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WEST VIRGINIA
COUNTY FORMATIONS
AND
BOUNDARY CHANGES

Prepared by
The Historical Records Survey
Division of Women's and
Professional Projects
Works Progress Administration

Charleston, West Virginia
The Historical Records Survey
December, 1938

GOVERNMENT PUBLICATION

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The Historical Records Survey
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Works Progress Administration

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Charleston, West Virginia
The Historical Records Survey
December, 1938

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PREFACE

The Historical Records Survey, as a part of a nation-wide undertaking, was initiated in West Virginia April 17, 1936. Operating as a part of the Works Progress Administration and under the national direction of Dr. Luther H. Evans, the West Virginia project came into existence under the immediate supervision of the Federal Writer's Project, of which Mr. L. W. Burns was then state director. In November 1936, the Survey became an independent part of Federal Project No. 1, and Mrs. Eva Margaret Carnes, formerly assistant state director of the Federal Writer's Project became the state director of the Survey.

Although the principal objective of the Survey is the compilation of inventories of county, state, and other local records, the research necessary for these publications has produced much interesting material. The West Virginia County Formations and Boundary Changes here presented grew out of the research for county changes so essential in the preparation and understanding of county records.

Because West Virginia existed for many years as a part of the State of Virginia it has been necessary to include in this volume the acts forming many counties which did not become a part of the new state when West Virginia was created in 1863. These counties have been included in the alphabetical arrangement of counties and are followed by the word "Virginia." Counties are arranged alphabetically, each county showing the act creating it and all acts which added to its territory. The opening paragraph of cross referencing will lead the reader directly to the counties which contributed territory toward the formation of this county.

Research for this volume was done by Lawrence Gresham, Survey worker, under the direct supervision of Hebert W. Richardson, Survey attorney, and the compilation and cross referencing is largely the work of the state director.

We gratefully acknowledge the assistance given us by Dr. Clifford L. Lord of Columbia University in checking the material included in this volume and his kind cooperation throughout the work.

Eva Margaret Carnes
State Director
The Historical Records Survey

Charleston, West Virginia
December 20, 1938

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INTRODUCTION

County formation in Virginia seems to have grown from custom rather than from laws and the method of creating new counties from the demands of the residents of the sections rather than from governmental agencies. As early as 1634 Virginia found it necessary to divide her territory into eight counties, or shires, as they were sometimes called.[1]

In 1655 the general assembly gave an order to three commissioners of Nansemund and Isle of Wight counties to meet and attempt to agree on the boundaries of the two counties.[2] This would indicate that at an early date the government was leaving many of the matters of county formation and boundaries to the people and the courts of the county.

While no acts are available which point to a definite system of county organization a number do give an insight into the growth of the custom which became a law.

Hening, in a footnote to an act passed Feb. 1645, says: "This is the first time that the county of Northumberland has been mentioned in any of the acts. It would seem from this circumstance that the power of forming new counties was at that time vested in the governor and council".[3] In 1660 the assembly again gave their attention to the counties and passed an act which read in part: "That for the prevention of the frequent suits and differences betweene county and county and parrish and parrish (sic) all counties and parrishes within this country shall within two years att furthest from the date hereof be limited within certaine naturall bounds and precincts (if they may be had) either by consent of the inhabitants or the judgments of the quarter courts, and where naturall bounds are wanting to supply that defect by marked trees which are to be viewed and renewed every three yeares by the neerest bordering inhabitants of each county and parrish in Easter weeke"[4] Five years later we find an act "Whereas there is a law that binds us to the bounding of our lands, Be it enacted by this grand assembly and the authority thereof that the same law be in force to the bounding of parishes and counties".[5]

As the frontier moved westward and the demand for more localized seats of government grew the assembly turned its attention to the border counties. In 1705 we find the assembly

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1. 1 Hening, p. 224, Act of 1634.
2. P. A. Bruce, Institutional History of Virginia in the 17th Century, vol. 2, p. 295. New York, 1910.
3. 1 Hening, p. 294.
4. Ibid., vol. 2, p. 18, Act III.
5. Ibid., p. 218.

passing an act for the encouragement of the land frontiers. This act in its entirety is as follows:[1]

I. "Whereas the counties on the land frontiers in this colony, are exposed to many dangers, from the incursions of Indian enemies, whereby the trouble and charge of the inhabitants of those counties are far greater than others of the inland parts of the country; and whereas the augmenting and enlarging the said frontier counties will very much add to their strength and safety, by increasing their militia, and thereby render the duty they are often obliged unto, less burthensome to the inhabitants in general: Therefore, as an encouragement to the aforesaid frontier plantations.

II. "Be it enacted, by the governor, council, and burgesses, of this present general assembly, and it is hereby enacted, by the authority of the same, That no county on the land frontiers, shall hereafter be divided, unless there shall be left in the upper county, at least eight hundred tithable persons; and unless the whole county, as it stood before the division, be obliged equally to contribute to the building a decent church, court-house, and prison, in such frontier county, after the form and manner now generally used within this colony.

III. "Provided always, That if the upper inhabitants of any county, shall seek the division of themselves, they shall not then be intituled to any privilege, by virtue of this act."

It became the custom for petitions to be presented, either to the governor and his council or to the assembly, by residents of the section desiring the formation of a new county. The petition, when accepted, gave rise to a bill which was passed by the assembly, the act creating the county setting up definite boundary lines, naming the county, and usually naming the location for the county seat. Most frequent demands came from the fact that original counties were so large that some inhabitants found it impossible to reach the county seat. As the frontier people seem to have used the courts to settle the smallest personal disputes, court attendance was an important part of their life.

Although Virginia wrote a constitution in 1776 that document ignores the formation of counties and the customary petitions continued to establish counties. That the mother

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1. Ibid., vol. 3, ch. 17, p. 284.

county did not always approve of the separation was evidenced in the petitions and counter petitions which were presented by the residents of Greenbrier county both before and after the county of Monroe was formed from that territory.[1]

It was not until 1838 that a definite method of petitioning for and creating new counties was written into the Virginia laws. In that year the assembly enacted a general law on the subject under which it became necessary to do more than file a petition with the legislature. Thereafter it was necessary to follow a prescribed mode of applying. That law stated as follows:

> "When, hereafter, it shall be the intention of any person or persons to petition the legislature for the formation of a new county out of a part of any county or counties in this commonwealth, it shall be the duty of such person or persons to publish their intention by advertisement stuck up at the front door or doors of the courthouses of the county or counties from which the new county is intended to be formed, for at least two months next preceding annual election of delegates to the general assembly, distinctly describing in said advertisement, the lines by which it is intended the new county shall be bounded, and the site for the seat of justice for said county".

At the ensuing annual election the sense of "the people residing within the limits of the described boundary" was ascertained as to the formation of the new county. Such vote was then certified to the clerk of the house of delegates at least ten days before the commencement of the next general assembly. This result of the vote must not have been obligatory upon the assembly for it was expressly provided "that this act shall not affect the right to petition to the next legislature for any new county in the same manner and under the same regulations as if this act had never passed".[2]

The Code of Virginia, 1849, incorporated this act in the codification of the Virginia laws. The primary change made, however, was in the method of voting upon the formation of the new county. Whereas the Act of 1838 gave the right to vote upon the question to those people "residing within the limits of the described boundary", the Code now gave the right to those people "residing within any of the counties from which the new county is proposed to be formed",

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1. Inventory of County Archives of West Virginia, Monroe County No. 31, p. 5.
2. Virginia Acts, 1838, ch. 58, p. 51.

stipulating, however, that "the names of such of the voters as reside within the metes and bounds of the proposed new county, shall be distinguished from the rest".[1]

The first constitutional provision came in 1863 when the West Virginia Constitution said:

> "No new county shall be formed having an area of less than four hundred square miles; or if another county be thereby reduced below that area; or if any territory be thereby taken from a county containing less than four hundred square miles. And no new county shall be formed containing a white population of less than four thousand; or if the white population of another county be thereby reduced below that number; or if any county containing less than four thousand white inhabitants be thereby reduced in area. But the Legislature may, at any time, annex any county containing less than four thousand white inhabitants to an adjoining county or counties as part thereof."[2]

An act of 1867 required that notice of intention to apply to the legislature for the passage of an act to create a new county be published four successive weeks in some weekly newspaper published in the county or counties from which a portion of the new county was to be taken. If no such newspaper was published in the county or counties, such notice was to be posted at the front door of the courthouse of each of the counties affected, and at one or more of the most public places in the county, at least 30 days before the application was made. Such notice was to name the counties affected, the metes and bounds proposed for the new county and the place at which it was proposed to locate the seat of justice. If only a county line was proposed to be changed, it was sufficient to post such notice at the front door of the courthouse of each county whose line was proposed to be changed, for at least thirty days before making application therefor.[3]

Since the Constitution of 1863 required no less than four hundred square miles and no less than four thousand white population it became necessary to enact laws to give effect to such provision. Laws were enacted providing for the taking of a census and the making of a survey before permitting a petition to be filed with the legislature. A certified copy of the plat representing the survey was filed in the office of the secretary

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1. Code of Virginia, 1849, ch. 47, p. 240.
2. Const., W. Va., 1863, art. 7, sec. 12.
3. Acts of West Virginia Legislature, 1867, ch. 110, p. 143.

Introduction

of state and similar copy in the office of the recorder of such new county. The surveyors of the counties losing the territory made such survey. Within three months after the creation of the new county, the surveyors of the counties out of which the new county was formed, made out attested copies of all entries for lands and delivered such entries to the surveyor of the new county.[1]

The Constitution of 1872 provided as follows:

> "No new county shall hereafter be formed in this State, with an area of less than four hundred square miles; nor with a population of less than six thousand; nor shall any county, from which a new county, or part thereof shall be taken, be reduced in area below four hundred square miles, nor in population below six thousand. Nor shall any new county be formed without the consent of a majority of the voters residing within the boundaries of the proposed new county, and voting on the question."

The legislature of 1882 enacted that every application to the legislature for the formation of a new county, must be accompanied by duly certified copies of the survey, census and order of the county court, declaring the result of any election the sentiment on the question of formation.[2]

The law has continued unchanged since 1882. Today it is codified and reported in the Code of West Virginia, 1937, Michie, as chapter 1, article 3. Each step from the notice of intention to apply to the legislature, through the survey, census, submission to voters and the certified copies of the surveys, plat of the proposed new county, census and order of the county court declaring the result of such election are enumerated in separate sections. All expenses attending the publication of the notices, the surveying and the taking of the census are paid by the parties applying for the proposed new county. The expenses incident to the election in each county are paid by it. However, if the proposed new county is created, such election expenses are paid by the new county to each county making the original payments. After the county has been created a certified plat of its boundaries and certificate of survey showing the courses and distances of the boundary line of such new county, and the streams and other natural objects or points referred to in the act creating the same, are filed in the office of the secretary of state and a similar copy in the office of the clerk of the county court of such new county.[3]

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1. Code of W. Va., 1868, ch. 38.
2. Acts of W. Va., 1882, ch. 40, sec. 4.
3. Code of W. Va., 1937, Michie, ch. 1, art. 3.

LIST OF ABBREVIATIONS AND EXPLANATORY NOTES

Abbreviations

ch.	chapter
const.	constitution
p., pp.	page(s)
vol.(s)	volume(s)
Va.	Virginia
Virginia Acts	Acts of the Virginia Assembly
W. Va.	West Virginia

Explanatory Notes

Counties are arranged alphabetically by name, those bearing the notation "Virginia" were not included in the counties which became a part of West Virginia in 1863. Under each county heading is listed the act creating the county and all acts which added to the territory of that particular county. All territory taken from it will be found under the county to which it was added and by the use of the cross referencing paragraph the reader will be able to follow every change affecting the county.

The cross referencing paragraph which directly follows the title of the county is used to show all changes affecting the territory which has formed a part of this county. Thus under Harrison we find the following notation:

> Created from Monongalia (p. 125), May 1784; Randolph (p. 157) formed from, Oct. 1786;...part of Monongalia (p. 125) added to, Jan. 1, 1800 (for act see p. 73);... part of Barbour (p. 15) formed from, Mar. 3, 1843...

By following the page numbers shown here we can readily locate the act which created the original county from which Harrison was taken in 1784. By following the references further we find the act creating part of Barbour County from part of Harrison in 1843 and so on until all territorial changes are shown.

Under each act given is shown the citation to the source material. Further explanation of these citations will be found in the bibliography on p. 218.

Citations here given are to the acts and statutes as found in the Supreme Court Library and the Department of Archives and History Library of West Virginia. Page citations may vary as re-binding of old volumes often result in rearrangement of pages or volumes. However the dates may be followed in using other copies.

List of Abbreviations and Explanatory Notes

All acts creating counties have been copied in their entirety exactly as they appear in the original volumes. No corrections have been made in phraseology or spelling of words. Acts which pertain to other subjects in connection with county changes have been partially copied so that all material in the last named group is given.

The index (p. 223) has been prepared primarily to place names and persons whose names appear in the acts. As the cross referencing paragraph shows all territorial changes it is believed that its use, together with the topical index, will provide an adequate guide to the volume. Place names are spelled as they are used today and any variation is given in parenthesis.

ALLEGHANEY COUNTY (VIRGINIA)

Created from Bath (p. 19), Botetourt (p. 26), Monroe (p. 130), Jan. 5, 1822; part of Monroe (p. 130) added to, Jan. 11, 1843 (for act see p. 11); boundaries changed between Mercer (p. 116) and, Mar. 13, 1847 (for act see p. 118).

Act Creating Alleghaney County
(Virginia Acts, 1822, ch. 28, pp. 28-30)

(Passed January 5, 1822)

1. Be it enacted by the General Assembly, That all that part of the counties of Bath, Botetourt, and Monroe, contained within the following bounds, to wit: Beginning at the top of the middle of Pott's mountain, where the road leading from Fincastle to the Sweet Springs crosses the same; thence with said road to the top of Peter's mountain; thence a straight line to the Greenbrier County line, on the top of the Alleghany mountain, so as to pass between the Sweet and Red Springs; thence with the top of the Alleghany, or Greenbrier line, to a certain point, so that a straight drawn thence, to include in the new county Captain Henry Massie's planation, in the Falling Spring Valley, may also include Archibald Morris's planation, on Jackson's river, in said new county; thence a straight line from said Massie's across the Cowpasture river, immediately below William Griffin's, on said river, to the Rockbridge county line; thence with said line to a point in the Rockbridge and Botetourt line, that a line drawn thence, will pass at or near the junction of Jackson's and Cowpasture rivers, to the nearest part of the Rich Patch mountain; and this line to be so run as to leave the house and yard of Captain John Jordan, in the county of Botetourt; thence with the highest points of the said Rich Patch mountain, next Craig's creek, so as to include the inhabitants of the Rich Patch in said new county, to a point at which it unites with Pott's mountain; thence with the top of said mountain to the beginning, shall form one distinct and new county; and be called and known by the name of Alleghany county.

2. A court for the said county of Alleghany shall be held by the justices thereof on the Monday after the second Tuesday in every month, after the same takes place, in like manner as is provided by law for other counties, and shall be by their commissioners directed; and the courts of quarterly session, shall be holden in the months of March, June, August, and November, in every year.

3. And, the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county of Alleghany; John Jordan, Joseph D. Keyser, Henry Massie, Philip Rogers, and Robert Kincaid, gentlemen, shall be, and they are hereby appointed commission-

ers, a majority of whom may act, for the purpose aforesaid; whose duty it shall be, after having performed the services hereby required, to make report thereof to the court of the said county of Alleghany; whereupon, they shall proceed to erect the necessary public buildings at the place so fixed on by the said commissioners, or a majority of them; which, when completed, shall be the permanent place for holding courts for the said county.

4. The said commissioners shall be allowed each the sum of three dollars per day, as a compensation for the duties hereby imposed on them, to be paid out of the first levy to be collected in the said county of Alleghany.

5. The justices to be named in the commission of the peace for the said county, shall meet at Covington, in the said county, upon the first court day after the said county takes place; and, having administered the oath of office to, and taken bonds of the sheriff, according to law, proceed to appoint and qualify a clerk; and, until the necessary public buildings are completed at the place pointed out by the said commissioners, or a majority of them, to appoint such place within the said county for holding courts as they may think proper: Provided, always, That the appointment of a clerk, and a temporary place for holding courts, shall not be made, unless a majority of the justices of the said county be present.

6. It shall be lawful for the sheriffs of the counties of Bath, Botetourt, and Monroe, to collect and make distress for any public dues, or officers' fees, which shall remain unpaid by the inhabitants of the said county of Alleghany, at the time it takes place; and shall be accountable for the same in like manner as if this act had not been made.

7. The governor, with the advice of council, shall appoint a person to be sheriff of the said county of Alleghany, who shall continue in office during the term, and upon the same conditions as are appointed by law for other sheriffs.

8. The courts of the counties of Bath, Botetourt, and Monroe, shall have jurisdiction of all actions and suits depending before them, at the time the said county of Alleghany takes place; and shall try and determine the same and award execution thereon.

9. The said county of Alleghany shall remain in the same judicial circuit with Botetourt county; and the courts thereof shall be holden on the third Monday in the month of May, and the third Monday in the month of October, in every year: and the militia of the said county shall be attached to the thirteenth brigade. In future elections of a senator and elector, and a representative in Congress, the said county of Alleghany shall be of the same district as the county of Botetourt.

Alleghany County (Virginia)

10. This act shall be in force from the passing thereof.

Act Annexing Part of Monroe County to Alleghaney
(Virginia Acts, 1843, ch. 56, pp. 40, 41)

(Passed January 11, 1843)

1. Be it enacted by the general assembly, That so much of the county of Monroe as lies next to and adjoining the county of Alleghany, and is contained within the following boundary lines, to wit: Beginning on the top of Peters' mountain, (sometimes called and known as the Sweet springs mountain,) at the point on the line dividing said counties, where Price's turnpike road ceases to be the line between the said counties, (which point is designated in the act creating the county of Alleghany, passed January the fifth, eighteen hundred and twenty-two, by the words "thence with said road to the top of Peters' mountain; thence a straight line," &c.;) thence a straight line crossing Pott's creek to a sugar tree in James Wiley's yard; thence a straight line to a point at which such line will strike Price's turnpike road, (which road is the present line between the said counties of Monroe and Alleghany,) at the first ford of the run below the residence of Andrew Wilson, shall be annexed to and henceforth a part of the county of Alleghany.

2. The county court of the counties of Monroe and Alleghany respectively, shall direct the surveyor of each of said counties, whenever they may deem it necessary, to meet at some convenient place, and run and mark the said lines; and the said surveyors shall make report in writing to the county court of each of said counties, of the manner in which they shall have executed such duties, with such remarks and explanations as they may deem necessary; which report shall be recorded in the clerk's office of each of said counties. And the county court of Alleghany county shall allow the surveyors aforesaid a reasonable compensation for such services, to be paid out of the county levy.

3. And be it further enacted, That it shall be lawful for the sheriff or other collector of the county of Monroe, to collect by distress or other lawful mode, any public dues and officers' fees which may remain unpaid by the inhabitants of that part of the county of Monroe which will be in the county of Alleghany after the commencement of this act; and the said sheriff or other collector shall be accountable for the same in like manner as if this act had not been passed.

4. This act shall be in force from the passing thereof.

AUGUSTA COUNTY (VIRGINIA)

Created from Orange County, Nov. 1738; part added to Frederick (p. 48), Nov. 1753 (for act see p. 62); part of Bath (p. 19) formed from, Dec. 1790; part of Rockingham (p. 56) formed from, Oct. 1777; part added to Hampshire (p. 56), Oct. 1777 (for act see p. 57); part added to Monongalia (p. 125), May 1779 (for act see p. 129); part added to Monongalia, Oct. 1780 (for act see p. 129); part of Pendleton (p. 142) formed from, Dec. 1787; part added to Pendleton (p. 142), Dec. 1790 (for act see p. 21).

Act Creating Augusta County
(5 Hening, ch. 21, pp. 78-80)

(Passed Nov. 1738)

An Act, for erecting two new Counties, and Parishes; and granting certain encouragements to the Inhabitants thereof.

I. WHEREAS great numbers of people have settled themselves of late, upon the rivers of Sherrando, Cohongoruton, and Opeckon, and the branches thereof, on the north-west side of the Blue ridge of mountains, whereby the strength of this colony, and it's security upon the frontiers, and his majesty's revenue of quitrents, are like to be much increased and augmented: For giving encouragement to such as shall think fit to settle there.

II. Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That all that territory and tract of land, at present deemed to be part of the county of Orange, lying on the north west side of the top of the said mountains, extending from thence northerly, westerly, and southerly, beyond the said mountains, to the utmost limits of Virginia, be separated from the rest of the said county, and erected into two distinct counties and parishes; to be divided by a line to be run from the head spring of Hedgman river, to the head spring of the river Potowmack: And that all that part of the said territory, lying to the north-east of the said line, beyond the top of the said Blue ridge, shall be one distinct county, and parish; to be called by the name of the county of Frederick, and parish of Frederick: And that the rest of the said territory, lying on the other side of the said line, beyond the top of the said Blue ridge, shall be one other distinct county, and parish; to be called by the name of the county of Augusta, and parish of Augusta.

III. Provided always, That the said new counties and parishes shall remain part of the county of Orange, and parish of Saint Mark, until it shall be made appear to the governor and council, for the time being, that there is a sufficient number of in-

habitants for appointing justices of the peace, and other officers, and erecting courts therein, for the due administration of justice; so as the inhabitants of the said new counties and parishes be henceforth exempted from the paiment of all public, county, and parish levies, in the county of Orange, and parish of Saint Mark; yet, that such exemption be not construed to extend to any of the said levies laid and assessed, at or before the passing of this act.

IV. And be it further enacted, That after a court shall be constituted in the said new counties respectively, the court for the said county of Frederick be hold monthly, upon the second Friday; and the court for the said county of Augusta, be held upon the second Monday, in every month: And that the said counties and parishes respectively shall have and enjoy all rights, privileges, and advantages whatsoever, belonging to the other counties and parishes of this colony. And for the better encouragement of aliens; and the more easy naturalization of such who shall come to inhabit there.

V. Be it further enacted, That it shall and may be lawful, for the governor, or commander in chief, of this colony, for the time being, to grant letters of naturalization to any such alien, upon certificate from the clerk of any county court, of his or their having taken the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; and taken and subscribed the oath of abjuration, and subscribed the test, in like manner as he may do, upon taking and subscribing the same before himself.

VI. And for the more easy paiment of all levies, secretary's clerks, sherifs, and other officers fees, by the inhabitants of the said new counties, Be it further enacted, That the said levies and fees shall and may be paid in money, for tobacco, at three farthings per pound, without any deduction. And that the said counties be and are hereby exempted from public levies, for ten years.

VII. Provided nevertheless, That from and after the passing of this act, no allowance whatsoever shall be made to any person, for killing wolves, with the limits of the said new counties. Any law, custom, or usage, to the contrary hereof, notwithstanding.

VIII. And, for the better ordering of all parochial affairs in the said new parishes, Be it enacted, by the authority aforesaid, That the freeholders and housekeepers of the same, respectively, shall meet, at such time and place, as the governor, or commander in chief, of this dominion, for the time being, with the advice of the council, shall appoint, by precept under his hand, and the seal of the colony; to be directed to the sherifs of the said new counties, respectively, and by the said

sherifs publickly advertised; and then and there elect twelve of the most able and discreet persons of their said parishes, respectively: Which persons so elected, having taken the oaths appointed by law, and subscribed to be comformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestries of the said new parishes, respectively.

BARBOUR COUNTY

Created from Randolph (p. 157), Harrison (p. 72), and Lewis (p. 90), Mar. 3, 1843; part of Taylor (p. 177) formed from, Jan. 19, 1844; part of Upshur (p. 189) formed from, Mar. 26, 1851; boundary changed between Tucker (p. 182) and, Feb. 17, 1871 (for act see p. 18); boundary line changed between Harrison (p. 72) and, Feb. 16, 1871 (for act see p. 18).

Act Creating Barbour County
(Virginia Acts, 1843, ch. 53, p. 37)

(Passed March 3, 1843)

1. Be it enacted by the general assembly, That all that part of the counties of Harrison, Lewis and Randolph, contained within the following boundary lines, to wit: Beginning opposite the mouth of Sandy creek, on the east side of the Valley river, in the now county of Randolph; thence down said Valley river, with the several meanders thereof, to M'Daniel's ferry; thence a straight line to the dividing ridge on the waters of Simpson's creek and Bartlett's run, (so as to include Reuben Davission's farm within the new county;) thence a straight line to the old farm now occupied by Samuel Bartlett; thence to the head of Goodwin's run; thence a straight line to the mouth of Matthew's Camp run on Elk Creek; thence a straight line to William Bean's, on Gnatty creek; thence a straight line to the head of Peck's run; thence with the dividing ridge between the head of Peck's run and Hacker's creek to the gap of said ridge, where the road crosses, leading down to Hacker's creek; thence a straight line to Samuel Black's residence, (including the farm of said Black within the new county,) on Buchanan river; thence a straight line to the mouth of Sarvis run, on the middle fork of the Valley river; thence a straight line to the gap of the Laurel Hill mountain, where the widow Corley's corner tree stands; thence with the top of the said mountain until where it comes to the Preston county line; thence with the Preston and Randolph county line to the beginning, shall form one distinct and new county, and be called and known by the name of Barbour county, in honour to, and in memory of Philip P. Barbour of Virginia.

Barbour County

2. The governor shall commission as justices of the peace, for the said county of Barbour, the justices now in commission residing in those parts of Harrison, Lewis and Randolph counties respectively, which will be in the county of Barbour after the commencement of this act, and shall be commissioned in point of seniority, according to the date of their present commissions; all of whom shall, before entering upon and exercising the duties of said office, take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace, now in commission, for either of the counties of Harrison, Lewis or Randolph, and certified accordingly.

3. A court for the said county of Barbour, shall be holden by the justices thereof on the first Monday in every month, after the same shall have been organized, in like manner as is provided by law for other counties, and as shall be by their commissions directed.

4. The place for holding courts and erecting a courthouse and such other necessary public buildings and fixtures as the convenience of the said county of Barbour requires under the existing laws, for holding courts and conducting business incident thereto, shall be on the eastern side of Valley river, at or near the ferry of Thomas M. Hite, on the farm now occupied by William F. Wilson. And the county court for the said county of Barbour, shall provide a lot or lots of land at or near the ferry, and on the farm aforesaid, (having a due regard to the convenient and easy access to water,) not exceeding two acres, if by actual purchase for valuable consideration, and not exceeding two acres if obtained by donation or free gift; and the justices of said court are hereby authorized to accept such donation or free gift, provided a full and satisfactory title be obtained for the same, upon which to erect the courthouse and other public buildings. And if the same be obtained by valuable consideration, the said court shall proceed to pay for the same, in the manner now required by law, "where land shall not already be provided and appropriated for that purpose." The title to any land purchased or otherwise granted to the said county, for the purposes aforesaid, shall be conveyed to any four or more justices thereof, and their successors in office, in trust, for the use and benefit of the said county of Barbour. And thereupon, the court of the said county of Barbour, shall proceed immediately, in the manner required by law, to cause a courthouse, jail, clerk's office, and such other fixtures as the convenience of the county requires, to be erected and completed at such place so fixed upon.

5. The justices of the peace commissioned and qualified as aforesaid, for the said county of Barbour, shall meet at the house now the residence of William F. Wilson, in the county of Randolph, on the first Monday in April next, and a majority of them being present, shall proceed to the appointment of a clerk

of the court; shall nominate to the governor, suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place in said county for holding the courts thereof, until the necessary buildings shall be constructed on the site designated in the manner aforesaid at or near the ferry and on the farm aforesaid.

6. It shall be lawful for the sheriffs of the counties of Harrison, Lewis and Randolph, to collect by distress or other lawful mode, any inhabitants of said counties respectively, who will be in the county of Barbour, at the time when this act shall commence and be in force, and shall be accountable for the same, in like manner as if this act had never been passed.

7. The courts of the counties of Harrison, Lewis and Randolph, shall have and retain jurisdiction of all actions and suits depending before them on the first Monday in April next, and shall try and determine the same and award execution thereon, except in cases wherein both parties reside in said new county, which last mentioned cases, together with the papers thereto appertaining, shall after that day be removed to the courts of the county of Barbour, and there tried and determined, and execution awarded thereon when necessary.

8. The said county of Barbour shall be in and attached to the same judicial circuit with the county of Randolph; and the circuit superior courts of law and chancery thereof, shall be holden on the tenth day in May, and on the tenth day in October in every year, and shall be of the same brigade district with the county of Randolph, and the militia thereof shall continue to muster with the several regiments to which they are now attached, until they shall be formed into a new regiment by the executive.

9. The said county of Barbour shall belong to the same senatorial, congressional and electoral districts of which the county of Randolph now forms a part, and so much of the said county of Barbour as shall be taken from the county of Randolph, shall vote with, and belong to the congressional district of which Randolph county forms a part, and so much of the said county as shall be taken from the counties of Harrison and Lewis, shall vote with and be a part of the congressional district to which the said counties of Harrison and Lewis form a part.

10. The said county of Barbour and the county of Randolph shall together send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place.

11. The courts of quarterly sessions for the said county of Barbour, shall be holden on the Thursday after the fourth Monday in the months of March, June, August and November in every year.

Barbour County

12. Be it further enacted, That the county surveyors of the counties of Harrison, Lewis and Randolph, and William F. Wilson of the county of Barbour are hereby appointed commissioners to run and mark the lines between the said counties, as designated by this act, any three of whom may act; which when run and marked, shall be taken and considered as the dividing lines between the said new county of Barbour, and the counties respectively from which it is taken; and the said commissioners are hereby required to make report of their proceedings, in writing, to the county courts of the counties of Harrison, Lewis, Randolph and Barbour, respectively; which report shall be recorded in the clerks' offices of each of said counties; and in all controversies which may hereafter arise, touching said lines, shall be conclusive evidence. The county court of each of said counties, shall allow such of said commissioners as act in this behalf, a reasonable compensation for their services, to be paid out of the county levy of each of said counties in equal proportions.

13. And be it further enacted, That all separate elections heretofore authorized to be holden in and for the counties of Harrison, Lewis and Randolph, and falling within the county of Barbour, shall be conducted for the county of Barbour in the same manner as heretofore for the said counties of Harrison, Lewis and Randolph, respectively.

14. This act shall be in force from the passing thereof.

An Act to alter a part of the division line between the counties of Tucker and Barbour
(Acts of the Legislature of West Virginia, 1871, ch. 12, pp. 19, 20)

(Passed February 7, 1871)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Tucker and Barbour is hereby altered so as to annex so much of the county of Barbour as lies upon the head waters of the Brushy Fork of Teter's Creek, and east of the main western range of the Laurel Hill mountain, by way of the Pincale and the Ore Bank Hill, crossing the said Brushy Fork at the Narrows to the said county of Tucker.

2-3...

An Act to alter the division line between the counties of Harrison and Barbour
(Acts of the Legislature of West Virginia, 1871, ch. 49, p. 68)

Bath County (Virginia)

(Passed February 16, 1871)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Harrison and Barbour, is hereby altered and established so as to run as follows: Beginning at a point on the top of a ridge, on the line between said Harrison and Barbour counties, and on the land of A. W. Martin; thence along the top of said ridge, following the meanders thereof, in a southeast course to a point where the lines between said Harrison and Barbour and Upshur counties intersect.

BATH COUNTY (VIRGINIA)

Created from Augusta (p. 13), Botetourt (p. 26), and Greenbrier (p. 55), Dec. 14, 1790; part added to Pendleton (p. 142), Dec. 3, 1796 (for act see p. 144); part of Pocahontas (p. 146) formed from, Dec. 21, 1821; part of Alleghaney (p. 10) formed from, Jan. 5, 1822; part of Highland (p. 75) formed from, Mar. 19, 1847.

Act Creating Bath County
(13 Hening, ch. 43, pp. 165, 166)

(Passed December 14, 1790)

Sec. 1. An Act for forming a new county out of the counties of Augusta, Botetourt and Greenbrier, within the following bounds, to wit, beginning at the west corner of Pendleton county, thence to the top of the ridge dividing the head waters of the South branch from those of Jackson's river, thence a straight line to the lower end of John Redman's planation on the Cow-pasture river, thence to the top of the ridge that divides the waters of the Cow-pasture from those of the Calf-pasture, thence along the same as far as the ridge that divides Hamilton's creek from Mill creek, thence to the Mill mountain, and with the same to the north corner of the line of Rockbridge county, thence along the said mountain crossing the line of Botetourt county, to the ridge that divides the waters of Pad's creek from those of Simpson's creek, thence along the said ridge to the Cow-pasture river, thence crossing the said river a direct course and crossing Jackson's river, at the mouth of Dunlap's creek, thence up the same as far as the narrows above the planation of David Tate, sen. so as to leave the inhabitants of the said creek in Botetourt county, thence a direct course to the top of the Alleghany mountain, where the road from the Warm Springs to Greenbrier courthouse crosses the said mountain, thence along the top of the said mountain opposite the head waters of Anthony's creek, thence a direct course crossing Greenbrier river to the end of the Droop mountain, thence up the same to the

great Greenbrier mountain, thence along the said mountain to the line of Randolph county, thence with the same along the said mountain dividing the waters of Monongalia and Cheat from those of Greenbrier river, and thence to the beginning, shall form one distinct county, and be called and known by the name of Bath.

Sec. 2. A court for the said county of Bath shall be held by the justices thereof on the second Tuesday in every month after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed; and the court of quarterly sessions for the said county of Bath shall be held in the months of March, May, August and November in every year.

Sec. 3. The justices to be named in the commission of the peace for the said county of Bath, shall meet at the house of Margaret Lewis at the Warm Springs, in the said county, upon the first court day after the said county takes place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof, as the situation and convenience will admit of; and thence-forth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts, as they shall think proper. Provided always, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such cases the appointment shall be postponed until some court day, when a majority shall be present.

Sec. 4. The governor with the advice of the council shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

Sec. 5. Provided always, That it shall be lawful for the sheriffs of each of the said counties of Augusta, Botetourt and Greenbrier, to collect and make distress for any public dues or officers fees which shall remain unpaid by the inhabitants thereof, at the time the said county shall take place, and shall be accountable the same in like manner as if this act had not been made. And the courts of the said counties shall have jurisdiction of all actions and suits which shall be depending before them, at the time the said county of Bath shall take place; and shall try and determine the same and award execution thereon.

Sec. 6. In all future elections of a senator, the said county of Bath shall be of the same district as the county of Augusta.

Berkeley County

Sec. 7. And be it further enacted, That all that part of the county of Augusta lying on the head waters of the Bull-pasture and Cow-pasture rivers, not included within the limits of the county hereby established, shall be and the same is hereby added to the county of Pendleton.

Sec. 8. The said county of Bath shall be included in the district with the said county of Augusta, for which a court is to be holden in Staunton.

BERKELEY COUNTY

Created from Frederick (p. 48), 1772; Jefferson (p. 81) formed from, Jan. 8, 1801; part of Morgan (p. 137) formed from, Feb. 9, 1820.

Act Creating Berkeley County
(8 Hening, ch. 43, pp. 597-599)

(Passed February, 1772)

I. Whereas many inconveniencies attend the inhabitants of the county of Frederick, by reason of the great extent thereof, and the said inhabitants have petitioned this present general assembly that the said county may be divided into three distinct counties: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the 15th day of May next, the said county of Frederick shall be divided into three distinct counties, in the following manner; that is to say, on the north by a line beginning in the line that divides the counties of Frederick and Loudoun, one mile and an half northward of the corner in William's gap, that at present divides the parishes of Frederick and Norborne, thence westward, with a line exactly parallel to the line that now divides the said parishes of Frederick and Norborne, till it intersects the line of Hampshire county; thence with the Hampshire line, to the corner dividing the parishes of Frederick and Beckford; thence with the lines dividing the said parishes of Frederick and Beckford, east south east, to the eastwardly bank of Cedar creek; thence binding on the same to its confluence with the river Shannadoah; thence across the said river east, to the easterly bank of the same; thence down the said river, and binding on the same, to the mouth of Passage creek; and thence with a right line to the line of Culpeper, at the intersection of the road leading through Chester's gap; thence with the Culpeper, Fauquier, and Loudoun lines, to the beginning; and all that part of the county, within the said boundaries, shall be one distinct county, and retain the name of Frederick; and all that part of the county which lies between the first mentioned line, running from the said beginning, in the line of Loudoun county, and Potowmack river,

Berkeley County

shall be one other distinct county, and be known by the name of Berkeley; and all the remainder of the said county shall be one other distinct county, and be known by the name of Dunmore.

II. And for the due administration of justice in the said counties of Berkeley and Dunmore, after the same shall take place. Be it further enacted, by the authority aforesaid, That after the said fifteenth day of May next, a court for the said county of Berkeley shall be constantly held by the justices thereof, on the third Tuesday in every month; and for the said county of Dunmore on the fourth Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed. Provided always, That nothing herein contain shall be construed to hinder the sheriff or collector of the county of Frederick, as the same now stands intire and undivided, from collecting and making distress for any public dues, or officers fees, which shall remain unpaid by the inhabitants of the said counties of Berkeley and Dunmore, at the time of their taking place, but such sheriff or collector shall have the same power to collect and distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

III. And be it further enacted, by the authority aforesaid, That the court of the said county of Frederick shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process, and award execution, against the body or estate of the defendant, or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

IV. And whereas by an act of the general assembly, made in the first year of his present majesty's reign, intitulted An act to continue and amend an act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, the inhabitants of the said county of Frederick, as the same stands intire and undivided, are allowed to discharge all secretary's, clerks, and other officers fees, in the said county, at the rate of eight shillings and four pence for every hundred weight of gross tobacco, and it is reasonable that the same liberty should be granted to the inhabitants of the said counties of Berkeley and Dunmore: Be it therefore enacted, by the authority aforesaid, That from and after the said fifteenth day of May next, the inhabitants of the said counties of Berkeley and Dunmore, respectively, shall discharge all fees due from them to the secretary, clerks, and other officers, in the said counties, at the rate of eight shillings and four pence for every hundred weight of gross tobacco.

V. And be it further enacted, by the authority aforesaid, That the several parishes of Frederick, Norborne, and Beckford, shall

be and they are hereby bounded by the lines dividing the aforesaid counties of Frederick, Berkeley, and Dunmore, and if the alteration of the lines of the said parishes, hereby occasioned, shall exclude any vestryman of the parish of which he is now a member, it shall and may be lawful for the remaining vestrymen of such parish, or a majority of them, within one month after the passing thereof, to elect a new member in the room of the member so excluded, who shall, to all intents and purposes, be reputed and held a member of the said vestry.

BOONE COUNTY

Created from Kanawha (p. 83), Cabell (p. 31), and Logan (p. 101), Mar. 11, 1847; part of Lincoln (p. 93) formed from, Feb. 23, 1867; boundary changed between Lincoln (p. 93) and, July 27, 1868 (for act see p. 98); act amended (p. 100), Feb. 26, 1869.

Act Creating Boone County
(Virginia Acts, 1846-47, ch. 55, pp. 49-52)

(Passed March 11, 1847)

1. Be it enacted by the general assembly, That so much of the counties of Kanawha, Cabell and Logan, as is contained within the following boundary lines, to wit: Beginning at the mouth of Cobb's creek, (a branch of Little Coal river,) on the point between said creek and river, and thence running with the top of the ridge on the upper side of said creek, to the dividing ridge between said creek and the waters of Mud rivers; thence with and along the top of said dividing ridge, to the head of Horse creek and the Laurel fork of Mud river; thence taking the dividing ridge between said Laurel fork and the waters of the Sugar tree fork of said Mud river, to the mouth of said Laurel fork; thence (crossing the main fork of Mud river) a straight line to the top of the dividing ridge between the headwaters of Ugly creek and Mud river; thence with and along the top of said ridge to the head of the Grassy fork of Ugly creek; thence down said Grassy fork to Main Ugly creek; thence a straight line (crossing Main Ugly creek and Big creek at William Martin's) so as to include said Martin on Big creek; thence up a small branch to the top of the dividing ridge between Godby's fork and the Middle fork; thence with and along the top of the said dividing ridge, passing the head of Vannater's branch and taking or continuing the said ridge above said branch to Hewett's creek, and crossing said creek above the house of Obadiah Bias, senior, (so as to include said Bias and James Bias within the new county;) thence a straight line to the Point ridge, above the mouth of Big Laurel Creek, on the Spruce fork of Coal river, and with and along the top of said ridge to the head of Big Laurel creek; thence with and along the top of the said dividing ridge, between the waters of Guyandotte river and Little Coal

river, to the dividing ridge between the Marsh fork of Big Coal river and Little Coal river, and with and along the top of said dividing ridge to the mouth of the said Marsh fork; thence crossing Big Coal river at the mouth of the Marsh fork of said Big Coal river, and up the mountain to the top of the dividing ridge between Big Coal river and Kanawha river; thence with and along the top of said dividing ridge down to the head of Bull creek, and with and along the top of the ridge below Bull creek to Big Coal river, and thence down said river as it meanders to the mouth of Fork creek; thence taking the point below said Fork creek to the head of Dick's creek, and thence with and along said creek as it meanders to Little Coal river, and down said river as it meanders to the beginning, shall form one distinct and new county, and be called and known by the name of Boone county, in honour to and in memory of Daniel Boone, the well known pioneer of the western frontier settlements.

2. The governor shall commission as justices of the peace in and for the said county of Boone, the justices now in commission and residing in those parts of Kanawha, Cabell and Logan counties respectively, which will be in Boone county after the commencement of this act, and they shall be commissioned in point of seniority, according to the dates of their present commissions respectively; all of whom shall (before entering upon or exercising any of the duties of said office) take the several oaths, and within the time now required by law of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace remaining in commission in and for either of the counties of Kanawha, Cabell or Logan, and the justice administering such oaths, or any one or more of them shall grant a certificate of the same from under his hand and seal of office, to be delivered to the justice or justices so qualified, who shall file the same in the clerk's office of Boone county, there to be recorded, and the original shall be preserved in said office: Provided, That nothing in this section contained shall be so construed as to prevent any justice of the peace now in commission for either of the counties of Kanawha, Cabell or Logan, and residing within the bounds of the said new county of Boone, from exercising the duties and functions of his said office as and for the said counties of Kanawha, Cabell and Logan, respectively, until the organization of the said county of Boone, on the first Monday in April next as hereinafter prescribed.

3. A court for the county of Boone shall be holden by the justices thereof on the first Monday in each and every month, after the same shall have been organized, in like manner as is provided by law for other counties for this commonwealth, and as shall be by law and by their commissions directed.

4. The permanent place for holding the courts in the county of Boone, now required by to be holden for the several counties of this commonwealth, shall be on the lands of the heirs of Daniel Smott deceased, or on the lands of Albert Allen, as the county

court for the said county of Boone may think most advisable, at or near the mouth of the Spruce fork of Little Coal river. And the county court for the county of Boone shall provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justices of said county may take and hold the same: Provided such donation shall not exceed six acres, and a full and satisfactory title be made thereto), upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires, under existing laws, for holding courts and conducting business incident thereto, in the manner now required by law, "when land shall not be already provided and appropriated for that purpose." And said court shall cause said buildings and fixtures to be constructed at the charge of the county of Boone, by levy, in the manner now prescribed by law. The title to any land purchased for valuable consideration, or furnished in free gift, (as the case may be,) shall be made in fee simple to any four or more justices of the peace for the said county of Boone, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace, commissioned and qualified as aforesaid for the said county of Boone, shall meet at the house now the residence of John Hill, Esq. in the county of Logan, situate on Little Coal river, on the first Monday in April next. The whole number of said justices, commissioned and qualified as aforesaid, having been summoned by the acting sheriff, or his deputy, of the now county of Logan, to attend on that day; and it is hereby made the duty of said sheriff of the now county of Logan aforesaid, to summon said justices to attend as aforesaid, under the penalty of forfeiting and paying not less than fifty dollars, for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies. And a majority of said justices being present, (otherwise they may adjourn from day to day until a majority shall be present,) shall proceed to the appointment of a clerk of the county court, a commissioner of the revenue and a surveyor for the said county of Boone; and also, at the same time, the necessary number of school commissioners for said new county; or at some early day thereafter, if at that said justices shall not be sufficiently informed so as to make advisedly, a judicious and proper appointments to said offices, and such other offices as the law has provided for, and required to be filled by them, at a certain time and manner. The said justices shall also, at the same time, nominate to the governor, suitable persons to be commissioned as sheriff and coroner of said new county, and fix upon a place and some suitable house in said county for holding the courts thereof, until the necessary public buildings shall be constructed at the place aforesaid, at or near the mouth of the Spruce fork of Little Coal river on the lands of the heirs of Daniel Smoot deceased. And said justices shall cause all of the said appointments, orders, proceedings, made and had as aforesaid to be entered of record.

Botetourt County - Braxton County

8. The said county of Boone shall be in and attached to the same judicial circuit with the county of Logan; and the circuit superior courts of law and chancery thereof shall be holden on the seventeenth day of May and on the seventeenth day of October in every year, and be of the same militia brigade district with the county of Logan.

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

Act to provide for changing the line between the counties of Boone and Lincoln
(Acts of the Legislature of West Virginia, 1868, ch. 68, pp. 50, 51)

(Passed July 20, 1868)

Be it enacted by the Legislature of West Virginia:
The county line between the counties of Boone and Lincoln is hereby changed so as to include the lands of Austin Griffith, William Price and Tuncil Price, also the lands adjoining the lands of said Tuncil Price, and deeded by him to his heirs, and the farm formerly owned by George Hill, deceased, near the mouth of Big Horse creek, be in the county of Boone.

BOTETOURT COUNTY (VIRGINIA)

Created from Albemarle, Nov., 1769; part of Greenbrier (p. 55) formed from, Oct. 1777; part of Bath (p. 19) formed from, Dec. 1790; Fincastle (p. 47) formed from, Feb. 1772; part added to Monroe (p. 130), Jan. 2, 1802 (for act see p. 132).

BRAXTON COUNTY

Created from Lewis (p. 90), Kanawha (p. 83), and Nicholas (p. 139), Jan. 15, 1836; part of Randolph (p. 157) added to, Mar. 16, 1849 (for act see p. 29); part of Clay (p. 37) formed from, Mar. 29, 1858; part of Webster (p. 195) formed from, Jan. 10, 1860.

Act Creating Braxton County
(Virginia Acts, 1836, pp. 18-20)

Braxton County

(Passed January 15, 1836)

1. Be it enacted by the general assembly, That all that part of the counties of Lewis and Nicholas, contained with the following boundary lines, to wit: Beginning at the Salt works road at the head of Barbecue run, and running thence with the dividing ridge of the Kanawha and Monongalia waters to the head of the Fall run; thence along the leading ridge to the forks of the Little Kanawha; thence up the right hand fork to its head; thence with the dividing ridge between Kanawha, Buchanan and Elk waters, to the corner of Randolph and Nicholas county line; thence with the said line to the top of the Point mountain above the Fork Lick; thence along the top of the Point mountain to the end thereof; thence a straight line to Joseph Priam's (so as to include Joseph Priam's lands within the boundary of the new county); thence a straight line to the top of the ridge between Big and Little Birch rivers, and down said ridge to the mouth of Little Birch river; thence a straight line to the mouth of the Rock-camp fork of Big Buffalo (above Young's bottoms); thence down the same to its mouth, crossing Elk river; thence to the upper three forks of Big Sandy river; thence to the Lewis and Kanawha county line, at a point where a straight line to the mouth of the Long Shoal run will include Jacob Shock on Steer creek within the boundary of the New county; thence up the said Long Shoal run to the top of the ridge between the Sand fork and Little Kanawha; thence with the dividing ridge to the head of the left hand fork of the Three lick fork of Oil creek; thence to its mouth; thence to the main fork of Oil creek; thence up the Clover lick fork to the beginning, shall form one distinct and new county, and be called and known by the name of Braxton county.

2. The governor with the advice of the council of state, shall commission ten persons as justices of the peace in and for the said county of Braxton, who shall, before entering upon and executing the duties of the said office, take the several oaths now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace now in commission for either of the counties of Lewis or Nicholas.

3. A court for the said county of Braxton shall be held by the justices thereof on the fourth Tuesday in the month of April next, and of every month thereafter, in like manner as is provided by law for other counties, and shall be by their commissions directed.

4. And in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting public buildings for the said county of Braxton, John M'Hamilton of the county Nicholas, George H. Bell of the county of Lewis, William Carnefix of the county of Fayette, James Radcliff of the county of Harrison, and John Gilliland of the county of Pocahontas, gentlemen, shall be and they are hereby appointed commissioners, a majority of whom may act for the purpose, and

shall meet on the fourth Tuesday in May next at the house of John D. Sutton; whose duty it shall be, after having performed the services hereby required, to make report thereof in writing to the court of the county of Braxton; whereupon they, the said court, shall proceed to cause the necessary public buildings to be erected at the place so fixed upon as the site for the same by the said commissioners, or a majority of them, which when completed shall be the permanent place for holding courts for the said county of Braxton.

5. The justices of the peace, commissioned and qualified as aforesaid for the said county of Braxton, shall meet at the house of John D. Sutton in said county on the fourth Tuesday in April next; and a majority of them being present, shall proceed to appoint a clerk of the said court; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place for holding the courts of the said county, until the necessary buildings shall be completed at the place designated by the said commissioners; and they, the said justices, shall, at the same time and place, appoint a commissioner of the revenue for said county of Braxton.

6. It shall and may be lawful for the sheriffs of the counties of Lewis and Nicholas to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants of the said county of Braxton at the time this act shall go into effect, and shall be accountable for the same, in like manner as if this act had never been made.

7. The courts of the counties of Lewis and Nicholas shall have jurisdiction of all actions and suits depending before them on the fourth Tuesday of April next, and shall try and determine the same, and award execution thereon.

8. The said county of Braxton shall be in, and attached to, the same judicial circuit with the county of Lewis; the circuit superior courts of law and chancery thereof shall be holden on the eleventh day of April, and on the eleventh day of September, in each and every year, (and the first circuit superior court of law and chancery for the said county of Braxton, shall be holden at the house of John D. Sutton,) and be of the same brigade district with the county of Lewis. In future the elections of a senator and elector, and a representative in congress in the said county of Braxton, shall be of the same district as the county of Lewis.

9. Until a separate and independent representation shall be provided by law for the said county of Braxton, the said county of Braxton and the county of Lewis shall together send one delegate to the general assembly.

10. The courts of quarterly sessions for the said county of Braxton shall be holden in the months of March, June, August and November, in each and every year.

Braxton County

11. It shall be lawful for the county courts of Lewis and Nicholas, if they deem it necessary, to appoint commissioners to run and mark the lines between the said counties as designated by this act, which when run and marked, shall be taken and considered as the dividing lines between the said counties; and the commissioners for that purpose are hereby required to make report of their proceedings to the county courts of said counties respectively; which report shall be recorded in the clerk's office of each of the said counties; and in all controversies which may hereafter arise touching said lines, shall be conclusive evidence. The said county courts of Lewis and Nicholas shall allow the said commissioners a reasonable compensation for their services, to be paid out of the county levy of each county in equal proportions.

12. And be it further enacted, That the commissioners appointed by this act to designate and fix the site for the public buildings in the said county of Braxton, shall each be allowed and paid the sum of three dollars for every day that they shall be actually engaged in the duties aforesaid, to be provided for and paid out of the county levy of the said county of Braxton.

