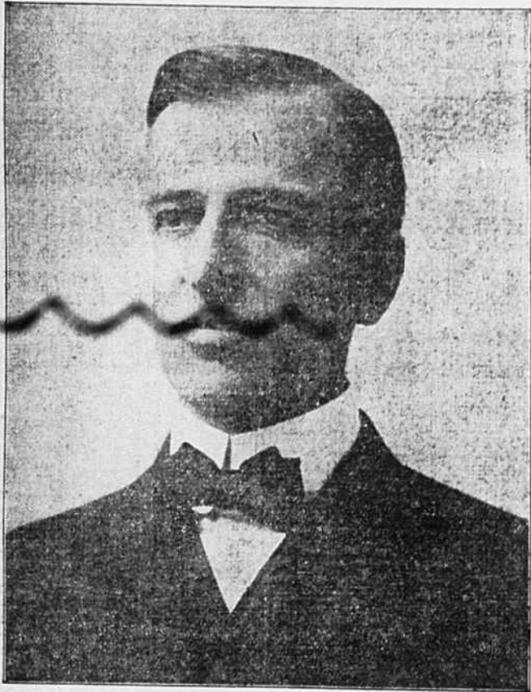


WEST VIRGINIA REPUBLICANS WANT HUGHES

SAYS HE WILL BE FOR THE NOMINEE



Howard Sutherland.

Congressman-at-Large Howard Sutherland says he has no preference as to candidates, but says he will be for the nominee of the Chicago convention, whom he thinks will be elected and thereafter prove satisfactory to the country as president.

Mr. Sutherland's letter follows:

"Replying to your favor of April 21st, asking me to advise you of my first, second and third choice for presidential candidates, I beg to say that I will be for the nominee of the Chicago convention and am confident that that body of men will be able to nominate someone who will be satisfactory to the great body of Republicans and who can be elected and thereafter prove satisfactory to the country as president. I shall not be a delegate to that convention and have no hard and fast preferences as to candidates."

JUSTICE IS CHOICE OF THE MAJORITY

Colonel Theodore Roosevelt Runs Second in the List of First Choices.

BURTON, OF OHIO, IS NEXT

T. R. Leads the Field of Second Choices with Root Close Behind.

Supreme Court Justice Charles E. Hughes is the choice of a large majority of leading West Virginia Republicans for the Republican presidential nomination. A poll taken by the Sunday Telegram shows that Hughes is the first choice of nine, while his nearest competitor for the honor, Colonel Roosevelt, is picked by only three.

Ex-Senator Theodore E. Burton, of Ohio, runs next to Roosevelt with two votes, while Fairbanks of Indiana receives one.

As a second choice, Colonel Roosevelt leads the field with five votes, Root comes second with three votes, the remaining votes being scattered as follows: Burton, two; Harding, one; Cummins, one; and Fairbanks, one.

Burton leads the list of third choices with three votes and Root is second with two. Other third choices receiving one vote are Roosevelt, Harding, Hughes, Fairbanks, Cummins, Hadley and Weeks.

One man, Judge George W. Atkinson, declared that in his opinion Justice Hughes was the strongest man of all, but did not pick him because the justice refuses to run.

A large number of those asked by the Sunday Telegram for their views made no answer.

Johnson is for Hughes.
Herman G. Johnson, editor of the Elkins Inter-Mountain and prominent Republican of Randolph county, prefers Supreme Court Justice Charles E. Hughes for the Republican presidential nomination. Former Senator Elihu Root, of New York, is his second choice, and ex-senator Theodore E. Burton, of Ohio, is his third preference.

Another Hughes Man.
Ellis A. Vost, of Morgantown, candidate for the Republican nomination for state treasurer, is another Hughes man. Colonel Roosevelt is his second choice and former Senator Burton is given third place in his list of preferences.

Rosenbloom for Hughes.
Hughes is the first choice of State Senator Ben L. Rosenbloom, of Wheeling, who is a candidate for the Republican nomination for United States senator. His second choice is Senator Warren G. Harding, of Ohio, and Colonel Roosevelt is third.

