

ERRATA.

- Page 18,—The last line on the page should be numbered as section "2."
- " 26, sec. 3—Strike out "the," at the beginning of the last line.
- " 47, in superintendents for "Webster"—for "Adam G. Gregory," read "Adam Gregory."
- Chap. 69, sec. 1, 1st line—for "and," read "any."
- Chap. 70, at the end of the 4th line after "Raleigh," instead of "and" read "or."
- " 70, at the beginning of last line, for "oads" read "roads."
- " 76, sec. "2" is erroneously printed "1."
- " 84, sec. 42, 3d line, after "constitution," read "or laws."
- " 85, sec. 48, 9th line, for "any" read "an."
- " 87, sec. 64, 2d line, for "corporation," read "corporate."
- " 106, sec. 1, lines 2 and three, strike out "thirty-first."
- " 148, sec 15, 4th line, for "ninth" read "tenth."
- " 185, all of section 41 following the period in the 13th line, should be read after section 42.
- " 188, sec. 13, 2d line, for "judge" read "justice."
- " 198, sec. 82, 8th line, insert "the" before "judgment."
- " 270, sec. 151, 4th line, for "a" read "the before "subpœna."
- " 244, chap. 136, sec. 3, last line, for "fact" read "act."

A C T S .



CHAP. 1.—An ACT supplementary to the Act to provide for the relief of the Families of Soldiers.

Passed January 26, 1864.

Be it enacted by the Legislature of West Virginia:

1. The supervisors of the several counties of the State are hereby authorized, from time to time during the war, to borrow money in their corporate names, for such time and on such terms as may be agreed upon, for the purpose of providing for the support and relief of the families of living and deceased soldiers of their respective counties; and to issue for such loans notes, bonds, or certificates, signed by their president or clerk, with or without interest coupons attached; and to levy on the taxable property of their respective counties so many cents on every hundred dollars of the value thereof as they may deem necessary adequately to provide for the payment of the principal and interest of such loans.

Supervisors authorized to borrow money.

And to levy tax on property.

2. Such loans may be ordered or agreed upon and such levies made at any stated or special meeting of the board; but if a special meeting be called for the purpose, at least seven days' notice of the time, place and object thereof must be given to the supervisors constituting the board.

Meeting of board for that purpose.

3. It shall be lawful for any bank or branch to make such loan, and to discount or purchase any such note, bond or certificate, though the same be not payable within six months.

Banks authorized to loan.

CHAP. 2.—An ACT requiring copies of certain Official Bonds to be transmitted to the Auditor.

Passed February 3, 1864.

Be it enacted by the Legislature of West Virginia:

1. A copy of the bond of every sheriff, assessor and county treasurer, and of the bond of the clerk of the supreme court of appeals, shall be transmitted to the auditor by the officer in whose office the original is filed, within two months after the same is filed in his office; which copies shall be filed and preserved in the auditor's office. Any officer who shall fail to transmit such copy within the time above specified, shall forfeit one hundred dollars.

Bonds of sheriff, assessor, county treasurer and clerk of the court of appeals.

Penalty for failure.

2. The seventeenth section of the Act passed June twenty-ninth, eighteen hundred and sixty-three, entitled "An Act relating to official bonds," is hereby repealed.

Law repealed.

CHAP. 3.—An ACT to allow Alfred Brown to build a Mill at Red House Shoals, in Putnam County.

Passed February 5, 1864.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful for Alfred Brown to build a floating mill at Red House Shoals, in Putnam county, he first obtaining the consent of the board of the Kanawha Improvement, by paying to said board such amount as they may deem the privilege worth.

2. If the said Brown neglect or fail to erect such mill for the space of twelve months from the passage of this Act, it shall be lawful for some other person to erect the same upon the same terms and under the same regulations as if the said Alfred Brown was to erect the same.

3. In either case, the navigation of the said river is not to be impeded.

Authority conferred on Alfred Brown.

Condition.

Authority conferred on another in certain case.

Obstruction of navigation forbidden.

CHAP. 4.—An ACT in relation to the collection of the Public Revenue for the year 1863.

Passed February 5, 1864.

Be it enacted by the Legislature of West Virginia :

There shall be allowed to every sheriff for collecting the revenue levied in the year eighteen hundred and sixty-three a commission of seven and one-half per centum on the amount of taxes with which he is chargeable ; and if the sheriff of any county, where the amount of taxes with which he is chargeable does not exceed the sum of ten thousand dollars, shall pay the same, or any part thereof, into the treasury within the time now required by law, he shall be allowed a further additional commission of two and one-half per centum on the amount so paid.

Commission for collecting taxes for 1863.

Additional commission in certain case.

CHAP. 5.—An ACT relating to the Fees of Jailors.

Passed February 6, 1864.

Be it enacted by the Legislature of West Virginia :

1. In criminal and civil cases, jailors shall be entitled to charge the following fees :

For receiving a person in jail when first committed, twenty-five cents ;

For keeping and supporting him therein, for each day, forty-five cents ;

For discharging him therefrom, twenty-five cents.

2. In cases of felony, the said fees shall be chargeable to the State ; in cases of misdemeanor, to the county ; in civil cases, to the party at whose suit the prisoner is committed.

Commitment.

Per diem for keeping.

Discharge.

To whom chargeable.

3. The thirty-seventh section of chapter one hundred and eighty-four of the code of Virginia, second edition, and so much of the thirteenth section of said chapter as is inconsistent herewith are hereby repealed. Laws repealed.

CHAP. 6.—An ACT to amend and re-enact the first section of the act entitled “An act supplementary to the act to provide for the relief of the Families of Soldiers,” passed January 26, 1864.

Passed February 6, 1864.

Be it enacted by the Legislature of West Virginia :

1. The first section of the act entitled “an act supplementary to the act to provide for the relief of the families of soldiers,” passed January twenty-sixth, eighteen hundred and sixty-four, is hereby amended and re-enacted so as to read as follows :

“1. The supervisors of the several counties of the state, are hereby authorized, from time to time during the war, to borrow money in their corporate names, for the support and relief of the families of living and deceased soldiers, or for the payment of bounties to soldiers, in their respective counties, volunteering, or who may have volunteered, in the service of the United States ; and to issue for such loans notes, bonds or certificates, signed by their president and clerk, with or without interest coupons attached ; and to levy on the taxable property of their respective counties so many cents on every hundred dollars of the value thereof as they may deem necessary adequately to provide for the payment of the principal and interest of such loans : *Provided*, however, that the supervisors of each county shall have the power of exempting any man from the payment of any portion or all of such tax who may have heretofore volunteered, or may hereafter volunteer, as a private soldier and enter the army of the United States, during the time he may remain in such service, or who may have died or been killed while in such service.”

Supervisors authorized to borrow money to pay soldiers bounties.

And to levy tax on property.

Exemption of property belonging to soldiers.

CHAP. 7.—An ACT to amend and re-enact the first section of the act entitled “An act to provide how notice shall be given of applications to the Legislature for special acts concerning Banks of Circulation or Internal Improvement Companies,” passed October 24, 1863.

Passed February 9, 1864.

Be it enacted by the Legislature of West Virginia :

1. The first section of the act entitled “an act to provide how notice shall be given of applications to the legislature for special acts concerning banks of circulation or internal improvement companies,” is hereby amended and re-enacted so as to read as follows :

“1. No act to incorporate any bank of circulation or internal improvement company, or to confer additional privileges on the

Time for giving notice reduced to two weeks.

same, shall be passed unless public notice of the intended application for such act be given by posting the same, at least two weeks before the application is presented to the legislature, at the front door of the court house of the county where the principal office or place of business of the corporation is to be kept, and also by advertisement for two weeks successively in some newspaper, if there be any, in such county, or, if there be no newspaper printed in the county, then in some newspaper printed at the seat of government. The notice shall show the names and residence of the applicants, and the nature of the act to be applied for; and with any such application there shall be submitted to the legislature proper evidence, by affidavit or otherwise, that the regulations prescribed by this act have been observed."

CHAP. 8.—An ACT to authorize suits to be brought in the county of Preston in cases heretofore cognizable in certain other counties.

Passed February 10, 1864.

Be it enacted by the Legislature of West Virginia :

Transfer of suits from Hampshire, Hardy or Pendleton.

1. Any action at law or snit in equity which, according to the one hundred and sixty-ninth chapter of the code of Virginia, second edition, might be brought in the county of Hampshire, Hardy, or Pendleton, may be hereafter brought in the county of Preston; but nothing herein contained shall be construed to affect any provision of law for the limitation of actions or suits.

Plaintiff required to advance jury costs.

2. No jury shall be called or impannelled in any action or suit brought in the county of Preston by virtue of this act until and unless the plaintiff pay to the clerk of the court twelve dollars to defray jury costs; which sum the said clerk shall pay into the treasury of the said county of Preston, and if judgment be rendered for the plaintiff shall tax the same in the costs to be recovered by him, in lieu of the sum heretofore in such case allowed by law. If judgment be rendered against the plaintiff, no jury costs shall be taxed against him if he has paid the sum of twelve dollars to the clerk as aforesaid.

CHAP. 9.—An ACT making an appropriation for the entertainment of of Veteran Regiments of this State.

Passed February 11, 1864.

Be it enacted by the Legislature of West Virginia :

\$5,000,

Five thousand dollars are hereby appropriated, out of any money in the treasury not otherwise appropriated, to be placed at the disposal of the governor, for the purpose of entertaining the several veteran regiments of this state, when in his opinion the occasion may require it.

At disposal of governor.

CHAP. 10.—An ACT further to provide for the Collection of Taxes.

Passed February 12, 1864.

Be it enacted by the Legislature of West Virginia:

1. Whereas, during the existence of the present rebellion the collection of the taxes in some of the counties of the state is both difficult and dangerous, and from this cause and others the compensation allowed to the sheriffs and collectors by the twenty-fourth section of the act passed the seventh of December, eighteen hundred and sixty-three, entitled "An Act for the collection of taxes," is in certain cases insufficient, and proper persons cannot, therefore, be had to undertake the office of sheriff in such counties: The governor, auditor and treasurer, or any two of them, are hereby authorized, by writing under their hands, to be recorded in the journal of the executive proceedings, to allow or agree to allow to the sheriff or collector of any county, if they find it expedient and proper to do so, a commission, in addition to that mentioned in the said twenty-fourth section, and not to exceed, in any instance, ten per cent on the amount of taxes with which such sheriff or collector shall be chargeable, of two and a-half per cent on such portion thereof as he shall punctually pay into the treasury within the time required by law.

Preamble.

Authority of governor, auditor, and treasurer to allow collectors additional commission.

2. The preceding section shall not apply to the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Upshur, Barbour, and Mason.

Counties excepted from operation of act.

3. The act passed October nineteenth, eighteen hundred and sixty-three entitled "An Act to provide for the appointment of collectors in counties where there are no sheriffs," so far only as it relates to the compensation of collectors of the revenue, is hereby repealed.

Law repealed.

CHAP. 11.—An ACT concerning Deputy Assessors.

Passed February 13, 1864.

Be it enacted by the Legislature of West Virginia:

An assessor in any county in which no supervisors have been elected or no boards of supervisors organized, unable, from sickness or other cause, to perform the duties of his office, may, at his own expense, appoint a deputy, to be approved of by the recorder of his county or by the judge of the circuit; who shall keep a record of such approval. Such deputy, after taking the proper oaths, may discharge any of the duties of the assessor; and his principal shall be liable for the faithful performance of the same.

Authority of certain assessors to appoint deputies.

Approval of appointment.

CHAP. 12.—An ACT for the relief of William Nixon and William Turner.

Passed February 13, 1864.

Be it enacted by the Legislature of West Virginia:

1. The auditor is hereby directed to credit William Nixon, collector of the revenue for Wayne county, with six hundred and forty-five

William Nixon, allowed \$645.

dollars in the settlement of the said Nixon for the revenue of said county, for the year eighteen hundred and sixty-one, the said sum having been taken from him by force, by some rebels in September, eighteen hundred and sixty-two. The auditor is hereby directed to credit William Turner, late collector of the revenue for Wayne county, with two hundred dollars in the settlement with the said Turner, for the revenue of said county for the year eighteen hundred and sixty-one, the said sum having been taken from William Nixon by force, by some rebels in September, eighteen hundred and sixty-two.

And William Turner \$200, in settlement with auditor.

Former act repealed.

2. The "Act for the relief of William Nixon, collector of the revenue for Wayne county," passed October third, eighteen hundred and sixty-three, is hereby repealed.

CHAP. 13.—An ACT to allow the Recorders of Gilmer and Ritchie counties to issue Licenses for the Marriage of persons residing in Calhoun county.

Passed February 13, 1864.

Be it enacted by the Legislature of West Virginia :

1. A license for a marriage may be issued by the recorder of Gilmer or the recorder of Ritchie county, when the female to be married resides in the county of Calhoun.

Authority of recorders of Ritchie and Gilmer.

Law repealed.