13. This act shall commence and be in force from and after the passing thereof.

An Act annexing to the county of Braxton a part of the county of Randolph
(Virginia Acts, 1849, ch. 64, p. 30)

(Passed March 16, 1849)

1. Be it enacted by the general assembly, That so much of the county of Randolph as lies next to and adjoining the county of Braxton, and is contained within the following described boundary lines, to wit: Beginning at the corner of Randolph and Braxton counties, at the head of the righthand fork of the Little Kanawha river, and running thence a straight direct line to the corner of Randolph, Braxton and Nicholas counties, on the top of Point mountain, between the forks of Elk river, shall be annexed to and henceforth a part of the county of Braxton.

2. Be it further enacted, That the county court of each of the counties of Randolph and Braxton, shall direct the surveyor of said counties respectively, whenever they may deem it necessary, to meet at some convenient place, and run and mark the said line with such convenient and lasting signs as they may judge sufficient to perpetuate and easily recognize the same; and the said surveyors shall jointly make report, in writing, to the county court of each of said counties, of the manner in which they shall have executed such duties, with such remarks and explanations as they may deem necessary; which report shall be recorded in the clerk's office of each of said counties; and the county court of Braxton county shall allow the said sur-

veyors a reasonable compensation for such services, to be paid out of the county levy of said county of Braxton, levied and collected for that purpose, if the same shall not be otherwise sufficient.

3. And be it further enacted, That it shall be lawful for the sheriff or other collector of the county of Randolph, to collect by distress, or other lawful mode, any public dues and officers' fees which may remain unpaid by the inhabitants of that part of the county of Randolph, which will be within and form part of the county of Braxton after the commencement of this act; and the said sheriff or other collector shall be accountable for the same in like manner as if this act had not been passed.

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5. This act shall be in force from the passing thereof.

BROOKE COUNTY

Created from Ohio (p. 142), Nov. 30, 1796; Hancock (p. 65) formed from, Jan. 15, 1848.

Act Creating Hancock County
(Henings Statutes At Large, New Series, vol. 2, ch. 58, pp. 54, 55)

(Passed November 30, 1796)

1. Be it enacted by the general assembly, That from and after the first day of May next, all that part of the county of Ohio, within the following bounds, to wit: beginning on at the Ohio river at the mouth of Short Creek, thence up the said creek to Nathaniel Colman's mill, thence a straight line to north-west corner of Robert M'Clure's field on the ridge between Short creek and Buffaloe creek, thence south seventy-five degrees, east, until it intersects the line of the state of Pennsylvania, shall form one distinct county, and be called and known by the name Brooke.

2. A court for the said county of Brooke, shall be held by the justices thereof on the fourth Tuesday in every month, after the same shall take place, in like manner as is provided by law for other counties and shall be by their commissions directed.

3. The justices to be named in the commission of the peace for the said county of Brooke, shall meet at the house of William Tharp in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law and administered the oath of office to and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk and fix upon a place for holding courts in the

said county, at or as near the center thereof as the situation and convenience will admit, and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts, as they shall think proper: Provided always, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

4. The governor with the advice of council shall appoint a person to be first sheriff of the said county of Brooke, who shall continue in office during the term, and upon the same conditions as by law are appointed for other sheriffs. Provided also, and be it further enacted, That it shall be lawful for the sheriff of the said county of Ohio to collect and make distress for any public dues or officers' fees remaining unpaid by the inhabitants of the said county of Brooke, at the time it shall take place, and the sheriff of the said county of Ohio, shall be accountable for the same in like manner as if this act had not been made.

5. The court of the said county of Ohio shall have jurisdiction of all actions and suits which shall be depending before them at the time the said county of Brooke takes place, and shall try and determine the same, and award execution thereon.

6. The county of Brooke shall be of the same district as the county of Ohio for holding a district court, and shall be of the same brigade district. In all future elections of a senator, of a representative in congress, and of an elector, the said county of Brooke shall be of the same district as the said county of Ohio.

7. This act shall commence and be in force from and after the passing thereof.

CABELL COUNTY

Created from Kanawha (p. 83), Jan. 2, 1809; commissioners appointed to run boundary between Kanawha and, Feb. 6, 1816 (for act see p. 85); boundary line established between Kanawha and, Dec. 31, 1817 (for act see p. 86); part of Logan (p. 101) formed from, Jan. 12, 1824; part added to Logan (p. 101), Jan. 26, 1830 (for act see p. 103); Wayne (p. 191) formed from, Jan. 18, 1842; part of Boone (p. 23) formed from, Mar. 11, 1847; part of

Cabell County

Putnam (p. 152) formed from, Mar. 11, 1848; boundary changed between Putnam (p. 152) and, Mar. 12, 1850 (for act see p. 157); part of Lincoln (p. 93) formed from, Feb. 23, 1867; change of boundary between Lincoln (p. 93) and, July 27, 1868 (for act see p. 98); act amending formation of Lincoln (p. 93), Feb. 26, 1869 (for act see p. 100).

Act Creating Cabell County
(Virginia Acts, 1808-9, ch. 45, pp. 44-46)

(Passed January 2, 1809)

1. Be it enacted by the General Assembly, That all that part of the county of Kenawha, contained with the following bounds, to wit: beginning at the corner of Mason county in Teases Valley, thence a direct line to the mouth of the Spruce fork of Coal river, thence up the said fork to where the line of Giles county crosses it, thence with the said line to Tazewell county line, and with said line to the Tug fork of Sandy, and down the same to its conflux with Ohio river, thence up the same to the mouth of Little Guyandotte, in the county of Mason, and with the Mason line to the beginning, shall form one distinct county, and be called and known by the name of Cabell county.

2. A court for the said county of Cabell, shall be held by the justices thereof, on the third Tuesday in every month after the same takes place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. And in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county, John Shrewsbury, David Ruffner, John Reynolds, William Clendenen and Jesse Bennett, shall be, and they are hereby appointed commissioners for the purpose aforesaid, whose duty it shall be after having performed the services hereby required, to make report thereof to the court of the said county of Cabell; whereupon they shall proceed to erect the necessary buildings at the place so fixed on by the said commissioners, which when completed shall be the permanent place for holding courts for the said county. The said commissioners shall be allowed the sum of three dollars per day, as a compensation for the duties hereby imposed on them, to be paid out of the levy to be collected in the said county of Cabell.

4. The justices to be named in the commission of the peace for the said county of Cabell, shall meet at the house of Thomas Ward, in the said county, upon the first court day after the said county takes place, and having administered the oaths of office to, and taken bond of the sheriff, proceed to appoint and qualify a clerk, and until the necessary public buildings are completed at the place pointed out by the aforesaid commissioners, to appoint such place within the said county for holding courts as they may think proper: Provided always, that

the appointment of a clerk and of a temporary place for holding courts, shall not be made unless a majority of the justices of the said county be present, where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day then a majority shall be present.

5. It shall be lawful for the sheriff of the county of Kenawha to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants of the said county of Cabell, at the time it takes place, and shall be accountable for the same, in like manner as if this act had not been made.

6. The governor with the advice of council, shall appoint a person to be sheriff of the said county of Cabell, who shall continue in office during the term and upon the same conditions as are by law appointed for other sheriffs.

7. The court of the said county of Kenawha, shall have jurisdiction of all actions and suits depending before them at the time the said county of Cabell takes place, and shall try and determine the same, and award execution thereon.

8. The said county of Cabell shall remain in the same judicial circuit with the county of Kenawha, and the courts thereof shall be holden on the eighteenth of May and eighteenth of October in each year, and be of the same brigade district, in like manner as if this act had never been made. In future, elections of a senator and elector, and a representative in congress; in the said county of Cabell, shall be of the same district as the said county of Kenawha.

9. This act shall commence and be in force from the passing thereof.

CALHOUN COUNTY

Created from Gilmer (p. 52), Mar. 5, 1856; boundary changed and part of Gilmer annexed to, Feb. 22, 1883 (for act see p. 36).

Act Creating Calhoun County
(Virginia Acts, 1855-56, ch. 108, pp. 90, 91)

(Passed March 5, 1856)

1. Be it enacted by the general assembly, that so much of the lower part of the county of Gilmer as lies within the following boundaries, to wit: Beginning at the West Fork of the Little

Calhoun County

Kanawha, where the Gilmer and Wirt county line crosses the same; thence up the West fork to the mouth of Henry's fork; thence up said Henry's fork to the mouth of Beach fork; thence with the dividing ridge between said Beach fork to the Gilmer county line; thence to include all the waters of said West fork within the county of Gilmer, to the Gilmer, Ripley and Ohio turnpike to the head of Cromey's creek; thence with said turnpike to the mouth of Bear fork of Steer creek; thence a straight line to the head of Muscle shoals of the Little Kanawha river; thence by the shortest line to the top of the dividing ridge between waters of Tanner's fork and Laurel creek to the Ritchie county line; thence with the Ritchie and Gilmer county line and the Wirt and Gilmer county line to the place of beginning--be and the same is hereby established as a new county, to be called Calhoun.

2. That the permanent seat of justice for said county shall be at Pine Bottom at the mouth of Yellow creek, or at the neck of the Big bend, all on the Little Kanawha river; to be determined by a vote of the county, at the first general election; at which time a poll shall be opened at all the places of voting in said county for each of said places, where all the persons authorized to vote for members of the general assembly shall cast their votes for one of the said places; and the place having the majority of all the votes cast shall be the permanent seat of justice for the county. But if neither place shall receive a majority of the votes, then the county court, at the term next succeeding, shall order a new election between the two places having the highest number of votes, and fix the time thereof; and the place having the highest number of votes shall be the seat of justice. The polls in each case shall be scrutinized by one of the justices appointed by the court and the temporary clerk and sheriff aforesaid, whose duty it shall be to strike from the poll of each place all persons not qualified to vote as aforesaid, they the said justice, clerk and sheriff being first sworn fairly and justly to perform their duty; and the polls so scrutinized in either case shall be taken and held as the true vote of the county.

3. That so soon as the permanent seat of justice is determined as aforesaid, the county court shall proceed to erect their public buildings; and until they are so erected and fit for use, the circuit and county courts shall be held at the house of Joseph W. Burson, or such other place as the county court may designate, by an order entered on the record of their court; but no such order shall be made, unless all the justices of the county are summoned to attend on the day such order shall be entered for that purpose, and a majority of the justices of the county are actually present.

4. That the justices of the peace elected for the county of Gilmer, and now in office, and residing within the bounds aforesaid, shall hold their offices as justices for the county of Calhoun until their offices expire, and shall be invested with

all the powers and subject to the like duties and obligations they would be if regularly elected in said county of Calhoun.

5. That the said justices or at least four of them shall convene on the first Monday in April next, at the house of said Burson, and organize the county court of said county, appoint a temporary clerk for the county court and sheriff for the county, who shall hold their offices until others are elected by the people of the county, and qualified. They shall appoint at least five commissioners, any three of whom may act, for the immediate formation of four magisterial districts for the county, as provided by the constitution and laws of the state, and for the election of so many justices of the peace for said districts as may be necessary to constitute four justices of the peace for each district, including those now in office, and residents thereof.

6. The said county court, at their first session aforesaid shall also provide for the election of a clerk for their county court and a clerk for their circuit court, and attorney for the commonwealth, a sheriff, a commissioner of the revenue, a surveyor, and all such other county officers as may be necessary and proper for the county. Which elections shall be made at the regular elections of the state in May next, and held at such places as the commissioners for the districts aforesaid shall designate in the several districts.

7. That if the commissioners aforesaid shall fail to complete the districts aforesaid, and to designate the places of holding the elections aforesaid therein, in time for the election in May next, the said county court, at a regular term thereof, or at a session convened in vacation before the regular election, by a summons to all the justices, issued by the clerk pro tempore, at the instance of said commissioners, may postpone the general election to some future day, fixed by the court, and entered of record; a copy of which shall be posted by the clerk at least at four public places in the county, so as to give general notice of the time of such postponed election. And in the event of inability of the commissioners to complete the districts aforesaid in time for the regular elections in May next, it shall be their duty to direct the summons aforesaid to the justices aforesaid before that time; and it shall likewise be the duty of such temporary sheriff or his deputy to execute the same.

8. That the county of Calhoun, hereby established, shall be subject to the Code of Virginia, to the act providing for the districting of the counties, &c. passed April the second, eighteen hundred and fifty-two, and the act providing for the election, qualification, powers, duties and compensation of county officers, passed April twenty-second, eighteen hundred and fifty-two, except so far as they may be inconsistent with or modified by this act.

Calhoun County

9. The county courts of said county shall be held on the first Monday in every month, and the quarterly courts shall be in the months of March, June, August and November; and the first circuit court shall be held on the sixth day of October eighteen hundred and fifty-six, and to commence on the sixth day of May and the sixth day of October in each year thereafter.

10. The county of Calhoun shall form a part of the nineteenth judicial circuit, and shall constitute a part of the election district of Gilmer and Wirt, and constitute a part of the eleventh congressional district and forty-eighth senatorial district.

11. This act shall be in force from and after the passage thereof.

An Act changing the boundary lines of the counties of Calhoun and Gilmer, and annexing to Calhoun county a portion of the county of Gilmer

(Acts of the Legislature of West Virginia, 1883, ch. 35, pp. 52, 53)

(Passed February 22, 1883)

Be it enacted by the Legislature of West Virginia:

1. That so much of the boundary lines of Gilmer county as are on, and between the Straight fork of the Bear fork of Steer creek and the main fork of said Bear fork, be changed and established so as to read as follows: Beginning at the county line where the line between the lands claimed by W. S. Stump and the heirs of Alexander H. Stump, crosses the "Long Straight" of the Gilmer, Ripley and Ohio turnpike, and running thence with said line south forty-one degrees, east eighty poles to the corner of lands claimed by Wallace and Bennett on the dividing ridge between the said straight and main forks of Bear fork; thence with the line of said Wallace and Bennett south forty degrees, west two hundred and sixty poles to the corner of lands claimed by S. E. Phillips; thence south forty degrees, west three hundred and ten poles to a locust, corner of a fifty acre tract claimed by Henry C. Lockney; thence south forty degrees, west two hundred and thirty poles to a corner of a sixty-three acre tract of land claimed by said Lockney; thence south forty degrees, west four hundred poles to the present county line between said counties on the dividing ridge between the waters of Crummie's creek and the said Bear fork and the lines of the said counties of Calhoun and Gilmer, are hereby changed and established so as to conform to the changes herein made in the lines of said counties, and the territory embraced in the lines as hereinbefore recited shall constitute and be a part of the county of Calhoun.

Clay County

(Approved February 23, 1883)

(NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.)

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

CLAY COUNTY

Created from Braxton (p. 26) and Nicholas (p. 139), Mar. 29, 1858; boundaries verified, Oct. 10, 1863 (for act see p. 216)

Act Creating Clay County
(Virginia Acts, 1858, ch. 158, pp. 111-113)

(Passed March 29, 1858)

1. Be it enacted by the general assembly, that so much of the counties of Braxton and Nicholas as is contained within the following boundary lines, to wit: Beginning at the mouth of Duck creek on Elk river; thence with the divide between Duck creek and O'Brian's creek to the divide between the waters of the Little Kanawha river and Elk river; thence a straight line to the Braxton and Calhoun county line (so as to include the farm of Thomas Jarvis, jr. in the new county); thence with the Braxton county line (as originally run) to the Three forks of Sandy creek (at James Rogers'); thence a straight line to the mouth of Queen shoal creek, a south branch of Elk river; thence a straight line to the southeast corner of a tract of about twelve thousand acres of land owned by Charles Ruffner and others (near the farm of William Nichol, sr.); thence a straight line to the farm of Strother B. Grose on the waters of Buffalo creek, so as to include his land in the new county; thence a straight line to Abraham Dilly's on Strange creek, so as to include his land in the new county; thence with the divide between Strange creek waters and Grove's creek waters, to the beginning--be and the same is hereby established as a new county; which shall be known by the name of Clay.

2. The court-house or seat of justice of said county of Clay shall be located on the farm known as the McCalgin farm, on the north side of Elk river, and opposite the mouth of Buffalo creek; which said seat of justice shall be known by the name of Marshall.

3. The following persons, to wit: Marshall Triplett, Jacob Salisbury, Strother B. Grose, William Ewing and William Scoonover, shall be and are hereby appointed commissioners, a majority of whom may act, for the purpose of selecting a site for a court-

house, jail and other public buildings for said county of Clay, who are hereby required to meet at the house of William Fitzwaters on the second Monday in April next ensuing the passage of this act, or within thirty days from and after that day, and within ten days after their meeting ascertain and determine at what point or place on the farm aforesaid, in the said county, it is most suitable and proper to erect a court-house and such other buildings and fixtures as the convenience of the county requires, under the existing laws, for holding courts and conducting business incident thereto, and lay off, in the most convenient form, a lot or lots of land for that purpose, not exceeding in quantity two acres, and shall ascertain the value thereof; whereupon the said commissioners, or a majority of them acting in this behalf, shall make their report in writing to the county court of Clay county when organized, the manner in which they have executed the duties required of them by this act, and of their proceedings in relation thereto, designating the point or place agreed upon, the value of the lot or lots of land, and name or names of the owners thereof; and the place so ascertained and determined upon by said commissioners, or a majority of them, shall be deemed and taken as the permanent place for holding the courts of Clay, now required by law to be holden for the several counties of this commonwealth; and the court for the county of Clay shall thereupon provide for the payment of the valuation of said lot or lots of land so ascertained in the manner now required by law, where lands shall not be already provided and appropriated for that purpose.

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13. The said county of Clay shall be in and attached to the fifteenth judicial circuit, and the circuit court thereof shall be holden on the twenty-seventh day of May and twenty-seventh day of October in every year, and be of the same brigade district with the county of Nicholas.

15. The county courts of said county shall be holden on the second Monday in each month, and the quarterly sessions of said county of Clay shall be holden in the months of March, June, August and November in each year.

16. The surveyor hereafter elected for the county of Clay, in the mode prescribed by law, together with the surveyors of the counties of Braxton and Nicholas, shall run and mark the boundary line of said county of Clay, agreeably and in conformity to the provisions of the seventh section of the forty-seventh chapter of the Code of Virginia.

17. The first county court for said county of Clay shall be holden on the second Monday in July next.

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

Craig County (Virginia)

CRAIG COUNTY (VIRGINIA)

Created from Botetourt (p. 26), Roanoke, Giles (p. 49), and Monroe (p. 130), Mar. 21, 1851; parts of Monroe (p. 130) added to, Feb. 16, 1853 and Jan. 10, 1856.

An Act to annex a part of the county of Monroe to the county of Craig
(Virginia Acts, 1853, ch. 152, p. 130)

(Passed February 16, 1853)

1. Be it enacted by the general assembly, that so much of the county of Monroe as lies next to and adjoining to the county of Craig, contained within the following boundaries, to wit: Beginning at the Craig line on the top of the Little mountain, running with the same to a point opposite William A. Rowan's, and running across the valley of Potts' creek to the top of Peters' mountain, opposite said Rowan's, and thence along the same to the corner of Monroe, shall be and the same is hereby annexed to and henceforth shall constitute a part of the county of Craig.

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

An act to annex a part of the county of Monroe to the county of Craig
(Virginia Acts, 1856, ch. 112, pp. 97, 98)

(Passed January 10, 1856)

1. Be it enacted by the general assembly, that so much of the county of Monroe as lies next to and adjoining the county of Craig, contained within the following boundaries, to wit: Commencing on Potts' creek at the point where the division line between said counties crosses said creek near William Rowan's and up the creek until it passes the farm of George H. Carpenter, and thence to the Craig county line near Jarvis', shall be and the same is hereby annexed to and henceforth shall constitute a part of the county of Craig.

2. It shall be lawful for the sheriff or other collector of the county of Monroe to collect by distress or other lawful mode, any public dues or officers' fees, or any unfinished business deriving its force or authority from orders of court or other process in his hands before the date of the passage of this act, which may remain unpaid by the inhabitants of that part of the county of Monroe which will be within and form a part of the

county of Craig when this act shall commence and be in force; and such sheriff or other collector shall be accountable for the same in like manner as if this act had not been passed.

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

DODDRIDGE COUNTY

Created from Harrison (p. 72), Tyler (p. 186), Ritchie (p. 165), and Lewis (p. 90), Feb. 4, 1845.

Act Creating Doddridge County
(Virginia Acts, 1845, ch. 42, pp. 42-45)

(Passed February 4, 1845)

1. Be it enacted by the general assembly, That so much of the counties of Harrison, Tyler, Ritchie and Lewis, as is contained within the following boundary lines, to wit: Beginning on the south fork of Hughe's river at the mouth of Sugar camp run, at James Gray's; thence a straight line to the gap at the head of the right hand fork of Bone creek; thence a straight line to the mouth of the Sand fork of Fink's creek; thence on the dividing ridge between Sand fork and Fink's creek; thence following the dividing ridge between the waters of Middle Island Creek and Fink's creek, and the west fork of Monongahela river on said ridge to the Northwestern turnpike road; thence north with the said ridge to the corner of the Harrison and Tyler county line; thence on the ridge between Muckleroy creek and Fishing creek; thence with the said ridge to the head of George's run (a branch of Muckleroy); thence a straight line to the mouth of Flint's run; thence a straight line to the mouth of Arnold's creek; thence a straight line to the Northwestern turnpike road, at tollgate number eleven; thence a straight line to the beginning, shall form one distinct and new county, and be called and known by the name of Doddridge county.

2. The governor shall commission ten persons as justices of the peace in and for the said county of Doddridge; and the justices now in commission and residing in those parts of Harrison, Tyler, Ritchie and Lewis counties respectively, which will be in Doddridge county after the commencement of this act, shall be of said number, and shall be commissioned in point of seniority according to the dates of their present commissions; all of whom shall (before entering upon and exercising any of the duties of said office) take the several oaths, and within the time now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace remaining in commission in and for either of the counties of Harrison, Tyler, Ritchie and Lewis. And the justice administering

such oaths, or any of them, shall grant a certificate of the same from under his hand and seal of office, to be delivered to the justice qualified, who shall file the same in the clerk's office of Doddridge county, there to be recorded, and the original shall be preserved in said office.

3. A court for the county of Doddridge shall be holden by the justices thereof on the Thursday after the second Monday in every month after the same shall have been organized, in like manner as is provided by law for other counties and as shall be by their commissions directed.

4. The permanent place for holding the courts in the county of Doddridge, now required by law to be holden for the several counties of this commonwealth, shall be at the village of West Union, situate on the Northwestern turnpike road, late within the county of Harrison. And the county court for the county of Doddridge, shall provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justices of said county may take and hold the same, provided such donation shall not exceed five acres, and a full and satisfactory title be made thereto) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws, for holding courts and conducting business incident thereto, in the manner now required by law, "where land shall not be already provided and appropriated for that purpose." And said court shall cause said buildings and fixtures to be constructed at the charge of the county of Doddridge, by levy, in the manner now prescribed by law. The title to any land purchased for valuable consideration, or furnished in free gift, shall be made in fee simple, to any four or more justices of the peace for the said county of Doddridge, and their successors in office, in trust, for the use and benefit of said county.

5. The justices of the peace commissioned and qualified as aforesaid for the said county of Doddridge, shall meet at the house now the residence of Nathan Davis, at West Union, on the Thursday after the second Monday in April next, and a majority of them being present, shall proceed to the appointment of a clerk of the county court of said county, a commissioner of the revenue for said county of Doddridge, and also at the same time the necessary number of school commissioners; and thereafter, at the time prescribed by law for such as are annual appointments, shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place in said county for holding the courts thereof, until the necessary buildings shall be constructed at the said village of West Union.

6. It shall be lawful for the sheriffs or other collectors of the counties of Harrison, Tyler, Ritchie and Lewis, to collect by distress or other lawful mode, any public dues and officers' fees which may remain unpaid by such of the inhabitants of the

said counties respectively, as will be in the county of Doddridge at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The courts of the counties of Harrison, Tyler, Ritchie and Lewis respectively, shall have and retain jurisdiction of all actions and suits depending before them on the Thursday after the second Monday in April next, and shall try and determine the same and award execution thereon, except in cases wherein both parties reside within the new county; which last mentioned cases (together with the papers thereto appertaining) shall, after that day, be removed to the courts of the county of Doddridge, and there tried and determined, and execution awarded thereon when necessary.

8. The said county of Doddridge shall be in, and attached to the same judicial circuit with the county of Tyler; and the circuit superior courts of law and chancery thereof, shall be holden on the twenty-fourth day of April and on the twenty-fourth day of September in every year, and be of the same brigade district with the county of Tyler.

9. So much of the said county of Doddridge as shall be taken from the counties of Harrison, Ritchie and Lewis, shall belong to and vote with the congressional and senatorial districts of which the county of Harrison now forms a part; and so much of the said county of Doddridge as shall be taken from the county of Tyler, shall belong to and vote with the congressional and senatorial districts of which the county of Tyler now forms a part, until otherwise directed by the general assembly.

10. In all elections for members of the house of delegates, that portion of the said county of Doddridge which shall be taken from the county of Harrison, shall vote with the county of Harrison; that portion of the said county of Doddridge which shall be taken from the county of Tyler, shall vote with the county of Tyler; that portion of the said county of Doddridge which shall be taken from the county of Ritchie, shall vote with the county of Ritchie and that portion of the said county of Doddridge which shall be taken from the county of Lewis, shall vote with the county of Lewis; until otherwise directed by the general assembly. And all separate elections heretofore authorized to be holden in the counties of Harrison, Tyler, Ritchie and Lewis, and falling within the boundary of the new county of Doddridge, shall be conducted for the county of Doddridge in the same manner as heretofore for the said counties respectively. And in case of such separate elections or separate elections so falling within said boundary, it shall be the duty of the county court of Doddridge, at the first court holden therein after the passage of this act, or as soon thereafter as practicable, to appoint as many proper persons as may be necessary to perform the duties of sheriff at the several places of holding separate elections for said county of Doddridge, who shall attend at the courthouses of the respective

counties to which the different portions of the said county of Doddridge are assigned by this section to compare the polls and to do and perform such other duties as are required by law in that behalf of sheriffs, and who shall be liable to the same penalties as are now imposed by law upon sheriffs and their deputies for failing or refusing to hold separate elections, or for other ommissions of duty; and also to appoint as many superintendents as are required by law to superintend the said separate elections for the said county of Doddridge.

11. The courts of quarterly sessions for the said county of Doddridge shall be holden in the months of March, June, August and November in every year.

12. And be it further enacted, That the county surveyors of the counties of Harrison, Tyler, Ritchie and Lewis, and the new county of Doddridge shall be, and they are hereby appointed commissioners to run and mark the lines between the said counties as designated by this act, (any three or more of whom may act for that purpose,) which, when run and marked, shall be taken and held as the dividing lines between the said county of Doddridge and the several counties from which it is taken. The said commissioners are hereby required to make report of their proceedings and doings in the matter in writing, to the county court of each of the counties from which the said new county of Doddridge is taken, and also to the county court of said new county, which reports shall be recorded in the clerk's office of each of said counties, and in all controversies which may arise touching said lines, shall be conclusive evidence. The county courts of each of said counties shall allow such of said commissioners as act in this behalf, a reasonable compensation for their services, to be paid out of the county levy of each of said counties in equal proportions.

13. And be it further enacted, That the Treasurer of the school commissioners of the several counties from which the said county of Doddridge hereby created, has been taken, viz: the counties of Harrison, Tyler, Ritchie and Lewis, shall be, and they are hereby authorized and required to pay to the treasurer of the school commissioners of Doddridge county upon the order of the commissioners thereof, out of the fixed and surplus quotas of said counties respectively for the present year, (eighteen hundred and forty-five,) such sum as shall seem to them to be in due proportion to the population of the several parts of said new county of Doddridge, taken from the said counties respectively, including any balance now remaining unexpended, as also of the due proportion as aforesaid accruing from such quotas, to which any of said counties are, or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the said counties of Harrison, Tyler, Ritchie and Lewis, for the year eighteen hundred and forty-six and subsequent years between the said counties and the county of Doddridge, agreeable to the respective

number of white tythables which may be returned therein by the commissioners of the revenue for the present year.

14. This act shall be in force from the passing thereof.

FAYETTE COUNTY

Created from Logan (p. 101), Greenbrier (p. 55), Nicholas (p. 139), and Kanawha (p. 83), Feb. 28, 1831; boundary line changed between Greenbrier (p. 55) and, Apr. 4, 1831 (for act see p. 61); part added to Greenbrier (p. 55), Feb. 23, 1833 (for act see p. 62); boundary lines changed between Kanawha (p. 83) and, Nov. 29, 1839 and Mar. 21, 1850 (for acts see p. 46); Raleigh (p. 160) formed from, Jan. 23, 1850; part of Summers (p. 175) formed from, Feb. 27, 1871.

Act Creating Fayette County
(Virginia Acts, 1831, ch. 70, pp. 134-136)

(Passed February 28, 1831)

1. Be it enacted by the general assembly, That all that part of the counties of Logan, Greenbrier, Nicholas and Kanawha, contained within the following boundaries, to wit: Beginning on New river, where the lines of Giles and Logan counties strike the same; thence, down said river to the mouth of Lick creek; thence, a straight line to the top of Little Seawell mountains, where the Kanawha turnpike crosses the same, so as to embrace the dwelling-house of J. P. Thomasson; thence a straight line to Meadow river, at the mouth, of Mill creek; thence, down said river to its mouth; thence, down Gauley river to the mouth of Twenty Mile creek; thence, up Twenty Mile creek to the mouth of Bell creek; thence, up Bell creek to James Nicholas's; thence, a straight line to Rock camp, on the present line of Nicholas and Kanawha counties; thence, a straight line to Kanawha river, at the mouth of Smithers's creek; thence, a straight line crossing Kanawha river, and some of the waters of Paint creek, Cabin creek, and Northeast fork of Cole river, and the West fork of same, to the intersection of the lines of Kanawha and Logan counties, at the end of the Great Cherry Pond mountain; thence, with the dividing ground, dividing the waters that flow into the Marsh fork of Cole and New rivers, on the one side, and Little Cole river, and the waters of Guyandotte river, on the other side, to the present line of Logan and Giles counties; thence, with said line, to New river, the beginning, shall form one distinct and new county, and be called and known by the name of Fayette county.

Fayette County

3. A court for the said county of Fayette, shall be held by the justices thereof, on the third Monday in every month, after the same shall have been organized, in like manner as is prescribed by law for other counties, and shall be by their commissions directed.

4. And in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county of Fayette, Peter H. Steinbergen of Mason, William Buffington of Cabell, Andrew Johnson of Giles, Henry Alexander of Monroe, and George I. Williams of Harrison, gentlemen, shall be and they are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof in writing, to the court of the said county of Fayette; whereupon, they, the said court, shall proceed to erect the necessary public buildings at the place so fixed upon by the said commissioners, or a majority of them, which, when completed, shall be the permanent place for holding courts for the said county of Fayette.

8. The said county of Fayette shall be in, and attached to, the same judicial circuit with the county of Greenbrier, and the circuit courts thereof shall be holden on the third Monday after the fourth Monday in April and September in every year, and be of the same brigade district with the county of Kanawha. One delegate shall be elected for and by the said counties of Nicholas and Fayette, to represent the same in the general assembly; and the said county of Fayette shall be attached to the senatorial district composed of the counties of Kanawha, Cabell, Logan, Mason and Nicholas; and it shall be attached to the same district with Logan, for the choice of electors of president and vice-president of the United States, and to the same district of which the county of Kanawha now forms a part, for the election of a representative in the congress of the United States.

9. And be it further enacted, That the courts of quarterly sessions for the said county of Fayette, shall be holden in the months of March, June, August and November, in every year; and the said county of Fayette shall belong to the same chancery district, for which a court is by law directed to be holden at Greenbrier courthouse.

10. It shall be lawful for the county courts of Logan, Greenbrier, Nicholas, Kanawha and Fayette counties, and they are hereby required to appoint commissioners to run and mark the lines (or such part thereof as may be thought necessary by the respective county courts,) between the said counties, as designated by this act; which when run and marked, shall be taken and considered as the dividing lines between the said counties. The commissioners are hereby required to make report of their

proceedings to the county courts of said counties respectively; which reports shall be recorded in the clerk's office of each of said counties, and in all controversies which may hereafter arise touching said lines, shall be conclusive evidence. The county courts of each of said counties, shall allow the said commissioners a reasonable compensation for their services, to be paid out of the levy of each county in just proportions, according to work required in each county.

11. This act shall commence and be in force from and after the passage thereof.

An Act to change the line between the counties of Kanawha and Fayette
(Virginia Acts, 1839, ch. 51, p. 33)

(Passed March 29, 1839)

1. Be it enacted by the general assembly, That so much of the county of Fayette as lies next to and adjoining the county of Kanawha, and shall be contained within a line so run as to include within the county of Kanawha the dwelling and farm (as at present open) of Samuel M'Coy on Paint creek, and Robert Perry on Cabin creek, shall be annexed to, and be henceforth a part of the county of Kanawha, and the county court of each of said counties shall direct the surveyor of the said counties respectively, whenever they may deem it necessary, to meet at some convenient place and run and mark such line, and shall allow their surveyor respectively, for such service, a reasonable compensation, payable out of the county levy.

2. And be it further enacted, That it shall be lawful for the sheriff of the county of Fayette to collect by distress or other lawful mode, any public dues, or officers fees, which shall remain unpaid by the inhabitants of that part of the county of Fayette which will be in Kanawha county after the commencement of this act, and the said sheriff shall be accountable for the same in like manner as if this act had not been passed.

3. This act shall be in force from the passing thereof.

An Act to change a part of the line dividing the county of Fayette from the county of Kanawha
(Virginia Acts, 1850, ch. 27, p. 25)

(Passed March 21, 1850)

1. Be it enacted by the general assembly, That so much of the boundary line of the county of Fayette as is designated in the first section of the act, entitled "An act forming a new county out of parts of the counties of Logan, Greenbrier, Nicholas and

Kanawha," passed February the twenty-eighth, eighteen hundred and thirty-one, and described as running "from the Kanawha river, at the mouth of Smithers' creek; thence a straight line, crossing Kanawha river and some of the waters of Paint creek, Cabin creek and Northeast fork of Cole river, and the west fork of same, to the intersection of the lines of Kanawha and Logan counties, at the end of the Great Cherry pond mountain," shall, instead thereof, henceforth run and be as follows, viz: from the mouth of Smithers' creek (emptying into the Kanawha river,) thence, running down the said Kanawha river the distance of half a mile; thence, (leaving the said Kanawha river,) and running a straight line to where the said boundary line of Fayette county (described in the said act establishing the same,) crosses Morris' creek; thereby adding to the county of Fayette so much of the county of Kanawha as thus lies next to and adjoining the said county of Fayette, and is contained within said boundary lines so changed, and including also, at the same time, so much of the farm and lands of James Montgomery as now lies in the county of Kanawha, a great part whereof lies already in the said county of Fayette; and the same so added shall henceforth be a part of the county of Fayette: Provided however, That the said James Montgomery, his heirs, executors and administrators, will and shall fully pay, if he shall consent to the provisions of this act, by agreeing to the same in open court in the county court of Kanawha, satisfy and discharge all the expense which may be incurred attending and consequent upon such change of the boundary line aforesaid; and it shall be the duty of the county court of Fayette county to see that the same is paid accordingly.

FINCASTLE COUNTY (VIRGINIA)

Created from Botetourt (p. 26), Feb. 1772; Montgomery, Washington, and Kentucky formed from, Oct. 1776 (for act see p. 134).

Act creating Fincastle County
(8 Hening, ch. 44, pp. 600, 601)

(Passed February 1772)

I. WHEREAS it is represented to this present general assembly, by the inhabitants and settlers on the waters of Holston and New River, in the county of Botetourt, that they labour under great inconveniencies, by reason of the extent of the said county, and their remote situation from the courthouse: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of December next, the said county of Botetourt shall be divided into two distinct counties, that is to say, all that part of the

said county, within a line, to run up the east side of New River to the mouth Culberson's creek, thence a direct line to the Catawba road, where it crosses the dividing ridge, between the north fork of Roanoke and the waters of New River, thence with the top of the ridge to the bend where it turns eastwardly, thence a south course, crossing Little River, to the top of the Blue Ridge mountains, shall be established as one distinct county, and called and known by the name of Fincastle; and all that other part thereof, which lies to the east and north east of the said line, shall be one other distinct county, and retain the name of Botetourt.

II. And for the due administration of justice in the said county of Fincastle, after the same shall take place, Be it further enacted, by the authority aforesaid, That after the said first day of December, a court, for the said county of Fincastle, shall be constantly held by the justices thereof upon the first Tuesday in every month, in such manner as is by the laws of this colony provided, and shall be by their commissions directed. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Botetourt as the same now stands entire and undivided, from collecting and making distress for any public dues or officers fees which shall remain unpaid by the inhabitant of the said county of Fincastle, at the time of its taking place; but such sheriff, or collector, shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, notwithstanding.

III. And be it further enacted, by the authority aforesaid, That the court of the said county of Botetourt shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process, and award execution, against the body and estate of the defendant, or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, notwithstanding.

FREDERICK COUNTY (VIRGINIA)

Created Nov. 1738 by act creating Augusta County (p. 13); Hampshire (p. 62) formed from, Nov. 1753; part of Augusta (p. 13) added to, Nov. 1753 (for act see p. 62); Berkeley (p. 21) formed from, 1772.

GILES COUNTY (VIRGINIA)

Created from Montgomery (p. 134), Monroe (p. 130), and Tazewell (p. 181), Jan. 16, 1806; part of Logan (p. 101) formed from, Jan. 12, 1824; lines established between Monroe (p. 130) and, Jan. 29, 1827 (for act see p. 133); part of Monroe (p. 130) added to, Feb. 2, 1829 (for act see p. 51); part of Mercer (p. 116) formed from, Mar. 17, 1837; part of Mercer (p. 116) added to, Mar. 5, 1841 (for act see p. 51); part of Craig (p. 39) formed from, Mar. 21, 1851.

Act Creating Giles County
(Henings Statutes At Large, New Series, 1792-1806, vol. 3, ch. 53, pp. 244, 245)

(Passed January 16, 1806)

1. Be it enacted by the general assembly, That all that part of the counties of Montgomery, Monroe and Tazewell, contained within the following boundaries to wit: Beginning at the end of Gauly mountain on New river where the counties of Greenbrier and Kanawha intersect; thence up the river with the Greenbrier and Montgomery line to the intersection of Monroe line; thence with the Monroe and Montgomery line to the upper end of Pine's planation; thence a straight line to the mouth of Rich Creek, leaving the planation of Hugh Caperton on the right; thence with the Montgomery and Monroe line to the intersection of Botetourt county line, and with the Botetourt and Montgomery line to the top of Gap mountain; thence along the top of said mountain to New river, crossing the same to the end of Walker's creek mountain; thence along the top of said mountain to the intersection of Wythe county line; thence north-westwardly with said line to the intersection of Tazewell line, and with the Tazewell and Montgomery line to the top of Wolf creek mountain; thence along Wolf creek mountain to a path leading from the Round Bottom to Harman's mill, about three miles below the mouth of the Clear Fork of Wolf creek; thence a straight line to the Big Spring on East river; thence a straight line to the mouth of Militin's fork; thence a direct line to the head of Crane creek on the top of the Flat-top mountain; thence a direct line to the three forks of Guyandotte river; thence down said river until it intersects Kanawha county line; thence with the said line to the beginning, shall, from and after the first day of May next, form one distinct county, and be called and known by the name of Giles county.

2. A court for the said county of Giles shall be held by the justices thereof on the second Tuesday in every month, after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed;

and a quarterly session of the said court shall be held in each of the months of April, June, September and November in every year.

3. The justices to be named in the commission of the peace for the said county of Giles, shall meet at the house of George Paris in the said county upon the first court day after the said county shall take place, and having taken the oaths prescribed by law and administered the oath of office to, and taken bond of, the sheriff according to law, proceed to appoint and qualify a clerk, and thenceforth the said court shall proceed to erect the necessary public buildings at a convenient place near the centre, which shall thereafter become the seat of justices for the said county of Giles: Provided always, That the appointment of a clerk shall not be made, unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

4. It shall and may be lawful for the sheriffs of the counties of Montgomery, Monroe and Tazewell, to collect and make distress for any public dues and officers' fees which shall remain unpaid by the inhabitants of the said county of Giles at the time the said county takes place, and shall be accountable for the same in like manner as if this act had never been made.

5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Giles, who shall continue in office during the term, and upon the same conditions, as are by law appointed for other sheriffs.

6. The courts of the said counties of Montgomery, Monroe and Tazewell, shall have jurisdiction of all actions and suits depending before them at the time the said county of Giles takes place, and shall try and determine the same and award execution thereon.

7. The said county of Giles shall remain in the same district with the county of Monroe, for which district courts are holden at the Sweet Springs, and be of the same brigade district, in like manner as if this act had not been made. In future elections of a senator, of a representative in Congress, and of an elector, the said county of Giles shall be of the same district as the county of Monroe.

8. This act shall commence and be in force from and after the first day of May next.

Giles County (Virginia)

An Act to add a part of the county of Monroe to the county of Giles
(Virginia Acts, 1826, ch. 121, p. 119)

(Passed February 2d, 1829)

1. Be it enacted by the General Assembly, That all that part of the county of Monroe, lying and being within the following boundaries, to wit: beginning on New river at the mouth of the ford Hollow branch, thence a straight line to Rich creek, at the bend joining Elias Hale's land; thence up Rich creek, and with the same to the mouth of Scott's branch above Peterstown; thence up said branch and with the same to the top of Peter's mountain, shall be annexed to, and be henceforth a part of the county of Giles.

2. Be it further enacted, That the county court of Giles county, shall be, and they are hereby authorised and required, whenever they may deem it necessary, to direct the surveyor of said county, to run and mark the lines as established by this act, and the said court shall allow the said surveyor, a reasonable compensation for his services, whenever the said line shall be run and marked as aforesaid, and shall provide for the payment of the same by a levy on the said county.

3. And be it further enacted, That it shall be lawful for the sheriff of the county of Monroe to collect by distress or other legal mode, any public dues or officers' fees, which shall remain unpaid by the inhabitants of that part of Monroe county which will be a part of Giles county after the passage of this act, and the said sheriff shall be accountable for the same in the manner as if this act had not been made.

4. This act shall commence and be in force from and after the passing thereof.

An Act annexing a part of the county of Mercer to the county of Giles
(Virginia Acts, 1841, ch. 45, pp. 61, 62)

(Passed March 5, 1841)

1. Be it enacted by the general assembly, That so much of the county of Mercer as lies next to, and adjoining, the county of Giles, and is contained within the following boundary, to wit: Beginning on the line dividing said counties of Wylie's falls on New River; thence to Toney's mill-dam on East river, the present corner of the line dividing said counties, by a line so run as to include the lower part of Mrs. Toney's farm shall be annexed to, and be henceforth a part of the county of Giles; and the county court of each of said counties, shall direct the surveyors of the said counties respectively, whenever they

ever they may deem it necessary, to meet at some convenient place, and run and mark such line; and shall allow their surveyor respectively, for such service a reasonable compensation, payable out of the county levy.

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3. This act shall be in force from the passing thereof.

GILMER COUNTY

Created from Lewis (p. 90) and Kanawha (p. 83), Feb. 3, 1845; election for boundary line between Lewis (p. 90) and, Mar. 1, 1847 (for act see p. 92); Calhoun (p. 33) formed from, Mar. 5, 1856; part of Roane (p. 169) formed from, Mar. 11, 1856; boundary line changed between Ritchie (p. 165) and, Oct. 8, 1863 (for act see p. 169); part added to Calhoun (p. 33), Feb. 22, 1883 (for act see p. 36).

Act Creating Gilmer County
(Virginia Acts, 1845, ch. 43, pp. 45-49)

(Passed February 3, 1845)

1. Be it enacted by the general assembly, That so much of the counties of Lewis and Kanawha as is contained within the following boundary lines, to wit: Beginning at the corner of Braxton county line, situate at the left hand fork of Three lick fork of Oil creek; thence a straight line to the fork of the road on Leading creek, between Robert Benson's and Aaron Schoolcraft's; thence a straight line to the southeast corner of Ritchie county; thence with the Ritchie, Wood and Jackson county lines, to a point where the latter crosses the west fork of the Little Kanawha river; thence such lines as will embrace all the waters of the said west fork of the Little Kanawha river to the Braxton and Kanawha county line; thence with the lines of Braxton county to the beginning, shall form one distinct and new county, and be called and known by the name of Gilmer county.

2. A court for the county of Gilmer shall be holden by the justices thereof on the fourth Monday in every month after the same shall have been organized, in like manner as is provided by law for other counties, and as shall be by their commissions directed.

3. The permanent place for holding the courts in the county of Gilmer, now required by law to be holden for the several counties of this commonwealth, shall be at such place as shall be fixed upon by a majority of the votes of the people residing

within the boundaries of the said new county of Gilmer, ascertained in the following manner, to wit: It shall be the duty of the sheriff, other officers and commissioners conducting elections in the county of Gilmer, at the several places of holding elections in said county, for a delegate to the general assembly, at the time of taking the poll for the next annual election of such delegates, VIZ: on the fourth Thursday in April next, to open a separate poll for the purpose of ascertaining the sense of the people of said county, whether they prefer as the permanent site for the seat of justice for said county, the land of William H. Ball, at or near the point where the Weston and Charleston road crosses the Little Kanawha river, or the town of De Kalb? The said poll shall contain two columns, one headed with the name of the former, and the other with the name of the latter place, and the names of the voters shall be written in that column headed with the name of the place voted for. Every person qualified, according to the constitution and laws of this commonwealth, to vote for a delegate to the general assembly and none other, shall be entitled to vote according to the same rules and regulations, as if such persons were voting for a delegate to the general assembly. The sheriff, other officers and commissioners conducting said poll at the time and places aforesaid, shall proceed with, certify and return the same to the clerk of their county court, in the same manner that they are required to proceed with, certify and return the poll taken by them for a delegate to the general assembly, and shall be liable to the like penalties for similar failures therein. The poll books so taken by the sheriff, other officers and commissioners, and by them certified and delivered to the clerk of the county court of said county of Gilmer, shall be by said clerk exhibited before the next county court in session for said county of Gilmer, and the said court shall forthwith make an order directing the justices of the county to be summoned to attend at the next succeeding court; and the justices composing such court shall then carefully examine and consider the polls so as aforesaid returned to them; and if it be found that largest number of votes actually and legally cast upon the question, are in favour of either of said places, the said court shall cause that fact to be proclaimed at the door of the courthouse, and to be entered on their records; which shall thenceforth be the permanent place for holding courts for the said county of Gilmer. In the event of there being an equality of votes cast as to the said two places voted for as the site for the permanent seat of justice for said county, the county court thereof in session, shall determine and say, at the time when assembled under the order aforesaid, which of said two places shall be the permanent place for holding courts for said county and erecting the public buildings aforesaid, and cause the same to be proclaimed and entered of record in manner aforesaid. And the county court for the county Gilmer, shall provide a lot or lots of land at the place so selected by a majority of votes, or determined by the court as aforesaid, not exceeding two acres, (unless more be furnished by donation, in which case the justices of said county

may take and hold the same, provided such donation shall not exceed five acres, and a full and satisfactory title be made thereto, unless such land so furnished by donation, shall be for the purpose of raising a fund for literary or scientific purposes, over and above that which is necessary for the public buildings or their construction; in that case it need not be limited to five acres,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws for holding courts and conducting business incident thereto, in the manner now required by law "where land shall not be already provided and appropriated for that purpose," and said court shall cause said buildings and fixtures to be constructed at the charge of the county of Gilmer, by levy, in the manner now prescribed by law, unless there shall be donations in land or otherwise for such purposes. The title to any land purchased for valuable consideration, or furnished in free gift, for the site of a court-house and other public buildings and fixtures for said county, shall be made in fee simple, to any four or more justices of the peace for said county of Gilmer, and their successors in office, in trust for the use and benefit of said county.

5. The said county of Gilmer shall be in and attached to the same judicial circuit with the county of Kanawha, and the circuit superior courts of law and chancery thereof, shall be holden on the fourteenth day of March, and on the twenty-first day of August, in every year, and be of the same brigade district with the county of Kanawha.

6. The courts of quarterly sessions for the said county of Gilmer shall be holden in the months of February, June, September and November in every year.

7. This act shall be in force from the passing thereof.

GRANT COUNTY

Created from Hardy (p. 70), Feb. 14, 1866.

Act Creating Grant County
(Acts of the Legislature of West Virginia, 1866, ch. 29, pp. 17, 18)

(Passed February 14, 1866)

Be it enacted by the Legislature of West Virginia:

1. So much of the county of Hardy as is included within the following boundary lines, to-wit: Beginning at Fairfax Stone, at the junction of the line between West Virginia and Mary-

land, corner to said county of Hardy, and with the said boundary line down the north branch of the Potomac to the Hampshire (now Mineral) and Hardy county line; then with the said line southeastward crossing Patterson's creek mountain, and thence running the division line between the proposed new county and Hardy county, southward along the top of mountain to the gap below the mouth of Luney's creek, thence with a straight line to the top of Elkhorn Rock, thence along the top of the mountain range which divides the waters of south Mill creek from those of the South Fork to the Hardy and Pendleton county line, thence with the latter northwestward to the Hardy and Tucker county lines, and with latter to the beginning, shall form one distinct and new county, which shall be called and known by the name of Grant County.

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3. The county seat of the said new county shall be at or near John May's, on the north fork of Luney's creek and the board of supervisors of said new county shall proceed as soon as practicable after the passage of this act, to provide a suitable court house and other public buildings for the said county in the manner required by the seventh section of the act passed October twenty-first, eighteen hundred and sixty-three, entitled "an act defining in part the powers and duties of the several counties of the state."

4. The judge of the circuit court of the said new county shall as soon after the passage of this act as practicable, appoint a clerk for the said court, and a prosecuting attorney and sheriff for said county, who shall hold their offices until the first day of January, eighteen hundred and sixty-seven, and until their successors shall be elected and qualified according to law.

5. The said new county shall be attached to the same judicial circuit and the same congressional and senatorial districts with the said county of Hardy.

GREENBRIER COUNTY

Created from Botetourt (p. 26), and Montgomery (p. 134), Oct. 1777; part of Kanawha (p. 83) formed from Nov. 14, 1788; part of Bath (p. 19) formed from, Dec. 14, 1790; boundaries established between Kanawha (p. 83) and, Dec. 5, 1795 (for act see p. 60); Monroe (p. 130) formed from, Jan. 14, 1799; part of Nicholas (p. 139) formed from, Jan. 30, 1818; part added to Pocahontas (p. 146), Dec. 28, 1824 (for act see p. 148); part of Monroe (p. 130) added to, Jan. 29, 1827 (for act see

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pp. 60, 61); part of Fayette (p. 44) formed from, Feb. 28, 1831; boundary change between Fayette (p. 44) and, Apr. 4, 1831 (for act see p. 61); part of Fayette (p. 44) added to, Feb. 23, 1833 (for act see p. 62); division lines altered between Webster (p. 195) and, Nov. 7, 1863 (for act see p. 200); part of Summers (p. 175) formed from, Feb. 27, 1871; part added to Webster (p. 195), Jan. 19, 1882 (for act see p. 201).

Act Creating Greenbrier County
(9 Hening, ch. 18, pp. 420-424)

(Passed in October, 1777)

An act for forming several new counties, and reforming the boundaries of two others.