Glasscock L. For Teddy.
Former Governor William E. Glasscock is for Colonel Roosevelt. He is of the opinion that Hughes would make an ideal candidate but says he would not favor his nomination unless he resigns from the bench and declare his position on matters of foreign policy before the nomination is made. He expressed no second or third preferences. "In my opinion this is not a good time to resolve doubts in favor of the candidates," he concludes.

White is for Hughes.
State Senator George E. White, of Weston, is another Hughes man. He says that he would be disposed to select Root as his favorite were it not for the New York man's age. Either Roosevelt, Knox or Harding stands next to Hughes in availability and strength in the opinion of Mr. White who makes no preference between between these three men.

His letter follows:

"As first choice for the Republican nomination for president I select Justice Hughes because of his record as a public servant. He has the confidence of the country and would make an ideal executive. However, were it not for his age I would be disposed to select Root, because he is perhaps the most versatile and accomplished man in America today. Going beyond a first choice is difficult because there are certain elements of strength and weakness to be considered that are not so apparent in Hughes.

"Either Roosevelt, Knox or Harding, of Ohio, seem to me to stand next to Hughes in availability and strength and I could not make a second or third choice among them. Senator Harding in point of ability and manner of appeal deserves a place second to none as a presidential possibility, while Knox and Roosevelt are also close up. In the event that Justice Hughes would refuse the nomination I should favor

the judgment was rendered and after the award of a writ of error to it.

"2. Damage to property upon a street, occasioned by the raising of the grade of the street above the elevation of the lot, so as materially to impair the right of access thereto and depreciate the market value of the property, are permanent in their nature.

"3. With a count in a declaration for such damages, a count for temporary damages occasioned by the collection and deposit of surface waters upon the lot, resulting from the alteration of the street, may be joined."

Smith v. McClune, Harrison county, reversed and remanded; Williams, president.
"A bill by a grantee to correct an alleged mistake in a deed, respecting the amount of consideration to be paid for land, recited in the deed to be paid as follows, so much thereof in cash and the balance to be applied in discharge of an existing lien on the land, the amount of which is stated, averring that \$115 of the purchase price had previously been paid, and because of a mutual mistake, was lost sight of when the deed was prepared, and that the grantee

has discharged all of the lien except \$115, with its accrued interest, and thereby has actually paid the full consideration and praying also for general relief is good on demurrer."

O'Neil v. Moore, Barbour county, reversed, bill dismissed; Williams, president.
"1. Where one person prepares and signs a writing in duplicate and mails both copies to another, with a written request that he sign and return one if it meets his approval, and the latter claims that he signed and delivered one copy to the former in person, which is denied, the receiver of such writing bears the burden of proving delivery.

"2. Partnership is a subsisting relation between persons who have agreed to share the profits and losses of some business undertaking. An agreement to form a partnership does not of itself create the relation; it must be followed by mutual performance of the things contemplated.

"3. A writing signed by two persons, agreeing to secure options on certain tracts of land, resell the same for speculation and divide equally the profits, neither party being permitted to charge for his personal services

and both agreeing to use their best efforts to effect a sale, does not prove a partnership. The contemplated events must have occurred in order to establish the relation of partners.

"4. Ignorance of facts is no excuse in equity for unreasonable delay in asserting one's right, when such ignorance is wilful and results from lack of proper diligence to seek well known sources of information."

McKimmie, Admr. v. Postlewait; Wetzel county, judgment affirmed; by Lynch, Judge.
On him who claims the property of his wife, money in this instance, in virtue of a gift from her, devolves the burden of establishing by clear and convincing proof every essential and constituent element of a valid gift inter vivos; these elements being the intention of the donor at the date of the gift to bestow on him the unconditional and irrevocable title to the property, an actual delivery thereof to him and his continued possession of the property elsewhere than at the joint residence of himself and the donor, unless the gift be by decree or will, as required by section 1, chapter 71, code. The mere possession thereof, coupled with the

proof of inconclusive declarations of the wife, she being dead, will not suffice.

The intention of a wife to part with her property and confer ownership thereof on her husband must clearly appear. It will not be presumed, she gratuitously bestowed it on him, except where the rights of creditors or of purchasers without notice are involved.

An administrator of an intestate married woman may maintain assumpsit to recover property in the possession of her husband claiming it as his own, whether as a gift or otherwise.

Atkinson Favors Old College Pal



Judge G. W. Atkinson.