2. The first section of chapter one hundred and eight of the Code of Virginia, second edition, so far only as it is inconsistent with this act, is hereby repealed.

CHAP. 14.—An ACT giving certain officers further time to Qualify and give Bond.

Passed February 15, 1864.

Be it enacted by the Legislature of West Virginia :

All officers heretofore elected under and according to the laws of this state may take the proper oaths of office and give their official bonds within thirty days after the passage of this act, notwithstanding any former law to the contrary; and if any such officer who has not already taken the oath of office and given bond according to law fail to do so within the time hereby prescribed, his office shall be thereby vacated.

Officers elected allowed thirty days after passage of act.

Penalty for failure.

CHAP. 15.—An ACT to provide for repairing the road and rebuilding the bridges of the Sistersville and Salem Turnpike company, in the county of Tyler.

Passed February 16, 1864.

Be it enacted by the Legislature of West Virginia :

1. The Board of Public Works shall upon the request of the Board of Supervisors of Tyler county, transfer the right and interest of the state in so much of the road of the Sistersville and Salem Turnpike

Transfer of road to county.

Company as lies in the county of Tyler, to said county. Said road shall be managed by a board of five directors, three of whom shall be appointed by the board of supervisors of said county, and two shall be chosen by the stockholders of said company. Said directors shall appoint one of their number president.

Management of road.

2. It shall be lawful for said board of directors to receive subscriptions to an amount not exceeding twelve hundred dollars, to be divided into shares of five dollars each, as an additional stock of said company. Said board of supervisors, in behalf of said county, may subscribe for one half of said stock, and levy the amount on the taxable property of said county; and it shall regulate the tolls to be taken on said road, not exceeding the rates now fixed by law.

Additional stock

Authority of supervisors to subscribe and levy tax.

And to regulate tolls.

3. The tolls collected on said road, after payment of expenses and repairs, shall be applied to the redemption of said stock so subscribed by said board of supervisors, by payment of the amount thereof with interest, and afterwards to the payment of the residue of said additional stock.

Application of tolls.

4. In all other respects, not inconsistent with this act, said company shall be regulated by the existing laws of this State relating thereto, with the powers and subject to the restrictions of said laws.

Government of company generally.

CHAP. 16.—An Act to amend the act to regulate elections by the people.

Passed February 19, 1864.

Be it enacted by the Legislature of West Virginia :

1. The oath to be taken by the voter in the case specified in the twenty-fourth section of the act passed November thirteenth, eighteen hundred and sixty-three, entitled "An Act to regulate elections by the people," shall be that he will support the constitution of the United States and the constitution of the state of West Virginia.

Oath of voter.

2. The supervisor and inspectors holding an election at any place of voting, or any two of them, may make and sign the certificates mentioned in the thirtieth section of the said act, and seal up, mark and endorse the package of ballots, as therein directed to be done by the two inspectors. And the fifty-seventh section of the said act shall be held applicable to any supervisor who shall assist in making any false certificate or return respecting an election, knowing the same to be false.

Duties imposed on supervisor.

3. If any person, whether a candidate or not, offer gratuitously any intoxicating drink to any voter on the day of an election, he shall forfeit not less than ten nor more than fifty dollars for every such offence.

Penalty for "treating" voters.

4. The board of supervisors of any county may regulate by ordinance the compensation to be paid the officers holding state, county

Compensation of officers of election.

and township elections within the said county and making returns thereof; but such compensation shall not exceed fifteen cents per hour to any officer for the time he is necessarily employed in such service, and where no such ordinance is passed the allowance shall be as prescribed in the fiftieth section of the above mentioned act.

Law repealed.

5. The said act, so far as it is inconsistent herewith, is hereby repealed.

CHAP. 17.—AN ACT to regulate Municipal Elections.

Passed February 22, 1864.

Be it enacted by the Legislature of West Virginia :

Manner of voting

1. All elections by the people for members of council and other officers of incorporated cities and towns shall be by ballot, and shall as far as practicable be so conducted that it may not be known at the polls for whom any person has voted.

Oath of voter.

2. In time of war, insurrection or public danger, every person present and offering to vote at any such election shall, if required by any voter of the city or town, take an oath to support the constitution of the United States and the constitution of the state of West Virginia, or produce to the officers superintending the election the certificate of some person authorized to administer oaths that he has taken such oath, under pain of suspension of his right of voting. Any one of the officers superintending such election is hereby authorized to administer the said oath at the polls; and also to swear any person at the polls to answer questions respecting any right to vote which is disputed.

By whom administered.

Soldiers' residence.

3. If any person in the military, naval, or marine service of the United States or in the service of this State was a resident of any incorporated city or town, or of any ward or division thereof, at the time he entered such service, his residence, until he makes known his intention to change the same, shall be considered as continuing in the said city, town, ward or division during the said service, although he be stationed or employed elsewhere; but no person in the military, naval or marine service of the United States shall be deemed a resident of any city, town, ward or division by reason of his being stationed therein.

Const. art. 1 §6.

Soldiers' votes.

4. Any person entitled to vote at any such election as is mentioned in the first section of this act, who is necessarily absent from the city or town on the day of the election in the service of the United States or of this State, may vote at such election in the manner prescribed in the twenty-sixth section of the act passed November thirteenth, eighteen hundred and sixty-three, entitled "An Act to regulate elections by the people," except that the envelope or cover enclosing his ballot shall be addressed and transmitted to the officers

superintending the election at the place of voting in the said city or town at which he is entitled to vote, and that the said officers shall have the same powers and perform the same duties in respect to such votes as if they had been mentioned in the said twenty-sixth section instead of the supervisor and inspectors of the township.

5. The sixtieth section of the said act shall be held applicable to the elections mentioned in the first section of this act. Law applied.

6. The elections by the people for members of council and other officers of any incorporated city or town shall be held at such times and places, under the superintendence of such officers, and be subject to such regulations, not inconsistent with this act, as may be directed by the charter of such city or town or the by-laws or ordinances made in pursuance thereof. When, where, how and by whom elections held.

7. All former laws so far as they are inconsistent with this act are hereby repealed. Laws repealed.

CHAP. 18.—An ACT providing for the confinement and safe keeping of Persons sentenced to the Penitentiary.

Passed February 22, 1864.

Be it enacted by the Legislature of West Virginia :

1. The governor is hereby authorized to convey to the jail in the county of Ohio all persons convicted of felonies ; and he shall have power to use and occupy said jail for the confinement and safe keeping of all persons sentenced or that may be hereafter sentenced to confinement in the penitentiary, until otherwise provided by law. Authority of governor to use Ohio county jail.

2. The governor shall also have power to make such arrangements with the board of supervisors of the county of Ohio as may be found necessary to carry into effect the provisions of this act. He shall have power also to make all needful provisions and regulations for the safe keeping, employment and discipline of convicts. And to make necessary arrangements and regulations.

3. The governor may, if in his judgment expedient, appoint a board of directors of the penitentiary ; which board shall consist of not more than three persons. He may also appoint a superintendent of the penitentiary. He shall prescribe the duties of said directors and superintendent, and shall have authority to pay them, as a compensation for their services, a sum not exceeding one hundred dollars per annum for each director, and a sum not exceeding one thousand dollars per annum for the superintendent. And to appoint board of directors, And superintendent. Their compensation.

4. The governor shall have power to convey to any of the county jails in the state all persons convicted of felonies, and shall have power to use and occupy them for the confinement and safe keeping of all persons sentenced or that may hereafter be sentenced to confinement in the penitentiary, until otherwise provided by law. Authority of governor to use county jails.

CHAP. 19.—An ACT for the relief of Margaret Ray.

Passed February 24, 1864.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby authorized to refund to Margaret Ray, of Marshall county, widow of the late John Ray, of said county, thirty dollars paid by him into the treasury of the state, as tax on a license as hotel keeper, in the year eighteen hundred and sixty-three.

\$30 paid for tax on hotel license refunded.

CHAP. 20.—An ACT authorizing the appointment of Assessors in certain cases.

Passed February 25, 1864.

Be it enacted by the Legislature of West Virginia :

1. Wherever a vacancy exists in the office of assessor in any county or assessment district, the board of supervisors, if there be such board, and if there be no such board of supervisors of the county, the auditor, with the approval of the governor, may fill such office by appointing an assessor for the unexpired term thereof.

Appointments in cases of vacancy by whom made.

2. When there is no board of supervisors of the county, and the auditor shall appoint an assessor for the same or any assessment district thereof, pursuant to the preceding section, he shall have authority, with the approval of the governor as aforesaid, to dispense with the official bond required of such assessor, or to prescribe the penalty thereof and how such bond shall be approved and filed, and also to direct where the certificate of the oath to be taken by such assessor shall be filed; and to regulate the compensation of any assessor appointed as aforesaid, and pay the same out of the state treasury, provided the same shall in no case exceed double the rate or amount now allowed by law.

Authority of auditor respecting qualification and pay of assessor.

Laws repealed.

3. The forty-seventh section of the act passed November thirteenth, eighteen hundred and sixty-three, entitled "an act to regulate elections by the people," and the fourth section of the act passed December third, eighteen hundred and sixty-three, entitled "an act to provide for the assessment of taxes," so far only as they are inconsistent with this act, are hereby repealed.

CHAP. 21.—An ACT to amend the nineteenth section of the act to provide for the forfeiture of property in this state belonging to the enemies thereof.

Passed February 26, 1864.

Be it enacted by the Legislature of West Virginia :

The circuit court having jurisdiction, or the judge thereof in vacation, shall, on bill in chancery and proper evidence in support thereof, enjoin the execution of any judgment, decree or deed of trust, but so

Circuit court or judge authorized to enjoin executions about to be executed for the benefit of rebels.

far only as it may appear that the same is about to be executed for the benefit of any person who is an enemy of this state within the meaning of the act passed November thirteenth, eighteen hundred and sixty-three, entitled "An Act to provide for the forfeiture of property in this state belonging to the enemies thereof."

CHAP. 22.—An ACT to provide for the recovery of certain claims transferred to this State by the State of Virginia.

Passed February 26, 1864.

Be it enacted by the Legislature of West Virginia:

Where any person who has heretofore acted as sheriff or collector of the revenue under the laws of the state of Virginia, within the territory which is now included in this state, has failed to account for and pay over the taxes and money, or any part thereof, with which he was chargeable, and the claim of the state of Virginia to the amount so in arrear has become the property of or been transferred to this state, it shall be the duty of the auditor to audit and state the account of such delinquent; and for that purpose the books of the commissioner of the revenue, lists of licenses, and delinquent lists, now in the possession of any clerk of a circuit court or recorder, shall be delivered to the auditor, if he so require, and he shall carefully ascertain and state therefrom the amount with which the said delinquent is chargeable, and cause proper proceedings to be instituted and prosecuted for the recovery thereof from the said delinquent and his sureties, or any of them. The account so rendered and stated by the auditor shall be *prima facie* evidence of the amount due; and no judgment or pretended judgment obtained against the delinquent and his sureties, or any of them, in the circuit court of the city of Richmond, shall be a bar or defence to any proceedings under this act, except so far as such judgment or pretended judgment may have been actually collected or paid.

Delinquent dues from old collectors of revenue.

To be audited by auditor.

Institution of proceedings for their recovery.

CHAP. 23.—An ACT concerning the unlawful detention of real estate.

Passed February 27, 1864.

Be it enacted by the Legislature of West Virginia:

1. If any forcible or unlawful entry be made upon lands, or if, when the entry is lawful and peaceable, the tenant shall detain the possession of land after his right has expired, without the consent of him who is entitled to the possession, the party so turned out of possession, no matter what right or title he had thereto, or the party against whom such possession is unlawfully detained, may commence suit to obtain possession of the premises, within two years after the cause of action accrues, before a justice of the township in which the premises or any part thereof is situated.

Right of injured party to bring suit.

2. The plaintiff shall, in such case, file his complaint in writing with the justice, describing the premises with reasonable certainty, and

Plaintiff's complaint.

stating by whom the possession thereof is unlawfully held, and the damages, if any, which he claims for the detention.

Summons to defendant.

3. The justice shall thereupon issue a summons directed to a constable of the township, or some person specially deputed by the justice to serve it, commanding him to summon the defendant to appear before the said justice, at a place and time therein specified, to answer the action of the plaintiff for unlawfully holding possession of the premises (describing them) against the consent of the plaintiff, and stating the amount of damages, if any, claimed by the plaintiff for the detention. The place at which the defendant is to appear must be within the township, and the time must not be less than three nor more than ten days from the delivery of the summons to the officer to be served.

Time and place for defendant's appearance.

Service of the summons.

4. The officer shall serve the said summons forthwith, by delivering a copy thereof or reading the same to the defendant, if found in the county, or if not so found, by delivering a copy thereof to some person of suitable age and discretion residing on the premises and informing him of the purport thereof; or if service cannot be made as aforesaid, then by posting a copy on some conspicuous part of the premises.

Return of summons.

