

P14675

*Gov. Jacob B. Jackson*

M E S S A G E

—OF—

GOV. JACOB B. JACKSON,

TO THE

LEGISLATURE OF WEST VIRGINIA,

ADJOURNED SESSION, 1882.

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WHEELING:  
W. J. JOHNSTON, PUBLIC PRINTER.  
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# GOVERNOR'S MESSAGE.

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STATE OF WEST VIRGINIA,

EXECUTIVE CHAMBER,

*January 11, 1882.*

*Gentlemen of the Senate*

*and House of Delegates:*

The Constitution of the State requires the Governor, at the commencement of each session, to give to the Legislature information by message of the condition of the State, and to recommend for its consideration, such measures as he shall deem expedient.

In compliance with the provision requiring information to be given as to the condition of the State, it affords me much pleasure to say, that the general condition of the State is satisfactory; that we are gradually increasing in population and wealth, and that our progress in developing our material interests is very gratifying.

Possessed as we are of an almost inexhaustible supply of coal and iron, together with other valuable min-

eral deposits, it is only necessary to open these mines of wealth, to make our State one of the most prosperous States of the union.

But our wealth does not consist alone in our mineral deposits; we have also an abundance of the finest timber, add to this a salubrious climate, with a generous soil adapted to the raising of most of the agricultural products, and our State presents a field for the enterprising settler, such as is presented by no other.

It only needs the fostering care of the Legislature in the enactment of salutary laws, thus inviting emigration and developing our mining and manufacturing interests, to materially increase our wealth and influence.

A portion of the State during the past season, suffered from a prolonged drouth, materially diminishing the agricultural products of such localities; the other portions, however, were blessed with an abundant harvest, so that the aggregate of farming products is not much less than the average of previous years.

#### REVISION OF THE LAWS.

The Legislature before its adjournment adopted a resolution providing for a committee on the revision of our laws; authorizing the committee to sit during vacation, to prepare such bills as would be necessary to complete such revision.

The committee has discharged the duties imposed upon it, and you are called upon to pass upon its work. More than ordinary responsibility rests upon you in consider-



ing the various bills submitted by the committee for your action.

Owing to the adoption of the present Constitution, and the amendments thereto, the present Code had been so often amended, and independent statutes enacted to carry the provisions of the Constitution into effect, that a revision of the laws became a necessity, so as to reconcile seeming repugnancy in many of the statutes, and to make certain what the law is.

## FINANCES.

One of the most prominent subjects to which your attention is directed, is the finances.

The following statement shows the condition of the finances at the end of the fiscal year, September 30th, 1881 :

Balance in the Treasury October 1, 1880.....	\$253,798 92
Receipts from all sources during the year.....	685,130 44
Total in the Treasury during the year.....	938,929 36
Amount disbursed for all purposes during the year.....	682,628 54
Balance in the Treasury October 1, 1881 .....	256,300 82

The balance in the general Treasury is made up of the following funds :

State fund in Treasury October 1, 1881.....	\$29,350 24
The General School Fund in Treasury October 1, 1881.....	188,870 33
The School Fund in Treasury October 1, 1881.....	38,080 25
Total.....	\$256,300 82

The following statement shows the condition of the State fund during the year ending September 30, 1881 :

Balance of State Fund in Treasury October 1, 1880.....	\$5,783 60
Receipts on account of State Fund during the year.....	437,357 66
Total of State Fund during the year .....	443,141 26
Disbursements from State Fund during the year .....	413,791 02
Balance of State Fund on hand October 1, 1881.....	29,350 24

Of the sum of \$443,141 26 of the State Fund in the Treasury during the year, there was included \$50,000 borrowed on the 3d day of June, 1881, from one of the banks in Wheeling, by the Governor, in pursuance of Section 26, Chapter 14, of the Code, and the further sum of \$30,000 borrowed on the 30th day of September, 1881, from the same bank, making in the aggregate, \$80,000; the condition of the Treasury at those periods made it necessary to secure these sums by loan, as represented to the Governor by the Auditor and Treasurer.

