shares;
 W. Vrooman, thirty shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-second day of February eighteen hundred and seventy-seven.

C. H. SHATTUCK,
 H. H. MOSS,
 R. T. SKINNER,
 W. P. THOMPSON,
 GEO. W. THOMPSON,
 H. C. JACKSON,
 J. M. JACKSON, JR.,
 W. VROOMAN.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-second day of February, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this twenty-sixth day of February,
 eighteen hundred and seventy-seven.

C. HEDRICK,
Secretary of the State.

THE PRODUCERS' LUBRICATING OIL COMPANY.

I, Sobieski Brady, 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 Producers' Lubricating Oil Company, of West Virginia," for the purpose of mining for and producing petroleum oils, buying, selling and dealing in, and storing, treating, refining, barreling and shipping petroleum oils and the products thereof, and doing a general manufacturing and mercantile business; which corporation shall keep its principal office and place of business at Volcano, in the county of Wood and state of West Virginia, and is to expire on the first day of March, A. D. eighteen hundred and ninety-seven.

For the purpose of forming said corporation we have subscribed the sum of ten thousand dollars, and have paid in on our said subscription the sum of fifteen 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

E. Rossman, Parkersburg, W. Va., ten shares;
 Moses Sweetser, Parkersburg, W. Va., twenty shares;
 A. B. Graham, Volcano, W. Va., ten shares;
 Wm. H. Bachtell, Volcano, W. Va., ten shares;
 John Schafer, Volcano, W. Va., ten shares;
 S. P. Schilling, Volcano, W. Va., ten shares;
 George Merrill, Newburyport, Mass., ten shares;
 Abram Smith, Volcano, W. Va., ten shares;
 Henry Wright, Volcano, W. Va., ten 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 March, A. D. eighteen hundred and seventy-seven.

E. ROSSMAN,
 MOSES SWEETSER,
 GEO. MERRILL,
 W. H. BACHTELL,
 A. B. GRAHAM,
 ABRAM SMITH,
 JOHN SCHAFER,
 HENRY WRIGHT,
 S. P. SCHILLING.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of March, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this eighth day of March, eighteen hundred and seventy-seven.

S. BRADY,
Secretary of the State.

STANDARD BASE BALL CLUB.

I, Sobieski Brady, 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 "Standard Base Ball Club," for the purpose of establishing a base ball ground for exercise and promotion of health, which corporation shall keep its principal buildings and places of exercise in the city of Wheeling, Ohio county, and is to expire on March fifth, eighteen hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of one hundred and ten dollars to the capital thereof, and have paid in on said subscription the sum of eleven 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:

B. F. Vennum, five shares;
Chas. H. Berry, one share;
Jno. Morgan, Jr., one share;
L. Woodmansee, one share;
W. B. Battelle, one share;
Ed. J. Larkin, one share;
H. E. Smith, one share.

All residents of the city of Wheeling, Ohio county, West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fifth day of March, eighteen hundred and seventy-seven.

B. F. VENNUM,
CHAS. H. BERRY,
JNO MORGAN, JR.,
L. WOODMANSEE,
W. B. BATTELLE,
ED. J. LARKIN,
H. E. SMITH.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the fifth day of March, eighteen

hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this ninth day of March, eighteen hundred and seventy-seven.

S. BRADY,
Secretary of the State.

ELECTRO-PATHIC INSTITUTE OF WEST VIRGINIA.

I, Sobieski Brady, 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 to be known by the name of the "Electro-Pathic Institute, of West Virginia," and its purpose shall be the teaching of the art of healing all chronic diseases by the use of galvanism, magnetism and other modifications of electricity in accordance with the teachings of our discovery, and to issue to all students certificates of proficiency and diplomas; said corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the first day of April, eighteen hundred and eighty-seven.

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 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 twenty dollars each, which are held by the undersigned, respectively, as follows, that is to say:

W. S. Yates, Wheeling, West Virginia, two hundred and forty-six shares;

Jacob Kemple, Wheeling, West Virginia, one share;

Jno. G. M'Lain, Wheeling, West Virginia, one share;

D. B. M'Lain, Wheeling, West Virginia, one share;

J. M. Surgison, Wheeling, West Virginia, one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this seventeenth day of March, eighteen hundred and seventy-seven.

W. S. YATES,
JNO. G. M'LAIN,
D. B. M'LAIN,
J. M. SURGISON
JACOB KEMPLE.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby

declared to be, from this date until the first day of April, eighteen hundred and eighty-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this nineteenth day of March, eighteen hundred and seventy-seven.

S. BRADY,
Secretary of the State.

KANAWHA AND GALLIPOLIS PACKET COMPANY—DIS-
SOLUTION.

CHARLESTON, W. VA., May 1st, 1876.

I, James W. Oakes, president of "Kanawha and Gallipolis Packet Company," hereby certify, that at a general meeting of the stockholders of said company, held at their office, in Charleston, W. Va., on the first day of May, eighteen hundred and seventy-six, twenty-nine shares of the capital stock, being a majority of the whole number of shares, were represented and voted for the following resolution:

That the business of the "Kanawha and Gallipolis Packet Company" be, and is hereby, discontinued from and after this day, and that the property and assets of said company, after paying all debts and liabilities, be divided among the stockholders.

Given under my hand and the common seal of said company, this first day of May, eighteen hundred and seventy-six.

J. W. OAKES, *President.*

[Common Seal of Company.]

THE WOOD COUNTY BUILDING ASSOCIATION—DISSOLU-
TION.

Notice is hereby given that on the second day of March, eighteen hundred and seventy-six, at a general meeting of the stockholders of the "Wood County Building Association," held at its principal office or place of business in the city of Parkersburg, Wood county, state of West Virginia, the following resolution was unanimously adopted, a majority of the capital being then and there represented and voting in favor thereof:

Resolved, That the board of directors of this association be directed to wind up and close the same in such manner as they may prescribe, whenever the assets are sufficient in amount to pay on each unincumbered share the sum of two hundred and seventy dollars.

Witness the hand of N. W. Marlow, president of said,
 [SEAL.] "The Wood County Building Association," and its corporate seal, this thirteenth day of April, eighteen hundred and seventy-six.

N. W. MARLOW,
Prest. W. Co. B. A.

A copy—Teste :

C. HEDRICK,
Secretary of the State.

PARKERSBURG BUILDING ASSOCIATION—DISSOLUTION.

PARKERSBURG, West Virginia, January 11th, 1877.

To the Hon. Secretary of the State of West Virginia :

SIR: At a general meeting of the stockholders of the "Parkersburg Building Association," held at the office of its secretary, in the city of Parkersburg, on the twenty-first day of December, eighteen hundred and seventy-six, the following resolution was unanimously carried:

Resolved, That the business of the corporation be discontinued and that the president thereof certify this resolution under the corporate seal of the same to the secretary of the state of West Virginia, and that due notice thereof be published for six weeks in the daily Times newspaper, of the city of Parkersburg, West Virginia.

CHARLES EPSTEIN, *President.*

A. F. LANG, *Secretary.*

[Corporate Seal.]

A Copy—Teste :

C. HEDRICK,
Secretary of the State.

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LIST OF COMMISSIONERS
AND
TIMES FOR HOLDING EACH OF THE TERMS
OF THE
Different Circuit Courts.

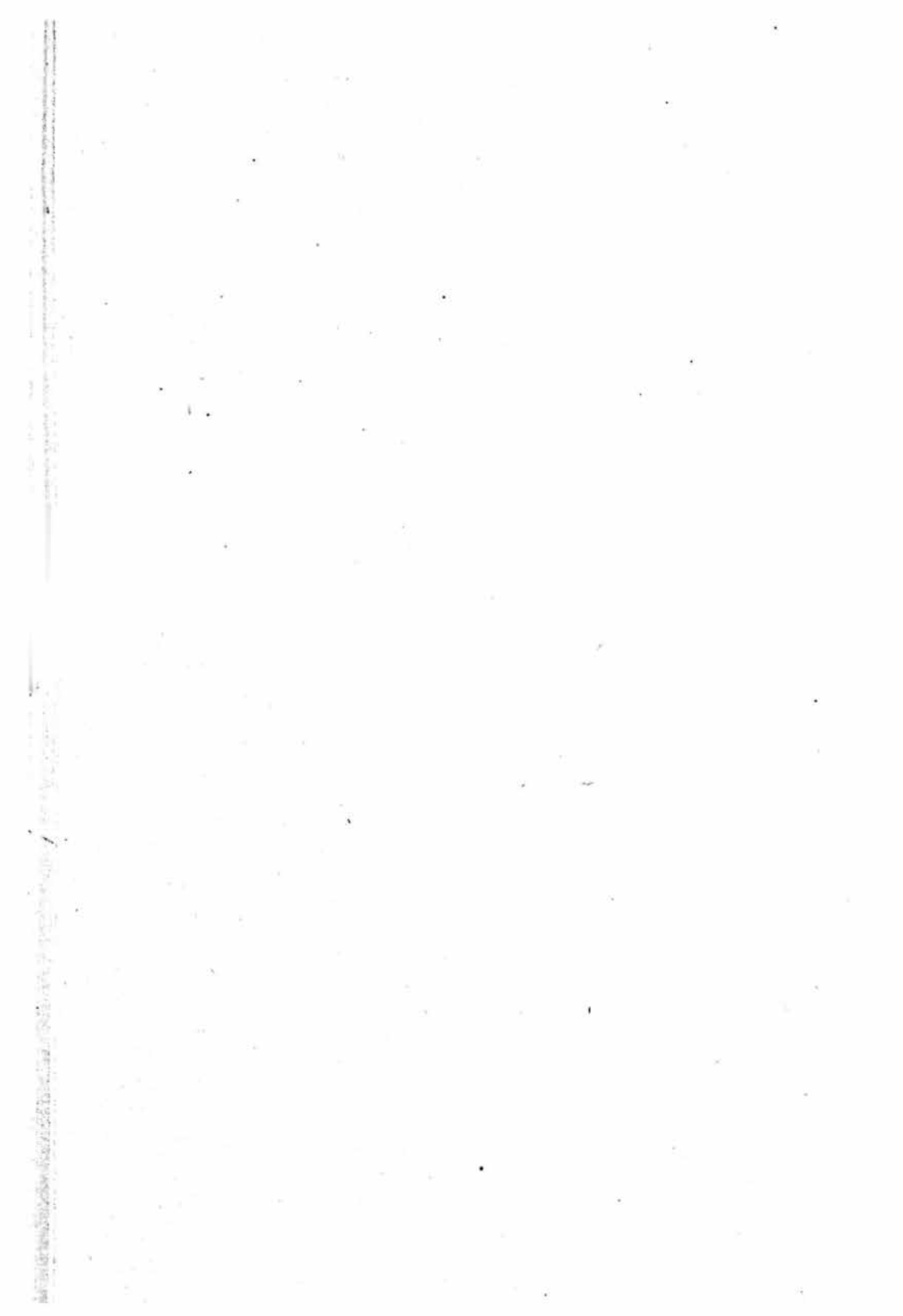
LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, from the 1st day of January, 1875, to the 31st day of December, 1876, inclusive, with the residence and date of appointment of each Commissioner; also, the date when evidence of qualification was filed. The term of Commissioner is for three years.

STATES.	Name of Commissioners.	Residence.	Date of Appointment.	When Evidence of Qualification Filed.
Pennsylvania.....	J. Paul Diver	Philadelphia.....	January 4, 1875	January 18, 1875
New York.....	Wm. C. McKean.....	New York City.....	January 9, 1875	January 27, 1875
Massachusetts.....	Ed. J. Jones.....	Boston.....	February 8, 1875	March 2, 1875
Dist. of Columbia.....	George T. Howard.....	Washington.....	February 8, 1875	March 2, 1875
New York.....	J. Wise Norton.....	New York City.....	February 15, 1875	.....
New York.....	Oli H. Holborg.....	New York City.....	February 16, 1875	.....
Louisiana.....	Alfred Ingraham	New Orleans.....	March 11, 1875	.....
New York.....	Marvin J. Merchant.....	New York City.....	March 15, 1875	.....
New York.....	George W. Browne.....	New York City.....	March 30, 1875	.....
New York.....	Wm. Edwin Osborn.....	Brooklyn	April 6, 1875	April 19, 1875
Ohio.....	Samuel S. Carpenter.....	Cincinnati.....	April 8, 1875	April 22, 1875
New York.....	Chas. W. Anderson.....	New York City.....	April 26, 1875	May 27, 1875
New York.....	George Chesebre.....	New York City.....	April 26, 1875	.....
Maryland.....	William B. Hill.....	Baltimore.....	May 14, 1875	May 26, 1875
New York.....	Horace Andrews.....	New York City.....	May 14, 1875	July 12, 1875
New York.....	J. Wise Norton.....	New York City.....	May 15, 1875	.....
California.....	William Hoskins.....	Oakland City.....	May 17, 1875	June 4, 1875
New York.....	Alex. Ostrander.....	New York City.....	May 29, 1875	June 5, 1875
Dist. of Columbia.....	A. E. L. Keese.....	Washington	June 11, 1875	July 15, 1875
Pennsylvania.....	Henry Reed.....	Philadelphia.....	June 25, 1875	July 9, 1875
Pennsylvania.....	Lewis W. Barringer	Philadelphia.....	July 24, 1875	August 27, 1875

LIST OF COMMISSIONERS—Continued.

STATES.	Name of Commissioners.	Residence.	Date of Appointment.	When Evidence of Qualification Filed.
New York.....	George W. Brown.....	New York City.....	July 28, 1875	August 2, 1875
New York.....	Joseph B. Nones.....	New York City.....	July 31, 1875	August 6, 1875
Pennsylvania.....	Walter Morris.....	Pittsburgh.....	August 28, 1875	Septem'r 6, 1875
Pennsylvania.....	Benj. F. Moore.....	Philadelphia.....	August 30, 1875	Septem'r 10, 1875
New York.....	Eleazer Jackson.....	New York City.....	September 15, 1875	October 13, 1875
Ohio.....	Howard Douglass.....	Cincinnati.....	October 11, 1875	October 29, 1875
Maryland.....	Horn. L. Emmons, Jr.....	Baltimore.....	October 16, 1875	October 25, 1875
New York.....	Wm. W. Browning.....	New York City.....	October 22, 1875	December 1, 1875
Michigan.....	Wm. J. Waterman.....	Detroit.....	October 25, 1875	November 5, 1875
Maryland.....	Henry R. Dulany.....	Baltimore.....	November 5, 1875	November 8, 1875
New York.....	Charles A. Thomson.....	Corning.....	November 22, 1875	.....
Texas.....	Benj. L. Griffith.....	Dallas.....	December 6, 1875	Decem'r 24, 1875
Maryland.....	G. Evett Reardon.....	Baltimore.....	December 6, 1875	.....
Pennsylvania.....	John McClaren.....	Pittsburgh.....	December 9, 1875	.....
Penusylvania.....	John M. Mitchel.....	Pittsburgh.....	January 6, 1876	January 13, 1876
Pennsylvania.....	Wm. H. Sterritt.....	Allegheny City.....	January 21, 1876	February 8, 1876
Kentucky.....	Harry Stucky.....	Louisville.....	February 18, 1876	February 23, 1876
Dist. of Columbia...	John C. Starkweather.....	Washington.....	February 28, 1876	.....
Now York.....	Richard M. Bruno.....	New York City.....	March 1, 1876	May 29, 1876
Marylaud.....	Joseph T. Atkinson.....	Baltimore.....	March 31, 1876	April 22, 1876
Pennsylvania.....	Samuel B. Huey.....	Philndelphla.....	April 28, 1876	.....
Maryland.....	Murry Hanson.....	Balthuore.....	August 1, 1876	August 3, 1876
New York.....	William F. Lett.....	New York City.....	August 9, 1876	September 4, 1876
Pennsylvania.....	William F. Robb.....	Pittsburgh.....	August 21, 1876	August 30, 1876
Territ'y of Arizona...	Wm. D. Southworth.....	Prescott.....	September 25, 1876	October 27, 1876
Penusylvania.....	J. Wise Norton.....	Philadelphia.....	September 29, 1876	October 16, 1876
Massachusetts.....	James B. Bell.....	Boston.....	October 6, 1876	November 1, 1876
California.....	Jay E. Russell.....	San Francisco.....	October 9, 1876	.....
New York.....	Jacob DuBols.....	New York City.....	October 9, 1876	October 18, 1876
Massachusetts.....	James W. Chapman.....	Boston.....	November 18, 1876	Decem'r 26, 1876
Missouri.....	Johu W. Hodzkin.....	St. Louis.....	November 18, 1876	.....
Peunsylvania.....	Charles Chauncey.....	Philadelphia.....	November 25, 1876	Decem'r 5, 1875
Now York.....	Harold A. Bagley.....	New York City.....	December 7, 1876	Decem'r 15, 1876
New York.....	Henry C. Banks.....	New York City.....	December 11, 1876	January 2, 1877
Illinois.....	Phillip A. Hoyne.....	Chicago.....	December 14, 1876	Decem'r 26, 1876



Times for Holding Each of the Terms

OF

THE DIFFERENT CIRCUIT COURTS.