5. On the return of the summons, the justice shall proceed to try the case, unless either party show good cause for a continuance; but no continuance shall be granted for more than seven days, without consent of parties. A jury may be demanded by either party, and shall be sworn well and truly to try the truth of the plaintiff's complaint, according to the evidence; and if damages be claimed for the detention, to ascertain, if they find for the plaintiff, the amount he is entitled to for the detention.

Continuance.

Jury.

Judgment—

6. If the verdict of the jury, or the finding of the justice when the case is tried without a jury, be for the plaintiff, judgment shall be rendered that he recover possession of the premises, with the damages, not exceeding one hundred dollars, if any, assessed for the detention, and his costs; and the justice, when required by the plaintiff, shall issue an execution, directed to some constable of the township, or a person specially deputed by the justice to execute the same, commanding him to deliver possession of the premises to the plaintiff by removing the defendant and his goods therefrom, or otherwise, as may be necessary; and also to collect the damages, if any, and the costs out of the personal property of the defendant. Such execution shall be, as to the delivery of possession, within three days, and for the collection of damages and costs, within thirty days, executed: and be returnable whenever executed.

Delivery of possession.

Collection of damages.

Time for executing judgment.

Constable's fee for delivering possession.

7. For delivering possession to the plaintiff under such execution, the officer shall be entitled to a fee of one dollar and fifty cents, besides his commission on the money made and paid to the justice; for which

fee the plaintiff shall be liable; but the same shall be included in the costs to be collected under the execution.

8. If the verdict of the jury or the finding of the justice be for the defendant, he shall have judgment and execution for his costs. Verdict or finding for defendant

9. The judgment of a justice under this act shall not be a bar to any subsequent action brought by either party. Subsequent action.

10. The justice may set aside the verdict of the jury or his own judgment, as in other cases; and the laws now in force relating to suits and proceedings before justices, so far as they are applicable and are consistent with this act, shall regulate the actions hereby authorized and the process to be issued therein. Appeals shall lie to the circuit court in all cases under this act, within the time, on giving the security, and with like effect, as in other cases before justices. Further regulations concerning suits.
Appeals.

CHAP. 24.—An ACT to provide for repairing the road and bridges of the Newark and Elizabeth Turnpike Company, in the county of Wirt.

Passed February 27, 1864.

Be it enacted by the Legislature of West Virginia:

1. The board of public works shall, upon the request of the board of supervisors of Wirt county, transfer the right and interest of the state in the road of the Newark and Elizabeth Turnpike Company to said county. Said road shall be managed by a board of five directors, three of whom shall be appointed by the board of supervisors of said county, and two shall be chosen by the stockholders of said company. Said directors shall appoint one of their number president. Authority of board of public works to transfer road to county.
Management of road.

2. It shall be lawful for said board of directors to receive subscriptions to an amount not exceeding eight hundred dollars, to be divided into shares of five dollars each, as an additional stock of said company. Said board of supervisors, in behalf of said county, may subscribe for one-half of said stock, and levy the amount on the taxable property of said county; and it shall regulate the tolls to be taken on said road, not exceeding the rates now fixed by law. Additional stock
Subscription by county.
Tolls.

3. The tolls collected on said road, after payment of expenses and repairs, shall be applied to the redemption of said stock so subscribed by said board of supervisors, by payment of the amount thereof with interest, and afterwards to the payment of the residue of said additional stock. Application of tolls.

4. In all other respects not inconsistent with this act, said company shall be regulated by the existing laws of this state relating thereto, with the powers and subject to the restrictions of said laws. Government of company.

CHAP. 25.—An ACT declaring the Meathouse Fork of Middle Island Creek, in the county of Doddridge, a Public Highway.

Passed February 29, 1864.

Be it enacted by the Legislature of West Virginia :

Points named.

1. The Meathouse Fork of Middle Island creek, in the county of Doddridge, is hereby declared a public highway from its mouth up to the mouth of Lick Run, for the purpose of floating saw-logs and other timber.

Mill-dams and
Water Gaps.

2. No mill dam or water gap now existing, nor any water gap that may be hereafter erected on the same principle, between the two points named in the preceding section shall be deemed an obstruction to the use of said highway.

CHAP. 26.—An ACT imposing Taxes.

Passed February 29, 1864.

Be it enacted by the Legislature of West Virginia :

The taxes on the persons and subjects required by law to be listed or assessed shall be yearly as follows :

Land.

On tracts of land and lots with the improvements not exempted from taxation, thirty cents on every hundred dollars value thereof.

Personal prop-
erty.

On all the personal property, money and credits required by law to be listed and not exempt from taxation, thirty cents on every hundred dollars value thereof.

Schools.

There shall also be levied yearly on the assessed valuation of real and personal property, ten cents on every hundred dollars, for the purposes of free schools, being the tax mentioned in the thirty-seventh section of the act passed December tenth, eighteen hundred and sixty-three, entitled "an act providing for the establishment of a system of free schools."

Capitation.

On every white male inhabitant who has attained the age of twenty-one years, one dollar.

Free negroes.

On every male free negro who has attained the age of twenty-one years, one dollar.

CHAP. 27.—An ACT amending the act to incorporate the Burning Spring Turnpike Company, passed November 16, 1863.

Passed February 29, 1864.

Be it enacted by the Legislature of West Virginia :

1. The first section of the act entitled "an act to incorporate the Burning Spring Turnpike Company," passed November sixteenth, eighteen hundred and sixty-three, shall be amended and re-enacted so as to read as follows :

2. It shall be lawful to open books for receiving subscriptions to an amount not exceeding five thousand dollars, to be divided into shares

of twenty-five dollars each, for the purpose of constructing a graded turnpike road from the mouth of Standing Stone, or from the termination of the Newark and Elizabeth turnpike opposite Elizabethtown in the county of Wirt, to a point at or near the mouth of Burning Spring Run, with the privilege of extending the same to a point opposite the mouth of the west fork of Little Kanawha river, all in the said county of Wirt.

New starting point named.

CHAP. 28.—An ACT for the relief of the families of Soldiers of this state enlisted beyond the lines of the Union Army.

Passed February 29, 1854.

Be it enacted by the Legislature of West Virginia :

The sum of five thousand dollars is hereby appropriated, to be expended as the governor may direct, for the support and relief of the families of soldiers enlisted or employed in the service of the United States or of this state from those parts of this state now without the lines of the Union army, where such families are in a suffering condition and relief to the same is not provided from any other source.

\$5,000 appropriated. To be expended under direction of the governor.

CHAP. 23.—An ACT to exempt a certain amount of Property from Execution or other Process.

Passed March 1, 1864.

Be it enacted by the Legislature of West Virginia :

1. Any husband or parent residing in this state may set apart his personal estate not exceeding two hundred dollars in value, to be exempt from execution or other process.

Who entitled to exemption. Personal estate.

2. When a debtor claims personal estate as exempt by this act, he shall, if it be demanded, deliver to the officer holding the execution or other process a list by separate items of the property so claimed. If the creditor, his agent or attorney demand an appraisement thereof, two disinterested householders of the neighborhood shall be chosen, one by the debtor and the other by the creditor, his agent or attorney, and these two, if they cannot agree, shall select a third ; but if either party fail to choose an appraiser, or the two having disagreed, fail to select a third, or if one or more of the appraisers fail to act, the officer shall fill the vacancy.

List of same.

Appraisement.

3. The appraisers shall forthwith proceed to make a list by separate items of the personal estate selected by the debtor to the value of two hundred dollars as near as may be, affixing to each item the value they may agree on, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment, the above is a fair cash valuation of the property therein described ;" which affidavit shall be signed by two appraisers at least, and be certified by some person authorized to administer oaths. The list shall

Appraisers' affidavit.

Delivery of list.

be delivered to the officer holding the execution or other process, and be by him annexed to and made part of his return, and the property therein specified shall be exempt from levy and sale, and the other personal estate of the debtor remain subject thereto.

Appraisers' fees.

4. The appraisers shall each be entitled to fifty cents, to be paid by the creditor if it appear that the property claimed by the debtor as exempt did not exceed two hundred dollars in value; otherwise to be paid by the debtor.

Widow and minor children entitled to benefit of act.

5. After the death of a husband or parent residing in this state, his widow or minor children, or such of them as there may be, may select personal estate of the deceased not exceeding two hundred dollars in value, and hold the same exempt from execution or other process for any debt contracted or liability incurred by the deceased in his life time. But the personal representative or any creditor of the deceased may have the personal estate so selected appraised as prescribed in the last three sections and with like effect; and no greater amount than two hundred dollars of the personal estate of the deceased shall be exempt by virtue of this act; and if during his life-time, he had himself set apart personal estate to be exempt from execution and other process, the same shall be subject thereto after his death, so far as it is not selected as aforesaid by his widow and minor children, or such of them as there may be.

Laws repealed.

6. The thirty-third and thirty-fourth sections of chapter forty-nine of the code of Virginia, second edition, are hereby repealed.

Real estate.

7. A husband or parent residing in this state may hold as a homestead real estate not exceeding five hundred dollars in value, to be exempt from execution or other process for any debt contracted or liability incurred after the first day of June, eighteen hundred and sixty-four.

Declaration of intent to hold it as a homestead.

8. But no real estate shall be exempt as aforesaid unless it is set forth in the conveyance by which the title is acquired, or in the will devising the same, that it is intended to be held as a homestead by the person to whom it is thereby conveyed or devised; or unless after the title is acquired, such intent is declared by writing, signed and acknowledged for record by the owner, and duly admitted to record in the county wherein such real estate is situated. And such exemption, unless by devise, shall take effect only from the time the deed or writing setting forth or declaring the intent aforesaid is duly admitted to record in the proper county.

Forfeiture of the right of homestead.

9. The acquisition of a new estate of homestead, or the removal from this state of the person who acquired the right of homestead, unless his wife or minor children or some one or more of them continue to reside within the state, shall operate to defeat any right of homestead previously acquired.

10. No instrument of writing shall affect or impair any right of homestead in real estate, unless it be signed and acknowledged by the wife of the owner, if he have one, in the manner in which she may release her dower in real estate, and be duly admitted to record in the proper county both as to such owner and his wife. But any deed or other instrument of writing shall nevertheless have the same effect it would have had if this act had not been passed, as to any title or interest in real estate beyond the right of homestead existing therein.

Right of homestead not impaired without consent of wife.

Deeds, &c., not affected.

11. Upon the death of any person entitled to a right of homestead, the right shall continue for the benefit of his widow and minor children, or such of them as survive him, as follows, that is to say: For the widow until her death or marriage, and for every such child until he or she arrives at the age of twenty-one years or dies; and when the widow dies or marries again, or a child dies or arrives at the age of twenty-one, their right shall pass to the others or other of them as long as there is any one entitled to a right of homestead in the premises. But after the death of the husband or parent by whom the right of homestead was acquired, the persons holding such right may sell and convey the same, and the purchaser, subject to the terms of his contract, shall have the same right to possess and use the premises that the widow and children would have had if such sale had not been made. If there be minor children, such sale and conveyance must be made on their behalf by their guardian, under authority of an order or decree of the proper court; and if some but not all of those interested sell and convey as aforesaid, the purchaser shall have no right to molest or disturb those who have not sold, or to interfere with their possession and use of the premises.

Entailment of right of homestead.

12. When a judgment creditor or other person having a lien or claim on any real estate in which a right of homestead exists believes the premises held as a homestead to be of greater value than five hundred dollars, he may apply to a justice of the township in which such premises or any part thereof are situated to have an appraisal of the same; and the justice may thereupon cause the persons holding the right of homestead to be notified to appear before him at such reasonable time as he may appoint, to show cause, if they have any, why the application should not be granted. The notice shall be served on the father, if he be found, or if he be not found, on his wife, or if he be dead, on his widow, if there be one living in the state; otherwise on the minor children, or such of them as reside on the premises; but when a minor is so notified, a guardian shall be appointed for him by the justice, to take care of his interests in the matter. The justice, having heard the parties, or such of them as attend, may if he deem it proper and right to do so make an order directing the appointment of appraisers. On such order being made, the applicant shall have the right to appoint one appraiser, the persons holding the right of homestead another, and the justice a third one; but if either party neglect to make such appointment or to notify the justice thereof with-

Appraisal where the creditor believes the real estate held is greater than allowed by law.

Proceeding in
case of excess.

in twenty-four hours after the order is made, or if any of the appraisers decline or fail to act, the justice shall fill the vacancy. The appraisers shall be sworn to discharge their duties as such fairly and impartially. They shall proceed forthwith to examine the premises, and if they find the cash value thereof to exceed five hundred dollars, they shall, except in the case provided for in the following section, set apart to the person or persons entitled to the right of homestead therein such part thereof, lying compactly and in one body, and of the cash value of five hundred dollars as near as may be, as the person or persons entitled to the right of homestead may select, or as the appraisers, if such selection be not made, shall deem proper; and shall acknowledge for record, and lodge in the office of the recorder of the county, to be recorded, their certificate describing by metes and bounds the parcel of land so set apart for a homestead; the costs of recording which shall be paid by the person or persons holding the said right of homestead. Whenever a portion of the premises is set apart as aforesaid, the residue shall be subject to the claims of creditors and others as other real estate.