Deducting the sum so borrowed from the sum in the Treasury during the year, would show a deficiency in the revenue to meet the appropriations, viz :

Amount in State Fund during the year.....	\$443,141 26
Less amount borrowed.....	80,000 00
Amount of State Funds available to pay appropriations.....	\$363,141 26
There was actually disbursed on account of appropriations during the year.....	\$413,791 02
Deficiency to meet appropriations.....	50,649 76

This deficiency is to be accounted for in part by the fact that the Legislature appropriated to be paid out of the Treasury during the year, the sum of \$444,521 45, which sum was in excess of the estimated receipts as appears by the report of the Auditor, made to the Legislature at the commencement of the session. (See Auditor's Report, page 4.)

The actual receipts paid into the Treasury during the year, to which add the balance on hand at the end of the previous year were, as appears above.....	\$363,141 26
The amount appropriated was.....	444,521 45
Excess of appropriations over amount in Treasury.....	\$81,380 19

In view of the facts herein stated as to the condition of the finances, I beg leave to reiterate the suggestion made



by the Auditor in his report, "That great care should be exercised in fixing the appropriations." Burthens should not be placed upon the Treasury without adequate provision being made by taxation to discharge the same.

Where appropriations for any one year are nearly equal to or in excess of receipts, the close of the fiscal year finds the Treasury deficient in funds to meet current expenses.

This is occasioned by the large drafts made on the Treasury by our public institutions, early in the commencement of the new fiscal year, the appropriations having already been made to them. The sheriffs are not required to make their first payment into the Treasury, of the revenue out of which the appropriations are to be paid, until the 20th day of January, following. Hence if the appropriations for the previous year are equal to, or in excess of the revenue, there remains no balance in the Treasury to meet current expenses of the new year, and a temporary loan is necessary in anticipation of the first payment to be made as above. The Treasury could be relieved to some extent by requiring the collectors of the tax on licenses to pay the same into the Treasury at an earlier period than as now required by law. By the provisions of Section 38, Chapter 107, of the Acts of 1877, the collectors of the tax on licenses are required to pay into the Treasury on or before the 31st day of May, the taxes so assessed on or after the first day of November, and before the first day of May. And the taxes assessed on or after the first day of May, and before the first day

of November following, shall be accounted for and paid on or before the 15th day of December following.

The licenses provided for in the act herein referred to, expire on the 30th day of April next after the commencement thereof. Those renewing their license are not assessed and do not pay for the privilege granted, until on or after the 1st day of May. Such as are paid on or after the 1st day of May and before the 1st day of November following, the sheriff is not required to pay into the Treasury until the 15th day of December.

The largest part of the license tax so assessed, is paid to the sheriff during the month of May. Not requiring the payment of the taxes so paid into the Treasury until December, enables sheriffs to retain in their hands large sums of money, which if paid into the Treasury before the end of the fiscal year would, to a large extent, relieve the Treasury, and frequently render a temporary loan unnecessary.

#### HOSPITAL FOR THE INSANE.

The Superintendent of this institution in his semi-annual report, states that there were in the Hospital September 30th, 1881, 589 patients; the highest number at any one time 589, and the lowest 514. The number discharged cured from May 16th 1881—the time when the present Superintendent took charge—to September 30, was 15; discharged on bond 6. There were 35 deaths. The average cost per capita per week, including all expenses of salaries, wages, fuel, gas, water, etc., was \$1.947.



The general health of the Hospital has been good. Upon the completion of the northern wing, the necessary furniture and equipments were promptly placed therein for the reception and accommodation of the large number of patients scattered through the State, and confined in the jails. The work of furnishing this wing was completed early in July, and shortly thereafter 108 new patients were brought to the Hospital by the Superintendent and his assistants without accident, although many were feeble from age, sickness and other infirmities incident to their affliction.

The expenditures of the Hospital for the fiscal year were as follows:

Total current expenses, furnishing, repairs, etc.....	\$39,181 84
Officers' salaries.....	5,680 00
Employes' wages.....	10,798 71
Total.....	\$ 55,960 55

The Board of Directors recommend the following appropriations, as requested by the Superintendent in his report:

For current expenses of the Hospital.....	\$ 85,000 00
For transportation of patients.....	3,500 00
For repairs of Hospital.....	5,000 00
For two new heaters and setting up same.....	1,500 00
For building gas works.....	2,000 00
For chairs, blankets, etc., for new wing.....	1,000 00
For fencing grounds, etc.....	2 000 00
Total.....	\$ 100,000 00

The amount asked for for current expenses is large, being much in excess of appropriations on this account for former years. When however it is understood, that the number of patients now cared for in the Hospital, is

largely in excess of the number at any one time therein ; that the cost of living is largely increased by the present high price of all articles of consumption, the large sum asked for, will not be more than sufficient for that purpose.