WHEREAS it is represented to this present session of assembly, by the inhabitants of Augusta and Botetourt counties, that they labour under many inconveniencies by reason of the great extent of the said counties and parishes: Be it therefore enacted by the General Assembly, That from and after the first day of March next the said county and parish of Augusta shall be divided by a line beginning at the north side of the North Mountain, opposite to the upper end of Sweedland Hill, and running a direct course so as to strike the mouth of Seneca creek, on the north fork of the south branch of Potowmack river, and the same course to be continued to the Allegheny mountain, thence along the said mountain to the line of Hampshire county; and all that part of the said county and parish of Augusta which lies to the northward to the said line shall be added to and made part of the said county and parish of Hampshire. And that the residue of the county and parish of Augusta be divided by a line to begin at the South Mountain, and running thence by Benjamin Yardley's plantation so as to strike the north river below James Byrd's house, thence up the said river to the mouth of Naked creek, thence leaving the river a direct course so as to cross the said river at the mouth of Cunningham's branch, in the upper end of Silas Hart's land, to the foot of the North Mountain, thence fifty-five degrees west to the Allegheny mountain, and with the same to the line of Hampshire; and all that part which lies north eastward of the said line shall be one (distinct*parish), called and known by the name of Rockingham.

And be it farther enacted, That from and after the first day of March the said county and parish of Botetourt shall be divided

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*Should read (distinct county and parish,) as is done in other counties and parishes mentioned in this act.

Greenbrier County

by a line beginning on the top of the ridge which divides the Eastern from the Western waters, where the line between Augusta and Botetourt crosses the same, and running thence the same course continued north fifty five degrees west to the Ohio, thence beginning at the said ridge, at the said lines of Botetourt and Augusta, running along the top of the said ridge, passing the Sweet Springs, to the top of Peter's mountain, thence along the said mountain to the line of Montgomery county, thence along the same mountain to the Kanhawa, or New river, thence down the said river to the Ohio. And all that part of the counties and parishes of Botetourt and Montgomery between and to the westward of the said lines shall be one distinct county and parish, and be called and known by the name of Green Brier.

And be it farther enacted, That the remaining parts of the said counties and parishes of Augusta and Botetourt be divided into three counties and parishes, as follows, to wit, by a line beginning on the top of the Blue Ridge, near Steel's mill, and running thence north fifty five degrees west, passing the said mill, and crossing the North mountain to the top, and the mountain dividing the waters of the Calf Pasture from the waters of the Cow Pasture, and thence along the said mountain, crossing Panther's gap, to the line that divides the counties of Augusta and Botetourt; and that the remaining part of the county of Botetourt be divided by a line to begin at Audley Paul's and running north fifty five degrees west till the said course shall intersect a line to be run south forty five degrees west from the place where the above line dividing Augusta terminated. And all those parts of the said counties and parishes of Augusta and Botetourt included within the said lines shall be one distinct county and parish, and shall be called and known by the name of Rockbridge; and the remaining parts of the said counties and parishes of Augusta and Botetourt shall each of them respectively be a distinct county and parish, and retain their respective names.

And for the administration of justice in the said counties of Rockingham, Green Brier, and Rockbridge, after the commencement thereof, a court for every of them shall be held therein, for the county of Rockingham on the fourth Monday in every month, for the county of Green Brier on the third Tuesday in every month, and for the county of Rockbridge on the first Tuesday in every month; the first court for the said county of Rockingham to be held at the house of Daniel Smith, for the said county of Green Brier at John Stewart's, for the said county of Rockbridge at Samuel Wallace's. And the justices for the said courts respectively, or a major part of them being present, and having taken the oaths required by law, and administered the oaths of office to the sheriffs, every of the said courts shall fix on a place for holding courts in their counties, at or as near the center as the situation and convenience thereof will admit of, and shall thenceforth proceed to erect the necessary publick

buildings at such places, and shall also appoint such places for holding courts in the meantime, until such buildings shall be completed, as they shall think fit, and shall have power to adjourn themselves to such places as they shall appoint; and, after the publick buildings shall be completed, the courts for the said counties shall thenceforth be held at such places.

And be it farther enacted, that it shall be lawful for the governour, or in his absence for the president, with the advice of the council, to appoint a person in every of the said counties to be first sheriff thereof; and the sheriffs of the said counties of Augusta, Botetourt, and Montgomery, shall have power to collect and distrain for any publick dues or fees which may remain unpaid by the inhabitants of the counties of Rockingham, Green Brier, and Rockbridge, and that part of the county of Augusta which is added to Hampshire, and that part of the county of Montgomery which is added to Green Brier, at the time of their taking place, and shall be answerable for them in the same manner as if this act had never been made. And in all future election of senators, the said counties of Rockingham and Green Brier shall be of the same districts of which the county they were taken from now are, and the county of Rockridge shall be of the same district that the county of Augusta now is.

And be it farther enacted, that at the place which shall be appointed for holding courts in the said county of Rockbridge there shall be laid off a town, to be called Lexington, thirteen hundred feet in length and nine hundred in width. And in order to make satisfaction to the proprietors of the said land, the clerk of the said county shall, by order of the justices, issue a writ directed to the sheriff commanding him to summon twelve able and disinterested freeholders to meet on the said land on a certain day, not under five nor over ten days from the date, who shall upon oath value the said land, in so many parcels as there shall be separate owners, which valuation the sheriffs shall return, under the hands and seals of the said jurors, to the clerk's office, and the justices, at laying their first county levy; shall make provision for paying the said proprietors their respective proportions thereof, and the property of the said land shall, on the return of such valuation, become vested in the justices and their successours, one acre thereof to be reserved for the use of the said county, and the residue to be sold and conveyed by the said justices to any persons, and the money arising from such sale to be applied towards lessoning the county levy; and the publick buildings for the said county shall be erected on the lands reserved as aforesaid.

And whereas many suits and petitions are now depending before the courts of Augusta and Botetourt, in which the process have not been executed on the defendants, who, after the said divisions, will reside in the counties of Rockingham, Green Brier, and Rockbridge: Be it enacted, That the clerks of the counties

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of Augusta and Botetourt make out a docket of all such suits and petitions in their respective courts, and deliver the same to the clerks of the said counties of Rockingham, Green Brier, and Rockbridge, respectively, together with all papers filed therein, and a copy of all costs, and shall take such clerk's receipt for the same, and thereupon the courts of the said county shall have jurisdiction thereof, in as full and ample a manner as if they had been originally commenced in such counties; and the courts of the said counties of Augusta and Botetourt shall have jurisdiction of all other actions and suits now depending before them respectively, in the same manner as if this act had never been made.

Provided also, That no appointment of clerks of the peace, or of places for holding courts, shall be made unless a majority of the justices be present, if such majority shall have been prevented from attending by unavoidable accidents; but in such case, the appointments shall be postponed till the next court day, and so on, from court day to court day, as often as such accidents shall happen.

And whereas several of the vestry of the parish of Augusta will by the division be taken into new parishes, whereby it is necessary to dissolve the said vestry, and the inhabitants of the parish of Botetourt having failed to elect a vestry agreeable to an act of assembly in that case made and provided: Be it therefore enacted, That the vestry of the said parish of Augusta be, and the same is hereby dissolved.

And be it farther enacted, that the inhabitants of every of the said parishes of Rockingham, Augusta, Rockbridge, Botetourt, and Green Brier, respectively, shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriffs of the said counties before the first day of May next, and then and there elect twelve able and discreet persons who shall be a vestry for the said parishes respectively; but the collectors of the parishes of Augusta, Botetourt, and Montgomery, respectively, shall have power to collect and distrain for any dues which shall remain unpaid by the inhabitants of the said parishes of Rockingham, Rockbridge, and Green Brier, and that part of Augusta parish added to Hampshire, and that part of the parish of Montgomery which is added to Green Brier, at the time of the divisions taking place, and shall be answerable for the same in like manner as if this act had never been made.

And for altering the court day of the county of Dunmore, and changing the name of the said county, Be it enacted, that from and after the first day of February next said county shall be called and known by the name of Shanando, and that the courts of the said county of Shanando shall be constantly held on the last Thursday in every month.

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And be it farther enacted, that the court of the said county of Shanando shall have jurisdiction of all matters and suits now depending before the court of Dunmore county; and all officers, civil and military, within the same, shall have power to execute their respective offices in the said county of Shanando in the same manner as if this act had never been made.

An Act to ascertain the line dividing the counties of Greenbrier and Kanawha.
(Henings Statutes at Large, New Series, vol. 1, ch. 32, pp. 388, 389)

(Passed December 5, 1795)

Whereas it represented to this general assembly, that the line dividing the counties of Greenbrier and Kanawha, is vague and uncertain, from which many inconveniences have risen, and may in the future arise: For remedy whereof,

1. Be it enacted by the general assembly, That the line dividing the said counties of Greenbrier and Kanawha, shall begin at the mouth of Gauley river, and thence up the said river according to the several meanders thereof, to where the line dividing the counties of Greenbrier and Randolph crosses said river: Provided, That all surveys heretofore made by the surveyor of either of the aforesaid counties of Greenbrier and Kanawha, of lands which by the line aforesaid, may lie in the county whereof he is now surveyor, shall be as good and valid, as if the same were made by the surveyor of the county wherein the said lands lie; and all entries for lands made in like manner shall be good and valid, and give right to the owner according to the priority of date: Provided also, That nothing in this act shall be so construed as to oblige the court of Greenbrier to levy a tax on their tithables to keep in repair that part of the state road that lies between the top of Gauley mountain and Gauley river, during the continuance of an act, entitled, "An act to continue an act, intitled, 'An act to empower the justices of Greenbrier and Kanawha, to levy a tax on the tithables within their respective counties sufficient to repair the state road leading down from Lewisburg, to the falls of the Great Kanawha."

2. This act shall commence and be in force from and after the passing thereof.

An Act adding a part of the county of Monroe to the county of Greenbrier.
(Virginia Acts, 1827, ch. 50, p. 41)

Greenbrier County

(Passed January 29th, 1827)

Whereas it is represented to the General Assembly, by sundry inhabitants of the county of Monroe, residing in that part of said county adjoining Muddy creek, on the south of which is Greenbrier river, that said river is often impassable in the spring season; that they are compelled to pay ferriages, in order to work on roads and attend their musters, unless they travel through a part of Greenbrier county, having no public road, to their courthouse; that, were they included within Greenbrier county, they would not have to travel more than from two to four miles, to attend both their working on roads, and their musters, therefore:

1. Be it enacted by the General Assembly, That all that part of the county of Monroe, lying and being within the following boundaries, to wit: Beginning at the mouth of Muddy creek; thence running down Greenbrier river, to the mouth of the falling branch; thence, a northwesterly course, leaving Thomas Griffit's on the north, and touching his land to the top of Kenny's knob, where the proposed line will intersect the present county line, shall be annexed to, and be henceforth a part of the county of Greenbrier.

An Act to change the lines between the counties of Greenbrier and Fayette
(Virginia Acts, 1831, ch. 71, p. 136)

(Passed April 4, 1831)

1. Be it enacted by the general assembly, That so much of the act entitled "an act forming a new county out of parts of the counties of Logan, Greenbrier, Nicholas and Kanawha," passed February 28th, 1831, as relates to the boundary line between the counties of Greenbrier and Fayette, shall be and the same is hereby repealed, and in future the said line shall be and run as follows: Beginning at the end of the Hump mountain, near Robert Bennet's on New river, thence running (so as to leave said Bennet in Greenbrier county,) with said mountain, and between the waters flowing into Lick creek on one side, and Little Meadow river on the other, to the head of Raccoon creek, thence along between the Wallow Hole ridge and Inghram's Knob to the head of Morris's fork, thence a direct line to the old Kanawha road, so as to include within the county of Fayette, George Alderson's old place, known by the name of Meadow Dale, thence to the Little Tumphole Knob, and with the mountain known by the name of Little Seawell, to the lands of John P. Thomasson, so as to strike the turnpike road two hundred yards east of the said Thomasson's dwelling-house, thence a straight line to Meadow river at the mouth of Mill creek, thence with the lines

described in the act aforesaid, passed February the twenty-eighth, eighteen hundred and thirty-one.

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

An Act adding a part of the county of Fayette to the county of Greenbrier
(Virginia Acts, 1833, ch. 75, pp. 47, 48)

(Passed February 23d, 1833)

1. Be it enacted by the general assembly, That so much of the county of Fayette, as lays next to and adjoining the county of Greenbrier, and is contained within the following boundary lines, to wit: beginning at the Greenbrier line near to Meadow dale; from thence a straight line to the top of the Wolf-pen ridge, (so as to include John Sheaves in the county of Greenbrier,) from thence a straight line to the Meadow river, (so as to include James Rodgers in the county of Greenbrier,) shall be annexed to, and be henceforth a part of the county of Greenbrier.

2-3...

4. This act shall be in force from the passing thereof.

HAMPSHIRE COUNTY

Created from Frederick (p. 48); Nov. 1753; part of Augusta (p. 13) added to, Oct. 1777 (for act see p. 56); Hardy (p. 70) formed from, Oct. 1785; part of Hardy (p. 70) added to, Dec. 4, 1787 (for act see p. 65); part of Morgan (p. 137) formed from, Feb. 9, 1820; boundary to be marked between Hardy (p. 70) and, Feb. 28, 1824 (for act see p. 216); Mineral (p. 119) formed from, Feb. 1, 1866; boundary changes between Mineral (p. 119) and, Feb. 29, 1868, and Feb. 8, 1872 (for acts see pp. 121, 122).

Act Creating Hampshire County
(6 Hening, ch. 14, pp. 376-379)

(Passed November, 1753)

An ACT for adding part of the county and parish of Augusta, to the county and parish of Frederick, and for dividing the county and parish of Frederick, and the part of Augusta to be added thereto, into two counties and parishes.

Hampshire County

I. WHEREAS part of the county and parish of Augusta, lies within the bounds of the territory or tract of land, called the Northern Neck belonging to the right Honourable Thomas Lord Fairfax, Baron of Cameron; and it will be more convenient if the dividing line between the said territory, and the other part of this colony, be established as the line of the said county, and that part of the said county be added to the county and parish of Frederick. And whereas the said county and parish of Frederick, are of a very long and large extent, and inconvenient to the inhabitants thereof.

II. Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That on the first day of May, next ensuing, all that part of the county of Augusta, which lies within the bounds of the Northern Neck, be added to, and made part of the county of Frederick; and that from and immediately after the said first day of May, the said county of Frederick, and the said part of the county of Augusta so to be added to, and made part of the county of Frederick as aforesaid, be divided into two counties; and that all that part thereof, lying to the westward of the ridge of mountains, commonly called and known by the names of the Great North, or Cape Capon Mountain, and Warm Spring mountain, extending to Potomack river, be one distinct county, and called and known by the name of Hampshire; and all that other part thereof, lying to the eastward of the said ridge of mountains, be one other distinct county, and retain the name of Frederick.

III. And for the due administration of justice in the said county of Hampshire, after the same shall take place, Be it enacted by the authority aforesaid, That after the said first day of May, a court for the said county of Hampshire, be constantly held by the justices thereof, upon the second Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

IV. And be it further enacted, by the authority aforesaid, That all that part of the parish of Augusta, in the county of Augusta, which after the division aforesaid, will lie within the said counties of Frederick and Hampshire, shall be added to, and made part of the parish of Frederick.

V. Provided always, That nothing herein contained shall be construed to hinder the sheriffs or collectors of the said counties of Augusta and Frederick, or the collectors of the parish of Augusta, in the county of Augusta, as the same now stands intire and undivided from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of that part of the county of Augusta to be added to the county of Frederick as aforesaid, and the inhabitants of the said county of Hampshire, respectively, at the time the same shall

take place; but such sheriff or collectors respectively, shall have the same power to collect and distrain for the said fees and dues, as if this act had never been made.

VI. Provided also, That the courts of the said counties of Augusta and Frederick, shall have jurisdiction of all actions and suits, both in law and equity, depending before them, respectively, at the time the said division shall take place, and shall try and determine such actions and suits, and issue process, and award execution against the body or estate of the defendant or defendants in any such action or suit, in the same manner as if this act had not been made, any law, usage, or custom to the contrary, in any wise notwithstanding.

VII. And be it further enacted, That from and after the first day of May, which shall be in the year of our Lord, one thousand seven hundred and fifty six, the said parish of Frederick, shall be divided into two distinct parishes, by the line dividing the said county of Frederick, from the said county of Hampshire, and that all that part of the said parish of Frederick, which, after such division, will lie within the said county of Frederick, shall retain the name of the parish of Frederick; and all the other part thereof, shall be called and known by the name of the parish of Hampshire.

VIII. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said parish of Frederick, as the same now stands undivided, to make distress for any levies or other dues which shall be due from the inhabitants of the said parish of Hampshire, after the first day of May, one thousand seven hundred and fifty six.

IX. And be it further enacted, by the authority aforesaid That the freeholders and house keepers of the said parish of Hampshire shall meet at some convenient time and place, to be appointed and publickly advertised, at least one month before, by the sheriff of the said county of Hampshire, before the first day of July, one thousand seven hundred and fifty six, and then and there elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof, which said persons so elected, having in the court of the said county of Hampshire, taken and subscribed the oaths appointed to be taken, by one act of parliament, made in the first year of the reign of his late majesty King George the first, intitutled, An act for the future security of his majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and and subscribed the test, and also subscribed to be conformable to the docrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be vestrymen of the said parish.

Hancock County

X. And be it further enacted, by the authority aforesaid, That upon the death, removal, or resignation of any of the said vestrymen, the remaining vestrymen shall be, and they are hereby impowered to choose and elect another vestryman, in the room of such vestryman so dying, removing or resigning.

An Act for adding a part of the county of Hardy, to the county of Hampshire
(12 Hening, ch. 56, p. 597)

(Passed December 4, 1787)

1. BE it enacted by the General Assembly, That all that part of the county of Hardy lying north of a line to be run from the mouth of Stoney river, to the High Knob, shall be, and the same is hereby added to, and made part of the county of Hampshire.

HANCOCK COUNTY

Created from Brooke (p. 30), Jan. 15, 1848.

Act Creating Hancock County
(Virginia Acts, 1848, ch. 58, pp. 30-34)

(Passed January 15, 1848)

1. Be it enacted by the general assembly, That all that part of the northern or upper end of the county of Brooke, contained within the following boundary lines, to wit: Beginning on the Ohio river, at the ledge of rocks commonly called and known as "William's rocks;" thence by a straight line to the tollgate on the Holliday's Cove turnpike road; thence a due east course to the Pennsylvania state line; thence (from the point of intersection or meeting with said state line,) with and along said Pennsylvania state line, north, to the Ohio river; thence with and along the said Ohio river as it meanders, to the place of beginning, shall form one distinct and new county, and be called and known by the name of Hancock county.

2. The governor shall commission as justices of the peace for the said new county all the justices of the peace now in commission in the county of Brooke, whose dwelling houses shall be included within the boundary of the said new county of Hancock, after the commencement of this act; and they shall be commissioned, in point of seniority, according to the dates of their present commissions, respectively; all of whom shall (before entering upon or exercising any of the duties of said office) take the several oaths, and within the time now required by law

of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace remaining in commission in the county of Brooke; and the justice or justices who may administer such oaths, shall grant a certificate of the fact from under this or their hand and seal of office, and which certificate shall be by the justices so qualified, delivered to the clerk of the county court of Hancock county, who shall record the same in his office, and preserve the original therein: Provided, That nothing herein contained shall be so construed as to prevent any justice of the peace now in commission for the county of Brooke, and residing within the boundary of the new county of Hancock, from exercising the duties of his office as and for the said county of Brooke, until the organization of the said county of Hancock, on the second Monday in April next, as hereinafter prescribed.

3. A county court for the county of Hancock, shall be holden by the justices thereof on the second Monday in each and every month, after the same shall have been organized in the manner prescribed by law for other counties of this commonwealth, and as shall be by law and their commissions directed.

4. The permanent place for holding the several courts for the county of Hancock, now required by law to be holden for the several counties of this commonwealth, shall be at the town of New Manchester, unless otherwise determined by the vote of the majority of the lawful voters of the county, taken and ascertained in the following manner: It shall be the duty of the sheriff, other officers and commissioners conducting elections in the county of Hancock, at the several places of holding elections in said new county for a delegate to the general assembly, at the time of taking the poll for the next annual election of such delegate, to open a separate poll for the purpose of ascertaining the sense of the people of said county of Hancock, whether a majority of them prefer the town of New Manchester or the town of New Cumberland, as the permanent site for the seat of justice for the said new county. The said polls shall contain two columns, one headed "For New Manchester as the site for the courthouse;" and the other headed "For New Cumberland as the site for the courthouse;" and the names of the voters shall be written in that column headed with the name of the place voted for. The sheriff, other officers and commissioners conducting said elections, shall poll the vote of every person claiming the right to vote, who is qualified according to the constitution and laws of this commonwealth to vote for a delegate to the general assembly; and also the vote of every white male citizen of said county of the age of twenty-one years and upwards, who had resided within the boundary of said new county, as hereby established, one entire and continuous year next before the said election, and who has assessed with a part (his due portion) of the county levy for said preceding year, (or at the last assessment of the county levy,) and has actually

paid the same: Provided, That any such voter does not labour under any legal or constitutional disability. The sheriff, other officers and commissioners conducting said poll at the time and places aforesaid, shall proceed with, certify and return the same to the clerk of the county court of said new county of Hancock, in the same manner in all respects as they are required by law to proceed with, certify and return the poll taken by them for a delegate to the general assembly, and shall be liable to the like penalties for similar failures as therein provided against. If it shall appear to the said sheriff, other officers and commissioners, after examining the polls required to be taken and returned as aforesaid, and striking therefrom the names of all such persons as, in the opinion of a majority of them, are not entitled to vote according to the provisions of this act, that a majority of the votes taken, are in favor of either of said places that places so voted for, that fact shall be certified by them to the county court of said new county of Hancock; whereupon such place, so having a majority of votes, shall be the permanent place for holding the courts for the new county of Hancock, now required by law to be holden for the several counties of this commonwealth, and conducting business incident thereto. And if, at the close of the examination of the polls so taken, it shall appear that an equal number of votes have been given in favour of each of said places voted for, then the high sheriff of said county of Hancock, as in elections for a delegate under similar circumstances, shall elect and decide between the two said places. And thereupon the county court of Hancock county shall provide a lot or lots of land at such place so designated, not exceeding two acres, (unless land be furnished by donation, in which case the justices of said county may take and hold the same, provided such donation shall not exceed five acres, and a full and satisfactory title, as herein required, can and shall be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires, under existing laws, for holding courts and conducting business incident thereto, in the manner now required by law, where land shall not be already provided and appropriated for that purpose. And said court shall cause said buildings and fixtures to be constructed at the charge of the county of Hancock by levy, in the manner now prescribed by law. The title to any such land, purchased as aforesaid for valuable consideration, or furnished in free gift, (as the case may be,) shall be made in fee simple to any four or more justices of the peace for the said county of Hancock, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace, commissioned and qualified as aforesaid for the county of Hancock, shall meet at the house now the residence of Samuel C. Allison, situate in New Manchester, on the second Monday in April next. The whole number of said justices commissioned and qualified as aforesaid, having been summoned by the acting sheriff, or his deputy or

deputies, of the now county of Brooke, to attend on that day; and it is hereby made the duty of said sheriff of the now county of Brooke aforesaid, to summon said justices to attend as aforesaid, at least ten days before the time of meeting fixed as aforesaid, under the penalty of forfeiting and paying not less than fifty dollars, for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies for similar omissions of duty. And two thirds of the said justices being present, (otherwise those who do attend may adjourn from day to day, and from time to time until two thirds be present,) shall proceed to appoint a clerk for the county court, an attorney for the commonwealth to prosecute and defend her interests in said court, (or may adjourn said latter appointment to subsequent term, not later than the third term after said first meeting, if not fully informed so as to make a judicious appointment of such attorney at said first meeting,) a commissioner of the revenue, and a surveyor for the said county of Hancock; and also at the same time, the necessary number of school commissioners for said new county, or at some early day thereafter, if at that time the said justices shall not be fully or sufficiently informed, so as to make advisedly a judicious and proper appointments to such school commissioners. The said justices shall also at the same time nominate to the governor suitable persons to be commissioned as sheriff and coroner for said new county; and fix upon such place and some suitable house in said county, as may seem most convenient for holding the courts thereof, until the necessary public buildings shall be constructed at such place as shall be determined upon by the majority of the lawful voters of the said new county in manner aforesaid. And said justices shall cause all the said appointments, orders and proceedings, made and had aforesaid, and particularly as mentioned and required by the provisions of this section, to be entered of record in their said county court.

6. It shall be lawful for the sheriff or other collector lawfully appointed, of the county of Brooke, to collect by distress or other lawful mode, any public dues or officers' fees which may remain unpaid by such of the inhabitants of the county of Brooke as will be included within the boundary of the said county of Hancock, at the time when this act shall commence and be in force; and such sheriff or other collector, shall be accountable for the same in like manner, and under the same fines forfeitures and penalties, as if this act had never passed.

7. The courts of the county of Brooke shall have and retain jurisdiction of all actions and suits depending before them on the second Monday in April next, and shall try and determine the same, and award execution thereon, when necessary, except in cases in which both parties reside within the new county; which last mentioned cases (together with the papers appertaining thereto) shall after that day be removed to the courts of the county of Hancock, and there tried and determined as other cases.

Hancock County

8. The said county of Hancock shall be in and attached to the same judicial circuit with the county of Brooke, and the circuit superior courts of law and chancery thereof shall be holden on the twenty-fifth day of May and on the twenty-fifth day of October in every year; and shall be in the same militia brigade district with the county of Brooke; and shall be in the same congressional district, the same senatorial district, and the same electoral district (for choosing electors for president and vice-president of the United States,) with the county of Brooke.

9. The courts of quarterly sessions for the said county of Hancock shall be holden in the months of January, April, June and October, in every year.

10. The boundary lines of the said new county, as described and established by this act, shall be run and marked in the manner prescribed by the act, entitled "an act for making more effectual provision for running and marking the boundaries of new counties," passed on the eleventh day of February in the year eighteen hundred and forty-five.

11. The said new county of Hancock and the county of Brooke shall constitute one electoral district, and together send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place, or until otherwise ordered by the said general assembly. And all separate elections heretofore authorized to be holden in and for the county of Brooke, and falling within the boundary of the new county of Hancock, shall be conducted for the said new county in the same manner as heretofore for the county of Brooke, until it shall be ascertained whether either or any such are unnecessary for the said new county; and upon the fact of any being unnecessary being represented to the general assembly, upon notice given in the manner required for establishing a separate election, may be discontinued. It shall be the duty of the county court of Hancock county, at its first term, or as soon thereafter as convenient or necessary, according to law, to appoint as many persons as may be requisite to perform the duties of sheriff, at the several places of holding separate elections in said county of Hancock, and who shall attend at the courthouse of Brooke county to compare the polls, and to perform such other duties as are required by law of sheriffs and their deputies in that behalf, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies for failing or refusing to hold separate elections, or other omissions of duty in that behalf; and the said court shall also appoint as many superintendents of elections as are required by law, for the polls to be taken at the courthouse and other places of voting in the said new county of Hancock. The persons hereby required to be appointed to attend and compare the polls, shall take with them fair copies of all the original polls taken in said new county of Hancock.

Hardy County

12. And be it further enacted, That the treasurer of the school commissioners of the county of Brooke shall be and he is hereby authorized and required to pay to the treasurer of the school commissioners of the new county of Hancock, upon the order of the school commissioners of said new county, out of the fixed and surplus quotas of the school fund of the said county of Brooke, for the present fiscal year, (Ending in eighteenth hundred and forty-eight,) such sum as shall seem to them to be in due proportion to the population of the said new county of Hancock, taken from that of the said county of Brooke, including any balance remaining unexpended, as also of the due proportion as aforesaid accruing from such quotas to which Brooke county is or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quota of the county of Brooke for the next fiscal year, and subsequent years, between the said county of Brooke and the new county of Hancock, agreeably to their respective number of white titheables which may be returned therein by the commissioners of the revenue for the present year, eighteen hundred and forty-eight.

13. This act shall commence and be in force from and after the passing thereof.

HARDY COUNTY

Created from Hampshire (p. 62), Oct. 1785; part added to Hampshire (p. 62), Dec. 4, 1787, (for act see p. 65); part of Pendleton (p. 142) formed from, Dec., 1787; boundary to be marked between Hampshire (p. 62) and, Feb. 28, 1824 (for act see p. 216); Grant (p. 54) formed from, Feb. 14, 1866.

Act Creating Hardy County
(12 Hening, ch. 35, pp. 86-88)

(Passed October 1785--10th of Commonwealth)

An act for dividing the county of Hampshire.

Be it enacted by the General Assembly, That from and after th first day of February next, the county of Hampshire shall b divided into two distinct counties, by a line beginning at th north branch of Potowmack, opposite to the mouth of Savage river, and running thence in a direct course so as to strik the upper end of the plantation known by the name of Myres mill, on New creek; thence in a direct course to John Lewis's mill, on Patterson's creek; thence in a direct course to th

highest part of the mountain known by the name of the High Nob; thence in a direct course to the gap of the Short Arse mountain, where the North river runs through the same; thence along the road leading by the upper end of Henry Fry's plantation, on cap Capon, and along the said road to the top of the North mountain to the dividing line between the counties of Shenandoah and Hampshire; and that all that part of the said county lying south of the said line shall be called and known by the name of Hardy; and the residue of the said county shall retain the name of Hampshire. A court for the said county of Hardy, shall be held by the justices thereof on the Friday after the second Tuesday in every month, after such division shall take place, in such manner as is provided by law for other counties, and shall be by their respective commissions directed. The justices to be named in the commission of the peace for the said county of Hardy, shall meet at the house of William Bullitt, in the said county, upon the first court-day after the said division shall take place; and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff, according to law, shall proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county at or as near the centre thereof as the situation and convenience will admit; and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper. Provided always, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court-day when a majority shall be present. The governor, with the advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other sheriffs, Provided also, That it shall be lawful for the sheriff of the said county of Hampshire, to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall be accountable for the saime (sic) in like manner as if this act had not been made. And that the court of the said county of Hampshire, shall have jurisdiction of all actions and suits, in law or equity, depending before them at the time of the said division, and shall try and determine the same, and award execution thereupon. That in all elections of a senator, the said county of Hardy shall be of the same district with the said county of Hampshire.

HARRISON COUNTY

Created from Monongalia (p. 125), May 1784; Randolph (p. 157) formed from, Oct. 1786; Wood (p. 210) formed from, Dec. 21, 1798; part of Monongalia (p. 125) added to, Jan. 1, 1800 (for act see p. 73); part of Randolph (p. 157) added to, Jan. 2, 1802 (for act see p. 132); part of Ohio (p. 142) added to, Dec. 22, 1804 (for act see p. 74); Lewis (p. 90) formed from, Dec. 18, 1816; line altered between Tyler (p. 186) and, Jan. 14, 1817 (for act see p. 187); part of Marion (p. 104) formed from, Jan. 14, 1842; part of Ritchie (p. 165) formed from, Feb. 18, 1843; part of Barbour (p. 15) formed from, Mar. 3, 1843; boundary line between Marion (p. 104) and Harrison defined, Mar. 24, 1843 (for act see p. 106); part of Taylor (p. 177) formed from, Jan. 19, 1844; part of Doddridge (p. 40) formed from, Feb. 4, 1845; division line changed between Taylor (p. 177) and, Oct. 9, 1863 (for act see p. 74); division line changed between Barbour (p. 15) and, Feb. 16, 1871 (for act see p. 18).

Act Creating Harrison County
(11 Hening, ch. 6, pp. 366-368)

(Passed May 1784--8th of Commonwealth)

An act for dividing the county of Monongalia.

I. Be it enacted by the General Assembly, That from and after the twentieth day of July next, the county of Monongalia shall be divided into two distinct counties, by a line to begin on the Maryland line, at the fork ford on the land of John Goff, thence a direct course to the head waters of Big Sandy creek, thence down the said creek to Tyger's valley fork of Monongalia river, thence down the same to the mouth of the west fork river, thence up the same to the mouth of Biggerman's creek, thence up the said creek to the line of Ohio county; and that part of the said county lying south of the said line, shall be called and known by the name of Harrison, and all the residue of the said county shall retain the name of Monongalia; that a court for the said county of Harrison, shall be held by the justices thereof on the third Tuesday in every month, after such division shall take place, in such manner as is provided by law for other counties, and shall be by their commissions directed; that the justices to be named in the commission of the peace for the said county of Harrison, shall meet at the house of George Jackson, at Bush's Old Fort, on Buchanan river, in the said county, upon the first court-day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of, the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the

centre thereof, as the situation and convenience will admit of; and thenceforth the said court, shall proceed to erect the necessary public buildings at such place; and until such buildings be compleated, to appoint any place for holding courts as they shall think proper. Provided always, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such cases the appointment shall be postponed until some court day, when a majority shall be present; and the governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions as is by law appointed for other sheriffs.

II. Provided always, and be it further enacted, That it shall be lawful for the sheriff of the said county of Monongalia, to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof, at the time such division shall take place, and shall be accountable for the same in like manner, as if this act had not been made; and that the court of the said county of Monongalia, shall have jurisdiction of all actions and suits in law or equity, which shall be depending before them at the time of the said division, and shall try and determine the same, and issue process and award execution thereon.

III. And be it further enacted, That the court of the said county of Monongalia, shall account for and pay to the court of the said county of Harrison, all such sums of money as shall or may be paid by the inhabitants of the said county of Harrison, towards defraying the expence of erecting a courthouse and other public buildings in the said county of Monongalia. That in all elections of a senator, the said county of Harrison shall be of the same district with the said county of Monongalia.

An act for adding part of the county of Monongalia to the county of Harrison

(Henings Statutes At Large, New Series, vol. 2, p. 203)

(Passed January 1, 1800)

1. Be it enacted by the general assembly, That all that part of the county of Monongalia, within the following bounds, to wit: Beginning at the south of the west fork of Monongalia river, thence running a north-west course, until it strikes Buffaloe creek, thence up the said creek to the main fork thereof, thence with the ridge that divides the waters of the said fork to the line of Ohio county, and with that line to the line of Harrison county, shall be, and the same is hereby added to, and made a part of the said county of Harrison: Provided always,

Harrison County

That nothing herein contained shall be construed to prevent the sheriff or collector of the said county of Monongalia, from collecting and making distress for any public dues or officers' fees remaining unpaid by the inhabitants of the said county of Monongalia, hereby added to the county of Harrison, but he shall collect and account for the same in like manner, as if this act had not been made.

2. This act shall commence and be in force from and after the passing thereof.

An Act for adding part of the county of Ohio to the county of Harrison
(Henings Statutes At Large, New Series, vol. 3, pp. 174, 175)

(Passed December 22, 1804)

1. Be it enacted by the general assembly, That all that part of the county of Ohio, within the following bounds, to wit: Beginning on the top of the main dividing ridge that divides Ohio and Harrison counties where the dividing ridge puts up that divides the waters of Middle Island and Fishing creek, and running along the top of the ridge between the waters of the Middle Island and Fishing creek, until it gets opposite the mouth of Arnold's creek, and then running a direct line to the mouth of said creek, thence up the channel of said creek to the mouth of the first large run on the west side thereof above where the state road crosses, thence up the said run to the top of the ridge, and to the most easterly corner of Wood county line, shall be, and the same is hereby added to and make a part of the county of Harrison.

An Act to alter part of the division line between the counties of Taylor and Harrison
(Acts of the Legislature of West Virginia, 1863, ch. 62, p. 60)

(Passed October 9, 1863)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Taylor and Harrison is hereby so altered as to include within and make part of the county of Taylor the farms of Solomon Frum, George Bailey, Silas P. Bailey, and Samuel Bartlett, now in the county of Harrison.

An Act to alter the division line between the counties of Harrison and Barbour
(Acts of the Legislature of West Virginia, 1871, ch. 47, p. 68)

Highland County (Virginia)

(Passed February 16, 1871)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Harrison and Barbour, is hereby altered and established so as to run as follows: Beginning at a point on the top of a ridge, on the line between said Harrison and Barbour counties, and on the land of A. W. Martin; thence along the top of said ridge, following the meanders thereof, in a southeast course to a point where the lines between said Harrison and Barbour and Upshur counties intersect.

HIGHLAND COUNTY (VIRGINIA)

Formed from Pendleton (p. 142) and Bath (p. 19), Mar. 19, 1847.

Act Creating Highland County
(Virginia Acts, 1847, ch. 56, p. 52)

(Passed March 19, 1847)

1. Be it enacted by the general assembly, That so much of the counties of Pendleton and Bath as is included within the following boundary lines, to wit: Beginning where the North river gap road crosses the Augusta county line, and running thence to the top of Jackson's mountain so as to leave Jacob Hiner's mansion house in Pendleton county; thence to Andrew Fleisher's, so as to include his mansion house in the new county; thence to the highlands between the Dry run and Crab bottom, and thence along the top of the main ridge of said highlands, to the top of the High knob; thence north sixty-five degrees west to Pocahontas county line; thence along said county line to the Plum orchard on the top of the Alleghany mountains; thence to Adam Stephenson's mansion house on Jackson's river in Bath county, so as to include Thomas Campbell's mansion house on Back creek, and also said Adam Stephenson's in the new county; thence to Andrew H. Byrd's mansion house on the Cowpasture river, so as to include the same in the new county, and so as to leave the dwelling-house of William M'Clintick, jr., in Bath county; thence south sixty-five degrees east to the Augusta county line, and thence with said line to the beginning, shall form one distinct and new county, which shall be known and called by the name of Highland county.

2. The governor shall commission as justices of the peace for the said new county, all of the justices of the peace now in commission in the counties of Pendleton and Bath respectively,

whose dwellinghouses shall be included within the limits of the said new county of Highland after the commencement of this act, and they shall be commissioned in point of seniority, according to the dates of their present respective commissions, all of whom shall (before entering upon the discharge of the duties of said office) take before some justice of the peace of any other county in the commonwealth than the said new one, the several oaths required to be taken by justices of the peace, and within the time prescribed by law in other cases of justices of the peace who may have been commissioned. And the justice or justices who may administer such oaths shall give a certificate or certificates thereof, to the party or parties who may take said oaths, which certificate or certificates shall be signed and sealed by the justice or justices who may administer the same, and shall be by the justice or justices taking the same, delivered to the clerk of the county court of Highland county, there to be preserved and recorded: Provided, That nothing herein contained shall be so construed as to prevent any justice of the peace now in commission for either of the counties of Pendleton or Bath, and residing within the bounds of the said new county, from exercising the duties of his office for and as to said counties of Pendleton and Bath respectively, until the organization of the said county of Highland, on the Thursday after the third Monday in May next, as hereinafter prescribed.

3. A court for said Highland county shall be held by the justices thereof on the Thursday after the third Monday in every month, upon the principles prescribed by law for holding courts in other counties.

4. The permanent place for holding all courts for Highland county, shall be at Bell's place, on the Staunton and Parkersburg road. And the county court of Highland county shall procure a lot of not less than three acres of land at said place, to be conveyed to them and their successors in office in fee, for the use of said county forever, and shall erect thereon a courthouse and such other necessary public buildings, as the convenience of the county may require, at the charge of said county, to be paid in the mode prescribed by law.

5. The justices of the peace commissioned and qualified as aforesaid for said Highland county, shall meet at the house in which John Cook now resides, on said Bell's place, on the Thursday after the third Monday in May next. The whole number of said justices commissioned and qualified as aforesaid having been previously summoned by the sheriff of Pendleton county to attend on that day, and it is hereby made the duty of the said sheriff so to summon them to attend, at least ten days before that time, under penalty of being fined a sum not less than fifty dollars, nor more than one hundred dollars, for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies. And two thirds of the said jus-

tices being present, (otherwise those who do attend, may adjourn from day to day or from time to time until two thirds shall be present,) shall proceed to appoint a clerk of the county court, a commissioner of the revenue, and a surveyor for said county; and also at the same time, or at some early day thereafter, the necessary number of school commissioners for said county. They shall also at the same time nominate to the governor suitable persons to be commissioned as sheriff and coroner for said county, and shall fix upon such place and house in said county as may seem to them most convenient for holding courts for said county, until the courthouse shall have been erected. The said justices shall cause all of the said appointments, orders and proceedings as aforesaid, to be entered of record.

6. It shall be lawful for the sheriff or other collector of the counties of Pendleton and Bath, to collect by distress or other lawful mode, any public dues and officers' fees which may remain unpaid by such of the inhabitants of either of the said counties as may be included within the bounds of the said county of Highland, and such sheriff or other collector shall be accountable for the same in like manner, and under the same fines, forfeitures and penalties, as if this act had never passed.

7. The courts for Pendleton and Bath counties shall each have and retain jurisdiction of all actions and suits depending before them on the Thursday after the third Monday in May next, and shall try and determine the same, and award execution thereon when necessary, except in cases in which both parties reside in the new county; which last mentioned cases (together with the papers thereto belonging,) shall, after that day, be removed to the courts for the county of Highland, and there tried and determined as other cases.

8. Highland county shall be in and attached to the same judicial circuit with Bath county, and the circuit superior court of law and chancery shall be held on the eighth day of May and the ninth day of October in every year; and Highland county shall be in the same militia brigade district with Pendleton, and shall be in the same congressional district, the same senatorial district and the same electoral district (for choosing electors for president and vice-president of the United States) with Bath county.

9. The courts of quarterly sessions for said Highland county shall be held in the months of March, May, August and October in every year.

10. The boundary lines of said county shall be run and marked in the manner prescribed by the act passed on the eleventh day of February in the year one thousand eight hundred and forty-five, entitled "an act for making more effectual provision for running and marking the boundaries of new counties."

Highland County (Virginia)

11. The treasurer of the school commissioners of each of the counties of Pendleton and Bath, shall be and he is hereby authorized and required to pay to the treasurer of the school commissioners of Highland county, upon the order of the school commissioners of said county, out of the fixed and surplus quotas of the school fund of the said counties of Pendleton and Bath respectively, for the present fiscal year, such sum as seems to them to be in due proportion to the population of the said Highland county taken from Pendleton and Bath counties respectively, including also any balance remaining unexpended on the first day of June next, as also of the due proportion as aforesaid, accruing from such quotas to which Pendleton and Bath counties, or either of them, may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the counties of Pendleton and Bath for the next fiscal year and all future years between Pendleton, Bath and Highland counties, agreeably to their respective numbers of white tithables which may be returned therein by the commissioners of the revenue for the year one thousand eight hundred and forty-seven.

12. So much of the county of Highland as now forms part of Pendleton county, and the county of Pendleton, shall together send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place; and so much of Highland county as now forms a part of Bath county, and Bath county, shall together send one delegate to the house of delegates of Virginia until a reapportionment of representation shall take place. It shall be the duty of the county court of Highland county, at the first term, or as soon as convenient, to appoint as many persons as may be deemed necessary to perform the duties of sheriff at the several places of holding separate elections in said Highland county, and who shall attend at the courthouses of Pendleton and Bath, to compare the polls and perform other duties required by law of sheriffs in similar cases, and who shall be subject to the same penalties for failure or refusal to do the same; and they shall also appoint superintendents of election required for the polls to be taken at the courthouse and other places of voting in said county. The persons hereby required to be appointed to attend and compare the polls, shall take with them fair copies of all the original polls taken in Highland county.

13. This act shall be in force from and after the first day of May next.

JACKSON COUNTY

Created from Mason (p. 110), Kanawha (p. 83), and Wood (p. 210), Mar. 1, 1831; part of Wirt (p. 205) formed from, Jan. 19, 1848; part of Wirt (p. 205) added to, Feb. 16, 1853 (for act see p. 81); part of Roane (p. 169) formed from, Mar. 11, 1856; boundary change between Mason (p. 110) and, Feb. 13, 1867 (for act see p. 112); part added to Kanawha (p. 83), Apr. 26, 1927 (for act see p. 88).

Act Creating Jackson County
(Virginia Acts, 1831, ch. 73, pp. 138-140)

(Passed March 1, 1831)

1. Be it enacted by the general assembly, That all that part of the counties of Mason, Kanawha and Wood, contained within the following boundaries, to wit: Beginning at the mouth of Pond creek, on the Ohio river; thence, a direct line to the west corner of Lewis county, where the lines of Lewis, Wood and Kanawha counties meet; thence, with the line dividing Lewis and Kanawha counties, to a point where the West fork of the Little Kanawha river crosses said line; thence, a direct line to the mouth of the Middle fork or Countze's creek, a branch of Pocatalico river; thence, a direct line to the mouth of the first branch emptying into the Ohio river above the Letart falls; thence, up the Ohio river following its meanders to the place of beginning, shall form one distinct and new county, and be called and known by the name of Jackson county.

2. The governor, with the advice of the council of state, shall commission ten persons as justices of the peace in and for the said county of Jackson, who shall, before entering upon and executing the said office, take the several oaths now required by law of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace now in commission for either of the counties of Mason, Kanawha or Wood.

3. A court for the said county of Jackson, shall be held by the justices thereof, on the fourth Monday in every month, after the same shall have been organized, in like manner as is provided by law for other counties, and shall be by their commissions directed.

4. And in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county of Jackson, John M'Whorter of the county of Lewis, and John Miller, of the county of Kanawha, and William Spurlock of the county of Cabell, and Cyrus Cary of the county of Greenbrier, John M'Coy of the county of Tyler, gentlemen, shall be, and they are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid, whose duty

it shall be, after having performed the services hereby required, to make report thereof in writing, to the court of the said county of Jackson; whereupon, they, the said court, shall proceed to erect the necessary public buildings at the place so fixed upon by the said commissioners, or a majority of them; which, when completed, shall be the permanent place for holding courts for the said county of Jackson.

5. The justices of the peace commissioned and qualified as aforesaid, for the said county of Jackson, shall meet at the residence of John Warth, in said county, on the fourth Monday in May next, and a majority of them being present, shall proceed to the appointment of a clerk of the said court; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix a place for holding the courts of said county, until the necessary buildings shall be constructed at the place designed by the said commissioners.

6. It shall be lawful for the sheriffs of the counties of Mason, Kanawha and Wood, to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants of the county of Jackson, at the time this act shall go into effect, and shall be accountable for the same in like manner as if this act had never been made.

7. The courts of the counties of Mason, Kanawha and Wood, shall have jurisdiction of all actions and suits depending before the on the first day of May next, and shall try and determine the same, and award execution thereon.

8. The said county of Jackson shall be in and attached to the same judicial circuit with the county of Mason; and the circuit courts thereof shall be holden on the third Thursday in April, and on the third Thursday in September, in every year, and be of the same brigade district with the county of Mason. In future, the elections of a senator and elector, and a representative in congress in the said county of Jackson, shall be of the same district as the county of Mason.

9. Until a separate and independent representation shall be provided by law for the said county of Jackson, the said county of Jackson and the county of Mason, shall together send one delegate to the general assembly, and be attached to the senatorial district composed of the counties of Kanawha, Cabell, Logan, Nicholas and Mason, and to the congressional district of which the county of Mason now forms a part.

10. The courts of quarterly sessions for the said county of Jackson, shall be holden in the months of March, June, August and November, in every year; and the said county of Jackson shall belong to the same chancery district, for which a court is by law directed to be holden at Clarksburg.

Jefferson County

11. And be it further enacted, That it shall be lawful for the county courts of Mason, Kanawha, Wood and Jackson, and they are hereby required to appoint commissioners to run and mark the lines between the said counties, as designated by this act; which, then run and marked, shall be taken and considered as the dividing lines between the said counties. The commissioners are hereby required to make report of their proceedings to the county courts of said counties respectively; which reports shall be recorded in the clerk's office of each of said counties, and in all controversies which may hereinafter arise touching said lines, shall be conclusive evidence. The county courts of Mason, Kanawha, Wood and Jackson, shall allow the said commissioners a reasonable compensation for their services, to be paid out of the levy of each county, in equal proportions.

12. This act shall commence and be in force from and after the passing thereof.

An Act to annex to the county of Jackson a part of the county of Wirt
(Virginia Acts, 1853, ch. 151, p. 130)

(Passed February 16, 1853)

1. Be it enacted by the general assembly, that so much of the county of Wirt as lies next to and adjoining the county of Jackson, and is contained within the following boundaries, VIZ: Beginning at the corner of Jackson, Wirt and Gilmer counties, and running with the line of Gilmer and Wirt to the Low gap at the head of Triplett's run; thence a straight line to M. D. W. Boggs', so as to include said Boggs; thence in a straight line to the lower end of D. P. Flesher's land; thence in a straight line to the top of the ridge, between the right and left hand forks of Reedy creek, so as to include Cain's run; thence with the said ridge to the Jackson county; thence with the said line to the place of beginning, shall be and the same is hereby annexed to and henceforth shall constitute a part of the county of Jackson.

2...

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

JEFFERSON COUNTY

Formed from Berkeley (p. 21), Jan. 8, 1801.

Act Creating Jefferson County
(Henings Statutes At Large, New Series, vol. 2, ch. 31, pp. 371, 372)

Jefferson County

(Passed January 8, 1801)

1. Be it enacted by the general assembly, That from and after the twenty-sixth day of October next, all that part of the county of Berkeley, lying eastwardly of a line beginning at Opeckon creek in the Frederick line, thence with the said creek to the bend immediatley below Wallingford's tavern, thence running a direct line to Wyncoop's spring on the public road leading from Martinsburg to Shepherdstown, and thence with the meanders of the spring run to its confluence with the Potowmac, shall form one distinct county, and be called and known by the name of Jefferson county.

2. A court for the said county of Jefferson, shall be held by the justices thereof, on the second Tuesday in every month, after the same shall take place in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. The justices to be named in the commission of the peace for the said county of Jefferson, shall meet at the house of Bazil Williamson, in Charlestown, in the said county, upon the first court day after the said county takes place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken the bond of the sheriff according to law, proceed to appoint and qualify a clerk, and to erect the necessary public buildings on the most convenient part of the public ground in Charlestown for holding courts, and until such buildings be completed, to appoint any place within the said town for holding courts, as they shall think proper: Provided always, That the appointment of a clerk shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending, by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day, when a majority shall be present.

4. It shall be lawful for the sheriff of the county of Berkeley to collect and make distress for any public dues, or officers' fees, which shall remain unpaid by the inhabitants of the said county of Jefferson, at the time it shall take place, and shall be accountable for the same, in like manner as if this act had not been made.

5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Jefferson, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

6. The court of the said county of Berkeley shall have jurisdiction of all actions and suits depending before them at the time the said county of Jefferson takes place, and shall try and determine the same, and award execution thereon.

7. The said county of Jefferson shall remain in the same district with the county of Berkeley, for which district courts are holden at Winchester, and be of the same brigade district, in like manner as if this act had never been made. In future elections of a senator, an elector, and of a representative in congress, the said county of Jefferson shall be of the same district as the said county of Berkeley.

8. This act shall commence and be in force from and after the passing thereof.

KANAWHA COUNTY

Created from Greenbrier (p. 55) and Montgomery (p. 134), Nov. 14, 1788; division line established between Greenbrier (p. 55) and, Dec. 5, 1795 (for act see p. 60); part added to Wood (p. 210), Dec. 30, 1800 (for act see p. 211); Mason (p. 110) formed from, Jan. 2, 1804; Cabell (p. 31) formed from, Jan. 2, 1809; commissioners appointed to run boundary between Cabell (p. 31) and, Feb. 16, 1816 (for act see p. 85); boundary established between Mason (p. 110) and, Jan. 27, 1817 (for act see p. 86); part of Nicholas (p. 139) formed from, 1818; change in boundary between Nicholas (p. 139) and, Jan. 23, 1823 (for act see p. 86); part of Logan (p. 101) formed from, Jan. 12, 1824; division line changed between Mason (p. 110) and, Jan. 27, 1824 (for act see p. 87); part added to Logan (p. 101), Jan. 26, 1830 (for act see p. 103); part of Fayette (p. 44) formed from, Feb. 28, 1831; part of Jackson (p. 79) formed from, Mar. 1, 1831; part of Braxton (p. 26) formed from, Jan. 15, 1836; boundary changed between Fayette (p. 44) and, Mar. 29, 1839 (for act see (p. 46); part of Gilmer (p. 52) formed from, Feb. 3, 1845; part of Boone (p. 23) formed from, Mar. 11, 1847; part of Putnam (p. 152) formed from, Mar. 11, 1848; boundary changed between Putnam (p. 152) and, Mar. 12, 1850 (for act see p. 157); boundary changed between Fayette (p. 44) and, Mar. 21, 1850 (for act see p. 46); part of Roane (p. 169) formed from, Mar. 11, 1856; part of Lincoln (p. 93) formed from, Feb. 23, 1867; act establishing Lincoln (p. 93) amended, Feb. 26, 1869 (for act see p. 100); part of Jackson (p. 79) added to, Apr. 26, 1927 (for act see p. 88).