Payment of excess
by debtor.

13. If the appraisers find the cash value of the premises to exceed five hundred dollars, and be of opinion that the same cannot be divided without great injury to the interests of the parties, they shall make and sign a certificate of the valuation and deliver the same to the justice; and the persons holding the right of homestead may, within three months after the certificate is so delivered, pay to the party on whose application the appraisalment was ordered the amount justly due him, or the excess over five hundred dollars of the valuation so certified; and on such payment being made, all the rights which the applicant had immediately before such payment against the premises shall be transferred to and vested in the persons so paying; and the rights so transferred and vested shall be exempt from execution or other process for twelve months thereafter, and after that time shall be liable to the claims of creditors.

Failure to make
such payment.

14. But if the said excess, or the amount justly due the applicant, be not paid as aforesaid, then the real estate in which such right of homestead exists may be sold in any case in which it might be sold if no right of homestead existed therein, and in the same manner; and out of the proceeds of the sale five hundred dollars shall be paid to the persons holding the right of homestead, to be held by them exempt from execution or other process for twelve months thereafter.

Appraisers' fee.

15. The appraisers acting under the last three sections shall be entitled to seventy-five cents each for their services. They shall make return of their proceedings to the justice, and if it appear that the real estate in question is not of greater value than five hundred dollars, the justice shall render judgment for costs against the person who applied for the appraisalment, otherwise judgment shall be rendered in his favor for costs.

Their return.

Costs.

16. The circuit court, on motion of any person aggrieved thereby, may for good cause shown set aside any appraisement made under this act, and in such case may order a new appraisement to be made and returned as it shall direct, and may appoint appraisers for that purpose, and make such order respecting the costs of the proceeding in court or before the justice as it may deem proper and just.

New appraisement by order of circuit court.

17. No exemption under this act shall affect or impair any prior lien on any real or personal estate, or any claim for the purchase money thereof, or for work and labor performed in a family as a domestic; nor shall any thing in this act contained exempt any property from taxation or from sale for taxes.

Certain claims against real estate not affected by this act.

18. If any real estate in which a right of homestead exists be subject to liens having priority to such right of homestead, only the value thereof over and above such liens shall be included in the appraisement; and when property is sold to satisfy such prior liens, the persons holding the right of homestead shall be entitled to receive five hundred dollars, if so much there be, out of the surplus remaining after paying the said liens, and to hold the amount so received exempt from execution or other process for twelve months thereafter.

Appraisement and sale of real estate under previous.

CHAP. 30.—An ACT legalizing the County Levy of Morgan county, made for the year 1863.

Passed March 1, 1864.

Be it enacted by the Legislature of West Virginia :

The county levy made by the county court of Morgan county for the year eighteen hundred and sixty-three is hereby legalized.

CHAP. 31.—An ACT to authorize Suits in Lewis county in cases heretofore cognizable in the Courts of Braxton county.

Passed March 1, 1864.

Be it enacted by the Legislature of West Virginia :

1. Any action at law or suit in equity which according to the one hundred and sixty-ninth chapter of the Code of Virginia, second edition, might be brought in the county of Braxton against a debtor who resides without but has estate or debts due him within this State, may be hereafter brought in the county of Lewis: but nothing herein contained shall be construed to affect any provision of law for the limitation of actions or suits.

What suits may be transferred.

2. No jury shall be called or impannelled in any action or suit brought in the county of Lewis by virtue of this act, until and unless the plaintiff pay to the clerk of the court twelve dollars to defray jury costs; which sum the said clerk shall pay into the treasury of said

Jury forbidden unless plaintiff pay costs in advance.

county of Lewis, and if judgment be rendered for the plaintiff shall tax the same in the costs to be recovered by him. If judgment be rendered against the plaintiff, no jury costs shall be taxed against him if he has paid the sum of twelve dollars to the clerk as aforesaid.

CHAP. 32.—An ACT to amend and re-enact the first and third sections of the Act passed February 4, 1863, entitled "An Act to incorporate the Little Kanawha Navigation Company."

Passed March 1, 1864.

Be it enacted by the Legislature of West Virginia:

Sections first and third of the act entitled "An Act to incorporate the Little Kanawha Navigation Company," passed February fourth, eighteen hundred and sixty-three, are hereby amended and re-enacted so as to read as follows:

Names of commissioners.	"1. It shall be lawful to open books under the superintendence of John V. Rathbone, R. Van Winkle, James Cook, J. H. Camden, Moses Kinchloe, Daniel Wilkinson, E. C. Hopkins, Jonathan Weaver, Charles H. Chattuck, and James A. Williamson, or any three of them, at Parkersburg, in the county of Wood, Newark, Elizabeth and Rathbone, in the county of Wirt, for receiving subscriptions to the capital stock of the company hereby incorporated for the purpose of improving the navigation of the Little Kanawha River and its branches. The said commissioners shall, before opening the books for subscriptions as aforesaid, give ten days' notice of the time and place of opening the said books, and shall keep the same open for subscriptions for five days."
Places for receiving subscription.	
Purpose of company.	"3. The said company shall have power to improve the navigation of said river and of Hughes' river, by removing any or all of the dams or any other obstructions now existing to the navigation of said rivers, or either of them, or by locks, dams, sluices, canals, or by other usual modes of improvement, or by a combination of any two or more of them. They shall commence their said improvement at such point at or above the mouth of said river as the said company shall deem advisable, and prosecute the same towards the head, so far as it may be deemed practicable, or the resources will permit, and may in like manner improve Hughes's river so far up the same as they may deem proper, when their main improvement has reached the mouth thereof. They may enter and condemn lands for the purposes of their improvements, under the provisions of the said fifty-sixth chapter of the Code of Virginia, and shall have the benefit of all and every act declaring the said rivers navigable highways; and when the said improvement shall have been completed from Rathbone, in the county of Wirt, to the Claysville dam, in Wood county, the said company shall have power to charge and receive for the transportation of crude or refined oils a toll not exceeding ten cents per barrel of forty gallons, or the like sum for the same number of gallons if transported in any other man-
Notice of time for opening books.	
Powers of company.	"3. The said company shall have power to improve the navigation of said river and of Hughes' river, by removing any or all of the dams or any other obstructions now existing to the navigation of said rivers, or either of them, or by locks, dams, sluices, canals, or by other usual modes of improvement, or by a combination of any two or more of them. They shall commence their said improvement at such point at or above the mouth of said river as the said company shall deem advisable, and prosecute the same towards the head, so far as it may be deemed practicable, or the resources will permit, and may in like manner improve Hughes's river so far up the same as they may deem proper, when their main improvement has reached the mouth thereof. They may enter and condemn lands for the purposes of their improvements, under the provisions of the said fifty-sixth chapter of the Code of Virginia, and shall have the benefit of all and every act declaring the said rivers navigable highways; and when the said improvement shall have been completed from Rathbone, in the county of Wirt, to the Claysville dam, in Wood county, the said company shall have power to charge and receive for the transportation of crude or refined oils a toll not exceeding ten cents per barrel of forty gallons, or the like sum for the same number of gallons if transported in any other man-
Manner of prosecuting work.	
Authority to improve Hughes' river.	"3. The said company shall have power to improve the navigation of said river and of Hughes' river, by removing any or all of the dams or any other obstructions now existing to the navigation of said rivers, or either of them, or by locks, dams, sluices, canals, or by other usual modes of improvement, or by a combination of any two or more of them. They shall commence their said improvement at such point at or above the mouth of said river as the said company shall deem advisable, and prosecute the same towards the head, so far as it may be deemed practicable, or the resources will permit, and may in like manner improve Hughes's river so far up the same as they may deem proper, when their main improvement has reached the mouth thereof. They may enter and condemn lands for the purposes of their improvements, under the provisions of the said fifty-sixth chapter of the Code of Virginia, and shall have the benefit of all and every act declaring the said rivers navigable highways; and when the said improvement shall have been completed from Rathbone, in the county of Wirt, to the Claysville dam, in Wood county, the said company shall have power to charge and receive for the transportation of crude or refined oils a toll not exceeding ten cents per barrel of forty gallons, or the like sum for the same number of gallons if transported in any other man-
And to condemn lands.	
Rates of tolls.	"3. The said company shall have power to improve the navigation of said river and of Hughes' river, by removing any or all of the dams or any other obstructions now existing to the navigation of said rivers, or either of them, or by locks, dams, sluices, canals, or by other usual modes of improvement, or by a combination of any two or more of them. They shall commence their said improvement at such point at or above the mouth of said river as the said company shall deem advisable, and prosecute the same towards the head, so far as it may be deemed practicable, or the resources will permit, and may in like manner improve Hughes's river so far up the same as they may deem proper, when their main improvement has reached the mouth thereof. They may enter and condemn lands for the purposes of their improvements, under the provisions of the said fifty-sixth chapter of the Code of Virginia, and shall have the benefit of all and every act declaring the said rivers navigable highways; and when the said improvement shall have been completed from Rathbone, in the county of Wirt, to the Claysville dam, in Wood county, the said company shall have power to charge and receive for the transportation of crude or refined oils a toll not exceeding ten cents per barrel of forty gallons, or the like sum for the same number of gallons if transported in any other man-

ner than in barrels ; and for empty oil barrels the sum of two and one-half cents, and four cents for each one hundred pounds of freight other than oil, oil barrels, lumber, staves, grain, and all products of the farming community ; and for all freights for which no tolls have been specified herein such rates as shall from time to time be prescribed by law or fixed by the board of public works ; and a greater rate of toll may be fixed by law or by the board of public works for the transportation of crude or refined oils, or for empty oil barrels, than the amount fixed in this section. The said company shall be required to complete their improvement from the Claysville dam aforesaid to the mouth of the Kanawha river at Parkersburg, before the first day of November, eighteen hundred and sixty-five, or forfeit the right to collect the tolls specially provided for in this act."

Condition imposed.

CHAP. 33.—An ACT to amend the law concerning Insurance and Express Companies.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia :

1. Every domestic insurance or express company, and every person acting in this state as principal agent of any foreign insurance or express company, shall semi-annually make returns to the auditor as follows :

Returns to be made to auditor.

2. The said returns shall in all cases be made within twenty-one days after the first days of February and August in every year. If made by or on behalf of an insurance company, domestic or foreign, they shall show the amount of premiums on all insurances made or renewed on behalf of such company within this state during the six months immediately preceding the said first day of February or August, including as well the premiums uncollected as those which have been paid. If made by or on behalf of an express company, they shall show the amount of receipts and uncollected charges and freights accruing to it on account of money, goods and merchandise forwarded or carried within this state during the said six months. If such returns be made by or on behalf of a domestic company, they shall be verified by the affidavit of its president, secretary or principal officer ; and if made on behalf of a foreign company, by the affidavit of the person acting as its principal agent in this state.

When made.

What they shall show.

How verified.

3. At the same time the return is made to the auditor as aforesaid, the company or person making such return shall pay into the treasury of the state a tax of three per cent on the amount so returned.

State tax.

4. Every company or person hereby required to make return or payment as aforesaid, who shall fail to do so, shall forfeit not less than one hundred nor more than one thousand dollars for every such offense ; and it shall be the duty of the auditor forthwith to cause suit to be instituted for the recovery thereof. But if such return and pay-

Failure to make returns.

Exemption.

ment be made in conformity with the provisions of this act, the said company shall be exempt from the operation of the forty-ninth section of the act passed December 3, 1863, entitled "an act to provide for the assessment of taxes," and shall not be liable to pay any county levy or school tax, or any other state tax than that hereby imposed: Provided, that this act may be altered or repealed at the pleasure of the legislature.

Foreign companies forbidden to act

6. No foreign insurance or express company shall, within this state, after the first day of April next, make or renew any contract of insurance, or undertake to forward or carry any money, goods or merchandise, until it has complied with the following provisions of this act:

Without first appointing an attorney.

6. Every such foreign insurance or express company shall, by power of attorney, appoint some person residing in this state its attorney, who shall accept service of all lawful process and notices against such company in this state; and if required by the adverse party, cause an appearance to be entered in the name and on behalf of such company in any suit or motion against it which may be instituted in this state. And by the same instrument, the company shall consent and agree that service of any process or notice against it in this state on the said attorney shall have the same effect as if it were duly served on the company.

Regulations controlling power of attorney.

7. Such power of attorney duly acknowledged and authenticated, shall be filed by the company in the office of the secretary of the state.

8. As long as any liability of the company in this state remains unsatisfied, no such power of attorney shall be revoked until after a like power to some other person residing in this state has been filed in the office of the said secretary; and when any such attorney dies or resigns, the company shall immediately make a new appointment and file the evidence thereof as aforesaid, until all its liabilities in this state are discharged.

