

# REPORT

—OF—

A. A. LILLY. ATTORNEY GENERAL

IN REGARD TO

VIRGINIA DEBT CASE

AS REQUIRED BY

CHAPTER 45. ACTS 1907



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TRIBUNE PRINTING CO., CHARLESTON, W. VA.

## REPORT OF THE ATTORNEY GENERAL

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*To the Legislature of West Virginia:*

Under and by virtue of chapter 45 of the acts of 1907, the Attorney General is directed to make full and complete report of his acts in regard to the Virginia Debt case to each session of the Legislature during the pendency of said suit. In compliance therewith I hereby submit for your consideration the following:

In view of the fact that the Virginia Debt Commission recently submitted its report, which was very comprehensive, to the Governor and through him the same was transmitted to your body on February 5, 1915, I do not believe it necessary to make this report as full as it would otherwise have been, except for the learned, exhaustive report of said commission.

We feel that your body, as well as the citizenship of the state generally, are especially interested in the amount of money that has been heretofore expended and the purpose for which expended in the defense of this litigation. There has been appropriated \$150,000.00 by the Legislature of this state for the defense of this suit; \$50,000.00 in 1907; \$50,000.00 in 1909; and \$50,000.00 in 1911. In addition to the foregoing appropriations there was expended out of the state emergency fund by order of the Board of Public Works \$12,048.76 and \$1,904.53 out of the civil contingent fund by Ex-Governor Honorable William E. Glasscock with the approval of the Board of Public Works. There was expended by the preceding administrations \$146,886.49.

On the 4th day of March, 1913, there remained unexpended of the appropriation of the legislature of 1911 in the hands of the Board of Public Works \$16,356.80. This appropriation became exhausted on November 5, 1913, and it became necessary by reason thereof for the Governor, with the approval of the Board of Public Works, to pay certain bills which amounted, on December 21, 1914, to \$25,800.80. These two amounts, to-wit, \$16,356.80, which was on

hand March 4, 1913, and \$25,800.80 paid out of the Governor's civil contingent fund, make a total of \$42,157.60. This is the total amount expended by the present administration in the defense of this suit, except at this time there are a few outstanding bills and there has also been some small expenditures made since December 21, 1914. This does not include postage, clerk hire, traveling expenses, etc., which have been incurred in this litigation by the Attorney General's office and which expenses have been paid by the Attorney General out of his contingent fund. These expenses heretofore have been borne out of the legislative appropriations for that purpose, but because of the exhaustion of said appropriations they have been borne as above set forth. Neither does this amount include \$13,489.29 expended by the Virginia Debt Commission out of the \$20,000.00 appropriated by the Legislature of this state in 1913, "to pay the per diem traveling expense, clerk hire, and other current and contingent expenses of the Virginia Debt Commission." This makes a total expenditure in defense of this suit of \$189,044.09.

Although an itemized statement of the expenses made in this case was published down to and including December 21, 1909, yet in view of the general desire of the public to know definitely and in detail the expenditures of the State's money in regard to this suit, I deem it proper to set forth in detail the expenses heretofore incurred in this litigation. A statement of these expenses is attached hereto as appendix "A."

After the opinion of the Supreme Court of the United States on March 6, 1911, the only proceeding had with reference to said cause until the time of my induction into office was a motion on behalf of the Commonwealth of Virginia that the court proceed to determine all questions left open by the decision of March 6, 1911, 220 U. S. 1. This motion was vigorously resisted by my able and learned predecessor, General W. G. Conley and on October 30, 1911, the Supreme Court decided: (222 U. S. 17)

"The disposition of the authorities of the State of West Virginia to await the next regular session of the Legislature,

convening more than one year hence, before considering the matters left open by the Federal Supreme Court when determining the amount which such state should pay as its equitable share of the public debt of the original state of Virginia, which was assumed by West Virginia at the time of its creation as a state, does not furnish sufficient reason for granting a motion on behalf of the State of Virginia, that the court proceed to settle and determine all the questions left open by its decisions."

The bill of complaint of Virginia was predicated on the theory that the Wheeling ordinance August 20, 1863, was the basis of the contract between Virginia and West Virginia whereby West Virginia assumed an equitable proportion of the debt of the Commonwealth of Virginia existing prior to the first day of January, 1861, which section is as follows:

"The new state shall take upon itself a just proportion of the public debt of the Commonwealth of Virginia, prior to the first day of January, 1861, to be ascertained by charging to it all the state expenditures within the limits thereof, and a just proportion of the ordinary expenses of the State government since any part of said debt was contracted, and deducting therefrom the moneys paid into the treasury of the commonwealth from the counties included within the said new state during said period. All private rights and interest in lands within the proposed state, derived from the laws of Virginia prior to such separation shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing in the State of Virginia."

The foregoing provided for the settlement of the debt upon an arbitrary basis. West Virginia was to be charged with (a) all state's expenditures within her limits; (b) a just proportion of the ordinary expenses of the State government since any part of said debt was contracted and was to be credited with moneys paid into the treasury of the Commonwealth from the counties included within the State of West Virginia. There was to be two debit charges and one credit

charge. By the provisions of this ordinance the amount of the debt prior to January 1, 1861, was not material to West Virginia. Neither were the common assets owned by Virginia on January 1, 1861, material. West Virginia would not be interested in the common assets held by Virginia prior to January 1, 1861.

