

ACTS
OF THE
LEGISLATURE

OF
WEST VIRGINIA

PASSED AT ITS

TWENTY-SEVENTH REGULAR SESSION

COMMENCING JANUARY 11, 1905.



1905.
MOSES W. DONNALLY, PRINTER.
CHARLESTON.



TABLE OF CONTENTS

ACTS AND JOINT RESOLUTIONS

REGULAR SESSION 1905.

CITY CHARTERS, ETC.

Chapter.	Page.
1. Belington, city of, incorporated.....	1
2. Benwood, city of, charter amended.....	25
3. Bluefield, city of, charter amended.....	44
4. Central City, city of, incorporated.....	86
5. Charleston, city of, bonds for bridge.....	106
6. Elkins, city of, charter amended.....	108
7. Fairmont, city of, bonds for water works.....	113
*8. Huntington, city of, charter amended.....	116
9. Huntington, city of, paving streets, etc.....	121
10. Mannington, city of, charter amended.....	124
11. Morgantown, city of, charter amended.....	129
12. McMechen, city of, incorporated.....	131
13. Philippi, city of, incorporated.....	152
14. Salem, city of, incorporated.....	172
15. Williamson, city of, incorporated.....	189
16. Huntington, city of, removal, etc., of officers.....	206

(*See chapter 16.)

SCHOOL DISTRICTS, ETC.

17. Alderson, independent school district of.....	207
18. Buckhannon, independent school district of.....	216
19. Burnsville, independent school district of.....	222
20. Clarksburg, independent school district of, bonds authorized.....	224
21. Fairmont, independent school district of.....	225
22. Grantsville, independent school district of.....	232
23. Henry, independent school district of.....	235
24. Keyser, school district of.....	238
25. Marlinton, independent school district of.....	242
26. Morgantown, independent school district of.....	252
27. Ravenswood, independent school district of.....	254
28. Ritchie county, General Thomas M. Harris high school of.....	257
29. Ripley, independent school district of, bonds authorized.....	259
30. Sistersville, independent school district of.....	260
31. Tyler county high school.....	270
32. Wheeling, school district of, compulsory attendance.....	272
33. Williamson, independent school district of.....	275
34. Winfield, school district of, bonds authorized.....	283

GENERAL AND SPECIAL LAWS.		
Chapter.		Page.
35.	Assessment of taxes, code amended.....	235
36.	License law; rate of taxation on each subject of taxation, code amended	350
37.	Regulating operations of insurance companies other than life—new law	399
38.	Words "personal property," "real estate" or "real property" for purposes of assessment defined, code amended.....	400
39.	Constituting auditor of state the attorney in fact for all foreign and non-resident domestic corporations—new law.....	401
40.	Act of 1903 authorizing suits against corporations delinquent in payment of license tax, etc., repealed and all suits dismissed.....	403
41.	Authorizing railroad companies to take wood, stone, gravel, earth or water from lands, code amended.....	403
42.	Relating to sales of land for benefit of the school fund, code amended..	406
43.	Registration of voters and penalties, code amended.....	411
44.	State board of embalmers, acts 1899 amended.....	416
45.	Relating to banks, trust companies and building associations, code amended	420
46.	Relating to mine inspection; department of mines created; acts of 1901 and 1890, amended.....	426
47.	Military code, amended.....	430
48.	Relating to county levies, code amended.....	445
49.	Mandamus; power of circuit courts to compel persons and corporations holding franchises to comply with obligations—new law.....	447
50.	Limiting the power of municipal corporations to impose taxes—new law	448
51.	Limiting the indebtedness of counties, cities, school districts and municipal corporations—new law.....	449
52.	Requiring municipal corporations to make and publish annual statements of their financial condition—new law.....	450
53.	General powers of city councils, code amended.....	451
54.	Relief of surety on official bond, code amended.....	454
55.	Trustee of insolvent debtor, bond required of; required to make settlement before commissioner of accounts—new law.....	455
56.	Prohibiting the expenditure of public moneys, acts of extra session 1904 amended.....	456
57.	Dogs chasing or killing sheep; provision for having such dogs killed, code amended.....	457
58.	Relating to vaccination and quarantine, code amended.....	458
59.	To prevent pollution of waters of New and Great Kanawha rivers—new law.....	460
60.	Authorizing the counties of Wirt and Wood and city of Parkersburg to donate certain stocks to the United States government—new law..	460
61.	Relating to the sale of fruit trees, vines and shrubbery, acts 1903 amended	462
62.	Time extended for certain sheriffs to make distraint for taxes, acts 1903 amended.....	464
63.	Time extended in which distraint and sale may be made for taxes—new law	465
64.	Bureau of state archives and history established—new law.....	466
65.	Relating to state property at Capon Springs, acts of 1872-3 amended..	468
66.	Relating to the West Virginia asylum, acts of extra session 1904 amended	471
67.	Relating to education, code amended.....	473
68.	Relating to West Virginia reform school, acts of extra session 1904 amended	475
69.	Relating to the salaries of teachers, code amended.....	478
70.	Relating to school houses and school house sites, code amended.....	479
71.	Concerning fresh meats furnished to state institutions—new law....	480
72.	Providing for workhouse for joint use of county and city—new law...	481

