

ON THIS DAY IN WEST VIRGINIA HISTORY JANUARY 18



On January 18, 1842, the Virginia General Assembly created Wayne County from part of Cabell County.

CSO: SS.8.4, SS.8.14

Investigate the Document: (*Acts of the General Assembly of Virginia, 1841-42*)

1. Whose house and farm were specifically cited in the 1842 General Acts of Assembly to be included in the newly formed Wayne County?
2. Who was Wayne County named in honor of?
3. Did Wayne and Cabell County belong to the same senatorial, congressional and electoral districts?

Think Critically: There are fifty-five counties in West Virginia, but Wayne County has the distinction of being *this* geographical superlative? What is unique about YOUR county? What counties was your county formed from? What is your county seat? Is your county named in an honor of someone? If so, who? According to the West Virginia Code, what formal body does a newly intended county have to apply to for the passage of an act to create a new county? (Hint: the branch of government in charge of passing laws) If you were in charge of forming a new county in West Virginia who would you name your county in of honor of? Why?

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

PASSED AT THE SESSION COMMENCING 6TH DECEMBER 1841, AND
ENDING 26TH MARCH 1842,

IN THE

SIXTY-SIXTH YEAR OF THE COMMONWEALTH.

RICHMOND:

SAMUEL SHEPHERD—PRINTER TO COMMONWEALTH.

1842.

- Judicial circuit. 8. The said county of Marion shall be in, and attached to the same judicial circuit with the county of Monongalia; and the circuit superior court of law and chancery thereof shall be holden on the sixteenth day of April, and on the sixteenth day of September in every year, and be of the same brigade district with the county of Monongalia.
- Circuit courts, when.
- Brigade district.
- Senatorial, congressional and electoral districts. Representation in legislature. 9. The said county of Marion shall belong to the same senatorial, congressional and electoral districts with the county of Monongalia.
- Quarterly courts. 10. The said county of Marion and the county of Monongalia shall each send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place.
- Commissioners to run dividing lines. 11. The courts of quarterly sessions for the said county of Marion shall be holden in the months of March, June, August and November in every year.
- Report required to be recorded. 12. *And be it further enacted*, That John Hanway of the county of Monongalia, Thomas Haymond of the county of Harrison, and William J. Willey of the county of Marion, are hereby appointed commissioners to run and mark the lines between the county of Marion and the several counties from which the same is taken, as designated by this act; which, when run and marked, shall be taken and considered as the dividing lines between the said new county and the several counties from which the same is taken; and the said commissioners are hereby required to make report of their proceedings, in writing, to the county courts of the counties of Monongalia, Harrison and Marion, respectively, which reports shall be recorded in the clerk's office in each of said counties; and in all controversies which may hereafter arise, touching said lines, shall be conclusive evidence. The county courts of the said counties of Monongalia, Harrison and Marion shall, respectively, allow the said commissioners a reasonable compensation for their services, in running and marking the said lines, to be paid out of the county levy of each of said counties respectively, in equal proportions.
- Their compensation. 13. *And be it further enacted*, That all separate elections heretofore authorized to be holden in the counties of Monongalia and Harrison, and falling within the county of Marion, shall be conducted for the county of Marion, in the same manner as heretofore for the county of Monongalia or Harrison.
- Separate elections. Amended. See post. c. 61, § 5. 14. This act shall be in force from the passing thereof.
- Commencement.

CHAP. 60.—An ACT establishing the county of Wayne of part of the county of Cabell.

[Passed January 18, 1842.]

- Wayne county created. Its boundaries. 1. *Be it enacted by the general assembly*, That all that part of the western side of the county of Cabell, contained within the following boundary lines, to wit: Beginning at the mouth of Fourpole creek on the Ohio river, thence a straight line to the mouth of Long branch, (so as to include the house and farm of Asa Booton within the new county;) thence following the top of the dividing ridge between the said Long branch and the Beach fork of Twelvepole river, up to the mouth of Raccoon creek; thence crossing the Raccoon creek to the dividing ridge between the said Beach fork and Guyandotte river; thence along the said dividing ridge to the line dividing the counties of Logan and Cabell; thence with said line to the mouth of Marrowbone creek, a branch of the Tug fork of Big Sandy river; thence down said Big Sandy river, with the line dividing this state from the state of Kentucky, to the mouth of Big Sandy river; thence

up the Ohio river to the place of beginning, shall form one distinct and new county, and be called and known by the name of Wayne county, in memory and in honour of general Anthony Wayne.