TERMS OF CIRCUIT COURTS.



FIRST JUDICIAL CIRCUIT—THAYER MELVIN, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Brooke.....	Second Monday in March and second Monday in September.
Hancock.....	First Monday in March and first Monday in September.
Ohio.....	Third Monday in April and third Monday in October.
Marshall.....	Fourth Monday in March and fourth Monday in September.

SECOND JUDICIAL CIRCUIT—C. S. LEWIS, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Doddridge.....	Fifteenth day of May and fifteenth day of November.
Harrison.....	Thirtieth day of May and thirtieth day of November.
Marion.....	Eighteenth day of April and eighteenth day of October.
Monongalia	Fifteenth day of March and fifteenth day of September.
Taylor.....	First day of March and first day of September.
Wetzel.....	Fifth day of April and fifth day of October.

THIRD JUDICIAL CIRCUIT—JNO. BLAIR HOGE, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Berkeley.....	Second Tuesday in May and fourth Tuesday in November.
Jefferson.....	Fourth Tuesday in March and third Tuesday in October.
Morgau	First Tuesday in May and fourth Tuesday in September.

FOURTH JUDICIAL CIRCUIT—J. D. ARMSTRONG, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Grant.....	Third Tuesday in March and third Tuesday in September.
Hardy.....	First Tuesday in March and first Tuesday in September.
Mineral.....	Second Tuesday in May and second Tuesday in November.
Pendleton.....	First Tuesday in April and first Tuesday in October.
Hampshire.....	Third Tuesday in April and third Tuesday in October.

FIFTH JUDICIAL CIRCUIT—JAMES M. JACKSON, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Calhoun.....	Tuesday after the fourth Monday in May and Tuesday after the third Monday in October.
Pleasants.....	Third Monday in April and fourth Monday in November.
Ritchie.....	Fourth Monday in April and fourth Monday in October.
Tyler.....	Tuesday after the third Monday in May and Tuesday after the second Monday in November.
Wirt.....	First Monday in June and first Monday in December.
Wood.....	First Monday in March and first Monday in September.

SIXTH JUDICIAL CIRCUIT—JOHN BRANNON, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Barbour.....	Ninth day of May and ninth day of November.
Gilmer.....	Eleventh day of March and eleventh day of September.
Lewis.....	First day of March and first day of September.
Preston.....	Seventh day of April and seventh day of October.
Randolph.....	Twenty-third day of April and twenty-third day of October.
Tucker.....	Second day of May and second day of November.
Upshur.....	Twenty-second day of March and twenty-second day of November.
Webster.....	Twenty-sixth day of May and twenty-sixth day of September.

SEVENTH JUDICIAL CIRCUIT—JOSEPH SMITH, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Jackson.....	Third Monday in March and third Monday in September.
Kanawha.....	Second Monday in May and first Monday in November.
Mason.....	First Monday in April and first Monday in October.
Putnam.....	Fourth Monday in April and fourth Monday in October.
Roane.....	First Monday in March and first Monday in September.

EIGHTH JUDICIAL CIRCUIT.—HOMER A. HOLT, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Braxton.....	Eighteenth day of March and eighteenth day of August.
Clay.....	Twelfth day of March and twelfth day of August.
Fayette.....	Twenty-eighth day of March and twenty-eighth day of August.
Greenbrier.....	Twenty-fifth day of May and twenty-fifth day of October.
Nicholas.....	Fourth day of March and fourth day of August.
Pocahontas.....	First day of May and first day of October.
Monroe.....	Tenth day of May and tenth day of October.
Summers.....	Eighth day of April and eighth day of September.

NINTH JUDICIAL CIRCUIT—EVERMONT WARD, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Boone.....	Third Monday in April and third Monday in September.
Cabell.....	Third Monday in March and third Monday in August.
Lincoln.....	Second Monday in April and second Monday in September.
Logan.....	Fourth Monday in April and fourth Monday in September.
Mercer.....	Third Monday in May and third Monday in October.
McDowell.....	Second Monday in May and second Monday in October.
Raleigh.....	First Monday in June and first Monday in November.
Wayne.....	First Monday in March and first Monday in August.
Wyoming.....	First Monday in May and first Monday in October.

INDEX.

ACCOUNTS.

when circuit judges may order, to be taken in vacation, section 5, chapter 129 of code
in relation to, amended..... 129

ACKNOWLEDGEMENT OF DEEDS.

presidents of county courts may take, and other writings..... 99

ACTION FOR DAMAGES.

for injuries, etc., arising from sales of intoxicating liquors may be maintained; when,
by whom and against whom, section 16..... 144

ACTIONS.

pleadings in, on policies of insurance..... 89 to 91

ACTS OF LEGISLATURE.

Joint resolution providing for the printing and distribution of..... 198

ACTS OF GENERAL ASSEMBLY OF VIRGINIA—AMENDED.

incorporating city of Wheeling..... 27 28
Incorporating Washington Hall Association..... 32 33
section 1 of chapter 35, acts 1862-3, relating to Brooke Academy..... 99 100

ACTS OF THE LEGISLATURE—AMENDED.

sections 7 and 13 of chapter 42, acts 1872-3, relating to and providing for official bonds
and bonds taken in judicial proceedings..... 12 to 14
section 2 of chapter 117, acts 1875, entitled "an act to protect birds and game."..... 17
section 7 of chapter 123, acts 1872-3, school law..... 31 to 32
sections 7, 11, 17, 18 and 30 of chapter 39, acts 1875, relating to the city of Charleston..... 34
section 1, chapter 160, acts 1872-3, granting the right of laying a railway track on bed of
National Road..... 63
section 4 of chapter 73, acts 1875, relating to clerks of courts..... 83 84
section 128 of chapter 226, acts 1872-3, defining the jurisdiction, powers and duties of
justices..... 55 86
sections 3, 9, 16, 26 and 28, chapter 119, acts 1871, incorporating city of Huntington..... 93 to 95
section 1 of chapter 52, acts 1872, relating to school district of Spencer..... 96
sections 1, 2, 3, 4, 5, 12, 13, 30, 46, 47 and 52 of chapter 123, acts 1872-3, school law..... 103 to 112
section 2 of chapter 98, acts 1875, relating to jurisdiction and powers of courts of limited
jurisdiction..... 113 114

ACTS OF THE LEGISLATURE—AMENDED—(CONT'D).

section 32, chapter 39 of code, as amended by chapter 114, acts 1872-3, concerning the administration of county affairs.....	115 116
section 3 of chapter 80, acts 1872-3, concerning the poor.....	117
section 12 of act approved December 22, 1873: "an act to provide for opening and keeping in repair the county roads....."	119 120
section 10 of chapter 227, acts 1872-3, relating to maximum rates of charges, etc., over railroads.....	124 125
section 1 of chapter 140, acts 1872-3, relating to reports to be made to auditor by clerks of courts.....	126
section 32 of chapter 29 of code, as amended by chapter 54, acts 1875, relating to assessment of taxes.....	130
section 3 of chapter 161, acts 1872-3, concerning marriages and repealing section 4 of the same chapter.....	135 136
sections 23 and 37 of chapter 88, acts 1872-3, providing for the incorporation of associations that may be organized for the purpose of constructing railroads, etc.....	137 138
section 67 of chapter 54, acts 1875, concerning assessment of taxes on railroad companies.....	156
section 2 of chapter 95, acts 1872-3, relating to recovery of claims against the state.....	164
section 8 and 78 of chapter 123, acts 1872-3, school law.....	166 168
section 15, chapter 227, acts 1872-3, concerning transportation of passengers and freight on railroads.....	170

ACTS OF THE LEGISLATURE—REPEALED.

"act regulating sale of the property of joint stock companies under deed of trust or decree of court, and making purchaser a corporation," passed December 30, 1875.....	23
chapter 72, acts 1871, relating to adjutant general.....	45
chapter 11, acts 1869, amending the act incorporating the village of Leatherwood.....	133
section 4 of chapter 161, act 1872-3, concerning marriages.....	136
chapter 99, acts 1872-3, providing against the evil resulting from the sale of intoxicating liquors.....	139 to 151

ADJUTANT GENERAL.

chapter 18 of code in relation to, amended.....	45 47
chapter 72, acts 1871, in relation to, repealed.....	47
state librarian <i>ex-officio</i>	45
his duties, etc., as adjutant general and quarter-master general.....	45 47
his salary.....	47

AFFIDAVITS.

presidents of county courts may take.....	97
judges may swear persons to.....	115

AGRICULTURAL ASSOCIATION, WOOD COUNTY.

municipal authorities of Parkersburg authorized to purchase grounds of, for public park.....	87 to 89
--	----------

AGRICULTURAL COLLEGE, JEFFERSON COUNTY.

act donating certain public lands or land warrants to.....	72 78
--	-------

AIDS TO NAVIGATION.

willfully, etc., destroying, etc, deemed a misdemeanor and how punished.....	22 23
--	-------

ALE.

see title "beer."

ALLOWANCES.

to witnesses, code in relation to, amended.....	11
by county courts to prosecuting attorneys, sheriffs and clerks, law in relation to, amended.....	61 62
no extra compensation to be allowed, etc.....	62

AMENDMENT,

of charters of cities, towns and villages containing a population of less than two thousand, act in relation to..... 112 113

APPEALS.

from assessor, against erroneous assessment of license tax..... 148

APPEALS FROM JUDGMENT OF JUSTICES.

section 128 of chapter 226, acts 1872-3, relating to, amended..... 85 86
 within what time granted..... 85
 bond to be given..... 85
 good cause to be shown, etc., on oaths, etc..... 86

APPEALS, WRITS OF ERROR AND SUPERSEDEAS.

sections 1, 3 and 11, chapter 17, acts 1872-3, regulating, amended..... 52 53
 cases in which, may be had to supreme court of appeals..... 52
 no appeal after five years, nor to judgment of county court rendered in an appeal from judgment of justice..... 52 53
 when order of rejection final..... 53
 if petition be rejection by judge in vacation it may be presented to court in session..... 53

APPLE BRANDY.

tax for selling, by distillers in quantities of not less than five gallons..... 153
 must be carried away and not drunk on premises..... 153
 sale of less than five gallons at a time, deemed a violation..... 153

APPOINTMENT—

of certain officers by governor 16
 when to, regents West Virginia university..... 167

APPROPRIATIONS.

to furnish capitol building..... 4
 for support of state normal school and branches..... 8 9
 to pay school money to Berkeley county..... 15
 to increase supply of food fishes 29
 to pay Wm. M. Peyton for taxes erroneously assessed and paid by him..... 30 31
 to defray expenses of ascertaining boundary line between Virginia and West Virginia.. 50
 to pay members and officers of the legislature and for salaries of the officers of the government.....55 59 126 128
 to pay general charges upon the treasury..... 63 71
 to aid in procuring suitable site and buildings for permanent seat of government..... 8
 to pay Wm. Gray of Marlou county..... 85
 to pay J. S. Fairfax..... 135
 to pay personal representative of Beniah H. McCallister, deceased..... 136
 to aid in the construction of road from Helvetia, in Randolph county..... 171 172
 act relating to salary of inspectors of tobacco, etc. 100 101

ARBITRATIONS—

award to be entered as judgment, etc., of court, act amended..... 117 118
 allowance to arbitrators 118

ARMSTRONG, J. M. AND WM. S.

act for relief of, against any erroneous assessment as to certain land in 1871..... 20 21

ARTISANS.

working tools of the occupation of, exempted from forced sale, etc..... 49

ASSESSMENT OF TAXES.

section 32 of chapter 29 of the code, as amended by chapter 54, acts 1875, relating to the entry of land situate in different counties for the purposes of taxation, amended.	130	132
of license tax—code amended.....	139	151
on railroads—section 67, acts 1875, in relation to, amended.....	156	160
compromise of railroad taxes by counties prohibited.....		159

ASSESSORS.

land situated in different counties, how entered for taxation—law amended.....	131	132
if assessors can't agree, commissioners to be appointed.....		131
penalty on assessor.....		132
duties of assessors in the assessment of license tax, etc.; appeals from; penalty for neglect of duty; his report, fees, etc; sections 6, 8, 9 21, 22, 23, 24, 27, 29, 30, 31, 32, 34, 35.....	141	142 146 147 148 149

ATTORNEY-GENERAL.

authorized to protect interest of citizens in certain suits.....		20
but to receive no compensation except his salary and traveling expenses.....		20
appropriations to pay salary of.....		58
appropriations to pay contingent expenses of office of.....		66 69

ATTORNEYS AT LAW.

code amended in relation to the fees of, to be included in the costs.....		97 98
---	--	-------

AUCTIONEERS.

to be licensed, section 2.....		139
penalty for acting without, section 3.....	139	140
how licenses obtained, section 8.....		142
tax to be paid by.....		153

AUDITOR OF STATE.

report to be made to, by president of board of regents.....		8
duty of auditor on receipt of report.....		8
to pay appropriation out of general school fund to Berkeley county.....		15
to refund to Wm. M. Peyton \$74 71.....		31
on whose certificate to pay appropriation to defray expenses of ascertaining boundary line between this state and Virginia.....		50
duty of, as to appropriations to pay members of the legislature, etc., and officers of the government.....		69
appropriations to pay salary of.....		57 58
notice to be given by, to all collectors of state moneys, of discontinuance of any state depository.....		60
duty of, as to all certificates of deposit of interest on deposits.....		60
appropriations for contingent expenses of office of.....		65 69
how drawn.....		66 69
appropriations to pay clerks in office of.....		66 69
to pay Wm. Gray, of Marion county.....		85
to appoint state agents to collect claims due the state and fix compensation of; act amended.....	123	124
reports to be made to, by clerks of courts.....		126
to pay J. S. Fairfax.....		135
to pay personal representative of Beniah H. McCallister, deceased; when.....		136
lists of licenses to be sent to auditor by assessors, what to be noted on, and how verified.		149
if no license is issued, that fact to be reported to.....		149
instructions by auditor to assessors.....		149

AUDITOR OF STATE—(CONT'D).

when and how to proceed against officer failing to pay license tax.....	150
report to be made to, by secretary of state as to tax on state seal.....	155
his duties in relation to the assessment of taxes on railroads.....	156 to 160 168 169
duty of under provisions of act for relief of Noah Staats, one of the sureties of D. J. Keeney, late sheriff of Jackson county.....	170 171

AWARDS.

section 3 of chapter 108 of code in relation to, amended.....	117 118
how and when, entered as judgment of court.....	118
allowance to arbitrators.....	118
how taxed.....	118

BAGATELLE TABLE.

to be licensed, section 1.....	139
penalty for keeping without license, section 3.....	139 140
license for, how obtained, sections 7, 8.....	142
license on, at any watering place, for what time and how taxed, section 26.....	148
rate of tax.....	153

BALTIMORE AND OHIO RAILROAD.

joint committee to inquire into the rates of freight and travel on.....	195
committee to sit after adjournment of legislature.....	197
per diem, etc., of committee.....	197

BARRY, JOSEPH.

time extended to, to qualify as recorder.....	61
---	----

BEER AND ALE.

not to be sold without license.....	139
penalty for such selling.....	139 140
rate of tax for selling at retail.....	153

BERKELEY COUNTY.

appropriation to pay school money to.....	15
allowance by county court of, to prosecuting attorney of, etc.....	62
county court of, authorized to appoint a slinking fund commission.....	85
his powers, duties, etc.....	85 86

BIENNIAL MESSAGES.

number to be printed and how disposed of.....	133
---	-----

BILLIARD TABLES.

to be licensed, section 1.....	139
penalty for keeping without license, section 3.....	139 140
license for, how obtained, sections 7, 8.....	142
license on, at any watering place, for what time and how taxed, section 26.....	148
rate of tax.....	153

BIRDS.

section 2, chapter 117, acts 1875, relating to, amended.....	17
--	----

BITTERS.

which produce intoxication, deemed spirituous liquors.....	139
--	-----

BOARD OF EDUCATION.