9. A copy of a power filed in the office of the secretary of the state as aforesaid, certified by him under his hand and the less seal of the state, shall be received in all courts and places as *prima facie* evidence of the execution and contents of such instrument; and he may charge to the person demanding such copy a fee at the rate of fifteen cents for every hundred words; but no tax or fee shall be charged for affixing the seal thereto.

Service of process, &c., on attorney.

10. Service of process and notices upon such attorney shall be deemed equivalent to service on his principal.

11. If any foreign insurance or express company, without complying with the fifth, sixth, seventh and eighth sections of this act, make or renew any contract of insurance, or undertake to forward or carry any

money, goods or merchandize within this state, after the first day of April next, the contract or undertaking shall nevertheless be valid, but the agent or officer acting in the matter in this state on behalf of such company shall forfeit not less than twenty nor more than two hundred dollars for every such offence. Penalty.

12. Every insurance or express company which has been or shall be incorporated by any act of the General Assembly of Virginia in force within this state, or under and pursuant to the Act of the Legislature of this state passed October 26, 1863, entitled "An act providing for the formation of corporations and regulating the same," shall be deemed a *domestic* company within the meaning of this act; and every other insurance or express company, a *foreign* company. Definition of "domestic" and "foreign."

13. The eighth section of the "Act concerning licenses," passed November 28, 1863; the fifty-fifth section of the "Act to provide for the assessment of taxes," passed December 3, 1863; the sixteenth and seventeenth sections of the "Act prescribing taxes on licenses" passed December 7, 1863; and the twenty-third and following sections of chapter thirty-nine of the Code of Virginia, second edition, are hereby repealed. Laws repealed.

CHAP. 34.—An ACT to fill Vacancies in county and township Offices.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia:

1. When a vacancy exists in the office of the clerk of the circuit court, recorder, sheriff or prosecuting attorney of a county, the same shall be filled for the unexpired term thereof at the next annual election thereafter. In the meantime, if deemed necessary, the judge of the circuit to which the county belongs may fill the office by temporary appointment, to expire when the person so elected to said office shall be duly qualified to act. When a vacancy exists in the office of surveyor of lands, assessor or treasurer of a county, or justice or constable of a township, the same shall be filled for the unexpired term thereof at the next annual election thereafter. In the meantime, if deemed necessary, the board of supervisors of the county may fill the office by temporary appointment, to expire when the person to be elected to said office, shall be duly qualified to act. And when a vacancy exists in the office of supervisor, township clerk, overseer of the poor, township treasurer, inspector of elections, or surveyor of roads, the same shall be filled by appointment for the unexpired term thereof, to be made by the supervisor, township clerk, and justice or justices, or by any two of them. The bond required by law to be given by the officer so appointed, if by the judge of the circuit, shall be in such penalty and with such approval as he may direct; if by the board of supervisors, said bond shall be in such penalty and with such approval as said board may direct; and if he be a township officer, said bond shall be in such penalty and with such approval, as the officers making the appointment, or any two of them, may direct. In what offices vacancies may be filled by circuit judges;
In what by the boards of supervisors.
Who may fill vacancies in township offices.
Bonds.

Law repealed.

2. Sections eleven, forty-six and forty-seven of the act entitled "An Act to regulate elections by the people," passed November 13, 1863, and all other laws inconsistent with this act, are hereby repealed.

CHAP. 35.—An ACT to incorporate the West Virginia Central Railway Company.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia:

Names of corporators.

1. James H. Brown, Frederick Walker, John Slack, sr., Sydney M. Campbell, John R. McCutchen, Ellis Hyre, William Waggy, John Bowyer, William H. Shaw, Stephen Comstock, John Gilmore, J. P. B. R. Smith, Matthew Geary, Henry G. Chapman, G. Parker, Thomas J. Farnsworth, David S. Haselden, O. B. Loudin, Cyrus Kittle, Isaac Baker, Waldo P. Goff, Luther Haymond, L. E. Davidson, Harmon Sinsel, Jesse Teter, Peter Zinn, Spencer Dayton, William B. Crane, James W. Brown, Reuben Morris, Smith Crane, James H. Manown, Joseph Brown, William G. Brown, William B. Zinn, Elisha M. Hagans, Marcellus B. Hagans, Harrison Hagans, William Hagans, William Frey, Henry C. Hagans, Joseph H. Gibson, I. M. Harshbarger, Thomas Scott, Isaac McGrew, John Harrader, Harrison Spurgin, W. Cuppett, Jesse Spurgin, Samuel Fike, Joseph N. Miller, Samuel E. Crane, Simon Cameron, Thomas A. Scott, Francis H. Peirpoint, Lucian A. Hagans, M. A. Sanner, H. L. Holbrook, John Hanna, Moses A. Ross, J. D. Roddy, W. J. Baer, J. Weller, and their associates, successors and assigns, and all who shall become stockholders, when ten thousand shares of the capital stock shall have been subscribed as hereinafter provided, are hereby made a body politic and corporate, by the name, style and title of the West Virginia Central Railway Company: Provided, said subscription shall have been made, in good faith, within three years after the passage of this act.

Style of company

Provido.

Route prescribed

2. The said company is hereby authorized to construct a railway from the Pennsylvania line, near Joseph Carroll's, in Preston county, by the way of Brandonville, the mouth of Muddy Creek and near Kingwood, in the aforesaid county, the junction of Three Fork and Raccoon creeks, in the county of Taylor, Buckhannon, in the county of Upshur, Charleston, in the county of Kanawha, and thence to the mouth of Sandy river, in the county of Wayne, with the right to construct a branch from Charleston, in the county of Kanawha, to the Ohio river at Point Pleasant, in the county of Mason, subject to all the rights and privileges of this act, and to provide everything necessary for convenient transportation on the same. If after the organization of the company herein provided for it shall be ascertained, by surveys or otherwise, that the purposes of the company can be better attained by a change of route, the said company are hereby authorized to change the location of said road so as to commence anywhere on the Pennsylvania line in the county of Preston or Monongalia, and

Authority to construct branch

Change of route allowed under certain circumstances.

extend the same up any of the streams of the Monongahela river, or elsewhere, to the waters of Elk river; thence by way of Charleston, to the Kentucky line.

3. The capital stock of said company shall be five millions of dollars, divided into shares of fifty dollars each; and books may be opened by the said corporators, or any three of them, to receive subscriptions to the said capital stock, within two years after the passage of this act, at such places as said corporators, or any three of them, may designate.

Capital stock.

Time allowed for opening books.

4. The said books shall be opened and the subscriptions received in the manner prescribed by the code of Virginia, second edition, prescribing general regulations for the incorporation of railroad companies. The said company shall be subject to all the provisions and liabilities and entitled to all the benefits of the aforesaid code, especially such as are specified in chapters fifty-six, fifty-seven and sixty-one thereof, and of all other general laws now in force relating to railway companies, except so far as the provisions of this act are or may be inconsistent therewith.

Company subjected to provisions of code of Virginia.

5. If the capital stock of said company shall be insufficient for the purposes of this act, the said company shall have power and are hereby authorized to increase the same by the addition of as many shares as may be deemed necessary; and said company shall have power to borrow money, to accept and receive donations in lands, money, or other thing, from the congress of the United States, or from other sources, for the purpose of carrying on the object of this act, and to issue proper certificates or evidences of all loans made by it, and to pledge the property of the company for the payment of the same and the interest that may accrue thereon; and the said company shall be required to commence the construction of their said railway within five years from the passage of this act, and shall finish one-fourth thereof within ten years from the time of commencement.

Authority to increase capital

And to borrow money and receive donations.

Condition imposed as to commencement and progress of the work.

6. The president and directors of the said company, or a majority of them, shall be and are hereby authorized to make and execute bonds or certificates of indebtedness, under the seal of the said company, for such sum or sums, and payable at such time or times, and to sell and dispose of the same on such terms, as to the said president and directors may seem proper: Provided, that nothing herein contained shall be taken to authorize the said company to issue anything in the nature of a bank-note or other paper to be used for circulation as a currency.

Authority to issue bonds.

Proviso.

7. So much and such parts of the code of Virginia, hereinbefore recited, or of any other act or acts, as may be inconsistent with any of the provisions of this act, shall be held not to apply to the company hereby incorporated, so far as the same may affect the charter granted by this act.

Code of Virginia construed.

Commencement and equipment of the sections of road north and south of B. & O. R. R.

8. The construction of that portion of said railway which lies north of the line of the Baltimore and Ohio railroad shall be commenced simultaneously with that portion thereof commencing at said Baltimore and Ohio railroad and extending southwardly therefrom to Charleston, and shall when completed be simultaneously equipped for the transportation of freight and passengers.

Subscription by state by transfer of interest in C. & O. R. R.

9. It shall be lawful for the board of public works to subscribe on the part of the state to the capital stock of the West Virginia Central Railway Company to the amount of the value, and to be paid for in the transfer by said board, of all the work or works and improvements made by the state of Virginia on state account on that portion of the Covington and Ohio railroad from the town of Charleston, in the county of Kanawha, to the terminus of the line of the location of the Covington and Ohio railroad, westward. The amount and value of said work and improvements, if not agreed upon by the board of public works and the West Virginia Central Railway Company, shall be ascertained by two disinterested engineers, to be selected for that purpose, one of whom shall be selected by the board of public works and one by the West Virginia Central Railway Company; which engineers in case of disagreement shall choose an umpire, whose valuation and determination in the premises shall be final, unless good cause be shown against their award.

Mode of ascertaining value of such interest.

State made a stockholder.

10. In the event of the subscription by the board of public works to the said stock as proposed, and the organization of the West Virginia Central Railway Company in pursuance of this act, the state shall be a stockholder in said company to the extent of the ascertained value of said work and improvements by said engineers.

Act repealed.

Act construed.

11. The act entitled "an act to incorporate the Elk River Railroad Company," passed January thirteen, eighteen hundred and sixty-two, by the general assembly of Virginia, is hereby repealed. Nothing in the fifth section of the act passed by the general assembly of Virginia, February thirteenth, eighteen hundred and sixty-two, entitled "an act to incorporate the Charleston and Winchester Railroad Company," shall be construed to interfere with the provisions of this act.

Reservation by legislature.

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

СЛАВ. 26.—An ACT to amend the act entitled "An act providing for the establishment of a system of Free Schools."

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia:

1. The second and eighteenth sections of the act entitled "an act providing for the establishment of a system of free schools," passed

December tenth, eighteen hundred and sixty-three, is hereby amended so that the first election of officers therein provided for shall take place on the fourth Thursday of April next ensuing the passage of this act; and the commissioners and superintendents then elected shall qualify and enter upon the duties of their offices, at the same time with other township officers.

First election of school commissioners and county superintendents.

2. The concluding clause of section one and the whole of section fifty-two are hereby repealed; and the city of Wheeling and the parts of townships connected therewith are hereby exempted from the operation of the act aforesaid, but shall be subject to the school law now in force in the city of Wheeling, and shall be required to make to the county superintendent of Ohio county the report required by the seventh clause of the seventh section of the act aforesaid, and likewise subject to the state tax of ten cents on the hundred dollars imposed by the thirty-seventh section of said act, and entitled to receive the proper distributive share of all State funds for the support of free schools as provided in the act aforesaid.

City of Wheeling

CHAP. 37.—An ACT to empower the Assessor to re-assess certain Lands in Pleasants County.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia:

1. It shall be the duty of the assessor for Pleasants county, in revising, correcting and making out his land book for the year eighteen hundred and sixty-four, to examine all lands and town lots entered therein, or such as he may find omitted, and in all cases where he may find any land or town lots not assessed or that may in his opinion be assessed below their value, to re-assess the same and put such value thereon, including the buildings thereupon, as he may deem just and proper, and to correct his land book accordingly.

Authority conferred on assessor

2. Any person feeling himself aggrieved by any such re-assessment may, at any time before such land book is made out and certified, apply to the assessor to have the valuation corrected; and it shall be the duty of such assessor, if he is satisfied that he has made any unfair valuation to correct the same. And any person feeling himself aggrieved by any such re-assessment may, within twelve months after the land book is certified, apply to the board of supervisors of the county to have the same corrected; and it shall be the duty of the board on such application to correct any unfair valuation.

Remedy of aggrieved parties.

CHAP. 38.—An ACT for the Encouragement of Foreign Emigration to this State.

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia:

1. The governor is hereby authorized to appoint a responsible and competent person for the purpose of soliciting and organizing foreign

Commissioner of emigration.

emigration to this State, the same be styled a commissioner of emigration for West Virginia.

Commissioner's
duties.