2. The governor shall commission thirteen persons as justices of the peace, in and for the said county of Wayne, and the justices now in commission, residing in that part of Cabell county which will be in the county of Wayne, when this act shall commence and be in force, shall be of said number, and shall be commissioned in point of seniority, according to the date of their present commissions; all of whom shall, before entering upon and exercising any of the duties of said office, take the several oaths, and within the time now required by law, of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace now in commission for either of the counties of Cabell, Logan or Wayne; and the justice administering such oaths shall grant a certificate of the same, to be delivered to the justice qualified, who shall file the same in the clerk's office of Wayne county, there to be recorded.

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

4. The permanent place for holding the courts in the county of Wayne, now required by law to be holden for the several counties of this commonwealth, shall be on the lands of Abraham Trout, senior, on Twelvepole river, at or near his present residence in the now county of Cabell, and the county court for the county of Wayne shall provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justices may take and hold the same, provided a full and satisfactory title be made thereto,) upon which to erect a courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws for holding courts and conducting business incident thereto, in the manner now required by law "where land shall not already be provided and appropriated for that purpose;" and said court shall cause said buildings and fixtures to be constructed at the charge of the county of Wayne. The title to any land purchased for valuable consideration, or furnished in free gift, for the site of a courthouse and other public buildings for said county, shall be made in fee simple to any four or more justices of the said county of Wayne, and their successors in office, in trust for the use and benefit of said county.

5. The justices of the peace, commissioned and qualified as aforesaid, for the said county of Wayne, shall meet at the house now the residence of said Abraham Trout, senior, in the now county of Cabell, on the second Monday in June next, and a majority of them being present, shall proceed to the appointment of a clerk of the said court; shall nominate to the governor suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place in the said county of Wayne for holding the courts thereof, until the necessary buildings shall be constructed at or near the said residence of Abraham Trout, senior.

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

Number of justices; how commissioned.

Their oaths.

First court when and where to be held.

Place for holding courts.

Land for public buildings how acquired.

1 R. C. 1819, c. 71, § 16, p. 250.

Title in whom vested.

First court when and where to be held. Amended, post. c. 61, § 3. Clerk to be appointed.

Sheriff and coroner. See post. c. 61, § 4. Temporary place for holding courts.

Who to collect public dues.

- Jurisdiction of courts. 7. The courts of the county of Cabell shall have and retain jurisdiction of all actions and suits depending before them on the first Monday in August next, and shall try and determine the same, and award execution thereon, except in cases where both parties reside within the said new county; which last mentioned cases, together with the papers thereto appertaining, shall after that day be removed to the courts of the county of Wayne, and there tried and determined, and execution awarded.
- Judicial circuit. 8. The said county of Wayne shall be attached to the same judicial circuit with the county of Cabell, and the circuit superior courts of law and chancery thereof shall be holden on the *third* day of May, and on the *third* day of October, in every year, and be of the same brigade district with the county of Cabell.
- Circuit courts. Amended, *post.* c. 61, § 1. 9. The said county of Wayne shall belong to the same senatorial, congressional and electoral districts with the county of Cabell.
- Brigade district. 10. The said county of Wayne and the county of Cabell shall together send one delegate to the house of delegates in the general assembly of Virginia, until a reapportionment of representation shall take place.
- Senatorial, congressional and electoral districts. Representation in legislature. 11. The courts of quarterly sessions of the said county of Wayne, shall be holden in the months of April, July, September and December in every year.
- Quarterly courts. 12. *And be it further enacted,* That the county surveyors of the counties of Cabell and Wayne, together with Joseph Nigley, John Welman and Burwell Spurlock of the now county of Cabell, are hereby appointed commissioners (any three of whom may act) to run and mark the lines between the said counties, as designated by this act, which when run and marked, shall be taken and considered as the dividing lines between the said new county of Wayne and the county of Cabell; and the said commissioners are hereby required to make report of their proceedings in writing, to the county courts of each of said counties, which reports shall be recorded in the clerk's office in each of said counties; and in all controversies which may hereafter arise concerning said lines, shall be conclusive evidence.
- Commissioners to run dividing lines. The county courts of each of said counties shall make such allowance to the said commissioners for their services as they shall respectively deem proper, to be paid out of the county levy of each of said counties respectively.
- Report required to be recorded. 13. *And be it further enacted,* That all separate elections heretofore authorized to be holden in the county of Cabell, and falling within the county of Wayne, shall be conducted for the said county of Wayne in like manner as heretofore for the county of Cabell; and it shall be the duty of the county court of the county of Wayne, at their first court to be holden after the passage of this act, to appoint as many persons as may be necessary to perform the duties of sheriff, at the several places for holding separate elections in the said county of Wayne, and who shall attend at the courthouse of Cabell county to compare the polls, and to do and perform such other duties as are required by law, and who shall be liable to the same penalties as are now imposed by law on sheriffs or their deputies, for failing or refusing to hold separate elections or other omissions of duty; and said court shall also appoint as many commissioners as are required by law to superintend said separate elections.
- Their compensation. 14. This act shall be in force from the passing thereof.
- Separate elections. Persons to conduct them how appointed. See *post.* c. 61, § 5. Commissioners to superintend them. Commencement.