The average per capita per week for the last fiscal year was a fraction over \$1 94, for the present year the Superintendent estimates that it will be nearly \$2 50.

The Superintendent reports fully the needs of the Hospital as to repairs, water supply, gas, etc.

His statements are based on sound principles of economy, having in view the existing wants of the institution. Your attention is respectfully directed to his report, and a careful consideration of the same.

I desire to call your attention to one of the difficulties attending the management of the institution. I am informed that there are many persons now in the Hospital who should not have been admitted as inmates. I allude to that class of persons known as "idiots." The law provides that such persons when sent to or received into the Hospital, shall be returned by the Board of Directors to the county from whence they came. This has been done in several instances. Few, if any of the counties of the State have any provision made for the care of this class of its citizens. The law regards an "idiot" as technically insane. Upon their return to the counties from which they were sent, they are again examined and returned to the hospital. The proceedings are regular, and the Super-



intendent compelled to receive them. The consequence is that the Hospital is burdened with a class of patients not properly there, to the exclusion of others who are entitled, by reason of their malady, to admittance. This class of incurables, in most instances harmless, should not be a charge upon the bounty of the State, but should be maintained by the respective counties to which they belong. If, however, I should be in error as to the duty of the State to provide for the care and management of the persons so afflicted, certainly this Hospital is not the proper place for such care.

You are respectfully requested to enact such additional legislation as will remedy this growing evil.

#### INSTITUTION FOR THE DEAF, DUMB AND BLIND.

Owing to the increased attendance upon this Institution, the Principal, in his semi-annual report for the six months ending September 30th, stated that the estimates made by him, in his former report, for the current year are too small.

The Board of Regents, at the request of the Principal, ask for an increased appropriation for the following reasons:

The number of deaf mutes and blind enrolled on the first day of October, for attendance during the current session, was 120. There are besides these, 26 applications on file for admission to the institution.

There were at the date of the report 108 in actual at-

tendance, filling the sleeping apartments to their utmost capacity.

The number of pupils in attendance last session was 89, of whom 65 were deaf mutes, and 24 blind.

At the present session 108 are now in attendance, of whom 79 are deaf mutes and 29 blind.

As before stated, a number have been enrolled who are not yet in attendance, besides the applications on file for admittance. Enrolled and not in attendance 12.

The provision for the accommodation of so large a number of pupils, is not as ample as it should be. Should those already enrolled attend the current session, the Institution will not have the capacity to accommodate them comfortably. As the population of the State increases, the number entitled to be provided for, will also increase. And in as much as the Institution is now taxed to its utmost capacity, you are requested to take into consideration its necessities, and make such provision as will meet its growing demands.

In this connection it is proper to state, that no provision has as yet been made for the instruction of the colored deaf mutes and blind. It has been the policy of the State not to educate the white and colored children together in our public schools.

The Board of Regents report that two colored children have applied for admittance to the Institution. These are certainly entitled to the bounty of the State, and their education should be provided for.



As the number applying for admission will probably be small, and in as much as admission to this Institution might impair its usefulness, it is submitted that provision might be made for the present, for colored pupils in similar institutions outside of the State, where both classes are admitted, authority being conferred upon the Board of Regents to make such provision, at State expense.

The expenses of this Institution for the last year were as follows :

Current expenses.....	\$ 25,396 44
Pupils traveling expense fund.....	502 95
Insurance.....	452 26
Balance on account of current expenses.....	22 47
Total.....	<u>\$26,374 12</u>

The Board of Regents, in view of the large attendance upon the Institution, and for other purposes mentioned in this report, to which your attention is especially invited, recommend the following appropriations :

For current expenses for year commencing October 1, 1881.....	\$ 27,000 00
For pupils' traveling expenses.....	650 00
For an additional boiler for heating, etc .....	1,000 00
Total for Fiscal year 1881-2.....	<u>\$28,650 00</u>
For six months of Fiscal year 1882-3.....	\$13,500 00

#### PENITENTIARY.

The semi-annual report of the Board of Directors of the Penitentiary, shows the affairs of this Institution to be in a satisfactory condition.