2. It shall be the duty of such commissioner, so soon as the governor may direct, to connect himself by correspondence with the principal sources of emigration in Germany, Austria Switzerland, Sweden, Great Britain, and to do everything that may be proper and necessary to secure the greatest possible publicity to the political and social condition of our State, the nature of her climate, soil, geographical features and advantages, her agricultural, mineral and manufacturing resources, her public improvements, and every other local information of interest and utility to the emigrant. To this effect he shall prepare and have translated into one or two of the principal languages of Europe a pamphlet with lithographic maps of the State, containing not less than sixteen pages of text descriptive of our State, and circulate the same in said countries to the amount of fifteen thousand copies. He shall also connect himself for the furtherance of his mission with the commissioners and superintendents of emigration that may be appointed under acts of congress and with the American consulates and commercial agencies in said countries, and with the various emigrant aid, protection and transportation societies, private and official, therein established, as also with the civil authorities and organs of publicity whose action or influence may be available for the promotion of the ends of his mission; and further to secure in every principal centre of emigration, and seaport on the routes of emigration, intelligent and obliging correspondents, who may supply him with every desirable information and receive from him the necessary instructions for the continuous inducement of foreign emigration to our State.

Commissioner's
duties.

3. And it shall be the duty of said commissioner to forward to the governor, to be by him laid before the legislature at its next session, a full report of his transactions, stating all the means and channels employed by him in the accomplishment of his mission, the results attained or expected to be attained through his efforts, the statistics of emigration and other kindred information calculated to suggest further necessary legislation on the subject.

Authority of
governor to pre-
scribe further
duties.

4. And the governor is hereby authorized to prescribe to said commissioner any further duties in his judgment necessary efficiently to carry out the purposes of this act, including a visit to the principal sources of emigration in Europe, in case the expenses thereof are defrayed by subscriptions on the part of private individuals, associations or corporations having as one of their objects the encouragement of emigration to this State, including the execution of a bond for the faithful performance of his duties and the proper use of the funds entrusted to him to defray the expenses of his office.

Commissioner's
bond.

Further author-
ity of governor.

5. And the governor is hereby authorized to make such arrangements with the proper persons and authorities at the port of Balti-

more, and with the Baltimore and Ohio railroad company, as may be necessary to encourage the transportation of emigrants intending to travel through or locate in this state, in first class emigrant ships direct from the seaports of Europe to the port of Baltimore, and to secure to the emigrant during his passage and upon and after his landing all the aid, protection and instructions he may need for his guidance and safety, upon principles equally beneficial to the emigrants, to the port of landing, the line of transit and the state where he may select his residence: Provided, that no additional expense accrue to the state under this section.

CHAP. 39.—An ACT appropriating the Public Revenue for the fiscal year 1863-4 and a part of the fiscal year 1864-5.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia:

1. All appropriations heretofore made and unexpended, and any and all money in the treasury not otherwise appropriated at the close of the fiscal year ending September thirtieth, eighteen hundred and sixty-four, as well as all money that shall come into the public treasury from and after the thirtieth day of September, eighteen hundred and sixty-four to the first day of January, eighteen hundred and sixty-five, shall constitute a general fund, and be appropriated for the fiscal year eighteen hundred and sixty-three and four, and for the months of October, November and December of the fiscal year eighteen hundred and sixty-four and five, as follows:

What money is appropriated.

For the fiscal year 1863-4 and part of 1864-5.

For expenses of the legislature for the session commencing on the nineteenth day of January, eighteen hundred and sixty-four, including pay of officers, printing, stationery, rent of Linsley Institute from the first day of January, eighteen hundred and sixty-four to the first day of January, eighteen hundred and sixty-five, and repairs made to said Institute and premises, fifteen thousand five hundred dollars.

For legislature.

For salaries of judges of the supreme court of appeals and judges of the circuit courts, twenty-six thousand dollars.

Judiciary.

For the salary of the clerk of the supreme court of appeals, one thousand dollars.

For contingent expenses of courts, six thousand dollars.

For criminal charges, including convicts in jails and their removal, witnesses', jurors', and jailors' fees, fifteen thousand dollars.

For expenses of lunatics in asylums in other states, in this state in jail and other places, ten thousand dollars.

Lunatics.

For contingent expenses of auditor's office, including stationery, books, printing, postage and fuel, three thousand dollars.

Contingent expenses of executive offices.

For contingent expenses of office of the secretary of the state, three hundred dollars.

For contingent expenses of treasurer's office, two hundred dollars.

For contingent expenses of adjutant general's office, three hundred dollars.

For contingent expenses of quartermaster general's office, two thousand dollars.

- Salaries of executive officers.** For salary of governor, two thousand dollars; auditor, one thousand five hundred dollars; treasurer, one thousand four hundred dollars; secretary of the state, one thousand three hundred dollars; and attorney general, one thousand dollars.
- For salary of adjutant general, twelve hundred dollars.
- For salary of quartermaster general, one thousand dollars.
- Public printer.** For public printer five thousand dollars.
- Clerks in executive offices.** For salary of clerk in adjutant general's office, six hundred dollars.
- For salaries of clerks in the auditor's office, sixteen hundred dollars.
- Vaccine agent.** For salary of vaccine agent, one hundred dollars.
- For codifying laws.** For Daniel Lamb, on contract for codifying laws, two thousand dollars.
- Janitor for executive offices.** For janitor and guard to the executive offices, four hundred dollars.
- Civil contingent fund.** On account of civil contingent fund, ten thousand dollars.
- Military expenditures.** For procuring arms, &c., under act of July, eighteen hundred and sixty-three and the joint resolution, adopted on the seventeenth day of September, eighteen hundred and sixty-three, sixty thousand dollars.
- Commissioners of revenue.** To pay commissioners of the revenue, three thousand dollars.
- Buffalo Bridge.** To pay appropriation to construct a bridge across Buffalo creek, in Marion county, under act of November eighteenth, eighteen hundred and sixty-three, eighteen hundred dollars.
- Road in Hardy.** To pay appropriation to construct a road in the county of Hardy, under act of September tenth, eighteen hundred and sixty-three, one thousand dollars.
- Removal of sick and wounded soldiers.** To pay appropriation to remove sick and wounded soldiers, under act of October first, eighteen hundred and sixty-three, two thousand dollars.
- Militia claims.** To pay appropriation under act of November nineteenth, eighteen hundred and sixty-three, for the payment of certain militia claims allowed by regimental courts, six thousand dollars.
- Support of blind.** To pay appropriation for the education and support of the blind, under act of December first, eighteen hundred and sixty-three, two thousand dollars.
- West Va. hospital for the insane.** To continue the construction of the West Virginia Hospital for the Insane, six thousand dollars.
- W. H. Copley.** To W. H. Copley, of Wayne county, for expenses in taking care of record of said county, fifteen dollars.
- Clerk of House.** To the clerk of the house of delegates, for services in recess, two sessions, one hundred and fifty dollars.
- Act construed.** 2. Nothing in this act shall be construed to repeal the appropriation of two thousand and twenty-eight dollars and forty-eight cents, made by act of fifth of August, eighteen hundred and sixty-three, to carry into effect the ordinance of the late constitutional convention, to repeal any special appropriation made to any individual or individuals named in the act of December seventh, eighteen hundred and sixty-three or for the holding any election for which an appropriation was made under said act, or to affect the provisions of the act passed De-

ember third, eighteen hundred and sixty-three, entitled "an act concerning superintendents and commissioners of schools, and the distribution of the capitation tax for eighteen hundred and sixty-one, eighteen hundred and sixty-two, and eighteen hundred and sixty-three."

CHAP. 40.—An ACT for the Incorporation of Cemetery Associations.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia :

1. Any number of persons residing in this state, not less than five, who are desirous to form an association for the purpose of procuring and holding lands to be used exclusively for a cemetery or place for the burial of the dead, may meet and appoint a chairman and secretary and proceed to form an association by determining on a corporate name by which the association shall be known, the number of trustees, which shall be not less than three, and their term of office. Manner of organizing.

2. The chairman and secretary of the meeting shall, within seven days after the said meeting, make a written certificate thereof, and acknowledge the same before an officer authorized to take acknowledgment of conveyances, in the county where the said meeting shall be held ; which certificate shall state the names of the associates who attended said meeting, the corporate name of the association determined upon by the meeting, the number of trustees fixed to manage the concerns of the association, and the day fixed for the annual election of trustees ; which certificate it shall be the duty of the chairman and secretary of such meeting to cause to be recorded in the recorder's office for the county in which said meeting was held, in a book to be appropriated to the recording of certificates of incorporation. Certificate of organization.

3. Upon such certificate, duly acknowledged as aforesaid, being recorded, the association therein mentioned shall be deemed legally incorporated. The affairs of said association shall be managed by the trustees thereof ; who shall, from their number, appoint a president, a vice president, a secretary, and a treasurer ; who shall hold their offices during the pleasure of the trustees ; and they may require the treasurer to give bond and security for the faithful performance of the duties of his office. Acknowledgment and record of same a requisite. Management of association.

4. Any association incorporated under this act may take by purchase or devise and hold, within the county in which their certificate is recorded, not to exceed one hundred acres of land, to be held exclusively for a cemetery for the burial of the dead ; which land may be subdivided into lots, plats, avenues and streets, as the trustees may deem proper ; and a map of each subdivision shall be filed in the recorder's office in the county. After the filing of the said map, the trustees may convey said lots and subdivisions designated on said map, as may be agreed upon, and subject to such conditions as they may Authority conferred on association.

prescribe. The conveyances shall be executed under the common seal of the association, signed by the president or vice president or secretary, and acknowledged by the president or vice president, and shall be recorded; but there shall be no tax paid to the state on such conveyances. The proceeds of such conveyances after paying the original purchase money of the land, and the expenses connected therewith, shall be applied to the care and adornment of the cemetery.

Conveyances of lots exempt from state tax.

Trustees.

5. The trustees of such association shall have the exclusive control and management of the concerns thereof; and all elections for trustees shall be by ballot; but the supervisors of each county may make such regulations in respect to burials in cemeteries or elsewhere as they may judge the public health and decency may require.

Penalties for injuring property of association.

6. Any person who shall wilfully destroy, mutilate, deface or injure, or remove any tomb, monument, grave-stone, building or any other structure, placed in any cemetery of any association incorporated under this act, or any fence, railing, or other work, for the protection or ornament thereof or of any tomb, monument, or grave-stone, or other structure, as aforesaid, or of any plat or lot within such cemetery, or who shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor; and such offender shall also be liable in action of trespass, to be brought in all such cases in the name of the association, to pay all such damages as shall have been occasioned by his unlawful act or acts. Such money so to be recovered shall by the trustees be applied to the restoration of such property so injured or destroyed.

Exemptions of such property.

7. Property thus held by cemetery associations shall not be liable to be taken in execution or otherwise be sold to pay the debts of the individual owners thereof, and shall be exempt from all public assessment and taxes.

8. This act may be altered or repealed by the legislature.

CHAP. 41.—An ACT providing for the repair of the Walnut Gap Road in Boone and Wyoming Counties.

Passed March 2, 1864.

Be it enacted by the Legislature of West Virginia:

\$2,000 appropriated.

1. There is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of two thousand dollars, for repairs on the Walnut Gap road, from the mouth of Short Creek, in Boone county, to Elliot Cook's, in Wyoming county. The said repairs shall be completed in six months from the passage of this act, under the superintendence of William Workman and Alfred A. Hagar of Boone county, and Thomas G. Cooke of Wyoming county. These superintendents are hereby authorized to let out said repairs under contract to the lowest solvent bidder, on such day as said superin-

Time for completion of work.
Superintendents.

Their authority.

tendents may designate by advertisement for fifteen days at Boone C. H., Jasper Workman's and Wyoming C. H. Said superintendents are hereby authorized to certify to the auditor from time to time the value of the work done by the contractor or contractors, and draw their warrant for the same, not exceeding four-fifths of the value of the work so certified, until the completion of the whole, at which time they may draw for the full amount. The said superintendents may make such changes in the location of said road as they may deem prudent.

2. As soon as the aforesaid counties are organized under the laws of this state, the boards of supervisors thereof shall cause to be laid a levy in different instalments, so as to refund the money to the treasury of this state in three years after the organization beforementioned. And upon the boards of supervisors failing to lay such levy for one year after the organization of said counties, the assessors of said counties shall do the same. The superintendents shall receive two dollars per day for their services.

Re-burment of appropriation to State.

Superintendents' fees.

CHAP. 42.—An ACT to Punish Treason against the State.

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia :

1. Treason against the state shall consist in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

In what to consist.

2. Whoever is guilty of treason against the state shall be punished with death or, at the discretion of the jury, by confinement in the penitentiary not less than three nor more than ten years and by the confiscation of his real and personal estate.

Punishment prescribed.

3. If any person have knowledge of any treason against the state and shall not, as soon as may be, give information thereof to the governor or some conservator of the peace, he shall be punished by fine not exceeding one thousand dollars, or by confinement in the penitentiary not less than one nor more than five years.

Misprison of treason.

4. Chapter one hundred and ninety of the Code of Virginia, second edition, is hereby repealed: Provided, that all treason against the state and concealments of the same occurring before the passage of this act shall be punished according to said chapter of the said Code.

Proviso as to prior offences. Law repealed.

CHAP. 43.—An ACT to allow Corporations to issue Preferred Stock.

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia :

1. The stockholders of any corporation now existing in this state, or which may be hereafter formed therein pursuant to law, may, by

Issue of Preferred stock provided for.