section 7 of chapter 123, acts 1872-3, in relation to, amended.....	31 32
made a corporation, by what name.....	31
powers of such boards and to what rights substituted.....	31

liability of, as to debts, claims, etc., owing by board of which it is the successor.....	31
duty of, as to any gift, grant, devise, etc., made for the use of any free school under their jurisdiction.....	32
deemed owner of certain real and personal property without any transfer or conveyance process and notice, how served on.....	32
certain suits and proceedings now pending in the name of, made valid	32
when elected, section 2.....	103
term of office, section 2.....	103
eligible to only one office at same time, section 2.....	103
to give notice of election for school officers, how, section 2.....	103 104
to prepare poll books, section 2	104
to deliver same to commissioners of election, section 2.....	104
tie vote for members of, how decided, section 2.....	104
president of the several boards to determine tie vote for county superintendent, section 2	104
notice to be given in such cases, and how served, section 2	104
to make levy for school purposes, when, section 2.....	104 105
to cause special election to be held for levy, when, section 2.....	105
notice of such special election, when and how given, section 2.....	105
to appoint trustees, when and for what time, section 4.....	105
to fill vacancy in office of trustee, section 5.....	105
vacancy in board, how filled, section 5.....	105
to have supervision and control of trustees, section 12.....	105
to revise and correct action of trustees, when, section 13.....	105 106
duty of, as to transfer of pupils, section 12.....	105 106
to approve appointment of teachers, section 13.....	106
may remove teachers, for what, section 13.....	106
may remove trustees, when and how, section 13.....	106
may direct continuance of school discontinued by trustee, section 13.....	106
monthly report to be made by teachers to secretary of, section 30.....	106 107
county superintendent to report names of teachers to, who fail to attend institutes, section 30.....	107
to make <i>pro rata</i> reduction from salary of teachers, when, section 30.....	108
accounts to be kept with, by sheriff, section 46.....	108
orders of, for payment of money, how signed, section 46.....	108
annual settlement with, by sheriff, section 46.....	108
duty of board as to such settlement, section 46.....	109
remedy against sheriff for failure to pay any proper draft drawn on him by board, section 46.....	109
penalty on board for failure to make settlement with sheriff, when requested by him to do so, section 52.....	111
BOARD OF COMMISSIONERS FOR THE COUNTIES OF MINERAL, HARDY, GRANT AND PENDLETON.	
act to establish a, under section 34, article 8 of the constitution.....	41 45
BOARD OF COMMISSIONERS OF OHIO COUNTY.	
authorized to dispose of the stock, etc., in Pittsburgh, Wheeling and Kentucky railroad company.....	7 8
BOARDING HOUSES.	
license for keeping, when not required, section 4.....	140
BOARDING SCHOOLS.	
license for keeping, when not required.....	140

BOARD OF PUBLIC WORKS.

duty of, as to deposits of state funds and state depositories.....	59 60
duty of, if votes cast for permanent seat of government be equal.....	81
duty of, when permanent seat is fixed and determined.....	81
duty of, as to list and valuation of railroad property for taxation.....	157
when to appoint commissioners to assess value of railroad property, etc.....	157
duty of, as to appropriation to aid in building a road in Randolph county.....	171 172

BOARD OF REGENTS OF WEST VIRGINIA UNIVERSITY.

(See title "Regents of the West Virginia University.")

BOARD OF REGENTS OF STATE NORMAL SCHOOL.

reports to be made to president by principals of state normal school and branches.....	8
report to be made to auditor by president of.....	8
appropriations to pay expenses of.....	64 68

BOOKER, NOAH.

election of, as justice, legalized, etc.....	48 49
--	-------

BOOMS.

formation of corporations for the purpose of constructing, or dams for the purpose of stopping and securing boats, rafts, logs, etc, in certain counties authorized—act in relation thereto.....	178 to 190
right and power reserved to legislature to connect waters of Chesapeake bay with Ohio river by canal.....	189

BOONE COUNTY.

times for holding circuit court in.....	6
allowance by county court of, to prosecuting attorney of, etc.....	62
times for holding county court in.....	119

BONDS.

of certain officers legalized.....	3
railroad company or other corporation authorized to issue registered or coupon bonds, and to exchange one for the other.....	5
sections 7 and 13, chapter 42, acts 1872-3, relating to and providing for official bonds....	12 14
of sheriffs who may have resigned or been removed not impaired, etc.....	130
for sale of spirituous liquors.....	145

BOUNDARY LINE—COUNTY.

disputed, between two counties, how settled.....	116
section 32 of chapter 39 of code, in relation to, as amended by chapter 114, acts 1872-3, amended.....	115 116

BOUNDARY LINE—STATE.

act relating to, between Virginia and West Virginia.....	50
duty of governor as to.....	50
governor to appoint three commissioners.....	50
appropriation to defray expenses.....	50
how paid.....	50
report to be made by commissioners to legislature.....	50

BOWLING ALLEYS.

to be licensed, section 1.....	139
penalty for keeping without license, section 3.....	139 140
license for, how obtained, section 8.....	142
time for which license granted, section 25.....	147
state tax on, how computed, section 25.....	147
license on, at any watering place, for what time and how taxed, section 26.....	148
rate of tax.....	153

BRAXTON IRON COMPANY.	
incorporation of.....	223
BRIDGE COMPANY—FAIRMONT AND PALATINE.	
authorized to build one or more piers under its bridge	50 51
BROKERS.	
to be licensed, section 2.....	139
penalty for acting without license, section 3.....	139 140
license, how obtained, section 8.....	142
tax to be paid by.....	153
BROOKE ACADEMY.	
section 1 of chapter 35, acts 1862-3, of the general assembly of Virginia relating to, amended	99 100
BROOKE COUNTY.	
county court of, authorized to dispose of the stock of Pittsburgh, Wheeling and Ken- tucky railroad company, etc.....	7 8
allowance by county court of, to prosecuting attorney, etc.....	62
Samuel George of, authorized to remove the remains of the dead in a certain lot owned by him.....	78 79
BROWNSTOWN C. C. COMPANY.	
incorporation of.....	225
BUFFALO CREEK COAL COMPANY.	
incorporation of.....	229
BUOYS, LAMPS AND LANTERNS.	
penalty for willfully, etc., destroying, etc.....	22 23
BURIAL GROUNDS.	
condemnation of land for, when and how.....	118
CABELL COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	9 10 96
allowance by county court of, to prosecuting attorney of, etc.....	62
act incorporating city of Huntington in, amended.....	93 95
CALHOUN COUNTY.	
times for holding county court in.....	12
times for holding circuit court in.....	17 18
CAPITOL BUILDING.	
appropriation to furnish.....	4
appropriations to insure.....	67 70
appropriation to furnish room of court of appeals.....	67
joint committee in relation to furnishing of.....	192
CAPITAL, STATE.	
act providing for a permanent seat of government for this state, and the erection there- at of necessary public buildings.....	79 to 82
CAPITAL STOCK	
of railroad companies may be reduced, how.....	114
CAPITATION TAX.	
what tax to pay.....	152

CEMETERY, BROOKE COUNTY.

remains of the dead interred in a certain lot of Saml. George to be reinterred in..... 78 79

CEMETERIES.

condemnation of land for, when and how..... 118

CERTIFICATES.

of assessors, as to license tax to be paid, etc..... 142

how assessor may obtain license certificate..... 142 143

of character required in certain cases..... 143

fees of assessors for..... 147

CERTIFICATE OF INCORPORATION.

the Anchor Insurance Company..... 201

Quincy Salt Company..... 202

the Coalmont Coal Company..... 203

the Combined Iron and Steel Ordnance Company..... 204

the Twelve Pole River Mining and Manufacturing Company..... 205

Ganley Kanawha Coal Company, limited, foreign..... 206

the Mutual Building Association..... 207

the Eureka Association, Number Ten, Patrons of Husbandry of West Virginia..... 208

Elm Grove Town Hall Association..... 209

the Combination Trust Company..... 210

the Parkersburg Transportation Company..... 212

the Taylor County Coal Company..... 213

Smith & Company..... 214

Patron's Exchange and Trust Association..... 215

Germania Club..... 217

South Branch Iron, Land and Timber Company..... 218

Clifton Nail Company..... 220

Point Pleasant Machine Works..... 221

the Strange Creek Iron Company..... 222

Braxton Iron Company..... 223

Snow Hill Salt Company..... 224

Brownstown C. C. Company..... 225

West Virginia Lubricating Oil Company..... 225

western Telegraph Company..... 227

Wheeling Stock Yard Company..... 227

Sweetser Oil Company..... 228

Buffalo Creek Coal Company..... 229

the Saint Ronan's Oil Company..... 230

McKim Manufacturing Company..... 231

Grafton Gas Company..... 232

Novelty Mill Company..... 234

the Producer's Lubricating Oil Company..... 235

Standard Base Ball Club..... 236

Electropathic Institute of West Virginia..... 238

Kanawha and Gallipolis Packet Company, dissolution of..... 238

the Wood County Building Association, dissolution of..... 238

Parkersburg Building Association, dissolution of..... 239

CHANCERY.

Judges of circuit courts may order commissioners in, to take account, etc.. in vacation,
code in relation to amended..... 129

CHARGES.

of railroads for transportation of passengers, goods and merchandise, act in relation to amended.....	121 125
---	---------

CHARTERS.

of Chesapeake & Ohio Railroad Company, amended and revived.....	19
of city of Wheeling, amended.....	27 28
of Washington Hall Association of Wheeling, amended.....	32 33
of city of Charleston, amended.....	34 35
of city of Huntington, amended.....	93 95
of cities and towns of less than two thousand population, how changed or amended.....	112 113

CHESAPEAKE & OHIO RAILROAD.

charter of, amended and revived.....	19 20
company released from forfeiture of charter, etc.....	19
time allowed company to complete road to Big Sandy river.....	19

CIRCUIT COURTS.

times for holding in ninth judicial circuit.....	6
times for holding in fifth judicial circuit.....	17 18
appropriations to pay salaries of judges of, and mileage.....	57 69
duty of judges of, as to act amending code relating to fishing at certain seasons.....	27
in what cases courts of limited jurisdiction have concurrent jurisdiction with.....	112 113
reports to be made by clerks of, to auditor, act amended.....	126
to appoint commissioners when assessors disagree as to the proper number of acres to be charged in any magisterial district for county and district taxation.....	131
duty of as to license law relating to druggists, section 4.....	140
calendar of terms of.....	246 to 248

CIRCUIT COURT OF OHIO COUNTY.

decree of, in relation to sale of the third story of the building known as the Washington Hall, legalized.....	36 37
---	-------

CIRCULATING MEDIUM.

penalty for unlawfully issuing notes, etc., with intent to create a.....	21 22
acceptance of such notes, etc., not to operate as payment.....	22
proviso as to bank checks, etc.....	22
penalty for knowingly receiving and passing such notes, etc.....	22

CIRCUS.

to be licensed, section 2.....	139
penalty for acting without license, section 3.....	139 140
how taxed, section 26.....	148
tax on license to exhibit.....	151

CITIES.

charters of, of less than two thousand population, how amended or changed.....	112 113
persons and property of certain, exempted from the payment of poor and road levies...	134
powers of corporate authorities of, as to granting licenses.....	132 143

CITIZENS OF WHEELING.

joint resolution in relation to.....	198 199
--------------------------------------	---------

CITY OF WHEELING.

charter of, amended.....	27 28
what vote of council necessary to appropriate money, etc.....	27
estimate to be prepared by committee on streets, etc.....	27

INDEX.

259

estimate to be prepared by committee on water works.....	28
estimate to be prepared by committee on lights.....	28
when such estimates reported to council.....	28
when council to examine estimates and what to ascertain and determine.....	28
expenditures not to exceed amount ascertained and determined by council, unless, etc..	28
what vote must concur in extra appropriations.....	28
charter of Washington Hall Association in, amended.....	32 34
sale, etc., of the third story of the Washington Hall in the, legalized.....	36 37
section 23 of act passed Feb. 24, 1865, establishing a court of limited jurisdiction in, amended.	54
joint resolution relating to the citizens of.....	198 199
CIVIL CONTINGENT FUND.	
appropriations for	65 69
CIVIL SUITS.	
appropriations to pay expenses of.....	67 70
CLAIMS DUE THE STATE.	
section 22 of chapter 35 of the code, in relation to the collection of, amended.....	123 124
recovery of, section 2 of chapter 95, acts 1872-3, in relation to, amended.....	164
when at law proceeding may be by motion or action	164
in what court.....	164
in all cases to be in name of state.....	164
not to affect pending suits.....	164
CLERKS OF COURTS.	
law relating to allowances to, by county courts, amended.....	61 62
section 4 of chapter 73, acts 1875, relating to the records or papers in office of, amended..	83 84
penalty for violating.....	84
may demand fees in advance, when.....	84
duty of clerk of county court as to docketing judgments and recording notice of <i>lis pendens</i>	92 98
sections 13 and 16 of chapter 138 of code as to what fees to be included in costs by, for attorneys, amended.....	97 98
report to be made by, to auditor, act amended.....	125
duty of, as to taxes on papers admitted to record, and taxes on seals.....	154 155
report to be made by, to sheriff, as to such taxes.....	155
commissions to be deducted.....	155
penalty for failure.....	155
CLERKS OF CIRCUIT COURTS.	
report to be made by, to auditor, act amended.....	126
what judgment to be entered, by clerk of circuit court for the county where the seat of government at the time may be, against officer proceeded against by auditor to enforce payment of license taxes.....	160
(see title "clerks of courts.")	
CLERKS OF COUNTY COURTS.	
provisions of school law, as amended, requiring certain duties of, sections 2 and 52.....	104 111
report to be made by, to auditor; act amended.....	126
(See title, "Clerk of Courts.")	
duty and liability of, as to certificate issued by, for state licenses.....	142 143
duty of, as to transfer of licenses.....	146 147
fees of, for licenses, etc.....	147

to certify to auditor amount of county levy on railroad property.....	158
penalty for violating.....	158
time extended in certain cases within which clerks may certify levies to auditor.....	168 169
penalty for failure.....	168
CLERK OF THE MUNICIPAL COURT OF WHEELING.	
provision relating to fees of, amended.....	54
CLERK OF SUPREME COURT.	
appropriation to pay salary of.....	57 59
report to be made by, to auditor; act amended.....	126
CLIFTON NAIL COMPANY.	
Incorporation of.....	220
CODE AMENDED.	
section 40 of chapter 130, in relation to compensation of witnesses.....	11
sections 14 and 15 of chapter 151, relating to offenses against public policy.....	21 22
section 4 of chapter 62, for the preservation of fish.....	26 27
chapter 18, relating to adjutant-general.....	45 47
section 13, chapter 47, relating to towns and villages.....	53
section 3, chapter 68, concerning grants and repeal of patents.....	83
sections 4, 7 and 14 of chapter 139, in relation to enforcing decrees and orders, docketing judgments, and other liens of like nature, etc.....	92
sections 13 and 16 of chapter 138, in relation to fees of attorneys.....	97 98
section 32 of chapter 39, as amended by chapter 114, acts 1872-3, concerning the administration of county affairs.....	115 116
section 3 of chapter 108, concerning awards.....	117 118
section 15 of chapter 163, relating to the penitentiary.....	123
section 22 of chapter 85, in relation to the recovery of claims due the state.....	123 124
section 5 of chapter 129, in relation to judges of circuit courts ordering accounts to be taken in vacation.....	129
section 27 of chapter 14, relating to certain powers and duties of the governor.....	133
chapter 32, respecting licenses.....	139
chapter 33, relating to the rate of taxation.....	162 155
sections 5, 11 and 28 of chapter 90, concerning the action of ejectment.....	160 161
COLLECTION AND ACCOUNTING FOR,	
of state, county, district and municipal taxes and moneys, more effectually provided for.	161 162
payees and owners of drafts and orders, payable out of such taxes and money, protected.	162 163
COLLECTION OF TAXES.	
of license tax, code amended.....	139 to 151
when paid into treasury.....	150
how payments enforced against collector.....	160
remedy of person aggrieved.....	160
right of state to proceed against sureties of officer, by motion.....	161
commissions for.....	151
power to distrain for.....	149
may be withheld from officer failing to pay over and account for such taxes, and a collector appointed in lieu of such officer.....	162 163
COLLECTION OF TAXES, PUBLIC DUES AND FEE BILLS.	
act providing for, in cases where sheriff resigns or is removed.....	129 130
duties, powers and liability of person elected or appointed as sheriff in such cases.....	130
bond or liability of former sheriff not affected.....	130
taxes, etc., so collected, to whom paid and credited.....	130