Under the efficient management of the present Superintendent, the sanitary condition of the prison has been much improved by a thorough renovating and cleansing

of all its apartments. In the management of the prison the primary object should be the reformation of the convict. To secure this end his time should be fully employed in such labor as he is able to perform, so that habits of industry may be acquired. To enable him to perform the labor imposed, suitable food and clothing should be furnished, and the necessity of observing the laws of health strictly enforced. The Directors fully alive to the importance of these requirements, have aided the Superintendent in carrying out the reformatory, as well as the penal discipline of the prison.

Some of the contracts heretofore entered into by the Board for convict labor having expired, a reletting has been made at an advance rate per day, as shown by the report.

Owing to the decreased number of convicts now in prison, thereby reducing the earnings, and the increased cost of supplies, the estimates for the ensuing year are greater than the amount requested in the former report, viz:

For support of convicts and pay of guards.....	\$8,000 00
For salaries of clerk, superintendent commissary and physician.....	3,600 00
For repairs to building and furniture.....	1,000 00

No provision was made at the last session for payment of the officers for six months ending March 31, 1882. An appropriation is requested for this deficiency.

There were confined in the prison during the six months ending November 30, 1881, of State	
prisoners.....	236
Federal prisoners.....	17
Total.....	253



Number of State prisoners discharged during six months .....	25
Number of State prisoners pardoned during six months.....	11
Number of State prisoners died during six months.....	6
Number of Federal prisoners discharged during six months .....	3
Number of Federal prisoners died during six months .....	1
Number in prison December 1, 1881 .....	207

## NORMAL SCHOOLS.

The annual report of the State Superintendent of Free Schools, makes a satisfactory exhibit of the working of the Normal Schools during the past year. The usefulness of these schools have been to some extent impaired, by the refusal of the Legislature to make the annual appropriations necessary to pay teachers employed. No appropriation was made for 1879. The schools were, however, kept open, the teachers rendering their services, believing that the Legislature would make provision for their compensation.

To render the schools effective the appropriations should be regularly made, so that pupils entering either of the institutions, would have a guarantee that the school would not be closed before the regular course of study was completed. The failure to make the appropriation for any one year would necessarily close the school, unless the teachers, (as was the case in 1879), would continue their services, relying upon the Legislature to compensate them.

There were enrolled during the year in the several schools 538 pupils, of whom 55 graduated, receiving normal diplomas.

The Superintendent reports, that over five hundred students have graduated from these schools, of which nearly 90 per cent. are engaged in school work, and perhaps twice as many under graduates. Our population is rapidly increasing, necessarily increasing the number of our free schools, and a consequent demand for more teachers. We should look to our normal schools in a large measure to supply this demand. To enable them to do so they should receive the fostering care of the Legislature.

Amount received by the several schools during the year ending September 30, 1881 :

From appropriations from the State.....	\$ 6,782 00
From other sources.....	1,658 58
<b>Total.....</b>	<b>\$ 8,390 58</b>
Disbursements—Incidental expenses.....	\$ 543 24
Disbursements—Pay of teachers.....	7,760 62
<b>Total.....</b>	<b>\$8,303 86</b>
Balance on hand at end of year.....	\$ 86 72

The Superintendent requests that the following appropriations be made for the support of the schools :

For the year ending September 30, 1882.....	\$ 12,000 00
For the year ending September 30, 1883 .....	12,000 00
For insurance of buildings.....	475 00
For expenses of Regents.....	300 00

#### REPAIRS.

Marshall College.....	\$ 250 00
Fairmont Normal School.....	200 00
West Liberty Normal School.....	200 00

#### CASES AND APPARATUS.

Shepherd College.....	\$ 300 00
Concord Normal School.....	250 00
Fairmont Normal School.....	200 00



In addition, it is recommended to appropriate a sum sufficient to pay the teachers for their services rendered in 1879, and also a sum sufficient to pay the Board of Regents for expenses incurred in the discharge of the duties imposed upon them during the year 1881, no appropriation having been made for that purpose.

The Superintendent recommends the appropriation for the cases and apparatus, for the preservation of certain collections of mineral and other valuable specimens; also, some war relics which certain gentlemen have kindly offered to donate to the schools if suitable provision be made for them. Your attention is called to his report upon this subject.

#### FREE SCHOOLS.

The report of the State Superintendent presents a gratifying exhibit of school work during the year, showing rapid progress has been made in affording to the children of the State the means of obtaining a good substantial education.

