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GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT.

WHEELING, Jan. 16, 1866.

Gentlemen of the Senate and House of Delegates,
You have assembled under more favorable auspices than any preceding Legislature of our State. Since the adjournment of the last Legislature, the War has been brought to a close by the triumph of the National arms and the suppression of the Rebellion. The evacuation of the pretended Rebel Capital, and the flight of the chief conspirators, was followed by the surrender and disbanding of their armies, and by the acknowledgment of the National authority everywhere throughout the entire land. It is a matter of congratulation among ourselves, as of profound gratitude to Almighty God, that through His blessing the War has thus been brought to a successful and happy termination.

RECONSTRUCTION IN THE SOUTH.

The process of reorganizing the rebel States has progressed as rapidly as, under the circumstances, could have been desired, and certainly more rapidly than was at first expected. In most of them, civil organization has been in a measure restored; the dangerous and unwarranted doctrine of secession has been abandoned; the debts created in support of the Rebellion have been recognized, and the abolition of Slavery has been recognized either by separate state action or by the ratification of the Amendment to the Constitution of the United States.

But while this much has been done, and it may be that the people of the South generally recognize and accept the fact that the Rebellion is ended, and do not commit open violence, yet there are frequent manifestations of a spirit of discontent and bitterness, and at times of hostility, which are subject to serious objection, and tend very much to delay the full and complete return of those States to their original position and standing in the Union. Many of these States have elected senators and representatives to Congress. Some of them will, and perhaps should, be allowed representation soon, while to others it will very properly be denied for a time. Certainly no one should be admitted as a member of either House who has voluntarily participated in the Rebellion.

It has seemed to me that too great anxiety is manifested on the part of those who actively engaged in the Rebellion to repossess themselves of place and power. They are too impatient to adopt the safeguards that it has been deemed necessary to adopt for the protection and preservation of the Government. They were engaged for long years with all the means they could command, in their efforts to sever the Union and subvert the Constitution. They persistently rejected all overtures of reconciliation on the basis of the integrity of the Union, until they were compelled, by the strong arm of power to surrender and submit to the lawful authority. It has scarcely been nine months since their rebellious organization—stable and powerful as they supposed—was bidding defiance to the Government; yet now they gravely insist upon their right to immediate participation in the making and administration of the laws of that Government, in the same manner and as fully as if they had not so recently sought its destruction. It must be apparent that time should be taken on this subject. Nevertheless, it is no doubt the desire of every patriot in the land that at no very distant period, it may be found compatible with the safety and interest of the whole country to restore to these States their due representation in the Government, and that the whole may once more become an united, harmonious and happy people.

REORGANIZATION IN THE STATE.

Permanent civil organization has been restored throughout our own State, except in five or six counties on the extreme eastern border. These have been partially organized, and would have been entirely so, had my efforts to that end been regarded as they should. But I regret to be compelled to state that many of the intelligent and leading participants in the Rebellion, instead of counseling observance of the law, have pursued a course of conduct that has prevented complete organization in the five or six counties mentioned. These parties, either became candidates themselves, or induced others who, like themselves, had committed acts of disloyalty, to become candidates for office, at the election in October last; and in a number of cases these ineligible parties were elected. They cannot take the oath of office prescribed by existing law, and as a consequence, these offices are not filled by persons elected by the people, but their functions are performed, as far as it is practicable to have them performed at all, by appointees.

JUDGE OF NINTH CIRCUIT.

At the same time, an election was held for a judge of the Ninth Judicial Circuit, and Samuel Price, Esq., of the county of Greenbrier, claims that he received a majority of the votes for that office, and is therefore entitled to the commission. From some cause unknown to me, I have not received the official returns of the election from all the counties in the circuit, and therefore cannot tell who received the greatest number of votes. It is well known to me, however, that Mr. Price has a majority. It is well known to me, however, that at the close of the rebellion, and for some time previous, he held the influential position of Lieutenant-Governor in the rebel government of Virginia, and of course he cannot take the oath of office prescribed by our law. I have, on this account, taken the responsibility of declining to issue a commission to him for the high and responsible position to which he claims to have been elected.