COMPENSATION OF WITNESSES.	
section 40 of chapter 130 of code in relation to, amended.....	11
COMPENSATION,	
of prosecuting attorneys, clerks and sheriffs, allowed by county courts.....	61 62
COMMISSIONER, SINKING FUND.	
county court of Berkeley authorized to appoint.....	86
his duties, powers, etc.....	86 87
COMMISSIONERS.	
of school elections, how appointed.....	104
to settle disputed county lines.....	115 116
in chancery; may be directed by any circuit judge, in vacation, to state any proper ac- count or report upon any matter, etc.; code in relation to, amended.....	129
when appointed to determine number of acres to be entered in any district by assessor, for taxation.....	131
to assess railroad property, when appointed by board of public works.....	157
duties of such commissioners.....	157
assessment by, final.....	157
when and to whom returned.....	157
compensation of such commissioners.....	159
vacancies, how filled.....	159
list of, appointed by the governor, in other states.....	242
COMMISSIONS,	
for collecting license taxes.....	151
COMMISSIONERS, BOARD OF, OF OHIO COUNTY.	
authorized to dispose of the stocks, etc., in Pittsburgh, Wheeling and Kentucky rail- road company.....	7 8
COMMITTEE OF CONVICT'S ESTATE.	
section 15, chapter 163, of code in relation to, amended.....	123
COMMISSIONERS OF FISHES.	
governor to appoint and fill vacancies, etc.,.....	28 29
their duties, compensations, etc.....	29
COMMISSIONERS OF ROADS.	
when and how appointed.....	120
duties of, and report to be made by.....	120
CONCURRENT JURISDICTION.	
in what cases courts of limited jurisdiction have, with circuit courts.....	112 113
CONDEMNATION OF LANDS.	
for burial purposes, how and when.....	118
CONGRESS, MEMBERS OF.	
joint resolutions to be transmitted to our.....	192 193 194 195 196
CONSERVATORS OF THE PEACE.	
presidents of county courts to be.....	99
CONSOLIDATION AND MERGING OF RAILROAD CORPORATIONS.	
sections 23 and 37 of chapter 88, acts 1872-3, in relation to, amended.....	137 138
CONSTABLES.	
time extended in which, may distrain and sell for taxes and fee bills.....	77 78
CONSTRUCTION OF BOOMS OR DAMS.	
act authorizing the formation of corporation for the.....	178 to 19

CONSTRUCTION OF CERTAIN RAILROADS.

time extended in which to begin..... 26

CONVICTS', ESTATE OF.

section 15 of chapter 163 of code in relation to, amended..... 123

CONVICTS.

act providing for the working of, in the penitentiary..... 37 40

CORPORATIONS.

authorized to issue either registered or coupon bonds and to exchange the one for the other..... 5

private corporations authorized to purchase stock or securities of railroad companies and guarantee their debts..... 10

act incorporating city of Wheeling, amended..... 27 28

board of education, a corporation 31 32

railroad company incorporated under general law of state authorized to construct a railway along and across national road..... 93

incorporations of mutual fire insurance companies authorized 74 77

act incorporating city of Huntington, amended..... 93

what railroad corporations shall not consolidate without the consent of the legislature, and what may merge or consolidate, or sell or purchase, law amended..... 137 138

proviso as to Baltimore and Ohio and Northwestern Virginia railroads..... 138

rights and powers of existing railroad corporations..... 138

formation of, for the purpose of constructing boom or dams for the purpose of stopping and securing boats, rafts, logs, etc., in certain counties..... 178 190

COSTS.

sections 13 and 16 of chapter 138 of code, relating to costs to be taxed for fees of attorneys, amended..... 97 98

allowance to arbitrators when taxed in, of suits..... 118

COUNCIL OF TOWN OF HARPER'S FERRY.

time extended for members of, to qualify..... 51

COUPON BONDS.

corporations authorized to issue registered or, and exchange one for the other..... 5

COUNTIES.

disputed boundary line between two, how settled..... 115 116

(see counties by name.)

compromise of railroad taxes by, prohibited..... 159

COURTS.

appropriations to pay contingent expenses of..... 66 69

(See titles, "County Courts," "Circuit Courts" and "Supreme Court.")

COUNTY AND DISTRICT OFFICERS.

further time given to, elected at last general election to qualify..... 3

bond and qualification of certain, legalized..... 3

act relating to official bonds of, and qualification of, amended..... 12 14

COUNTY COURTS.

commencement of the terms of, in Putnam, Wayne, Lincoln, Cabell, Fayette and Raleigh counties..... 9 10

times for holding, in Calhoun county..... 12

when county court may direct that an additional justice be elected..... 30

times for holding, in Wood, Wirt, Grant and Randolph..... 48

law in relation to the allowance by, to prosecuting attorneys, clerks and sheriffs, amended	61 62
appeals to, from judgment of justice; how and within what time granted.....	85 86
duty of clerk of, as to docketing judgments and recording notice of <i>lis pendens</i>	92 93
times for holding in Lincoln and Cabell.....	96
to appoint commissioners of school election.....	104
to require sheriffs to give special bonds for school moneys, section 46.....	108
what to be basis of settlement of sheriffs with county courts for school moneys.....	109
annual settlement of sheriffs with, for school moneys, section 52.....	110 111
when made, and what such settlement to show, section 52.....	111
to be recorded by clerk of.....	111
what accounts and vouchers to be filed by the clerk of, after settlement, and how, section 52.....	111
such settlement to extend back to what time.....	111
clerk of, to send copy of settlement with sheriff to state superintendent.....	111
times for holding, in Boone, Logan, McDowell and Wyoming.....	119
report to be made by clerks of, to auditor; act amended.....	126
what state licenses to be issued only when authorized by, section 7.....	142
exceptions.....	142
clerks of, may issue to assessors certificates for state licenses, section 9.....	142 143
revocation of license by, section 20.....	146
may transfer licenses from one place to another, section 22.....	146 147
may consent to assignment of licenses, section 23.....	147
fees of clerks of, for assignment, etc., section 24.....	147
duty of, when auditor certifies the value of railroad property to, as valued or assessed, for taxation.....	157 158
prohibited from compromising railroad taxes.....	169
COUNTY COURT OF BERKELEY COUNTY,	
authorized to appoint commissioner to be known as "The Sinking Fund Commissioner.".....	85
his duties, powers, etc.....	85 86
COUNTY COURT OF BROOKE COUNTY.	
authorized to dispose of the stock of the Pittsburgh, Wheeling & Kentucky Railroad Company, etc.....	7 8
COUNTY COURT OF LEWIS COUNTY.	
authorized to examine facts and relieve J. M. and W. S. Armstrong against any erroneous assessment as to certain land, in 1871.....	20 21
COUNTY COURT OF MARSHALL COUNTY.	
authorized to construct roads, when and how.....	173 to 178
COUNTY COURT FOR THE COUNTIES OF MINERAL, HARDY, GRANT AND PENNELLTON.	
act providing for a, under section 34 of Article VIII. of the constitution.....	41 to 45
COURTS OF LIMITED JURISDICTION.	
of the city of Wheeling, provision relating to fees of clerk of, amended.....	64
in what cases, to have concurrent jurisdiction with and same powers as circuit courts...	113 114
not to extend to granting of injunctions to the judgments, etc., of circuit or county court.....	114
section 2 of chapter 98, acts 1875, in relation to, amended.....	113 114

COUNTY ROADS.

- section 12 of chapter 194, acts 1872-3, in relation to, amended 119 120
 county court of Marshall county authorized to construct, when and how 173 to 178

COUNTY SUPERINTENDENT OF FREE SCHOOLS.

- when elected, section 2..... 103
 his term of office, section 2..... 103
 eligible to only one office, section 2..... 103
 to give notice of his election to state superintendent, section 2..... 104
 to give casting vote in case of a tie-vote for member of board of education, section 2..... 104
 tie-vote for county superintendent, how determined, section 2..... 104
 person appointed county superintendent to give notice to state superintendent of his
 appointment, section 2..... 104
 notice to be given, and how, when there is a tie-vote for county superintendent, sec. 3.. 104
 to fill vacancy in board of education, section 5..... 105
 to organize and conduct county or district institutes, section 30..... 107
 may appoint competent teachers to conduct same, section 30..... 107
 to keep record of proceedings of such institutes, section 30..... 107
 to keep record of teachers who attend, and length of time each attended, section 30..... 107
 to keep record of teachers who fail to attend, and report their names to the respective
 boards of education, section 30..... 107
 to report whole number of teachers who attended institutes to state superintendent,
 when, section 30..... 107 108

CRIMINAL CHARGES.

- appropriations to pay..... 64 68

DAMS.

- formation of corporations for the purpose of constructing booms or, for the purpose of
 stopping and securing boats, rafts, logs, etc., in certain counties; act in relation to... 178 to 190

DEAF, DUMB AND BLIND, INSTITUTION FOR.

- appropriations for 65 68

DEBTS.

- of railroad companies may be guaranteed by private corporations..... 10

DECLARATION OR COUNT.

- in actions on policies of insurance, form of..... 89

DECREES.

- of a court for sale of the works and property of railroad companies, etc.; what pro-
 visions of law applicable..... 14 15
 rights of purchaser at such sale..... 15
 act repealed regulating sale of property of joint stock companies under deed of trust or
 decree of court, and making the purchaser a corporation..... 23
 decree of circuit court of Ohio county in relation to sale of the third story of the build-
 ing known as Washington Hall, legalized..... 86

DEEDS.

- tax on, admitted to record..... 154 155
 liability of clerk for such tax..... 155
 to whom such tax paid, and by whom..... 155
 when and how such tax accounted for..... 155
 report of such tax; when and to whom made..... 155
 penalty on officer for failure..... 155
 record of certain deeds and other writings legalized..... 16^b

DELINQUENTS.	
collection of taxes against, by distress.....	149
DELINQUENT LANDS.	
form of list for return of lands delinquent for non-payment of school taxes.....	109
DELINQUENT LISTS.	
form of, for real estate and personal property delinquent for non-payment of school and district taxes.....	109 110
form of oath to be appended.....	110
return of license taxes delinquent.....	150
DEPOSITS.	
of state funds, act to regulate the same and to secure interest thereon.....	59 to 61
rate of interest on.....	49
limit to amount of, in each bank.....	60
may be transferred, when.....	60
interest on deposit, how received for.....	60
DEPOSITORIES.	
of state funds, what banks may be designated as such.....	59
bond required of, and where recorded.....	59 60
condition of bond and effect of certified copy of.....	60
when additional security may be required of.....	60
when additional depositories may be designated.....	60
designation or discontinuance of, to be published.....	60
notice to be given by auditor of discontinuance of depository.....	60
money collected in any senatorial district, in what depository to be deposited.....	60
to make monthly reports, what to contain, etc.....	60
failure to make such report, what then.....	60
for what depository may be discontinued.....	61
DEPOSITIONS.	
presidents of county courts may take.....	97
DIRECTORS, BOARD OF.	
for insane hospital and penitentiary, governor to appoint.....	16
how and for what removed.....	16
compensation and duties.....	16
duty of, of penitentiary, as to the working of convicts, etc.....	36 to 41
DISPUTED BOUNDARY LINES.	
between Virginia and this state, act in relation to.....	50
between two counties, how settled.....	115 116
DISTILLERS.	
of apple and peach brandy may sell in quantities of not less than five gallons, by paying a tax of \$20.....	153
not to be drunk on premises.....	153
sale of a less quantity, deemed a violation.....	153
time extended in which sheriff, etc., may distress for taxes and for bills.....	77 78
when license tax may be distrained for.....	149
DISTRICT OFFICERS.	
act concerning the election and qualification of, elected at last general election.....	3
act relating to qualification of, and official bond of, amended.....	12 to 14
number of justices to be elected in each district.....	30
election of two justices in certain districts at last general election legalized.....	30
when county court may direct that an additional justice be elected.....	30

DISTRICTS—SCHOOL.

what to constitute, section 1.....	103
construction of words "district" and "districts," "sub-district," and "sub-districts" section 1.....	103

DISSOLUTION OF CORPORATIONS.

the Wood County Building Association.....	238
Kanawha and Gallipolis Pucket Company.....	238
Parkersburgh Building Association.....	239

DOCKETING JUDGMENTS, ETC.

section 4 of chapter 139 of code in relation to, amended.....	92
---	----

DOMESTIC WINES, PORTER, ETC.

tax on license for sale of, at retail.....	163
--	-----

DRAFTS.

payees and owners of, drawn on sheriff, or other officer payable out of any state, county, district, etc., taxes and moneys, protected.....	162 163
penalty on sheriff, etc., for discounting such drafts or refusing to pay	162

DRUGGISTS.

to be licensed, section 1.....	139
penalty for acting without license, section 3.....	139 140
penalty on, for selling spirituous liquors, etc., except for medicinal purposes, etc., sec- tion 4.....	140
duty of circuit court as to this position, section 4.....	140
in prosecution against, if sale be proved, it is presumed to be unlawful till contrary shown.....	140
not to sell alcohol, except for mechanical purposes, spirituous liquors or wine except upon written prescription of practicing physician, section 4.....	140
physician to be of good standing in his profession and not of intemperate habits, sec. 4..	140
what prescription to specify, section 4.....	140
effect of such prescription when produced at trial of indictment against druggist, sec. 4.	140 141
penalty on physician for giving prescription to aid druggist or other person in violat- ing the law, section 4.....	141
prescriptions, etc., to be filed by druggist, section 4.....	141
to be open to inspection, of whom, section 4.....	141
penalty on druggist, etc., for refusing to produce prescriptions for inspection when de- manded by proper persons, section 4.....	141
license for, how obtained, section 7, 8	142
certificate of character and qualification required of druggists to obtain license, section 11	143
bond required to sell spirituous liquors, etc., section 18.....	145
security, penalty and condition of such bond, section 18.....	145
liability of sureties in bond for damages, etc., section 18.....	145
how license revoked, section 20.....	146
to what place license of, confined, section 21.....	146
how license transferred from one place to another, section 22.....	146 147
how license assigned, section 23.....	147
for what time license granted, section 25.....	147
rate of tax to be paid, section 25.....	147
production of license, if demanded, section 28.....	148
penalty for refusal, section 28.....	148
tax on license to carry on business of, in addition to all other taxes.....	163

ELECTION.

of school officers, act in relation to, amended..... 103 104
 proviso as to any other election that may be held on same day this year..... 104
 where school officers elected, section 2..... 103
 vote by ballot, section 2..... 103
 where held, section 2 103
 notice of, how given, section 2..... 103 104
 poll books, who to furnish and delivered, section 2..... 104
 commissioners of, how appointed, section 2..... 104
 how superintended, conducted, etc., and result ascertained, section 2..... 104
 commissioners of, to receive no pay, section 2..... 104
 tie-vote, how determined, section 2..... 104 105
 majority vote necessary to make levy, section 2..... 105
 special election for levy, when, section 2 105
 notice of such election, when and how given, section 2 105
 what deemed a misdemeanor by a person acting as commissioner of, and penalty, sec. 3 105

ELECTROPATHIC INSTITUTE OF WEST VIRGINIA.

incorporation of..... 237

ELM GROVE TOWN HALL ASSOCIATION.

incorporation of..... 209

ENUMERATION OF YOUTH.

not affected by transfer of pupils, section 12..... 106

EJECTMENT.

sections 5, 11 and 23 of chapter 90 of code, concerning the action of, amended..... 160 161
 who to be made defendant in action of..... 160
 if lessee be made defendant, landlord may appear and be made defendant..... 160
 notice to accompany declaration; contents of, how and to whom addressed..... 160
 how notice served..... 160
 how notice served if defendant does not reside in the county where action is brought,
 or resides out of state..... 160 161
 if the right or title of plaintiff be that of a tenant for life, etc., and shall expire after
 commencement of the action, etc., the verdict shall be according to the fact..... 161
 what the judgment of the plaintiff shall be..... 161
 right of plaintiff to recover not affected by any conveyance, etc., made by plaintiff of
 property in controversy, pending the action..... 161
 if such conveyance, etc., be made, person in whom legal title is vested may be made, a
 party plaintiff; how and when..... 161
 judgment in such cases, if plaintiff recover..... 161

ENTRIES;

of lands made before the 20th day of June, 1863, to be carried in grant, etc..... 83
 surveys, how made..... 83
 plats and certificates of surveys to be delivered to Secretary of State, when..... 83
 section 3 of chapter 68 of code amended..... 83

ERRONEOUS ASSESSMENT.

act for relief of J. M. and W. S. Armstrong, against any, in 1871..... 20 21
 appropriation to pay Wm. M. Peyton for taxes erroneously assessed against and paid
 by him..... 30 31
 appropriations to refund taxes..... 65 69
 relief against, for license tax..... 148

ESTATE OF CONVICTS.	
section 15 of chapter 163 of code in relation to, amended.....	123
EXECUTIVE.	
(see title "Governor.")	
EXECUTIVE OFFICERS.	
when to qualify and give bond.....	13
EXEMPTION.	
of working tools, etc., of mechanics, etc., from forced sale or execution.....	49
to what value.....	49
of persons and property in certain cities and towns from payment of poor and road levies.....	134
of homesteads, to what amount and when.....	165
FAIRFAX, J. S.	
appropriation to pay, for services as architect at the penitentiary.....	135
FAIRMONT AND PALATINE BRIDGE COMPANY.	
authorized to build one or more piers under its bridge.....	50 51
FAYETTE COUNTY.	
times for holding county court in.....	9 10
allowance by county court of, to prosecuting attorney of, etc.....	62
formations of corporations for the purpose of constructing booms or dams in, authoriz- ed.....	178 to 190
FEES.	
of clerk of municipal court of city of Wheeling.....	51
sheriff's clerks, and other officers may demand their fees in advance, when.....	84
of attorneys, to be taxed in the costs, code in relation to, amended.....	97 98
in no case to be paid out of county or state treasury.....	98
for licenses, and for alterations, etc.....	147
FEE BILLS	
time extended in which distraint and sale may be made for.....	77 78
collection of, provided for where there is a vacancy in the office of sheriff by resigna- tion, etc.....	129 130
to whom paid and credited.....	130
FEES AND COMMISSIONS.	
charged by any railroad, their agent or agents, for manifesting, receiving, handling, shipping and delivering goods, etc., section 10, of chapter 227, acts 1872-3, in rela- tion to, amended.....	125
FIRE INSURANCE COMPANIES—MUTUAL.	
incorporation of, authorized.....	74 to 77
how organized, etc.....	74 to 77
FISH.	
code amended relating to catching, at certain seasons.....	26 27
net to increase the supply of food, in rivers and waters.....	28 29
commissioners of, how appropriated, term of office, duties and compensation.....	28 29
appropriation to carry out object of act.....	29
how paid and expended.....	29
FISHING.	
code amended relating to, at certain seasons.....	26 27
within what periods prohibited.....	26 27
not to enter enclosed grounds without permission.....	27
unlawful at any time to fish in certain ponds or dams without owner's consent.....	27
duty of judge of circuit court in each county in regard to this matter.....	27

FOOD FISHES.