The answer filed by West Virginia sought to defend the State upon the theory adopted by the plaintiff; that is, that the Wheeling ordinance controlled. The opinion of the court of May 27, 1907, overruling the demurrer to plaintiff's bill in substance held that the Wheeling ordinance was the basis of West Virginia's liability and prescribed the method of ascertaining the same. The decree of May 4, 1908, referring the cause to Master Charles E. Littlefield was predicated upon the theory of liability embraced in said ordinance. The report of the Master made in compliance with said decree of reference was substantially predicated upon the said ordinance. Arguments of counsel both for the plaintiff and defendant in the main were predicated upon the same theory. It was not until the opinion of the court of March 6, 1911, the Supreme Court held that the Wheeling ordinance did not provide for a fair basis of settlement, was arbitrary and that the basis of the real contract between the plaintiff and defendant of the common debt of Virginia, assumed an equitable proportion of the common debt of Virginia prior to January 1, 1861, and was embraced in section 8, of article 8, of the West Virginia Constitution of 1862, which is as follows:

"An equitable proportion of the public debt of the Commonwealth of Virginia prior to the first day of January, 1861, shall be assumed by this State, and the Legislature shall ascertain the same as soon as may be 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."

This opinion rendered the amount of assets held by Virginia prior to the 1st day of January, 1861, material. The court was of opinion that a settlement under the Wheeling ordinance would entail a greater



liability upon West Virginia than an adjustment under the provisions of the Constitution of 1862. It will be readily seen that if according to the court's view, West Virginia's liability under the Wheeling ordinance had been as much as the tentative finding of the Supreme Court on March 6, 1911, \$7,182,507.46, and under that theory the common assets would not have been material, then the settlement, as provided by the Constitution of 1862, whereby we expect to receive a proper credit on the principal sum found due by the court by reason of West Virginia owning an equity of 23½ per cent in the common assets of Virginia as of January 1, 1861, would leave West Virginia a much smaller proportion of the common debt.

It is quite apparent from the opinion of Mr. Justice Holmes, rendered on the 6th day of March, 1911, that if Virginia owned stocks of value as of January 1, 1861, that West Virginia would be entitled to have a proper credit for her equity in such stocks and assets as of January 1, 1861, for in said opinion Mr. Justice Holmes, among other things, said

"From this point of view the venture was on behalf of the whole State. The parties interested in the investment were the same, wherever the sphere of corporate action might be. The whole state would have got the gain and the whole State must bear the loss, *as it does not appear that there are any stocks of value on hand.*"

So after opinion of Mr. Justice Holmes of March 6, 1911, it was clearly obvious that the value of the common assets became, as of the date on which West Virginia assumed an equitable proportion of the debt, a very material factor in the proper adjustment and settlement of the pending litigation. At the very time West Virginia was, through her sub-committee and accountants, delving into the archives of Virginia and utilizing such other avenues of information as she deemed necessary looking toward a proper adjustment of the debt, Virginia sought to have the court to proceed at once to a final termination of the cause on the ground that there was no reasonable hope of an amicable adjustment. This motion was re-

sisted by full arguments and briefs by counsel for the defendant and the court on November 10, 1913, decided

“The assurance by the attorney general of West Virginia, on behalf of that State, that a commission appointed under a joint resolution of the state Legislature is endeavoring to effect a settlement of the controversy, and needs further time to complete its labor, requires the denial of a motion by the Commonwealth of Virginia that the Federal Supreme Court proceed at once to settle and determine the amount which West Virginia should pay as its equitable share of Virginia’s public debt, which was assumed by West Virginia at the time of its creation as a state.”

The court granted West Virginia an extension of time for investigation and research until the 13th day of April, 1914, and although West Virginia had, through the able work of her Virginia Debt Commission and efficient accountants, unearthed, in a general way, all of the assets of value held by Virginia on January 1, 1861, yet it became necessary in order to get full, accurate and complete information in regard to such assets, to employ additional accountants and other help. This search and investigation was diligently conducted, very thorough and comprehensive. On March 10, 1914, the State of West Virginia, through her Attorney General, served notice on the Attorney General of Virginia, that on the 23rd day of March, 1914, the State of West Virginia would move the court for leave to file on or before the 13th day of April, 1914, a supplemental answer to the original bill of complaint. On the 23rd day of March, 1914, the State of West Virginia moved said court for leave to file her supplemental answer on or before April 13, 1913. Elaborate oral and printed arguments were had on the 13th day of April, the date set by the court on November 10, 1913, for a final hearing of said cause, Virginia insisting on the one hand, that the court should proceed to final decree, West Virginia, on the other hand, that she had real substantial equities in the case that had not been disclosed or allowed, and that she in equity and good conscience should be permitted to file a supplemental answer setting forth her

equities and be given chance to further opportunity to present her full rights and interests.

On June 8, 1914, the Supreme Court decided (234 U. S. 117) :

“The extraordinary nature of the suit between the Commonwealth of Virginia and the State of West Virginia, to determine the amount due to the former by the latter as its equitable share of the public debt of the original State of Virginia, which was assumed by West Virginia at the time of its creation as a state, requires that, contrary to the ordinary rules of legal procedure, the State of West Virginia be permitted, after the Federal Supreme Court has adjudged the amount due, save for clerical errors and the question of interest, to file a supplemental answer asserting the existence of credits which it is averred if properly considered would materially reduce the sum so fixed, and alleging various objections to the allowance of interest, although most of the items embraced in such supplemental answer were contained in the Master’s report, and all were available then for every defense now based upon them if their consideration had been pressed in the aspect and with the assertions of right now made.”