By resolution in general meeting. by-law or regulation passed in general meeting, provide for the issue of preferred stock, upon such terms and conditions, and with such stipulations and regulations respecting the preference to be given to such stock in regard to future dividends or otherwise as by the said by-law or resolution they may see fit to prescribe or agree to: Provided, that notice be given by advertisement, to be published at least once a week for four weeks successively in some newspaper of general circulation printed in this state, of the intention to offer such by-law or resolution.

Previous notice requisite.

Certificate of resolution to secretary of the state. His fee for recording it.

2. When any such by-law or resolution is passed, the president or chief officer of the corporation shall forthwith certify a copy thereof to the secretary of this state, who shall record the same in the book kept in his office for recording certificates of incorporation, and may charge therefor a fee at the rate of fifteen cents for every hundred words, to be paid by the corporation.

Construction of act.

3. Nothing contained in this act shall be deemed to authorize any corporation to increase its capital stock beyond the amount to which it is now limited by law.

CHAP. 44.—An ACT to regulate Allowances to Recorders.

Passed March 3, 1861.

Be it enacted by the Legislature of West Virginia:

For services for which no fee is allowed by law.

Every recorder shall be allowed annually, by the board of supervisors of his county, for his services for which no other fee or reward is allowed by law, to be paid out of the county treasury, such sum, not less than twenty-five nor more than one hundred dollars, as the said board may deem reasonable.

CHAP. 45.—An ACT to regulate the Tolls of Ferries.

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia:

Authority conferred on board of supervisors.

It shall be lawful for the board of supervisors in any county containing public ferries authorized by law, at one of their annual or special meetings, to establish, increase, diminish and generally regulate, the rates of toll of said ferries, as in their judgment may be necessary; and to cause notices of such rates and charges to be conspicuously posted at each place of landing.

CHAP. 46.—An ACT to amend and re-enact the Charter of the Town of Mannington, in Marion County.

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia:

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

1. The corporate limits and bounds of the town of Mannington shall be as follows; Beginning at a stake in a line of Jeremiah Beatty's; thence north sixteen and a half and east fifty-six poles to a stake; north thirty-six and west forty-seven poles to a white oak; north thirty-seven and west seventy-eight poles to a stake; south ten and a half and west thirty-seven poles to an apple tree; south seventy-two and west one hundred and two poles to a stake; south fourteen and a half and east fifty-six poles to a beech tree; south forty-three and east fourteen poles to a stake; north sixty-two and east twenty-two and a half poles to a small white-oak tree above J. B. Nay's mill; south thirty-eight and east forty-one poles to a linn tree; south thirty-five and east seventy-two poles to a sugar tree on the east bank of Buffalo creek; thence north thirty-four and east thirty-two poles to a rock in the road; north thirty-four and west thirty-four, to a gum tree on a point; thence north thirty and east twenty poles to the place of beginning.

Corporate limits defined.

2. The officers of said town shall be a mayor, a recorder, and seven councilmen; who shall constitute the town council; a majority of whom shall be a quorum for the transaction of business.

Town officers.

3. All officers of said town shall, before entering upon the discharge of their respective duties, take and subscribe the oaths required by law.

Their oath.

4. The mayor, recorder, councilmen and a sergeant shall be elected annually on the first Tuesday in May, by the citizens of said town who are entitled to vote under the constitution and laws of this State, to hold their offices one year thereafter and until their successors are elected and qualified.

Their election.

5. The mayor shall preside at all meetings of the council when present. He shall have the authority and exercise the functions of a justice within the limits of the corporation and see that all laws, rules and regulations of the town are strictly enforced. All legal process issued by him shall be executed and returned by the sergeant. The mayor shall be a conservator of the peace within the town, shall have power to police the same, and may appoint special police officers for that purpose, when he deems it necessary. It shall be his duty to see that peace and good order are preserved.

Duties and authority of Mayor.

5. The mayor shall receive for his services an annual compensation to be fixed by the council; but shall have no voice in fixing the same. He shall give such bond for the faithful discharge of his duties and in such penalty as may be approved by the council, the bond to be filed with the books and papers of the town. He may be removed from office by a two-third vote of the council, for incompetence or misconduct in office.

Mayor's compensation.

Bond.

And removal.

7. The bonds of the officers shall be given to and be approved by the council, and be in such penalty as the council may from time to time direct.

Officers' bonds.

Recorder's duties

8. The recorder shall keep a true and faithful record of the proceedings of the council, shall have charge of the books and papers of the town, shall exhibit monthly to the council a statement of the financial affairs of the town, and perform all other services required of him by the mayor pertaining to his office. In the absence of the mayor, or during a vacancy in that office, the recorder shall perform all the duties of mayor and be vested with all his powers; and for such services shall receive like compensation. He shall receive an annual compensation for his general services, to be fixed and allowed by the council; but shall have no voice in determining the same.

Powers.**And pay.****Powers of council.**

9. The council shall have power and authority to levy a tax annually upon all real and personal property within the corporation, not exceeding for any year the state and county tax; but the tan-yard, buildings, stock, and machinery belonging to Ralston, Brown & Company, shall not be taxed for any year more than the rate of the township tax with which they would have been chargeable if their said property had remained without the corporation. The aforesaid levy shall be for the purpose of making necessary improvements within the town. The council may, if they deem it expedient, cause any street or sidewalk, footway or gutter along any street or alley within the town to be paved and kept in repair; and they may enact by-laws, not inconsistent with the constitution or laws of this State, for the government of the town.

Provisions to tan-yard of Ralston, Brown & Co.**Taxes.**

10. All taxes levied by the council shall constitute a lien on the property assessed.

Elections.

11. The council shall be the judge and determine and certify the result of all elections held within and for the town. They shall annually, before the election day, appoint three freeholders, who shall act as inspectors of election and make return of the result to the council.

Duties and powers of sergeant.

12. The sergeant shall collect all taxes, including taxes on licenses, fines, and other income of the town, and account for the same as the council may direct; and shall perform all other duties pertaining to the office of sergeant of a corporation. He shall act as a conservator of the peace, quell all riots, disperse all unlawful assemblies, and arrest and bring before the mayor for trial all disorderly persons. He shall perform the duties of constable in said town and receive the same fees, and be liable under his bond for all money collected by him. He shall have power to take and sell property for all claims placed in his hands for collection as prescribed by law. He shall be the officer of all town elections, shall see that all legal voters are allowed to vote, and shall preserve order at the polls; and shall certify, with the three inspectors of election, to the council, the result of the same, within five days thereafter.

Vacancies.

13. When a vacancy occurs in any of the offices herein provided for, the mayor shall order an election to fill the same, giving five days' notice thereof.

14. Nothing in this act shall be construed to interfere with the rights of the turnpike companies owning roads leading to and through the corporation; but the mayor may make such regulations with said companies, respecting the portion of their roads within the corporation, as he may deem judicious; and the officers of the town in the preservation of law and order shall have jurisdiction over said roads within the town.

Turnpikes with-
in Corporation.

15. The officers provided for within this act shall be first elected within twenty days after the passage of this act, and shall serve until the first Tuesday in May next or until their successors are elected and qualified.

Time allowed for
first election.

16. The provisions of the fifty-fourth chapter of the Code of Virginia, second edition, so far as the same are not inconsistent with this act, shall be applicable to said incorporation.

Law applied.

CHAP. 47.—AN ACT providing for the payment of certain Militia Claims allowed by Regimental Courts.

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia:

1. The auditor is hereby required to pay all militia claims for services rendered since June twentieth, eighteen hundred and sixty-one, as musician, adjutant or other officer of the line ordered to perform the duty of enrolling, notifying and mustering any company which has no officers, and reporting delinquents in said company, provost marshal and regimental clerk, which have been or shall be in accordance with law allowed by the regimental courts of the several regiments within the bounds of this state, and are duly certified by the regimental clerk, countersigned by the commandant of the regiment and approved by the adjutant general: Provided, that in no case shall the amount to be paid under this act exceed the amount specially appropriated by the legislature for the payment of such claims, and that no regiment in any one year shall be paid a sum exceeding one hundred and ten dollars.

What claims the
auditor required
to pay.

Proviso.

2. That the sum of six thousand dollars for the payment of certain militia claims allowed by regimental courts, appropriated under the act appropriating the public revenue for the fiscal year eighteen hundred and sixty-three and four and a part of the fiscal year eighteen hundred and sixty-four and five, passed March second, eighteen hundred and sixty-four, be and the same is hereby appropriated for the payment of the militia claims authorized to be paid by this act.

Appropriation
diverted.

3. Chapter one hundred and nine of the acts of the legislature, passed at its first session, is hereby repealed.

Act repealed.

CHAP. 48.—An ACT supplementary to the Act passed July 28, 1863, entitled "An Act to provide for the Trial of Offences committed in counties in which the Administration of Justice may be interrupted by War or Insurrection."

Passed March 3, 1864.

Be it enacted by the Legislature of West Virginia :

Authority of
circuit judge to
appoint sheriff.

1. The circuit judge in any county in his circuit, where there has been no sheriff elected and qualified in said county, may appoint a sheriff; who shall hold his office and perform all the duties thereof until a sheriff is elected by the people and qualified according to law. Bond shall be given by the sheriff so appointed, in such penalty as the judge may prescribe, or may be dispensed with if he shall so order.

And by warrant
to direct him to
arrest offenders.

2. It shall be the duty of said circuit judge in any such county, by warrant directed to said sheriff, to cause the arrest of any person charged with a felony or misdemeanor committed in said county; and if said person fail or refuse to give bail, if required, he shall be committed to jail for trial at the first term of the circuit court in any county said judge may direct.

Commitment of
such parties.

Witnesses.

3. The clerk of said last mentioned county shall, as soon as said person is committed, issue process returnable to the first day of said term for the appearance of all witnesses both for the state and the person so charged.

Pay of sheriff.

4. The said sheriff shall receive such compensation for his services in all cases as now provided by law.

JOINT RESOLUTIONS.

[No. 1.] Raising a Committee to wait upon the Governor.

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 to inform the governor that both houses of the legislature are now organized and ready to receive any communication he may desire to make.

ADOPTED, January 20, 1864.

[No. 2.] In regard to the printing of the Governor's Message.

Resolved by the Legislature of West Virginia: That five thousand copies of the governor's message, and one thousand copies each of the accompanying documents, be printed for the use of the legislature.

ADOPTED, January 20, 1864.

[No. 3.] Concerning Federal Restrictions on Trade and Commerce.

Whereas, The loyal people of West Virginia are being injured by the annoying and oppressive restrictions placed upon trade and commerce under the regulations of the treasury department now in force in said state:

And, whereas, It is the deliberate opinion and conviction of the people of this state, as well as of the military authorities located in the same, that such regulations are not calculated to attain their only legitimate object, namely, the prevention of the passage of supplies to districts within the control of the enemy: Therefore, be it

Resolved by the Legislature of West Virginia: That our senators in congress be instructed, and our representatives be requested, to represent these facts to the proper authorities at Washington, and to use their most earnest efforts to secure such a modification of the trade regulations referred to as will relieve the loyal people of the state from the grievances set forth in these resolutions.

Resolved, That the governor of the state be requested to forward a copy of these resolutions to each of our senators and representatives at Washington.

Resolved, That the governor be authorized to send one or more commissioners to Washington to aid in promoting the objects of these resolutions.

ADOPTED, January 21, 1864.

[No. 4.] Authorizing the Auditor to employ an additional Clerk.

Resolved by the Legislature of West Virginia: That the auditor be authorized to employ an additional clerk, at a salary not exceeding one thousand dollars per annum.

ADOPTED, January 25, 1864.

[No. 5.] Directing the Governor to present a Banner to the Seventh Regiment West Virginia Volunteer Infantry.

Resolved by the Legislature of West Virginia: That the governor be authorized and requested to procure and present to the seventh regiment West Virginia volunteer infantry, a suitable flag with the following inscriptions: "Romney, Oct. 26th, 1861; Bloomery, Feb. 13th, 1862; Harrison's Landing, July 4th, 1862; Antietam, Sept. 17th, 1862; Fredericksburg, Dec. 13th, 1862; Chancellorsville, May 13th, 1863; Gettysburg, July 2d and 3d, 1863; Bristow Station, Oct. 14th, 1863; Locust Grove, Nov. 27th, 1863;" and that the expenso be defrayed out of the money appropriated for the contingent expenses of the chief executive office.

ADOPTED, January 25, 1864.

[No. 6.] Fixing a day for electing a State Superintendent of Free Schools.

Resolved by the Legislature of West Virginia: That on Tuesday, the sixteenth day of February next, at eleven o'clock A. M., the senate and house of delegates will proceed to elect a state superintendent of free schools for the state of West Virginia.

ADOPTED, January 27, 1864.

[No. 7.] Authorizing and requesting the Governor to present a Banner to the 4th Regiment West Virginia Volunteer Infantry.