Courtesy Pittsburgh Gazette Times.
George W. Atkinson, former governor of the state and until recently a judge of the United States Court of Claims, picked Charles W. Fairbanks, of Indiana, former vice-president, as his first choice for the Republican nomination for president. Judge Atkinson was a college chum of Mr. Fairbanks and they have been steadfast friends ever since. This friendship is, no doubt, one of Judge Atkinson's principal reasons for picking the former vice-president, although the judge does not say so.

Ex-Senator Theodore E. Burton, of Ohio, is Judge Atkinson's second choice for the nomination, and Senator Weeks, of Massachusetts is his third choice.

Judge Atkinson stated that in his opinion Supreme Court Justice Charles E. Hughes is the strongest man of all but eliminates him because of the justice's refusal to allow his name to go on the ballot.

Knox, Harding or Roosevelt for president, depending entirely upon conditions at the time. I have no preference as among these three."

No Statement from White
The following letter was received

SAYS HUGHES CAN UNITE THE PARTY



C. G. Coffman.

Characterizing Hughes as "capable, honest and fearless," and as a man who could unite all factions of the party, Charles G. Coffman, former state senator, comes out for the nomination of the supreme court justice. "Hughes is without a doubt the strongest man in the party at the present time," said Mr. Coffman, "and he would make a great president."

Ex-Senator Theodore E. Burton, of Ohio, is Mr. Coffman's second choice. He expressed no third preference.

by the Sunday Telegram from L. H. Landstittel, secretary to former Governor Albert B. White, of Parkersburg, who is now a candidate for the Republican nomination for United States senator:

"Your communication of April 21 to Governor White has been received in his absence. As Mr. White is a candidate himself, I feel warranted in saying that he would not care to make any statement relative to the Republican presidential nomination."

All Good Ones.
H. E. Williams, commissioner of agriculture, suggests the names of Supreme Court Justice Hughes, Senator William G. Borah and Theodore Roosevelt, and says that he has no preference among these three men. "You might mix them up or change them around in any order you please without offending me in the least," he writes.

Ogden Wants Burton.
Expressing the opinion that Burton of Ohio, combines the essential elements of safe, conservative, executive leadership, H. C. Ogden, newspaper publisher of Wheeling, announces that he is in favor of the former senator's nomination at the Chicago convention. He expresses no second or third choice. His letter follows:

"Replying to yours of April 22nd, my first choice for the Republican nomination for president is Theodore Burton, of Ohio. In my opinion Mr. Burton combines the essential elements of safe, conservative, executive leadership. He is a man of wide public experience, splendid personal record, and intimate knowledge of the more important public questions.

"I have not considered either a second or third choice; nor do I think that the majority of the Republican convention will assemble as partisans of any candidacy.

"This is a crisis which demands the best thought and the best judgment of party leaders, and I believe that sober judgment and careful consideration of all issues involved will be the controlling factors in the Republican national convention."

Darst Absent.
The Sunday Telegram was unable to learn the views of John S. Darst, state auditor, as he is absent from his office in Charleston. A letter from his assistant explains that the auditor is out of Charleston and will be away from his office for several days.

Another Burton Man.
Hugh Ike Shott, editor of the Bluefield Telegraph and prominent Republican of the southern section of the state, announces that his newspaper is for Burton first, and Root

SENATOR PARRISH IS A HUGHES MAN



Roy E. Parrish.

State Senator Roy E. Parrish, of this city, is strongly in favor of the nomination of Supreme Court Justice Charles E. Hughes. For his second choice he picks former Vice President Charles W. Fairbanks, of Indiana, and former Governor Herbert S. Hadley, of Missouri, is his third preference.

VALUABLE HAND BOOK COMPLETED BY HARRIS

and Hughes, second and third respectively. Senate Clerk's Edition of West Virginia Information Just Off the Press.

Avis Undecided.
S. B. Avis, of Charleston, former member of Congress, says that he has not yet reached a conclusion as to his choice for the Republican candidate for president. He says that he will endeavor to ascertain the sentiment in his district before reaching a final conclusion. Mr. Avis is a delegate to the convention from the Sixth district of this state.

Lakin for Hughes.
Supreme Court Justice Hughes is the first choice of James S. Lakin, member of the state board of control. His second preference is Colonel Roosevelt, and Burton is given third place.