I cannot commission to so high and important an office one who has so recently been engaged in efforts to destroy the State and to overthrow the Government of the United States.

BAD FAITH OF RETURNED REBELS.

As intimated, the results of these elections are due mainly to the teachings of leading and intelligent men who have been actively engaged in the rebellion, and who were well aware of the illegibility of the candidates, if successful. They taught that the oath of office prescribed by the act of November 16, 1863, would not be exacted, and that therefore participants in the Rebellion would be allowed to execute the duties of offices to which they might be elected. They advised further that the officers of elections were not required to take said oath; and that the law of February 25, 1865, prescribing an oath for challenged voters was unconstitutional and void, and should therefore be disregarded. They thus, in many instances, advised persons in the same category, or in sympathy with them, to act as supervisors and inspectors of elections, who held the elections without being sworn, and, upon the advice given, they refused to exact of voters the test oath of loyalty, notwithstanding they had been challenged as the law prescribes. The consequence was that at many of the voting places the election was conducted wholly in disregard of the laws of the State, and persons were elected who cannot qualify. And now new elections must be held, or the oath of office amended so that it may be taken by those who have been elected.

ENFORCEMENT OF OATHS OF LOYALTY.

After the war ended and peace was being restored, I entertained the hope that I would be able at this session of the Legislature to recommend the modification of the more stringent laws in regard to the election and qualification of officers; but after what has transpired at the first and only election held since the close of the war in the localities where disloyalty had most prevailed, I cannot make such recommendation. On the contrary I now think it the duty of the Legislature to amend these laws that their execution may be more certainly secured. And to this end I recommend, 1st, that you provide for a registry of voters as authorized by the Constitution, Art. III, Sec. 12; 2d, that you declare distinctly that all officers of election shall take the oath of office, prescribed by the act of November 16, 1863, and if they fail to do so at any place of voting, that the vote where such failure occurs shall be void and shall not be counted; 3d, that you require all the county and the principal township officers to qualify before the circuit court of the county, or the judge thereof in vacation. These amendments, it seems to me, will insure the purity of elections and the due and proper enforcement of the laws. And in order that there may be no failure in the administration of the laws where a person is elected who cannot qualify, and at the same time, frequent elections may be avoided, it may be proper to amend the law so that vacancies may be filled until the succeeding annual election, instead of holding special elections as now provided by law; and that the vacancies in the principal township offices may be filled, as many county offices now are, by the circuit court, or the judge in vacation.

I know that the passage of the laws to which I have referred has been attributed to a vindictive and invidious spirit on the part of the loyal people towards those who have hitherto committed acts of disloyalty, but I confidently affirm that they were not so intended by those who passed them; nor am I actuated by any such spirit in recommending their amendment and adoption. When they were passed it was deemed necessary to adopt some measure of protection against the evil influences which those in rebellion were exerting within our State, and it was intended, no doubt, to manifest their purpose to observe the laws and support the government of the

State, that the acts complained of should be modified or altogether repealed. But I confess my disappointment in finding that, instead of observing the laws, and counseling others to do so, many of those who have professed to renounce their disloyalty, have seized the first occasion to get at naught those laws, and have indeed offered to wholly disregard them. Under these circumstances I believe it to be the duty of the Legislature, not only to allow the present acts to remain, but to add thereto such provisions as will secure their certain and continued execution, until those who manifest this disorganizing spirit shall conform thereto, or, if they consider themselves aggrieved, shall seek redress in a legitimate mode.

JEFFERSON AND BERKELEY.

During the last Fall, and since the return to the county of Jefferson of persons who had been actively engaged in the Rebellion, there has been a party in that county who prefer living within the jurisdiction of Virginia rather than in West Virginia, and have been contending that all that has been heretofore done for the purpose of transferring that county, and the county of Berkeley from the former State to the latter, is irregular, unconstitutional and void, and does not effect the purpose intended. And in accordance with their views on this subject, they made preparations and declared their purpose to hold an election in Jefferson county on the 12th day of October, for members of the General Assembly of Virginia, and for a representative in Congress from that State; that being the day appointed by the proclamation of the Governor of Virginia for filling all vacancies in the legislature of the State and in the representation in Congress from that State. Upon being satisfied that it was their determination to hold the election at the time mentioned, I, on the 9th day of October, issued my proclamation, warning all persons against attempting to hold such election, and directing the arrest of any who should attempt it. But as the civil authorities would not have been sufficient to prevent the holding of the election and to arrest the offenders, if resistance had been offered, I requested Maj. General W. H. Emory, commanding the District of West Virginia, to aid the civil officers in maintaining the laws; and it affords me pleasure to acknowledge, in this official manner, the promptness with which that gallant officer responded to this, as he has to it calls attention upon him since he has been in command within this State. As a consequence of these preparations, no election was held.