Resolved by the Legislature of West Virginia: That as an evidence of their appreciation of the heroism and valor of the officers and soldiers composing the Fourth Regiment West Virginia Volunteer Infantry, in the battles of Charleston, Vicksburg, Jackson and Mission Ridge, the governor is hereby authorized and requested to present to the said regiment, on behalf of the loyal citizens of this state, a flag, adapted to their arm of the service, with the coat of arms of this state and the following inscription placed legibly thereupon, viz:

"Charleston, W. V., September 13th, 1862; Vicksburg, Miss., May 19th and 22d, 1863; Jackson, Miss., July 9th and 12th, 1863; Mission Ridge, Nov. 25th, 1863."

The expense thereof to be paid out of the contingent fund placed at the disposal of the governor.

ADOPTED, January 28, 1864.

[No. 8.] Requesting the Governor to procure and communicate information respecting measures for the Defense of the State.

Resolved by the Legislature of West Virginia: That the governor be requested to confer with the military authorities, and obtain from them such information as they deem it consistent with the public interest to communicate respecting the measures adopted or contemplated for the defense of West Virginia.

Resolved further, That the Governor, having obtained the necessary information, be requested to inform the two Houses what measures can be adopted by the Legislature to render more efficient the defense of the State.

ADOPTED, January 28, 1864.

[No. 9.] Respecting the Act of Congress for the endowment of Agricultural Colleges.

Whereas, the Legislature of this State, by act passed on the 3d day of October, 1863, accepted the conditions of the act of Congress of July 2, 1862, donating lands to the several states for the endowment of Agricultural Colleges; and

Whereas, in the first section of said act, the desire is expressed on the part of the Legislature that should a doubt arise whether this state is a grantee under the act aforesaid, its provisions should be extended to our State by future legislation on the part of Congress:

Resolved by the Legislature of West Virginia: That our Senators in Congress be instructed, and our Representatives requested, to procure the legislation on the part of Congress requisite to secure to the State of West Virginia an equal participation in the benefits of said act of Congress with the other States of the Union.

Resolved, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

ADOPTED, January 30, 1864.

[No. 10.] Requiring a report from the Board of Public Works upon the condition of State Roads.

Resolved by the Legislature of West Virginia: That the Board of Public Works be hereby respectfully required, at the next session of the legislature, to lay before that body a report upon the condition of all the roads and turnpikes, of which the State is owner or shareholder, and suggest such legislation as may be needed to render our system of public roads, in all its branches, adequate to the purposes of commerce, travel, and, if necessary, of military strategy.

ADOPTED, February 6, 1864.

[No. 11.] Authorizing the Adjutant General to audit certain Militia Claims.

Resolved by the Legislature of West Virginia: That the Adjutant General be authorized to audit all just claims of the various squads and companies of militia that are or have been in the service of the State, and all expenditures in their behalf, whether their services were ordered by the officials of the State or of the United States, and all unliquidated military claims of the State and of individuals of the State against the United States; and that he be allowed an additional clerk, should he deem it necessary, while so engaged.

ADOPTED, February 9, 1864.

[No. 12.] To provide for distributing the Acts of the first and second sessions of the Legislature.

Resolved by the Legislature of West Virginia; That the two thousand copies of the Acts of the first session of the legislature which by the joint resolution adopted August 1, 1863, were directed to be reserved to be indexed and half bound in the usual manner at the end of the said session, be delivered by the public printer to the Secretary of the State to be by him distributed as follows:

One copy to every judge and clerk of any court of this State;

One copy to every prosecuting attorney, sheriff, assessor, recorder, county treasurer, clerk of board of supervisors, supervisor, and county superintendent of free schools;

To the Governor, Attorney General, Secretary of the State, Auditor, Treasurer, Adjutant General, Quartermaster General, and State Superintendent of free schools, one copy each;

Five copies to the Clerk of the Senate, one for his own use and the others for the use of the Senate; and ten copies to the Clerk of the House of Delegates, one for his own use and the others for the use of the House; and eight copies to each member of this Legislature, one for his own use and the others for distribution among the people;

One copy to every public library in the State, one copy to the West Virginia Hospital for the Insane, and one copy to the editor of every newspaper published in the State;

Three copies to the librarian of Congress, whereof one shall be for the library and one for each House of Congress;

Three copies to the Secretary of State of the United States, one for his own office, one for the President and one for the Attorney General of the United States;

To the judge, clerk, attorney and marshal for the western district of Virginia, one copy each;

One copy to the governor of every other State and of every territory;

To every justice elected and qualified under the laws of this State, one copy bound up with the forms for justices and constables, in conformity with the joint resolution of the Legislature adopted December 8, 1863;

And the Secretary of the State shall cause the residue of the said two thousand copies to be sold at forty cents each, and account for the same to the Treasury.

Resolved further, That there be printed in all two thousand copies of the Acts of the present session, to be indexed, put up in paper covers and delivered to the Secretary of the State as soon as possible after the end of the session, to be distributed by the said Secretary in the manner above specified; except that such of the Acts of this session as are to be furnished to justices shall not have the forms bound up or delivered therewith, and that the residue to be sold and accounted for by the Secretary shall be sold as near as may be at the actual cost of the same to the State to be ascertained by him.

ADOPTED, February 16, 1864.

[No. 13.] Concerning the Celebration of Washington's Birthday.

Resolved by the Legislature of West Virginia, That the Senate and House of Delegates meet in joint session in the hall of the latter, on Monday the 22d inst., at 10 o'clock, A. M., and that Washington's farewell address be read upon the occasion.

ADOPTED, February 20, 1864.

[No. 14.] Requesting an increase of the Military Force within and a commander for the Department of West Virginia.

Resolved by the Legislature of West Virginia, That in view of the exposed condition of the military department within which our state is embraced, and the apprehended danger of early rebel raids and invasions within its limits, the Governor respectfully and earnestly request the war department to increase the military force therein; and that if not incompatible with the interests of the public service, the 4th and 7th regiments West Virginia volunteer infantry, and the 1st regiment West Virginia volunteer cavalry, be transferred to and permitted to remain in this military department, and that the Governor also request the war department to place some major general, now commissioned, in command of said department.

ADOPTED, February 19, 1864.

[No. 15.] Providing for the Entertainment of the Fourth Regiment West Virginia Volunteer Cavalry.

Resolved by the Legislature of West Virginia, That the Governor be, and he is hereby, empowered to expend a portion of the five thousand dollars placed at his disposal for the purpose of entertaining the several veteran regiments of the state in entertaining the fourth regiment West Virginia volunteer cavalry.

ADOPTED, February 25, 1864.

[No. 16.] Authorizing the Governor to present a Banner to the First Regiment West Virginia Volunteer Cavalry.

Resolved by the Legislature of West Virginia, That the Governor be, and he is hereby, authorized to procure and present to the First Regiment West Virginia Volunteer Cavalry a flag, with the names of the battle fields upon which they have fought, and the dates thereof, inscribed thereon, viz.: "Bloomery Gap, Va., February 13th, 1862; Winchester, Va., March 28th, 1862; McDowell, Va., May 8th, 1862; Cross Keys, Va., June 8th, 1862; Port Republic, Va., June 8th and 9th, 1862; Cedar Mountain, Va., August 9th, 1862; Kelly's Ford, Va., August —, 1862; Bull Run, Va., August 29th, 1863; Chantilly, Va., August 31st, 1862; South Mountain, Md., September 16th, 1862; Antietam, Md., September 17th, 1862; Fredericksburg, Va., December 13th, 1862; Chancellorsville, Va., May 3d, 1863; Hanover, Pa., June 30th, 1863; Hunterstown, Pa., July 2d, 1863; Gettysburg, Pa., July 3d, 1863; Monterey Springs, Pa., July 4th, 1863; Hagerstown, Md., July 6th, 1863; Boonsboro, Md., July 8th, 1863; Brandy Station, Va., September 17th, and

October 12th, 1863; Culpepper C. H. Va., September 17th, and October 12th, 1863; Mourton's Ford, Va., September 18th and 19th, 1863; Griffinsburg, Va., October 12th, 1863; Stephensburg, Va., November 9th, 1863;" and that the cost of said flag be paid out of any money in the treasury appropriated for the defense of the state.

ADOPTEd, February 27th, 1864.

[No. 17.] Authorizing the Governor to present a Banner to the Tenth West Virginia Volunteer Infantry.

Resolved by the Legislature of West Virginia, That the Governor be authorized to procure a flag for the Tenth Regiment of West Virginia Volunteer Infantry, in honor of the faithful services and hard battles through which they have victoriously passed, under their brave commander Col. Harris, bravely defeating the rebels on the 2d and 3d of July, 1863, at the town of Beverly, outnumbered by the enemy over three to one, under the lead of the rebel William L. Jackson, thereby saving our state from a destructive raid, and that there be inscribed on the banner: "Tenth West Virginia Regiment, Beverly, July 2d and 3d, 1863; Droop Mountain, Nov. 6th, 1863," and that the Governor be further authorized to pay for the flag out of the civil contingent fund.

ADOPTED, February 29, 1864.

[No. 18.] Approving the National Administration and favoring the re-election of Abraham Lincoln.

Resolved by the Legislature of West Virginia, *First*—That we have unwavering confidence in the ability, integrity and capacity of Abraham Lincoln, President of the United States, and that we fully indorse the measures of his administration for the suppression of the rebellion, the preservation of the Union and the triumph of freedom. *Second*—That, in the earnest conviction that no other man can so fully unite the loyal men of the country, and especially the loyal men of West Virginia for these great objects, we regard with favor the movement now plainly manifested throughout the country for his re-election to the chief magistracy of the nation.

ADOPTED, March 2, 1864.

[No. 19.] Directing the Governor to present a Banner to the Sixth Regiment West Virginia Cavalry.

Resolved by the Legislature of West Virginia, That the Governor be requested to procure and present to the Sixth West Virginia Cavalry a suitable flag, to be inscribed with the names of the battles in which this regiment has been engaged, viz: "McDowell, May 1862; Cross Keys, June 1862; White Sulphur, August 1862; Waterloo Bridge, August 1862; Bull Run, August 1862; Rocky Gap, August 1863; Droop Mountain, October 1863; Salem Raid, December 1863;" and that he be authorized to draw on the civil contingent fund for the amount required for the purchase of said flag.

ADOPTED, March 2, 1864.

[No. 20.] Directing the Governor to present a Banner to the Seventh Regiment West Virginia Cavalry.

Resolved by the Legislature of West Virginia: That the governor be requested to procure and present to the Seventh West Virginia Cavalry, (late Eighth Volunteer Infantry,) a suitable flag to be inscribed with the names of the battles in which this regiment has been engaged, viz: "Strasburg, June, 1862; Harrisonburg, June, 1862; Cross Keys, June, 1862; Freeman's Ford, August, 1862; Sulphur Springs, August, 1862; Waterloo Bridge, August, 1862; Bull Run, August, 1862; Droop Mountain, Oct. 1863; Salem Raid, Dec. 1863;" and that he be authorized to draw on the civil contingent fund for the amount required for the purchase of said flag.

ADOPTED, March 2, 1864.

[No. 21.] Authorizing the Governor to employ a Private Secretary.

Resolved by the Legislature of West Virginia: That the governor is hereby authorized to employ a private secretary, and pay his salary out of the civil contingent fund, not exceeding one thousand dollars in amount.

ADOPTED, March 3, 1864.

[No. 22.] Directing the Governor to present a Banner to the Fifth Regiment West Virginia Cavalry.

Resolved by the Legislature of West Virginia: That the governor be requested to procure and present to the Fifth West Virginia Cavalry a suitable flag to be inscribed with the names of the battles in which this regiment has been engaged, viz: "Laurel Hill, July, 1861; Alleghany, Dec., 1861; Cross Keys, June, 1862; Cedar Mountain, July, 1862; Sulphur Springs, August, 1862; Bull Run, 1862; Rocky Gap, 1863; Salem Raid, Dec. 1863; McDowell, May, 1862; Port Republic, June, 1862; Kelly's Ford, August, 1862; Waterloo Bridge, August, 1862; Beverly, April, 1863; Droop Mountain, Oct., 1863;" and that he be authorized to draw on the civil contingent fund for the amount required for the purchase of said flag.

ADOPTED, March 3, 1864.

[No. 23.] Appointing a Guard for the Capitol.

Resolved by the Legislature of West Virginia: That John H. Charnock be and he is hereby appointed as a guard for the capitol building during the recess of the legislature, and that, subject to approval of the governor, he take into his care and custody the furniture, keys, and other property belonging to the halls of the house of delegates and senate for the time aforesaid.

ADOPTED, March 3, 1864.

[No. 24.] Making an allowance to the Clerk of the House of Delegates to defray certain Expenses.

Resolved by the Legislature of West Virginia: That thirty dollars be and they are hereby allowed and placed at the disposal of the clerk of the house of delegates, for the purpose of paying the necessary expenses of forwarding to those entitled to them the pamphlet acts and the journals of the last and the journals of the present legislature, to be paid out of the fund appropriated for the expenses of the legislature.

ADOPTED, March 3, 1864.

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