Commencing as we did without any free school system at the organization of the State, we have improved from time to time upon the method first adopted, until we now have a law fully adequate to afford to all the children of the State a free and liberal education; a law which will compare favorably with that of older States of the Union, who have been for years perfecting their systems. The report recommends some further amendment as to minor matters, to which your attention is invited.

The following table discloses the progress made during the year as compared with the last annual report:

Total value of school property for the year 1881.....	\$1,743,929 34
Increase over 1880.....	73,394 43
Whole number of school houses for the year.....	3,703
Increase over 1880.....	146
Whole number of schools during the year.....	3,915
Increase over 1880.....	104
Number of teachers employed during the year.....	4,327
Increase over 1880.....	103
Total number of children in the State between 6 and 21 years of age.....	213,441
Increase of number of children over 1880.....	3,328
Attended school during the year.....	141,132
Decrease over 1880.....	1,718
Total receipts from all sources for the teachers' and building fund, including balance on hand during the year.....	\$ 900,241 32
Increase over 1880.....	30,547 54
Total expenditures for all purposes during the year.....	775,032 17
Increased expenditures over year 1880.....	67,479 26
Number of Institutes held during the year.....	65
Number enrolled in County and District Institutes.....	4,410
Average daily attendance.....	4,078

#### UNIVERSITY.

The Regents of the University have submitted their annual report, with a full detailed statement of the management of the Institution as now required by law. The report shows that the University is in a most healthy and prosperous condition, there being in attendance for the year 1880-81, 162 students, a larger number than has been in attendance in any one year for ten years previous, and being an increase of 31 over last year. At the date of the report there were in attendance, in all departments, 150 students, the largest number in attendance at this season of the year, representing 31 counties of the State, together with students from other States.



Since the resignation of President Thompson, last March, Professor D. B. Purinton, Vice President, has discharged the duties devolving upon the President.

The following appropriations are requested for the support of the University for the current year:

For Salaries of Teachers.....	\$15,600 00
Current and Contingent expenses.....	4,000 00
Insurance.....	500 00
Library.....	2,500 00
Repairs.....	500 00
Regents' Expenses.....	500 00
<b>Total.....</b>	<b>\$23,600 00</b>
Less from Endowment Fund.....	6,323 37
Less from Tuition Fees.....	1,250 00
<b>Total appropriation required.....</b>	<b>\$16,026 63</b>

The sum of \$16,500 for salaries of teachers is the aggregate amount paid the present teaching force, including a President elect. From a careful examination of the subject, I am of opinion that the University could be as efficiently managed as it now is without the additional expense of a President. The act of 1867 establishing this institution did not, nor did any of the acts amendatory thereof, in terms provide for such an officer.

The Board of Visitors, and subsequently the Regents, were authorized to appoint a superintendent of grounds and buildings and a treasurer. These were the only officers created by law. The Board, however, had power "To establish and declare such rules and regulations and by-laws as they may deem necessary for the proper organization, tuition and good government of the college." Under this provision a rule or by-law was declared by the

Board, creating the office. To the office a compensation was attached greater than that allowed to any of the Professors. The Faculty have the general management and care of the University under the Board of Regents.

I suggest that the Faculty elect one of their number as presiding officer during the year, and that the offices of President and Vice-President be abolished.

The presiding officer thus appointed could discharge all the duties heretofore performed by the President, for the compensation given him as a professor, and the additional expense heretofore incurred, saved.

I do not concur in the recommendation of the Regents, "to enlarge the professional schools, so as to enable the University to graduate students in law and medicine. This will require additional professors of these schools to be appointed, and consequently demand increased appropriations for their salaries. The condition of the State Treasury will not at present permit any additional burthen. It also appears from the report, that a majority of the students now in attendance upon the University are in the preparatory departments. This would seem to indicate, that the number who are so far advanced as to be benefitted by these schools, must necessarily be small. It would be unwise to make appropriations for the enlargement of the schools, unless a sufficient number of students should be in attendance desiring instruction in these departments to justify the outlay.



## STATE BOARD OF HEALTH.

An act was passed at the last session creating a State Board of Health, and regulating the practice of medicine and surgery in this State.

The Board was appointed as required by the act, and they at once entered upon the discharge of their duties. The practicing physicians in the State entitled to certificates have been registered, and county Boards established in each county.