TABLE OF CONTENTS.

GENERAL AND SPECIAL LAWS—Continued :

Chapter	Page
73. Concerning abduction, etc., of inmates from state benevolent, penal and reform institutions—new law.....	489
74. Abduction of child with intent to extort money, code amended.....	490
75. Concerning the employment of children, acts of 1887 amended.....	491
76. Relating to fire escapes on buildings where labor is employed—new law	492
77. Authorizing county court of Barbour county to issue orders to complete court house and jail—new law.....	493
78. Salary of the judge of the criminal court of Cabell county, acts 1893 amended	495
79. Changing the time of holding the criminal court of Cabell county, acts 1893 amended.....	495
80. Terms of the criminal court of Wood county, acts of 1893 amended..	496
81. Salary of judge and terms of the criminal court of McDowell county, acts 1893 amended.....	496
82. Salary of judge of the criminal court of Fayette county, acts of 1891 amended	497
83. Judge of the third judicial circuit authorized to employ official court reporter—new law.....	497
84. Time for holding circuit courts in certain counties of state, acts 1903 amended	498
85. Mileage of judges of the supreme court and circuit courts, code amended	501
86. Relating to grand juries, code amended.....	502
87. Concerning the criminal court for the county of Kanawha, acts of 1890 amended.....	502

JOINT RESOLUTIONS.

Number.	Page.
1. Authorizing the payment of members, officers, etc., of the House and Senate in advance of appropriations therefor.....	510
2. Instructing senators and requesting representatives in congress to resist change in tariff law.....	510
3. Relating to the Virginia debt.....	511
4. Providing certain circuit judges with reports of supreme court.....	511
5. Requesting members of congress to secure passage of amendment to inter-state commerce laws respecting transportation of liquors.....	512
6. Fixing per diem of assistant janitors of capitol during session of legislature	512
7. Raising a joint investigating committee.....	513
8. Authorizing payment of per diem and expenses of Capon Springs commission	514
9. Permitting use of third floor of capitol annex for inaugural ball, etc..	514
10. For the relief of George Goad, sheriff of Braxton county.....	515
11. Providing for colors for coat of arms of the state.....	515
12. Requesting our congressmen to secure location for branch home for soldiers, sailors and marines, in this state.....	516
13. Granting permission to daughters of the confederacy to erect a monument in capitol grounds.....	517
14. Authorizing a committee to investigate the state institutions and report to the governor.....	518
15. Providing for a fifth edition of the code.....	518
16. Adopting a state flag.....	520
17. Permitting the erection of a monument to the memory of the Union soldiers of the war of 1861-1865 in the capitol grounds.....	522

CONCURRENT RESOLUTIONS.