I am assured, and have no doubt of the fact, although not officially informed of it, that, at the instance of the malcontents referred to, the General Assembly of Virginia, at its present session, has repealed the laws giving the consent of that State to the annexation of the counties of Berkeley and Jefferson to West Virginia. It is believed that this repeal cannot effect the status of these counties; but in order to avoid further controversy on the subject, it has been deemed proper to obtain the sanction of Congress to their transfer from one State to the other. For this purpose a bill has been introduced into Congress, which it is expected will pass, and thus quiet and harmony will be restored to the community interested.

The effort to set up the authority of another State in the county of Jefferson, and the many obstructions thrown in the way of the execution of the laws in other portions of the State, have induced me to look into the law for a remedy, but there seems to be none provided. Chapter 190 of the Code of 1860 might have embraced the effort to establish the authority of another State within the limits of this State, but this chapter was repealed by act of March 3, 1864, and I can now find no law on the subject. There is no punishment at all provided for many cases of resisting the execution of the laws, and where there is such provision, it will be found wholly insufficient. While I do not propose to prescribe the details of legislation that may apply these omissions, I commend the subject to your careful consideration.

THE COLORED PEOPLE.

The recent amendment to the Constitution of the United States completes the abolition of slavery and leaves the colored people in our midst free, a fact which should be borne in mind and recognized. Under the constitution of our State they cannot vote or hold office, but they are entitled to security and protection of person and property, which should be guaranteed to them by proper legislation. An important step towards the accomplishment of this purpose, and one it seems to me you should not hesitate to take, is the removal of the restrictions upon their competency as witnesses. Until this act of justice is done, all other guarantees are fruitless, and these unfortunate people are left to the mercy of any one who chooses to inflict injury upon them.

SUITS BY REBELS.

An act was passed at the last session of the Legislature "to prevent prosecution of suits and the suing out of process by persons engaged in the rebellion." This act provides that the defendant in any suit may require the plaintiff to file an affidavit that he has not participated in the rebellion, and if he fails to file the same, his suit shall be dismissed. It seems to me that this law is of doubtful expediency. If it was intended to prevent rebels from suing loyal men for acts done during the rebellion, it will be seen that while this object is effected, its provisions apply equally to any act done or contract entered into at any time after its passage. So that if it remains as it is, no person who has taken part in the rebellion can at any time in the future prosecute a suit of any kind. This being the case, they cannot enforce any contract they may make. They can neither buy nor sell with safety to themselves, unless the transaction is completed at the moment; they cannot enforce the contract by suit. Thus you have a number of the population of the State who can engage in no business and must necessarily become drones in society. It may be said that if they are not satisfied with our laws they can leave the State. But those that own property cannot sell it even for that purpose, as by this law they are not allowed to enforce their contracts. I recommend that this act be at least so modified as not to apply to any transaction since the end of the war.

FINANCES—THE AUDITOR'S REPORT.