Certificates were issued to 843 physicians found to be entitled thereto under the act.

By the provisions of the act all moneys received by the Board in payment of certificates, fines and special taxes collected under it, were to be paid into the Treasury; and of the money so paid in \$1,000 was appropriated to enable the board to defray the expenses incurred in carrying it into effect.

The revenue to be derived from certificates issued to practitioners in the future must necessarily be small, as only those, who desire to practice without having a diploma, and require an examination, are required to pay. The special tax and fines mentioned in this act cannot be relied on for revenue. The revenue received has been exhausted in putting the act into operation. The money so far received has been used in attending the several districts to examine physicians, and generally to regulate the practice of medicine, leaving nothing to be applied to

the equally important branch of the act, to make provision for the preservation of the public health.

The preservation of the public health should be one of the first concerns of government. It has received the attention of the National Government, resulting in a National Board of Health. Most of the States of the Union have enacted laws upon the same subject, none however, so far as I am informed, having a more efficient law than the one enacted by your honorable body.

Our act lacks however one important element to make it as efficient as it should be, that is, a sufficient appropriation to enable the Board to enforce it. The object to be attained is for the common good. The medical profession should not be taxed to keep in operation a law, the benefit to be derived from which is common to all.

It cannot be expected, that the members composing the Board will give their time and perform the necessary labor to enforce so valuable a law, as this is, without some provision be made to at least cover their expenses. As the income in the future, from the sources in the law named, will be wholly inadequate to defray the necessary expenses in executing the law, an appropriation for that purpose is recommended. A report of the operations of the Board since its organization is laid before you, and your attention invited to its consideration.

#### COMMISSIONERS OF PHARMACY.

The commissioners appointed under the act passed at the last session of the Legislature, "To regulate the



practice of pharmacy," have filed their report, from which it will be seen, that 314 pharmacists have registered under the provisions of the act, 118 cities and towns in the State having registered pharmacists.

The act appears to have given general satisfaction, but few persons attempting to evade its provisions.

The commissioners recommend an amendment to the 9th Section, as to the color of the box or vessel containing poison sold. Bottles of the color therein indicated cannot be procured. It is impossible to comply with this regulation. The law should therefore be amended in that particular.

It is also thought advisable to define more explicitly in the 11th Section, what drugs country merchants are authorized to sell under the title "Ordinary Drugs." Should it be held that the country merchant can sell the poisons, or some of them, enumerated in schedule "B" in the 9th Section, without complying with the provisions of the law, it would to a great extent defeat the object of the law, yet it is claimed, that there is a saving as to them in the 11th Section.

The law is a salutary one, and has already been productive of good results. Twenty-four States of the Union have similar acts. No provision is made for defraying the expenses of the commissioners. Some expense is necessarily incurred in executing the law. Provision should be made to defray this expense by direct appro-

priation or by requiring a portion of the fines incurred for a violation of the law to be paid to the commissioners.

#### THE MILITARY FORCE OF THE STATE.

No provision having been made by law for an enrollment of the militia, a reliance must be had upon the volunteer companies of the State for the preservation of the peace, should disturbance occur beyond the power of the local civil authorities to control.

On the 16th of November last I received a telegram from the Prosecuting Attorney of Fayette county, that there existed at Cannelton, in that county, a riotous combination beyond the power of the peace-officers to control, and requesting, that one or more companies of volunteers be ordered to assist the sheriff of the county in preserving the public peace.

In reply I directed the sheriff to issue his warrant to the companies named, to aid him, as provided for in Section 2, Chapter 25 of the Code, if in his opinion the peace could not be otherwise preserved, and if necessary, to use my authority for so doing. I also on the same day telegraphed to Col. David Ruffner of my staff, at Charleston, to go to Cannelton, ascertain the extent of the trouble, and do what was necessary to preserve the peace, with authority to modify my order, if necessary.

The sheriff of Fayette county, acting under the direction given as above, ordered the "Hawk's Nest Riflemen," Captain Alderson, and "Hereford Guards," Captain



Lowry, to report to him at Cannelton, and render the assistance required. These two companies promptly obeyed the call, and remained on duty under the orders of the sheriff for a few days until order was restored.

I have received no report of the length of time they were on duty, nor an estimate of the expenses incurred.