The cause was referred to Charles E. Littlefield, Esq., as Special Master, on the following order made by the court, 234 U. S. 122 :

“That the motion on the part of the state of West Virginia to file the supplemental answer be and the same is hereby granted ; and that the averments in such answer be and the same shall be considered as traversed by the State of Virginia ; that the subject matter of the supplemental answer as traversed be at once referred for consideration and report to Charles E. Littlefield, Esq., the master before whom the previous hearings were had, with directions to hear and consider such evidence and testimony as to the matters set forth in the supplemental answer as the State of West Virginia may deem advisable to proffer, and such counter showing on the part of the State of Virginia as that state may deem advisable to make. The report on the subject to embrace the testimony so taken and the conclusion deduced therefrom, as well as the views of the Master concerning the operation and effect of

the proof thus offered, if any, upon the principal sum found to be due by the previous decree of this court. Nothing in this order to vacate or change in any manner or in any particular the previous decree, and the same to stand wholly unaffected by the order now made or any action taken thereunder until the examination and report herein provided for is made and this court acts upon the same. It is further directed that the proceedings before the Master be so conducted as to secure a report on or before the second Monday of October, 1914."

In compliance with the written request of Master Charles E. Littlefield, West Virginia and Virginia, by counsel, appeared before him in New York City, on June 17, 1914, for the purpose of making arrangements preparatory to the taking of testimony and the doing such other things required by the decree of reference. Adjournment was by agreement, with consent of the Master, had until October 17, 1914, to Richmond, Virginia. Between the date of the meeting in New York on June 17, 1914, and the proceedings to be had in Richmond on August 17th, West Virginia vigorously pursued her investigations through the sub-committee of the Virginia Debt Commission and also through her accountants, attorneys, agents and employees. On October 17, 1914, Virginia and West Virginia appeared before the Master, pursuant to adjournment and proceeded to the taking of testimony, the filing of schedules, etc., and other matters incident to the decree of reference, until on September 12, 1914, when an adjournment was had to October 19, 1914, at which time the cause was to be further heard before the Master in New York, it being understood that each side had finished, except the possible taking of the deposition of one witness.

On October 19, pursuant to adjournment the plaintiff and defendant met and filed elaborate printed briefs and made oral arguments lasting one week. During the oral arguments in New York, Virginia, with the consent of the Master, asked leave to take further evidence by way of depositions in Richmond, and on November 20, 1914, she proceeded to take testimony for some time thereafter.

Pursuant to the direction of the Master on December 7, 1914, the plaintiff and defendant met again in New York for the purpose of taking further testimony and making oral argument. Considerable additional evidence was taken and schedules filed, and further extended oral argument was had, and the case was finally submitted to the Master, with leave, at his direction, for the accountants of Virginia and West Virginia to file certain data and information in regard to controversies specifically limited.

On January 21, 1915, the report of Special Master Littlefield on the supplemental answer was filed in the Supreme Court where said report is now pending, subject to confirmation, modification or rejection. On the 2nd day of February, 1915, the Attorney General of Virginia served notice on your Attorney General that on the 1st day of March, 1915, the Commonwealth of Virginia would file her exceptions to the Master's report and move the court to set the case down for hearing upon the report of the Special Master, filed January 21, 1915. It is the purpose of West Virginia to file such exceptions to the Master's report as she may be advised are proper and agree to a date in the near future whereby briefs may be filed and arguments offered in relation to such matters and things as may properly come before the court.

From the beginning of our connection with this litigation it has been our purpose to expedite and speedily terminate the same with the greatest possible dispatch, consistent with the welfare of the state's interests, and to secure, at the conclusion thereof a full and complete settlement, based on equitable principles, whereby no wrong or injustice shall be done our state. It is to be hoped that the final litigation in this regard will be concluded in the very near future. Some who are not fully advised may be enclined to criticise because the suit has not progressed more rapidly since our connection with it. In view of the new and serious complications and perplexities of the case, and the immense amount of work done we feel that most extraordinary progress has been made.

The various negotiations between Virginia and West Virginia by the debt commission of the two states have been gone into in detail

by the Virginia Debt Commission and as the Governor's message and Appendices, including the said report of the Virginia Debt Commission and the report of Special Master Littlefield, in regard to West Virginia's contentions and claims, it is not desired to belabor this report by special reference to and discussion of these matters *in extenso*.

We deem it not amiss in this connection to state that it has been the unswerving policy of this department to follow carefully and accurately the proceedings of each and every hearing and with painstaking method, prepare them for proper presentation to the public for its information. It is, and has been, our opinion that the public should be intelligently enlightened on all matters touching this question, and to that end we have ever been ready and prompt to supply such information. In this, however, we have faithfully endeavored to exercise a degree of caution and good judgment, commensurate with the dignity of this office, and at the same time adequately satisfy the just inquiries of the citizens of our commonwealth. Feeling keenly the responsibility that rests upon this department in this connection, and knowing it to be the gateway through which official information may be properly disseminated, we have tried to doubly safeguard that information by having it at all times accessible, accurate and free from ambiguity, when it reached the knowledge of the people. With this intention in view, we have attempted to take and maintain an attitude, that would justify our procedure, in the eyes of our own people as well as those of the whole world, in our contention with Virginia, and at the same time satisfy every citizen in the state of West Virginia, interested in the outcome of this litigation.

While material progress and headway have been made toward reducing the tentative finding of the Supreme Court of the United States, yet we hope and believe that still further and added progress will be made in this regard.