The condition of the Finances will appear from the Reports of the Auditor and Treasurer, as follows:

Balance remaining in the Treasury, January 1, 1865,	\$297,210 87
Receipts from all other sources during the fiscal year ending Dec. 31, 1865,	381,382 92
Total receipts,	\$678,593 79
Disbursements during the year ending Dec. 31, 1865,	417,210 55
Balance in Treasury January 1, 1866,	\$261,383 24
Deduct amount belonging to School Funds not subject to appropriation for any other purpose,	81,992 53
Balance in Treasury for general purposes, Jan. 1, 1866,	\$179,390 71
Estimated receipts for current year,	450,000 00
Estimated total receipts,	\$629,390 71
Ordinary expenses for current year,	190,023 33

Amount subject to extraordinary appropriation by the Legislature, \$439,367 38
It will be seen that the Auditor has estimated the ordinary expenses of the State government for the current year at less than one-half of what they were in 1865. In this, I have no doubt, he is correct; and it may be accounted for mainly from the fact that the war having ended, many comparatively heavy expenses that were necessarily incurred during its continuance are no longer required. Nor do I think that the Auditor has over-estimated the receipts into the Treasury for the current year. Indeed, I am inclined to think the amount will exceed that reported by him. During the war revenue was collected from only about one-half the counties in the State. This year it will be collected from all; and it seems to me that, if his estimate is not in fact too low, it may certainly be relied upon as a safe one.

TAXES ON DELINQUENT LANDS.

I invite your attention to the many valuable suggestions accompanying the Auditor's report, only two or three of which I shall notice specially. It is apparent that some amendment is needed to the law prescribing the mode of enforcing the payment of taxes on real estate. As it now stands, the payment of taxes on unimproved lands belonging to non-residents cannot be enforced, except that once in five years the lands may be sold for the delinquent taxes; while our own citizens may be compelled to pay their taxes regularly. Many non-resident land owners avail themselves of the provisions of the present law, and the State is thus, in many cases, for years deprived of the use of revenue that should be paid into the Treasury annually. In addition to considerations connected directly with the revenue, these non-resident landholders are, by the present law, favored in holding on to their lands in an uncultivated condition; and thus very greatly retard the improvement and prosperity of our State. I recommend that the law be so amended as to require a sale of delinquent lands once in two years, with a limitation of redemption to one year after the sale.

RE-ASSESSMENT OF LANDS.

There has been no assessment of the real property within this State since 1856. Taxes are being collected on a valuation made ten years ago. Great changes have taken place in the value of real

estate generally within that time, and many cases of inequality of taxation exist. The propriety of a re-assessment, as suggested by the Auditor, appears to me so obvious that I deem it unnecessary to add any thing further to what he has so appropriately said on the subject.

THE FISCAL YEAR.

I endorse the suggestion of the Auditor that the law of the last session changing the fiscal year should be repealed. Heretofore the fiscal year ended on the 30th day of September. By this law it is made to correspond with the calendar year. The Constitution provides that the legislature shall meet on the third Tuesday of January. It is required that the several officers of the State government shall make their reports of the business of the year, and submit them to the Governor, whose duty it is to lay them before the legislature, and in the meantime to examine them in order that he may comply with that provision of the Constitution requiring him to "communicate to the legislature at each session thereof the condition of the State, and recommend to their consideration such measures as he may deem expedient." As, under the law of the last legislature, the fiscal year ends on the 31st of December, the several reports cannot be completed until after that time, and as a consequence they do not get into the hands of the Governor in time to enable him to examine them and use their contents, as he should, in preparing his message to the legislature. Everything that appears in this communication, as based upon those reports, is taken from loose sheets and memoranda kindly furnished me in advance by the several officers. My opinion is that the legislature should not hesitate to repeal the late law and restore the fiscal year as it was before the change was made.

THE DEBT OF VIRGINIA.

The constitution of our State, Art. viii, sec. 8, provides that "An equitable proportion of the public debt of the Commonwealth of Virginia, prior to the 1st day of January, 1861, shall be assumed by this State; and the legislature shall ascertain the same as soon as practicable, and provide for the liquidation thereof, by a sinking fund sufficient to pay the accruing interest, and redeem the principal within thirty-four years." The execution of this provision of the Constitution has heretofore been impracticable on account of the existence of the War, but now that peace is happily restored, there is no reason, as there is no desire on our part, for further delay, and it devolves on you to take action with a view to an early and satisfactory settlement of all financial matters between the two States. I therefore recommend that you appoint, or provide for appointing, commissioners on behalf of this State to meet like commissioners from Virginia, for the purpose of making the contemplated settlement; and in the event that they fail to conclude an adjustment, that you authorize the selection of an umpire whose decision shall be final. And it may be well to provide for notifying the Executive of Virginia of your action, in order that he may lay the same before the legislature of that State for their consideration.