Act Creating Kanawha County
(12 Hening, ch. 14, pp. 670-672)

Kanawha County

(Passed the 14th of November 1788)

I. Be it enacted by the General Assembly, That from and after the first day of October next, those parts of the counties of Greenbrier and Montgomery, within the following bounds, to wit; beginning at the mouth of Great Sandy in the said county of Montgomery; thence up the said river with the line of the said county to the mountain generally known by the name of Cumberland mountain; thence a north east course along the said mountain to the Great Kanawha, crossing the same at the end of Gawly mountain; thence along the said mountain to the line of Harrison county; thence with that line to the Ohio river; thence down the said river, including the islands thereof to the beginning; shall form one distinct county, and be called and known by the name of Kanawha.

II. A court for the said county of Kanawha, shall be held by the justices thereof on the first Monday in every month, after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

III. The justices to be named in the commission of the peace for the said county of Kanawha, shall meet at the house of William Clendinen in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of, the sheriff, according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit; and thence forth the said court shall proceed to erect the necessary public buildings at such place; and until such buildings be completed, to appoint any place for holding courts, as they shall think proper. Provided always, That the appointment of a place for holding courts and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day, when a majority shall be present.

IV. Provided also, and be it further enacted, That it shall be lawful for the sheriffs of each of the said counties of Greenbrier and Montgomery, to collect and make distress for any public dues and officers fees, remaining unpaid by the inhabitants thereof at the time the said county shall take place, and shall be accountable for the same in like manner, as if this act had not been made.

V. The governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall con-

tinue in office during the term, and upon the same conditions, as are by law appointed for other sheriffs.

VI. The courts of the said counties of Greenbrier and Montgomery shall have jurisdiction of all actions and suits, which shall be depending before them at the time the said county of Kanawha shall take place, and shall try and determine the same, and award execution thereon.

VII. In all future elections of a senator, the said county of Kanawha shall be of the same district as the said county of Greenbrier.

An Act appointing Commissioners to run and mark the dividing line between the counties of Kanawha and Cabell.
(Virginia Acts, 1816, ch. 108, p. 223)

(Passed February 6th, 1816)

1. Be it enacted by the General Assembly, That John Miller of the county of Kanawha, John Cantrill of the county of Mason, and Edward McGinnis of the county of Cabell, be, and they are hereby appointed commissioners, whose duty it shall be, on or before the first day of October next, to ascertain and mark the dividing line between the counties of Kanawha and Cabell, according to the true meaning and intention of the Act, entitled, "An Act for dividing the county of Kanawha, and for other purposes," passed January the second, one thousand eight hundred and nine, and make report thereof to the Court of their respective counties, to be entered of record; provided, however, that if, in the opinion of the aforesaid commissioners, the line, as run and marked between the said counties, by commissioners heretofore appointed for that purpose by the Courts of the counties of Kanawha and Cabell, is the most fit and proper line, and make report accordingly, then and in that case, the said line shall thenceforth be fixed and established.

2. And be it further enacted, That if the commissioners herein named shall meet with any difficulty in running and marking the said dividing line, and shall find the attendance of a surveyor necessary, they are hereby empowered and required to call on the surveyors of their respective counties, or either of them, whose duty it shall be forwith to attend, and perform such duty as shall be required of him, or them, to carry this Act into effect.

3...

4. This Act shall be in force from the passing thereof.

Kanawha County

An Act to establish the line between the counties of Kanawha and Mason
(Virginia Acts, 1817, ch. 89, p. 157)

(Passed January 27th, 1817)

WHEREAS it appears to the General Assembly, that so much of the division line between the counties of Kanawha and Mason, as lies on the northeast side of Kanawha river, cannot be satisfactorily established under the existing law, passed in the year one thousand eight hundred and four;

1. Be it therefore enacted, That the division line between so much of the aforesaid counties as lies northeast of the Kanawha river shall be as follows, viz: beginning at the top of the southwest end of the dividing ridge between the Pocatalico and Eighteen Mile creeks, opposite the mouth of Little Hurricane creek, and running from thence, a straight line, to intersect the Wood county line at or near the "Thirty-one Mile Tree."

2. This act shall commence and be in force from and after the passage thereof.

An Act establishing the line and corner between the counties of Cabell and Kanawha
(Virginia Acts, 1818, ch. 143, p. 185)

(Passed December 31st., 1817)

1. Be it enacted by the General Assembly, That the line and corner, dividing the counties of Cabell and Kanawha, as heretofore ascertained and marked by commissioners appointed by the several county courts of Cabell, Kanawha and Mason, shall be, and the same are hereby confirmed and established, anything in any law to the contrary notwithstanding.

2. This act shall be in force from the passing thereof.

An Act changing part of the line dividing Kanawha from Nicholas county
(Virginia Acts, 1824, ch. 74, p. 80)

(Passed January 23rd, 1823)

WHEREAS it is represented to the present General Assembly, by sundry inhabitants of Nicholas county, that the line dividing said county from Kanawha county, is so run, that it is inconvenient to many of the inhabitants thereof: and, that a change in the same can be of no inconvenience to any of the inhabitants of Kanawha, but an advantage to many of the people of Nicholas county: therefore,

Kanawha County

1. Be it enacted by the General Assembly, That the line dividing the county of Nicholas from the county of Kanawha, shall be, and the same is hereby changed, so as to run in future, in a straight line, from the Rock-camp fork of Bell creek, to the mouth of John's creek on Elk river; thence, crossing said river, in a straight line to the upper three forks of Sandy creek; thence, in a straight line to the head of Otter creek; thence, to the line dividing Nicholas from Lewis county.

2. Be it further enacted, That the county court of Nicholas county, shall be, and they are hereby authorised and required, whenever they shall deem it necessary, to direct the surveyor of said county to run and mark the line as established by this act; and the court of said county shall allow the said surveyor, a reasonable compensation for his services, whenever the said line shall be run and marked as aforesaid, and shall provide for the payment of the same by a levy on the county.

3...

4. This act shall commence and be in force from and after the passing thereof.

An Act, to amend and explain an act, entitled "an act to establish the line between the counties of Mason and Kanawha" (Virginia Acts, 1824, ch. 75, p. 81)

(Passed January 7th, 1824)

1. Be it enacted by the General Assembly, That the county courts of Mason and Kanawha, shall be, and they are hereby authorised and required to appoint one commissioner each, to act on behalf of their respective counties, whose duty it shall be to employ a surveyor, and proceed from the Red house shoals, on Kanawha river, to survey and mark a line, to divide so much of the aforesaid counties as lies between the Great Kanawha river, and the Wood and Lewis county lines, pursuant to the provisions of an act, entitled, "an act to establish the line between the counties of Mason and Kanawha," passed the twenty-seventh day of January, eighteen hundred and seventeen, and of this act.

2. Be it further enacted, That the Kanawha river shall be the line from the mouth of the Little Kanawha creek, up to the head of the Red house shoals, and from thence a straight line to intersect the Wood county line at the south-east corner thereof.

3...

4. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

5. This act shall commence and be in force from and after the passage thereof.

Kanawha County

An Act to attach to Kanawha county a small area of Jackson county near the mouth of Allen Fork of the Left Fork of the Pocatalico river, and to change the boundary line between said counties in conformity therewith
(Acts of the Legislature of West Virginia, 1927, ch. 156, pp. 336-338)

(Passed April 26, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.)

Kanawha-Jackson county line changed.

Be it enacted by the Legislature of West Virginia:
That the following bounded and described area of land now a part of the county of Jackson and adjoining the county of Kanawha shall be and is hereby severed from said county of Jackson and attached to the county of Kanawha, state of West Virginia, to-wit:

Beginning at the point in the centerline of the Charleston Ripley state highway (State Route No. 2), where the boundary line between Kanawha county and Jackson county intersects said state highway, thence with the present boundary line between said counties north thirty-four degrees, thirty-eight 6 minutes, west five thousand three hundred ninety and sixty-one 7 hundredths feet to a stake on said line on the dividing ridge between Allen's fork and the Left fork of Pocatalico river, thence leaving said boundary line south sixty-four degrees, forty-eight minutes, east two thousand eight hundred ninety-three and twenty-two hundredths feet to a point in the centerline of the above mentioned state highway; thence with a curve to the right in a southwesterly direction, radius nine hundred and fifty-five feet, length two hundred forty and eight-tenths feet to a point on the centerline of said state highway; thence south twenty degrees, forty-two minutes, west three hundred and six and two-tenths feet to a point in the centerline of said highway; thence with a curve to the right in a southwesterly direction, radius nine hundred fifty-five feet, length two hundred forty and eight-tenths feet to a point in the centerline of said state highway; thence south twenty degrees forty-two minutes west three hundred six and two-tenths feet to a point in the centerline of said highway; thence with a curve to the right in a southwesterly direction, radius five hundred and seventy-three feet, length one hundred and ninety feet, to a point in the centerline of said highway; thence south thirty-nine degrees, thirty-four minutes, west two hundred and sixty-six and sixty-six hundredths feet to a point in the centerline of said highway; thence with a curve to the left in a southeasterly direction, radius two hundred and eighty-six and five-tenths feet, length two hundred and sixty-nine and two tenths feet, to a point in the centerline of said highway; thence south fourteen degrees and eight minutes, east fifty-one and ninety-three hundredths feet to a point in the centerline of said highway; thence with a curve to the left in a southeasterly direction, radius four hundred and seventy-seven

and five-tenths feet, length three hundred forty-seven and two-tenths feet to a point in the centerline of said highway; thence fifty-six degrees two minutes east four hundred and eighty-five to a point in the centerline of said highway; thence with a curve to the right in a southeasterly direction, radius four hundred and seventy-five and five tenths feet, length four hundred and eleven feet to a point in the centerline of said highway, thence south six degrees, forty-two minutes, east one thousand fifty-one and eleven hundredths feet to the place of beginning, containing one hundred and fifteen thousandths square miles, more or less.

And that the boundary line between said county of Jackson and said county of Kanawha is hereby changed from the aforesaid line five thousand three hundred and ninety and sixty-one hundredths feet in length to the following:
Commencing at the northern end of said five thousand three hundred and ninety and sixty-one hundredths foot-line, thence south sixty degrees, forty-eight minutes, east two thousand eight hundred and ninety-three and twenty-two hundredths feet to a point in the centerline of the above mentioned state highway; thence with a curve to the right in a southwesterly direction, radius nine hundred and fifty-five feet, length two hundred and forty and eight-tenths feet to a point on the centerline of said state highway; thence south twenty degrees, forty-two minutes west three hundred and six and two tenths feet to a point in the centerline of said highway; thence with a curve to the right in a southwesterly direction, radius nine hundred and fifty-five feet, length two hundred and forty and eight-tenths feet to a point in the centerline of said state highway; thence south twenty degrees, forty-two minutes, west three hundred and six and two-tenths feet to a point in the centerline of said highway; thence with a curve to the right in a southwesterly direction, radius five hundred and seventy-three feet, length one hundred and ninety feet, to a point in the centerline of said highway; thence south thirty-nine degrees, thirty-four minutes west two hundred and sixty-six and sixty-six hundredths feet to a point in the centerline of said highway; thence with a curve to the left in a southeasterly direction, radius two hundred and eighty-six and five-tenths feet, length two hundred and sixty-nine and two-tenths feet, to a point in the centerline of said highway; thence south fourteen degrees and eight minutes, east fifty-one and ninety-three hundredths feet to a point in the centerline of said highway; thence with a curve to the left in a southeasterly direction, radius four hundred and seventy-seven and five-tenths feet, length three hundred forty-seven and two tenths feet to a point in the centerline of said highway; thence fifty-six degrees, two minutes, east four hundred eighty-five feet to a point in the centerline of said highway; thence with a curve to the right in a southeasterly direction radius four hundred and seventy-seven and five-tenths feet, length four hundred and eleven feet to a point in the center line of said highway,

thence south six degrees, forty-two minutes, east one thousand and fifty-one and eleven hundredths feet, to the southern end of said five thousand three hundred and ninety and sixty-one hundredths foot line.

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

LEWIS COUNTY

Created from Harrison (p. 72), Dec. 18, 1816; part of Randolph (p. 157) added to, Feb. 4, 1818 (for act see p. 92); part of Braxton (p. 26) formed from, Jan. 15, 1836; part of Ritchie (p. 165) formed from, Feb. 18, 1843; part of Barbour (p. 15) formed from, Mar. 3, 1843; part of Gilmer (p. 52) formed from, Feb. 3, 1845; part of Doddridge (p. 40) formed from, Feb. 4, 1845; vote taken on boundary line between Gilmer (p. 52) and, Mar. 1, 1847 (for act see p. 92); part of Upshur (p. 189) formed from, Mar. 26, 1851.

Act Creating Lewis County
(Virginia Acts, 1817, ch. 82, pp. 152, 153)

(Passed December 18th, 1816)

1. Be it enacted by the General Assembly, That all that part of the county of Harrison, contained within the following bounds, to wit: beginning at the head of the left hand fork of Jessee's run, then a straight line to the mouth of Kinchelee's creek, thence up said creek to the dividing ridge, then a west course to the Wood county line, then to include all the south part of Harrison down to the mouth of Buchanan river, then a straight line to the beginning, shall form one distinct and new county, and be called and known by the name of Lewis county.

2. A court for the said county of Lewis shall be held by the justices thereof on the second Monday in every month after the same takes place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. And, in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county, Edward Jackson, Elias Lowther, John McCoy, Lewis Maxwell, and Daniel Stringer, shall be, and the same are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof to the court of the said county of Lewis; where-

upon they shall proceed to erect the necessary public buildings at the place so fixed on by the said commissioners, or a majority of them, which when complete, shall be the permanent place for holding courts for the said county. The said commissioners shall be allowed each the sum of three dollars per day, as a compensation for the duties hereby imposed on them, to be paid out of the levy to be collected in the said county of Lewis.

4. The justices to be named in the commission of the peace for the said county of Lewis shall meet at Westfield in the said county, upon the first court day after the said county takes place, and, having administered the oaths of office to, and taken bonds of the sheriff according to law, proceed to appoint and qualify a clerk; and until the necessary public buildings are completed at the place pointed out by the commissioners, or a majority of them, to appoint such place within the county for holding courts, as they may think proper; Provided, always, That the appointment of a clerk, and of a temporary place for holding courts, shall not be made, unless a majority of the justices of the said county be present.

5. It shall be lawful for the sheriff of the county of Harrison to collect and make distress for any public dues or officer's fees which shall remain unpaid by the inhabitants of the county of Lewis at the time it takes place, and ahall be accountable for the same, in like manner as if this act had not been made.

6. The governor with the advice of council shall appoint a person to be first sheriff of the said county of Lewis, who shall continue in office during the term, and upon the same conditions, as are by law appointed for other sheriffs.

7. The court of the county of Harrison shall have jurisdiction of all actions and suits depending before them at the time the said county of Lewis takes place, and shall try and determine the same, and award execution thereon.

8. The said county of Lewis shall remain in the same judicial circuit with the county of Harrison; and the courts thereof shall be holden on the fifth Monday after the first Monday in April, and the fifth Monday after the first Monday in September in each year, and be of the same brigade district, in like manner as if this act had not been made. In future elections of a senator and elector, and a representative in congress, the said county of Lewis shall be of the same district as the county of Harrison.

9. And be it further enacted, That the courts of quarterly sessions for the said county of Lewis shall be holden on the second Monday, in the months of March, June, September and December in every year.

10. This act shall be in force from the passing thereof.

Lewis County

An Act adding part of the county of Randolph to the county of Lewis
(Virginia Acts, 1818, ch. 141, p. 184)

(Passed February 4, 1818)

1. Be it enacted by the General Assembly, That all that part of the county of Randolph contained within the following bounds, to wit; beginning on the dividing ridge near the head of Buckhanon river where the Randolph and Lewis county lines intersect, thence a straight line to the head of the Grand Camp river, thence a straight line to the head of the left hand fork of Big Sand-run, thence with the dividing ridge between the waters of Buckhanon and the middle fork to the mouth of Buckhanon, shall be, and the same is hereby added to and made a part of the county of Lewis.

3. This act shall be in force from the passing thereof.

An Act for taking the sense of the voters of the counties of Lewis and Gilmer relative to the dividing lines between said counties
(Virginia Acts, 1847, ch. 60, p. 58)

(Passed March 1, 1847)

WHEREAS sundry petitions have been presented to this general assembly by citizens of the counties of Lewis and Gilmer, a portion of whom resided within the disputed territory, setting forth that the dividing line between the said counties is not the same on which they voted on the notice given for the formation of the county of Gilmer; and that the said lines were changed by the general assembly, upon petitions presented for the purpose, of which they had no knowledge, and praying that the portion of the county of Gilmer, lying between the lines voted for and those fixed upon as the dividing lines between the said counties, may be added to the county of Lewis; And whereas sundry citizens of the county of Gilmer residing within the limits of that part of said county prayed to be added to Lewis county, have represented by their remonstrances against said petitions that a large majority of the people residing within the limits aforesaid prefer to remain in the county of Gilmer: Now, therefore, for the purpose of ascertaining the wishes of the people on the subject:

1. Be it enacted by the general assembly, That it shall be the duty of the county court of the county of Gilmer, at their March term next, to fix upon some central and convenient place between the lines dividing the counties of Lewis and Gilmer, and the lines commencing at the Braxton county line, where it crosses Little Kanawha river; thence a direct line to the Low gap, where the Weston and Charleston road crosses the hill at the head of Stewart's creek; thence a direct line to the

mouth of Cove creek, (a fork or branch of Leading creek;) thence up Bloody run to a point at which the Statunton and Parkersburg turnpike road crosses said run; thence with and along the western side of said road to the top of the hill at the head of Bloody run; thence with the dividing ridge between the waters of Horn creek and Cove creek to the Doddridge county line, as an election precinct; at which place, as well as at all other places now appointed by law for holding elections in the counties of Lewis and Gilmer, the sheriffs or other officers conducting said elections, shall at the next election of delegates to the general assembly, open a poll in two colums, one of which shall be headed "In favour of being added to Lewis county," and the other shall be headed "Against being added to Lewis county,"--under which heads respectively shall be entered the names of such voters who are entitled to vote on the division of counties as may vote for or against the aforesaid addition. And it shall be the duty of the officers conducting said elections to return the polls taken under this act to the clerk's office of their respective county courts within the time now prescribed by law for returning the polls taken for the election of delegates: Provided, That no voter residing without the limits set forth in this act, shall be permitted to voter therein.

2. This act shall be in force from the passing thereof.

LINCOLN COUNTY

Formed from Cabell (p. 31), Putnam (p. 152), Kanawha (p. 83), and Boone (p. 23), Feb. 23, 1867, act amended Feb. 26, 1869 (for act see p. 100); boundary changed between Putnam (p. 152) and, Mar. 3, 1868 (for act see p. 97); commissioners appointed to determine boundary between Cabell (p. 31), Mason (p. 110), Wayne (p. 191), Boone (p. 23), Logan (p. 101) and, July 27, 1868 (for act see p. 98); part added to Wayne (p. 191), Feb. 27, 1872 (for act see p. 194).

Act Creating Lincoln County
(Acts of the Legislature of West Virginia, 1867, ch. 61, pp. 76-79)

(Passed February 23, 1867)

Be it enacted by the Legislature of West Virginia:

1. So much of the counties of Cabell, Putnam, Kanawha and Boone as are include within the following boundary lines, to wit: Beginning at the old ford of Mud river, about two hundred yards below the mouth of Trace Fork of said river; thence with the dividing ridge between Trace creek and Little

Lincoln County

Buffalo creek to the dividing ridge between Bear creek, Trace creek and Tyler creek to Guyandotte river, at the mouth of Madison's creek; thence south forty-five degrees west to the Wayne county line; thence with said line to the Logan county line; thence with said line to the Boone county line; thence with the original line of Cabell county to the head of Big creek, a branch of Mud river; thence along the top of the ridge above said creek to a point opposite the ford above the farm of Mark Adkins; thence crossing at said ford and along the top of the ridge below Parcener creek to the head of Horse creek; thence with the dividing ridge between the waters of Mud and Coal rivers and the waters of Big Hurricane creek to and with the dividing ridge between the Trace Fork of Mud river, Charley's creek and Little Two-mile creek to the place of beginning, so as to include all the waters of the Trace Fork of Mud river, shall form one distinct and new county, which shall be called and known by the name of the county of Lincoln, in honor of our late chief magistrate, who paid his life as a forfeit for his devotion to our glorious Union.

2. All the township officers within the bounds of the said new county at the date of the passage of this act, shall remain in office for and during the terms for which they have been elected, and until their successors shall have been elected, and qualified according to law.

3. All that portion of the township of McComas within the said new county, shall constitute a township therein, to be called the township of Sheridan; and John Scites, the present supervisor of McComas township, shall be and remain the supervisor of the said township of Sheridan until his successor shall have been elected and qualfied.

4. All that portion of the township of Carroll within said new county, except as hereinafter provided, shall constitute a township therein, to be called the township of Carroll; and William C. Mahone, the present supervisor of the township of Carroll, shall be and remain the supervisor of the said township until his successor shall have been elected and qualified.

5. All the residue of the said new county, together with that part of the township of Carroll lying on the waters of the Middle Fork of Mud river above the mouth of the Sugar Tree Fork shall compose one township, to be called the township of Duval, and William Holston is hereby appointed supervisor of the said township until his successor shall have been elected and qualified.

6. The supervisors herein named shall constitute the board of supervisors of the said county of Lincoln until their successors shall have been elected and qualified as aforesaid, and shall have all the powers and perform all the duties vested in and imposed by law upon other boards of supervisors.

Lincoln County

7. The county seat of the said new county shall be on the lands of Charles Lattin, near the place known as the town of Hamlin, or at said town, as the board of supervisors may determine; and the board of supervisors of the said new county shall proceed as soon as practicable after the passage of this act to provide a suitable courthouse and other public buildings for the said new county, in the manner required by law; and said board shall provide some suitable and convenient place for holding the courts of the said county until said court house is completed.

8. The said new county shall be attached to and form a part of the same judicial circuit and the same congressional and senatorial districts with the said county of Cabell.

9. The judge of the circuit court of the said new county shall, as soon as practicable after the passage of this act, appoint a clerk for the said court, and a prosecuting attorney; and the board of supervisors shall appoint a sheriff, recorder, surveyor of lands, assessor, county treasurer, and superintendent of free schools for the said county, who shall hold their offices until their successors shall be elected and qualified according to law.

10. The said new county and the said county of Cabell shall together elect one delegate to the house of delegates, until a new apportionment of representation therein shall be made as provided in the constitution.

11. All process issued in the said counties of Cabell, Putnam, Kanawha and Boone, before the organization of the said new county, and all public dues and officers' fees which may remain unpaid by the citizens of the said new county at the organization thereof, shall be executed and returned, collected and accounted for by the sheriff, or other officers in whose hands the same may have been placed, in the same manner as if this act had not been passed.

12. The courts of the said counties of Cabell, Putnam, Kanawha and Boone, shall retain jurisdiction over all actions, suits and proceedings therein pending at the time of the passage of this act, and shall try and determine the same, and award execution or other process thereon, except in cases where the plaintiff and one or more of the defendants reside in the said new county; which last mentioned cases together with the papers and a transcript of the record of the proceedings therein had, shall after that day, if either party so desires, be transferred to the courts of the said new county and there tried and determined as other cases brought in said new county.

13. The boards of supervisors of the said counties of Cabell, Boone and Lincoln may change and alter the boundary lines of the several townships of their respective counties, or create

new townships therein, or reduce the number already created so that the same be not less than three nor more than ten in any one of the said counties, without submitting their action in the matter to a vote of the people; and in the meantime all that part of the township of Barboursville lying on the waters of Guyandotte river, above and including Smith's creek, is added to and made part of the township of McComas, in the county of Cabell, and Rolin Bias, senior, is hereby appointed supervisor of said township of McComas, to hold his office until his successor shall be elected and qualified according to law; and all that part of the township of Union in said county lying between the turnpike and Mud river, together with that part of the township of Carroll remaining in the said county, shall constitute a new township therein, to be called the township of Grant, and Charles Myers is hereby appointed supervisor thereof, to hold his office until his successor is elected and qualified according to law.

14. The board of supervisors of the said county of Lincoln shall have power to borrow money on the credit of said county to an amount not exceeding ten thousand dollars, at a rate of interest not exceeding seven per centum perannum, to be used in the construction of the public buildings of the said county; and it shall be the duty of the board of supervisors of the said county to levy in each year such sum as may be necessary to pay the interest of the sum borrowed, and so much of the principal as may become due according to their contract; and in case of their failure to do so, they may be compelled thereto by the circuit court of said county by writ of mandamus.

15. It shall be the duty of the board of supervisors of the said county of Lincoln to levy an amount sufficient to pay to the surveyor who may be appointed to survey the road from the village of Barboursville, in the county of Cabell, to the Kanawha and Logan road, in the county of Boone, one-third of the amount allowed him for making said survey, and the said counties of Cabell and Boone shall each pay one-third of said sum, instead of one-half as provided by the act authorizing said survey.

16. Charles Lattin, William C. Mahone and Rovertson Spurlock are hereby appointed commissioners to run and mark the lines of the said new county. They shall make out five plats and reports of the said boundary line, one of which shall be delivered to the recorder of each of the counties of Cabell, Putnam, Kanawha, Boone and Lincoln.

17. Persons committed to jail in the said county of Lincoln may be confined in the jail of the county of Cabell until a jail is built in the said county of Lincoln, but the said county of Lincoln shall pay all the charges of such confinement which are not paid by the State.

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18. The terms of the circuit court of the said county of Lincoln shall be held on the first Monday in April, June, October and December.

An Act changing the boundary lines of the county of Lincoln (Acts of the Legislature of West Virginia, 1868, ch. 119, p. 108)

(Passed March 3, 1868)

Be it enacted by the Legislature of West Virginia:

1. The boundary lines of the county of Lincoln, in this State, shall hereafter be as follows: Beginning at the old ford of Mud river, about two hundred yards below the Trace fork of said river; thence with the dividing ridge between Trace creek and Little Buffalo creek, to the dividing ridge between Trace creek, Bear creek and Tyler's creek; thence to and along the ridge above Tyler's creek to Guyandotte river, at the mouth of said creek; thence up said river to the mouth of Madison creek; thence south forty-five degrees west to the Wayne county line; thence with said line to a point opposite to and at right angles with the mouth of Bowen's creek, in the county of Wayne; thence a straight line to the Beech fork of Twelve Pole river, at the mouth of said Bowen's creek; thence up said Beech fork to the present line between the counties of Wayne and Lincoln, above the mouth of Raccoon creek, and with said line to the Logan county line; thence with the Logan county line to the head of Little Hart's creek; thence down the ridge above said creek to Guyandotte river, at the mouth of said creek; thence crossing said river and up the hill to the top of the main dividing ridge between the water of Big Ugly creek and the waters of Guyandotte river, above said creek; thence with the said dividing ridge to the Boone county line; thence with said line to the present line of the county of Lincoln, and with the same as set out in the act creating the said county of Lincoln, to the head of Horse creek; thence to the top of the main dividing ridge between the waters of the right and left hand forks of Horse creek, and down said ridge to the forks of said creek at Washington Hill's farm, so as to include said farm in the county of Lincoln; thence down Horse creek to Little Coal and down said river to the Kanawha county line; thence with said line to the top of the dividing ridge between the waters of Coal and Mud rivers, and with said ridge to the original line of Putnam county as it existed prior to the creation of Lincoln county; thence with the said original line of Putnam county, by way of the Trace fork of Mud river, to the point where said line first reaches the waters of Charley's creek; thence down said creek to Mud river, and up said river to the beginning; and all the territory embraced within the boundary lines aforesaid, shall hereafter be embraced within and constitute the said county of Lincoln.

Lincoln County

2. All that part of the county of Putnam included within the boundary lines of the county of Lincoln by the act creating said county, is hereby restored to and shall hereafter form a part of the said county of Putnam.

An Act providing for a change of the boundary lines of certain counties
(Acts of the Legislature of West Virginia, 1868, ch. 92, pp. 63, 64)

(Passed July 27, 1868)

WHEREAS, by the creation of the county of Lincoln, the county of Cabell has been reduced below four hundred square miles; and whereas, the county of Lincoln has been put to great expense in the erection of public buildings, and otherwise, before the deficiency of territory in the county of Cabell was discovered; and whereas, it is believed that several of the surrounding counties have an excess of territory above four hundrod square miles. Therefore,

Be it enacted by the Legislature of West Virginia:

1. That Benjamin Slack, of the county of Kanawha; G. Hogg, of the county of Mason; David Harshbarger, of the county of Cabell; Jackson Spaulding, of the county of Wayne; Ulysses Hinchman, of the county of Logan; Robertson Spurlock, of the county of Boone, William C. Mahone, of the county of Lincoln, (any four of whom may act after notice to the others,) be and they are hereby appointed commissioners to so change and alter the boundary lines between the county of Cabell and the counties of Mason, Wayne, and Lincoln, as to give to the county of Cabell four hundred square miles of territory, and to so change the boundary lines between the county of Lincoln and the counties of Kanawha, Boone and Logan as to give to the county of Lincoln four hundred square miles of territory; provided that no such change shall be made in the boundary lines of the counties of Mason, Wayne, Logan, Boone and Kanawha as will reduce either of them below four hundred square miles of territory.

2. It shall be the duty of the said commissioners to meet at the earliest day practicable after the passage of this act, and to proceed with all reasonable dispatch in the discharge of their duties. They shall cause such surveying to be done by competent surveyors, as may be necessary to enable them to properly adjust the said boundary lines according to the proceeding section, and shall cause the said lines, as altered by them, to be run and marked in all cases where it may be necessay to distingusih them.

Lincoln County

3. In case it shall be ascertained by the said commissioners, as aforesaid, that said boundary lines can be so altered and adjusted as to give to the said counties of Cabell and Lincoln each four hundred square miles of territory, without reducing either of the other of the said counties below that area, it shall be the duty of the said commissioners to adjust and alter said boundary lines accordingly, and the said commissioners shall thereupon cause to be made a fair outline map or plat of each of the said counties of Cabell and Lincoln, showing the courses and distances of the boundary lines thereof, the streams and other natural objects called for in said courses and lines, and designating particularly any territory taken from another county and added thereto, together with the number of square miles in the part so added, as well as in the whole county. They shall file each of the said maps or plats in the office of the recorder of the county to which it belongs. In the preparation of the said maps or plats, the said commissioners may use any survey already made if satisfied of its correctness, without a re-survey of the said lines.

4. In case the said commissioners shall find themselves unable, under the provisions of this act, to so adjust the said boundary lines as to give to both of the counties of Cabell and Lincoln the amount of territory herein provided for, they shall proceed to so alter and adjust said lines as to give to the county of Cabell that amount of territory, and to make out and file the map or plat thereof required by the preceding section. And in either event they shall report their action to the Legislature at its next session.

5. As soon as the said boundary lines of the said counties, or any of them, shall be altered, adjusted and established by the said commissioners, as aforesaid, the same shall from that time be the true boundary lines of each of said counties, in the same manner and to the same extent as if said boundary lines had been specifically set forth as such in this act. And all the territory so transferred from one county to another, shall, from the date of such transfer, form a part and parcel of the county to which it is added by the said commissioners; provided, that no territory shall be taken from the county of Kanawha without the consent of the commissioner acting on behalf of that county, but that with such consent that part of the said county of Kanawha contained within the bounds hereinafter described, or any part thereof, may be added to and made part of the said county of Lincoln, to wit: Beginning on Little Coal River at the line between the counties of Kanawha and Lincoln; thence down said river to Big Coal River, and down the same to mouth of the Clay Branch; thence due west to the Putnam county line, and with the same to the Lincoln county line; thence with the Lincoln county line to the beginning.

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Lincoln County

An act amending the act establishing the county of Lincoln, passed February 23, 1867
(Acts of the Legislature of West Virginia, 1869, pp. 35, 36)

(Passed February 26, 1869)

Be it enacted by the Legislature of West Virginia:

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

"1. So much of the counties of Cabell, Kanawha, Boone, Wayne and Logan as are included within the following boundary lines, to wit: Beginning at the Putnam county line, where it crosses Harvey's creek, and running thence to the mouth of Fall creek on Guyandotte river; but so varied on reaching the top of the ridge next to said river as to include the farm on which Jerome Sheldon now resides, in Lincoln county, thence south forty degrees west to the Wayne county line on the top of the main dividing ridge between the waters of Guyandotte and Twelve Pole rivers; thence with the Wayne county line to the head of Four mile creek, above the farm of Alexander Watson; thence a straight line to the Logan county line where said line crosses the right hand fork of Twelve Pole river; thence a straight line to the top of the main dividing ridge between the waters of Guyandotte river and Big Ugly creek, above said creek; at the head of the creek next below Big creek in Logan county; thence with said ridge to the Boone county line, and with said line to the corner of Wall's farm; thence a straight line to the head of Horse creek; thence along the dividing ridge between the right and left hand forks of Horse creek to the forks thereof and to run so as to include the Washington Hill farm in the said county of Lincoln; thence down Horse creek to Little Coal river, but to run so as to leave the lands of Austin Griffith, William Price and Tunstil Price and the lands adjoining those of said Tunstil Price conveyed by him to his heirs, and the farm formerly owned by George Hill, now deceased, near the mouth of Big Horse creek, in the county of Boone; thence down Little Coal river to Big Coal river, but to run so as to leave the river farm of Allen M. Smith, in Kanawha county, thence down Big Coal river to the mouth of Island creek; thence due west to the Kanawha county line on the main dividing ridge between the waters of Mud river and those of Coal river, thence with said ridge to the Putnam county line, and with the same to the place of beginning, shall form one distinct and new county, which shall be called the county of Lincoln."

2. So much of the territory heretofore embraced within the said county of Lincoln, by virtue of the act creating said county recited in the preceding section, and of the act passed March

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

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

LOGAN COUNTY

Created from Giles (p. 49), Cabell (p. 31), Tazewell (p. 181), and Kanawha (p. 83), Jan. 12, 1824; parts of Kanawha (p. 83) and Cabell (p. 31) added to, Jan. 26, 1830 (for act see p. 103); part of Fayette (p. 44) formed from, Feb. 28, 1831; part added to Tazewell (p. 181), Mar. 12, 1834 (for act see p. 181); part of Boone (p. 23) formed from, Mar. 11, 1847; Wyoming (p. 212) formed from, Jan. 26, 1850; boundaries changed between Wayne (p. 191) and, Mar. 4, 1868 (for act see p. 194); boundaries changed between Lincoln (p. 93) and, July 27, 1868 (for act see p. 98); Mingo (p. 122) formed from, Jan. 30, 1895.

Act Creating Logan County
(Virginia Acts, 1824, ch. 2, pp. 20, 21)

(Passed January 12th, 1824)

1. Be it enacted by the general Assembly, That all that part of the counties of Giles, Cabell, Tazewell and Kanawha contained within the following bounds, to wit:

Beginning at the junction of the White Oak mountain, and New river; proceeding with the meanders thereof, until it meets the line of Kanawha county; thence with the lines thereof, taking the dividing ridge between Big and Little Cole rivers, until it comes on a line with the head of Rock creek, then down the same to its mouth; then crossing Little Cole, proceeding with the dividing ridge, between Turtle and Horse creeks, to the head of Ugly creek; thence, down the same to its mouth, crossing the Guyandotte, in a straight line to the mouth of Narrowbone creek; thence, up the Tug fork of Big Sandy river to the mouth of Elk-horn creek; and then proceeding with the dividing ridge between Elk-horn creek and the Tug fork, and so on, a line with the Flat-

top mountain, to the beginning, shall form one distinct and new county, and be called and known by the name of Logan county.

2. A court for the said county of Logan, shall be held by the justices thereof on the second Monday in every month after the same shall have been organized, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. And, in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county of Logan, William Buffington of the county of Cabell, and William Thompson, jr. of the county of Tazewell, and Charles Hail of the county of Giles, and Samuel Shrewsbury of the county of Kanawha, and Coonrod Peters of the county of Monroe, and John Taylor of the county of Montgomery, gentlemen, shall be, and they are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid whose duty it shall be after having performed the services hereby required, to make report thereof to the court of the said county of Logan; whereupon, they shall proceed to erect the necessary public buildings, at the place so fixed on by the said commissioners, or a majority of them, which, when completed, shall be the permanent place for holding courts for the said county. The said commissioners shall be allowed each the sum of four dollars per day, as a compensation for the duties hereby imposed on them, to be paid out of the levy to be collected in the said county.

4. The justices to be named in the commission of the peace for the said county of Logan, shall meet at the house of Hinchman in the said county, upon the first court day after the said county shall go into effect, and having administered the oaths of office to, and taken bonds of the sheriff according to law, proceed to appoint and qualify a clerk; and until the necessary public buildings are completed at the place appointed by the commissioners, or majority of them, to appoint such place within the county, for holding courts, as they may think proper: Provided, always, That the appointment of a clerk, and a temporary place for holding courts, shall not be made unless a majority of the justices of said county be present.

5. It shall be lawful for the sheriffs of the counties of Giles Cabell, Tazewell and Kanawha, to collect and make distress for any public dues, or officers' fees, which shall remain unpaid by the inhabitants of the county of Logan, at the time this act shall go into effect, and shall be accountable for the same in like manner as if this act had never been made.

6. The governor, with the advice of council, shall appoint a person to be first sheriff of the county of Logan, who shall continue in office during the term, and upon the same conditions as are by law directed for other sheriffs.

Logan County

7. The courts of the counties of Giles, Cabell, Tazewell and Kanawha, shall have jurisdiction of all actions and suits depending before them at the time the said county of Logan takes place, and shall try, and determine the same and award execution thereon.

8. The said county of Logan, shall be in and attached to the same judicial circuit with the county of Kanawha, and the courts thereof shall be holden on the first Monday in April, and on the first Monday in the month of September, in every year, and be of the same brigade district with the county of Kanawha. In future the elections of a Senator and elector, and a representative in Congress, in the said county of Logan, shall be of the same district as the county of Kanawha.

9. And be it further enacted, That the courts of quartely (sic) sessions for the said county of Logan, shall be holden in the months of March, June, August, and November, in every year. And the said county of Logan shall belong to the same chancery district for which a court is by law directed to be holden at Greenbrier court-house.

10. This act shall commence and be in force from and after the passing thereof.

An Act adding a part of the counties of Kanawha and Cabell to the county of Logan
(Virginia Acts, 1830, ch. 118, p. 117)

(Passed January 26th, 1830)

1. Be it enacted by the General Assembly, That all that part of the counties of Kanawha and Cabell, lying and being within the following boundaries, to wit: beginning at the head of Rock creek; thence taking the dividing ridge between Rock and Camp Creek, and with said ridge to the mouth of Camp Creek; thence down Little Cole river with the meanders thereof to the mouth of Big Horse creek, thence a straight line to the gap of the Trace Fork mountain between Horse Creek, and Mud river, where the road now crosses; thence a straight line to the mouth of Ugly Creek; thence with the present line to the mouth of Marrow Bone, shall be annexed to, and henceforth be a part of the county of Logan.

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4. This act shall commence and be in force from and after the passing thereof.

MARION COUNTY

Created from Monongalia (p. 125) and Harrison (p.72), Jan. 14, 1842; boundaries defined, Mar. 24, 1843 (for act see p. 106); part of Taylor (p. 177) formed from, Jan. 19, 1844; boundary changed between Monongalia (p. 125) and, Mar. 15, 1847 (for act see p. 107); part annexed to Taylor (p. 177), Feb. 20, 1856 (for act see p. 180).

Act Creating Marion County
(Virginia Acts, 1842, ch. 59, pp. 34-36)

(Passed January 14, 1842)

1. Be it enacted by the general assembly, That so much of the southern end of the county of Monongalia, and of the northern end of the county of Harrison, as is contained within the following boundary lines, to wit: Beginning at Laurel point, (a corner of the line of Preston county,) from thence to the mouth of Maple run, on White Day creek; thence down White Day creek to Barnebas Johnson's meadow; thence a straight line to a low gap on the top of a ridge on the lands of the reverend John Smith, at or near where the road leading from Middletown to Morgantown crosses said ridge, and following said ridge to where the old state road crosses said ridge; thence a due west line to the line of Harrison county; thence with said line of Harrison county to the line of Tyler county; thence following the line of Tyler county to the Rock Camp fork of Bingammon creek; thence to the mouth of Little Bingammon creek; thence following the main creek down to the West Fork river; thence to Pollen's fork of Booth's creek; thence up Huston's fork of Booth creek until a due east line will strike the mouth of Wickwier's creek; and thence following the Monongalia county line to the place of beginning, shall form one distinct and new county, and be called and known by the name of Marion county, in honour to, and in memory of general Francis Marion, who served his county in the war of the revolution.

2. The governor shall commission twenty-nine persons as justices of the peace in and for the said county of Marion, and the justices now in commission, and residing in those parts of Monongalia and Harrison counties respectively, which will be in Marion county after the commencement of this act, shall be of said number, and shall be commissioned in point of seniority, according to the dates of their present commissions; all of whom shall, before entering upon and exercising any of the duties of said office, take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace; which oaths may be administered by any justice remaining in commission in and for either of the counties of Monongalia or Harrison, and certified by the justices administering the same to the clerk of the county of Marion, who shall record such certificate, and preserve the original in his office.

Marion County

3. A court for the said county of Marion shall be holden by the justices thereof on the first Monday in every month, after the same shall have been organized, in like manner as is provided by law for other counties, and shall be by their commissions directed.

4. The permanent place for holding the courts in the county of Marion, now required by law to be holden for the several counties of this commonwealth shall be at Middletown, now in the county of Monongalia and the county court of the county of Marion shall provide a lot or lots of land thereat, not exceeding two acres, upon which to erect a courthouse, and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws, for holding courts and conducting business incident thereto, in the manner now required by law, "where land shall not be already provided and appropriated for that purpose;" and said court shall cause such buildings and fixtures to be constructed at the charge of said county of Marion.

5. The justices of the peace commissioned and qualified as aforesaid, for the said county of Marion, shall meet at the house, late the residence of Alexander Fleming, in Middletown in the now county of Monongalia, on the first Monday in April next, and a majority of them being present, shall proceed to the appointment of a clerk of the court for the said county of Marion; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county of Marion, and fix upon a place in said county for holding the courts thereof until the necessary buildings shall be constructed at Middletown.

6. It shall be lawful for the sheriffs of the counties of Monongalia and Harrison to collect, by the distress or other lawful mode, any public dues and officers' fees which may remain unpaid by such of the inhabitants of said counties respectively, who will be in the county of Marion at the time when this act shall commence and be in force, and shall be accountable for the same, in like manner as if this act had never been passed.

7. The courts of the counties of Monongalia and Harrison respectively, shall have and retain jurisdiction of all actions and suits depending before them on the first Monday of April next, and shall try and determine the same, and award execution thereon, except in cases where both parties reside within the new county, which last mentioned cases, together with the papers thereto appertaining, shall, after that day, be removed to the courts of the county of Marion, and there tried and determined, and execution awarded thereupon, when necessary.

8. The said county of Marion shall be in, and attached to the same judicial circuit with the county of Monongalia; and the circuit superior court of law and chancery thereof shall be holden on the sixteenth day of April, and on the sixteenth day of September in every year, and be of the same brigade district with the county of Monongalia.

Marion County

9. The said county of Marion shall belong to the same senatorial, congressional and electoral districts with the county of Monongalia.

10. The said county of Marion and the county of Monongalia shall each send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place.

11. The courts of quarterly sessions for the said county of Marion shall be holden in the months of March, June, August and November in every year.

12. And be it further enacted, That John Hanway of the county of Monongalia, Thomas Haymond of the county of Harrison, and William J. Willey of the county of Marion, are hereby appointed commissioners to run and mark the lines between the county of Marion and the several counties from which the same is taken, as designated by this act; which, when run and marked, shall be taken and considered as the dividing lines between the said new county and the several counties from which the same is taken; and the said commissioners are hereby required to make report of their proceedings, in writing, to the county courts of the counties of Monongalia, Harrison and Marion, respectively, which reports shall be recorded in the clerk's office in each of said counties; and in all controversies which may hereafter arise, touching said lines, shall be conclusive evidence. The county courts of the said counties of Monongalia, Harrison and Marion shall, respectively, allow the said commissioners a reasonable compensation for their services, in running and marking the said lines, to be paid out of the county levy of each of said counties respectively, in equal prcportions.

13. And be it further enacted, That all separate elections heretofore authorized to be holden in the counties of Monongalia and Harrison, and falling within the county of Marion, shall be conducted for the county of Marion, in the same manner as heretofore for the county of Monongalia or Harrison.

14. This act shall be in force from the passing thereof.

An Act defining more clearly a part of the boundary line of the county of Marion, and for other purposes
(Virginia Acts, 1843, ch. 55, p. 40)

(Passed March 24, 1843)

1. Be it enacted by the general assembly, That so much of the boundary line of the county of Marion as is described in the first section of the act, entitled "an act establishing the county of Marion of parts of the counties of Monongalia and Harrison," passed January the fourteenth, eighteen hundred and

forty-two, by the words "thence following the line of Tyler county to the Rock Camp fork of Bingamon creek; thence to the mouth of Little Bigamon creek," shall henceforth be held and taken to begin and run as follows, viz: thence following the line of Tyler county, to such a point on said line as will be opposite to the head of the main branch of Big Bingamon creek; thence from such point a straight line forming the southwestern angle or corner of the said county of Marion, to the mouth of Little Bingamon creek.

An act changing the boundary line between the counties of Marion and Monongalia, and for other purposes
(Virginia Acts, 1847, ch. 58, p. 57)

(Passed March 15, 1847)

1. Be it enacted by the general assembly, That the line between the counties of Monongalia and Marion, shall hereafter run so as to include within the county of Marion, all territory on the waters of Buffalo creek: Provided however, That it shall be lawful for the sheriff of the county of Monongalia to collect by distrss or other lawful mode any public dues and officers' fees which may remain unpaid by such of the inhabitants of the said county who will be in the county of Marion at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

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4. This act shall be in force from the passing thereof.

MARSHALL COUNTY

Created from Ohio (p. 142), Mar. 12, 1835.

Act Creating Marshall County
(Virginia Acts, 1835, ch. 57, pp. 38-40)

(Passed March 12, 1835)

1. Be it enacted by the general assembly, That all the part of the lower end of the county of Ohio, lying south of a line beginning on the Ohio river at a stone to be fixed on the bank of said river, one half mile above the mouth of Bogg's run, thence a direct line to the northern boundary of the town of West Union, and thence continuing the same course to the Pennsylvania line, shall form one distinct and new county, and be called and known by the name of Marshall county.

Marshall County

2. The governor shall commission eight persons as justices of the peace in and for the said county of Marshall, and the justices now in commission residing in that part of Ohio county which will be in Marshall county, after the commencement of this act, shall be of said number, all of whom shall, before entering upon and executing the duties of the said office, take the several oaths now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace now in commission for either of the counties of Ohio or Tyler.

3. A court for the said county of Marshall shall be held by the justices thereof, on the first Thursday after the third Monday in every month, after the same shall have been organized, in like manner as is provided by law for other counties, and shall be by their commissions directed.

4. The place for holding courts and erecting public buildings for the said county of Marshall, shall be on the lots in Elizabethtown, selected by the commissioners appointed by the act, entitled, "an act to provide for the location of a site for the permanent seat of justice for Ohio county," passed on the eighth day of December, eighteen hundred and thirty-two; and the county court of said county of Marshall shall proceed to cause the necessary public buildings to be erected on said lots; which when completed shall be the permanent place for holding courts for the said county of Marshall.

5. The justices of the peace, commissioned and qualified as aforesaid, for the said county of Marshall, shall meet at the brick schoolhouse in Elizabethtown, on the first Thursday after the third Monday in May next, and a majority of them being present, shall proceed to the appointment of a clerk of the said court; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place for holding the courts of the said county until the necessary buildings shall be constructed on the lots aforesaid.

6. It shall be lawful for the sheriff of the county of Ohio to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants of the county of Marshall at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed: Provided, however, That nothing herein contained shall be construed to prevent the present sheriff of Ohio county and his deputy or deputies from acting as such in both counties during the remainder of his term of office. And moreover, until a jail shall be erected in the county of Marshall, the jail of Ohio county shall be used as the jail for said county of Marshall.

Marshall County

7. The courts of the county of Ohio shall have jurisdiction of all actions and suits depending before them on the first Thursday after the third Monday in May next, and shall try and determine the same and award execution thereon.

8. The said county of Marshall shall be in and attached to the same judicial circuit with the county of Ohio, and the circuit superior courts of law and chancery thereof, shall be holden on the fourteenth day of May and on the fourteenth day of October in every year, and be of the same brigade district with the county of Ohio.

9. The said county of Marshall belong to the same senatorial, congressional and electoral districts as the county of Ohio.

10. The said county of Marshall, and the county of Ohio, shall each send one delegate to the house of delegates of Virginia, until a future re-apportionment of representation shall take place.

11. The courts of quarterly sessions for the said county of Marshall shall be holden in the months of March, June, August and November, in every year.

12. Robert C. Woods of the county of Ohio, and Joseph M'Clean, senior, of the county of Marshall, are hereby appointed commissioners to run and mark the line between the said counties of Ohio and Marshall, as designated by this act, which, when run and marked, shall be taken and considered as the dividing line between the said counties; and the said commissioners are hereby required to make report of their proceedings in writing to the county courts of Ohio and Marshall, respectively; which reports shall be recorded in the clerk's office of each of said counties, and in all controversies which may hereafter arise touching said lines, shall be conclusive evidence. The said county courts of Ohio and Marshall shall allow the said commissioners a reasonable compensation for their services, to be paid out of the county levy of each of said counties, respectively, in equal proportions.

13. It shall be the duty of the county court of the county of Ohio, at their next May term, or at any term as soon thereafter as may be practicable, to levy on and cause to be collected of the tithables of the county of Ohio, as well as of the tithables of the county of Marshall, the sum of six thousand dollars, to be collected by the sheriff of the county of Ohio, and paid, one half to the orders of the county court of the county of Marshall, for defraying the expenses of constructing the public buildings thereof, and the other half of said six thousand dollars to be paid by said sheriff to the orders of the county court of the county of Ohio, to be used for county purposes, under the control of said court of Ohio county.

Mason County

14. Be it further enacted, That all separate elections heretofore authorized to be holden in the county of Ohio, and falling within the county of Marshall, shall be conducted for the county of Marshall in the same manner as heretofore for the county of Ohio.

15. Be it further enacted, That the circuit superior court of law and chancery for the county of Ohio, shall after the commencement of this act, be held on the twentieth day of May and the twentieth day of October of every year. And no abatement or discontinuance of any process, recognizance, or notice heretofore issued, given or taken, or to be issued, given or taken, before the commencement of the next term of said court, shall take place, but the same shall be returnable to the time fixed by this act for holding said court, and shall be as available and binding as if this act had never passed.