(see title "fishes.")

FREIGHT CHARGES.

of railroads, for transporting goods and merchandise, section 10 of chapter 227, acts 1872-3, relating to, amended..... 124 125
 section 15, chapter 216, acts 1872-3, relating to willful violation of provisions of act by company, amended..... 170

GAME.

section 2 of chapter 117, acts 1875, relating to, amended..... 17

GAULEY-KANAWHA COAL COMPANY—LIMITED—FOREIGN.

incorporation of..... 206

GENERAL SCHOOL FUND.

appropriation out of, to Berkeley county..... 15

GEORGE, SAMUEL,

authorized to remove remains of dead in a certain lot of land..... 78 79

GERMANIA CLUB.

incorporation of..... 217

GOODS MANUFACTURED IN THE STATE.

manufacturer or agent selling, not required to pay license as peddler..... 154

GOVERNOR.

authorized to procure necessary furniture, etc., for executive offices, etc..... 4
 act providing for the appointment of certain officers by..... 16
 vacancies during recess of senate, filled by..... 16
 power of, to remove certain officers appointed by him..... 16
 authorized to convey the title and interest of the state in the minerals under a portion of the bed of the Ohio river, in Hancock county..... 24 25
 to appoint commissioners of fishes..... 28 29
 duty of, as to boundary line between Virginia and West Virginia..... 50
 appropriation to defray expenses of ascertaining said boundary line, to be paid on certificate of..... 50
 appropriation for civil contingent fund of..... 65 69
 duty of, as to Jefferson county agricultural college..... 73
 to declare result of vote for permanent seat of government, secs. 4 and 6..... 80
 duty of, if votes cast be equal..... 81
 duty of, as to removal..... 82
 to approve appointment of state agents, by auditor, to collect claims due the state, and also to approve the compensation fixed by auditor..... 124
 number of biennial messages and documents to be printed by, and how disposed of..... 133
 to appoint board of regents of West Virginia University, when..... 167
 to fill vacancies in said board..... 168
 joint committee to wait on..... 191 199
 joint resolutions to be transmitted by, to members of Congress from this state...192 193 194 195 196
 joint resolution in relation to the inauguration of..... 192

GRAFTON GAS COMPANY.

incorporation of..... 233

GRANTS.

section 3 of chapter 68 of code, in relation to, amended..... 83

GRANT COUNTY.

act to establish a county court and a board of commissioners for, Mineral, Hardy and Pendleton.....	41 to 45
times for holding county courts in.....	48
times for trial of causes.....	28
police and fiscal terms.....	48

GRAY, WILLIAM.

act for relief of.....	85
------------------------	----

GILBERT, JOHN J.

given further time to qualify as councilman.....	51
--	----

GREENBRIER COUNTY.

formation of corporations for the purpose of constructing booms or dams in, authorized.....	178 to 190
---	------------

GUYANDOTTE AND TUG RIVERS.

joint resolution relating to.....	193
-----------------------------------	-----

GUYANDOTTE AND LITTLE COAL RIVERS.

joint resolution relation to.....	194
-----------------------------------	-----

HANCOCK COUNTY.

governor authorized to convey the title and interest of the state in the minerals under a portion of the bed of the Ohio river in	24 25
allowance by county court of, to prosecuting attorney of, etc.....	62

HARDY COUNTY.

act to establish a county court and a board of commissioners for, Mineral, Grant and Pendleton.....	41 to 45
---	----------

HARPER'S FERRY.

recorder and councilmen of, given further time to qualify.....	51
--	----

HARRISON COUNTY.

formation of corporations for the purpose of constructing booms or dams in, authorized.....	178 to 190
---	------------

HAWKERS AND PEDDLERS.

must have license, section 2.....	139
penalty for doing business without licenses, section 3.....	139 140
license, how obtained, section 8.....	142
confined to county where issued, section 21.....	146
how license assigned, section 23.....	147
license to act as, at any watering place, for what time and how taxed, section 26.....	148
tax to be paid by.....	154
no tax for selling goods manufactured in the state, by manufacturer or agent, as.....	154

HIGH SCHOOLS.

not to be continued with less than a daily attendance of twenty-five scholars, sec. 13.....	106
---	-----

HOMESTEADS.

who may hold.....	164
value of.....	165
what provisions of constitution subject to.....	165
how set apart.....	165
form of acknowledgment.....	165
when executed and acknowledged, to whom presented for recordation.....	165
no tax to be paid or charged on such writing.....	165

effect of such writing after delivery for recordation, as to real estate so set apart.....	165
exception as to certain debts.....	165
rights acquired under chapter 193, acts 1872-3, not impaired or affected.....	165
when homestead not affected by any increase in value, unless caused by permanent improvements.....	165 166
proceedings by creditor if homestead be of greater value than one thousand dollars.....	166
order and decree of court in such cases if allegations of bill are true.....	166
if more than one creditor join in bill, what then.....	166
if husband or parent owning homestead die, benefit descends to his or her minor children	166
for what time	166
HOSPITAL FOR THE INSANE.	
governor to appoint board of directors of.....	16
for what term.....	16
how and for what removed.....	16
appropriations for.....	65 69
joint resolution as to mileage paid directors.....	193 194
joint committee to examine.....	196
HOTELS AND TAVERNS.	
to be licensed.....	139
penalty for doing business without license, section 3.....	139 140
what deemed a hotel or tavern, section 5.....	141
what keeper of must provide, etc., section 5.....	141
when license to keep, to be revoked, and how, sections 5, 20.....	141 146
tax on, how determined, etc., section 6.....	141
license for, how obtained, sections 7, 8.....	142
to what place license confined, section 21.....	146
how license transferred, section 22.....	146 147
when and how license assigned, section 23.....	147
for what time license granted, section 25.....	147
to produce license, if demanded, to whom, section 28.....	148
penalty for refusals.....	148
tax on license to keep.....	152
HOUSES, BUILDINGS OR PLACES	
where liquors are sold; when abated as public nuisances and owners indicted.....	143 144
when to be broken open by officers charged with the execution of a warrant.....	145
HUNTINGTON, CITY OF.	
sections 3, 9, 16, 26 and 28 of chapter 119, acts 1871, incorporating, amended.....	93 to 95
ILLEGAL CIRCULATION.	
code in relation to, amended.....	21 22
penalty for issuing notes, etc., with intent to create a circulating medium, etc.....	20 21
penalty for passing or receiving such notes knowingly.....	21
INCORPORATION OF RAILROAD COMPANIES.	
act providing for, amended so as to authorize the reduction of amount of capital stock mentioned in articles of association.....	114
INDEPENDENT SCHOOL DISTRICTS.	
(see title "school district of, etc.")	
INJURIES TO PERSONS	
arising from sales of intoxicating liquors; remedy therefor.....	144 145

INSPECTORS OF TOBACCO.

section 7 of chapter 84, acts 1875, relating to, amended..... 100 101

INSTITUTES, COUNTY AND DISTRICT.

two days of school month to be devoted by teachers to attending, sec. 30..... 107
 how organized and conducted, sec. 30..... 107
 record of proceedings of, to be kept by county superintendent, section 30..... 107
 also of teachers who attend and the length of time each teacher attended, section 30..... 107
 to keep, also, record of teachers who fail to attend, and report their names, to whom,
 section 30..... 107
 county superintendent, also, to report whole number of teachers who attended, etc.,
 when, section 30..... 107 108
 non-attendance by teacher abates his salary, section 30..... 108

INSURANCE.

appropriation for, on Marshall college, and capitol building..... 61 67 70

INTEREST.

on state deposits, how receipted for, and duty of auditor in relation to..... 60

INTERNAL IMPROVEMENT COMPANIES.

act relating to sales of the works and property of, under decrees of a court..... 14 15

INTERNAL REVENUE LAWS.

joint resolution in relation to, as to the sale of tobacco..... 192

INTOXICATION.

penalty for giving or selling to persons who are intoxicated or in the habit of drinking
 to, section 12..... 143
 liability of persons selling liquors, for damages, etc., done by persons intoxicated;
 when, section 16..... 144

INTOXICATING LIQUORS.

(see title, "Spirituous Liquors.")

JACKSON COUNTY.

act providing for free schools in district of Ravenswood in, amended..... 71 72
 boundaries of school district of Ripley in, changed..... 132

JACKSON, JACOB B.

authorized, as agent of state, to stay proceedings in a certain suit in chancery, pending
 in circuit court of Wood county, in relation to James L. Morehead..... 196 197

JAMES RIVER AND KANAWHA CANAL.

legislature reserves the right and power, in act authorizing the formation of corpora-
 tions to construct booms, etc., in certain counties, to connect the waters of the
 Chesapeake bay with the Ohio river by canal, etc., section 30..... 187

JANITOR.

governor to appoint..... 16
 how and for what removed..... 16
 his duties, compensation, etc..... 16
 appropriation to pay salary of..... 57 58

JEFFERSON COUNTY AGRICULTURAL COLLEGE.

act donating certain public lands or land warrants to..... 72 73

JOINT RESOLUTIONS.

providing for a joint committee of the two houses on rules for the government of the
 joint convention for counting the vote for State officers..... 191
 appointing a joint committee to wait upon the governor..... 191

for the appointment of a committee in relation to the furniture, etc., necessary for the capitol building.....	192
instructing our senators and requesting our representatives in congress to favor a modification of the internal revenue laws in relation to the sale of tobacco.....	192
providing for a joint committee to arrange for the inauguration of the governor elect on the fifth day of March next.....	192
instructing the senators and requesting the representatives of this state in congress to use their best efforts to secure appropriations for the improvement of the Guyandotte and Tug rivers in this state.....	193
to ascertain the amount of per diem and mileage paid to each of the directors of the hospital for the insane and the penitentiary.....	193
providing for a joint committee to examine the penitentiary, as provided by law.....	194
requesting congress to appropriate money to improve the navigation of the Guyandotte and Little Coal rivers.....	194
appointing commissioners to inquire into the rates of freight and travel on the Baltimore & Ohio railroad.....	195
instructing our senators and requesting our representatives in congress to use their best efforts to secure an appropriation sufficient to continue the improvement of the Monongahela river to its head.....	195
instructing our senators, and requesting our representatives in congress, to use their best efforts to secure an appropriation sufficient to continue the improvement of the Little Kanawha river.....	196
providing for the appointment of a joint committee to examine the West Virginia hospital for the insane.....	196
for the relief of James L. Morehead.....	196
authorizing the joint committee charged with the duty of inquiring into the rates of freights and travel on the Baltimore & Ohio railroad, to sit after the adjournment of the present session of the legislature.....	197
providing for an extension of the present session of the legislature.....	197
providing for the printing and distribution of the acts of the legislature.....	198
acknowledging the liberality and enterprise of the citizens of Wheeling, in providing a suitable and commodious building for the use of the legislature and state officers....	198
appointing a joint committee to wait on the governor.....	199
JOINT STOCK COMPANIES.	
authorized to purchase stock or securities of railroad companies and guarantee their debts.....	10
act repealed regulating sale of property of, under deed of trust or decree of court, and making the purchaser a corporation.....	23
JUDGES.	
authorized to administer oaths, oaths of office, to swear persons to affidavits and to administer an oath in any proceeding.....	115
JUDGES OF CIRCUIT COURTS.	
duty of, as to act amending code relating to fishing at certain seasons.....	27
appropriations to pay salaries of, and mileage.....	57 59
may take files of papers from any county in circuit to be used in vacation.....	84
may order account, etc., to be taken in vacation, code in relation to, amended.....	129
duties of, under the law providing more effectually for the collection and accounting for of state, county, district and municipal taxes and moneys, and the protection of payees and owners of drafts and orders payable out of such taxes and monoy, section 6.....	168

JUDGMENTS.

sections 4, 7 and 14 of chapter 139 of code as to docketing of, lien of, on real estate, etc., amended.....	192 193
--	---------

JUDGES OF SUPREME COURT.

appropriation to pay salaries of, and mileage.....	57 58
may hold special terms, how, where and for what	101 102

JURISDICTION, CONCURRENT.

section 2 of chapter 98, acts 1875, relating to, of courts of limited jurisdiction, amended..	112 113
---	---------

JUSTICES.

number to be elected in each district.....	30
election of two, in certain districts at last election legalized.....	30
when county court may direct that an additional justice be elected.....	30
term of office of such justice.....	30
election of, in McElroy and Union districts, Tyler county, legalized.....	48 49
section 128 of chapter 226, acts 1872-3, relating to appeals from judgments of, amended..	85 86
duty of, upon complaint that any person is selling spirituous liquors, etc., contrary to law, section 19.....	145 146

KANAWHA COUNTY.

charter of the city of Charleston in, amended.....	34 35
allowance by county court of, to prosecuting attorney, clerks of courts and sheriffs.....	62

KANAWHA AND GALLIPOLIS PACKET COMPANY.

dissolution of.....	238
---------------------	-----

KENNEDY, F. M.

election of, as justice legalized, etc.....	48 49
---	-------

KENNY, W. J.

appropriation to pay expenses of, as member of state board of examiners.....	67
--	----

KEEPER OF THE ROLLS.

appropriation to pay salary of	57 58
--------------------------------------	-------

KIRWAN, THOMAS A.

time extended in which to qualify as councilman.....	51
--	----

LABORERS.

working tools of the trade or occupation of, exempted from forced sale or execution.....	49
to what value, etc.....	49

LAND.

condemnation of, for burial purposes, how and when.....	118
section 32 of chapter 54, acts 1875, relating to the entry of, situated in different coun- ties, for the purposes of taxation, amended.....	130 to 132

LAWS REPEALED.

(see title, "Acts of Legislature Repealed.")