THE OHIO RIVER BED.

It is represented to me that there are extensive veins of the finest coal for manufacturing purposes under the bed of the Ohio river for a considerable distance within this State, and that persons have sunk shafts at several points on the bank of the river, and are mining the coal and disposing of it for their own private profit. If there is coal under the bed of the river as represented—and I am inclined to believe there is—it is the property of this State, and may be made a source of considerable revenue. I suggest that an enquiry be instituted for the purpose of ascertaining the truth in regard to this matter, and if it be found as represented, the legislature provide for the sale of the coal, under the supervision of the circuit courts of the counties within which it lies, and for the payment of the proceeds thereof into the Treasury.

MILITARY—REPORT OF THE ADJUTANT-GENERAL.

From the report of the Adjutant-General it may be seen that this State furnished 81,884 troops to the United States service during the war, nearly all of whom were three years men. It may also be seen that the bounties paid to troops by the organized counties of the State amount in the aggregate to near \$2,000,000. The precise sum is not yet ascertained. This, it may be remarked, was paid to those who enlisted in the latter years of the war. The earlier recruits received no such bounty, and very little from any quarter, but it is expected that Congress, during the present session, will in a measure repair this apparent injustice. When we take into consideration the facts that parts of the State were within the rebel lines during the whole war; that at no time had we civil organization in more than two-thirds of the counties; and that many of these were subject to frequent and ruinous rebel raids, and the worst form of guerrilla warfare, it is a matter of no little credit to the energy and patriotism of our people that the State has supplied so many men to the loyal cause. And while we regret that we were able thus to contribute to the strength of the army and the happy conclusion of the war, it is due to the soldiers themselves that we make public acknowledgement of the high character for bravery and soldierly bearing which they at all times displayed in the field. They have won imperishable laurels for themselves, and have done great honor to the name of their State.

As soon as it became evident that active hostilities had ceased I made every possible effort to have our troops mustered out of service, and was so far successful that, from the 10th of June to the 11th of August, all were discharged and sent home, except the Sixth Cavalry. This regiment, with troops from other States, was ordered west of the Mississippi, and although I have made use of all reasonable means to procure its muster out, they have been unavailing. It is not my purpose, however, to complain of the War Department on this subject, as I feel assured that the services of the volunteer troops thus retained were required, and that they were legally retained—some in the South and some in the West—until the condition of the Southern States became such that the regular army would be sufficient for all military purposes throughout the country. The discharge of this, our last regiment in the service, is confidently look for at an early day.

The report of the Adjutant-General is a document of great interest to all the loyal people of the State, and especially is it so to the soldiers who are living and the friends of those that are dead. This report, in connection with the one made by the same officer a year ago, would constitute a complete history of every West Virginia regiment, and of every officer and private who served in all our regiments from the time he entered the service until his term ended by death, discharge, dismissal or resignation, were it not for the fact, before mentioned, that the Sixth Cavalry has not yet been mustered out. It is expected, however, that this regiment will be mustered out before the report is printed, and in that event, its history may be incorporated, and thus complete a work of much practical importance, and at the same time show a military record which will be the pride of every loyal citizen of West Virginia.

ORGANIZATION OF MILITIA.

In addition to the facts and figures, and historical matters appearing in this report, it contains many valuable suggestions to which I invite you careful attention. Especially would I call your attention to the plan proposed by the Adjutant-General for organizing the militia. This has hitherto been a vexed question, but his plan relieves the subject of many objections made against former methods of organization. It appears to me to be the most feasible and practical mode that has been submitted for making the militia speedily effective when needed, while it does not require the rank and file to drill or leave their homes at all, except when called into active service, and thus saves them much time that is wasted and the many annoyances to which they are subjected in the enforcement of the existing law. As it seems that some organization is deemed indispensable, I commend the one here proposed as worthy of your consideration.

REPORT OF QUARTERMASTER GENERAL.