16. This act shall be in force from and after the first day of May next.

MASON COUNTY

Created from Kanawha (p. 83), Jan. 2, 1804; boundaries established between Kanawha (p. 83) and, Jan. 27, 1817 and Jan. 27, 1824 (for acts see pp. 86, 87); part of Jackson (p. 79) formed from, Mar. 1, 1831; part of Putnam (p. 152) formed from, Mar. 11, 1848; boundaries changed between Jackson (p. 79) and, Feb. 13, 1867 (for act see p. 112); boundaries changed between Lincoln (p. 93) and, July 27, 1868 (for act see p. 98).

Act Creating Mason County
(Hening Statutes At Large, New Series, vol. 3, ch. 102, pp. 77, 78)

(Passed January 2, 1804)

1. Be it enacted by the general assembly, That all that part of the county of Kanawha, contained within the following boundaries, to wit: beginning at the mouth of Little Guyandott river, running from thence to the north-west corner of a survey of one thousand four hundred and thirty-seven and half acres made for Thomas Lewis in Teaze's valley near the house of Joshua Morris, from thence to the mouth of Little Hurricane creek, thence crossing the Kanawha river and taking a dividing ridge between Eighteen mile and Pocatallico creeks to the end thereof, thence pursuing a north-east direction till it intersects the Wood county line to the Ohio, thence down the Ohio to the beginning, shall, from and after the first day of May next, form one distinct county, and be called and known by the name of Mason county.

Mason County

2. A court for the said county of Mason shall be held by the justices thereof, on the first Tuesday in every month after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commission directed.

3. The justices to be named in the commission of the peace for the said county of Mason, shall meet at Point Pleasant, in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk; and thenceforth the said court shall proceed to erect the necessary public buildings at the town of Point Pleasant above mentioned, which shall hereafter become the seat of justice for the said county of Mason: Provided always, That the appointment of a clerk shall not be made, unless a majority of the justices of the said county be present, where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county; in such case the appointment shall be postponed until some court day when a majority shall be present.

4. It shall and may be lawful for the sheriff of the county of Kanawha to collect and make distress for any public dues and officers' fees, which shall remain unpaid by the inhabitants of the said county of Mason at the time the said county takes place, and shall be accountable for the same in like manner as if this act had never been made.

5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Mason, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

6. The court of the said county of Kanawha shall have jurisdiction of all actions and suits depending before them at the time the said county of Mason takes place, and shall try and determine the same, and award execution thereon.

7. The said county of Mason shall remain in the same district with Kanawha, for which district courts are holden at the Sweet springs, and be of the same brigade district, in like manner as if this act had not been made. In all future elections of a senator, of a representative in congress, and of an elector, the said county of Mason shall be of the same district as the county of Kanawha.

8. This act shall commence and be in force from and after the passing thereof.

McDowell County

An Act to alter the division lines between the county of Mason and Jackson
(Acts of the Legislature of West Virginia, 1867, ch. 27, p. 40)

(Passed February 13, 1867)

Be it enacted by the Legislature of West Virginia:

1. The division lines between the counties of Mason and Jackson are hereby altered so as to run as follows: Beginning at the north-east end of Robert Batnett's farm; thence a straight line to the dividing ridge between Mud Lick and Thirteen Mile creeks, near the lands of Joseph Casto; thence a straight line with the dividing ridge, or near it, to the Putnam county line, near what is known as Hill's Low Gap.

McDOWELL COUNTY

Created from Tazewell (p. 181), Feb. 20, 1858.

Act Creating McDowell County
(Virginia Acts, 1858, ch. 155, pp. 106-108)

(Passed February 20, 1858)

1. Be it enacted by the general assembly, that so much of the county of Tazewell as is contained within the following boundary lines, to wit: Beginning at the mouth of Bull creek on Tug river, and up the point between said Bull creek, including the waters of said Bull creek, to the top of the ridge between Tug river and Knox creek, and up the said ridge to the dividing ridge between the Lavica fork and the Tug fork, eastwardly along said ridge to the Bear Waller, and eastwardly along the ridge between Clinch and the Dry fork of Sandy, to a place called the But of Belsher's ridge; thence a straight line to the mouth of the Horse Pen creek, and up the same to Jesse J. Doughton's, and up the left hand fork of said Horse Pen creek to the Low gap in the Tug ridge; thence with the same to the ridge between Abbs' valley and Sandy to the Mercer line; and with the same to the Wyoming line, and with the Wyoming and Tazewell line to a point opposite the mouth of the Dry fork; thence with the top of the dividing ridge between Tug and Guyandotte to the head of Four Pole to the Logan line; and with the same down Four Pole to the mouth of the same to Tug river, and up Tug river to the mouth of Bull's creek to the beginning --shall form one distinct and new county, and shall be called and known by the name of the county of McDowell; and the seat of justice shall be known as Perryville.

McDowell County

2. The following persons, Henry D. Smith of the county of Russell, Charles G. Calfee, of the county of Mercer, and John C. Graham of the county of Wythe, and two of whom may act, shall be and they are hereby appointed commissioners for the purpose of selecting the site for a court-house, jail and other public buildings for said county of McDowell, who are hereby required to meet within the limits of said new county on the first Monday of April next, or within ten days thereafter, and within ten days after their meeting ascertain and determine at what point or place within the limits of said new county it is most suitable and proper to erect a court-house and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws, for holding courts and conducting business incident thereto; and shall lay off in the most convenient form a lot or lots of land for that purpose, not exceeding two acres in quantity, and shall ascertain the value thereof. Whereupon the said commissioners, or a majority of them acting in this behalf, shall make their report in writing to the county court of McDowell when organized, of the manner in which they shall have executed the duties required of them by this act, and of their proceedings in relation thereto, designating the point or place agreed upon, the value of the lot or lots of land, and name or names of the owners thereof. And the place so ascertained and determined upon by the said commissioners, or a majority of them, shall be deemed and taken as the permanent place for holding the courts of the county of McDowell, now required by law to be holden for the several counties of this commonwealth. And the court of the county of McDowell shall thereupon provide for the payment of the valuation of said lot or lots of land so ascertained, in the manner now required by law, where lands shall not be already provided and appropriated for that purpose.

3. The commissioners aforesaid shall be allowed a compensation each of three dollars per diem for their services aforesaid, to be provided for by county levy made in the said county of McDowell.

4. The following persons, to wit: G. W. Payne, Guy T. Harrison, Samuel Lambert, Philip Lambert, Thomas A. Peery, Elias V. Harman and Henry T. Perry are hereby appointed commissioners, to meet on the land indicated by the commissioners named in the second section of this act, for the erection of the court-house for the county of McDowell, on the third Monday in April next, or within five days thereafter, and lay off the said county of McDowell into four magisterial districts, select points at which elections shall be holden in each district, and appoint a conductor and five commissioners, any three of whom may act, to superintend the elections to be holden for the said county of McDowell on the fourth Thursday in May next.

5. It shall be the duty of all persons residing within the limits of the said county of McDowell, who are now entitled to vote for members of the general assembly, to attend at the re-

spective election precincts so selected by the commissioners aforesaid, on the fourth Thursday in May in the year eighteen hundred and fifty-eight, and elect a sheriff, a clerk of the county court, a clerk of the circuit court, a commissioner of the revenue, a commonwealth's attorney, and a surveyor for the said county of McDowell. And the voters residing in each magisterial district shall elect for that district four justices of the peace, one overseer of the poor and one constable. The election of the justices of the peace shall be certified to the governor of this commonwealth by the several conducters and commissioners conducting and superintending said election, who, after they shall be commissioned and qualified according to law, shall meet on the lands indicated for the public buildings of said county, on the fourth Monday in the next month after that in which they shall be so commissioned, and a majority of them being present, shall fix upon a place in said county of McDowell for holding the courts of said county until the necessary buildings shall be constructed on the site designated by the commissioners aforesaid.

6. The said justices shall, at the first term of the county court of said county, choose one of their own body, who shall be presiding justice of the county court, and whose duty it shall be to attend each term of said court.

7. The commissioners and conductors of the elections aforesaid shall certify to the said county court of McDowell, at its first term, or at some subsequent term, as soon as practicable, the election of said clerks of the county and circuit courts, commonwealth's attorney, surveyor and commissioner of the revenue, who shall, after having given bond and security, and being qualified according to law, enter upon a discharge of the duties of their offices respectively.

8. The term of office for the commissioner of the revenue for the said county of McDowell shall commence on the first day of February eighteen hundred and fifty-nine; and the commissioner of the revenue for the said county of Tazewell is hereby required to discharge the duties of his office in the limits of said county for the year eighteen hundred and fifty-eight; and he is hereby directed to keep the lists taken by him in the said county of McDowell separate and distinct from the lists of the county of Tazewell, and make return of them in the manner now provided by law, in the same manner as if appointed commissioner of the revenue for the said county of McDowell.

9. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the county of Tazewell for the next fiscal year ensuing the passage of this act, between the said counties of Tazewell and McDowell, agreeably to the numbers of white tithables which may be returned therein by the commissioners of the revenue for eighteen hundred and fifty-eight.

McDowell County

10. It shall be lawful for the sheriff of the county of Tazewell to collect and make distress for any public dues or officers' fees which may remain unpaid by the inhabitants of the county of McDowell at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never passed.

11. The courts of the county of Tazewell shall retain jurisdiction of all actions and suits depending before them on the fourth Monday in July next, and shall try and determine the same, and award execution thereon, except cases wherein both parties reside within the new county; which together with the papers, shall after that day be removed to the courts of the county of McDowell, and there be tried and determined.

12. The said county of McDowell shall be in and attached to the seventeenth judicial circuit, and the circuit court thereof shall be holden on the first Monday in March and August preceding the circuit courts holden for the county of Tazewell in every year; and the first circuit court for the county of McDowell shall be holden on the first Monday in August next preceding the circuit court to be holden for the county of Tazewell, and be of the same brigade district with the county of Tazewell.

13. The county of McDowell shall belong the same senatorial district now composed of the counties of Monroe, Giles, Mercer and Tazewell, and shall belong to the thirteenth congressional district and electoral district for the purpose of choosing a president and vice-president of the United States, as the county of Tazewell.

14. The county courts of said county shall be holden on the second Monday in each month, and the courts of quaterly sessions of the said county of McDowell shall be holden in the months of March, June, August and November in each year.

15. Be it further enacted, that the surveyor hereafter elected for the county of McDowell in the mode prescribed by law, together with the surveyor of Tazewell, shall run and mark the lines between the said county of McDowell and the county of Tazewell from which it is formed, agreeably and in conformity with the provisions of the seventh section of the forty-seventh chapter of the Code of Virginia.

16. The commissioners appointed by this act to lay off the said county into magisterial districts, shall each be allowed two dollars for every day they shall actually be engaged in the duties aforesaid, to be provided for and paid out of the county levy of the said county of McDowell.

17. The first county court for the county of McDowell shall be holden on the second Monday in August next.

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

MERCER COUNTY

Created from Giles (p. 49) and Tazewell (p. 181), Mar. 17, 1837; part annexed to Giles (p. 49), Mar. 5, 1841 (for act see p. 51); boundaries changed between Alleghaney (p. 10) and, Mar. 13, 1847 (for act see p. 118); boundaries changed between Raleigh (p. 160) and, Oct. 10, 1863 (for act see p. 164); part of Summers (p. 175) formed from, Feb. 27, 1871.

Act Creating Mercer County
(Virginia Acts, 1837, ch. 53, pp. 31-33)

(Passed March 17, 1837)

1. Be it enacted by the general assembly, That all that part of the counties of Giles and Tazewell contained with the following boundary lines, to wit: Beginning at the mouth of East river in Giles county, and following the meanders thereof up to Toney's mill dam; thence, along the top of said mountain to a point opposite the upper end of the old plantation of Jesse Belcher, deceased; thence, a straight line to Peerie's mill dam, near the mouth of Alphs valley; thence, to a point well known by the name of the Pealed Chesnuts; thence, to the top of the Flat top mountain; thence, along said mountain, with the line of Logan, Fayette and Tazewell counties, to New river; thence up and along the various meanderings of the same, to the beginning, shall form one distinct and new county, and be called and known by the name of Mercer county, in memory of general Hugh Mercer who fell at Princeton.

2. The governor, with the advice of the council of state, shall commission eighteen persons as justices of the peace, in and for the said county of Mercer, who shall, before entering upon and executing the duties of the said office, take the several oaths now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace now in commission for either of the counties of Giles or Tazewell; and the justices now in commission, residing in that part of Giles and Tazewell counties, which will be in Mercer county after the commencement of this act, shall be of the number of justices commissioned for said county of Mercer, and shall be commissioned in point of seniority according to the date of their present commissions.

3. A court for the said county of Mercer shall be holden by the justices thereof, on the second Monday in every month, after the same shall have been organized, in like manner as is provided by law for other counties, and as shall be by their commissions directed.

4. And in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting public

buildings for the said county of Mercer, Thomas Kirk of the county of Giles, James Harvey of the county of Monroe, Howard Bane of the county of Tazewell, Joseph Straton of the county of Logan, and Henry B. Hunter of the county of Greenbrier, gentlemen, shall be and they are hereby appointed commissioners, a majority of whom may act for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof in writing to the court of the said county of Mercer; whereupon, they, the said court, shall proceed to cause the necessary public buildings to be erected at the place so fixed upon as the site for the same, by the said commissioners, or a majority of them; which public buildings, when completed, shall be the permanent place for holding courts for the said county of Mercer.

5. The justices of the peace, commissioned and qualified as aforesaid, for the said county of Mercer, shall meet at the house now the residence of James Coffee, in said county on the second Monday in April next; and a majority of them being present, shall proceed to the appointment of a clerk of the said court, shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place for holding the courts of said county, until the necessary buildings shall be constructed at the place designated by the said commissioners.

6. It shall be lawful for the sheriff of the counties of Giles and Tazewell, to collect and make distress, for any public dues or officers' fees, which shall remain unpaid by the inhabitants of the county of Mercer, at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The courts of the counties of Giles and Tazewell shall have jurisdiction of all actions and suits depending before them, on the second Monday in April next, and shall try and determine the same, and award execution thereon.

8. The said county of Mercer shall be in and attached to the same judicial circuit with the county of Giles; and the circuit superior courts of law and chancery thereof, shall be holden on the first day of May, and on the first day of October in every year; and be of the same brigade district with the county of Giles; and, in future, the elections of a senator and elector, and a representative in congress, in the said county of Mercer shall be of the same district as the county of Giles.

9. Until a separate and independent representation shall be provided by law for the said county of Mercer, the said county of Mercer and the county of Giles shall, together, send one delegate to the house of delegates in the general assembly of Virginia; and the election for such delegate, and representative in congress, in the said county of Mercer, shall, for the present year only, take place at the same time with the election in the county of Giles.

Mercer County

10. The courts of quarterly sessions for the said county of Mercer, shall be holden in the months of March, June, August and November, in each and every year.

11. Philip Lybrook of the county of Giles, John H. Vawter of the county of Monroe and John B. George of the county of Tazewell are hereby appointed commissioners to run and mark the lines between the said counties of Giles and Tazewell, and the said county of Mercer, as designated by this act, which, when run and marked, shall be taken and considered as the dividing lines between the said counties; and the said commissioners are hereby required to make report of their proceedings, in writing, to the county courts of Giles, Tazewell, and the said county of Mercer, respectively, which reports shall be recorded in the clerk's office of each of said counties; and in all controversies which may hereafter arise, touching said lines, shall be conclusive evidence. The said county courts of Giles, Tazewell and Mercer, shall allow the said commissioners a reasonable compensation for their services, to be paid out of the county levy of each of said counties, respectively in equal proportions.

12. The commissioners appointed by this act to designate and fix the site for the public buildings in the said county of Mercer, shall each be allowed and paid the sum of four dollars for every day that they shall be actually engaged in the duties aforesaid, to be provided for and paid out of the county levy of the said county of Mercer.

13. And be it further enacted, That all separate elections heretofore authorized to be holden in the counties of Giles and Tazewell, and falling within the county of Mercer, shall be conducted for the county of Mercer in the same manner as heretofore for either of the counties of Giles or Tazewell.

14. This act shall be in force from the passing thereof.

An Act changing one of the boundary lines of each of the counties of Mercer and Alleghaney
(Virginia Acts, 1847, ch. 59, p. 57)

(Passed March 13, 1847)

1. Be it enacted by the general assembly, That the commissioners when appointed, as prescribed by the act, entitled "an act for making more effectual provision for running and marking the boundaries of new counties," passed February the eleventh, eighteen hundred and forty-five, shall run and mark the bounds of the county of Mercer, changing the lines prescribed by the act creating said new county, passed March the seventh, eighteen hundred and thirty-seven, so as to commence said boundary "at Toney's mill dam, and run thence a direct course to the top of East river mountain," and thence for the residue of said lines as prescribed by the last recited act, and in running the same

they shall leave the inhabitants near said new line in the county of Giles or Mercer as they have been heretofore assessed with the revenue tax in the one or other of said counties respectively.

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3. This act shall be in force from its passing.

MINERAL COUNTY

Created from Hampshire (p. 62), Feb. 1, 1866; division line changed between Hampshire (p. 62) and, Feb. 29, 1868 (for act see p. 121); division line change ratified, Dec. 4, 1868 (for act see p. 121); division line changed between Hampshire (p. 62) and, Feb. 8, 1872 (for act see p. 122).

Act Creating Mineral County
(Acts of the Legislature of West Virginia, 1866, ch. 7. pp. 7, 8)

(Passed February 1, 1866)

Be it enacted by the Legislature of West Virginia:

1. So much of the county of Hampshire as is included within the following boundary lines, to-wit: Beginning at the point where the dividing line between the county of Hardy and the said county of Hampshire intersects the line between this state and the state of Maryland, thence running with said line between said counties of Hardy and Hampshire, crossing Patterson's creek to the dividing line between the townships of Welton and Romney, in the said county of Hampshire, on the top of Middle Ridge, thence along the top of Middle Ridge and with the said line between the townships of Welton and Romney, to the dividing line between the townships of Frankfort and Springfield in the said county of Hampshire; thence along the top of said Middle Ridge and with said line between the said Townships of Frankfort and Springfield to the Maryland line, thence with the dividing line between this state and the state of Maryland to the place of beginning, shall form one distinct and new county which shall be called and known by the name of Mineral county.

2. All townships officers within the bounds of the said new county, at the date of the passage of this act, shall remain in office for and during the terms for which they have been elected, and until their successors shall be elected and qualified according to law. The supervisors of the several townships within the said new county in office as aforesaid, shall constitute the board of supervisors of the said county of Mineral until

their successors are elected and qualified as aforesaid, and shall have all the powers and perform all the duties, vested in and imposed by law upon other boards of supervisors.

3. The county seat of said new county shall be at the village of New Creek, situated on the Baltimore and Ohio railroad, and the board of supervisors of said new county shall proceed as soon as practicable after the passage of this act to provide a suitable court house and other public buildings for the said county, in the manner required by the seventh section of the act passed October twenty-first, eighteen hundred and sixty-three, entitled "An Act defining in part, the powers and duties of the several counties of the state."

4. The judge of the circuit court of the said new county shall as soon after the passage of this act as practicable, appoint a clerk for said court, and a prosecuting attorney and sheriff for said county, who shall hold their office until the first day of January, eighteen hundred and sixty-seven, and until their successors shall be elected and qualified according to law.

5. The said new county shall be attached to the same judicial circuit, and to the same congressional and senatorial districts with the said county of Hampshire.

6. The said new county and the said county of Hampshire shall each elect one delegate to the house of delegates, until a new apportionment of representation therein shall be made as provided in the constitution of this state.

7. All process issued in the said county of Hampshire before the organization of the said new county, and all public dues and officers' fees which may remain unpaid by the citizens of the said new county, shall be executed, returned, collected and accounted for, by the sheriff or other officer in whose hands the same may have been placed, in the same manner as if this act had not been passed.

8. The courts of the said county of Hampshire shall retain jurisdiction over all actions, suits and proceedings herein pending at the passage of this act, and shall try and determine the same, and award execution or other process thereon, except in cases in which both parties reside in the said new county, which last mentioned cases, together with the papers and a transcript of the record of the proceedings therein had, shall, after that day, if either party so desire, be removed to the courts of the said new county, and there tried and determined as other cases.

9. The board of supervisors of said new county may create an additional number of townships therein, not exceeding four, without submitting their action in the matter to a vote of the people. The said board may also provide a place for holding the courts of said new county in the town of Piedmont, until the completion of the court house at New Creek.

Mineral County

An Act to alter part of the division line between the counties of Hampshire and Mineral
(Acts of the Legislature of West Virginia, 1868, ch. 86, pp. 84, 85)

(Passed February 29, 1868)

Be it enacted by the Legislature of West Virginia:
The division line between the counties of Hampshire and Mineral is hereby altered so as to run as follows, to wit: Beginning at the present corner of Hampshire and Mineral in the Hardy line, running with the said line between Hampshire and Hardy to the top of what is known as the high knob on Mill Creek Mountain; thence, leaving said line, running along the top of said mountain to Mien's gap and crossing it, and with the same mountain range to a point opposite what is known as Herriott's divide, (between Herriott's and Hamilton's): thence with said divide and the same course continued to the top of Middle range, there intersecting the present line between the counties of Hampshire and Mineral, and thence running with the same to the Maryland line; said territory to constitute a township known as Mill creek township, to be organized and governed as the other township of the said county of Mineral.

2. The annexation herein provided for shall not be in force until the same is ratified by a vote of the qualified voters residing within the boundary described in this act, in the manner hereinafter provided, nor until the commissioners hereinafter names shall have run and marked the said line established the same as hereinafter provided.

5. If a majority of all the votes cast under the provisions of the previous section shall be "for annexation," then this act shall be in force from the first day of January next, in case all the provisions of this act shall have been complied with; and if not, then from and after the day on which such provisions shall have been complied with.

6. The taking of said poll shall be conducted, certified and returned in the manner provided by law for conducting, certifying and returning the polls at elections for State and county officers, except that a copy of said poll shall be certified to the board of supervisors of Mineral county.

An Act ratifying the proceedings of the board of supervisors of Mineral county under Chapter 86 of the Acts of 1868.
(Acts of the Legislature of West Virginia, 1868, ch. 109, p. 72)

Mingo County

(Passed December 4, 1868)

Be it enacted by the Legislature of West Virginia:

All proceedings had, and all matters done, by virtue of the provisions of the act passed February twenty-ninth, eighteen hundred and sixty-eight, entitled "An Act to alter part of the division line between the counties of Hampshire and Mineral," by the board of supervisors of Mineral county, are hereby ratified, and the annexation of that portion of the county of Hampshire to the county of Mineral included in the first section of said act, is hereby legalized.

An Act to alter part of the division line between the counties of Hampshire and Mineral
(Acts of the Legislature of West Virginia, 1872, ch. 13, p. 19)

(Passed February 8, 1872)

Be it enacted by the Legislature of West Virginia:

That the act passed the twenty-ninth day of February, 1868, entitled "An act to alter part of the division line between the counties of Hampshire and Mineral," be and the same is hereby repealed, and the territory by said act annexed to and made part of the county of Mineral, is hereby re-annexed to, and made part of the county of Hampshire, and the township constituted by said act, shall continue to be known as Mill Creek township, to be governed as other townships of the said county of Hampshire, and all officers therein shall continue to perform their duties until their successors are duly elected and qualified, or until otherwise ordered by law.

MINGO COUNTY

Created from Logan (p. 101), Jan. 30, 1895.

Act Creating Mingo County
(Acts of the Legislature of West Virginia, 1895, ch. 68, pp. 212-214)

Be it enacted by the Legislature of West Virginia:

1. So much of the county of Logan as is included within the following boundary lines, to wit: Beginning on the Tug fork of Sandy river where the county line of said county of Logan and county of Wayne of said state of West Virginia intersect the state line between the states of West Virginia and Kentucky,

Mingo County

and thence in a northerly direction, with the county line of said counties of Logan and Wayne, to where the line of the county of Lincoln of said state of West Virginia intersects said line; and thence, still in a northerly direction, with the county lines of said counties of Logan and Lincoln, to where said line crosses the ridge between the waters of the left fork of Twelve Pole creek and the waters of the Guyandotte river; and thence, in an easterly direction with said dividing ridge, around the heads of the left fork and right fork of Twelve Pole creek; continuing with said ridge and connecting with the ridge that divides the waters of Twelve Pole creek and the waters of Island creek; and continuing with said ridge in a southerly direction to where it unites with the ridge between the waters of Island creek and the waters of Pigeon creek; and continuing with the ridge between the waters of Island creek and the waters of Pigeon creek to heads of said creek, where said dividing ridge unites with the ridge between the waters of Main Island creek and the waters of the Horse Pen fork of Gilbert's creek; thence, in a northerly direction with the ridge between the waters of the Horse Pen fork of Gilbert's creek on the one side and the waters of Island creek, Rich creek and Rockhouse creek on the other side, to the head or upper end of the ridge between the waters of Rockhouse creek and Sand Lick branch and the waters of Silvery branch; thence, down the ridge, to the head of the ridge between Deep ford branch and Laurel branch; thence, down said ridge, to Guyandotte river; thence, crossing said river where the lower point of the ridge on the lower side of Spice creek comes to the river; thence, leaving the river and up said ridge on the lower side of Spice creek, to where it intersects the ridge between Spice creek and Leatherwood creek, and thence, up and along said dividing ridge, to the county line between the counties of Logan and Wyoming; and thence, with said county line in a southerly direction, to where said county line intersects the county line between the counties of Logan and McDowell; and thence, with the said county line of Logan and McDowell, to the state line between the states of West Virginia and Virginia; the same being the Tug fork of Sandy river; thence, down the Tug fork of Sandy river, the same being the county line of Logan county, to the beginning, - shall form one distinct and new county, which shall be called and known by the name of Mingo county.

2. The said new county shall be attached to and constitute a part of the Third congressional district, the Eighth judicial circuit, and the Seventh senatorial district of this state, until otherwise provided by law.

3. All district officers within the bounds of said new county at the date of the passage of this act, shall remain in office for the term for which they were severally elected, and until their successors are elected and qualified according to law.

Mingo County

4. J. K. Anderson, J. L. Deskins and Alex. Stafford be and they are hereby appointed as commissioners for said new county, and shall constitute the county court thereof, until the first day of January, one thousand eight hundred and ninety-seven, and until their successors are elected and qualified, as hereinafter provided, and shall have all the powers and perform all the duties vested in and imposed by law upon other county courts. At the general election held in the year one thousand eight hundred and ninety-six, their successors shall be elected, one for two years, one for four years, and one for six years.

5. As soon after the passage of this act as practicable, the county officers of said county shall be appointed in the manner provided by law for the filling of vacancies in such offices.

6. The county seat of said new county shall be located at the town of Williamson, until otherwise provided by law; and the county court of said county shall proceed to provide a suitable court house and other public buildings for said new county.

7. Said new county and the said county of Logan shall together alternately elect one delegate to the house of delegates, until a new apportionment of representation therein shall be made, as provided by the constitution and laws of this state.

8. All process issued in the said county of Logan before the organization of said new county, and all public dues and officers' fees which may remain unpaid by citizens of said new county, shall be executed and returned, collected and accounted for, by the sheriff or other officer in whose hands the same may have been placed, in the same manner as if this act had not been passed.

9. The courts of said county of Logan shall retain jurisdiction over all actions, suits and proceedings therein pending at the passage of this act, and shall try and determine the same, and award execution and other process thereon, except in cases in which the plaintiff and one or more of the defendants reside or do business in said new county, which last mentioned cases, together with the papers and a transcript of the record of the proceedings therein had, shall, after that day, if either party so desires, be transferred to the courts of said new county, and there tried and determined, as other cases brought in said new county.

10. The terms of the circuit court of said new county shall be held on the second Mondays in January, May and September.

(Approved January 30, 1895)

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

MONONGALIA COUNTY

Created from District of West Augusta, Oct. 1776; boundary changed between Augusta (p. 13) and, May 1779 (for act see p. 129); part of Augusta (p. 13) added to, Oct. 1780 (for act see p. 129); court moved to Virginia after Mason-Dixon line established, May 1783 (for act see p. 130); Harrison (p. 72) formed from, May 1784; part added to Harrison (p. 72), Jan. 1, 1800 (for act see p. 73); Preston (p. 148) formed from, Jan. 19, 1818; part added to Preston (p. 148), Mar. 15, 1841 (for act see p. 151); part of Marion (p. 104) formed from, Jan. 14, 1842; boundary line defined between Marion (p. 104) and, Mar. 24, 1843 (for act see p. 106); boundary changed between Marion (p. 104) and, Mar. 15, 1847 (for act see p. 107).

Act Creating Monongalia, Ohio and Yohogania Counties
(9 Hening, ch. 45, pp. 262-266)

An act for ascertaining the boundary between the county of Augusta, and the district of West Augusta, and for dividing the said district into three distinct counties.

(Passed October, 1776)

WHEREAS it is expedient to ascertain the boundary between the county of Augusta and the district of West Augusta, Be it therefore enacted by the General Assembly of the commonwealth of Virginia, and it is hereby enacted by the authority of the same, That the boundary between the said district and county shall be as follows, to wit: Beginning on the Allegheny mountain between the heads of Potowmac, Cheat and Green Brier rivers, thence along the ridge of mountains which divides the waters of Cheat river from those of Green Brier, and that branch of the Monongahela river called Tyger's valley river to the Monongahela river, thence up the said river, and the west fork thereof, to Bingerman's creek, on the north west side of the said west fork, thence up the said creek to the head thereof, thence in a direct course to the head of Middle Island creek, a branch of the Ohio, and thence to the Ohio, including all the waters of the said creek in the aforesaid district of West Augusta, all that territory lying to the northward of the aforesaid boundary, and to the westward of the states of Pennsylvania and Maryland, shall be deemed, and is hereby declared, to be within the district of West Augusta.

And to render the benefits of government, and administration of justice, more easy and convenient to the people within the said district: Be it therefore enacted, by the authority aforesaid, That from and after the eight day of November next ensuing all that part of the said district lying within the following lines, to wit: Beginning at the mouth of Cross creek, thence up the same to the head thereof, thence south

eastwardly to the nearest part of the ridge which divides the waters of the Ohio from those of Monongahela, thence along the said ridge to the line which divides the county of Augusta from the said district, thence with the said boundary to the Ohio, thence up the same to the beginning, shall be one distinct county, and be called and known by the name of Ohio county; and all that part of the said district lying to the northward of the following lines, viz. beginning at the mouth of Cross creek, and running up its several courses to the head thereof, thence south eastwardly to the nearest part of the aforesaid dividing ridge between the waters of the Monongahela and Ohio, thence along the said ridge to the head of Ten Mile creek, thence east to the road leading from Catfish camp to Redstone old fort, thence along the said road to the Monongahela river, thence crossing the river to the said fort thence along Dunlap's old road to Braddock's road, and with the same to the meridian of the head fountain of Potowmack, shall be one other distinct county, and be called and known by the name of Yohogania county; and all that part of the said district lying to the northward of the county of Augusta, to the westward of the meridian of the head fountain of Potowmack to the southward of the county of Yohogania, and to the eastward of the county of Ohio, shall be one other distinct county and shall be called and known by the name of the county of Monongalia.

And for the administration of justice in the said counties of Ohio, Yohogania, and Monongalia, after the same shall take place: Be it farther enacted, by the authority aforesaid, That after the said eighth day of November courts shall be constantly held every month by the justices of the respective counties, upon the days hereafter specified for each county respectively, that is to say: For the county of Ohio, on the first Monday, for the county of Monongalia, on the second Monday, and for the county of Yohogania, on the fourth Monday in every month, in such manner as by the laws of this commonwealth is provided for other counties, and as shall be by the commission directed.

Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said district of West Augusta, as the same now stands entire and undivided, from collecting and making distress for any publick dues or officers fees which shall remain unpaid by the inhabitants of the said district of West Augusta at the time of the aforesaid counties taking place, but such sheriff or collector shall have the same power to collect and distrain for such dues and fees and shall be answerable for them in the same manner, as if this act had never been made, any law, usage, or custom, to the contrary thereof notwithstanding.

And be it farther enacted, by the authority aforesaid, That the court of the said county of Yohogania shall have jurisdict

of all actions and suits, both in law and equity, which shall be depending before the court of the district of West Augusta at the time the said divisions shall take place, and shall and may try and determine all such actions and suits, and issue process and award execution in any such action or suit, in the same manner as the court of the district of West Augusta might have done if this act had never been made.

Provided nevertheless, That nothing in this act contained shall be construed to vacate the seats of the delegates for the district of West Augusta, but that they ought to retain their seats as delegates for the county henceforth to be called Yohogania.

And be it farther enacted, That every free white man, who, at the time of elections for delegates or senators in the said counties of Ohio, Yohogania, and Monongalia, shall have been for one year preceding in possession of twenty five acres of land with a house and plantation thereon, or one hundred acres of land without a house or plantation thereon, in the said counties, claiming an estate for life at least in the said land in his own right, or in the right of his wife, shall have a vote, or be capable of being chosen at such elections, and have and enjoy all other privileges of freeholders, agreeable to the laws of this commonwealth, in his respective county, although no legal title to the said land shall have been conveyed to such person; and that, in all future elections of Senators, the said counties of Ohio, Yohogania, and Monongalia shall form and be one district.

And be it farther enacted, That it shall and may be lawful for the landholders of the said counties respectively, qualified as aforesaid, to vote for representatives in general assembly, and they are hereby required to meet at the times and places hereafter mentioned, that is to say: The landholders of the county of Yohogania to meet at the house of Andrew Heath, on the Monongahela, in the said county, on the eighth day of December next, the landholders of the county of Monongalia to meet at the house of Jonathan Coburn, in the said county, on the said eighth day of December next, and the landholders of the county of Ohio to meet at the house of Ezekiel Dewit, in the said county, on the said eighth day of December next, then and there to choose the most convenient place for holding courts for their respective counties in future.

And be it farther enacted, That notice of the said time and place of election in each of the aforesaid counties shall be given to the landholders thereof by the sheriff, minister, and readers, in their respective counties, in the same manner, and under the like penalties, as are directed for giving notice of an election of representatives to serve in general assembly; and that the election in each of the aforesaid counties shall

be held by the sheriff thereof, in the same manner as such elections for representatives to serve in general assembly, writing down the names of the places voted for, every one in a separate column of his poll, and the names of every landholder voting under the place for which he votes, and the place for which most votes shall be given in each of the aforesaid counties, shall thenceforth be the place of holding courts for such county; and after the elections shall be made in the aforesaid counties, or either of them, the sheriff of each of the said counties shall return the original poll taken by him, as aforesaid, attested by himself, to the clerk's office of his county, by whom the same shall be recorded.

And be it farther enacted, That the same rules and proceedings shall be observed in every article relating to the said elections; and all persons failing to do their respective duties shall incur the same penalties, and be subject to the same actions, as are prescribed by law in case of an election of representatives to serve in general assembly.

Provided, That if on the aforesaid day, appointed for holding the said elections, the freeholders of either of the said counties shall be prevented from assembling by rain, snow, or accidental rise of water courses, then it shall and may be lawful for the sheriff, and he is hereby required, to put off the said election to that day week following, and so from week to week so often as the case may happen.

And whereas there are no courts to recommend persons to be sheriffs for the said county, Be it farther enacted, That it shall and may be lawful for the governour, or, in his absence, for the president of the council, to appoint such person in each of the said counties to be the first sheriff thereof as to him shall appear proper; which said sheriff, or sheriffs, so appointed, shall continue in office for and during the time limited by the laws of this commonwealth for other sheriffs within the same.

And whereas, by the usual course of law, sheriffs cannot be qualified for their offices but at the courthouse of their respective counties, so that it is necessary to make provision for the qualification of the sheriffs in this particular instance: Be it therefore enacted, That it shall and may be lawful for the governour, or, in his absence, for the president of the council, to issue a dedimus potestatem, directed to any person or persons, empowering him or them to administer to the sheriff of each of the aforesaid counties the oath of his office, which shall be sufficient to qualify such sheriff to hold his respective election, and also to hold an election for committee-men in his county.

Monongalia County

An Act for adding part of the county of Augusta, to the county of Monongalia and other purposes
(9 Hening, ch. 43, p. 114)

(Passed May, 1779)

FOR adding part of the county of Augusta to the county of Monongalia: Be it enacted by the General Assembly, That all that part of the said county of Augusta that lies to the north west of the following lines, to wit: Beginning at the dividing ridge between the waters of Elk and little Kenhawa rivers, and running thence till it intersects the ridge between the western fork of Monongalia and Elk river, thence with the said dividing ridge to the ridge dividing the waters of Tygers Valley and Buchanan prongs of the Monongalia, thence with the said ridge to the intersection of the said Tygers Valley prong by the said ridge, thence with the said ridge to the old line on the ridge between the waters of Tygers Valley prong and those of Cheat river, and thence with the said ridge that divides Cheat river and the waters of Potowmack shall be added to, and made part of the county of Monongalia.

An Act for adding part of the county of Augusta to the county of Monongalia
(9 Hening, ch. 9, p. 351)

(Passed October, 1780)

BE it enacted, That all that part of the county of Augusta, north-west of the line that divides Augusta from Green Brier on the top of the ridge, that divides the waters of Green Brier from those of Elk and Tyger's valley, and with that ridge to the ridge that divides the waters of Potowmack from those of Cheat, and with the same to the line that divides Augusta and Rockingham, shall be and the same is hereby added to and made part of the county of Monongalia. Provided always, that nothing herein contained, shall be construed to hinder the sheriff of the said county of Augusta from collecting and making distress for any public dues or officers fees which shall remain unpaid by the inhabitants thereof, at the time of passing this act; but such sheriff shall have the same power to collect and distrain for such dues and fees, and shall be accountable for them in the same manner as if this act had never been made.

An Act authorizing the justices of the county of Monongalia to appoint a place for holding courts for the said county of for other purposes
(11 Hening, ch. 18, 255, 256)

Monroe County

(Passed May 1783 - 7th of Commonwealth)

I. Whereas it is represented to this general assembly, that by the extension of the line called Mason's and Dixon's line, the court-house of Monongalia county has fallen into the state of Pennsylvania, and that the house of Zachwell Morgan is conveniently situated for the present holding of courts:

II. Be it therefore enacted, That the justices of the said county shall, and they are hereby authorized, to hold courts for the said county at the house of the said Zachwell Morgan, at the time appointed by law, until a court-house shall be erected. And whereas since the extension of the said line, the justices of the said county have adjourned to, and held their courts at several places within the county, and it is reasonable that their proceedings shall be confirmed:

III. Be it therefore enacted, That all judgments obtained, and other proceedings of the said court, had or done at the places to which the said adjournments were respectively made, shall be held and deemed as good and valid in law in like manner as if the same had been done at a place legally appointed for the holding of the court of the said county.

IV. And be it further enacted, That the justices of the said county, as a majority of them, shall, and they are hereby authorized and empowered, to meet at some convenient place in the said county, within six months after the passing of this act, and agree upon a proper place for holding the court of the said county; and they are hereby authorized and empowered to purchase a seat of land not exceeding ten acres, for the purpose of erecting a court-house, jail, and other necessary public buildings, and to levy the money necessary for that purpose, also for the purpose of erecting such buildings, on the tithable persons of the said county, in the same manner as other county levies.

MONROE COUNTY

Created from Greenbrier (p. 55), Jan. 14, 1799; part of Botetourt (p. 26) added to, Jan. 2, 1802 (for act see p. 132); part of Giles (p. 49) formed from, Jan. 16, 1806; part of Alleghaney (p. 10) formed from, Jan. 5, 1822; part added to Greenbrier (p. 55), Jan. 29, 1827 (for act see p. 60); lines determined between Giles (p. 49) and, Jan. 29, 1827 (for act see p. 133); part added to Giles (p. 49), Feb. 2, 1829 (for act see p. 51); part added to Alleghaney (p. 10), Jan. 11, 1843 (for act see p. 11); parts added to Craig (p. 39), Feb. 16, 1853 and Jan. 10, 1856 (for acts see p. 39); part of Summers (p. 175) formed from, Feb. 27, 1871.

Monroe County

Act Creating Monroe County
(Henings Statutes At Large, New Series, 1792-1806, vol. 2, ch. 41, pp. 168, 169)

(Passed January 14, 1799)

1. Be it enacted by the general assembly, that all that part of the county of Greenbrier, lying within the following bounds, beginning where the ridge dividing the eastern and western waters joins Peter's mountain, and with the said ridge to the ridge which divides Howard's and Second creek, to the waggon road at Robert Knoxes; thence with the said creek to Thomas Nichol's spring branch, thence a straight line to Alderson's ferry landing on Greenbrier river, thence down the said river to the mouth of Muddy creek, thence crossing the same to the ridge that divides the waters of Muddy creek and Griffith's run, and with the said ridge to Keeny's knobs, and with the said knobs including the waters flowing into Greenbrier river to New river, and up the same to where it breaks through Peter's mountain, thence with the said mountain and eastwardly course to the beginning, shall form one distinct county, and be called and known by the name of Monroe.

2. A court for the said county of Monroe shall be held by the justices thereof on the third Tuesday in every month after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. The justices to be named in the commissions of the peace for the said county of Monroe shall meet at the house of George King, in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit, and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper: Provided always, that the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such cases the appointment shall be postponed until some court day when a majority shall be present.

4. It shall be lawful for the sheriff of the county of Greenbrier to collect and make distress for any public dues and officers' fees remaining unpaid by the inhabitants thereof at the time the county of Monroe takes place, and shall be accountable for the same, in like manner as if this act had not been made.

Monroe County

5. The court of the said county of Greenbrier shall have jurisdiction of all actions and suits depending before them when the said county of Monroe takes place, and shall try and determine the same and award execution thereon.

6. The governor with the advice of council shall appoint a person to be sheriff of the said county of Monroe, who shall continue in office during the term, and upon the same conditions as are by law prescribed for other sheriffs.

7. In all future elections of a senator, elector and a representative in congress, the said county of Monroe shall be of the same district as the county of Greenbrier. The said county of Monroe shall be of the same district with the county of Greenbrier, for which district courts are holden at the Sweet Springs, and shall also be of the same brigade district.

8. This act shall commence and be in force from and after the first day of May next.

An Act for adding part of the county of Botetourt to the county of Monroe
(Henings Statutes At Large, New Series, 1792-1806, vol. 2, ch. 45, p. 345)

(Passed January 2, 1802)

1. Be it enacted by the general assembly, That all that part of the county of Botetourt within the following boundaries to wit: Beginning at the top of the middle mountain, on the east side of Potts creek, at the line where Montgomery intersects said mountain, thence down the top of said mountain as far as that part thereof which is opposite the lower end of David Edgar's plantation, on the said creek and thence with a straight line northwest, or such bearing as will include Samuel Logue's plantation on Dunlap's creek, and so continued on to the line of Greenbrier county, shall be and it is hereby added to, and made a part of the county of Monroe.

2. And be it further enacted, That all that part of the county of Randolph, commonly called Buchanon settlement, with the following boundaries to wit: Beginning on the dividing ridge at head of Stone Cole, thence running down Bull run to French creek, thence with said creek to Buchanon river, thence down the same to the lines of Christopher Strader's survey, thence with the same reversed to John Jackson's lines, and with the same to a fourteen hundred acre survey of George Jackson's, thence with the same to the mouth of Childre's run, thence down Buchanon river to the line of Harrison county, and with the said line to the beginning, shall be and it is hereby added to, and a part of the county of Harrison.

Monroe County

3. It shall be lawful for the sheriffs of the said counties of Botetourt and Randolph, to collect and make distress for any public dues as officers' fees, which shall remain unpaid by the inhabitants of those parts of the said counties as are hereby respectively added to the counties of Monroe and Harrison, and shall be accountable for the same in like manner as if this act had not been made.

4. So much of any act as comes within the meaning of this act is hereby repealed.

5. This act shall commence and be in force from and after the passing thereof.

An Act to designate with greater certainty the lines between Monroe and Giles
(Virginia Acts, 1827, ch. 51, p. 42)

(Passed January 29th, 1827)

Whereas it is represented to the General Assembly, that part of the boundary line between the counties of Monroe and Giles, has never been run or designated, in such manner that enables the citizen resident near the supposed line, to know with certainty whether he resides within the county of Monroe or Giles.

1. Be it therefore enacted by the General Assembly, That it shall be the duty of the county court of Monroe, (and at the expense of said county,) to cause the surveyor for the said county, to run and mark that part of the boundary line between the said counties, beginning at Wray's path on the top of Peters mountain opposite Andrew Allen's, and run an easterly direction, keeping the ridge which divides the eastern and western waters, to Samuel Hutchinson's plantation on the top of the Middle or Price's mountain, and with the same to the Botetourt line, and it shall be the duty of the surveyor to make report thereof to the county court of each of the counties of Monroe and Giles, where the same may be entered of record, in the clerk's office of each court, which line, when thus run, shall be the fixed and established line between the two counties.

2. This act shall be in force from and after the passage thereof.

MONTGOMERY COUNTY (VIRGINIA)

Created from Fincastle (p. 47), Oct. 1776; part of Greenbrier (p. 55) formed from, Oct. 1777; part of Kanawha (p. 83) formed from, Nov. 17, 1788; part of Giles (p. 49) formed from, Jan. 16, 1806.

Act Creating Montgomery County
(9 Hening, ch. 44, pp. 257-261)

(Passed October--1776)

An act for dividing the county of Fincastle into three distinct counties, and the parish of Botetourt into four distinct parishes.

WHEREAS, from the great extent of the county of Fincastle, many inconveniencies attend the more distant inhabitants thereof, on account of their remote situation from the courthouse of the said county, and many of the said inhabitants have petitioned this present general assembly for a division of the same:

Be it therefore enacted by the General Assembly of the commonwealth of Virginia, and it is hereby enacted by the authority of the same, That from and after the last day of December next ensuing the said county of Fincastle shall be divided into three counties, that is to say: All that part thereof which lies to the south and westward of a line beginning on the Ohio, at the mouth of Great Sandy creek, and running up the same and the main or north easterly branch thereof to the Great Laurel Ridge or Cumberland Mountain, thence south westerly along the said mountain to the line of North Caroline, shall be one distinct county, and called and known by the name of Kentucky; and all that part of the said county of Fincastle included in the lines beginning at the Cumberland Mountain, where the line of Kentucky county intersects the North Carolina line, thence east along the said Carolina line to the top of Iron Mountain thence along the same easterly to the source of the south fork of Holstein river, thence northwardly along the highest part of the high lands, ridges, and mountains, that divide the waters of the Tenessee from those of the Great Kanawah, to the most easterly source of Clinch river, thence westwardly along the top of the mountains that divide the waters of Clinch river from those of the Great Kanawah and Sandy creek to the line of Kentucky county, thence along the same to the beginning, shall be one other distinct county, and called and known by the name of Washington; and all the residue of the said county of Fincastle shall be one other distinct county, and shall be called and known by the name of Montgomery.

And for the administration of justice in the said counties of Montgomery, Washington, and Kentucky, after the same shall take place, Be it farther enacted, by the authority aforesaid, That

after the said last day of December a court for every of the said counties of Montgomery, Washington, and Kentucky, shall be held by the justices thereof respectively, upon the following days in every month, to wit: For the county of Montgomery on the first Tuesday in every month, for the county of Washington on the last Tuesday in every month, and for the county of Kentucky on the first Tuesday in every month, in such manner as is by law provided for other counties, and as shall be by their commissions directed.

Provided always, That nothing herein contained shall be construed to hinder the sheriff of the said county of Fincastle, as the same now stands entire and undivided, from collecting and making distress for any publick dues or officers fees which shall remain unpaid by the inhabitants thereof at the time such division shall take place, but such sheriff shall have the same power to collect and distrain for such dues and fees, and shall be accountable for them in the same manner, as if this act had never been made, any law, usage, or custom, to the contrary thereof, in any wise notwithstanding.

And be it farther enacted, by the authority aforesaid, That the court of the said county of Montgomery shall have jurisdiction of all actions and suits in law and equity which shall be depending before the court of Fincastle county at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue and process and award execution in any such action or suit; and the justices of the said county of Fincastle who shall reside within the bounds of Montgomery county after the division, and all other officers of the same, shall have power to execute their respective offices, in that part of the said county called Montgomery, in as full and ample a manner as if this act had never been made; and all the militia officers of the said county of Fincastle, who, after the division, shall reside in the said county of Washington, shall have full power to execute their respective offices, within that part of the said county called Washington, until commissions can be issued according to law.

And be it farther enacted, That the justices to be named in the commissions of the peace for the said counties of Montgomery, Washington, and Kentucky, respectively, shall meet for the said county of Kentucky at Harodsburg, in the said county, on the first Tuesday in April next, for the said county of Washington at Black's fort, in the said county, on the last Tuesday in January next, and for the said county of Montgomery at Fort Chiswell, on the first Tuesday in January next; and having taken the oath required by an ordinance of convention, and administered the oath of office to, and taken bonds, according to law, of the respective sheriffs, every of the said courts may proceed to appoint and qualify a clerk, and to fix upon places for holding courts in their respective counties, at, or as near the centres thereof, as the situation and conveniencies of the respective counties will admit of, and shall thenceforth proceed

to erect the necessary publick buildings for such counties at such places respectively, and shall also appoint such places for holding courts, until such buildings shall be completed, as they shall think fit.

Provided always, That the appointments of the places for holding courts, and of clerks for the several counties aforesaid, shall not be made unless a majority of the justices for such counties be present, where such majority shall have been prevented from attending by bad weather or accidental rise of water courses, but in all such cases the appointments aforesaid shall be postponed until the next court days, and so on from court day to court day until such obstacles shall be removed.

And be it farther enacted, That the courts of the said counties shall have power to adjourn themselves to such places as they shall appoint, and after the publick buildings aforesaid shall be erected for the said counties, at the places to be appointed as aforesaid, the courts for the said counties shall be thenceforth held at such places.

And be it farther enacted, That every free white man who, at the time of elections of delegates or senators for the said several counties, shall have been for one year preceding in possession of twenty five acres of land with a house and plantation thereon, or one hundred acres of land without a house and plantation, in any of the said counties, and having right to an estate for life at least in the said land in his own right, or in right of his wife, shall have a vote, or be capable of being chosen a representative in the county where his said land shall lie, although no legal title in the same shall have been conveyed to such possessors; and that in all future elections of senators, the said counties of Montgomery, Washington, and Kentucky, together with the county of Botetourt, shall form and be one district.

And be it farther enacted, That it shall and may be lawful for the governour, or, in his absence, for the president of the council, to appoint a person in every of the said counties of Montgomery, Washington, and Kentucky, to be the first sheriff thereof respectively; which said sheriff, so appointed, shall continue in office during the term, and upon the same conditions, as is by law directed for other sheriffs.

And be it farther enacted, That the field officers and captains of the militia of Washington county be, and they are hereby empowered and required to appoint the captain and the ensign, and the field officers and captains of the county of Montgomery to appoint the first and second lieutenants, of the company of regulars directed to be raised in the county of Fincastle, as the same stood entire and undivided, if the same shall not have been previously appointed by the field officers and captains of

the county of Fincastle, agreeable to an act of this present general assembly for raising six additional battalions of infantry on the continental establishment.

And whereas, from the great extent of the parish of Botetourt, the same is become very inconvenient to the inhabitants thereof, Be it therefore enacted, by the authority aforesaid, That from and after the last day of December next the said parish shall be divided into four distinct parishes, that is to say: All that part of the said parish which lies in the county of Montgomery shall be one distinct parish, and be called and known by the name of Montgomery, all that other part of the parish which lies in the said county of Washington shall be one other distinct parish, and be called and known by the name of Washington; all that other part of the said parish which lies in the said county of Kentucky shall be one other distinct parish, and be called and known by the name of Kentucky; and all that other part of the said parish which lies in the county of Botetourt shall be one other distinct parish, and shall retain the name of Botetourt parish.