A copy of the telegrams received and sent are herewith transmitted.

You are respectfully requested to make provision for the compensation of the men and officers, who so promptly responded to the call made upon them.

Your attention is especially invited to the unorganized condition of the military of the State. Many of the companies heretofore organized, have disbanded by reason of their number falling below that required by law; others by reason of their term of enlistment having expired, so that the volunteer force at this time is very small.

Disturbances during the time of my predecessor were of a magnitude beyond the power at his disposal to control. He was compelled to ask the aid of the Federal authorities in preserving the peace. Federal aid should not be sought for such purposes. The State should have a well organized militia, and it alone should be looked to, in aid of the civil authorities, during the time of domestic troubles for the preservation of the peace. It only requires the enactment of proper laws providing for the organization and equipment of volunteer companies, together with a reasonable compensation for their time, when

called into active service, to secure at all times an ample force sufficient for the preservation of the public peace and the enforcement of the laws.

#### ANTE-WAR DEBT OF VIRGINIA.

I received last May from Geo. H. Kearton, Esq., of London, England, representing himself as Secretary of the "Western Virginia Committee," holders of certificates, known as "Western Virginia" or "Deferred Certificates," a letter calling my attention to a communication addressed by the writer to my predecessor, Governor Mathews, and asking whether the proposition submitted by the committee, which accompanied his communication, were discussed by the Legislature, and if so, with what result.

On the 16th day of May I replied to the letter of Mr. Kearton, giving him the information sought, together with my view of the merits of his proposal, disclaiming, however, any authority to speak for the Legislature.

Subsequently I received from Mr. Kearton copies of the correspondence had by him with the Executive of the State of Virginia and Executives of this State, relating to the debt question, which is transmitted for your consideration.

Upon a careful consideration of the matter in controversy I desire to say, that I concur with the conclusion of the Senate Committee in its report made on the 22d day of December, 1873, to that branch of the Legislature, that "West Virginia owes no debt, has no bonds for sale, and asks no credit."



## STATE WEATHER SERVICE.

On the 11th day of last April I received from Gen. Hazen, Chief Signal Officer United States Army, a communication as to the establishment of a Weather Service in this State, with the act of Congress, and printed memoranda in relation thereto, enclosed. To which I responded, that special legislation would be necessary to carry out his views. On the 30th of June Gen. Hazen requested that I should refer the subject to the next Legislature. The letters and enclosures are herewith transmitted for your information.

## WEST VIRGINIA LAND TITLES.

Complaints are frequently made to this department of frauds being practiced upon persons, desiring to purchase lands in this State, by unscrupulous persons offering for sale in the eastern cities lands, the title to which has been forfeited, sold as delinquent for taxes, or held under junior titles.

A gentleman in Philadelphia says, in a letter received by me, that "a friend of mine a short time ago purchased an estate in Raleigh county, the clerk having certified to the correctness of the title etc. and put the seal of the court upon it, which was by him considered all sufficient."

Upon the purchaser going to Raleigh county to have the land surveyed, he found that the land purchased by him had been sold many years before as forfeited, and was in the possession of others.

The certificate of the clerk as to that particular title from the record was true, yet there was not an acre of land that could be held under that title.

Recently I have received a letter from New York, in which the writer makes the following statement: "I am offered the following lands, with full title in fee, with general warranty. I am informed, that deeds, abstracts, plats, seals, etc., etc., are manufactured in this city, viz :

Logan.....	500,000 acres
Lincoln.....	50,000 acres
Wayne.....	12,000 acres
Boone and Raleigh.....	75,000 acres
Braxton and Clay.....	100,000 acres
McDowell.....	200,000 acres
Wyoming.....	300,000 acres
Mason.....	30,000 acres
Cabell.....	20,000 acres
Fayette.....	50,000 acres
Webster and Nicholas.....	200,000 acres

These lands are offered at 10 cents per acre." It is manifest that the titles to these lands are fraudulent. Offered as they are upon the market of our eastern cities, many *bona fide* purchasers are defrauded, and many others, who would like to purchase land and settle in our midst, are deterred from so doing by the fear, that they cannot obtain a valid title to the land purchased.

I would suggest, that to remedy the evil in part clerks should be inhibited from certifying the title to forfeited and delinquent lands, or giving abstracts of such titles, except where the same are to be filed as evidence in some



pending suit. Some limitation should be placed upon the power of the clerk as to these titles.