New Counties—Wayne and Marion.—Bounds of Counties.

39

CHAP. 61.—AN ACT amending the act establishing the county of Wayne, and for other purposes.

[Passed February 26, 1842.]

1. *Be it enacted by the general assembly*, That the circuit superior courts of law and chancery for the county of Wayne, shall be held on the sixth day of May and October; of Logan, on the twelfth day of May and October; and of Kanawha, on the twentieth day of May and October. But when any of the aforesaid days shall happen to be Sunday, the said court shall be holden the next day thereafter.

Circuit courts of Wayne and Logan, when held. *Ante*, ch. 60, § 80.

2. *And be it further enacted*, That all process issued, notices given and recognizances taken to the first or other day of the next term of any of the said courts, as heretofore appointed, shall be good and effectual for the like day of the next term of each court appointed by this act.

Provision as to process, &c.

3. *And be it further enacted*, That it shall be the duty of the justices for the county of Wayne, to meet at the house of Abraham Trout, and open a court for said county on the *second Monday in April*, in the same manner and for the same purposes as was prescribed by the act forming said county, directing the meeting to be held on the second Monday in June next: *Provided*, That in case the house of the said Abraham Trout should not afford sufficient room and accommodations for holding said courts, the justices aforesaid, and the judge of the circuit superior court of law and chancery for said county, shall have power to adjourn their respective courts to some convenient and appropriate place, not exceeding three miles from the house of the said Abraham Trout, until the necessary buildings and accommodations shall have been provided.

First court for Wayne county, when and where to be held. *Ante*, c. 60, § 5.

Power to change place for holding county and circuit courts.

4. *Be it further enacted*, That in the event of there being no person duly authorized and qualified to discharge the duties of sheriff or coroner in the counties of Wayne and Marion, at the time appointed by law for holding the first session of the circuit superior courts of law and chancery for said counties, it shall be the duty of the judges of said courts, and they are hereby authorized to appoint a suitable and competent person to attend on their respective courts, and execute the orders thereof during their sessions aforesaid, or until a sheriff shall have been appointed and duly qualified to act.

Officers to discharge duties of sheriff and coroner temporarily, how appointed.

5. *Be it further enacted*, That it shall be the duty of the justices of the county courts of said counties, at the first session of their respective courts, to appoint one competent and proper person for each of the places of voting in said counties, to conduct the elections at the ensuing annual elections; and the persons so appointed, shall take the same oaths, be liable to the same penalties, and conduct themselves in all respects in accordance with the requirements which are prescribed for the government of sheriffs and other officers conducting elections, by the act, entitled "an act concerning general elections in this commonwealth," passed April second, eighteen hundred and thirty-one.

Persons to conduct elections for Wayne and Marion, how appointed.

Regulations.

See Sup. R. C. c. 88, p. 98.

6. This act shall be in force from and after the passing thereof. Commencement

CHAP. 62.—AN ACT annexing to the county of Montgomery a part of the county of Pulaski.

[Passed February 14, 1842.]

1. *Be it enacted by the general assembly*, That so much of the county of Pulaski as lies next to and adjoining the county of Montgomery, and is contained within the following boundary lines, to wit: beginning on the line dividing the county of Pulaski from the county of Floyd, at a point on the top of the mountain, opposite to the poor-

Part of Pulaski added to Montgomery.