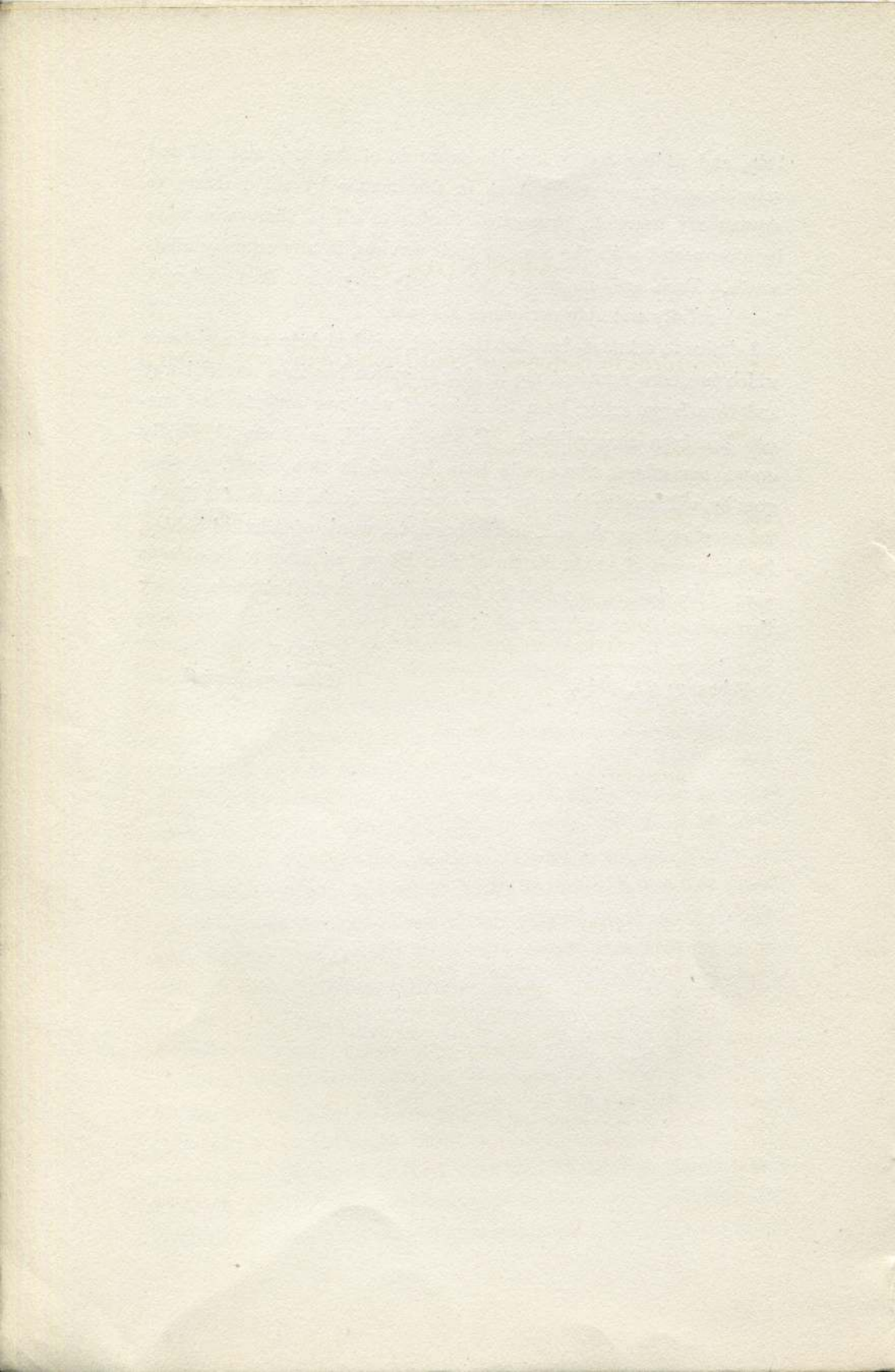
In view of the fact that there have been so many people who have rendered valuable aid and assistance in this case, including His Excellency, the Governor, who has rendered faithful and efficient

help, and feeling deeply sensible as we do of the very material and valuable assistance rendered us in this matter by all, I desire to express my heartfelt, deepseated thanks to all of those who have been connected with the case for their services, in any capacity whatsoever. Each one, no matter what duty may have been assigned, has cheerfully and ably performed his part.

I desire to acknowledge that the most excellent help and assistance which has been rendered me in this litigation has in a material way and to a large extent been the cause of whatever progress and success has been accomplished. If success shall, as it should, finally crown our efforts, those who have labored in this behalf, as time goes by, will receive their just and due credit at the hands of a thankful people and in the end, in the immortal words of Admiral Schley, in his report after the battle of San Diego, we hope to be able to say: "We had an opportunity to contribute in the least to a victory that seems big enough for all of us."

February 22, 1915.