Further your attention is invited to the propriety of passing an act, appointing a commission for such counties, in which it is claimed there are large bodies of land still held under grants from the Commonwealth of Virginia, whose duty it shall be to report, whether any such bodies of land exist, the condition of such titles, whether the same have been forfeited, or delinquent for the non-payment of taxes thereon, and whether they are not covered by junior grants. Such a report upon the state of the titles, as to these large surveys as mentioned in the letter from New York, would to a large extent relieve the State from the distrust heretofore manifested as to the state of our titles.

BOUNDARY LINE BETWEEN PENNSYLVANIA AND WEST VIRGINIA.

The Legislature by an act passed the 10th day of March, 1879, made it the duty of the Governor to appoint three commissioners, to act in conjunction with a similar commission of the State of Pennsylvania, to examine as to the true location of the monuments, which mark the boundary line between this State and the State of Pennsylvania, and in conjunction with said commission to replace any monuments which may have become dilapidated or been removed on said boundary, and appropriated the sum of one thousand dollars to pay for the service to be performed by said commission.

The Governor on the 10th day of June, 1879, in pursuance of said act appointed Joseph C. Gist, of Brooke county, John J. Chipley, of Hardy county, and Frank L. Hoge, of Ohio county, as such commission.

The commissioners corresponded with the commissioners appointed by the State of Pennsylvania, to arrange for the entering upon the discharge of their duties, and were advised, that the appropriation made by the Legislature of Pennsylvania for the purpose of executing the work was exhausted, and that they could proceed no further for want of funds.

A report of the proceedings of the West Virginia commissioners, together with the correspondence, was made, as required by the said act, and communicated to the Legislature. It will be found on pages 51 and 52 of the Journal, January 19, 1881.

During the recess the Governor of Pennsylvania communicated to this department certified acts of the Legislature of that State making the additional appropriations necessary to enable their commissioners to perform their duties in marking the said boundary; provided this State should continue its commission and bear its proportion of the expenses to be incurred.

The acts of the Pennsylvania Legislature are transmitted for your information. The sum appropriated by Pennsylvania for her proportion of the expenses in fixing the boundary between that State and West Virginia is \$4,000.00. The commissioners of this State report, that



of the sum heretofore appropriated there remains an unexpended balance of \$988.30, which sum will be insufficient for the object contemplated. It is important to have this boundary line accurately determined to prevent any conflict of jurisdiction, and to preserve the harmony and good feeling, which should exist between sister States. Your attention is invited to such additional legislation necessary to accomplish this purpose.

#### CAPITOL BUILDING.

The work upon the Capitol building has been prosecuted during the past season, and considerable progress has been made in its erection. I am informed, that the rear extensions of the old building are nearly up and ready for the roof.

#### LIFE INSURANCE COMPANIES.

Your attention is invited to a certain class of Life Insurance companies, more familiarly known as "Graveyard" or "Death Rattle" companies. These companies have gained considerable notoriety in some of the adjoining States by reason of the character of the risks taken and the crimes committed to enable the holders of policies to realize on their risks. Especial attention has lately been given to the subject by the Insurance Commissioners of Pennsylvania, in which State these companies have gained a foothold. An effort is being made in that State to have the charter of the companies doing business there repealed. Should they be driven out of

that State they may seek to organize under the liberal corporation laws of this State. In fact some of these companies have attempted to do business in this State without complying with the law, as it now exists. Prosecutions have been instituted at the instance of the Auditor; and in one case conviction has been had. The Auditor has addressed a letter to me on the subject, together with the evidence, as it appeared on the trial, which papers are laid before you. In his letter the Auditor recommends, that our corporation laws be so amended as to prohibit this class of companies from obtaining certificates of incorporation in this State, and suitable penalties be enacted against those who seek to carry on this business. I concur in the recommendation of the Auditor; and your consideration of the matter is invited.

#### CONCLUSION.

Since your adjournment you have had full and free intercourse with your several constituencies. They have passed upon your former work. At the present session you will be able to correct the mistakes,—if any were committed at your first session,—and to enact such further legislation as the interests of the State demand and will tend to promote the general welfare.

I hope your intercourse during the session now commenced will be pleasant.

J. B. JACKSON.





**DOCUMENTS**

**MAY 23 1949**

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