LEATHERWOOD, VILLAGE OF.

act amending act incorporating the, repealed.....	133 134
not to affect any corporation right or power of, other than the creation of an independent school district in.....	134

LEGAL TENDER.

silver coin made a, for all debts and taxes.....	18
--	----

LEGISLATURE.

appropriation to pay members and officers of.....	56 126 127
appropriation to pay contingent expenses of.....	65
joint resolution extending session of.....	197 198

LEVIES.

time extended within which certain county and district, may be certified to auditor by clerks of county courts and clerks of boards of education.....	168
since what year	168
penalty on clerks for failure	163

LEVIES, DISTRICT FOR SCHOOLS.

ballots for, what to have written or printed thereon, section 2.....	101 105
majority vote necessary to make, section 2.....	105
special election for, when, section 2.....	105
notice of such election, when and how given, section 2	105
form of delinquent list for real and personal property delinquent for non-payment of...	109 110

LEWIS COUNTY.

county court of, authorized to relieve J. W. & W. S. Armstrong as to any erroneous assessment made in 1871.....	20 21
---	-------

LEVY FOR ROADS.

how made and where expended.....	120
persons and property in certain cities and towns exempted from the payment of road levies.....	134

LIBRARIAN, STATE.

governor to appoint.....	16
how and for what removed.....	16
his duties and compensation, etc.....	16
<i>ex-officio</i> adjutant-general.....	45
appropriations to pay salary of.....	57 68
appropriations to pay contingent expenses of office of.....	66 69

LIBRARY.

appropriations to purchase books for.....	67 70
---	-------

LICENSES, STATE.

chapter 32 of the code regulating, amended.....	139 to 161
for what a state license is necessary.....	139
penalty for acting without license.....	139 140
in what cases license not required.....	140
provisions respecting tavern licenses.....	141 142
how state licenses obtained	142 143
power of city, village or town council not to be impaired.....	143
certificate of character and qualification to be given in certain cases before license granted.....	143
bonds required in certain cases.....	145
revocation of licenses in certain cases.....	146
place to which licenses confined.....	146
assignment of licenses.....	147
fees for licenses and for alterations and assignments.....	147
time for which license granted.....	147
appeal from assessor.....	148
production of license, if demanded.....	148
assessors' lists of licenses.....	148 149
penalty for transacting business without paying tax.....	148
instructions of auditor to assessors.....	149
penalty on assessors for neglect of duty.....	149

collection of license taxes.....	149
power to distrain.....	149
delinquents.....	150
payment of license tax into the treasury.....	150
how payments enforced.....	150
commissions for collecting license taxes.....	151
duty of prosecuting attorney.....	151
provisions of chapter remedial.....	151
chapter 99, acts 1872-3, providing against the evils resulting from sale of intoxicating liquors, repealed.....	151
tax on; chapter 33 of code, in relation to, amended.....	152 to 155
LICENSES.	
In what cases, not required, section 4.....	140
LIENS OF JUDGMENTS.	
sections 4, 7 and 14 of chapter 139 of code, as to docketing of judgments, lien of judgments as against purchaser for value without notice, and notice <i>lis pendens</i> amended.....	192 193
LINCOLN COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	9 10 96
allowance by county court of, to prosecuting attorney of, etc.....	62
LIQUORS.	
(see title "spirituous liquors.")	
LIS PENDENS	
sections 14 of chapter 139 of code in relation to, amended.....	193
LISTS, ASSESORS OF LICENSES.	
what to specify.....	148
when delivered to sheriff.....	149
what lists to be transmitted to auditor, and when.....	149
what to be noted on, and how verified.....	149
if no certificate for license is issued to report that fact to auditor.....	149
effect of lists as evidence.....	149
LISTS.	
of commissioners appointed by governor in other states.....	242
LITTLE KANAWHA RIVER.	
joint resolution in relation to.....	196
LOGAN COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	110
LUNATICS IN JAILS.	
appropriation to pay expenses of.....	64 68
MARION COUNTY.	
Fairmont and Palatine bridge company in, authorized to build additional piers under its bridge.....	50 51
allowance by county court of, to prosecuting attorney of, etc.....	62
MARRIAGES.	
section 3 of chapter 161, acts 1872-3, relating to ministers authorized to celebrate the rites of marriage, amended.....	135 136
section 4 of same chapter relating to the appointment of persons by county courts to celebrate the rites of, repealed.....	136

MARSHALL COLLEGE.	
appropriation to repair.....	64
appropriation to insure.....	64
MARSHALL COUNTY.	
allowances by county court of, to prosecuting attorney, sheriff of, etc.....	62
county court of, authorized to construct roads, when and how.....	173 to 178
MARTIN, WM.	
election of, as justice legalized, etc.....	48 49
MAYOR AND COUNCIL OF CITY OF PARKERSBURG.	
authorized to purchase certain grounds for a public bank.....	85 89
McCALLISTER, BENIAH H., DECEASED.	
appropriation to pay the personal representative of.....	136
MCDOWELL COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	119
McKIM MANUFACTURING COMPANY.	
incorporation of.....	231
McMURRAN JOSEPH.	
appropriation to pay expenses of, as member of state board of examiners.....	67
MECHANICS.	
working tools of the trade of, exempted from forced sale and execution.....	49
to what value.....	49
what amount, exemption allowed, not to exceed.....	49
benefit of act, how taken.....	49
debt heretofore contracted not effected.....	49
MENAGERIES.	
to be licensed, section 2.....	139
penalty for exhibiting without license, section 3.....	139 140
how taxed, section 26.....	148
tax on license to exhibit.....	154
MERCER COUNTY.	
times for holding circuit court in.....	6
allowance by county court of, to prosecuting attorney of, etc.....	62
MESSAGES, BIENNIAL.	
number to be printed, and how disposed of.....	133
MILEAGE.	
of witnesses, code in relation to amended.....	11
MINERALS.	
governor authorized to convey certain, under bed of the Ohio river.....	24 25
MINERAL COUNTY	
act to establish a county court and a board of commissioners for, Hardy, Grant and Pendleton.....	41 to 45
independent school district of Keyser created in.....	120 to 122
formation of corporations for the purpose of constructing booms or dams in, authorized.....	178 to 190
MINORS AND PERSONS OF UNSOUND MINDS.	
penalty for selling or giving spirituous liquors to, section 12.....	143
see, also, section 16.....	144

MINISTERS OF THE GOSPEL.

section 3 of chapter 161, acts 1872-3, relating to, authorized to celebrate the rites of marriage, amended.....	135 136
section 4 of same chapter repealed.....	136

MINING AND MANUFACTURING COMPANY, NEW RIVER RAILROAD.

secretary of state authorized to correct a clerical error in the articles of association of.....	128
future liability of company fixed.....	128

MISAPPROPRIATION.

of any state, county, district and municipal taxes and moneys by sheriff, etc., deemed a misdemeanor.....	161 162
penalty.....	162

MISDEMEANORS.

issuing notes, etc., without authority of law, with intent to create a circulating medium, and the passing and receiving of the same, knowingly, deemed a misdemeanor.....	21 22
penalty.....	22
wilfully or maliciously destroying, etc., aids to navigation deemed.....	22
injuring or destroying sidewalks deemed.....	55
what deemed a misdemeanor by person acting as commissioner of election for school officers, section 3.....	105
misappropriation by sheriffs, etc., of any state, county, district and municipal taxes and moneys, deemed a misdemeanor.....	161 162

MONEY BROKERS, ETC.

must be licensed.....	139
penalty for doing business without license.....	139 140
tax to be paid by.....	153 154

MONONGAHELA RIVER.

joint resolution in relation to.....	195
--------------------------------------	-----

MOREHEAD, JAMES I.

joint resolution for relief of.....	196 197
-------------------------------------	---------

MUNICIPAL AUTHORITIES.

of towns and villages, code in relation to amended.....	53
---	----

MUNICIPAL COURT OF WHEELING.

section 23, acts 1865, relating to the fees of the clerk of, amended.....	57
---	----

MUTUAL FIRE INSURANCE COMPANIES.

incorporation of, authorized.....	74 to 77
how organized, their powers, etc.....	74 to 77

MYERS, G. L.

time extended in which to qualify as councilman.....	51
--	----

NAVIGATION, AIDS TO.

penalty for wilfully, etc., injuring or destroying.....	22 23
---	-------

NEW CREEK DISTRICT.

independent school district created in, in the county of Mineral.....	120 to 122
---	------------

NEW RIVER RAILROAD MINING AND MANUFACTURING COMPANY.

secretary of state directed to correct a clerical error in the articles of association of.....	128
future liability of company fixed.....	128

NICHOLAS COUNTY.

formation of corporations for the purpose of constructing booms or dams in, authorized.....	178 to 190
---	------------

NON-RESIDENTS.

fees of, may be required to be paid in advance, by sheriffs, clerks and other officers..... 84

NORMAL SCHOOL, STATE.

appropriation for support of, and branches..... 8 9
 report to be made by principal of, and branches..... 8
 report to be made by president of board of regents..... 8
 appropriation to pay expenses of regents of..... 64 68
 to repair Marshall college..... 64
 for insurance on same..... 64
 for repairing building West Liberty school..... 64

NOTARIES PUBLIC.

tax on seal of..... 154
 same tax though scroll be used..... 154
 when no tax on seal to be charged..... 154
 to whom tax on seal of, paid, and by whom..... 155
 report to be made by, to sheriff, when..... 155
 commission to be deducted by, for taxes received..... 155
 penalty for failure to make report of taxes received, and how recovered..... 155

NOTICE.

who may serve, on seller of liquors not to sell to certain persons, section 16..... 144
 selling to such persons, after such notice, what then..... 144

NOVELTY MILL COMPANY.

incorporation of..... 234

NUISANCES.

when houses, etc., where liquors are sold deemed public, and may be abated, section 14 143 144
 when owner of house, etc., and any other person, etc., may be indicted for keeping, etc.,
 a public nuisance, section 15..... 144
 penalty on conviction..... 144
 judgment of court in such cases..... 144

OATHS.

of persons elected or appointed to an office..... 12
 presidents of county courts may administer..... 97
 judges authorized to administer, and oaths of office, etc..... 115

OFFICERS.

further time given certain county and district, elected at last election to qualify..... 3
 bond and qualification of certain county and district, legalized..... 3
 sections 7 and 13 of chapter 42, acts 1872-3, relating to official bonds and qualification of
 certain county and district officers, amended..... 12 to 14
 governor to appoint and remove certain..... 16
 law in relation to allowances by county courts to certain, amended..... 61 62
 when, may require fees to be paid in advance..... 84

OFFICIAL BONDS.

of certain officers, legalized..... 3
 sections 7 and 13 of chapter 42, acts 1872-3, relating to, amended..... 12 to 14
 when to be given and how approved..... 12 13
 proviso as to bonds of certain officers elected at last general election..... 13
 of executive officers, when given..... 13
 of county and district officers, how approved..... 13
 proviso as to certain officers elected at last general election who failed to give bond, etc. 13

how approved, etc., in such cases.....	13 14
penalty of, of county and district officers.....	14
how and to whom certified.....	14
to be recorded.....	14
bond, etc., of sheriff who may have resigned or been removed, not impaired, etc.....	130
OHIO COUNTY.	
board of commissioners of, authorized to dispose of the stock, etc., in Pittsburgh, Wheeling and Kentucky railroad company.....	7 8
charter of city of Wheeling in, amended.....	27 28
decree of the circuit court of, in relation to sale of the third story of the building known as Washington Hall, legalized.....	36 37
allowances by county court of, to prosecuting attorney, and clerk of circuit court of, etc.....	62
OHIO RIVER.	
governor authorized to convey the title and interest of the state in the minerals under a portion of the bed of, in Hancock county.....	25
ORDERS.	
owners of, drawn on sheriff, etc., payable out of any state, county, district, etc., taxes and moneys, protected.....	162 163
penalty on sheriff, etc., for discounting such orders or refusing to pay.....	162 163
OVERSEERS OF THE POOR.	
section 3 of chapter 80, acts 1872-3, relating to the meetings of, amended.....	117
less than a majority may adjourn from day to day.....	117
president and clerk of, when appointed.....	117
salary of clerk of, and how paid.....	117
one-third of the, may call meeting of, by giving notice.....	117
president or clerk <i>pro tempore</i> may be appointed, when.....	117
PANORAMAS.	
tax for each exhibition.....	154
PARK, PUBLIC.	
municipal authorities of city of Parkersburg authorized to purchase certain grounds for a.....	87 89
PARKERSBURG, CITY OF.	
mayor and city council of, authorized to purchase certain grounds to be used as a public park.....	87 89
PARKERSBURG BUILDING ASSOCIATION.	
dissolution of.....	239
PATENTS.	
section 3 of chapter 68 of the code in relation to, amended.....	83
PATENT RIGHTS.	
not to be sold without license, section 2.....	139
penalty for selling without license, section 3.....	139 140
license, how obtained, section 8.....	142
license to sell, at any watering place, for what time and how taxed, section 26.....	148
rate of tax to be paid.....	154
PATRONS' EXCHANGE AND TRUST ASSOCIATION.	
incorporation of.....	215

PAYMENT OF DRAFTS AND ORDERS.

drawn on sheriffs, etc., payable out of any state, county, etc., taxes and moneys, act in relation to..... 161 162
 penalty on officer for shaving, buying or refusing to pay such drafts and orders..... 162 163

PEACH BRANDY.

tax for selling, by distillers, in quantities of not less than five gallons..... 153
 must be carried away and not drunk on the premises..... 153
 sale of less than five gallons at a time, deemed a violation..... 153

PEDDLERS.

must be licensed, section 2..... 139
 penalty for doing business without license, section 3..... 139 140
 license for, how obtained, section 8..... 142
 license confined to county, section 21..... 146
 for what time granted, section 25..... 147
 license to act as, at any watering place, for what time and how taxed, section 26..... 148
 tax to be paid by..... 154
 no tax for selling goods, manufactured in this state by manufacturer or agent as..... 154

PENDELTON COUNTY.

act to establish a county court and board of commissioners for, Mineral, Grant and Hardy 41 to 45

PENITENTIARY.

governor to appoint board of directors of..... 16
 also superintendent of..... 16
 working of convicts in the, under contract, provided for, and regulations governing the same..... 37 to 41
 duty of board of directors of, as to..... 37 to 40
 other duties of board..... 40 41
 portion of convicts may be employed in manufacturing, etc., of articles used by state... 39
 convicts may be hired as domestics..... 39
 officers and employees of, to receive no other compensation than that provided by law... 39 40
 penalty for..... 40
 statement to be made by clerk of..... 39
 penalty on officers and employes of, for making gifts to or receiving gifts from convicts. 40
 who not to be employed in or appointed to any office..... 40
 who to purchase forage, fuel, supplies, etc..... 40
 accounts for same, how kept..... 40
 who to receive money on account of any claim due..... 40 41
 duty of superintendent as to his cash account..... 41
 when and what money to be paid to treasurer..... 41
 visitors may be charged for going through prison..... 41
 duty of superintendent as to such receipts..... 41
 how expended..... 41
 duty of clerk of..... 39 40 41
 duty of commissary of..... 40
 appropriations for support of convicts in..... 64 67
 to pay deficit in former appropriation for support of convicts..... 64
 appropriations to pay guards at, salary of superintendent, clerk and commissary..... 64 67
 how paid..... 64 67
 appropriations to pay for machinery, etc..... 64
 section 15 of chapter 163 of code, relating to convict's estate, amended..... 123
 joint resolution as to mileage paid directors of..... 193 194
 joint committee to examine..... 194

PERMANENT SEAT OF GOVERNMENT.	
act providing for the location of a, and erection thereof of the necessary buildings.....	79 to 82
power of circuit court of county wherein located, to enjoin removal when permanently located.....	82
PERSONS AND PROPERTY.	
in certain cities and towns exempted from payment of poor and road levies.....	134
PERSONAL REPRESENTATIVE.	
of Beniah H. McCallister, deceased, appropriation to pay.....	136
PEYTON, WM. M.	
appropriation to pay, for taxes erroneously assessed and paid by.....	80 31
PHYSICIANS.	
prescriptions by, to druggists, for spirituous liquors, what to specify, section 4.....	140
penalty on, for giving prescriptions to aid druggists or other persons in the violation of law, section 4.....	141
PLEADINGS.	
in actions on policies of insurance.....	89 to 91
PLEASANTS COUNTY.	
times for holding circuit court in.....	17 18
PITTSBURGH, WHEELING AND KENTUCKY RAILROAD COMPANY.	
Brooke and Ohio counties authorized to dispose of the stock, etc., in.....	7 8
POCAHONTAS COUNTY.	
formation of corporations for the purpose of constructing booms or dams in, authorized.....	178 190
POINT PLEASANT MACHINE WORKS.	
incorporation of.....	221
POLICIES OF INSURANCE.	
pleadings in actions on.....	89 to 91
form of declaration in actions on.....	89
POLL BOOKS.	
for school election, who to furnish and deliver.....	104
POOR.	
section 3 of chapter 80, acts 1872-3, concerning overseers of, amended.....	117
POOR LEVIES.	
persons and property in certain cities and towns exempted from the payment of.....	134
PRESIDENTS OF COUNTY COURTS.	
may administer oaths, take depositions, etc.....	98
may take acknowledgment of deeds, etc.....	99
shall be conservator of the peace.....	99
his compensation.....	99
jurisdiction heretofore given to, or compensation for other duties not affected.....	99
PRESTON COUNTY.	
certain records in, legalized.....	122
PRINTING, PUBLIC.	
appropriation for.....	67 70
PRIVATE CORPORATIONS.	
authorized to purchase stock or securities of railroad companies, and guarantee their debts.....	10

PROSECUTING ATTORNEYS. ~

law relating to the compensation of, amended.....	61 62
code amended in relation to the fees of, to be taxed in the costs.....	97 98
in no case to be paid out of county or state treasury.....	98
duty of, as to sheriff's failing to settle with county court for school moneys.....	111
his duties under license law.....	151
no indictment to be dismissed without trial.....	150
no confessions of judgment taken for a less sum where there is a fixed fine.....	150
his duties under the law providing more effectually for the collection and accounting for of state, county, district, and municipal taxes, and the protection of payees and owners of drafts and orders payable out of such taxes and moneys, section 6.....	163
his duties, when railroad companies willfully violate provisions of chapter 227, as amended by chapter 92, acts this session.....	170

PUBLIC DUES.

act providing for the collection of, in cases where there is a vacancy in office of sheriff by resignation or removal.....	129 130
--	---------

PUBLIC LANDS.

certain, or land warrants donated to Jefferson county agricultural college.....	78
---	----