A. A. LILLY,  
*Attorney-General.*





## APPENDIX A.

### Expenditures in Defense of Suit Under Attorney General C. W. May

1907.	Date	Payee	Purpose	Amount.
Feb.	18,	John G. Carlisle,	retainer .....	\$ 5,000.00
Apr.	1,	Mollohan, McClintic & Mathews,	on acct. of services and expenses .....	3,933.40
Apr.	2,	Acme Publishing Co.,	printing briefs.....	112.00
May	2,	Chas. E. Hogg,	services and expenses .....	3,675.00
May	22,	Judd & Detweiler,	printing briefs .....	109.75
July	25,	J. H. McKenney,	6 copies opinion .....	6.00
July	25,	Judd & Detweiler,	printing briefs .....	155.00
July	25,	Douglas Taylor & Co.,	printing briefs .....	30.75
July	25,	P. B. Sheridan,	stenographic services.....	32.00
July	25,	Pechin P. Johnson,	stenographic services.....	278.00
Aug.	6,	J. E. Dana, P. M.,	stamps to mail out copies of the proceedings .....	150.00
Sept.	28,	John G. Carlisle,	on account.....	1,000.00
Oct.	19,	J. E. Dana, P. M.,	stamps to mail out copies of the proceedings .....	100.00
Dec.	9,	Jno. C. Spooner,	retainer fee.....	10,000.00
Dec.	26,	C. W. May,	on account expenses .....	1,000.00
Dec.	26,	John G. Carlisle,	on account.....	4,000.00
Dec.	26,	Mollohan, McClintic & Mathews,	on account .....	1,500.00
Dec.	26,	Chas. E. Hogg,	on account.....	1,500.00
1908				
Feb.	29,	Carl Priddy,	work on accounts.....	25.00
Mar.	23,	Judd & Detweiler,	printing briefs.....	16.00
Mar.	23,	Thos. B. Dixcy,	work on records at Richmond.....	1,466.66
Mar.	23,	V. A. Lewis,	expenses in suit.....	96.84
Apr.	11,	S. C. Steele,	services at Richmond .....	165.90
Apr.	11,	L. A. Petty,	services at Richmond.....	129.90
May	6,	Thos. B. Dixcy,	services at Richmond.....	4,200.00
May	8,	V. A. Lewis,	expenses in suit.....	34.94
May	8,	Mollohan McClintic & Mathews,	expense.....	425.30
May	8,	O. J. Wilkinson,	services at Richmond.....	359.90
May	8,	S. C. Steele,	services at Richmond.....	332.00
May	8,	L. A. Petty,	services at Richmond .....	156.00
Total, . . . . .				\$ 39,960.34

## Expenditures in Defense of Suit Under Attorney General W. G. Conley

May 26, Willards Hotel Co.,.....	300.55
May 26, O. J. Wilkinson, services at Richmond .....	169.80
June 17, O. J. Wilkinson, services at Richmond.....	260.00
June 17, S. C. Steele, services at Richmond.....	164.00
June 17, L. A. Petty, services at Richmond.....	123.00
June 29, Thos. Bird Dixcy, services at Richmond.....	1,600.00
July 10, O. J. Wilkinson, services at Richmond.....	294.15
July 10, L. A. Petty, services at Richmond.....	125.00
July 10, S. C. Steele, services at Richmond.....	125.00
July 13, E. M. Gilkeson, expense attending Virginia Dept. Committee meeting .....	17.25
July 13, Judd & Detweiler, printing briefs.....	13.00
July 13, Virginia Edmond, stenographic services.....	57.50
July 13, L. A. Edwards, clerical services.....	51.00
July 22, Jno. G. Carlisle, account services.....	1,000.00
July 22, Thos. Bird Dixcy, use of Loomis & Conant.....	224.40
July 22, Thos. Bird Dixcy, account services .....	1,358.93
Aug. 1, Virginia Edmond, stenographic services.....	75.00
Aug. 1, L. A. Edwards, clerical services.....	85.00
Aug. 17, Thos. Bird Dixcy, account services.....	1,233.41
Aug. 17, Thos. Bird Dixcy, account services.....	166.59
Aug. 17, O. J. Wilkinson, services.....	260.00
Aug. 17, L. A. Petty, services.....	125.00
Aug. 17, R. M. Kittle, services and expenses.....	142.50
Aug. 24, L. A. Edwards, services in August.....	63.75
Sept. 1, Virginia Edmond, salary August.....	75.00
Sept. O. J. Wilkinson, salary August.....	150.00
Sept. 15, L. A. Petty, services August.....	65.00
Sept. 15, R. M. Kittle, services August.....	125.00
Sept. 15, H. M. O'Blenness, services and expenses.....	143.00
Sept. 15, Thos. Bird Dixcy, part service August.....	1,215.03
Sept. 15, T. B. Dixcy, on account services.....	201.70
1909	
Mar. 3, Ida B. Lusk, stenographic services.....\$	55.00
Mar. 3, Virginia Edmond, stenographic services.....	225.00
Mar. 3, Chas. S. Edwards, salary Dec. 1908, Jan. and Feb. 1909 . . . . .	300.00
Mar. 5, Wm. G. Conley, Atty. Gen. expenses in suit.....	500.00
Mar. 10, National Copper Bank, assignee Thos. B. Dixcy, serv- ices as accountant .....	4,282.26
Mar. 10, Loomis & Conant, assignee T. B. Dixcy, services	584.41
Mar. 12, L. A. Petty services Dec. 1908 and Jan. 1909.....	235.94
Mar. 20, L. A. Petty, services Feb. 1909.....	125.00
Mar. 20, Loomis & Conant, assignee T. B. Dixcy.....	124.73
Mar. 20, T. B. Dixcy, services.....	2,814.50
Apr. 9, Virginia Edmond, stenographic services.....	75.00