Provided always, That nothing herein contained shall be construed to hinder the collector of the said parish of Botetourt, as the same now stands entire and undivided, from collecting and making distress for any dues which shall remain unpaid by the inhabitants of the said parish at the time of the division's taking place, but such collector shall have the same power to collect or distrain for the said dues, and shall be answerable for them in the same manner, as if this act had never been made.

MORGAN COUNTY

Created from Berkeley (p. 21) and Hampshire (p. 62), Feb. 9, 1820.

Act Creating Morgan County
(Virginia Acts, 1820, ch. 34, pp. 27, 28).

(Passed Feb. 9, 1820)

1. Be it enacted by the General Assembly, That all that part of the counties of Berkeley and Hampshire contained within the following bounds, to wit: beginning at the mouth of Cherry's Run at the river Potowmac, in the county of Berkeley, thence up the middle of said Run to its source, thence due west to the top of Sleepy Creek Mountain, thence along the top of said Mountain to the line that separates the counties of Frederick and Berkeley, thence with the said line to the county of Hampshire, thence in a direct line until it strikes the river Potowmac opposite Mitchell's Rock, and thence by the river Potowmac to the beginning, shall form one distinct and new county, and be called and known by the name of Morgan county.

Morgan County

2. A court for the said county of Morgan shall be held by the justices thereof on the third Thursday in every month after the same takes place, in like manner as is provided by law for other counties and shall be by their commissions directed; and the courts of quarterly sessions shall be holden in the months of March, May, August and November, in every year.

3. And, in order the more impartially and correctly to ascertain the most proper place for holding courts and erecting the public buildings for the said county, Francis White, George Porterfield, Joel Ward, Daniel Carmichael and Robert Sherrard shall be, and they are hereby appointed commissioners a majority of whom may act, for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof to the court of the said county of Morgan, whereupon they shall proceed to erect the necessary public buildings at the place so fixed on by the said commissioners or a majority of them, which, when completed, shall be the permanent place for holding courts for the said county.

4. The said commissioners shall be allowed each the sum of three dollars per day as a compensation for the duties hereby imposed upon them, to be paid out of the first levy to be collected in the said county of Morgan.

5. The justices to be named in the commission of the peace for the said county of Morgan, shall meet at the town of Bath, in the said county, upon the first court day after the said county takes place, and, having administered the oaths of office to, and taken bonds of the sheriff according to law, proceed to appoint and qualify a clerk; and, until the necessary public buildings are completed at the place pointed out by the commissioners, or a majority of them, to appoint such place within the said county for holding courts as they may think proper: Provided always, that the appointment of a clerk and of a temporary place for holding courts shall not be made unless a majority of the justices of the said county be present.

6. It shall be lawful for the sheriffs of the counties of Berkeley and Hampshire, to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants of the county of Morgan, at the time it takes place, and shall be accountable for the same in like manner as if this act had not been made.

7. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Morgan, who shall continue in office during the term and upon the same conditions as are by law appointed for other sheriffs.

Nicholas County

8. The courts of the counties of Berkeley and Hampshire shall have jurisdiction of all actions and suits depending before them at the time the said county of Morgan takes place, and shall try and determine the same, and award execution thereon.

9. The said county of Morgan shall remain in the same judicial circuit with the counties of Berkeley and Hampshire, and the courts thereof shall be holden on the Wednesday before the fourth Monday after the fourth Monday in the month of April, and the Wednesday before the fourth Monday after the fourth Monday in the month of September in each year; and the militia of the said county shall be formed into a new regiment and be attached to the sixteenth brigade. In future elections of a senator and elector and a representative in Congress, the said county of Morgan shall be of the same district as the counties of Berkeley and Hampshire.

10. This act shall be in force from the passing thereof.

NICHOLAS COUNTY

Created from Greenbrier (p. 55), Kanawha (p. 83), and Randolph (p. 157), Jan. 30, 1818; act amended, Jan. 29, 1820 (for act see p. 141); boundary changed between Kanawha (p. 83) and, Jan. 23, 1823 (for act see p. 86); part of Fayette (p. 44) formed from, Feb. 23, 1831; part of Braxton (p. 26) formed from, Jan. 15, 1836; part of Clay (p. 37) formed from, Mar. 29, 1858; part of Webster (p. 195) formed from, Jan. 10, 1860; boundary changed between Webster (p. 195) and, Nov. 7, 1863 (for act see p. 200); part added to Webster (p. 195), Jan. 19, 1882 (for act see p. 201); boundary changed between Webster (p. 195), Greenbrier (p. 55) and, Jan. 19, 1882 (for act see p. 201).

Act Creating Nicholas County
(Virginia Acts, 1818, ch. 33, pp. 34, 35)

(Passed January 30, 1818)

1. BE it enacted by the General Assembly, That all that part of the counties of Greenbrier, Kanawha and Randolph, contained within the following bounds, to wit: beginning at the mouth of Gauly river on the east side thereof, thence up the said river and binding thereon one mile and an half, thence to the mouth of Rock Camp fork on Bell creek, thence to the mouth of Buffaloe on Elk river, thence up the latter to the mouth of Otter creek, thence up the west side of Otter to the dividing ridge between Little Kanawha and Elk rivers, thence to include the inhabitants of Holly, thence to Miller's old improve-

Nicholas County

ment on Elk river, thence to the spice bottoms on Williamson's river, thence to the fork of Cranberry, thence to the sixteen mile tree on the wilderness road, thence crossing the old state road on the dogwood ridge to New river, thence down the same to the beginning, shall form one distinct and new County, and be called and known by the name of Nicholas county.

2. A court for the said county of Nicholas shall be held by the justices thereof on the first Tuesday in every month after the same takes place, in like manner as is provided by law for other counties, and shall be by their commissions directed. And, in order the more impartially and correctly to ascertain the most proper place for holding courts and erecting the public buildings for the said county, John Hansford and John Wilson of Kanawha, Samuel Brown and John Welsh of Greenbrier, and William Marteney of Randolph, shall be and they are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid, whose duty it shall be, after having performed the duties hereby required, to make report thereof to the court of the said county of Nicholas, whereupon they shall proceed to erect the necessary public buildings at the place so fixed on by the commissioners or a majority of them, which, when completed, shall be the permanent place for holding courts for the said county. The said commissioners shall be allowed each the sum of three dollars per day as a compensation for the duties hereby imposed on them, to be paid out of the first levy to be collected in the said county of Nicholas.

3. The justices to be named in the commission of the peace for the said county of Nicholas shall meet, at the house of John Hamilton in the said county, upon the first court day after the said county takes place, and, having administered the oaths of office to and taken bonds of the sheriff according to law, proceed to adpoint and qualify a clerk, and, untill the necessary public buildings are completed at the place pointed out by the commissioners or a majority of them, to appoint such place within the county for holding courts as they may think proper: Provided always, that the appointment of a clerk and of a temporary place for holding courts shall not be made, unless a majority of the justices of the said county be present.

4. It shall be lawful for the sheriffs of the counties of Greenbrier, Kanawha and Randolph to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of the county of Nicholas at the time it takes place, and shall be accountable for the same in like manner as if this act had not been made. The Governor with the advice of council shall appoint a person to be first sheriff of the said county of Nicholas; who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

Nicholas County

5. The courts of the counties of Greenbrier, Kanawha and Randolph shall have jurisdiction of all actions and suits depending before them at the time the said county of Nicholas takes place, and shall try and determine the same, and award execution thereon.

6. The said county of Nicholas shall remain in the same judicial circuit with the counties of Greenbrier and Kanawha, and the courts thereof shall be holden on the fourth Monday after the fourth Monday in the month of April, and the fourth Monday after the fourth Monday in the month of September in each year; and be of the thirteenth brigade district. In future elections of a senator and elector and a representative in Congress, the said county of Nicholas shall be of the same district as the counties of Greenbrier and Kanawha.

7. And be it further enacted, That the courts of quarterly sessions for the said county of Nicholas shall be holden in the months of March, June, August and November in every year.

8. This act shall be in force from the passing thereof.

An Act to amend the act, entitled "an act establishing the county of Nicholas"
(Virginia Acts, 1820, ch. 114, p. 91).

(Passed January 29th, 1820)

1. Be it enacted by the General Assembly, That the county of Nicholas shall hereafter be bounded by the following lines, that is to say: Beginning at the mouth of Gauly river, on the east side thereof; thence up the said river and binding thereon, one mile and an half; thence to the mouth of Rock Camp fork on Bell creek; thence to the mouth of Otter creek; thence up the west side of Otter to the dividing ridge between Little Kanawha and Elk rivers; thence with said ridge to a point where a due south course from the upper end of a tract of land, now claimed by John Mollehon, including Hacker's Lick, will strike the said line; thence with the reverse of said course to the upper end of the said tract; thence to Miller's old improvement on Elk river; thence to the spice bottoms on Williamson's river; thence to the forks of Cranberry; thence to the sixteen mile tree on the wilderness road; thence, crossing the old state road on the dogwood ridge, so as to include the inhabitants between said ridge and Gauly mountain, to New river; and thence down the same to the beginning, instead of the boundaries heretofore, prescribed by law for the said county.

Ohio and Pendleton Counties

2. All acts and parts of acts coming within the purview of this act are hereby repealed.

3. This act shall be in force from the passing thereof.

OHIO COUNTY

Created from District of West Augusta, Oct. 1776 (for act see p. 125); Brooke (p. 30) formed from, Nov. 30, 1796; part added to Harrison (p. 72), Dec. 22, 1804 (for act see p. 74); Tyler (p. 186) formed from, Dec. 6, 1814; Marshall (p. 107) formed from, Mar. 12, 1835.

PENDLETON COUNTY

Created from Augusta (p. 13), Hardy (p. 70), and Rockingham (p. 174), Dec. 4, 1787; part of Augusta (p. 13) added to, Dec. 14, 1790 (for act see p. 21); part of Bath (p. 19) added to, Dec. 3, 1796 (for act see p. 144); part of Pocahontas (p. 146) formed from, Dec. 21, 1821; part of Highland (p. 75) formed from, Mar. 19, 1847.

Act Creating Pendleton County
(12 Hening, ch. 94, pp. 637, 638)

(Passed the 4th of December, 1787)

I. BE it enacted by the General Assembly, That from and after the first day of May next, all those parts of the counties of Augusta, Hardy, and Rockingham, within the following bounds, to wit: Beginning on the line of Rockingham county, on the North mountain, opposite to Charles Wilson's on the South Fork, thence a straight line to the Clay Lick on the North Fork, thence to the top of the Allegana, and along the same and the east side of the Greenbrier-waters to the south west fountain of the South Branch, and thence between the same and the waters of James River, along the dividing ridge to the said North mountain, and with the top of the same to the beginning, shall form one distinct county, and be called and known by the name of Pendleton.

II. A court for the said county of Pendleton shall be held by the justices thereof on the first Monday in every month,

after such county shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed. And the court of quarterly sessions for the said county of Pendleton, shall be held in the months of April, June, September, and December, in every year.

III. The justices to be named in the commission of the peace for the said county of Pendleton, shall meet at the house of Zariah Stratton in the said county, upon the first court-day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit of; and thenceforth the said court shall proceed to erect the necessary public buildings at such places; and until such buildings be completed, to appoint any place for holding courts, as they shall think proper. Provided always, That the appointment of a place for holding courts and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

IV. The governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

V. Provided also, and be it further enacted, That it shall be lawful for the sheriffs of each of the said counties of Augusta, Hardy, and Rockingham, to collect and make distress for any public dues and officers fees which shall remain unpaid by the inhabitants thereof, at the time the said county shall take place, and shall be accountable for the same in like manner as if this act had not been made.

VI. And the courts of the said counties shall have jurisdiction of all actions and suits which shall be depending before them at the time the said county of Pendleton shall take place; and shall try and determine the same, and award execution thereon.

VII. In all future elections of a senator, the said county of Pendleton shall be of the same district as the county of Augusta.

Pleasants County

An Act for adding part of the county of Bath to the county of Pendleton
(Henings Statutes At Large, New Series, vol. 2, ch. 56, p. 53)

(Passed December 3, 1796)

1. Be it enacted by the general assembly, That all that part of the county of Bath within the following bounds, to wit: Beginning at the top of the Allegheny mountain, the north-west side of the line of the county of Pendleton, thence a straight line to the lower end of John Slavin's plantation on Greenbrier river, thence to Dunwiddie's on Jackson's river, thence crossing the Bull Pasture river, so as to leave Edward Steward in the county of Bath, thence to Stewart's gap on the Cow Pasture, thence to the top of the mountain which divides the waters of the Cow Pasture and Calf Pasture rivers, thence a north-eastwardly course along the said mountain to the line of the county of Pendleton, shall be and the same is hereby added to and made part of the said county of Pendleton.

PLEASANTS COUNTY

Created from Wood (p. 210), Tyler (p. 186), and Ritchie (p. 165), Mar. 29, 1851.

Act Creating Pleasants County
(Virginia Acts, 1851, ch. 27, pp. 25, 26)

(Passed March 29, 1851)

1. Be it enacted by the general assembly, That so much of the counties of Wood, Tyler and Ritchie as is contained within the following boundary lines, to wit: Beginning at the mouth of Bull creek in the county of Wood; thence up said creek to its head, crossing the Ritchie county line, and on to the top of dividing ridge; thence with said ridge to the Tyler county line; thence on said ridge with the Tyler and Ritchie county line to the head of Coal run, a branch of McKim's fork of Middle Island creek, and down the same to its mouth; thence to the mouth of Sheet run, and up the same to its head, and over to the head of Thomas' run and down the same to the Ohio river; thence down the Ohio river to the beginning, shall form one distinct county, and be called and known by the name of Pleasants county.

2. The provisions of chapters forty-seven and forty-eight of the Code of Virginia shall, where the same are applicable thereto, be in force in said county of Pleasants.

Pleasants County

3. The persons commissioned by the governor as justices of the peace, agreeably to the first section of chapter forty-eight of the Code of Virginia, shall take the same oaths required to be taken before any justice of the peace remaining in commission for either of the counties of Wood, Tyler, and Ritchie; and any justice administering said oaths shall grant a certificate to the justice qualified, which certificate shall be recorded in the clerk's office of the county of Pleasants.

4. The justices of the peace commissioned and qualified as aforesaid shall meet at the house owned by Alexander H. Creel, in the town of Saint Mary, on Thursday after the second Monday of May next, and, a majority of them being present, they shall all proceed to appoint a clerk of the county court, and such other officers as are now required by law; they shall nominate suitable persons as sheriff and coroner to be commissioned as such by the governor; they shall fix upon the time when the county court shall hold its sessions, and they shall procure a place in said town for holding the courts until the public buildings shall be erected.

5. A court for the county of Pleasants shall be holden as prescribed in the fourth section of this act, and the courts of quarterly sessions shall be holden in the months of February, May, July and October in each year, and the permanent place for holding the courts of said county shall be in the town of Saint Mary.

6. The county court of the county of Pleasants shall, at its first meeting, make an order summoning all the justices of the peace in and for said county to meet at the succeeding term, for the purpose of procuring a lot of land in the town of Saint Mary on which to erect the public buildings, as required by the first section of the fiftieth chapter of the Code of Virginia.

7. The superior courts of the county of Pleasants shall be holden on the ninth day of March and the ninth day of August, and shall be attached to the same judicial circuit as the county of Wood.

8. For all purposes of representation the voters of the county of Pleasants shall vote with the counties from which they were taken, until otherwise provided.

9. The treasurers and superintendents of schools in the several counties out of which the county of Pleasants if formed are required to pay to the commissioners of said county such sums of money arising out of the school quotas, agreeably to the respective numbers of white titheables taken from each.

10. This act shall be force from its passage.

POCAHONTAS COUNTY

Created from Bath (p. 19), Randolph (p. 157), and Pendleton (p. 142), Dec. 21, 1821; part of Greenbrier (p. 55) added to, Dec. 1824 (for act see p. 148).

Act Creating Pocahontas County
(Virginia Acts, 1821, ch. 27, pp. 27, 28)

(Passed December 21, 1821)

1. Be it enacted by the General Assembly, That all that part of the counties of Bath, Pendleton and Randolph, contained within the following bounds, to wit: beginning at the line of Greenbrier county on the top of the Allegheny mountain; thence with the said line to the head of Spice Run; thence with said line to the end of the Droop mountain; thence with said line to Fryer's Knob; thence with said line to where it intersects the line of Bath and Randolph; thence with the line dividing Randolph and Greenbrier counties to the mountain opposite the junction of the Bonnock Shoal Run with William's river; thence s straight line to the mouth of the Dry Fork of Elk river; thence a straight line to the top of the mountain between the head of the Valley river and the point last aforesaid, where the road leading from Clover Lick to Randolph court-house crosses said mountain; thence a straight line to where the line of Pendleton county intersects the line of Bath and Randolph counties on the top of the mountain between Cheat and Greenbrier rivers; thence with the top of the said mountain to where the road leading from Slaven's to Randolph court-house crosses it; thence a straight line to the top of the Allegheny mountain opposite the head of the east fork of Greenbrier river; thence with the top of said mountain to the Pendleton line, and thence with the top of said mountain to the beginning, shall form one distinct and new county, and be called and known by the name of Pocahontas county.

2. A court for the said county of Pocahontas shall be held by the justices thereof on the first Tuesday in every month after the same takes place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. And, in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county of Pocahontas; Abraham McNeal, John Baxter, James Tallman, John Jordan, Jacob Warwick and John Bradshaw, gentlemen, shall be, and they are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof to the court of the said county of Pocahontas, whereupon they shall proceed to erect the necessary public buildings, at the place so fixed on by the said commissioners, or a majority of

them, which, when completed, shall be the permanent place for holding courts for the said county. The said commissioners shall be allowed each the sum of three dollars per day, as a compensation for the duties hereby imposed on them, to be paid out of the levy to be collected in the said county.

4. The justices to be named in the commission of the peace for the said county of Pocahontas, shall meet at the house of John Bradshaw in the said county, upon the first court day after the said county takes place, and having administered the oaths of office to, and taken bonds of the sheriff according to law, proceed to appoint and qualify a clerk; and, until the necessary public buildings are completed, at the place pointed out by the commissioners, or a majority of them, to appoint such place within the county, for holding courts, as they may think proper; provided, always, That the appointments of a clerk, and a temporary place for holding courts, shall not be made, unless a majority of the justices of the said county be present.

5. It shall be lawful for the sheriffs of the counties of Bath, Pendleton and Randolph, to collect and make distress for any public dues, or officers' fees, which shall remain unpaid by the inhabitants of the county of Pocahontas at the time it takes place, and shall be accountable for the same in like manner as if this act had never been made.

6. The governor, with the advice of council, shall appoint a person to be first sheriff of the county of Pocahontas, who shall continue in office during the term, and upon the same conditions, as are by law appointed for other sheriffs.

7. The courts of the counties of Bath, Pendleton and Randolph shall have jurisdiction of all actions and suits depending before them at the time the said county of Pocahontas takes place, and shall try, and determine the same, and award execution thereon.

8. The said county of Pocahontas shall remain in the same judicial circuit with the county of Bath, and the courts thereof shall be holden on the Wednesday before the first Monday in the month of April, and the Wednesday before the first Monday in the month of September, in every year, and be of the same brigade district, in like manner as if this act had not been made. In future elections of a senator and elector, and a representative in congress, the said county of Pocahontas shall be of the same district as the county of Bath.

9. And be it further enacted, That the courts of quarterly sessions for the said county of Pocahontas shall be holden in the months of March, May, August and October in every year. And the said county of Pocahontas shall belong to the same chancery district for which a court is directed by law to be holden at Greenbrier court-house.

Preston County

10. This act shall be in force from the passing thereof.

An Act, adding a part of Greenbrier county to the county of Pocahontas
(Virginia Acts, 1825, ch. 63, pp. 73, 74)

(Passed December 28th, 1824)

Whereas it is represented to the present General Assembly, by sundry inhabitants of the county of Pocahontas, that they hold nearly all the land which can be made arable, lying in the county of Greenbrier within certain specified boundaries, while they reside in the county of Pocahontas aforesaid; that, while such the fact operates as an inconvenience and grievance to them, being the only persons holding land of value within said specified tract of country, a change of the west and north-west boundary line of their county can effect none but themselves; wherefore.

1. Be it enacted by the General Assembly, That all that part of the county of Greenbrier within the following boundaries, to wit: Beginning at the line of Pocahontas county at the head of Spice run; thence with said run to its junction with Greenbrier river; thence in a straight line to the end of the Droop mountain; thence in a straight line to a corner of Hudson Martin's survey, known by the name of "a hoe corner," thence, with said Martin's line, to the line of Nicholas county; and with the line of Nicholas county to where it intersects with the line of Randolph county; thence with the line of Randolph county to where it intersects with the line of Pocahontas county, shall be annexed to and be henceforth a part of the county of Pocahontas.

PRESTON COUNTY

Created from Monongalia (p. 125), Jan. 19, 1818; parts of Randolph (p. 157) added to, Feb. 29, 1828 and Apr. 4, 1838 (for acts see pp. 150, 151); part of Monongalia (p. 125) added to, Mar. 15, 1841 (for act see p. 151).

Act Creating Preston County
(Virginia Acts, 1818, ch. 32, pp. 32-34)

(Passed January 19, 1818)

1. Be it enacted by the General Assembly, That all that part of the county of Monongalia contained within the following bounds, to wit: beginning at the Pennsylvania line, near

Fickle's, including the same, thence a straight line to where Cheat river breaks through the Laurel Hill, so as to include all the inhabitants of the Monongalia Glades settlement, including Samuel Price's and Henry Carother's, from thence, including Gandy's, to the Clarksburg road on the Laurel Hill where it decends; from thence a direct line to the junction of the Big and Little Sandy Creek, where the Randolph county line is, from thence, with Randolph county line, to the Maryland line; from thence to the Pennsylvania line, and with the Pennsylvania line to the beginning, shall form a distinct and new county, and be called and known by the name of Preston county.

2. A court for the said county of Preston shall be held by the justices thereof on the first Monday in every month after the same takes place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. And, in order the more impartially and correctly to ascertain the most proper place for holding courts, and erecting the public buildings for the said county, Thomas Byrne, Felix Scott, William Irwin, William Marteney, and John M'Whorter, shall be, and they are hereby appointed commissioners, a majority of whom may act for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof to the court of the said county of Preston, whereupon they shall proceed to erect the necessary public buildings at the place so fixed on by the said commissioners, or a majority of them, which, when completed, shall be the permanent place for holding courts for the said county. The said commissioners shall be allowed each of the sum of three dollars per day, as a compensation for the duties hereby imposed on them, to be paid out of the first levy to be collected in the said county of Preston. The justices to be named in the commission of the peace for the said county of Preston shall meet at the house of William Price in the said county upon the first court day after the said county takes place, and, having administered the oaths of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk; and until the necessary public buildings are completed at the place pointed out by the commissioners, or a majority of them, to appoint such place within the county for holding courts, as they may think proper: Provided always, That the appointment of a clerk, and of a temporary place for holding courts, shall not be made, unless a majority of the justices of the said county be present.

4. It shall be lawful for the sheriff of the county of Monongalia to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants of the county of Preston, at the time it takes place, and shall be accountable for the same, in like manner as if this act had not been made.

Preston County

5. The governor with the advice of council shall appoint a person to be first sheriff of the said county of Preston, who shall continue in office during the term, and upon the same conditions, as are by law appointed for other sheriffs.

6. The court of the county of Monongalia shall have jurisdiction of all actions and suits depending before them at the time the said county of Preston takes place, and shall try and determine the same and award execution thereon. The said county of Preston shall remain in the same judicial circuit, and in the same chancery district with the county of Monongalia; and the courts thereof shall be holden on the first Monday after the fourth Monday in the month of April, and the first Monday after the fourth Monday in the month of September in each year; and be of the same brigade district, in like manner as if this Act had not been made. In future elections of a senator and elector, and a representative in Congress, the said county of Preston shall be of the same district, as the county of Monongalia.

7. And be it further enacted, That the courts of quarterly sessions for the said county of Preston shall be holden in the months of March, May, August and November in every year.

8. This act shall be in force from the passing thereof.

An Act adding part of the county of Randolph to the county of Preston

(Virginia Acts, 1828, ch. 82, pp. 53, 54)

(Passed February 29th, 1828)

Whereas, it is represented to the General Assembly, by the inhabitants of a small corner of the county of Randolph, that they have to travel fifty miles to their court-house, and eighteen miles to their separate election, while they reside within twenty miles of Preston court-house, and only three miles from a separate election in Preston county.

1. Be it enacted by the General Assembly, That so much of the county of Randolph as lies within the following boundary lines, to wit: beginning at Lord Fairfax's stone, thence in a straight line to the Grind-stone Spring on the Horse-shoe road; thence to Cheat river, where the line dividing Randolph and Preston counties, crosses the same near James Goff's, shall be annexed to, and be henceforth a part of the county of Preston.

2-3...

4. This act shall commence and be in force from and after the passing thereof.

Preston County

An Act to add a part of the county of Randolph to the county of Preston
(Virginia Acts, 1838, ch. 62, pp. 57, 58)

(Passed April 4, 1838)

Whereas by the act, entitled, "an act adding a part of the county of Randolph to the county of Preston," passed February the twenty-ninth, eighteen hundred and twenty-eight, the extreme north-east corner of the county of Randolph was added to the county of Preston, for the purpose of relieving the inhabitants thereof from the inconvenience of traveling a considerable distance to their courthouse, and places of muster, and separate elections; and when the line described in said act was run, sundry inhabitants equally inconveniently situated with those included in the part so added, were, contrary to the expectation, excluded, although they were at that time, as now, petitioners for the change: Therefore,

1. Be it enacted by the general assembly, That so much of the county of Randolph as lies next to, and adjoining the county of Preston, and contained within the following boundaries, to wit: Beginning at a point in the line which divides the county of Preston from the county of Randolph, on the western summit of the Alleghany mountain, as run and marked under the authority of the act passed February the twenty-ninth, eighteen hundred and twenty-eight, as aforesaid, and running thence a straight line to the mouth of Muddy run on the east side of Cheat river, where the line dividing Preston and Randolph counties crosses said river, shall be annexed to and be henceforth a part of the county of Preston.

2-3...

4. This act shall be in force from the passing thereof.

An Act adding to the county of Preston a part of the county of Monongalia
(Virginia Acts, 1841, ch. 44, p. 61)

(Passed March 15, 1841)

1. Be it enacted by the general assembly, That so much of the county of Monongalia as lies east of the ridge of mountains called the "Laurel Hill," and north of Cheat river, next to, and adjoining, the county of Preston, and is contained within the following boundary lines, to wit: Beginning on the line dividing said counties at the point where it crosses Cheat river, and running thence a straight line to the England Ore banks, on the top of the mountain; thence a straight line to the Osburn farm, so run as to include the dwelling house of said farm, in the county of Preston; thence a due north course to the Pennsy-

lvania line, shall be annexed to, and be henceforth a part of the county of Preston. The county court of each of said counties, shall direct their surveyor, whenever they may deem it necessary, to meet at some convenient place and run and mark said lines; and the said surveyors shall make two separate plans or maps of the said lines so run and marked, with the courses and distances expressed thereon, noting any remarkable places; with such other explanations as they may think necessary, and shall return one map to the county court of each of said counties, to be recorded in the clerks' offices respectively. The county court of Preston county shall allow the surveyors aforesaid a reasonable compensation for such service, to be paid out of the county levy.

2...

3. This act shall be in force from the passing thereof.

PUTNAM COUNTY

Created from Kanawha (p. 83), Cabell (p. 31), and Mason (p. 110), Mar. 11, 1848; boundary changed between Cabell (p. 31), Kanawha (p. 83), and, Mar. 12, 1850 (for act see p. 157); part of Lincoln (p. 93) formed from, Feb. 23, 1867; boundary changed between Lincoln (p. 93) and, Mar. 3, 1868 (for act see p. 97); act creating Lincoln (p. 93) amended, Feb. 26, 1869 (for act see p. 100).

Act Creating Putnam County
(Virginia Acts, 1848, ch. 59, pp. 34-38)

(Passed March 11, 1848)

1. Be it enacted by the general assembly, That so much of the counties of Kanawha, Cabell and Mason, as is contained within the following boundary lines, to wit: Beginning at the mouth of Gallatin's branch where the same flows into the Kanawha river, thence with a straight line (crossing the Kanawha river) to the upper point of the Cedar cliff, below the Great Horse Shoe bend of Pocatalico river, thence with the dividing ridge between the waters of Kelly's creek and Armor's creek, between Kelly's and the Left Hand fork of Pocatalico, and between the waters of Frog's creek and the Eighteen mile creek to a low gap at the head of the Main fork of said Frog's creek, near a large lick; thence with a straight line to the nearest point in the line of Jackson county, thence with said Jackson line westwardly to the head of the Mud-lick fork of the Thirteen mile creek, thence with a straight line to the mouth of Eighteen mile creek, on the lower side thereof, thence crossing the

Kanawha river with a straight line to the mouth of the "White Pine Fork" of the Ohio Eighteen mile creek, thence with a line to a point on the present Guyandotte turnpike, midway between the residence of Thomas Handley and the late residence of Thomas M'Allister deceased, thence to the Trace fork of Mud river, at the mouth of Sycamore, a stream flowing into the Trace fork, thence up the said Trace fork on the northeast side thereof, and binding thereon, to James M'Allister's, so as to include his farm in the new county, thence with a straight line to the top of Coal mountain, where the turnpike passes the same; thence along the said mountain and the ridges thereof, as the same divides the waters falling into Coal river from those falling into Scarry creek, to the point on said mountain where the old State road to Kentucky crosses the same; thence with a straight line to the mouth of Gallatin's branch, the place of beginning, shall form one distinct and new county, and be called and known by the name of Putnam county.

2. The governor shall commission as justices of the peace for the said new county all the justices of the peace now in commission in the counties of Kanawha, Cabell and Mason, respectively, whose dwelling houses shall be included within the boundaries of the said new county of Putnam, after the commencement of this act; and they shall be commissioned, in point of seniority according to the dates of their present commissions, respectively; all of whom shall (before entering upon or exercising any of the duties of said office) take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace; which oaths may be administered by any justices of the peace remaining in commission in either of the counties of Kanawha, Cabell or Mason; and the justice or justices who may administer such oaths shall grant a certificate of the fact from under his or their hand and seal of office, and which certificate shall be by the justices so qualified severally delivered to the clerk of the county court of Putnam county, who shall record the same in his office and preserve the original therein: Provided, That nothing herein contained shall be so construed as to prevent any justice of the peace, now in commission, for either of the counties of Kanawha, Cabell or Mason, and residing within the boundary of the new county of Putnam, from exercising the duties of his office, as and for the said counties of Kanawha, Cabell and Mason, respectively, until the organization of the said county of Putnam, on the fourth Monday in May next, as hereinafter prescribed.

3. A court for the county of Putnam shall be holden by the justices thereof on the fourth Monday in each and every month after the same shall have been organized, in like manner as is provided by law for other counties of this commonwealth, and as shall be by law and their commissions directed.

4. The permanent place for holding the courts in the county of Putnam, now required by law to be holden for the several counties of this commonwealth, shall be at Red House shoals, on the southwest side of the Kanawha river, in the now county of Kanawha, on

the land of Charles Brown, now in the possession and occupancy of Talleyrand P. Brown. And the county court of Putnam county shall provide a lot or lots of land at said place, not exceeding two acres, (unless land shall be furnished for that purpose by donation, which case the justices of said county may take and hold the same, provided such donation shall not exceed five acres, and a full and satisfactory title, as herein required, can and shall be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires, under existing laws, for holding courts and conducting business incident thereto, in the manner now required by law, "where land shall not be already provided and appropriated for that purpose." And said court shall cause said buildings and fixtures to be constructed at the charge of the county of Putnam, by levy, in the manner now prescribed by law. The title to any such land purchased as aforesaid for valuable consideration, or furnished in free gift, (as the case may be,) shall be made in fee simple to any four or more justices of the peace for the said county of Putnam and their successors in office, in trust, for the use and benefit of said county.

5. The justices of the peace, commissioned and qualified as aforesaid for the county of Putnam, shall meet at the house now the residence of Talleyrand P. Brown, in the now county of Kanawha, situate opposite the said Red House shoals, on the fourth Monday in May next; the whole number of said justices commissioned and qualified, as aforesaid, having been summoned by the acting sheriff or his deputy of the now county of Kanawha, to attend on that day; and it is hereby made the duty of said sheriff of the now county of Kanawha aforesaid, to summon said justices to attend as aforesaid, at least ten days before the time of meeting fixed as aforesaid, under the penalty of forfeiting and paying not less than fifty dollars, for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies for similar omissions of duty. And two thirds of the said justices being present, (otherwise those who do attend may adjourn from day to day, or from time to time until two thirds shall be present,) shall proceed to appoint a clerk of the county court; an attorney for the commonwealth, to prosecute and defend her interests in said court; or may, if not fully advised as to said last mentioned appointment, (an attorney,) continue the same to its next or some subsequent time to be fixed upon, not later than the third term thereafter, and shall so order and enter upon their record, requiring the justices to attend accordingly; a commissioner of the revenue and a surveyor for the said county of Putnam; and also at the same time, the necessary number of school commissioners for said new county, or at some early day thereafter, if at that time the said justices shall not be sufficiently informed so as to make a judicious and proper appointment as to such school commissioners. The said justices shall also at the same time nominate to the governor suitable persons to be commissioned as sheriff and coroner for said new county; and fix upon such place

and some suitable house in said county as may seem most convenient for holding courts thereof, until the necessary public buildings shall be constructed at Red House shoals, on the Kanawha river as aforesaid. And said justices shall cause all of the said appointments, orders and proceedings, made and had as aforesaid, to be entered of record in their said county court.

6. It shall be lawful for the sheriff or other collector lawfully appointed of the counties of Kanawha, Cabell and Mason, severally, to collect by distress or other lawful mode, any public dues or officers' fees which may remain unpaid by such of the inhabitants of the said counties respectively, as will be included within the boundary of the said county of Putnam at the time when this act shall commence and be in force; and such sheriff or other collector shall be accountable for the same in like manner, and under the same fines, forfeitures and penalties as if this act had never passed.

7. The courts of the counties of Kanawha, Cabell and Mason, respectively, shall have and retain jurisdiction of all actions and suits depending before them on the fourth Monday in May next, and shall try and determine the same, and award execution thereon when necessary, except in cases in which both parties reside within the new county which last mentioned cases (together with the papers thereto appertaining) shall after that day be removed to the courts of the county of Putnam, and there tried and determined as other cases.

8. The said county of Putnam shall be in and attached to the same judicial circuit with the county of Kanawha, and the circuit superior courts of law and chancery thereof, shall be holden on the fifteenth day of June and on the fifteenth day of November in every year, and shall be in the same milita brigade district with the county of Kanawha; and shall be in the same congressional district, the same senatorial district, and the same electoral district, (for choosing electors for president and vice-president of the United States,) with the county of Kanawha.

9. The courts of quarterly sessions for the said county of Putnam, shall be holden in the months of March, June, August and November in every year.

10. The boundary lines of the said new county as described and established by this act, shall be run and marked in the manner prescribed by the act, entitled "an act for making more effectual provision for running and marking the boundaries of new counties," passed on the eleventh day of February in the year one thousand eight hundred and forty-five.

11. That in the election of delegates and a senator to the legislature of Virginia, such parts of said county of Putnam as shall be taken from the counties of Kanawha, Cabell and Mason, shall vote with those counties respectively, at the regular elections of those counties for delegates and a senator to the legislature,

Putnam County

in the same manner that they voted before the passage of this act, until a reapportionment of representation shall take place, or until otherwise ordered by the said general assembly; and all separate elections heretofore authorized to be holden in and for the counties of Kanawha, Cabell and Mason, and falling within the boundary of the new county of Putnam, shall be conducted for the said new county in the same manner as heretofore for the counties of Kanawha, Cabell and Mason respectively, until it shall be ascertained whether either or any such are necessary for the said county; and upon that fact being represented to the general assembly, upon notice given in the manner required for establishing a separate election, may be discontinued. It shall be the duty of the county court of Putnam county at its first term, or as soon thereafter as convenient or necessary, to appoint as many persons as may be requisite to perform the duties of sheriff at the several places of holding separate elections in said county of Putnam, and who shall attend at the courthouse of Putnam county, to compare the polls, and to perform such other duties as are required by law of sheriffs and their duties in that behalf, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies, for failing or refusing to hold separate elections or other commissions of duty in that behalf; and the said court shall also appoint as many superintendents of elections as are required by law for the polls to be taken at the courthouse, and other places of voting in said new county of Putnam. The persons hereby required to be appointed to attend and compare the polls, shall take with them fair copies of all the original polls taken in said county of Putnam.

12. And be it further enacted, That the treasurer of the school commissioners of each of the counties of Kanawha, Cabell and Mason, shall be and he is hereby authorized and required to pay to the treasurer of the school commissioners of the new county of Putnam, upon the order of the school commissioners of said new county, out of the fixed and surplus quotas of the school fund of the said counties of Kanawha, Cabell and Mason, respectively, for the present fiscal year, (ending in eighteen hundred and forty-eight,) such sum of money as shall seem to them, respectively, to be in due proportion to the population of the said Putnam county, taken from that of the said counties of Kanawha, Cabell and Mason, respectively, including any balance remaining unexpended; and also of the due proportion as aforesaid from such quotas to which Kanawha, Cabell and Mason counties, or either of them, are or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the counties of Kanawha, Cabell and Mason, for the next fiscal year and subsequent years, between the said counties of Kanawha, Cabell, Mason, and the said new county of Putnam, agreeably to their respective number of white titheables, which may be returned therein by the commissioners of the revenue for the present year eighteen hundred and forty-eight.

13. Be it further enacted, That nothing in this act contained shall be construed or taken to deprive the county of Mason of

her right and title to the poorhouse, and the land attached thereto, which falls within the proposed new county.

14. This act shall commence and be in force from and after the passing thereof.

An Act to change a part of the line dividing the county of Putnam from the counties of Cabell and Kanawha
(Virginia Acts, 1850, ch. 26, p. 24)

(Passed March 12, 1850)

1. Be it enacted by the general assembly, That so much of the boundary lines designated in the first section of the act, entitled "An act establishing the county of Putnam of a part of each of the counties of Kanawha, Cabell and Mason," passed March the eleventh, eighteen hundred and forty-eight, as is described in the said first section as running "from a point in the present Guyandotte turnpike, midway between the residence of Thomas Handley (Thomas E. Handley, deceased, in the petition and notice,) and the late residence of Thomas McAllister, deceased; thence to the Trace fork of Mud river, at the mouth of Sycamore, a stream flowing into the Trace fork," shall, instead thereof, henceforth run and be as follows, viz: Beginning at a point on the present Guyandotte turnpike road, midway between the residence of Thos. Handley (or Thomas E. Handley, deceased, as aforesaid,) and the late residence of Thomas McAllister, deceased; thence, following the present county line, to the boundary line of the land of James Smith; thence with and along the said boundary line of James Smith's land (including said Smith's tract of land in Putnam county) to the Trace fork of Mud river; thence due south, a straight line, to the dividing ridge between said Trace fork and the Middle fork of said Mud river; thence eastwardly, with and along the top of the ridge dividing the said Trace fork and the Middle fork of Mud river, to the head of the main left fork of Clymer's creek; thence a straight line to the upper end of James McAllister's farm, and running so as to include the said farm and lands of said McAllister within the county of Putnam; thereby adding to the county of Putnam so much of the counties of Cabell and Kanawha as thus lies next to and adjoining the said county of Putnam, and is contained within said boundary lines so changed, and shall henceforth be a part of the county of Putnam.

RANDOLPH COUNTY

Created from Harrison (p. 72), Oct. 1786; part added to Harrison (p. 72), Jan. 2, 1802 (for act see p. 132); part of Nicholas (p. 139) formed from, Jan. 30, 1818; part added to Lewis (p. 90), Feb. 14, 1818 (for act see p. 92); part of Pocahontas (p. 146) formed from, Dec. 21, 1821; parts

Randolph County

added to Preston (p. 148), Feb. 29, 1828 and Apr. 4, 1838 (for acts see pp. 150, 151); part of Barbour (p. 15) formed from, Mar. 3, 1843; part added to Braxton (p. 26), Mar. 16, 1849 (for act see p. 29); part of Upshur (p. 189) formed from, Mar. 26, 1851; Tucker (p. 182) formed from, Mar. 7, 1856; part of Webster (p. 195) formed from, Jan. 10, 1860; boundary lines defined between Webster (p. 195) and, Nov. 7, 1863 (for act see p. 201); division line altered between Upshur (p. 189) and, Feb. 21, 1865 (for act see p. 159).

Act Creating Randolph County
(12 Hening, ch. 101, pp. 393-395)

(Passed October Session, 1786)

An Act for dividing the county of Harrison

1. BE it enacted by the General Assembly, That from and after the first day of May one thousand seven hundred and eighty-seven, the county of Harrison shall be divided into two distinct counties, that is to say, so much of the said county lying on the south-east of the following lines, beginning at the mouth of Sandy creek, thence up Tyger's Valley river to the mouth of Buchanan river; thence up the said river including all the waters thereof; thence down Elk river including the waters thereof to the Greenbrier line, shall be one distinct county, and called and known by the name of Randolph; and the residue of the said county shall retain the name of Harrison. A court for the said county of Randolph, shall be held by the justices thereof, on the fourth Monday in every month after the said division shall take place, in such manner as is provided by law for other counties, and shall be by their commissions directed. The justices to be named in the commission of the peace for the said county of Randolph, shall meet at the house of Benjamin Wilson, in Tyger's Valley, in the said county, upon the first court day, after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff, according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit of; and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they may think proper. Provided always, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present, where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such cases the appointment shall be postponed until some court day when a majority shall be present. The governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and

upon the same conditions, as is by law appointed for other sheriffs. It shall be lawful for the sheriff of the said county of Harrison to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall be accountable for the same in like manner as if this act had not been made. The court of the said county of Harrison shall have jurisdiction of all actions and suits in law or equity, depending before them at the time of the said division, and shall try and determine the same, issue process, and award execution thereon.

2. And be it further enacted, That the court of the said county of Harrison, shall account for and pay to the said county of Randolph, all such sums of money as shall or may be paid by the inhabitants of the said county of Randolph, towards defraying the expense of erecting a courthouse and other public buildings in the said county of Harrison. In all elections of a senator, the said county of Randolph, shall be of the same district with the said county of Harrison.

An Act to alter part of the division line between the Counties of Randolph and Upshur

(Acts of the Legislature of West Virginia, 1865, ch. 43, p. 32)

(Passed February 21, 1865)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Randolph and Upshur is hereby altered so as to run as follows: Beginning at the forks of the Middle Fork river, thence a straight line to the top of Kelly Knob, thence a straight line to Rader's Spring, at the southeast corner of the Upshur county line; and so much of the county of Randolph as is included within said line, is hereby annexed to, and made a part of the county of Upshur.

2. The annexation herein provided for, shall not be of force until the same is ratified by a vote of the qualified voters residing within the boundary described in the preceding section, in the manner hereinafter provided, nor until the surveyor of the county of Upshur shall run and mark the said lines, and make three plats thereof, each of which he shall duly certify and forward one to the secretary of the state, another to the recorder of the county of Randolph, and the third to the recorder of the county of Upshur, who shall file and carefully preserve the same in their respective offices.

3...

4. On the first Monday in May next, a poll shall be opened at the regular place or places of voting, within the said boundary, as following: "For annexation," and "Against annexation," which poll shall be opened at nine o'clock, A. M., and closed at sundown. If two-thirds of all the votes cast shall be "for annex-

ation," then this act shall be of force from and after the first day of August, eighteen hundred and sixty-five, in case all the other provisions of this act shall have been complied with, and if not, then from and after the day on which such provision shall be complied with.

The taking of said poll shall be conducted, certified and returned in the manner provided by law for conducting, certifying and returning the polls at elections for state and county officers, except that a copy of said poll shall be certified to the board of supervisors of the county of Upshur. It shall be the duty of the board of supervisors of the county of Randolph to convene within ten days after the taking of said poll, at which time they shall declare the result of the vote so taken, and enter the same in their minutes, and certify and transmit a copy of such entry to the board of supervisors of the county of Upshur.

RALEIGH COUNTY

Created from Fayette (p. 44), Jan. 23, 1850; boundary line changed between Mercer (p. 116) and, Oct. 10, 1863 (for act see p. 164); boundary line changed between Wyoming (p. 212) and, Feb. 16, 1871 (for act see p. 165).

Act Creating Raleigh County
(Virginia Acts, 1850, ch. 24, pp. 19-21)

(Passed January 23, 1850)

1. Be it enacted by the general assembly, That all that part of the southern end of the county of Fayette contained within the following boundary lines, to wit: Beginning where the county line between the counties of Mercer and Fayette strikes New river, thence down and along said river, with its meanders to the mouth of Salt Lick run, near Isaac Sanners'; thence a straight line to the top of the dividing ridge between the waters of Paint creek and Cole river, crossing Paint creek at the upper end of Jackson Jarrell's plantation; thence with and along the top of said dividing ridge westwardly, to the dividing ridge between Cole river and Cabin creek; and with and along the top of the same to the Boone county line; thence with the Boone county line to the end of the Great Cherry pond mountain; thence with and along the top of the dividing grounds between the waters that flow into the Marsh fork of Cole river and New River on the one side, and those that flow into Little Cole and Guyandotte rivers on the other side, to the present line between the counties of Fayette and Mercer, and with said line to New river at the beginning, shall form one distinct and new county, and be called and known by the name of Raleigh county, in memory of Sir Walter Raleigh, who made the earliest effort to colonize Virginia.

Raleigh County

2. The governor shall commission fifteen persons as justices of the peace in and for the said county of Raleigh; and the justices now in commission, residing in that part of Fayette county which will be in Raleigh county after the commencement of this act, shall be of said number, and shall be commissioned in point of seniority according to the dates of their present commissions; all of whom shall (before entering upon and exercising any of the duties of said office) take the several oaths, and within the time now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace remaining in commission in the said county of Fayette; and the justice or justices who may administer such oaths shall grant a certificate of the fact under his or their hand and seal of office; which certificate shall be by the justices so qualified delivered to the clerk of the county court of Raleigh county, who shall record the same in his office and preserve the original therein: Provided, That nothing herein contained shall be so construed as to prevent any justice of the peace now in commission for the county of Fayette, and residing within the boundary of the new county of Raleigh, from exercising the duties of his office for the said county of Fayette, until the organization of the said county of Raleigh, on the fourth Monday in March next, as hereinafter prescribed.

3. A county court for the county of Raleigh shall be holden by the justices thereof on the fourth Monday in each and every month, (after the same shall have been organized,) in like manner as is provided by law for other counties of this commonwealth, and as shall be by law and their commissions directed.

4. The permanent place for holding the courts in the county of Raleigh, now required by law to be holden for the several counties of this commonwealth, shall be at the town of Beckley, at the forks of the Guyandotte and the Giles, Fayette and Kanawha turnpike roads. And the county court of Raleigh county shall provide a lot or lots of land at said place, not exceeding two acres, (unless land shall be furnished for that purpose by donation, in which case, the justices of said county may take and hold the same, provided said donation shall not exceed five acres, and a full and satisfactory title, as herein required, can and shall be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires, under existing laws for holding courts and conducting business incident thereto, in the manner now required by law, "where land shall not be already provided and appropriated for that purpose." And the said court shall cause said buildings and fixtures to be constructed at the charge of the county of Raleigh by levy, in the manner now prescribed by law. The title to any such land, purchased as aforesaid for valuable consideration, or furnished in free gift, (as the case may be,) shall be made in fee simple, to any four or more justices of the peace for the said county of Raleigh, and their successors in office, in trust, for the use and benefit of said county.

Raleigh County

5. The justices of the peace, commissioned and qualified as aforesaid for the county of Raleigh, shall meet at the public schoolhouse in the said town of Beckley, on the fourth Monday in March next; the whole number of said justices commissioned and qualified as aforesaid having been summoned by the acting sheriff or his deputy of the now county of Fayette to attend on that day; and it is hereby made the duty of said sheriff of the now county of Fayette aforesaid, to summon said justices to attend as aforesaid, at least ten days before the time of meeting fixed as aforesaid, under the penalty for failure of forfeiting and paying not less than fifty dollars for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies for similar omissions of duty. And not less than nine of the said justices being present, (otherwise those who do attend may adjourn from day to day, or from time to time, until nine or more shall be present,) they shall proceed to appoint a clerk of the county court; an attorney for the commonwealth to prosecute and defend her interest in said court, (or may, if not fully advised as to said last mentioned appointment, adjourn the same to their next court, or to some subsequent time, to be then fixed upon not later than the third term thereafter, and shall so order and enter of record, also requiring the justices to attend accordingly;) a commissioner of the revenue, and a surveyor for the said county of Raleigh; and also at the same time, (or at some early day thereafter, if the said justices shall not be sufficiently informed to make a judicious and proper selection,) the necessary number of school commissioners for said new county. The said justices shall also at the same time nominate to the governor suitable persons to be commissioned as sheriff and coroner for said new county; and fix upon such place, and some suitable house in said county as may seem most convenient for holding the courts thereof, until the necessary public buildings shall be constructed at the town of Beckley aforesaid. And the said justices shall cause all the said appointments, orders and proceedings made and had as aforesaid, and particularly those mentioned and required in this section, to be entered of record in their said county court.

6. It shall be lawful for the sheriff or other collector, lawfully appointed, of the county of Fayette, to collect by distress or other lawful mode, any public dues or officers' fees which may remain unpaid by such of the inhabitants of the county of Fayette as will be included within the boundary of the said county of Raleigh at the time when this act shall commence and be in force; and such sheriff or other collector shall be accountable for the same in like manner and under the penalty of the same fines and forfeitures, as if this act had never passed.

7. The courts of Fayette county shall have and retain jurisdiction of all actions and suits depending before them on the fourth Monday in March next, and shall try and determine the same, and award execution thereon then necessary, except in cases in which both parties reside within the new county; which last mentioned cases (together with the papers thereto appertaining,) shall after that day be removed to the courts of the

county of Raleigh, and there tried and determined as other cases in said court.

8. The said county of Raleigh shall be in and attached to the same judicial circuit with the county of Fayette, and the circuit superior court of law and chancery thereof shall be holden on the twenty-fifth day of March and on the twenty-fifth day of August in every year; and shall be in the same militia brigade district with the county of Fayette, and shall be in the same congressional district, the same senatorial district, and the same electoral district for choosing electors for president and vice-president of the United States with the county of Fayette, and also in the same election district with the present election district, composed of the counties of Fayette and Nicholas, for electing a delegate to the general assembly of Virginia.

9. The courts of quarterly sessions for the said county of Raleigh shall be holden in the months of March, June, August and November in every year.

10. The boundary lines of the said new county, as described and established by this act, shall be run and marked in the manner prescribed by the act, entitled "An act for making more effectual provision for running and marking the boundaries of new counties," passed on the eleventh day of February in the year eighteen hundred and forty-five.

11. All separate elections heretofore authorized to be holden in and for the county of Fayette, and falling within the boundary of the new county of Raleigh, shall be conducted for the said new county in the same manner as heretofore for the county of Fayette. It shall be the duty of the county court of Raleigh county at its first term, or as soon thereafter as convenient or necessary, according to law, to appoint as many persons as may be requisite to perform the duties of sheriff at the several places of holding separate elections in said county of Raleigh, and who shall attend at that courthouse in the said election district at which it is now usual to meet, to compare the polls and to perform such other duties as are required by law of sheriffs and their deputies in that behalf, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies for failing or refusing to hold separate elections or other omissions of duty in that behalf; and the said court shall also appoint as many superintendents of election as are required by law for the polls to be taken at the courthouse and other places of voting in the said new county of Raleigh. The persons hereby required to be appointed to attend and compare the polls shall take with them fair copies of all the original polls taken in said new county of Raleigh.