No Roosevelt Sentiment.
There is no Roosevelt sentiment in Taylor county, according to Howard H. Holt, editor of the Grafton Sentinel, who declares that he favors the nomination of Justice Hughes. His second choice is Root and Fairbanks is third. His letter follows:

"Replying to your letter would say that it is easy for us to answer your inquiry by giving you the name of our favorites over this way. First and foremost is Judge Charles E. Hughes, secondly Hon. Elihu Root, and thirdly Charles W. Fairbanks. There is no outspoken favoritism of the candidacy of Mr. Roosevelt in this county. If any Republicans do favor him they are mighty quiet about it, and on the other hand I have heard many good Republicans declare strongly they would refuse to vote for him if he is chosen as the Republican nominee."

Is for the Colonel.
Noah G. Keim, of Elkins, Progressive candidate for Congress in the Second district in 1914, favors the nomination of Colonel Roosevelt. His second choice is Senator A. B. Cummins and Senator Borah is his third preference.

Another T. R. Man.
George A. Laughlin, of Wheeling, candidate for Congress from the First district on the Republican ticket in 1912, and on the Progressive ticket Colonel Roosevelt. His second choice is Justice Hughes, and Senator Albert B. Cummins is given third place in his list of preferences.

With every item as complete, concise and correct as frequent comparisons, extensive inquiries among the original sources of information, and numerous revisions could make it, the West Virginia Legislature hand book, ordered by Senate Clerk John T. Harris, has just come from the press. The book, which contains 800 pages, has been declared to be by many of the state's leading men, who have examined it, the most valuable reference book on the state ever published.

Divided into seven parts, the book contains, in detail, information in re: heads of departments and employes; state; Part one contains the names and addresses of all the officials, both elective and appointive, with the heads of departments and employes; commissions and societies and boards; heads of various state institutions; salaries of state officials; official register, containing lists of county and court officers and boards, attorney, political committees, newspapers, banks, district officers and postoffices in each county. The history of the formation of each county is a feature of great value contained in this part of the work. Population of West Virginia by counties; West Virginia board of trades and business men's associations.

Part two contains the declaration of Independence, articles of confederation, constitution of the United States; law as to presidential succession; the dismemberment of Virginia; first constitution of West Virginia; constitutional conventions of 1872; present constitution of West Virginia; historical sketch of the state; elective officers of the state government from the formation of the state; members of the lower house of Congress from the formation of the state and former legislatures.

Part three contains descriptive and statistical data relating to state institutions and the various executive departments of the government.

Part four contains the history and duties of the different departments of the state government such valuable matter relative to the political affairs of the state.

Virginia Debt Case.
Part five contains biographical sketches; the Virginia debt, a paper by Judge John W. Mason, containing a history of the Virginia debt and the litigation growing out of same; James G. Blaine's plan for the payment of West Virginia's portion.

Part seven contains executive officers of the United States government; United States officials for West Virginia; presidents of the United States; population of the United States from 1820 to 1910, inclusive; estimated population of the United States, July 1, 1915; postal regulations; classified postoffices in West Virginia and alphabetical list of West Virginia postoffices.

Behring sea is to be charted by means of a new vessel now being built at a Lake Michigan port. The surveyor will be used by the government only for coast and geodetic survey work.

A Frenchman has perfected a horizontal windmill with the vanes so shaped that nine-tenths of them utilize the force of the wind no matter in what direction it is blowing.

Supreme Court Decisions

CHARLESTON, May 6.—Nine cases were decided this week by the state supreme court, two from Marion county, two from Wetzel county and one each from Marion, Doddridge, Berkeley, Randolph and Barbour counties. The syllabi are as follows:

Carper v. Monongahela Valley Traction Co., Harrison county, judgment affirmed; Miller, Judge.

"Defendant's demurrer to the plaintiff's evidence in killing one of plaintiff's fat cattle—was properly sustained and relief denied."

Allen, Admr. v. Linger et als., Doddridge county, judgment reversed; demurrer sustained, case remanded; Miller, Judge.

"1. It is not negligence per se to employ a young man eighteen years of age, without the consent of his parents or guardian, to drive a team, and to go into the woods or forest where trees are being cut and felled and to haul such logs and timber from the place or places where cut to a saw mill plant there operated by his employer.