Apr. 9,	Charles S. Edwards, services Mar. 1909.....	100.00
Apr. 9,	Ida B. Lusk, services Mar. 1909.....	20.00
Apr. 9,	Mollohan, McClintic & Mathews, on account.....	3,000.00
Apr. 10,	T. B. Dixey, services Mar. 1909.....	3,658.33
Apr. 10,	John G. Carlisle, on account.....	1,000.00
Apr. 10,	L. A. Petty, in full to Apr. 1909 .....	273.07
Apr. 30,	Clerk Circuit Court Monroe County, copy of court records . . . . .	3.50
Apr. 30,	Ida B. Lusk, stenographic work.....	20.00
Apr. 30,	Virginia Edmond, stenographic work.....	75.00
Apr. 30,	Chas. S. Edwards, services.....	100.00
May 15,	T. B. Dixey, professional services .....	4,030.15
May 15,	L. A. Petty, services.....	175.00
May 28,	E. S. Bock, taking depositions.....	42.60
June 1,	Chas. Edwards, services.....	100.00
June 1,	Virginia Edmonds, stenographic services.....	75.00
June 3,	L. A. Petty, services May, 1909.....	175.00
June 3,	T. B. Dixey, services May, 1909 .....	2,699.97
June 18,	V. A. Lewis, expense getting court orders.....	19.10
June 25,	Virginia Edmond, stenographic services.....	75.00
<b>1909</b>		
July 2,	Chas. E. Edwards, services.....	36.05
Oct. 1,	John G. Carlisle, expense.....	51.60
Oct. 1,	L. A. Petty, services July 1909.....	34.80
Oct. 1,	T. B. Dixey, services August 1909.....	2,050.00
Oct. 1,	W. M. O. Dawson, salary July, Aug., Sept., 1909	1,250.00
Oct. 4,	W. G. Conley, Atty. Gen. expenses in suit.....	500.00
Oct. 7,	T. B. Dixey, services Sept. 1909.....	2,083.33
Oct. 7,	Board of Public Works, for the Civil Contingent Fund, reimbursement for amount paid on account of debt suit .....	2,570.22
Oct. 29,	Mollohan, McClintic & Mathews, expenses.....	961.57
Oct. 30,	W. M. O. Dawson, salary Oct. 1909 and expenses....	696.91
Nov. 17,	Richmond Press, printing and binding.....	94.80
Nov. 24,	W. Mollohan, expenses to New York.....	107.25
Nov. 24,	W. M. O. Dawson, salary Nov. 1909.....	416.66
Dec. 22,	W. M. O. Dawson, salary Dec. 1909 and expenses..	803.83
Dec. 22,	John C. Spooner, expenses in suit .....	885.86
Dec. 22,	T. B. Dixey, services Oct. and Nov. 1909.....	2,475.00
Dec. 22,	Katherine Banks, stenographic work.....	45.00
Dec. 22,	Virginia Good, stenographic work.....	55.00
<b>1910</b>		
Feb. 16,	John C. Spooner, on account.....	2,000.00
Feb. 16,	Mollohan, McClintic & Mathews on account.....	1,000.00
Mar. 2,	T. B. Dixey, balance for services.....	500.00
Mar. 9,	W. M. O. Dawson, salary Jan. and Feb. 1910 and expenses . . . . .	923.27
Mar. 30,	W. B. Donally Co., freight and drayage.....	3.00
Mar. 30,	Homer Gray, preparing statement.....	20.00

Apr. 6,	W. B. Donally Co., freight and drayage.....	5.05
Apr. 20,	Judd & Detweiler; printing motion.....	4.00
May 11,	W. M. O. Dawson, salary Mar. and Apr. 1910, and expenses, . . . . .	881.55
May 27,	John G. Carlisle, on account and expenses.....	2,621.40
June 1,	W. B. Donally Co., freight and drayage.....	11.65
June 1,	Chas. E. Hogg, expenses in suit.....	811.00
Aug. 1,	Charleston Utility Co., freight and drayage.....	6.19
Aug. 22,	Richmond Press, printing and binding record.....	1,065.60
Nov. 10,	J. R. W. Morris, Jr., stenographic work.....	2.00
Nov. 10,	Don Blagg, stenographic work.....	5.50
Dec. 21,	S. S. Moore & Co., typewriter rent.....	6.50

## STATE EMERGENCY FUND.

John G. Carlisle.....	\$	101.90
W. M. O. Dawson.....	\$	1,306.01
Chas. S. Edwards.....		214.00
Thos. B. Dixey.....		7,255.05
E. S. Bock.....		30.00
J. M. McWhorter.....		17.45
L. A. Petty.....		610.00
Attorney General, Postage.....		200.00
O. J. Wilkinson.....		700.00
Ida B. Lush.....		87.50
R. M. Kittle.....		364.60
H. M. O'Blenness.....		375.00
Virginia Edmond.....		225.00
Loomis & Conant.....		485.30
S. C. Steele.....		76.95
Total . . . . .	\$	12,048.76

## CIVIL CONTINGENT FUND.

Thos. B. Dixey.....	\$	3,201.30
H. M. O'Blenness.....		145.00
R. M. Kittle.....		141.50
O. J. Wilkinson.....		273.40
John K. Thompson.....		3.55

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\$ 3,764.75

## TOTAL.

Virginia Debt Appropriations.....	\$	99,948.15
State Emergency Fund, above.....		12,048.76
Civil Contingent Fund, above.....		3,764.75
	\$	115,761.66

Less amount paid back to Civil Contingent Fund out of Vir-

ginia debt Fund.....		2,570.22
Total amount paid in defense of the Virginia debt suit to Dec. 21, '10.....	\$	113,191.44