PUBLIC LOAN.

appropriations to pay, and interest thereon.....	67 70
--	-------

PURCHASERS.

rights and privileges of, at sales of the works and property of railroad and other improvement companies under decrees of a court.....	14 15
act repealed making, of property of joint stock companies under decree of court, etc., a corporation.....	22
sections 7 and 14 of chapter 139 of code, relating to lien of judgment on real estate as to, for value without notice, and notice of <i>lis pendens</i> , amended.....	192 193

PUTNAM COUNTY.

times for holding county court in.....	9
--	---

QUALIFICATION.

of certain county and district officers, legalized.....	3
further time given to qualify in certain cases.....	3 12 13 15

QUINCY SALT COMPANY.

incorporation of.....	202
-----------------------	-----

RAILROAD CHARGES.

section 10 of chapter 227, acts 1872-3, relating to, amended.....	124 125
---	---------

RAILROAD COMMISSIONERS.

appropriations to pay, to assess railroad property.....	67 70
---	-------

RAILROAD COMPANIES.

authorized to issue either registered or coupon bonds and to exchange the one for the other.....	5
Brooke and Ohio counties authorized to dispose of stock, etc., in Pittsburgh, Wheeling and Kentucky railroad company.....	7 8
private corporations authorized to purchase stock or securities of, and guarantee their debts.....	10
act relating to sales of the works and property of, under decrees of a court.....	14 15
charter of Chesapeake and Ohio, amended and revived.....	19
attorney-general authorized to protect interest of citizens in certain suits in favor of, or against.....	20

act repealed regulating sale of property of joint stock companies under deed of trust or decree of court and making purchaser a corporation.....	23
time extended in which certain, must begin the construction of their roads, etc.....	26
section 1, chapter 160, acts 1872-3, granting the right to construct a railway track along and across national road, amended.....	63
capital stock of, may be reduced, how.....	114
section 10 of chapter 227, acts 1872-3, relating to charges for transportation of passengers, goods and merchandise, and fees and commissions charged, amended.....	121 125
secretary of state authorized to correct a clerical error in articles of association of the New river, etc.....	128
what railroads shall not consolidate and what may merge or consolidate, law amended..	137 138
connecting lines may also sell or purchase.....	138
may change name of merged or consolidated road.....	138
how merger, etc., or sale to be made.....	138
suits, claims, etc., not to be invalidated by such merger, etc.....	138
notice to be given of consolidation.....	138
not to apply to Baltimore and Ohio and Northwestern Virginia railroads so as to enlarge their powers and privileges.....	138
railroad corporations now existing to have all the powers and privileges contained in this act.....	138
rights, powers, etc., heretofore conferred on railroads, by special charter, etc., not abridged, etc.....	138
companies now constructing roads may acquire title to lands.....	138
assessment of the property of railroads for taxation, section 67, chapter 54, acts 1875, in relation to, amended.....	156 to 160
compromise of taxes by with counties prohibited.....	159
time extended within which clerks of county courts and secretaries of boards of education may certify railroad taxes and levies to auditor.....	168 169
since what year.....	168
section 15 of chapter 227, acts 1872-3, concerning transportation of passengers and freight on railroads, amended.....	170
willful violation by, of provisions of act, deemed and taken as a forfeiture of franchises..	170
how proceeded against.....	170
if violation proved, presumed to have been willful.....	170

RAILROAD TAXES.

section 67 of chapter 54, acts 1875, relating to the assessment of, amended.....	156 to 159
duty of auditor in relation to.....	157 158 159 169
county authorities prohibited from compromising.....	159
time extended within which clerks of county courts and secretaries of boards of education may certify to auditor.....	168
since what year.....	168
penalty on clerks for failure.....	168
duty of auditor on receipt of such certificates.....	169
statement to be sent by auditor to railroad company; when, and what to contain.....	169
company to pay such taxes, when.....	169
failure or refusal to pay such taxes in specified time, auditor to add ten per cent. and certify to sheriff amount of such taxes.....	169
duty of sheriff as to collecting.....	169
when such taxes are paid into treasury by company, auditor to account for and arrange same with sheriff.....	169

sheriff to account for amount of such taxes received by him, how.....	169
auditor to certify to county court amount sheriff chargeable with for taxes, etc.....	169
RAILWAY COMPANY, WHEELING & ELM GROVE.	
section 1, chapter 160, acts 1872-3, granting right to construct a railway track along and across national road, amended.....	63
RALEIGH COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	9 10
allowance by county court of, to prosecuting attorney of, etc.....	62
formation of corporations for the purpose of constructing booms or dams in, author- ized.....	178 to 190
RANDOLPH COUNTY.	
times for holding county court in.....	48
act providing for the construction of road in, and making an appropriation to aid therein.....	171 172
RAVENSWOOD, SCHOOL DISTRICT OF.	
act of 1870, creating, amended.....	71 72
REAL PROPERTY.	
rate of taxation on.....	152
RECORD.	
of certain deeds and other writings legalized.....	163
RECORDS OF COURTS.	
not to be removed out of county, except, etc.....	88 84
penalty on clerk for permitting removal.....	84
but any judge may take files of papers from any county of his circuit, etc.....	84
RECORDS IN PRESTON COUNTY.	
act legalizing certain.....	122
RECOVERY OF CLAIMS DUE THE STATE.	
section 22 chapter 35 of code, in relation to, amended.....	123 124
section 2 of chapter 95, acts 1872-3, in relation to, amended.....	164
REGENTS OF WEST VIRGINIA UNIVERSITY, BOARD OF.	
governor to appoint.....	16
how and for what removed, etc.....	16
section 78, school law, in relation to, amended.....	167 168
of what number to consist.....	167
their powers.....	167
three to be a quorum, except for the transaction of certain business.....	167
when term of office of present members to expire and a new board appointed.....	167
when two of the regents to retire from board.....	167
order in which they retire.....	167 168
vacancies filled by governor.....	168
REGENTS OF STATE NORMAL SCHOOL.	
(see title "board of regents of etc.")	
REGISTERED OR COUPON BONDS.	
corporations authorized to issue, and to exchange one for the other.....	6
REFRESHMENTS.	
not to be furnished at public theater without license.....	139
penalty for violation.....	139 140
tax on license.....	152

REMEDIAL.	
provisions of chapter 107 construed as.....	151
REPORTS.	
monthly and semi-annual reports to be made by treasurer as to state deposits.....	61
of clerks of courts to auditor, act in relation to, amended.....	126
judges of circuit courts may order, in vacation, commissioners in chancery to make report upon matters, etc.....	129
code in relation to such orders amended.....	129
biennial, of state officers, number to be printed and how disposed of.....	133
REPORTS, SUPREME COURT.	
appropriations to pay for printing and binding.....	66 69
RIPLEY, INDEPENDENT SCHOOL DISTRICT OF,	
boundaries of, changed.....	132
RITCHIE COUNTY.	
times for holding circuit court in.....	17 18
allowance by county court of, to prosecuting attorney of, etc.....	62
ROAD TAXES.	
persons and property in certain cities and towns exempted from the payment of.....	134
ROADS, COUNTY.	
section 12 of chapter 194 acts 1872-3, amended.....	119 120
act providing for construction of a road from Helvetia, in Randolph county, to, etc., and appropriating money to aid therein.....	171 172
county court of Marshall county authorized to construct roads on petition of a majority of the resident land owners along and adjacent to the line of, act in relation to.....	173 to 178
ROANE COUNTY.	
boundaries of school district of Spencer in, changed.....	96 97
SALARIES.	
appropriations to pay, of state officers.....	55 to 57
appropriations to pay, of clerks.....	66 69
of inspector of tobacco; section 7 of chapter 84, acts 1875, in relation to, amended.....	100 101
SALES.	
time extended in which sheriffs or other officers may sell for taxes and fee bills.....	77 78
SALE OF SPIRITUOUS LIQUORS.	
chapter 33 of code, respecting license for, amended.....	139 to 161
injuries to persons arising from, remedy therefor.....	143 144
when house, etc., where sold may be abated as a public nuisance, and owner, etc., indicted.....	143 144
when house, etc., where sold may be broken open by officer charged with the execution of a warrant.....	145
chapter 99, acts 1872-3, in relation to, repealed.....	151
tax on license to sell at retail.....	152
tax on license to sell at wholesale.....	152
SCHOOL DISTRICT OF KEYSER.	
act creating, in Mineral county.....	120 to 122
SCHOOL DISTRICT OF RAVENSWOOD.	
act providing for, amended.....	71 72
SCHOOL DISTRICT OF RIPLEY.	
boundaries of, changed.....	132

SCHOOL DISTRICT OF SPENCER.

section 1 of act providing free schools for, amended..... 96 97

SCHOOL LAW.

section 7 of chapter 123, acts 1872-3, amended..... 31 30

sections 1, 2, 3, 4, 5, 12, 13, 30, 46, 47 and 52 of, amended..... 103 to 111

section 8, relating to secretaries of boards of education, and section 78, relating to the board of regents of West Virginia University, amended..... 166 to 168

SCHOOL MONEY.

(See title, "General School Fund.")

SCHOOL MONTH.

to consist of twenty-two days, section 30..... 107

only twenty days to be devoted to teaching, section 30..... 107

two days given to institutes, section 30..... 107

SCROLLS.

same tax on, as seals in certain cases..... 154

SEALS.

tax on..... 154

tax same, though scroll used..... 154

when tax not to be charged on..... 154

tax on, by whom and to whom paid..... 155

report to be made to sheriff by officer using..... 155

commission for collecting and paying over such taxes..... 155

penalty on officer for failure to report and pay over..... 155

how recovered..... 155

SEAT OF GOVERNMENT, PERMANENT.

law providing for the location of a, and the erection thereof of the necessary buildings.. 79 to 82

power of circuit court to enjoin removal when located..... 82

SECRETARY OF STATE.

appropriations to pay salary of..... 67 58

appropriations for contingent expenses of the office of..... 65 69

how drawn..... 66 69

appropriations to pay salary of clerk in office of..... 66 69

directed to correct a clerical error in articles of association of New river railroad, mining and manufacturing company..... 128

tax on seal of state, and to whom paid..... 154 155

when no tax to be charged by on seal of state..... 164

semi-annual report of, to auditor of taxes received..... 155

to pay amount of taxes due into treasury..... 155

commission to be deducted by..... 155

If secretary receives nothing, to transmit affidavit to auditor to that effect..... 155

penalty for failure to report, etc..... 155

how recovered..... 155

when to issue certificate of incorporation under provisions of act providing for corporations for the purpose of constructing booms or dams, section 4..... 179

acts of legislature to be distributed by..... 198

SECRETARIES OF BOARDS OF EDUCATION.

to give notice of special election for district levy, when and how, section 2..... 105

monthly reports to be made to, by teachers, section 30..... 106 107

registers of teachers at close of each term to be returned to, and filed by, section 30.....	107
unless such register be properly kept and returned, teacher not entitled to balance due on salary, section 30.....	107
when and how teachers paid, section 30.....	107
trustees to certify monthly pay of teachers to, section 30.....	107
but not to be paid unless the monthly report be first duly made out and returned to, section 30.....	107
duty of, as to annual settlements of sheriffs with board, section 46.....	109
to certify to auditor amount levied for school purposes on railroad property.....	158
penalty for violating.....	158
section 8 of school law, in relation to, amended.....	166 167
when and how appointed.....	167
his duties as to the meetings and proceedings of board.....	167
allowed thirty days to certify to auditor amount levied for school purposes in district....	167
authorized to administer oaths to school officers.....	167
his compensation, how determined and paid.....	167
to make annual report to county superintendent before paid.....	167
time extended in certain cases within which secretaries may certify levies to auditor....	168 169
penalty for failure.....	168
SECURITIES.	
of railroad companies may be purchased by private corporations.....	10
SETTLEMENTS, SCHOOL MONEY.	
of sheriff or collector with board of education, when made, section 46.....	108
with what sheriffs to be charged and credited in such settlements, section 46.....	108
duty of board as to such settlements, section 46.....	108
duty of secretary of board as to vouchers, etc., with which sheriff has been credited, section 46.....	109
to whom such vouchers, etc.; delivered to be filed, section 46.....	109
such vouchers and accounts to be made basis of settlement of sheriff with county court, section 46.....	109
sheriff to receive no credit for excess paid out of either fund, when, section 46.....	109
annual settlement of sheriff with county court, section 52.....	111
when made, and what such settlement to show, section 52.....	111
such settlement to be recorded, section 52.....	111
accounts and vouchers to be filed with clerk, and how; section 52.....	111
penalty on sheriff for failure to make settlement with county court, section 52.....	111
sheriff shall, moreover, be charged twelve per cent., on what and for what time, section 52.....	111
duty of prosecuting attorney when sheriff fails to settle with court, section 52.....	111
liability of sheriff to any person injured by such failure, section 52.....	111
settlement to date back to what time; section 52.....	111
penalty on board of education for failure to make settlement when requested by sheriff to do so, section 52.....	111
clerk to send copy of settlement with court to state superintendent, section 52.....	111
SETTLEMENTS.	
of officers who collect or disburse any state, county or district taxes or moneys; written statement required to be filed; what to contain, section 4.....	162
to be sworn to.....	162
no credit for payment unless such statement is filed.....	162
affidavit made falsely, deemed perjury.....	162

SHERIFFS.

law relating to the compensation of, amended..... 61 62

time extended in which, may distrain, etc., for taxes and fee bills 77 78

may demand his fees in advance, when..... 81

to receive, collect and disburse all school money, section 46..... 108

to give special bond, section 46..... 108

penalty of such bond, section 46..... 108

how bond made payable, section 46..... 108

to be acknowledged and entered of record, section 46..... 108

accounts to be kept by, of school moneys, section 46..... 108

how school moneys paid out by, section 46..... 108

annual settlements by, when and with whom made, sections 46 52..... 108 110 111

with what to be charged and credited, section 64..... 108 109

duty of, as to accounts and vouchers endorsed and delivered to him after settlement with board, section 46..... 109

such accounts and vouchers to be basis of settlement with county court, section 46..... 109

when to receive no credit for excess paid out on either fund, section 46..... 109

to receive no pay for receiving state fund or disbursing any school money, section 46..... 109

remedy against, for failure to account for or pay over money, or for failure to pay any proper draft drawn upon him by board of education, section 46..... 109

form of delinquent lists, of lands and personal property delinquent for the non-payment of taxes, to be returned by, section 47..... 109 110

form of oath to be attached to such lists by..... 110

annual settlements by, with county court, section 52..... 110 111

commission allowed sheriff for collecting district levies for school purposes, sec. 52..... 110

when and what such settlements to show, sec. 52..... 111

such settlement to be recorded, sec. 52..... 111

penalty on sheriff for failure to make this settlement, sec. 52..... 111

to pay, moreover, twelve per cent. interest on all moneys in his hands for the time he is in default in making settlement, sec. 52..... 111

duty of prosecuting attorney as to sheriff so failing, sec. 62..... 111

liability of sheriff to any person injured by such failure, sec. 52..... 111

what time such settlement to extend back to..... 111

penalty of board for failure to make settlement with sheriff when requested by him to do so..... 111

act providing for the collection of taxes, public dues and fee bills in cases where there is a vacancy in office of sheriff by resignation or removal..... 129 130

when, or other officer, may break open house, etc., where liquors are sold, to execute warrant..... 145

when assessor to deliver lists of licenses to..... 149

when to distrain for license taxes..... 149

when to sell..... 149 150

when to return person charged with license tax insolvent..... 150

when to pay license tax into treasury..... 150

when and how auditor to proceed against, for failing to pay license tax..... 150

what judgment to be entered against in such cases..... 150

effect of such judgment..... 150

remedy of person aggrieved by such judgment..... 150

right of state not affected to proceed by motion against sureties of officers 151