The Quartermaster General's report shows the transactions of his office. In addition to his regular duties I have committed to this officer the responsibility of paying the companies of State Scouts and Guards that have been organized from time to time during the war for the protection of the border, and it may be seen from his report that he has paid out for this purpose, since the organization of the State, the sum of \$213,938 42. It will also be seen that in pursuance of an act passed February 27, 1865, and by my direction, he has paid to the militia of Upshur county, who were captured and carried off to Southern prisons in 1863, the sum of \$6,950 85. These sums added make an aggregate of \$220,889 27, which has been expended as a matter of necessity in the efforts to protect the loyal people in the border counties. The State troops who were thus paid, supplied the places of an equal number of United States troops, who otherwise would have been required for the same service, and therefore, in my judgment, the money so paid out constitutes a just claim against the government of the United States. I have caused the evidence of these payments to be prepared in proper and convenient form; and as it is expected that application will be made to Congress for the reimbursement of this character, I recommend that, if after the investigation you concur with me, you adopt resolutions setting forth the justice of the claim and requesting Congress to provide for its payment.

MILITIA CLAIMS.

The Board of Claims, consisting of the Auditor, Adjutant General

and Quartermaster General, constituted by an act passed February 25, 1865, have made their report, which is herewith communicated. It may be seen that the Board have reported in favor of the justice of claims amounting in the aggregate to \$148,399 99, all of which have grown out of the military transactions within the State during the war. The report is submitted for your consideration. If you shall be of the opinion that these claims should be paid, provision should be made therefor.

FREE SCHOOLS.

The report of the State Superintendent of Free Schools will be found among the documents herewith communicated. Its completion was unavoidably delayed to so late an hour that I have had little time for its examination. Allow me, however, to call your attention to that part of the report in which the necessity for normal schools is discussed. The want of competent teachers is seriously felt throughout the State, and is one of the greatest difficulties in the way of putting into successful our free school system, and indeed of keeping up primary schools of any character whatever. Normal schools may be made the means of relieving us of this difficulty by affording special facilities to those who desire to teach of preparing themselves for the arduous and important duties of their vocation. Without referring further to this report, I invoke the fostering care of the legislature over that of which it treats, and which may be made the great power for the elevation of the masses—the free schools of our State.

IMMIGRATION.

The report of the Commissioner of Immigration is herewith transmitted. It is an able and interesting document, and discusses most thoroughly the subject of immigration and the great benefit that must result to the State from its proper encouragement. It also contains important suggestions which I trust will be duly considered and responded to by the Legislature. We cannot hope for the development of the resources and capacities of our State until we secure the influx of additional population and capital. This can be accomplished by making known through intelligent and energetic agents the inducements there are to come here, and by giving assurances of a fair return for labor and capital expended. If we fail to take proper action, immigrants will pass us by and go to states that have adopted a more liberal and enlightened policy.

The office of the Commissioner without reasonable compensation, as is the case under existing law, will not affect much. The competent incumbent of the office has done all that he could do with the meagre means at his command to induce immigration into our State; but he has been able to do little more than to lay the foundation for future action; and unless his efforts are seconded by the Legislature, what he has done may go for naught. It may be seen from his report that he has expended considerable of his own means, and has incurred other obligations. I think that the Legislature should not only provide for these expenditures and obligations, but should make such provision for the future as will make the office effective for the purpose of its creation, or should abolish it altogether.

UNIVERSAL EXHIBITION AT PARIS.

In connection with this subject, it is proper that I should mention the Universal Exhibition to be opened at Paris, France, in April, 1867, which is referred to at considerable length in the report of the Commissioner. This State is invited to participate in that Exhibition, and it is urged that, if the mineral, agricultural, manufacturing, and other productions of West Virginia, were placed in the hands of a proper representative for exhibition on that occasion, this would tend to promote immigration to the State. I submit the matter for your consideration.

HOSPITAL FOR THE INSANE.

The report of the Directors of the Hospital for the Insane, at Weston, with the accompanying documents, is herewith submitted. It will be seen that the small portion of the building that is finished for the reception of patients, is crowded to its utmost capacity, and that numerous applications for admission have been rejected. The great number of the afflicted class of community, for whose relief this institution was intended and who are excluded from its benefits for want of sufficient accommodations, are not only entitled to our sympathy, but demand at our hands the completion of the building at the earliest possible period. I most earnestly renew the recommendation made to former sessions of the legislature that a liberal appropriation be made for this purpose.