1911.			
Mch.	1,	W. M. O. Dawson, salary to January 15, 1911.....\$	2,966.66
Mch.	1,	L. A. Petty, balance of salary for services rendered as accountant .....	25.05
Mch.	1,	Thos. Bird Dixey, services as accountant .....	1,000.00
Mch.	3,	Molohan, McClintic & Mathews, legal services ...	5,000.00
Apl.	19,	John C. Spooner, legal services .....	5,000.00
Apl.	19,	Charleston Utility Co., drayage .....	4.84
Apl.	26,	Wm. J. Kehoe and John G. Carlisle, Jr., executors, in full of services rendered by John G. Carlisle, de- ceased .....	2,500.00
Apl.	26,	Chas. E. Hogg, in full for legal services rendered to date, \$5,000.00; expenses, \$292.00 .....	5,292.00
Apl.	26,	Brown Bros. & Co., preparing list of West Virginia deferred certificate holders .....	250.00
Nov.	8,	J. F. Hudson, postmaster, stamps to be used for mail- ing list of W. Va. deferred cert. holders .....	150.00
Nov.	15,	J. F. Hudson, postmaster, stamps to be used for mail- ing lists of W. Va. deferred cert. holders .....	130.00
Nov.	15,	J. F. Hudson, postmaster, stamps to be used for mail- ing lists of W. Va. deferred cert. holders .....	20.00
Dec.	15,	Mary Deaderick, five days work at \$3 per day mail- ing lists of W. Va. deferred cert. holders .....	15.00
1912.			
Jany.	3,	Mollohan, McClintic & Mathews, in full of all ser- vices rendered to date .....	6,000.00
Jany.	3,	Mollohan, McClintic & Mathews, expenses incurred in Virginia debt suit .....	226.75
Mch.	6,	Chas. E. Hogg, legal services rendered to date, \$5,000.00; expenses, \$114.74 .....	5,114.74
Total .....			\$ 106,926.15

### Expenditures in Defense of Suit Under Attorney General A. A. Lilly

1913.			
Sept.	15,	Charles E. Hogg, expenses incurred in suit .....	\$ 164.50
Oct.	18,	Judd & Detweiler, Washington, D. C., 200 copies of not of argument .....	20.75
Nov.	20,	Thomas Bird Dixey, professional services rendered in consultation with Atty. Gen. Lilly, \$50; expenses, \$20.17, .....	70.17
Nov.	20,	Park, Potter & Co., professional services rendered in conference with Atty. Gen. Lilly and expenses .....	116.20
Dec.	19,	Clifford E. Scoville, public acct., professional services rendered in consultation with Atty. Gen. Lilly, and expenses .....	49.74

1914.			
Feb.	5,	H. D. Hatfield, Governor, to reimburse civil contingent fund amount paid to V. B. Archer for legal services and expenses .....	504.85
Feb.	5,	V. B. Archer, legal services and expenses .....	1,279.88
Feb.	5,	Chas. E. Hogg, legal services and expenses .....	1,227.30
June	1,	V. B. Archer, legal services and expenses .....	1,435.24
June	1,	Chas. E. Hogg, legal services and expenses .....	2,296.15
June	1,	Union Publishing Co., printing .....	379.12
June	5,	Griffith L. Johnson, stenographic services .....	250.00
June	29,	V. B. Archer, legal services and expenses .....	833.32
July	28,	C. W. Hillman and assistants, services as accountants .....	1,436.90
Aug.	1,	C. D. Bray, services as accountant .....	299.25
Aug.	1,	E. A. Dover, expenses as accountant .....	179.67
Aug.	8,	C. W. Hillman and assistants, services as accountants .....	1,809.09
Aug.	17,	Overton Howard, legal services .....	300.00
Aug.	24,	J. K. Anderson, expenses trip to Richmond, Va., ..	143.04
Aug.	24,	C. W. Hillman and assistants, services as accountants .....	1,847.90
Aug.	26,	American Audit Co., services as accountants ....	1,065.00
Aug.	29	C. D. Bray, services as accountant .....	346.75
Aug.	29,	Standard Printing & Pub. Co., printing .....	105.00
Sept.	9,	J. K. Anderson, expenses trip to Richmond, Va., ...	38.17
Sept.	9,	E. A. Dover, expenses as accountant .....	122.65
Sept.	15,	Hotel Kanawha, room and meals for V. B. Archer, counsel in Virginia debt suit .....	5.95
Sept.	15,	J. K. Anderson, on account of expenses of trip to Richmond, Va., .....	30.21
Total, balance of appropriation, 1911, .....			\$ 16,356.80
1913.			
Nov.	5,	V. B. Archer, service in Virginia debt matter.....	\$ 472.50
Nov.	14,	Virginia Hill, stenographer, Virginia debt matter..	75.00
Nov.	25,	Virginia Hill, stenographer, Virginia debt matter ...	36.00
Dec.	8,	Kanawha Hotel, expenses V. B. Archer, Virginia debt matter .....	32.35
1914.			
Feb.	4,	R. L. Gregory, expenses in Virginia debt matter....	218.30
Feb.	11,	R. L. Gregory, expenses reporting Virginia debt records .....	38.15
Feb.	11,	Overton Howard, in matter Virginia debt case .....	25.00
Feb.	11,	American Audit Co., services in Virginia debt case..	25.00
Feb.	11,	John C. Bond, expenses to Washington in Virginia debt case .....	58.00
Feb.	11,	J. D. W. Melvin, expenses in Virginia debt matter...	200.00
Apr.	3,	Standard Printing & Lithographing Co., printing briefs Virginia debt case .....	199.00
Apr.	3,	Ohio Valley Pub. Co., Printing briefs Virginia debt case .....	145.04
Apr.	20,	Kanawha Hotel Co., expenses V. B. Archer, Virginia	