12. And be it further enacted, That the treasurer of the school commissioners of the county of Fayette shall be and he is hereby authorized and required to pay to the treasurer of the

school commissioners of the new county of Raleigh, upon the order of the school commissioners of said new county, out of the fixed and surplus quotas of the school fund of the said county of Fayette for the present fiscal year ending in eighteen hundred and fifty, such sum of money as shall seem to them to be in due proportion to the population of the said new county Raleigh, taken from that of the said county of Fayette, including any balance remaining unexpended; and also of the due proportion as aforesaid accruing from such quotas to which Fayette county is or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the county of Fayette for the next fiscal year and subsequent years, between the said county of Fayette and the said new county of Raleigh, agreeably to their respective number of white tithables which may be returned therein by the commissioners of the revenue for the present year eighteen hundred and fifty.

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

An Act to alter part of the division line between the counties of Raleigh and Mercer
(Acts of the Legislature of West Virginia, 1863, ch. 63, pp. 61, 62)

(Passed October 10, 1863)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Raleigh and Mercer is hereby so altered as to run as follows, to wit: Beginning at the mouth of Madam's creek, at a corner of the counties of Raleigh, Greenbrier, Mercer and Monroe, and running thence up New River, with the meanders thereof, to the mouth of Big Bluestone run; thence up the same, with the meanders thereof, to the mouth of Little Bluestone run, and thence with the road up the mountains, passing the residence of Jonathan Lillies and Jacob Manns, to the old line between the counties of Mercer and Raleigh.

2. The alteration herein provided for shall not be of force unless the same is ratified by a majority of the votes cast, "for alteration" and "against alteration," at the first township election to be held in the county of Raleigh, and also by a majority of the votes cast as aforesaid, at the first township election to be held in the county of Mercer, nor unless the surveyor of the county of Raleigh shall run and mark the above described new lines, and make three fair plats thereof, which he shall duly certify, and forward one to the secretary of the

state, another to the recorder of the county of Mercer, and the third to the recorder of the county of Raleigh; who shall file and carefully preserve the same in their respective offices.

3-4...

An Act to alter part of the division line between the counties of Raleigh and Wyoming
(Acts of the Legislature of West Virginia, 1871, ch. 56, p. 74)

(Passed February 16, 1871)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Raleigh and Wyoming, is hereby altered so as to include the lands of William A. Fink, in the county of Raleigh.

2. The county surveyor of Raleigh, and the county surveyor of Wyoming shall run and make the new line above described, and make three fair plats thereof, which they shall certify and forward, one each to the recorders of the county of Raleigh and the county of Wyoming, and one to the Secretary of State, who shall file and carefully preserve the same in their respective offices.

RITCHIE COUNTY

Created from Harrison (p. 72), Wood (p. 210), Lewis (p. 90), Feb. 18, 1843; part of Doddridge (p. 40) formed from, Feb. 4, 1845; part of Pleasants (p. 144) formed from, Mar. 29, 1851; boundary changed between Gilmer (p. 52) and, Oct. 8, 1863 (for act see p. 169).

Act Creating Ritchie County
(Virginia Acts, 1843, ch. 52, pp. 35-37)

(Passed February 18, 1843)

1. Be it enacted by the general assembly, That all that part of the counties of Lewis, Harrison and Wood contained within the following boundary lines, to wit: Beginning at the forks of Hughes's river in Wood county; thence a straight line to where the county road (that passes down the north fork of

Ritchie County

Hughes's river to the Little Kanawha river) crosses Goose creek; thence up Goose creek to the mouth of Laurel fork; thence up Laurel fork to its head, at the dividing ridge between Goose creek and Walker's creek; thence with the said dividing ridge around the waters of Goose creek to the head of Sharp's run; thence down said run to Cow creek; thence down said Cow creek to the mouth of Bukey's run; thence up said run to the head thereof; thence a due east course to the line of Tyler county; thence with the line of Tyler county to the line of Harrison county; thence with the line of Harrison county to the top of the dividing ridge between Arnold's creek and Middle Island creek; and with the said ridge to the ridge between the south fork of Hughes's river and the waters of Middle Island creek; and with the same continuing around the head of the south fork of Hughes's river to the dividing ridge between said south forth (sic) and other waters of the Little Kanawha river, continuing the said ridge around the waters of said south fork to the head of Island run; thence down said run and the said south fork to the beginning, shall form one distinct and new county, and be called and known by the name of Ritchie county.

2. The governor shall commission as justices of the peace for the county of Ritchie, the justices now in commission, residing in those parts of Harrison, Lewis and Wood respectively, which will be in the county of Ritchie after the commencement of this act, and shall be commissioned in point of seniority according to the date of their present commissions, all of whom shall, before entering upon and exercising the duties of said office, take the several oaths and within the time now required by law, of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace now in commission for either of the counties of Harrison, Lewis or Wood, and certified accordingly.

3. A court for the said county of Ritchie shall be holden by the justices thereof, on the first Tuesday in every month, after the same shall have been organized, in like manner as is provided by law for other counties, and shall be by their commissions directed.

4. The place for holding courts, and erecting a courthouse and such other necessary public buildings and fixtures as the convenience of said county of Ritchie requires, under the existing laws for holding courts, and conducting business incident thereto, shall be at the town of Harrisville. And the county court for the said county of Ritchie shall provide a lot or lots of land not exceeding two acres, upon which to erect the courthouse and other necessary public buildings at said place, in the manner now required by law, "where land shall not be already provided and appropriated for that purpose;"

and said court shall cause such buildings and fixtures to be constructed at the charge of said county of Ritchie.

5. The justices of the peace commissioned and qualified as aforesaid, for the said county of Ritchie, shall meet at the house now the residence of John Harris, in the now county of Wood, on the first Tuesday in April next, and a majority of them being present, shall proceed to the appointment of a clerk of the county court for the said county of Ritchie; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county of Ritchie, and fix upon a place in said county for holding the courts thereof until the necessary buildings shall be constructed at Harrisville.

6. It shall be lawful for the sheriffs, severally, of the counties of Harrison, Lewis and Wood to collect by distress or other lawful mode, any public dues and officers' fees which may remain unpaid by such of the inhabitants of the said counties respectively, who will be in the county of Ritchie at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The courts of the counties of Harrison, Lewis and Wood, respectively, shall have and retain jurisdiction of all actions and suits depending before them on the first Monday in June next, and shall try and determine the same, and award execution thereon, except in cases wherein both parties reside within the said new county, which last mentioned cases, together with the papers thereto appertaining, shall, after that day, be removed to the courts of the county of Ritchie and there tried and determined, and execution awarded thereupon when necessary.

8. The said county of Ritchie shall be in and attached to the same judicial circuit with the county of Wood; and the circuit superior court of law and chancery thereof, shall be holden on the twenty-sixth day of March, and on the twenty-sixth day of August, in every year; and be of the same brigade district with the county of Wood.

9. So much of the county of Ritchie as before the passing of this act, was a part of the counties of Harrison, Lewis and Wood, respectively, shall belong to the same senatorial, congressional and electoral districts to which the said counties severally belong, and shall vote, in respect to such elections, as if this act had not been passed.

10. The said county of Ritchie and the county of Wood shall together send one delegate to the house of delegates in the general assembly of Virginia, until a re-apportionment of representation shall take place.

Ritchie County

11. The courts of quarterly sessions for the said county of Ritchie shall be holden in the months of March, June, August and November in every year.

12. Be it further enacted, That the county surveyors of the counties of Harrison, Lewis, Wood and Ritchie are hereby appointed commissioners to run and mark the lines between the said county of Ritchie and the several counties from which the same is taken, as designated by this act, any three of whom may act, which, when run and marked (and the report thereupon hereby required recorded,) shall be taken and considered as the dividing lines between the said new county of Ritchie and the several counties respectively, from which the same is taken; and the said commissioners are hereby required to make report in writing of their proceedings, to the county courts of Harrison, Lewis, Wood and Ritchie counties respectively, which reports shall be recorded in the clerk's office in each of said counties; and in all controversies which may hereafter arise touching said lines, shall be conclusive evidence. The county courts of the said counties of Harrison, Lewis, Wood and Ritchie shall respectively allow such of said commissioners as act in this behalf a reasonable compensation for their services in running and marking said lines, to be paid out of the county levy of each of said counties respectively, in equal proportions.

13. And be it further enacted, That all separate elections heretofore authorized to be holden in the counties of Harrison, Lewis and Wood, and falling within the new county of Ritchie, shall be conducted for the county of Ritchie in like manner as heretofore, for that county in which it was established. And there shall be two additional separate elections established for said new county, one at the house now occupied by Benjamin Webb, and the other at the house now occupied by Thomas Bird, to be conducted in the manner prescribed by law for other separate elections in this commonwealth. It shall be the duty of the county court of the county of Ritchie, at their first court to be holden after the passage of this act, to appoint as many persons as may be necessary to perform the duties of sheriff, at the several places for holding separate elections in the said county of Ritchie, who shall attend at the courthouse of Wood county, to compare the polls, and to do and perform such other duties as are required by law, in relation thereto, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies for failing or refusing to hold separate elections, or other omissions of duty; and said court shall also appoint as many commissioners as are required by law to superintend said separate elections.

14. This act shall be in force from the passing thereof.

Roane County

An Act to alter part of the division line between the counties of Ritchie and Gilmer
(Acts of the Legislature of West Virginia, 1863, ch. 61, pp. 59, 60)

(Passed October 8, 1863)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Ritchie and Gilmer is hereby so altered as to annex to, and include within the county of Ritchie the dwelling house and curtilage of Elisha L. Snodgrass, and so much additional land as may be necessary to straighten, as far as practicable, the said division line; but the territory thereby added to the county of Ritchie shall not exceed in the aggregate one hundred and fifty acres.

ROANE COUNTY

Created from Kanawha (p. 83), Jackson (p. 79), and Gilmer (p. 52), Mar. 11, 1856; division line changed between Wirt (p. 205) and, Feb. 13, 1872 (for act see p. 174).

Act Creating Roane County
(Virginia Acts, 1856, ch. 109, pp. 91-94)

(Passed March 11, 1856)

1. Be it enacted by the general assembly, that so much of the counties of Kanawha, Jackson and Gilmer as is contained within the following boundary lines, to wit: Beginning at the farms of John W. Carder and Hartlies, on the Ravenswood and California turnpike road in Jackson county; thence a straight line to the thirteenth mile stake on the Glenville, Ripley and Ohio turnpike road east of Ripley; thence a straight line to the forks of the creek above John Welch's mill, on the Elk fork of Mill creek; thence to the head of Wolf pen creek, a branch of Pocatalico, so as to include all said creek to the main Pocatalico near the mouth of Green creek; then crossing main Pocatalico creek to the ridge dividing Green and Little Sandy creeks, and with the same to the wagon road leading from Charleston to Pocatalico creek; thence a straight line to Osborne's mill on Big Sandy creek, so as to include the improvements of said Osborne; thence eastwardly by the shortest line to the top of the dividing ridge between Sandy and Elk rivers; thence along the top of said ridge to the Braxton county line; thence along said line to the corner of Braxton and Kanawha counties, near

the head of Big Sandy creek; thence with the Braxton line to the dividing ridge between Henry's fork and Beech fork; thence down said ridge to the mouth of Beech fork; thence down Henry's fork to the West fork of Little Kanawha river; thence down said river to the line of Wirt county; thence with the line of Wirt to the Jackson county line; thence with the line of Jackson and Wirt counties, crossing Spring and Reedy creeks, so as to include the farm of M. D. W. Boggs, to the mouth of Dempsey Flusher's land; thence a straight line to the top of the ridge between Conrad's and Cain's runs, so as to include all Cain's run; and with said ridge to the ridge between Reedy and Sandy creeks; thence a straight line to the place of beginning--shall form one distinct and new county, and be called and known by the name of Roane county.

2. The justices of the peace now in commission and in office shall remain justices, and all other officers shall remain in office in the county of Roane until their lawful terms shall have expired in their former counties; but before entering upon any of the duties of said offices, they shall take the oaths now required by law of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace remaining in commission in and for either of the counties of Kanawha, Jackson or Gilmer. And the justice administering such oaths, or any one of them, shall grant a certificate of the same, under his hand and seal of office; to be delivered to the justice qualified, who ahsll file the same in the clerk's office of Roane county court, there to be recorded; and the original shall be preserved in said office.

3. The court of the county of Roane shall be holden by the justices thereof on the first Monday in April next, and the first Monday of every month thereafter, according to law.

4. The justices who are now acting and who shall hereafter qualify according to the second section of this act, shall meet at the tavernhouse of M. B. Armstrong in the town of California in the county of Jackson, on the first Monday in April eighteen hundred and fifty-six, for the purpose of organizing the court; and if a majority of the whole number of justices shall be present, they shall proceed to the election of the presiding justice, to be selected from their own body, who shall hold his office until the next general election of justices and county officers. They shall also appoint a clerk and crier in said court in the manner now prescribed by law.

5. That for the purpose of fixing a site for the permanent seat of justice for the said county of Roane, it shall be the duty of the county court to provide for the holding an election at the several precincts of said county on the fourth Saturday in August next; at which time poll books shall be prepared by the clerk of the county court of said county

for each precinct, and delivered to the sheriff of said county. On which book there shall be two columns--the one headed "California," the other "Robert Luney's farm;" and all persons entitled to vote and who may offer to vote, shall declare viva voce whether they desire the county seat to be at California, or on the farm of Robert Luney; and if at the former place, they shall be recorded in the column headed "California." If at Robert Luney's, they shall be recorded under the head of "Robert Luney's."

6. That the county court shall appoint commissioners, as provided by the existing laws, to conduct the elections, who shall be governed in all respects by the laws now in force in relation to county elections; and the polls taken shall be returned to the clerk of the county court, in five days from the day of election, by said commissioner of each precinct; and the polls when returned, shall be scrutinized by the clerks of the county courts of Jackson, Kanawha and Gilmer counties, who shall meet for that purpose on the tenth day of September eighteen hundred and fifty-six. And if from any cause they shall fail to meet on that day, those present shall adjourn from day to day until they do convene: provided they do not delay longer than five days; at the end of which time any two of them may act.

7. That after scrutinizing the poll and striking from it all who may not be entitled to vote, they shall ascertain whether the majority shall be for "California," or "Robert Luney's," and report the result in writing, signed by said clerks, who shall attach thereto their affidavits, stating that the scrutiny had been made fairly, to the best of their judgment; which, when so prepared, shall be sealed up, and delivered under seal to the clerk of the county court of Roane; to be opened by the court in session.

8. That if from any cause the vote shall not be taken as aforesaid, or shall not be taken at all the precincts of the county, the county court, at the first term holden thereafter, shall direct a new election to be holden as aforesaid, to be scrutinized and returned as aforesaid; and when the final election is held and the majority ascertained as aforesaid, the place so ascertained to have a majority shall be the place for the permanent seat of justice for the county of Roane, at which place the public buildings shall be erected.

9. That until the public buildings are prepared so as to be suitable for holding court, or the county court may otherwise order, by a majority of all the justices of the county, the courts of the county shall be held at the town of California. That all persons entitled to vote at the county election for county officers, shall be entitled to vote at the election so to be holden for ascertaining the site for the permanent seat of justice for the said county of Roane.

Roane County

10. That the clerks of the counties of Jackson, Kanawha and Gilmer shall be allowed the sum of two dollars per day for the time actually engaged in going and returning, and while they remain in actual service; to be paid out of the county levy of the county of Roane; and upon the failure of any or either to attend, they shall be respectively subject to a penalty of not less then fifty dollars; and the sheriff to whom the poll books are delivered as aforesaid, shall cause the same to be delivered at each precinct on or before the day of election; and for failure to do so, shall forfeit the sum of one hundred dollars.

11. The county court of Roane county shall appoint five of the most suitable persons in the said county, that is, one from each of the magisterial districts, or parts of districts, whose duty it shall be to lay off the said county into districts not exceeding five in number, as equal in population and territory as the situation of the county will admit of; also they shall designate the places for holding precinct elections, not exceeding two in each district. They shall make a report in writing, under their hands and seals, to the first court after their appointment; and the clerk is hereby required to copy the order appointing the commissioners, at his earliest opportunity after the minutes are signed; and the crier is required to serve each of them with a copy of said order forthwith. Any three of said commissioners may act in case of any one's failing to attend; and upon the report being made and approved by the court, they shall order it to be recorded in their minute book, and file the original in the clerk's office of said county court. For which services they shall be provided for in their first county levy, not exceeding one dollar and fifty cents per day.

12. It shall be lawful for the sheriffs of Kanawha, Jackson and Gilmer, or either collectors, to collect, by distress or other lawful mode, any public dues and officers' fees which may remain unpaid by such of the inhabitants of the said counties respectively as will be in the county of Roane at the time when this act shall commence and be in force; and shall be accountable for the same in like manner as if this act had never passed.

13. The courts of Kanawha, Jackson and Gilmer, respectively, shall have and retain jurisdiction of all actions and suits depending before them on the first Monday in April next, and shall try and determine the same, and award execution thereon, except in case wherein both parties reside within the new county of Roane. Which last mentioned cases, together with the papers thereto appertaining, shall, after that day, be removed to the courts of the county of Roane, and there tried and determined, and execution awarded thereon when necessary.

Roane County

14. The said county of Roane shall be in and attached to the same judicial circuit with the county of Kanawha; and the circuit courts thereof shall be holden on the nineteenth day of May and the nineteenth day of October in every year, and be of the same brigade district with the county of Kanawha.

15. So much of the said county of Roane as shall be taken from the county of Kanawha shall belong to and vote with the congressional and senatorial districts of which the county of Kanawha now forms a part; and so much of the said county of Roane as shall be taken from the county of Jackson shall belong to and vote with the county of Jackson; and so much of the county of Roane as shall be taken from the county of Gilmer shall belong to and vote in the same congressional and senatorial districts of which the county of Gilmer now forms a part, until otherwise directed by law; and in all elections for members of the house of delegates, the county court of the county of Roane shall appoint as many commissioners and conductors for each place of voting in the county of Roane as are required by law; and each crier so appointed and attending shall take their respective polls to the courthouses of the several parts taken from each county to form the county of Roane, and shall be liable as sheriffs for all neglect of duty or improper conduct.

16. The courts of quarterly sessions for the said county of Roane shall be holden in the months of January, April, July and September in every year.

17. The county surveyors of the counties of Kanawha and Gilmer and the new county of Roane shall be and they are hereby appointed commissioners to run and mark the lines between the said counties, as designated by this act, (any two or more of whom may act for that purpose;) which, when run and marked, shall be taken and held as the dividing lines between the said new county of Roane and the several counties from which it is taken. The said commissioners are hereby required to make report of their proceedings and doings in the matter, in writing, to the county courts of each of the counties from which the said new county of Roane is taken, and also to the court of said new county; which reports shall be recorded in the clerk's office of each of said counties; and in all controversies which may arise touching said lines, shall be conclusive evidence. The county courts of each of the said counties shall allow such of the commissioners as act in that behalf a reasonable compensation for their services; to be paid out of the county levy of each of said counties, in equal proportions.

18. The treasurer of the school commissioners of the several counties from which the said county of Roane, hereby created, has been taken, viz: the counties of Kanawha, Jackson and Gilmer, shall be and they are hereby authorized and required to pay to the treasurer of the school commissioners of Roane

county, upon the order of the commissioners thereof, out of the fixed and surplus quotas of said counties respectively, for the present year, (eighteen hundred and fifty-six,) such sum as shall seem to them to be in due proportion to the population of the several parts of said new county of Roane, taken from the said counties respectively, including any balance remaining unexpended; as also of the due proportion as aforesaid accruing from such quotas to which any of the said counties are or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the said counties of Kanawha, Jackson and Gilmer, as also of the county of Roane, agreeably to the respective number of white tithables which may be returned therein by the commissioners of the revenue of the present year.

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

An Act to alter a part of the division line between the counties of Roane and Wirt
(Acts of the Legislature of West Virginia, 1872, ch. 26, pp. 39, 40)

(Passed February 13, 1872)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Roane and Wirt is hereby altered and established to run as follows: Beginning at a point at M. D. W. Boggs' farm on Spring Creek, on the line between Roane and Wirt counties; thence a straight line so far as to strike the west fork of the little Kanawha river at the Calhoun line above the farm of Isaac Tucker, and so as to include said Tucker and W. B. Hildereth in said county of Wirt.

ROCKINGHAM COUNTY (VIRGINIA)

Created from Augusta (p. 13), Oct. 1777; part of Pendleton (p. 142) formed from, Dec. 1787.

SUMMERS COUNTY

Created from Mercer (p. 116), Monroe (p. 130), Greenbrier (p. 55), and Fayette (p. 44), Feb. 27, 1871.

Act Creating Summers County
(Acts of the Legislature of West Virginia, 1871, ch. 134, pp. 178-180)

(Passed February 27, 1871)

Be it enacted by the Legislature of West Virginia:

1. So much of the counties of Monroe, Mercer, Greenbrier and Fayette as is included within the following boundary lines, to-wit: Beginning at the mouth of Round Bottom Branch on New River, in Monroe county; thence crossing said river and running N. 47 1/2° W., 5,430 poles, through the county of Mercer, to a point known as "Brannon's Gate," on the line dividing the counties of Mercer and Raleigh; thence with said county line in an easterly direction to New river; thence with the line between the counties of Raleigh and Greenbrier, down New River to the line of Fayette county; thence with the line dividing Raleigh and Fayette counties, down said river to a station opposite Goddard's house; thence leaving the line of Raleigh county, crossing New River, passing through said Goddard's house, N. 67 1/2° E., 3,280 poles, through said county of Fayette to a station on "Wallow Hole" mountain in Greenbrier county; thence S. 55° E., 3,140 poles to a station east of "Keeny's Knob," in Monroe county; thence S. 9° E., 1,320 poles to a station near Greenbrier river, and running thence S. 32° W., 7,740 poles to the beginning, shall form one distinct and new county which shall be called and known by the name of Summers county, and it is expressly understood and agreed by the applicants therefor that no part of the territory of the county of Raleigh shall ever be attached to the county created by this act.

2. The said new county shall be attached to the same judicial circuit and congressional and senatorial districts that the county of Monroe belongs to.

3. The judge of the circuit court of the new county shall as soon after the passage of this act as practicable, appoint a clerk for said court, a prosecuting attorney, recorder, surveyor, county superintendent of free schools, and sheriff of said county, who shall hold said offices until their successors are elected and qualified according to law.

4. All township officers within the bounds of said new county at the date of the passage of this act shall remain in office for the term for which they were elected and until their

successors are elected and qualified according to law. The supervisors of the several townships within said new county, with William Haynes and Ephraim Guinn, shall constitute the board of supervisors of said county of Summers until their successors are elected and qualified as aforesaid, and shall have all the powers and perform all the duties vested in and imposed by law upon other boards of supervisors.

5. The county seat of said new county shall be at the mouth of Greenbrier river, and the board of supervisors of said new county shall proceed as soon as practicable after the passage of this act to provide a suitable court house and other public buildings for said new county in the manner required by law.

6. The said new county shall be added to the delegate district composed of the counties of Greenbrier and Monroe, and the said counties of Greenbrier, Monroe and Summers shall together elect three delegates, until a new apportionment shall be made as provided by the constitution of this state, of which, at the election held in 1871, one shall be a resident of the county of Greenbrier, one of the county of Monroe, and one of the county of Summers; at the election in 1872, one shall be a resident of the county of Monroe and two of the county of Greenbrier; at the election in 1873, one shall be a resident of the county of Greenbrier and two of the county of Monroe, and so in rotation.

7. All process issued in the said counties of Monroe, Mercer, Greenbrier and Fayette before the organization of the said new county, and all public dues and officer's fees which may remain unpaid by citizens of the said new county shall be executed and returned, collected and accounted for by the sheriff or other officer in whose hands the same may have been placed, in the same manner as if this act had not been passed.

8. The courts of said counties of Monroe, Mercer, Greenbrier and Fayette shall retain jurisdiction over all actions, suits and proceedings therein pending at the passage of this act, and shall try and determine the same, and award execution or other process therein, except in cases in which both parties reside in said new county, which last mentioned cases, together with the papers and a transcript of the record of the proceedings therein had, shall, after that day, if either party so desire, be removed to the courts of the said new county, and there tried and determined as other cases.

9. The board of supervisors of said new county may create an additional number of townships therein, not exceeding five in all, without submitting their action in the matter to a vote of the people. Said board shall also provide a place for holding courts in said new county until a court house shall be erected, as hereinbefore provided.

10. The circuit courts of the said county of Summers shall be held on the twenty-ninth day of April, the first day of July, and twenty-fifth day of September in each year.

TAYLOR COUNTY

Created from Harrison (p. 72), Barbour (p. 15), and Marion (p. 104), Jan. 19, 1844; part of Marion (p. 104) added to, Feb. 20, 1856 (for act see p. 180); part added to Harrison (p. 72), Oct. 9, 1863 (for act see p. 74).

Act Creating Taylor County
(Virginia Acts, 1844, ch. 44, pp. 34-37)

(Passed January 19, 1844)

1. Be it enacted by the general assembly, That so much of the counties of Harrison, Barbour and Marion, as is contained within the following boundary lines, to wit: Beginning at the place called and known as the Laurel point, the corner of Monongalia, Marion and Preston counties; thence running a straight line to the upper end of the falls of the Tygart valley river; thence down and with the meanders of said river to the mouth of Lost run; thence a straight line to the forks of Booth's creek at Poland's; thence up the right hand fork of said creek to the residence of Anderson Corbin; thence southward to the residence of James M'Daniel on the North-western turnpike road; thence a due south course to Simpson's creek; thence up and with the meanders of said creek to the residence of Joseph Bailey; thence a southeast course to the line of Barbour county at Samuel Bartlett's; thence a straight line so as to include the farm of John H. Woodford on Pleasant creek in the county of Barbour; thence a straight line to the ford of Pleasant creek, one fourth of a mile below Jedediah Sayer's; thence a northeast course to the Valley river, crossing said river at the mouth of Big Sandy creek; thence with a line dividing the counties of Barbour and Marion to the corner of Marion, Barbour and Preston counties; thence with the line dividing said Marion and Preston counties, to the beginning, shall form one distinct and new county, and be called and known by the name of Taylor county.

2. The governor shall commission seventeen persons as justices of the peace in and for the said county of Taylor, and the justices now in commission and residing in those parts of Harrison, Barbour and Marion counties respectively, which will be in Taylor county after the commencement of this act, shall be of said number, and shall be commissioned in point of seniority, according to the dates of their present commissions;

all of whom shall, (before entering upon and exercising any of the duties of said office,) take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace remaining in commission in and for either justice of the peace remaining in commission in and for either of the counties of Harrison, Barbour or Marion; and the justice administering such oaths shall grant a certificate of the same, to be delivered to the justice qualified, who shall file the same in the clerk's office of Taylor county, there to be recorded, and to preserve the original in said office.

3. A court for the county of Taylor, shall be holden by the justices thereof on the Thursday after the second Monday in every month after the same shall have been organized, in like manner as is provided by law for other counties, and as shall be by their commissions directed.

4. The permanent place for holding the courts in the county of Taylor, now required by law to be holden for the several counties of this commonwealth, shall be at the town of Williamsport, sometimes called Pruntytown, in the now county of Harrison. And the county court for the county of Taylor, shall provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justices of said county may take and hold the same; provided such donation shall not exceed five acres, and a full and satisfactory title be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing law for holding courts and conducting business incident thereto in the manner now required by law, "where land shall not be already provided and appropriated for that purpose;" and said court shall cause said buildings and fixtures to be constructed at the charge of the county of Taylor by levy, in the manner now prescribed by law. The title to and land purchased for valuable consideration, or furnished in free gift, for the site of a courthouse and other public buildings for said county, shall be made in fee simple to any four or more justices of the peace for said county of Taylor, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace commissioned and qualified as aforesaid, for the said county of Taylor, shall meet at the house now the residence of Abraham Smith at Williamsport, on the Thursday after the second Monday in April next, and a majority of them being present, shall proceed to the appointment of a clerk of the county court of said county; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place in said county for holding the courts thereof, until the necessary buildings shall be constructed at the said town of Williamsport.

Taylor County

6. It shall be lawful for the sheriffs of the counties of Harrison, Barbour and Marion, to collect by distress or other lawful mode, any public dues and officers' fees, which may remain unpaid by such of the inhabitants of the said counties respectively, who will be in the county of Taylor at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The courts of the counties of Harrison, Barbour and Marion, respectively, shall have and retain jurisdiction of all actions and suits depending before them on the third Monday in April next, and shall try and determine the same, and award execution thereon, except in cases wherein both parties reside within the new county; which last mentioned cases, (together with the papers thereto appertaining,) shall after that day, be removed to the courts of the county of Taylor, and there tried and determined, and execution awarded thereon when necessary.

8. The said county of Taylor, shall be and attached to the same judicial circuit with the county of Harrison, and the circuit superior courts of law and chancery thereof, shall be holden on the twenty-second day of May and on the twenty-second day of October in every year; and be of the same brigade district with the county of Harrison.

9. So much of the said county of Taylor as shall be taken from the county of Marion, shall vote with and belong to the congressional and senatorial districts of which Marion county now forms a part; and so much of the said county of Taylor as shall be taken from the counties of Harrison and Barbour, shall vote with and belong to the same congressional and senatorial districts of which Harrison and Barbour form a part.

10. The county of Taylor and the county of Harrison, shall each send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place. And all separate elections heretofore authorized to be holden in the counties of Harrison, Barbour and Marion, and falling within the boundary of the new county of Taylor, shall be conducted for the county of Taylor in the same manner as heretofore for the said counties respectively. And in case of such separate elections so falling within said boundary, it shall be the duty of the county court of the county of Taylor, at the first court holden after the passing of this act, or as soon thereafter as practicable, to appoint as many persons as may be necessary to perform the duties of sheriff at the several places of holding separate elections for said county of Taylor, and who shall attend at the courthouse of the county of Taylor to compare the polls, and to do and perform such other duties as are required by law in that behalf, and who shall be liable to the same penalties as are now imposed by law upon sheriffs and their deputies for failing

or refusing to hold separate elections, or other omissions of duty; and also to appoint as many superintendents as are required by law to superintend the said separate elections for the said county of Taylor.

11. The courts of quarterly sessions for the said county of Taylor, shall be holden in the months of March, June, August and November in every year.

12. Be it further enacted, That the county surveyors of the counties of Harrison, Barbour, Marion and the new county of Taylor, shall be and they are hereby appointed commissioners to run and mark the lines between the said counties as designated by this act, (any three or more of whom may act for that purpose,) which, when run and marked, shall be taken and held as the dividing lines between the said county of Taylor and the several counties from which it was taken. The said commissioners are hereby required to make report of their proceedings and doings in the matter, in writing, to the county court of each of the counties from which the said new county of Taylor is taken, and also to the county court of said new county; which reports shall be recorded in the clerk's office of each of said counties, and in all controversies which may arise touching said lines shall be conclusive evidence. The county courts of each of said counties shall allow such of said commissioners as act in this behalf, a reasonable compensation for their services, to be paid out of the county levy of each of said counties in equal portions.

13. This act shall be in force from the passing thereof.

An Act to annex a portion of the county of Marion to the county of Taylor
(Virginia Acts, 1856, ch. 113, p. 98)

(Passed February 20, 1856)

1. Be it enacted by the general assembly, that so much of the county of Marion as lies next to and adjoining the county of Taylor, south and east of a straight line--commencing on the Marion and Taylor county line near the mouth of Samuel W. Henderson's lane; running thence to the residence of Jeremiah L. Neal, (leaving the dwelling-house of said Neil in the county of Marion;) thence a straight line to the Monongalia and Marion county line near the residence of Samuel Gore, so as to include said Gore's residence in the county of Taylor-- shall be and the same is hereby annexed to and henceforth shall constitute a part of the county of Taylor.

Tazewell County (Virginia)

An Act to alter part of the division line between the counties of Taylor and Harrison
(Acts of the Legislature of West Virginia, 1863, ch. 6, p. 60)

(Passed October 9, 1863)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Taylor and Harrison is hereby so altered as to include within and make part of the county of Taylor the farms of Solomon Frum, George Bailey, Silas P. Bailey, and Samuel Bartlett, now in the county of Harrison.

TAZEWELL COUNTY (VIRGINIA)

Created from Russel and Wythe, 1799; part of Giles (p. 49) formed from, Jan. 16, 1806; part of Logan (p. 101) formed from, Jan. 12, 1824; part of Logan (p. 101) added to, Mar. 12, 1834; part of Mercer (p. 116) formed from, Mar. 17, 1837; McDowell (p. 112) formed from, Feb. 20, 1858.

An Act adding a part of the county of Logan to the county of Tazewell
(Virginia Acts, 1834, ch. 58, p. 73)

(Passed March 12, 1834)

1. Be it enacted by the general assembly, That so much of the county of Logan, as lays next to and adjoining the county of Tazewell, and is contained within the following boundary lines, to wit: beginning at the mouth of the Dry fork of Sandy river, and running thence a northern course to the top of the ridge dividing the waters of Guyandotte and Sandy rivers; thence along the top of said ridge to the Flat Top mountain, and thence along said mountain, (so as to include the now residence of James Marshall,) to the line of Tazewell county, where it now corners on Logan and Giles counties, shall be annexed to, and be henceforth a part of, the county of Tazewell.

TUCKER COUNTY

Created from Randolph (p. 157), Mar. 7, 1856; division line changed between Barbour (p. 15) and, Feb. 7, 1871 (for act see p. 18).

Act Creating Tucker County
(Virginia Acts, 1856, ch. 110, pp. 95-97)

(Passed March 7, 1856)

1. Be it enacted by the general assembly, that so much of the county of Randolph as is contained within the following boundary lines, to wit: Beginning at Fairfax's corner stone, and running thence with the division line between Hardy and Randolph counties, to the corner of Pendleton county; thence with a straight line to the fork of Red creek; thence down Red creek to its mouth on the Dry fork of Cheat river; thence by a straight line to the point where the Pheasant run road crosses Laurel hill; thence with the top of Laurel hill to the Barbour county line; thence with said Barbour county line to the corner of Preston county, and with the line of Preston county to the beginning--shall form one distinct and new county, and shall be called and known by the name of The County of Tucker; provided, that no part of the county of Preston shall hereafter be annexed to said county of Tucker without the consent of a majority of the voters of Preston county, ascertained at some general election.

2. The court-house or seat of justice of said county of Tucker shall be located on the lands of Enoch Minear on the east side of Cheat river, and near the mouth of Mill run; which said seat of justice shall be known as Saint George.

3. The following persons (William Ewin, Jacob W. Lee, Solomon Parsons, William R. Parsons and Arnold Bonifield) shall be and are hereby appointed commissioners, a majority of whom may act, for the purpose of selecting the site for a court-house, jail and other public buildings for said county of Tucker; who are hereby required to meet at the house of Enoch Minear on the fourth Monday in March next ensuing the passage of this act, or within thirty days from and after that day; and within ten days after their meeting, ascertain and determine at what point or place on the lands of the said Enoch Minear, in the said county, it is the most suitable and proper to erect a court-house, and such other necessary buildings and fixtures as the convenience of the county requires, under the existing laws, for holding courts and conducting business incident thereto; and shall lay off, in the most convenient form, a lot or lots of land for that purpose, not exceeding in quantity two acres; and shall ascertain the value thereof. Whereupon the said commissioners, or a majority of them acting in this behalf,

shall make their report in writing to the county court of Tucker, when organized, the manner in which they shall have executed the duties required of them by this act, and of their proceedings in relation thereto, designating the point or place agreed upon, the value of the lot or lots of land, and name or names of the owners thereof. And the place so ascertained and determined upon by the said commissioners or a majority of them, shall be deemed and taken as the permanent place for holding the courts of Tucker, now required by law to be holden for the several counties of this commonwealth. And the court for the county of Tucker shall thereupon provide for the payment of the valuation of said lot or lots of land so ascertained, in the manner now required by law, where lands shall not be already provided and appropriated for that purpose.

4. The commissioners aforesaid shall also lay off the said county of Tucker into three magisterial districts, select points at which elections shall be holden in each district, and appoint a conductor and five commissioners (any three of whom may act) to superintend the elections to be holden for said county of Tucker, on the fourth Thursday in May next.

5. It shall be the duty of all persons residing within the limits of the said county of Tucker, who are now entitled to vote for members of the general assembly, to attend at the respective election precincts so selected by the commissioners aforesaid, on the fourth Thursday of May in the year eighteen hundred and fifty-six, elect a sheriff, a clerk of the county court, a clerk of the circuit court, a commissioner of the revenue, overseers of the poor, commonwealth's attorney, and a surveyor for the said county of Tucker; and the voters residing in each magisterial district shall elect for that district four justices of the peace, and one constable. The election of the justices of the peace shall be certified to the governor of the commonwealth by the several conductors and commissioners superintending and conducting said elections, who, after they shall be commissioned and qualified according to law, shall meet at the house of Enoch Minear on the fourth Monday in the next month after that in which they shall be so commissioned; and a majority of them being present, shall fix upon a place in the said county of Tucker for holding the courts of said county, until the necessary buildings shall be constructed on the site designated by the commissioners aforesaid.

6. The said justices shall, at the first term of the county court of said county, choose one of their own body, who shall be presiding justice of the county court, and whose duty it shall be to attend each term of said court.

7. The commissioners and conductors of the elections aforesaid shall certify to the said county court of Tucker, at its first term, or at some subsequent term, as soon as practicable, the election of the said clerks of the county and circuit courts,

commonwealth's attorney, surveyor, and commissioner of the revenue, who shall, after having given bonds and security, and being qualified according to law, enter upon the discharge of the duties of their office respectively.

8. The commissioners herein before appointed to lay off the county of Tucker into magisterial districts shall be allowed each a compensation of two dollars per day for their services aforesaid.

9. The term of office for the commissioner of the revenue for the said county of Tucker shall commence on the first day of February eighteen hundred and fifty-seven; and the commissioner of the revenue for the said county of Randolph is hereby required to discharge the duties of his office in the limits of the said new county of Tucker for the present year; and he is hereby directed to keep the list taken by him in the said county of Tucker separate and distinct from the list of said county of Randolph, and make return of the same in the manner now prescribed by law, in the same manner as if appointed commissioner of the revenue for the said county of Tucker.

10. The treasurer of the school commissioners of the county of Randolph shall be and is hereby required to pay to the treasurer of the school commissioners of the new county of Tucker, upon the order of the commissioners last mentioned, out of the fixed and surplus quotas of the school fund of the said county of Randolph for the present year, (eighteen hundred and fifty-six,) such sum as shall seem to them to be in due proportion to the population of the said new county of Tucker, taken from the said county of Randolph, including any balance now remaining unexpended; as also of the due proportion as aforesaid, accruing from said quotas to which Randolph county is or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quota of the county of Randolph for the next fiscal year, and subsequent years, between the said county of Randolph and the new county of Tucker, agreeably to their respective number of white tithables, which may be returned therein by the commissioner of the revenue for the present year eighteen hundred and fifty-six.

11. It shall be lawful for the sheriff of the county of Randolph to collect and make distress for any public dues or officers' fees which may remain unpaid by the inhabitants of the said county of Tucker at the time when this act shall commence and be in force; and shall be accountable for the same in like manner as if this act had never been passed.

Tucker County

12. The court of the county of Randolph shall retain jurisdiction of all actions and suits pending before them on the fifteenth day of June next, and shall try and determine the same, and award execution thereon, except cases wherein both parties reside within the new county: which, together with the papers, shall, after that day, be removed to the court of the county of Tucker, and there be tried and determined.

13. The said county of Tucker shall be in and attached to the twenty-first judicial circuit, and the circuit court thereof shall be holden on the eighth day of March and eighth day of August in every year, and be of the same brigade district with the county of Randolph.

14. The county of Tucker shall belong to the same congressional district, the same senatorial district, and the same electoral district (for choosing electors for president and vice president of the United States) with the county of Randolph, and shall vote with the county of Randolph for a member of the house of delegates.

15. The county courts of said county shall be holden on the second Monday in each month, and the quarterly sessions of the said county of Tucker shall be holden in the months of March, June, August and November in each year.

16. The surveyor hereafter elected for the county of Tucker, in the mode prescribed by law, together with the surveyor of the county of Randolph, shall run and mark the lines between the said county of Tucker and the county of Randolph, (from which it is formed,) agreeably and in conformity with the provisions of the seventh section of the forty-seventh chapter of the Code of Virginia.

17. The commissioners appointed by this act to designate and fix upon the site for the public buildings in the said county, and to lay off and district said county, shall be allowed and paid the sum of two dollars for every day they shall actually be engaged in the duties aforesaid; to be provided for and paid out of the county levy of the said county of Tucker.

18. The first county court for said county of Tucker shall be holden on the second Monday in July next.

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

TYLER COUNTY

Created from Ohio (p. 142), Dec. 6, 1814; division line established between Harrison (p. 72) and, Jan. 14, 1817 (for act see p. 187); boundary defined between Marion (p. 104) and, Mar. 24, 1843 (for act see p. 106); Wetzel (p. 201) formed from, Jan. 10, 1846; part of Pleasants (p. 144) formed from, Mar. 29, 1851; division line changed between Wetzel (p. 201) and, Mar. 4, 1868 (for act see p. 188).

Act Creating Tyler county
(Virginia Acts, 1815, ch. 11, pp. 87-89)

(Passed December 6th, 1814)

BE it enacted by the General Assembly, That all that part of the County of Ohio, contained within the following bounds, to wit; beginning at the southeast corner of the Pennsylvania line, thence a due west course to the Ohio river, with said river to the Wood County line, with said line to the intersection of Harrison county line, thence with said line to the line dividing Monongalia from Ohio County, thence with said line to the Pennsylvania line and with it to the beginning shall form one distinct and new County, and be called and known by the name of Tyler County.

2. A Court for the said County of Tyler shall be held by the Justices thereof on the second Monday in every month, after the same takes place, in like manner as is provided by law for other counties, and shall be by their commission directed. And in order the more impartially and correctly to ascertain the most proper place for holding Courts, and erecting the public buildings for the said county, Dudley Evans and Levi Morgan of the County of Monongalia, Moses Congleton and Samuel Chambers of the county of Brooke, and Benjamin Robinson and David Davidson, jr. of the county of Harrison, shall be and the same are hereby appointed commissioners, a majority of whom may act, for the purpose aforesaid, whose duty it shall be, after having performed the services hereby required, to make report thereof to the Court of the said county of Tyler, whereupon they shall proceed to erect the necessary public buildings at the place so fixed on by the said commissioners or a majority of them, which when completed shall be the permanent place for holding courts for the said county; the said Commissioners shall be allowed each the sum of three dollars per day as a compensation for the duties hereby imposed on them, to be paid out of the levy to be collected in the said county of Tyler.

3. The Justices to be named in the commission of the peace for the said county of Tyler shall meet at the house of Charles Wells, Senior, in the said county, upon the first court day after the said county takes place, and, having administered the oaths of office to, and taken bond of the Sheriff according to law,

proceed to appoint and qualify a clerk, and until the necessary public buildings are completed at the place pointed out by the Commissioners or a majority of them, to appoint such place within the said county for holding courts, as they may think proper; provided always, that the appointment of a clerk, and a temporary place for holding courts, shall not be made unless a majority of the Justices of the said county be present.

4. It shall be lawful for the Sheriff of the county of Ohio, to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants of the county of Tyler at the time it takes place, and shall be accountable for the same, in like manner as if this Act had not been made.

5. The Governor with the advice of Council shall appoint a person to be first Sheriff of the said county of Tyler, who shall continue in office during the term and upon the same conditions as are by law appointed for other sheriffs.

6. The court of the county of Ohio shall have jurisdiction of all actions and suits depending before them at the time the said county of Tyler takes place, and shall try and determine the same, and award execution thereon.

7. The said county of Tyler shall remain in the same judicial circuit with the county of Ohio; and the courts thereof shall be holden on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September in each year, and be of the same Brigade district in like manner as if this Act had not been made. In future elections of a Senator and Elector, and a Representative in Congress, the said county of Tyler shall be of the same district as the county of Ohio.

8. And be it further enacted, That the courts of quarterly sessions for the said county of Tyler shall be holden on the second Monday in the months of March, June, August and November in every year.

9. This Act shall commence and be in force from and after the passing thereof.

An Act for establishing the division line between the counties of Tyler and Harrison.
(Virginia Acts, 1815-16, ch. 86, p. 154)

(Passed January 14th, 1817)

WHEREAS it is represented to this General Assembly, that the division line between the counties of Tyler and Harrison is vague and uncertain, and that, in consequence thereof, difficulties have arisen, and may hereafter arise; for remedy whereof,

Tyler County

1. Be it enacted by the General Assembly, That Samuel P. Moore, Joseph McCoy, senr., and Barnes Allen, gentlemen, or any two of them, shall be, and the same are hereby appointed commissioners for the purpose of ascertaining and definitively fixing the boundary line between the said counties of Tyler and Harrison, in such manner as in their opinion will be most convenient to the citizens thereof: and the said commissioners shall meet, at such time as they may appoint at the place where the state road leading from Clarksburg to the mouth of Little Kanawha crosses Arnold's creek and, there beginning the said boundary line, shall proceed to complete the same with as little delay as possible; for which service they shall be allowed the sum of three dollars per day, for the time during which they shall be employed therein, to be paid by the courts of the counties aforesaid, jointly, out of the county levies thereof.

2. And the said commissioners shall, within sixty days after the completion of the said line, make report thereof to each of the county courts of Tyler and Harrison, there to be recorded.

3. And be it further enacted, That all surveys heretofore made by the surveyor of either of the said counties, of lands which, by the line so to be established, may lie in the county whereof he is not surveyor, shall be as good and valid as if the same were made by the surveyor of the county wherein the said lands shall be; and all entries for lands made in like manner, shall be good and valid, and give right to the owner according to priority of date.

4. All acts and parts of acts within the purview of this act shall be and are hereby repealed.

5. This act shall be in force from the passing thereof.

An Act to alter part of the division line between the counties of Tyler and Wetzel.
(Acts of the West Virginia Legislature, 1868, p. 129)

(Passed March 4, 1868)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Tyler and Wetzel is hereby so altered as to include within and make part of the county of Tyler, the dwelling houses of Nimrod Beohard and Elisha Stoneking, now partly in the county of Wetzel.

2. The alteration herein provided for shall not be of force until the surveyor of the county of Tyler, shall run and mark the new line or lines, and make three fair plats thereof, which he shall duly certify and forward, one to the Secretary of the State, another to the recorder of the county of Wetzel, and the

third to the recorder of the county of Tyler, who shall file and carefully preserve the same in their respective offices.

3. The account of the said surveyor, for his fees and expenses incurred under the provisions of this act, shall be audited by the board of supervisors and paid out of the treasury of the county of Tyler.

UPSHUR COUNTY

Created from Randolph (p. 157), Barbour (p. 15), and Lewis (p. 90), Mar. 26, 1851; division line altered between Randolph (p. 157) and, Feb. 21, 1865 (for act see p. 159).

Act Creating Upshur County
(Virginia Acts, 1851, ch. 26, pp. 23-25)

(Passed March 26, 1851)

1. Be it enacted by the general assembly, That so much of the counties of Randolph, Barbour and Lewis as is contained within the following boundary lines, to wit: Beginning at a rock or milestone on the Staunton and Parkersburg turnpike road, ten miles east of Weston in Lewis county, running thence a straight line to the head of Saul's run, a branch of Finks' run; thence to the mouth of Pringle's fork of Stone Coal creek; thence up said fork to the forks of said fork; thence with the ridge dividing the waters of said forks of their head waters, and with said ridge to the head of French creek above Taylor Townsend's farm; thence to the mouth of the Cherry Camp fork of the Little Kanawha river; thence to the mouth of the Buffalo fork of said river to the Braxton county line, and with said line to the head of the right hand fork of the said river; thence to the three forks of the right hand fork of Buckhannon river; thence to the head nearest branch of Middle Fork river; thence down said river to the fording where the road leading from Teter's, on the Valley river, to House's mill on the Buckhannon river, crosses said Middle Fork; thence to the fording of the Buckhannon river, at or near Henry Jackson's; thence to Michael Strader's on Peck's run, including said Strader's; thence with the ridge dividing the waters of the main Peck's run from the waters of the branch on which Colonel John Reger now resides; thence said ridge so as to divide the waters of Peck's run from Big run to Gnatty Creek mountain; thence to the mouth of the run on which John Low resides, so as to include Mr. Gum; thence so as to include all the waters of said run to Peel Tree mountain; thence running west to the Harrison county line; thence with said line to a stone standing on the line of Lewis and Harrison counties, and on the dividing line between Lost creek, Rooting creek and Jesse's run; thence a straight line to the mouth of Rover's run, a branch of

Upshur County

Hacker's creek; and thence to the beginning, shall form one distinct and new county, and be called and known by the name of Upshur county.

2. The boundary line of said county of Upshur, as above designated, shall be run and marked in pursuance of the forty-seventh chapter and seventh section of the Code of Virginia, and the surveyors shall proceed to run and mark said boundary lines within one month after the court of said Upshur county shall have appointed a surveyor.

3. The powers and duties of the courts and officers of the counties of Randolph, Barbour and Lewis, from which the said county of Upshur is formed, shall discharge all the respective duties in said counties as if provided for in the ninth, tenth and eleventh sections of the forty-seventh chapter of the Code of Virginia: Provided, That nothing therein contained shall be so construed as to authorize the courts or officers of the several counties aforesaid to lay or collect any county levy or other public dues for the present year, within the prescribed boundaries of said new county.

4. The governor shall commission as justices of the peace twelve persons in and for the said county of Upshur, all of whom shall, before entering upon and exercising any of the duties of said office, take the several oaths now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace remaining in commission in and for either of the counties of Randolph, Barbour and Lewis, who shall grant a certificate to the justice qualified, to be recorded in the clerk's office of the county of Upshur.

5. The court for the county of Upshur shall be holden on the first Thursday after the third Monday of every month, and the courts of quarterly sessions shall be holden in the months of March, June, August and November in each year; and the permanent place for holding the courts of said county shall be in the town of Buckhannon.

6. The justices of the peace commissioned and qualified as aforesaid shall meet at the house now the residence of Andrew Prundeton in the town of Buckhannon, on the first Thursday after the third Monday in April next, and, a majority of them being present, shall proceed to appoint a clerk of the county court, and such other officers as are now required by law, shall nominate suitable persons as sheriff and coroner, to be commissioned as such by the governor, and shall fix upon a place in said town for holding the courts until the public buildings shall be erected.

7. The county court of the county of Upshur shall, at its first meeting, make an order summoning all the justices of the peace in and for said county to meet at the succeeding term, for the purpose of procuring a lot of land in the town of Buckhannon on

which to erect the public buildings, as required by the first section of the fifieth chapter of the code of Virginia.

8. The superior courts of the county of Upshur shall be holden on the seventeenth day of June and the seventeenth day of November in each year, and shall be attached to the same judicial circuit as the county of Lewis.

9. The county of Upshur, for all purposes of representation, shall be attached to the same district as the county of Lewis, and also to the regiment in the said county.

10. The treasurers of the school commissioners in the several counties out of which the county of Upshur is formed are required to pay to the commissioners of said county such sums of money arising out of the school quotas, agreeably to the respective numbers of white titheables taken from each.

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

WAYNE COUNTY

Created from Cabell (p. 31), Jan. 18, 1842; boundary changed between Logan (p. 101) and, Mar. 4, 1868 (for act see p. 194); boundary changed between Lincoln (p. 93) and, July 27, 1868 (for act see p. 98); part of Lincoln (p. 93) added to, Feb. 27, 1872 (for act see p. 194).