Number.	Page.
1. Adopting joint rules for the government of the two houses.....	521

2. Fixing a time for canvassing the vote for state officers and adopting rules for such joint session.....	521
3. Providing a joint committee to wait upon the governor.....	522

EXTRA SESSION, 1905.

Proclamation of Governor convening the legislature in extraordinary session..	525
---	-----

APPROPRIATION ACTS.

Chapter.	Page.
1. Appropriating money to pay general charges and sundry individual claims	527
2. Appropriations to pay salaries of the officers of the government; also to pay members, officers and attaches of the legislature—regular session	573
3. Appropriations to pay members of the legislature, officers and attaches for the extra session.....	579

JOINT RESOLUTIONS.

Number	Page
1. Respecting the payment of members, officers and attaches of the legislature for the extra session.....	581
2. Respecting the clerk's offices and care of typewriter machines.....	581
3. Providing for the printing and distribution of advance copies of the acts and journals of the two sessions.....	582

CONCURRENT RESOLUTIONS.

Number	Page
1. Providing for a joint committee to wait upon the governor.....	583
2. Adopting joint rules.....	583
3. Providing for a committee to inform the governor that the legislature is ready to adjourn.....	583

COMMISSIONERS.

List of names and postoffice addresses of commissioners appointed by the governor to take acknowledgments of deeds and other writings in other states.....	585
--	-----

APPENDIX A.—*Contains:*

Names of State officials.....
Names of U. S. Senators and Representatives in Congress.....
United States circuit and district courts; commencement of terms; where held, and the names of the judges and officers.....
Supreme court of appeals (State), commencement of terms of; where held, and the names of the judges, clerk and reporter.....
Circuit courts (State), commencement of terms in each county composing the several circuits; also the name of the judge of each circuit.....
Criminal and intermediate courts, commencement of the term of, and the name of the judge of, each court.....
List of sheriffs and post office addresses.....
List of prosecuting attorneys and post office addresses.....
List of clerks of circuit courts and post office addresses.....
List of clerks of county courts and post office addresses.....

INDEX TO ACTS.

Comes next in order after "Appendix A."

- Note by the Clerk of the House:* The following enactments received legislative sanction, but failed to receive the approval of the executive, viz.:
- (Senate Bill No. 76). ‡An act to create and establish the independent school district of Marlinton, county of Pocahontas.
- (House Bill No. 68). *An act to amend and re-enact and reduce into one the several acts incorporating the town of Sutton, in the county of Braxton, defining the powers thereof and describing the limits thereof.
- (House Bill No. 113). *An act to establish the independent school district of Burnsville, in the county of Braxton, in the state of West Virginia.
- (Senate Bill No. 14). **An act to amend and re-enact section 18 of chapter 11 of the acts of 1898, entitled "An act to amend and re-enact the charter of the city of Fairmont, and change the corporate limits of said city so as to include Palatine and West Fairmont."
- (House Bill No. 83). **An act to amend and re-enact section 2 and 2a of chapter 45 of the code relating to the matter of levies for schools.
- (House Bill No. 97). **An act defining motor vehicles and providing for the registration of the same, and uniform rules regulating the use and speed thereof.
- (House Bill No. 103). **An act to establish the criminal court of Mingo county.
- (Senate Bill No. 229). **An act to create and establish the independent school district of Richwood, Nicholas county, West Virginia.
- (House Bill No. 296). **An act to amend and re-enact section 82e of chapter 54 of the code of West Virginia.
- (House Bill No. 369). **An act to amend and re-enact sections 8, 11, 12, 19 and 23 of chapter 216 of the acts of 1872-3 of the legislature of West Virginia, entitled "An act relating to the school district of Martinsburg, West Virginia."
- (House Bill No. 382). **An act abolishing the Intermediate court of Marion county, and providing for the transfer of all proceedings therein to the circuit court of said county.