interest to be charged against officer failing to pay..... 161

commissions for collecting license tax.....	151
reports to be made to, by clerks of courts and notaries as to tax on seals and tax on papers admitted to record.....	155
to account to county court for amount railroad taxes and levies, received by him from auditor.....	159
penalty on sheriff or other officer for misappropriating taxes or moneys that come into his hands.....	161 162
penalty on any officer for discounting, etc., any draft or order drawn on him payable out of any taxes or moneys in his hands.....	162
penalty on any officer for refusal, etc., to pay any draft, etc., drawn on him, when he has or might have had money to pay same.....	162
how such penalties disposed of.....	162
settlement to be made by such officer; what to contain.....	162
unless so made, no credits allowed.....	162
when collection of taxes or disbursement thereof for next succeeding year, may be withheld from incumbent, and another officer appointed; how and by whom.....	162 163
bond of officer so appointed.....	163
duty of, as to certain railroad taxes.....	169
SHOWS, PUBLIC.	
not to exhibit without license.....	139
penalty for violating.....	139 140
tax to be paid.....	154
SIDEWALKS.	
construction of, authorized within one mile of towns.....	54 55
injuring or destroying same deemed a misdemeanor.....	55
SIGNAL LIGHTS.	
willfully, etc., destroying, etc., how punished.....	22 23
SILVER COIN.	
made legal tender for debts and taxes.....	18
SINKING FUND COMMISSIONER.	
county court of Berkeley authorized to appoint.....	86
his powers, duties, liabilities, compensation, etc.....	86 87
SMITH AND COMPANY.	
incorporation of.....	214
SNOW HILL SALT COMPANY.	
incorporation of.....	224
SOUTH BRANCH IRON, LAND AND TIMBER COMPANY.	
incorporation of.....	218
SPECIAL TERMS.	
of supreme court may be held for the hearing and decision of causes.....	101 102
SPENCER, SCHOOL DISTRICT OF.	
section 1 of act providing free schools for, amended.....	96 97
SPIRITUOUS LIQUORS.	
chapter 32 of the code, regulating license for the sale of, amended.....	139 to 151
chapter 99 of acts 1872-3, relating to the sale of, repealed.....	151
not to be sold without license, section 1.....	139
penalty for so selling, section 3.....	139 140
provision relating to the sale of, by druggists, section 4.....	140 141
how license obtained for the sale of.....	142

certificate of character and qualification required in certain cases, section 11.....	143
penalty for giving or selling, to minors, section 12.....	143
penalty for giving or selling, to persons of unsound mind, section 12.....	143
penalty for selling or giving, to person who is intoxicated at the time, or is in the habit of drinking to intoxication, etc.....	143
penalty for giving or selling on Sunday.....	143
sale by one person for another of, deemed a sale by both, section 13.....	143
both may be indicted and fined, section 13.....	143
when houses, etc., where liquors are sold deemed public nuisances and may be abated, section 14.....	143 144
when owner of house, etc, or other person may be indicted for keeping, etc., a public nuisance, section 15.....	144
penalty on conviction, section 15.....	144
may be imprisoned.....	144
judgment of court in such cases, section 15.....	144
who may serve notice on seller of, not to sell to certain persons, section 16.....	144
selling to such persons after such notice, what then, section 16.....	144
for what, action may be maintained, section 16.....	144
by whom.....	144
for what damages, section 16.....	144
suit may be prosecuted on bond, section 16.....	144
suit may be brought and prosecuted by married women, when, section 16.....	144
damages recovered to be her sole and separate property, section 16.....	144
suits by guardians, damages recovered to be the property of their wards, section 16.....	144
when sheriff or other officer may break open house, etc., where liquors are sold, sec. 17..	145
bond required to sell, section 18.....	145
penalty and conditions of bond, section 18.....	145
liability of sureties in bond for costs and damages, section 18.....	145
duty of justice upon complaint that any person is selling spirituous liquors, etc., con- trary to law, section 18.....	145 146
license for sale of liquors, when and how revoked, section 20.....	146
to what place license for sale of spirituous liquors confined, section 21.....	146
how transferred to another place, section 22.....	146 147
how license assigned, etc., section 23.....	147
when license to expire for sale of, section 25.....	147
license to sell, at any watering place, for what time and how taxed, section 26.....	148
tax on license to sell, at retail.....	152
tax on license to sell at wholesale.....	152
sale of more than five gallons at a time, at retail, deemed a sale without license.....	152 153
sale of less than five gallons at a time, at wholesale, deemed a sale without license.....	153
proviso as to peach and apple brandy distilled.....	153
STAATS, NOAH.	
act for relief of, of Jackson county, one of the sureties of D. J. Keeney, late sheriff...	170 171
STANDARD BASE BALL CLUB.	
incorporation of.....	235
STATE AGENTS.	
appropriations to pay commissions of.....	67 70
section 22 of chapter 35, of code in relation to, for collection of claims due the state, amended.....	123 124

STATE CAPITAL.	
permanent location of, provided for and the erection thereof of the necessary buildings	79 to 82
STATE FUNDS.	
net regulating the deposits of, and to secure interest thereon.....	59 to 61
STATE NORMAL SCHOOL.	
(see title "Normal School, State.")	
STATE SUPERINTENDENT OF FREE SCHOOLS.	
appropriations to pay salary of.....	57 58
appropriations to pay salary of clerk in office of.....	66 69
county superintendents to notify, of their election or appointment, sec. 2.....	104
to prescribe forms and regulations respecting register to be kept and reports to be made by teachers, sec. 30.....	107
county superintendents to report to, the whole number of teachers who attended insti- tutes, when, sec. 30.....	107 108
clerk of county court to send copy of settlement of sheriff' with court to, when, sec. 52.	111
STATIERS, GEO. B.	
election of, as justice legalized, etc.....	48 49
STOCKS.	
of railroad companies, may be purchased by private corporations.....	10
STORAGE CHARGES.	
of railroads for goods in depot or warehouse.....	124 125
SUITS.	
attorney-general to protect interest of citizens in certain suits.....	20
SUMMERS COUNTY.	
allowance by county court of, to prosecuting attorney, etc.....	62
formation of corporations for the purpose of constructing of booms or dams in, author- ized.....	178 to 190
SUPERINTENDENT OF PENITENTIARY.	
governor to appoint.....	16
how and for what removed.....	16
certain duties of, in relation to convicts.....	39
other duties of.....	40 41
SUPERSEDEAS.	
sections 1, 3 and 11, acts 1872-3, chapter 17, relating to, amended.....	52 53
SUPREME COURT OF APPEALS.	
appropriations to pay salaries of judges of, and mileage.....	57 58 59
appropriations to pay salary of clerk of.....	57 59
special sessions of, may be held for the hearing and deciding of causes.....	101 102
how, where, what causes may be decided, etc., at such terms.....	101 102
SWEETSER OIL COMPANY.	
incorporation of.....	223
TAVERNS.	
(see title "Hotels.")	
TAXES.	
act for relief of J. M. and W. S. Armstrong for taxes erroneously assessed.....	20 21
appropriation to pay William M. Peyton for, erroneously assessed against and paid by him.....	30 31
time extended in which distralut and sale may be made for.....	77 78

collection of, in cases where there is a vacancy in office of sheriff by resignation or removal.....	129 130
liability of sheriff appointed to fill vacancy.....	130
power of such sheriff to distrain for.....	130
within what time.....	130
such sheriff not compelled to receive taxes, etc., which previous sheriff could not distrain for.....	130
bond or liability of former sheriff not affected.....	130
taxes, etc., so collected to whom paid and credited.....	130
section 32 of chapter 54, acts 1875, relating to the entry of land, situated in different counties, for the purposes of taxation, amended.....	130 to 132
persons and property of certain cities and towns exempted from the payment of road and poor levies.....	134
chapter 32 of code in relation to license taxes, amended.....	139 to 151
amount and rate of tax on each subject of taxation—chapter 33 of code in relation to, amended.....	152 to 155
on real and personal property.....	152
capitation tax.....	152
on licenses.....	152 153 154
on deeds.....	154
on seals.....	154
when no tax to be charged on seals.....	154
taxes on seals, and deeds admitted to record, to whom and by whom paid and how accounted for.....	155
report to be made by officers for such taxes.....	155
their commissions.....	155
penalties on officers for failure, etc.....	155
how recovered.....	155
on railroads—section 67, acts 1875, in relation to, amended.....	156 to 160
counties prohibited from compromising.....	159
TAXES, COUNTY AND DISTRICT.	
appropriations for refunding to counties, for redemption of land.....	66 70
for refunding to counties, paid by railroads.....	67 70
TAXES AND MONEYS, COUNTY, DISTRICT AND MUNICIPAL.	
act providing more effectually for the collection and accounting for, and the protection of payees and owners of drafts and orders, payable out of such taxes and moneys.....	161 162 163
TEACHERS—SCHOOL.	
trustees to appoint, section 13.....	106
appointment to be in writing, section 13.....	106
approved either by board or president, if board not in session, section 13.....	106
how removed and for what, section 13.....	106
when teacher may be dismissed and school discontinued, section 13.....	106
daily register to be kept by, section 30.....	106
to make monthly reports, section 30.....	106
to keep term register, section 30.....	106 107
what to be entered in term register, section 30.....	106 107
where teacher to file register at end of term, section 30.....	107
forfeits balance of salary for failure to properly keep such register and file the same, section 30.....	107
to be paid monthly, how, section 30.....	107

but in no case to be paid unless the monthly report, etc., be first duly made out, etc., section 30.....	107
number of days to be taught by, section 30.....	107
number of days to attend institutes, section 30.....	107
salary reduced <i>pro rata</i> for the time of non-attendance on the institutes, section 30.....	108
TERMS OF COURTS.	
in ninth judicial circuit.....	6
of county courts in Putnam, Wayne, Lincoln, Cabell, Fayette and Raleigh.....	9 10
county court in Calhoun.....	12
in fifth judicial circuit.....	17 18
of county courts in Wood, Wirt, Grant and Randolph.....	48
of county courts in Cabell and Lincoln.....	96
special terms of supreme court may be held, where, how and for what.....	101 102
of county courts in Boone, Logan, McDowell and Wyoming.....	119
calendar of terms of circuit courts.....	246 248
THEATRES, PUBLIC.	
not to exhibit without license, section 2.....	139
penalty for violating, section 3.....	139 140
when and how license revoked, section 20.....	146
how taxed, section 26.....	148
intoxicating drinks or refreshments at, requires license.....	139
penalty for violating.....	139 140
tax on license for selling drinks or refreshments at.....	152
tax on license for theatrical performances.....	154
provide us to permanent theatres, opera houses, etc.....	154
THE ANCHOR INSURANCE COMPANY.	
incorporation of.....	201
THE COALMONT COAL COMPANY.	
incorporation of.....	203
THE COMBINED IRON AND STEEL ORDNANCE COMPANY.	
incorporation of.....	204
THE COMBINATION TRUST COMPANY.	
incorporation of.....	210
THE EUREKA ASSOCIATION NUMBER TEN PATRONS OF HUSBANDRY OF WEST VIRGINIA	
incorporation of.....	203
THE MUTUAL BUILDING ASSOCIATION.	
incorporation of.....	207
THE PARKERSBURG TRANSPORTATION COMPANY.	
incorporation of.....	212
THE PRODUCERS' LUBRICATING OIL COMPANY.	
incorporation of.....	235
THE SAINT RONAN'S OIL COMPANY.	
incorporation of.....	230
THE STRANGE CREEK IRON COMPANY.	
incorporation of.....	222
THE TAYLOR COUNTY COAL COMPANY.	
incorporation of.....	213

THE TWELVE POLE RIVER MINING AND MANUFACTURING COMPANY.	
incorporation of.....	205
THE WOOD COUNTY BUILDING ASSOCIATION.	
dissolution of.....	238
TIME EXTENDED.	
in which certain railroad companies must begin construction of their roads, etc.....	26
TOBACCO.	
section 7 of chapter 84, acts 1875, in relation to inspectors of, amended.....	100 101
TOWNS AND VILLAGES.	
municipal authorities of, code amended.....	53
act to authorize the construction of sidewalks within one mile of, and to protect same....	54 55
how charters of, of less than two thousand population amended or changed.....	112 113
persons and property of certain towns exempted from the payment of poor and road levies	134
powers of corporate authorities of, as to granting licenses.....	142 143
TRANSFER OF PUPILS.	
when and how made, section 12.....	105 106
enumeration not to be affected by, section 12.....	106
payment where transfer is from one district to another district, section 12.....	106
TRANSPORTATION ON RAILROADS.	
section 10 of chapter 227, acts 1872-3, in relation to fees and commissions charged for, of passengers, goods and merchandise, amended.....	124 125
section 15 of chapter 227, acts 1872-3, in relation to the willful violation of act by company, amended.....	170
TREASURY—STATE.	
when license taxes to be paid into.....	150
TREASURER—STATE.	
appropriation to pay salary of.....	57 58
what semi-annual report of, must show as to money on deposit in each depository.....	61
to report to board of public works every two months amount of state funds in each depository.....	61
appropriations for contingent expenses of the office of,.....	65 69
how drawn.....	66 69
appropriations to pay salary of clerk in office of.....	66 69
TRUSTEES—SCHOOL.	
how and when appointed, sec. 4.....	105
term of office of, sec. 4.....	105
vacancy in office of, how filled, sec. 5.....	106
to be under the control and supervision of board of education, sec. 12.....	105
action of, subject to revision and correction by board, when, secs. 12, 13.....	105 106
duty of, as to transfer of pupils, sec. 12.....	105 106
to have charge of schools and appoint teachers, sec 13.....	106
appointment to be in writing, and approved by board or president, if board is not in session, sec. 13.....	106
where such appointment filed and when, sec. 13.....	106
may remove teachers, when, sec. 13.....	106
may exclude a person from school, for what, sec. 13.....	106
may suspend any scholar, for what, sec. 13.....	106

may refuse to admit such scholar again, sec. 13.....	106
action of, as to excluding persons and suspending scholars shall be subject to revision, etc., of board, sec. 13.....	106
how trustee removed, section 13.....	106
when trustees may dismiss teacher and discontinue school, sec. 13.....	106
board, however, may direct otherwise, sec. 13.....	106
to certify salary of teachers to secretary of board, when, sec. 30.....	107
TYLER COUNTY.	
times for holding circuit court in.....	17 18
election of justices in McElroy and Union districts, legalized.....	48 49
allowance by county court of, to prosecuting attorney of, etc.....	62
UNCHARTERED BANKS,	
sections 14 and 15 of chapter 151 of code, as to issuing notes, etc., with a view to creating a circulating medium, etc., amended.....	21 22
VACATION.	
circuit judges may in, order account to be taken, etc., when.....	129
code in relation to, amended.....	129
VACCINE AGENTS.	
appropriations to pay.....	65 68
VERDICT.	
in action of ejectment, section 23, code in relation to, amended.....	161
VILLAGES.	
provision of code as to municipal authorities of, amended.....	53
(sec title "Towns.")	
VIRGINIA.	
boundary line between this state and, to be located.....	60
WASHINGTON HALL ASSOCIATION, OF WHEELING.	
charter of, amended.....	32 to 34
sale, etc., of the third story of the building, etc. of, legalized.....	36 37
WATERING PLACES, PUBLIC.	
license for selling spirituous liquors at, and for keeping billiard tables, bowling alleys, for what time granted.....	148
tax on license for same.....	153
WAYNE COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	9 10
allowance by county court of, to prosecuting attorney of, etc.....	62
WEBSTER COUNTY.	
formation of corporations for the purpose of constructing booms or dams in, author- ized.....	178 to 190
WEST LIBERTY NORMAL SCHOOL.	
appropriation to repair.....	64
WEST VIRGINIA UNIVERSITY.	
board of regents of, to be appointed by governor.....	16
appropriations for expenses of regents of.....	64 68
for current expenses of.....	64 68
for insurance.....	64 68
for furniture.....	64

INDEX.

297

for repairs, etc.....	64 68
how drawn.....	65 68
section 78, school law, in relation to the board of regents of, amended.....	166 167
when term of office of present board expires, and new board appointed.....	167
WEST VIRGINIA LUBRICATING OIL COMPANY.	
incorporation of.....	226
WESTERN TELEGRAPH COMPANY.	
incorporation of.....	227
WETZEL COUNTY.	
allowance by county court of, to prosecuting attorney, etc.....	62
WHEELING, CITY OF.	
section 24 of an act of the general assembly of Virginia incorporating the, passed March 11, 1836, amended.....	27 28
acts relating to Washington Hall Association in.....	32 36
act establishing a court of limited jurisdiction in, amended.....	54
WHEELING AND ELM GROVE RAILWAY COMPANY.	
section 1, chapter 160, acts 1872-3, granting right to, to construct a railway track along and across national road, amended.....	63
WHEELING STOCKYARD COMPANY.	
incorporation of.....	227
WIRT COUNTY.	
times for holding circuit court in.....	17 18
times for holding county court in.....	48
allowance by county court of, to prosecuting attorney of, etc.....	62
WITNESSES.	
section 40 of chapter 130 of code, in relation to the compensation of, amended.....	11
WOOD COUNTY.	
times for holding circuit court in.....	17 18
times for holding county court in.....	48
allowances by county court of, to prosecuting attorney, clerks of courts and sheriffs.....	62
WOOD COUNTY AGRICULTURAL ASSOCIATION.	
mayor and council of city of Parkersburg authorized to purchase the grounds of, for a public park.....	85 89
WORKING TOOLS.	
of the trade, etc., of mechanics, artisans and laborers exempt from forced sale or execution.....	49
to what value, etc.....	49
debts contracted prior to time this act takes effect not affected.....	49
WRIT OF ERROR.	
sections 1, 3 and 11. chapter 17, acts 1872-3, relating to, amended.....	52 53
WYOMING COUNTY.	
times for holding circuit court in.....	6
times for holding county court in.....	119