LUNATICS AT STANTON.

In connection with this subject it is proper that I should bring to your notice the fact that I have received a communication from His Excellency F. H. Peirpoint, Governor of Virginia, saying that he had been informed by the board of visitors of the Lunatic Asylum at Stanton, that there are near one hundred patients in that institution from West Virginia, and that it was desired that our State should make provision for their support. This, it may be remarked, is an additional fact in proof of the necessity of an early completion of the Hospital at Weston. Meantime, however, it is necessary that the number of the patients at Stanton be ascertained, and that you provide the means for supporting them.

AGRICULTURAL COLLEGE.

The legislature of this State in accepting the benefits of the act of Congress of July 2, 1862, donating lands to States that should provide colleges for the benefit of agriculture and the mechanic arts, also accepted the conditions contained in that act. One of the express conditions contained both in the act of Congress and our act of acceptance, of October 3, 1863, is that this State shall, within five years from the second day of July, 1862, provide one college as therein described, "or the grant shall cease, and the State shall be bound to pay to the United States the amount received." Another condition of both the donation and acceptance is, that no portion of the land shall be applied to the purchase, erection, preservation or repair of any building or buildings. But it is provided that ten per centum of the amount received by the State may be expended for the purchase of land for sites or experimental farms, whenever authorized by the legislature.

I have not received an exact report from the agent employed to make sale of the scrip received by this State, and therefore cannot state the precise sum for which it has been sold, but the legislature may rely and safely act on the assurance that the receipts will amount to over seventy-five thousand dollars.

The five years within which the State is required to provide the college are rapidly passing away, and will expire on the 2d of July, 1867, and it must be apparent that if this session of the legislature is allowed to pass without taking the necessary steps to provide the contemplated college, it will be impossible, within the time thereafter remaining, to comply with the condition of the donation; the donor's land shall be absolutely forfeited, and it will be left for the next legislature simply to direct the return of the proceeds of the sale of the scrip to the United States.

As the law of Congress prohibits the use of any portion of the fund arising from the sale of the scrip, for defraying the expenses of the sale, the legislature in the act of 1863 made an appropriation for that purpose, but this provision of that act has been inadvertently superseded by subsequent legislation, and it therefore becomes necessary to renew the appropriation.

STATE STOCKS IN BANKS.

All the Banks of the State have availed themselves of the provisions of the act of the Legislature passed February 17, 1865, and have become banking associations under the laws of the United States. The State had stock in the North-Western Bank of Virginia, the precise amount of which cannot be ascertained until there is a settlement between this State and the state of Virginia. This bank and its two branches have become three independent national banks, to wit: The National Bank of West Virginia, in the city of Wheeling; The Parkersburg National Bank, at Parkersburg; and The First National Bank of Wellsburg. And so much of the stock owned by different departments of the State government in the North-Western Bank of Virginia as has been connected into stock in these national banks is distributed and stands as follows: The great number of the shares of the State proper in the National Bank of West Virginia; one hundred and fifty shares in the name of the State and two hundred and fifty shares in the name of the Literary Fund in the Parkersburg National Bank; and one hundred and eighty-eight shares in the name of the State, and one hundred and eighty-three shares in the name of the Internal Improvement Fund in the First National Bank of Wellsburg. The State in its different departments still owns stock in the North-Western Bank, the value of which will be paid over as the bank, which is in process of liquidation, is ready to make distribution among the stockholders. The State is the owner of five hundred shares of stock in the First National Bank of Fairmont, which stands in the name of the Literary Fund. The branch of the Exchange Bank of Virginia, at Weston, has been converted into the National Exchange Bank of Weston, in which the State is also a stockholder, but to what amount is not known precisely, nor will it be known until there is a settlement between this State and the state of Virginia.

This subject needs legislation. It will be seen that the stock in several of these banks stands in the names of funds or departments unknown to our State organization. An act should be passed transferring this stock to the appropriate departments of our organization. (Conclusion on Fourth Page.)