	debt case .....	24.10
Apr. 22,	H. D. Hatfield, two trips Washington and hotel; J. H. Holt and Joseph Miller .....	266.20
May 5,	R. L. Gregory, expenses Washington, Virginia debt case .....	80.25
May 30,	R. L. Gregory, services, Virginia debt case .....	600.00
May 30,	R. L. Gregory, expenses Richmond, Va. debt case..	300.00
May 30,	Septimus Hall, expenses Richmond, Va. debt case..	150.00
July 24,	H. D. Hatfield, expenses Washington and New York .....	99.15
July 24,	H. D. Hatfield, expenses Richmond, July 1, ....	66.65
July 28,	Septimus Hall, expenses investigation Richmond...	150.00
Aug. 12,	Septimus Hall, expenses investigation Richmond...	100.00
Aug. 12,	R. L. Gregory, expenses investigation Richmond..	200.00
Aug. 12,	H. D. Hatfield, expenses Richmond debt case.....	50.80
Aug. 25,	R. L. Gregory, expenses investigation Richmond.	200.00
Aug. 25,	R. L. Gregory, services Va. debt case .....	500.00
Aug. 29,	John H. Holt, legal services Va. debt case .....	2,000.00
Aug. 31,	H. D. Hatfield, expenses Richmond, Aug. 16.....	69.98
Sept. 9,	H. D. Hatfield, expenses Richmond, Sept. 2-7, .....	70.75
Sept. 9,	John H. Holt, services as counsel .....	2,000.00
Sept. 12,	Overton Howard, services as counsel .....	336.50
Sept. 12,	Septimus Hall, expenses investigation Richmond...	100.00
Sept. 12,	H. D. Hatfield, expenses Richmond, Sept. 9-12,...	59.40
Sept. 12,	J. K. Anderson, part expenses Richmond .....	39.43
Sept. 18,	R. L. Gregory, Personal expenses, stenographer, binding, .....	350.00
Sept. 23,	Mutual Audit Co., services C. W. Hilman et al ...	1,460.00
Sept. 23,	American Audit Co., services Va. debt case .....	440.00
Sept. 24,	J. W. D. Melvin, expenses New York, Va. debt case	78.02
Sept. 24,	C. D. Bray, 21 days' service, expenses, etc. ....	269.25
Sept. 24,	R. L. Gregory, expenses Richmond, Va. debt case..	172.34
Oct. 1,	E. A. Dover, expenses Richmond, Va. debt case...	110.15
Oct. 1,	American Audit Co., balance due on services .....	78.02
Oct. 1,	Weymouth, Meister & Smith binding exhibits.....	3.50
Oct. 1,	I. B. Weller, stenographer, Va. debt case .....	21.00
Oct. 15,	Septimus Hall, services investigation .....	250.00
Oct. 27,	E. A. Dover, expenses New York to hearing .....	102.21
Oct. 27,	Mutual Audit Co., services C. W. Hillman et al ...	1,045.00
Oct. 31,	John H. Holt, services as counsel .....	3,000.00
Oct. 31,	Wm. Byrd Press, insurance premium on records..	8.75
Oct. 31,	R. L. Gregory, services Va. debt case .....	500.00
Nov. 11,	A. Horn & Co., 1,000 maps .....	20.00
Nov. 11,	Mutual Audit Co., services C. W. Hillman et al ...	685.86
Nov. 11,	Standard Printing Co., printing briefs .....	67.50
Nov. 11,	Chas. E. Hogg, services and expenses .....	2,476.95
1914.		
Nov. 11,	Clarence Bonyage, stenographer .....	2,451.80
Dec. 2,	C. C. Pearson, expert services .....	89.80
Dec. 3,	O. Raymond Brown, stenographic services .....	31.20

Dec. 5, Mutual Audit Co., services C. W. Hillman et al ...	478.35
Dec. 11, J. K. Anderson, expenses Richmond .....	41.90
Dec. 19, Underwood Typ. Co., typewrites, R. L. Gregory ...	83.03
Dec. 21, John H. Holt, services as counsel .....	2,000.00
Dec. 21, John T. Harris, services and expert indexing.....	451.64
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Total paid out of Civil Contingent Fund .....	\$ 25,800.80
Grand total expended .....	\$ 42,157.60

## RECAPITULATION

### Expenditures Under Former Administrations

John G. Carlisle, legal services .....	\$17,000.00	
Expenses .....	274.95	\$ 17,274.95
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Mollohan, McClintic & Matthews, legal services..	20,000.00	
Expenses .....	2,154.27	22,154.27
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Chas. E. Hogg, legal srVICES and expenses.....	16,392.75	16,392.75
John C. Spooner, legal services .....	17,000.00	
Expenses .....	885.86	17,885.86
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Total counsel fees .....		\$ 82,952.72
Thomas Byrd Dixcy, accounting, .....	43,404.85	
Printing briefs, opinions, etc., .....	1,600.30	
Clerk hire, stenographic services, etc., .....	18,928.62	63,933.77
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Grand total, .....		\$146,886.49

### Expenditures Under Present Administration

Chas. E. Hogg, legal services and expenses.....	\$ 6,164.90	
V. B. Archer, legal services and expenses, .....	4,588.19	
John H. Holt, legal services and expenses, .....	9,000.00	
Overton Howard, legal services and expenses ...	661.50	
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Total counsel fees .....		\$ 20,414.59
A. E. Dover, C. D. Bray, et als, accounting, .....	11,984.14	
Printing briefs, opinions, etc., .....	947.66	
Clerk hire, stenographic services, etc., .....	8,811.21	21,743.01
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Grand total .....		\$ 42,157.60
Entire cost legal services, .....	\$103,367.31	
Entire cost auditing, .....	55,388.99	
Entire cost printing briefs, opinions, record, etc., .....	2,547.96	
Entire cost clerk hire, stenographic services, etc., .....	27,739.83	
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Grand total, .....		\$189,044.09



Expended under Genaral May, . . . . .	\$ 39,960 34
Expended under General Conley . . . . .	106,926.15
Expended under General Lilly, . . . . .	42,157.60
<b>Total</b> . . . . .	<u>\$189,044.09</u>