Act Creating Wayne County
(Virginia Acts, 1842, ch. 60, pp. 36-38)

(Passed January 18, 1842)

1. Be it enacted by the general assembly, That all that part of the western side of the county of Cabell, contained within the following boundary lines, to wit: Beginning at the mouth of Fourpole creek on the Ohio river, thence a straight line to the mouth of Long branch, (so as to include the house and farm of Asa Booton within the new county;) thence following the top of the dividing ridge between the said Long branch and the Beach fork of Twelvepole river, up to the mouth of Raccoon creek; thence crossing the Raccoon creek to the dividing ridge between the said Beach fork and Guyandotte river; thence along the said dividing ridge to the line dividing the counties of Logan and Cabell; thence with said line to the mouth of Marrowbone creek, a branch of the Tug fork of Big Sandy river; thence down said Big Sandy river, with the line dividing this state from the state of Kentucky, to the mouth of Big Sandy river; thence up the Ohio river to the place of beginning, shall form one distinct and new county, and be called and known by the name of Wayne county, in memory and in honour of General Anthony Wayne.

Wayne County

2. The governor shall commission thirteen persons as justices of the peace, in and for the said county of Wayne, and the justices now in commission, residing in that part of Cabell county which will be in the county of Wayne, when this act shall commence and be in force, shall be of said number, and shall be commissioned in point of seniority, according to the date of their present commissions; all of whom shall, before entering upon and exercising any of the duties of said office, take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace now in commission for either of the counties of Cabell, Logan or Wayne; and the justice administering such oaths shall grant a certificate of the same, to be delivered to the justice qualified, who shall file the same in the clerk's office of Wayne county, there to be recorded.

3. A court for the county of Wayne shall be holden by the justices thereof on the second Monday of every month, after the same shall have been organized, in like manner as is provided by law for other counties, and shall be by their commissions directed.

4. The permanent place for holding the courts in the county of Wayne, now required by law to be holden for the several counties of this commonwealth, shall be on the lands of Abraham Trout, senior, on Twelvepole river, at or near his present residence in the now county of Cabell, and the county court for the county of Wayne shall provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justice may take and hold the same, provided a full and satisfactory title be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws for holding court and conducting business incident thereto, in the manner now required by law "where land shall not already be provided and appropriated for that purpose," and said court shall cause said buildings and fixtures to be constructed at the charge of the county of Wayne. The title to any land purchased for valuable consideration, or furnished in free gift, for the site of a courthouse and other public buildings for said county, shall be made in fee simple to any four or more justices of the said county of Wayne, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace, commissioned and qualified as aforesaid, for the said county of Wayne, shall meet at the house now the residence of said Abraham Trout, senior, in the now county of Cabell, on the second Monday in June next, and a majority of them being present, shall proceed to the appointment of a clerk of the said court; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place in the said county of Wayne for holding the courts thereof, until the necessary buildings shall be constructed at or near the said residence of Abraham Trout, senior.

6. It shall be lawful for the sheriff of the county of Cabell to collect by distress or other lawful mode, any public dues and officers' fees which shall remain unpaid by the inhabitants of the county of Wayne, at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The courts of the county of Cabell shall have and retain jurisdiction of all actions and suits depending before them on the first Monday in August next, and shall try and determine the same, and award execution thereon, except in cases where both parties reside within the said new county; which last mentioned cases, together with the papers thereto appertaining, shall after that day be removed to the courts of the county of Wayne, and there tried and determined, and execution awarded.

8. The said county of Wayne shall be attached to the same judicial circuit with the county of Cabell, and the circuit superior courts of law and chancery thereof shall be holden on the third day of May, and on the third day of October, in every year, and be of the same brigade districts with the county of Cabell.

9. The said county of Wayne shall belong to the same senatorial, congressional and electoral districts with the county of Cabell.

10. The said county of Wayne and the county of Cabell shall together send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place.

11. The courts of quarterly sessions of the said county of Wayne, shall be holden in the months of April, July, September and December in every year.

12. And be it further enacted, That the county surveyors of the counties of Cabell and Wayne, together with Joseph Nigley, John Welman and Burwell Spurlock of the now county of Cabell, are hereby appointed commissioners (any three of whom may act) to run and mark the lines between the said counties, as designated by this act, which when run and marked, shall be taken and considered as the dividing lines between the said new county of Wayne and the county of Cabell; and the said commissioners are hereby required to make report of their proceedings in writing, to the county courts of each of said counties, which reports shall be recorded in the clerk's office in each of said counties; and in all controversies which may hereafter arise concerning said lines, shall be conclusive evidence. The county courts of each of said counties shall make such allowance to the said commissioners for their services as they shall respectively deem proper, to be paid out of the county levy of each of said counties respectively.

13. And be it further enacted, That all separate elections heretofore authorized to be holden in the county of Cabell, and falling within the county of Wayne, shall be conducted for the

said county of Wayne in like manner as heretofore for the county of Cabell; and it shall be the duty of the county court of the county of Wayne, at their first court to be holden after the passage of this act, to appoint as many persons as may be necessary to perform the duties of sheriff, at the several places for holding separate elections in the said county of Wayne, and who shall attend at the courthouse of Cabell county to compare the polls, and to do and perform such other duties as are required by law, and who shall be liable to the same penalties as are now imposed by law on sheriffs or their deputies, for failing or refusing to hold separate elections or other omissions of duty; and said court shall also appoint as many commissioners as are required by law to superintend said separate elections.

14. This act shall be in force from the passing thereof.

An Act providing for the changing of the county lines between the counties of Wayne and Logan
(Acts of the Legislature of West Virginia, 1868, ch. 160, p. 130)

(Passed March 4, 1868)

Be it enacted by the Legislature of West Virginia:
The county line between the counties of Wayne and Logan is hereby changed so as to include the farm known as the Lewis Brewer farm, (at the mouth of Marbone creek,) in the county of Wayne.

An Act to add a part of the county of Lincoln to the county of Wayne
(Acts of the Legislature of West Virginia, 1872, ch. 106, p. 155)

(Passed February 27, 1872)

Be it enacted by the Legislature of West Virginia:

1. That all that part of the county of Lincoln included within the following boundary lines, to wit: Beginning at the head of Four Mile creek, on the ridge between the waters of said creek and the waters of Twelve Pole river, near the farm of Alexander Watson, at the commencement of the straight line from said ridge to the Right Hand Fork of Twelve Pole, and running from said point with the line between the said counties of Wayne and Lincoln, as run and marked by D. C. Maupin, to the Right Hand Fork of Twelve Pole, where the line between the counties of Wayne and Logan formerly crossed the said fork; thence with the original line between the counties of Wayne and Logan, to the top of the dividing ridge between the waters of the Left Hand Fork of Twelve Pole and the Guyandotte river; thence with and along the

top of said dividing ridge to the place of beginning; being all that portion of the county of Wayne added to the county of Lincoln, by the act entitled, "An act amending the act establishing the county of Lincoln, passed February 23, 1867," which said last act was passed the 26th day of February, 1869, be and the same is hereby added to, and made part of the county of Wayne.

WEBSTER COUNTY

Created from Randolph (p. 157), Braxton (p. 26), and Nicholas (p. 139), Jan. 10, 1860; act amended, Feb. 14, 1861 (for act see p. 199); boundary changed between Randolph (p. 157), Nicholas (p. 139), and Greenbrier (p. 55), Nov. 7, 1863 (for act see p. 200); boundary changed between Nicholas (p. 139) and, Jan. 19, 1882; parts of Greenbrier (p. 55) and Nicholas (p. 139) added to, Jan. 19, 1882 (for act see p. 201).

Act Creating Webster County
(Virginia Acts, 1860, ch. 47, pp. 151-157)

(Passed January 10, 1860)

1. Be it enacted by the general assembly, that so much of the counties of Nicholas and Randolph as is contained within the following boundary line, to wit: Beginning at the main forks of the Little Kanawha river, above Haymond's mills; thence with the right hand fork of said river, being the original line of Lewis and Braxton counties, and now the line between Upshur and Braxton counties, at the head of said right hand fork of Kanawha; thence a straight line to the eastern corner of the lands of Abraham Buchanon; thence a straight line (sic) to the Whitaker rock on Elk river; thence a straight line, by the way of Three forks of Gauley river, to the Pocahontas line, and with said line to a point opposite the mouth of Stroud's creek; thence a straight line, by the mouth of Stroud's creek, to the mouth of Skiles' creek on Big Birch river; thence a straight line to the half way point on Holly river; thence a straight line to the beginning--be and the same is hereby established as a new county; which shall be known by the name of Webster.

2. The court-house or seat of justice of said county of Webster shall be located on the farm of Addison McLaughlin at the Fork lick on Elk river, between the said river and the Back fork of same; which said seat of justice shall be known by the name of Addison.

3. The following persons, to wit: Samuel Given, Thomas Coger, Wilson Arters, William Given and Thomas Reynolds, shall be and are hereby appointed commissioners, a majority of whom may

act, for the purpose of selecting a site for a court house, jail and other public buildings for said county of Webster, who are hereby required to meet at Fork lick on the first day of March eighteen hundred and sixty, or within thirty days from and after that day, and within ten days after their meeting ascertain and determine at what point or place on the farm aforesaid in the said county it is most suitable and proper to erect a court-house and such other buildings and fixtures as the convenience of the county requires, under the existing laws, for holding courts and conducting business incident thereto, and lay off, in the most convenient form, a lot or lots of land for that purpose, not exceeding in quantity two acres, and shall ascertain the value thereof; whereupon, the said commissioners, or a majority of them acting in this behalf, shall make their report in writing to the county court of Webster county, when organized, the manner in which they have executed their duties required of them by this act, and of their proceedings in relation thereto, designating the point or place agreed upon, the value of the lot or lots of lands, and the name or names of the owners thereof; and the place so ascertained and determined upon by said commissioners, or a majority of them, shall be deemed and taken as the permanent place for holding the court of Webster, now required by law to be holden for the several counties of this commonwealth. And the court for the county of Webster shall thereupon provide for the payment of the valuation of said lot or lots of land so ascertained, in the manner now required by law, where lands shall not be already provided and appropriated for that purpose.

4. The commissioners aforesaid shall also lay off the said county of Webster into three magisterial districts, select points at which elections shall be holden in each district, and appoint a conductor and five commissioners (any three of whom may act) to superintend the elections to be holden for the said county of Webster on the fourth Thursday in May next.

5. It shall be the duty of all persons residing within the limits of said county of Webster, who are now entitled to vote for members of the general assembly, to attend at the respective election precincts so selected by the said commissioners, on the fourth Thursday in May eighteen hundred and sixty, and elect a sheriff, a clerk of the county court, a clerk of the circuit court, a commissioner of the revenue, surveyor and a commonwealth's attorney for the county of Webster; and the voters residing in each magisterial district shall elect for that district four justices of the peace, one constable and one overseer of the poor. The election of justices of the peace shall be certified to the governor of the commonwealth by the several commissioners and conductors superintending and conducting said elections, who, after they shall be commissioned and qualified according to law, shall meet at the house of Thomas Coger on the fourth Monday in the next month after that in which they shall be so commissioned, and a majority of them

being present, shall fix upon a place in said county of Webster for holding the courts of said county until the necessary buildings shall be constructed on the site designated by the commissioners.

6. The said justices shall, at the first term of the county court of said county, choose one of their own body, who shall be presiding justice of the county court, and whose duty it shall be to attend each term of said court.

7. The commissioners and conductor of the elections aforesaid shall certify to the said county court of Webster, at its first term, or at some subsequent term, as soon as practicable, the election of the said clerks of the county and circuit courts, commonwealth's attorney, surveyor and commissioner of the revenue, who shall, after having given bonds and security, and being qualified according to law, enter upon the discharge of the duties of their offices respectively.

8. The voters of the said county shall also, on the fourth Thursday in May next, vote for a judge of the judicial circuit to which the county of Webster belongs; and the commissioners and conductors of the elections aforesaid shall superintend and conduct the election for judge, and deliver to the officer conducting the election at or nearest the county seat of the said county, within three days after said election, a certified statement of the result of the said election for judge in said county, as required by the thirty-third section of an act providing for general elections, &c., passed March the thirtieth, eighteen hundred and fifty-eight. And the said conductor shall meet with the officers whose duty it is to ascertain and declare who is elected judge of said judicial circuit, at the time and place required by law, and perform such duties as the law prescribes for an officer conducting said election at the court-house of a county.

9. The commissioners herein before appointed to lay off the county of Webster into magisterial districts, shall be allowed each a compensation of two dollars per day for their services aforesaid.

10. The term of office of the commissioner of the revenue of the said county of Webster shall commence on the first day of February eighteen hundred and sixty-one; and the commissioners of the revenue of the counties of Nicholas, Braxton and Randolph are hereby required to discharge the duties of their respective offices in that part of the limits of the said new county, that was taken from the said counties of Nicholas, Braxton and Randolph respectively, for the present year; and they are hereby required to keep the list taken by them in the said county of Webster, separate and distinct from the list of said counties of Nicholas, Braxton and Randolph, and

make return of the same in the manner now prescribed by law, in the same manner as if appointed commissioners of the revenue for the said county of Webster.

11. The treasurers of the school commissioners in the counties of Nicholas, Braxton and Randolph respectively, shall be and are hereby required to pay to the treasurer of the school commissioners of the new county of Webster, upon the order of the commissioners last mentioned, out of the fixed and surplus quotas of the school funds of the said counties of Nicholas, Braxton and Randolph for the present year, such sum as shall seem to them to be in due proportion to the population of the said new county of Webster, taken from the said counties of Nicholas, Braxton and Randolph respectively, including any balance now remaining unexpended, as also of the proportion as aforesaid accruing from said quotas, to which Nicholas, Braxton and Randolph counties are or may be entitled to for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the counties of Nicholas, Braxton and Randolph for the next fiscal year and subsequent years, between the said counties of Nicholas, Braxton and Randolph and the new county of Webster, agreeably to their respective numbers of white tithables which may be returned therein by the commissioners of the revenue for the present year eighteen hundred and sixty.

12. It shall be lawful for the sheriffs of the counties of Nicholas, Braxton and Randolph to collect and make distress for any public dues or officers' fees which may remain unpaid by the inhabitants of the said county of Webster, in such parts of said new county as were taken from said counties of Nicholas, Braxton and Randolph respectively, at the time this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never passed.

13. The courts of the counties of Nicholas, Braxton and Randolph respectively, shall retain jurisdiction of all actions and suits pending before them on the first day of July next, and shall try and determine the same, and award execution thereon, except cases wherein both parties reside within the new county; which, together with the papers, shall after that day be removed to the court of the county of Webster, and there to be tried and determined.

14. The said county of Webster shall be in and attached to the fifteenth judicial circuit, and the circuit court thereof shall be holden on the twenty-third day of May and twenty-third day of October in every year, and be of the same brigade district with the county of Nicholas.

15. The said county of Webster shall belong to the same senatorial districts--that part taken from Nicholas and Braxton voting with the senatorial district to which Nicholas and

Braxton belong--and that part taken from Randolph voting with the senatorial district to which the county of Randolph belongs, and shall belong to the eleventh congressional district, and the same electoral district for the purpose of choosing a president and vice-president of the United States, as the county of Nicholas; and the voters of said new county shall vote as they have heretofore voted for members of the house of delegates.

16. The county courts of said new county shall be holden on the fourth Tuesday in each month, and the quarterly sessions of said county shall be holden in the months of March, June, August and November in each year.

17. The surveyor hereafter elected for Webster county, in the mode prescribed by law, together with the surveyors of the counties of Nicholas, Braxton and Randolph, shall run and mark the boundaries of said county of Webster, agreeably and in conformity to the provisions of the seventh section of the forty-seventh chapter of the Code of Virginia.

18. The first county court for said county of Webster shall be holden on the fourth Tuesday in July next.

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

An Act amending the first section of the act forming the County of Webster.
(Virginia Acts, 1861, ch. 24, p. 50)

(Passed February 14, 1861)

1. Be it enacted by the general assembly, that the first section of an act entitled an act for forming a new county out of parts of Nicholas, Braxton and Randolph, passed January tenth, eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

"1. Be it enacted by the general assembly, that so much of the counties of Nicholas, Braxton and Randolph, as is contained within the following boundary lines, to wit--beginning at the main fork of the Little Kanawha river, above Haymond's mills; thence with the right hand fork of said river, being the original line of Lewis and Braxton counties, and now the line between Upshur and Braxton counties, at the head of said right hand fork of Kanawha; thence a straight line to the eastern corner of the lands of Abraham Buckhannon; thence a straight line to the Whitaker rock on Elk river; thence a straight line, by the way of Three Forks of Gauley river, to the Pocahontas line, and with said line to a point opposite the mouth of Stroud's creek; thence a line from the mouth of Stroud's creek to the mouth of Skiles' creek on Big Birch river, so as to include the lands upon which John S. Morton,

Webster County

Thomas C. Morton, G. W. Morton, Robert Morton, Edward Morton and L. C. Hedger live, in the county of Webster; thence a straight line to the half way point on Holly river; thence a straight line to the beginning---be and the same is hereby established as a new county; which shall be known by the name of Webster."

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

An Act to alter part of the division lines between the county of Webster and the counties of Randolph, Nicholas and Greenbrier (Acts of the Legislature of West Virginia, 1863, ch. 95, pp. 111, 112)

(Passed November 7, 1863)

Be it enacted by the Legislature of West Virginia:

1. The division lines between the county of Webster and the counties of Randolph, Nicholas and Greenbrier, are hereby altered so as to run as follows, to-wit: Beginning at a corner of the counties of Webster and Nicholas, at or near the mouth of Skile's creek, on Big Birch river, and running thence with a line of the two counties last named, and an extension thereof, a straight course to the mouth of Stroud's creek, on Gauley river; thence to a corner now of the counties of Nicholas and Greenbrier, on or near Cranberry river, and thence a straight course to a corner now of the counties of Greenbrier and Pocahontas, on or near Gauley river, and thence with a line of Pocahontas to the mouth of Dry Fork on Elk river, and thence a straight line to where the present line of Webster county leaves the county of Upshur; and so much of the counties of Randolph, Nicholas and Greenbrier as is included within the said lines is hereby annexed to and made part of the county of Webster.

2. The alteration and annexation herein provided for shall not be of force unless the same are ratified by a majority of the votes cast "for alteration" and "against alteration," at an election to be held in the county of Webster, and also in the county of Randolph, the county of Nicholas and the county of Greenbrier, on the day of the first township election to be held in each; nor unless the surveyor of the county of Webster shall run and mark the new line above described, and make five fair plats thereof, which he shall duly certify, and forward one to the secretary of the state, and one each to the recorders of the counties of Webster, Randolph, Nicholas and Greenbrier, who shall file and carefully preserve the same in their respective offices.

3. The account of the said surveyor for fees and expenses incurred under the provisions of this act shall be audited by the board of supervisors, and paid out of the treasury of the county of Webster.

Wetzel County

An Act changing the boundary line of the counties of Greenbrier, Nicholas and Webster, and annexing to Webster county portions of the counties of Greenbrier and Nicholas
(Acts of the Legislature of West Virginia, 1882, ch. 5, p. 6)

(Passed January 19, 1882)

Be it enacted by the Legislature of West Virginia:

1. That so much of the boundary lines of Webster county as are between the mouth of Strouds creek and the present corner of Webster and Randolph counties, on the mountain between Gauley and Williams rivers, near the head of Bannock Shoal run, be changed and established, so as to read as follows: Beginning at the mouth of said Strouds creek, on Gauley river, a corner to the counties of Nicholas and Webster, and running thence a straight line by the way of Hanging rock to the present line between Greenbrier and Pocahontas counties; thence with the present lines of Pocahontas county around to the said corner of Webster and Randolph counties, on the mountain between Gauley and Williams rivers, near the head of Bunnock Shoal run aforesaid; and the lines of the said counties of Nicholas and Greenbrier, are hereby changed and established, so as to conform to the changes herein made in the lines of Webster county, and those portions of Greenbrier and Nicholas counties, embraced within the said lines of Webster county as herein changed, and the lines of said county as heretofore constituted, shall hereafter constitute and remain a part of Webster county. (Approved January 24, 1882.)

(Note By The Clerk of the House of Delegates.)
The foregoing act takes effect at the expiration of ninety days after its passage.

WETZEL COUNTY

Created from Tyler (p. 186), Jan. 10, 1846; division line changed between Tyler (p. 186) and, Mar. 4, 1868 (for act see p. 188).

Act Creating Wetzel County
(Virginia Acts, 1846, ch. 65, pp. 51-54)

(Passed January 10, 1846)

1. Be it enacted by the general assembly, That so much of the northern part of the county of Tyler as is contained within the following boundary lines, to wit: Beginning on the Ohio river at the lower end of James Peden's (or Paden's) farm, where the lands of said James Peden (Paden) and Richard Anchrom join; thence a straight line to the north side of the farm now owned

by Reuben Martin, esquire, on Point Pleasant creek; thence a northeast course to the top of the ridge dividing the waters of Fishing creek and Middle Island creek; thence following the top of said ridge to the line dividing the counties of Harrison and Tyler; thence with the Tyler county line to the line dividing the counties of Tyler and Marshall; thence with said line to the Ohio river; thence down the said river to the place of beginning; shall form one distinct and new county, and be called and known by the name of Wetzel county.

2. The governor shall commission sixteen persons as justices of the peace in and for the said county of Wetzel, and the justices now in commission and residing in that part of Tyler county which will be in Wetzel county after the commencement of this act, shall be of said number, and shall be commissioned in point of seniority according to the dates of their present commissions; all of whom shall (before entering upon and discharging any of the duties of said office take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace remaining in commission in and for the said county of Tyler, or either of the adjoining counties of Harrison and Marshal, if found more convenient. And the justice administering such oaths, or any one or more of them, shall grant a certificate of the same from under his hand and seal of office, to be delivered to the justice qualified, who shall file the same in the clerk's office of Wetzel county, there to be recorded, and the original shall be preserved in said office: Provided, That nothing in this section contained shall be so construed as to prevent any justice of the peace now in commission for the county of Tyler and residing within the bounds of the said county of Wetzel, from exercising the duties and functions of his said office as and for the said county of Tyler, until the organization of the said county of Wetzel on the first Monday in April next, as herinafter provided.

3. A court for the county of Wetzel shall be holden by the justices thereof, on the first Monday in every month, after the same shall have been organized, in like manner as is provided by law for other counties of this commonwealth, and as shall be by their commissions directed.

4. The permanent place for holding the courts in the county of Wetzel, now required by law to be holden for the several counties of this commonwealth, shall be in the town of New Martinsville, situated at the mouth of Fishing creek on the Ohio river. And the county court for the county of Wetzel shall provide a lot or lots of land at said place not exceeding two acres, (unless more be furnished by donation, in which case the justices of said county may take and hold the same, provided such donation shall not exceed six acres, and a full and satisfactory title be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws, for holding courts and conducting business incident thereto, in the manner now required by law, "where land

shall not be already provided and appropriated for that purpose." And said court shall cause said buildings and fixtures to be constructed at the charge of the county of Wetzel, by levy in the manner now prescribed by law. The title to any land purchased for valuable consideration, or furnished in free gift, shall be made in fee simple to any four or more justices of the peace for the said county of Wetzel, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace commissioned and qualified as aforesaid for the said county of Wetzel, shall meet at the house now owned by Sampson Thistle, on Main street in the town of New Martinsville, situate as aforesaid at the mouth of Fishing creek on the Ohio river, on the first Monday in April next. The whole number of said justices, commissioned and qualified as aforesaid, having been summoned by the acting sheriff, or his deputy, of the now county of Tyler, to attend on that day; and it is hereby made the duty of said sheriff of the now county of Tyler, to summon said justices to attend as aforesaid, at least ten days before the time of meeting fixed as aforesaid, under the penalty of forfeiting and paying not less than fifty dollars for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies. And a majority of them being present, (otherwise may adjourn from day to day, until a majority shall be present,) shall proceed to the appointment of a clerk of the county court, a commissioner of the revenue and a surveyor for said county of Wetzel; and also at the same time the necessary number of school commissioners for said new county, or at some early day thereafter, if at that time said justices shall not be fully informed as to such school commissioners, and shall thereafter make appointments to said offices and such other offices as the laws of the land require, to be filled by them at the time and in the mode prescribed by law for the appointment of such officers. The said justices shall also at the same time nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said new county, and fix upon a place and some suitable house in said county for holding the courts thereof, until the necessary public buildings shall be constructed at the said town of New Martinsville. And shall cause all of the said appointments and orders made as aforesaid, to be entered of record.

6. It shall be lawful for the sheriff or other collector lawfully appointed, of the county of Tyler, to collect by distress or other lawful mode, any public dues and officers' fees which may remain unpaid by such of the inhabitants of the said county of Tyler, as will be in the county of Wetzel at the time when this act shall commence and be in force, and such sheriff or other collector shall be accountable for the same in like manner as if this act had never been passed, and as the law prescribes.

7. The courts of the county of Tyler shall have and retain jurisdiction of all actions and suits depending before them on

the first Monday in April next, and shall try and determine the same and award execution thereon when necessary, except in cases wherein both parties reside within the new county; which last mentioned cases (together with the papers thereto appertaining) shall after that day be removed to the courts of the county of Wetzel, and there tried and determined, and execution awarded thereon when necessary.

8. The said county of Wetzel shall be in and attached to the same judicial circuit with the county of Tyler; and the circuit superior courts of law and chancery thereof, shall be holden on the twentieth day of June next, and on the twentieth day of November in every year, and be of the same militia brigade district with the county of Tyler.

9. The said county of Wetzel shall belong to the same congressional district, to the same senatorial district, and to the same electoral district, (for the purpose of choosing a president and vice-president of the United States,) as the county of Tyler.

10. The said county of Wetzel and the county of Tyler shall together send one delegate to the house of delegates, in the general assembly of Virginia, until a reapportionment of representation shall take place, or until otherwise directed by the said general assembly. And all separate elections heretofore authorized to be holden in and for the county of Tyler, and falling within the boundary of the new county of Wetzel, shall be conducted for the said new county in the same manner as heretofore for the county of Tyler, until it shall be ascertained whether any or either are unnecessary for said new county; and upon that fact being represented to the general assembly, may be discontinued. And in the case of such separate election so falling within the said boundary, it shall be the duty of the court of the county of Wetzel, whenever necessary, to appoint as many persons as may be requisite to perform the duties of sheriff at the several places for holding separate elections for the said county of Wetzel, who shall attend to compare the polls and to do and perform such other duties as are required by law in that behalf, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies for failing or refusing to hold separate elections or other ommissions of duty in that behalf. And shall also appoint as many superintendents as are required by law to superintend the said separate elections for the said county of Wetzel.

11. The courts of quarterly sessions for the said county of Wetzel shall be holden in the months of April, July, September and December in every year.

12. For the purpose of running and marking the lines constituting the boundary of said new county of Wetzel, and forming the division between the county of Tyler and the other counties as designated by this act, all the provisions of the act, entitled "an act for making more effectual provisions for running

and marking the boundaries of new counties," passed February the eleventh, eighteen hundred and forty-five, shall be observed and acted upon.

13. And be it further enacted, That the treasurer of the school commissioners of the county of Tyler shall be and he is hereby authorized and required to pay to the treasurer of the school commissioners of the new county of Wetzel, upon the order of the commissioners last mentioned, out of the fixed and surplus quotas of the school fund of said county of Tyler for the present year, (eighteen hundred and forty-five,) such sum as shall seems to them to be in due proportion to the population of the said new county of Wetzel, taken from the said county of Tyler, including any balance now remaining unexpended; as also of the due proportion as aforesaid accruing from such quotas to which said county of Tyler is or may be entitled for any former year. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the said county of Tyler for the year eighteen hundred and forty-seven, and subsequent years, between the said counties of Tyler and Wetzel, agreeably to the respective number of white tithables which may be returned therein by the commissioners by the revenue for the present year, eighteen hundred and forty-six.

14. This act shall commence and be in force from the passing thereof.

WIRT COUNTY

Created from Wood (p. 210) and Jackson (p. 79), Jan. 19, 1848; part added to Jackson (p. 79), Feb. 16, 1853 (for act see p. 81); boundary changed between Wood (p. 210) and, Oct. 7, 1863 (for act see p. 212); boundary changed between Roane (p. 169) and, Feb. 13, 1872 (for act see p. 174).

Act Creating Wirt County
(Virginia Acts, 1848, ch. 60, pp. 38-41)

(Passed January 19, 1848)

1. Be it enacted by the general assembly, That so much of the counties of Wood and Jackson as is contained within the following boundary lines, to wit: Beginning where the Ritchie county line crosses Goose creek; and thence a straight line to the mouth of Hughes' river; thence down the Little Kanawha river to the mouth of Dailey's run; thence a straight line to the head of the Buckeye fork of Sandy creek, near John Stephens, junior; thence with and along the top of the dividing ridge between Sandy and Tucker's creeks, and Sandy and Reedy creeks, to the Jackson trace road, where the same crosses said dividing ridge;

and thence, running with and along said road to, including the residence of John P. Thomasson in Jackson county; and thence continuing with and along said road to and including the residence of William Goff on Spring creek; thence to the head of Triplett's run on the Gilmer county line; thence, running with and along said Gilmer and Ritchie county line, to the place of beginning, shall form one distinct and new county, and be called and known by the name of Wirt county.

2. The governor shall commission as justices of the peace for the said new county all the justices of the peace now in commission in the counties of Wood and Jackson, respectively, whose dwelling houses shall be included within the boundaries of the said new county of Wirt, after the commencement of this act; and they shall be commissioned, in point of seniority, according to the dates of their present commissions, respectively; all of whom shall (before entering upon or exercising any of the duties of said office) take the several oaths and within the time now required by law of persons commissioned as justices of the peace; which oaths may be administered by any justice of the peace remaining in commission in either of the counties of Wood or Jackson; and the justice or justices who may administer such oaths, shall grant a certificate of the fact from under his or their hand and seal of office, and which certificate shall be by the justices so qualified delivered to the clerk of the county court of Wirt county, who shall record the same in his office, and preserve the original therein: Provided, That nothing herein contained shall be so construed as to prevent any justice of the peace now in commission for either of the counties of Wood or Jackson, and residing within the boundary of the new county of Wirt, from exercising the duties of his office, as and for the said counties of Wood and Jackson, respectively, until the organization of the said county of Wirt on the fourth Monday in May next, as hereinafter prescribed.

3. A court for the county of Wirt shall be holden by the justices thereof, on the fourth Monday in each and every month after the same shall have been organized, in like manner as is provided by law for other counties of this commonwealth, and as shall be by law and their commissions directed.

4. The permanent place for holding the courts in the county of Wirt now required by law to be holden for the several counties of this commonwealth, shall be at Elizabethtown on the Little Kanawha river, in the now county of Wood. And the county court of Wirt county shall provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justices of said county may take and hold the same, provided such donation shall not exceed five acres, and a full and satisfactory title, as herein required, can and shall be made thereto,) upon which to erect a courthouse, and such necessary public buildings and fixtures as the convenience of the county requires under existing laws, for holdings courts and conducting business incident thereto, in the nammer now required

by law, "where land shall not be already provided and appropriated for the purpose." And said court shall cause said buildings and fixtures to be constructed at the charge of the county of Wirt, by levy, in the manner now prescribed by law. The title to any such land, purchased as aforesaid for valuable consideration, or furnished in free gift, (as the case may be,) shall be made in fee simple, to any four or more justices of the peace for the said county of Wirt, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace commissioned and qualified as aforesaid, for the county of Wirt, shall meet at the house now the residence of Alfred Beauchamp in the county of Wood, situate in Elizabethtown, on the fourth Monday in May next. The whole number of said justices, commissioned and qualified as aforesaid, having been summoned by the acting sheriff or his deputy of the now county of Wood, to attend on that day; and it is hereby made the duty of said sheriff of the now county of Wood aforesaid, to summon said justices to attend as aforesaid, at least ten days before the time of meeting, fixed as aforesaid, under the penalty of forfeiture, and paying not less then fifty dollars, for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies for similar omissions of duty. And two thirds of the said justices being present, (otherwise those who do attend may adjourn from day to day, or from time to time, until a majority shall be present,) shall proceed to appoint a clerk of the county court, a commissioner of the revenue, and a surveyor for the said county of Wirt; and also at the same time, the necessary number of school commissioners for said new county, or at some early day thereafter, if at that time the said justices shall not be sufficiently informed so as to make advisedly a judicious and proper appointment as to such school commissioners. The said justices shall also at the same time nominate to the governor suitable persons to be commissioned as sheriff and coroner for said new county, and fix upon such place and some suitable house in said county, as may seem most convenient for holding the courts thereof, until the necessary public buildings shall be constructed at Elizabethtown, on the Little Kanawha river, as aforesaid. And said justices shall cause all of the said appointments, orders and proceedings, made and had as aforesaid, to be entered of record.

6. It shall be lawful for the sheriff or other collector lawfully appointed, of the counties of Wood and Jackson, severally, to collect by distress or other lawful mode, any public dues or officers' fees which may remain unpaid by such of the inhabitants of the said counties, respectively as will be included within the boundary of the said county of Wirt, at the time when this act shall commence and be in force; and such sheriff or other collector shall be accountable for the same in like manner, and under the same fines, forfeitures and penalties, as if this act had never passed.

7. The courts of the counties of Wood and Jackson, respectively, shall have and retain jurisdiction of all actions and suits depending before them on the fourth Monday in May next, and shall try and determine the same, and award execution thereon when necessary, except in cases in which both parties reside within the new county, which last mentioned cases (together with the papers thereto appertaining,) shall after that day be removed to the courts of the county of Wirt, and there tried and determined as other cases.

8. The said county of Wirt shall be in and attached to the same judicial circuit with the county of Wood; and the circuit superior courts of law and chancery thereof, shall be holden on the tenth day of March, and on the twelfth day of August in every year; and shall be in the same militia brigade district with the county of Wood; and shall be in the same congressional district, and the same electoral district, (for choosing electors for president and vice-president of the United States,) with the county of Wood.

9. The courts of quarterly sessions for the said county of Wirt shall be holden in the months of February, May, July and October, in every year.

10. The boundary lines of the said new county, as described and established by this act, shall be run and marked in the manner prescribed by the act, entitled "an act for making more effectual provision for running and marking the boundaries of new counties," passed on the eleventh day of February in the year one thousand eight hundred and forty-five.

11. In the election of members of the senate and house of delegates, that portion of the said county of Wirt, which shall be taken from the county of Wood, shall vote with the county of Wood, and that portion of the said county of Wirt, which shall be taken from the county of Jackson, shall vote with the county of Jackson, in the same manner they are now authorized to vote, until a reapportionment of representation shall take place, or until otherwise ordered by the said general assembly. And all separate elections heretofore authorized to be holden in and for the counties of Wood and Jackson, and falling within the boundary of the new county of Wirt, shall be conducted for the said new county, in the same manner as heretofore for the counties of Wood and Jackson, respectively, until it shall be ascertained whether either or any such are unnecessary for the said new county; and upon that fact being represented to the general assembly, upon notice given in the manner required for establishing a separate election, may be discontinued. It shall be the duty of the county court of Wirt county, at its first term, or as soon as convenient or necessary, to appoint as many persons as may be requisite to perform the duties of sheriff at the several places of holding separate elections in said county of Wirt, and who shall attend at the courthouses of Wood and Jackson, to compare

the polls and to perform such other duties as are required by law of sheriffs and their deputies in that behalf, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies for failing or refusing to hold separate elections, or other omissions of duty in that behalf. And the said court shall also appoint as many superintendents of election as are required by law, for the polls to be taken at the courthouse and other places of voting in said new county of Wirt. The persons hereby required to be appointed to attend and compare the Polls, shall take with them fair copies of all the original polls taken in said county of Wirt.

12. And be it further enacted, That the treasurer of the school commissioners of each of the counties of Wood and Jackson, shall be and he is hereby authorized and required to pay to the treasurer of the school commissioners of the new county of Wirt, upon the order of the school commissioners of said new county, out of the fixed and surplus quotas of the school fund of the said counties of Wood and Jackson, respectively, for the present fiscal year, (ending in eighteen hundred and forty-eight,) such sum as shall seem to them, respectively, to be in due proportion to the population of the said Wirt county, taken from that of the said counties of Wood and Jackson, respectively, including any balance remaining unexpended; as also of the due proportion as aforesaid, accruing from such quotas to which Wood and Jackson counties, or either of them, are or may be entitled for any former year, and it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the counties of Wood and Jackson, for the next fiscal year and subsequent years, between the said counties of Wood, Jackson and Wirt, agreeable to their respective number of white tithables which may be returned therein be the commissioners of the revenue for the present year, eighteen hundred and forty-eight.

13. And be it further enacted, That the county court of Wirt county, all of the acting justices of the said county having been summoned for the purpose, and majority thereof actually present, shall have power to borrow, on the credit of the county, upon such terms as the said court may think fit, a sum of money, not exceeding five thousand dollars for the purpose of erecting the courthouse and other public buildings for the said county of Wirt. And it shall be the duty of the said court to lay a sufficient levy for the payment of the money so borrowed, with the interest that may accrue thereon, at the time at which the same may be made payable.

14. This act shall commence and be in force from and after the passing thereof.

WOOD COUNTY

Created from Harrison (p. 72), Dec. 21, 1788; part of Kanawha (p. 83) added to, Dec. 30, 1800 (for act see p. 211); part of Jackson (p. 75) formed from, Mar. 1, 1831; part of Ritchie (p. 165) formed from, Feb. 18, 1843; part of Wirt (p. 205) formed from, Jan. 19, 1848; part of Pleasants (p. 144) formed from, Mar. 29, 1851; boundary changed between Wirt (p. 205) and, Oct. 7, 1863 (for act see p. 212).

Act Creating Wood County
(Hening Statutes at Large, New Series, vol. 2, ch. 43, pp. 170, 171)

(Passed December 21, 1798)

1. Be it enacted by the general assembly, That all that part of the county of Harrison, lying westwardly of a line to begin thirty miles from Ohio river on the line dividing the counties of Harrison and Kanawha, thence north-easterly to intersect the line of Ohio county at twenty-one miles distance from Ohio river, on a straight line from that point where the line of Ohio county strikes the said river, shall from and after the first day of May next, form one distinct county, and be called and known by the name of Wood county.

2. A court for the said county of Wood shall be held by the justices thereof on the second Monday in every month after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed; except in the month of September, in which month the court of the said county shall be holden on the first Monday.

3. The justices to be named in the commission of the peace for the said county of Wood, shall meet at the house of Hugh Phelps in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit; and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper: Provided always, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

Wood County

4. It shall be lawful for the sheriff of the county of Harrison, to collect and make distress for any public dues and officers' fees, which shall remain unpaid by the inhabitants of the said county of Wood at the time the said county takes place, and shall be accountable for the same in like manner as if this act had never been made.

5. The governor with the advice of council shall appoint a person to be first sheriff of the said county of Wood, who shall continue in office during the term and upon the same conditions as are by law appointed for other sheriffs.

6. The court of the said county of Harrison shall have jurisdiction of all actions and suits depending before them at the time the said county of Wood takes place, and shall try and determine the same, and award execution thereon.

7. The said county of Wood shall remain in the same district with Harrison for which district courts are holden at Morgantown, and be of the same brigade district, in like manner as if this act had not been made. In all future elections of a senator, of a representative in congress and of an elector, the said county of Wood shall be of the same district as the said county of Harrison.

8. This act shall commence and be in force from and after the passing thereof.

An Act for adding part of the county of Kenawha to the county of Wood
(Henings Statutes at Large, New Series, vol. 2, ch. 18, p. 263)

(Passed December 30, 1800)

1. Be it enacted by the general assembly, That all that part of the county of Kenawha, within the following bounds, to wit: Beginning at the mouth of Devil hole creek, otherwise called Pleasant river, thence eastwardly parallel with the line at present dividing the counties of Kenawha and Wood, until the back or eastern line of the county of Wood being extended, would intersect the same, shall be, and it is hereby added to and made a part of the said county of Wood.

2. It shall be lawful for the sheriff of the said county of Kenawha to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants of that part of the said county hereby added to the county of Wood, and shall be accountable for the same in like manner as if this act had not been made.

3. So much of any act as comes within the meaning of this act, is hereby repealed.

Wyoming County

4. This act shall commence and be in force from after the passing thereof.

An Act to alter part of the division line between the counties of Wood and Wirt
(Acts of the Legislature of West Virginia, 1863, ch. 59, pp. 58, 59)

(Passed October 7, 1863)

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Wood and Wirt, running from the Little Kanawha river towards the county of Jackson, is hereby so altered as to extend the same from the Limestone Hill, on the top of the ridge, to the line between the counties of Jackson and Wood, making a straight line from the said river to the said line of the county of Jackson; and so much of the county of Wood as lies to the east of the said extension is hereby annexed to and made part of the county of Wirt.

2. The annexation herein provided for shall not be of force until the surveyor of the county of Wirt, shall run and mark the said extension, and make three fair plats thereof, each of which he shall duly certify, and forward one to the secretary of the state, another to the recorder of the county of Wood, and the third to the recorder of the county of Wirt; who shall file and carefully preserve the same in their respective offices.

3...

WYOMING COUNTY

Created from Logan (p. 101), Jan. 26, 1850; boundary changed between Raleigh (p. 160) and, Feb. 16, 1871 (for act see p. 165).

Act Creating Wyoming County
(Virginia Acts, 1850, ch. 25, pp. 21-24)

(Passed January 26, 1850)

1. Be it enacted by the general assembly, That so much of the county of Logan is included within the following boundary lines to wit: Beginning on the top of Guyandotte mountain, on the line between Logan and Fayette counties, where the road leading from the Clear fork to Fayette crosses; thence with the line between Logan and Fayette to the Boone county line; thence with the line between Logan and Boone to the main dividing ridge between Buffalo and Huff's creeks, and down said ridge to the

Wyoming County

Grassy Spring; thence a straight line to the top of Huff's creek mountain at the head of Cub creek; thence with and along the top of the ridge below Cub creek to Guyandotte river, and down the same to the mouth of Little Huff's creek; thence a straight line to the top of the ridge below Little Huff, and with and along the top of said ridge to the top of the main dividing ridge between the waters of Guyandotte and Sandy rivers, and with said ridge to the head of Long Pole creek; thence with and along the top of the ridge below said creek to Sandy river, the line between Logan and Tazewell counties; thence with the lines between Logan and Tazewell, and Logan and Mercer, and Logan and Fayette counties to the beginning, shall form one distinct and new county, which shall be known and called by the name of Wyoming county.

2. The governor shall commission as justices of the peace for the said new county, fifteen persons, citizens thereof, including those now in commission within the limits of the said new county, and who shall be commissioned in point of seniority, according to the dates of their present commissions respectively; all of whom shall (before entering upon the discharge of the duties of said office,) take, before some justice of the peace for the said county of Logan, or before the court of the said new county, the several oaths required to be taken by justices of the peace, and within the time prescribed by law for taking the oaths of a justice. And the justice who may administer such oaths shall give a certificate or certificates thereof to the party or parties who may take the same; which certificate or certificates shall be by the justice or justices taking the same delivered to the clerk of the court of the said new county, to be by him preserved and recorded: Provided, That any justice of the peace now in commission for the county of Logan, and living within the bounds of the said new county, may and shall exercise and perform all the duties of his office, as and for the said county of Logan (and may administer the oaths herein required to be administered to the justices commissioned for the said new county) until the organization of the said new county.

3. A court for the said new county shall be held by the justices thereof, on the Friday after the third Monday in every month, upon the principles prescribed by law for holding courts in other counties; and the quarterly terms thereof shall be held in the months of March, June, August and November in every year.

4. The permanent place for holding the courts of the said new county shall be on the lands of William Cooke, senior, on the Clear fork of Guyandotte river, where Madison Cooke now lives. And the county court of said new county shall procure a lot of not less than one nor more then three acres of land at said place, to be conveyed to them and their successors in office in fee for the use of said county forever, and shall erect thereon a good and sufficient courthouse and all other public buildings required by law to be erected, at the charge of said county, to be paid for in the mode prescribed by law; and for the purpose

of erecting the public buildings of said new county, the court thereof may, in it discretion, borrow money on the credit of said county, to an amount not exceeding five thousand dollars, at a rate of interest not exceeding six per centum per annum. The amount so borrowed, the time of payment, the rate of interest, and the person or persons of whom borrowed, shall be entered at large upon the order book of said court; and upon the failure of said court to pay the same, according to the terms of their contract, out of the levy for said county, the circuit superior court of law and chancery for the said county shall have power and authority upon the application of the person or persons of whom the said money was borrowed, their executors or administrators, to compel the payment thereof by the said county court, by a writ of mandamus.

5. The justices of the peace, commissioned and qualified as aforesaid for the said new county, shall meet at the house now the residence of John Cooke, Esq., on the Friday after the third Monday in March next. The whole number of justices commissioned and qulaified as aforesaid shall be summoned by the sheriff of Logan county, or by such person or persons as he shall appoint for that purpose, to attend on that day, under the penalty of being fined a sum not less than fifty dollars for the benefit of the Literary fund, recoverable as other fines imposed by law on sheriffs and their deputies. The said court being so assembled and a majority of all the justices commissioned and qualified as aforesaid being present, (otherwise those who do attend may adjourn from day to day, and from time to time, until a majority shall be present,) shall proceed to appoint a clerk of the county court, a commissioner of the revenue, whose compensation shall not exceed one hundred dollars per annum, a surveyor for said county, and an attorney for the commonwealth; and also, at the same time, or at some early day thereafter, the necessary number of school commissioners for said county. They shall also, at the same time, nominate to the governor, suitable persons, to be commissioned as sheriff and coroner of said county; and fix upon such place and house in said county as may seem to them most convenient for holding the courts for said county until the courthouse shall have been erected. All the appointments, orders and proceedings aforesaid, shall be entered of record.

6. All process issued in the said county of Logan, before the organization of the said new county, and all public dues and officers' fees which may remain unpaid by the citizens of the said new county, shall be executed and returned, collected and accounted for, under the same penalties, by the sheriff or other officer, in whose hands the same may have been placed within the bounds of said new county, in the same manner as though this act had not been passed.

7. The courts for the county of Logan shall retain jurisdiction over all actions and suits therein pending on the Friday after the third Monday in March next, and shall try and determine the

same, and award execution thereon, except in cases in which both parties reside in the new county, which last mentioned cases (together with the papers thereto belonging, and the record shewing the state or stage of the pleadings,) shall after that day be removed to the courts for the said new county, there to be tried and determined as other cases.

8. The said new county shall be attached to the same judicial circuit with the county of Logan, and unless otherwise provided, the circuit superior courts of law and chancery of said new county shall be held on the seventh day of June and November in every year. The said new county shall also be attached to the same militia brigade, and shall be in the same congressional district, the same senatorial district, and the same electoral district (for choosing electors for president and vice-president of the United States,) with Logan county.

9. The boundary lines of said new county shall be run and marked in the manner prescribed by the act, entitled "An act for making more effectual provision for running and marking the boundaries of new counties," passed on the eleventh day of February in the year eighteen hundred and forty-five.

10. The said county of Wyoming and the counties of Logan and Boone shall together send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place, or until otherwise ordered by the general assembly. It shall be the duty of the court of said new county to appoint, at their first term, as many persons as may be deemed necessary to perform the duties of sheriff at the several places of holding elections in said new county. And the person conducting the election at the house of John Cooke, Esq., shall be required to do and perform all the duties required by law of the officer conducting the election at a courthouse, until the courthouse shall be erected; and for attending and comparing the senatorial and congressional poll he shall be entitled to the same fees as are allowed to sheriffs in similar cases.

11. The treasurer of the school commissioners for the county of Logan shall be and he is hereby authorized and required to pay to the school commissioners for the said new county, upon the order of the commissioners last mentioned, and of the quota of the school fund of the said county of Logan for the present fiscal year, such sum as shall seem to be in due proportion to the population of the said new county. And it shall be the duty of the second auditor to re-apportion the school quotas of the said county of Logan and said new county for the fiscal year eighteen hundred and fifty-one and subsequent years, between the said county of Logan and the said new county, agreeable to their respective numbers of white titheables.

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

ADDENDA

CLAY COUNTY (p. 37)

An Act concerning the county of Clay
(Acts of the Legislature of West Virginia, 1863, ch. 64, p. 61)

(Passed October 10, 1863)

Be it enacted by the Legislature of West Virginia:

1. The boundary lines of the county of Clay as established by an act of the general assembly of Virginia, entitled "an act to form the county of Clay out of part of the counties of Braxton and Nicholas," passed March twenty-ninth, eighteen hundred and fifty-eight, shall be the boundary lines of said county of Clay; and so much of the territory, late of the county of Kanawha, as is included within the said lines, is and shall continue to be part of the county of Clay.

2. The name of the county seat of the county of Clay is hereby changed to Henry, by which name it shall hereafter be known and denominated.

HAMPSHIRE COUNTY (p. 62)

HARDY COUNTY (p. 70)

An act directing the mode of establishing the boundary lines between certain counties therein-mentioned
(Virginia Acts, 1823, ch. 77, pp. 82, 83)

(Passed February 28th, 1824)

Whereas it has been represented to the General Assembly, that the dividing line between the counties of Loudoun and Fauquier is not sufficiently ascertained; for remedy whereof.

1. Be it enacted, That is shall be the duty of the county courts of Loudoun and Fauquier, at or before their ensuing June term, severally to appoint a commissioner, for the purpose of causing the dividing line between the said counties to be accurately run; and the said commissioners when appointed, shall select their surveyors, and chain carriers, and with the best evidence, which they can procure in relation to the said boundary line, direct their surveyor to run the same, and particularly to note on the survey, such places of notoriety as in their opinion will best designate the said line. And when the said survey shall have been made, the surveyor shall make out eight fair plats, and de-

Addenda

liver them to the said commissioners, who shall return two of them to each of the said county courts of Loudoun and Fauquier, one of which said plats shall be recorded by the clerks of the superior and inferior courts of each county, and shall be evidence of the dividing line between the said counties, from and after the recording of the same.

2. Be it further enacted, That it shall be lawful for the courts of Loudoun and Fauquier, to make such allowance to the said commissioners, their surveyor and chain carriers, for the performance of the services prescribed by this act, as by such courts may be judged reasonable, and direct the same to be paid out of their several county levies.

And whereas a part of the line dividing the county of Hardy from Hampshire, and the line dividing the county of Washington from Russell, has never been ascertained;

3. Be it therefore enacted, That it shall be the duty of the county courts of Hardy and Hampshire to appoint one commissioner each, to run and mark that part of the line dividing said counties, which commences at the top of the mountain near Benjamin Marshall's, running to the Shenandoah county line, as the same has been heretofore established by law. The said commissioners shall select or cause to be selected a competent surveyor and chain-carriers to run the said line; which having done, it shall be the further duty of the said surveyor to make two correct plats of the course or courses and distances of the said line; noting every remarkable place by or through which it passes; and deliver the same to the commissioners; when it shall be the duty of the said commissioners to return one copy of said plats to that county court for which he was appointed commissioner, there to be recorded. And the county courts aforesaid, shall make such allowance to the said commissioners, surveyor, and chain-carriers, as to them may seem just and reasonable, to be paid out of the county levy made for that purpose.

4. Be it further enacted, That it shall be the duty of the county courts of Washington and Russell, to appoint one commissioner each, to run and mark the line dividing the said counties; and the said commissioner shall proceed in the same manner as is by this act required of the commissioners to be appointed to run and mark the line dividing the counties of Hardy and Hampshire, and shall be paid for their services in like manner.

5. Be it further enacted, That all acts or parts of acts, coming within the meaning and purview of this act, shall be and the same are hereby repealed.

6. This act shall be in force from and after the passage thereof.

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