"2. A declaration charging defendant with having so employed plaintiff's intestate to drive a team into the woods and forests where trees are being cut and felled, a place of danger, and to there hold and watch the same and by reason whereof and without fault on his part, he was injured and killed by a falling tree, presents no case of actionable negligence on the part of the master.

"3. A married woman with the consent of her husband, such consent being presumed from her appointment and qualification, is not because of coverture, wholly disqualified to act as administratrix, and her appointment and qualification cannot be collaterally attacked in a suit brought in her fiduciary capacity for damages for the wrongful death of her decedent."

Basset v. Straight et als., Wetzel county, affirmed; Mason, Judge.

"1. The doctrine of subrogation is that one who has the right to pay and does pay a debt which ought to have been paid by another, is entitled to exercise all the remedies which the creditor possessed against that other.

"2. A surety, on the payment of a judgment constituting a lien on the property of his principal, is entitled in equity, without an assignment thereof, to be subrogated to the rights, powers, and remedies of the judgment creditor, for the enforcement of the lien against property of the principal debtor for his own benefit.

"3. A purchaser of property with notice of a right in a surety to charge the same by way of subrogation, takes it subject to such equitable right, and such notice may be actual or constructive.

"4. Where there is a judgment against three persons jointly, and one of them is surety for the other two, and the surety pays the judgment in whole or in part, he is entitled to be subrogated to the rights of the judgment creditor against the principal debtors for so much of the judgment as he paid; and where one of the judgment debtors is the owner of real estate at the time of the rendition of the judgment and alienates the real estate after the judgment is properly recorded, and a suit in chancery is brought by the surety seeking to be subrogated to the remedies of the judgment creditor, for so much

of the judgment as he paid, and to charge the land in the hands of the purchaser, with the judgment, or so much of it as he has paid, and there is no controversy as to the amount of the judgment, or the amount paid by the surety, or that he was surety for the other two judgment debtors and it does not appear that there are any other liens upon said land, it is not necessary to refer the cause to a commissioner to ascertain the liens before entering a decree setting aside the deed conveying the real estate as to this judgment only, and charging the real estate in the hands of the purchaser with the judgment."

Morgan v. Davis, Marion county, reversed, judgment here; Mason, Judge.

"Where a lot of ground is conveyed by metes and bounds, and an adjoining lot is later conveyed by the same grantor to different parties, and the calls of the second deed extend to, and the land is bounded in part by one of the lines laid down in the first deed, and the grantees in the second deed extend their boundaries by crossing over the line mentioned as a common line and take possession of land inside the boundaries of the land conveyed by the first deed, the persons so taking possession are trespassers; and this is not such eviction of the grantee in the first deed as will sustain an action against his grantor for breach of covenants of warranty."

James Fisher v. J. W. Poling et al., Randolph county, modified, affirmed and remanded; Poffenbarger, Judge.

"1. The statutory enlargements of the property, contractual and remedial rights and liabilities of married women, have not abrogated and the presumptions of fraud in transactions between a wife and her insolvent husband, working prejudice to the rights of creditors.

"2. Such presumptions are founded upon the relation of the parties creating an abnormally strong motive for perpetration of frauds upon creditors and affording exceptional opportunity therefor, and not upon their powers or disabilities respecting their property, contracts and remedies.

"3. Money paid to an insolvent husband managing and conducting his wife's separate business, as for his salary, after ample allowances for the support of himself and his family, and not shown to be in his possession, or to have been invested or paid on his debts, or otherwise disposed of, is presumed, in favor of a creditor of the husband, to have been put back into the wife's business and to be held by her upon a secret trust for him.

"4. Under such circumstances, the decree should charge the property and business of the wife, in which the money is thus presumed to be held, with the creditor's debt, or so much thereof as the secret trust fund is sufficient to pay, and a personal decree against the wife, as for wrongful payment of money to the husband, is erroneous."

J. R. Clifford v. City of Martinsburg, Berkeley county, affirmed; Poffenbarger, Judge.

"1. A clerical omission to enter an order actually made and essential to the maintenance of a judgment, against an attack upon it by appellate procedure, may be remedied by a nunc pro tunc entry thereof, after