‡Vetoes by the governor and the house in which the bill originated sustained the veto. Subsequently a new bill was introduced which was passed and became a law.

*Vetoes before the adjournment of the legislature, and the house in which the bill originated sustained the governor's veto.

**Vetoes by the governor after the adjournment of the legislature.

ACTS OF 1905.

(House Bill No. 340.)

CHAPTER 1.

AN ACT to create the municipal corporation of "The City of Belington," in the county of Barbour, to grant a charter thereto, and to annul the charter of the town of Belington.

[Passed February 22, 1905. In effect from passage. Approved February 28, 1905.]

SEC.		SEC.	
1.	Corporate name; rights and powers.	25.	Vote in council.
2.	Corporation limits and boundaries.	26.	Meetings of council.
3.	Wards.	27.	Money of city, to whom paid.
4.	Municipal officers.	28.	Duties and powers of council.
5.	Corporate powers, how exercised.	29.	Mayor's docket.
6.	Subordinate officers, how appointed.	30.	Annual levy.
7.	Eligibility of officers.	31.	Annual assessment.
8.	Election and term of officers.	32.	Assessor's books.
9.	Election of councilmen.	33.	Lien for taxes.
10.	Qualification of voters.	34.	Collection of taxes.
11.	Elections.	35.	Respecting licenses.
12.	Tie vote, how decided.	36.	When license to expire.
13.	Contested elections.	37.	Condemnation of land.
14.	Vacancy in office.	38.	Provision for bonding city.
15.	Other officers provided for.	39.	No debt to be created.
16.	Bonds.	40.	Streets, roads and bridges.
17.	Oath of officers.	41.	Existing ordinances.
18.	Tenure of office.	42.	Officers first elected.
19.	Failure to qualify.	43.	Abutting land owners to maintain sidewalks, streets, etc.
20.	Powers and duties of mayor.	44.	Council to appoint first election of officers.
21.	Powers and duties of recorder.	45.	Charters of the town of Belington repealed.
22.	Quorum.	46.	Inconsistent acts repealed.
23.	Records of minutes.		
24.	Reading of minutes.		

Be it enacted by the Legislature of West Virginia:

The city of Belington.

Sec. 1. That the inhabitants of that portion of Barbour county in the state of West Virginia, included in the boundaries described in section two of this act, be and they are hereby a municipal corporation by the name of "The City of Belington," by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, and purchase, otherwise acquire and hold real estate and personal property needed in the discharge of the functions of government conferred by this charter.

Boundaries.

Sec. 2. The corporate boundaries of the said city shall be as follows, that is to say:

Beginning at a red oak on the west bank of the Tygart's Valley river, a corner to the lands of Joseph Teter's heirs and Valley Coal and Coke Company, and running south $25^{\circ} 30'$ east 57.75 perches to a stake on the Buckhannon road, corner to the Valley Coal and Coke Company, thence with the said road south $35^{\circ} 30'$ west 51.15 perches to a white oak, thence south 66° west 21 perches to a stake, thence south 56° west 28.25 perches to three chestnuts, corner to Laura Hathaway and the Tygart's Valley Mineral and Oil Company, thence south $45^{\circ} 30'$ east 18 perches with said line, thence south $56^{\circ} 30'$ east 4.50 perches with said line, thence north $44^{\circ} 30'$ east 9.25 poles with said line, thence south 37° east 25.25 perches with said line, thence south $37^{\circ} 45'$ east 25.50 perches with said line, thence south $30^{\circ} 45'$ east 12 perches with said line to a white oak, thence south 5° east 10.50 perches with said line to a beech, thence south $14^{\circ} 30'$ west 25.75 perches with said line to a sassafras, thence south 40° west 7.50 perches with said line to a stake with locust pointers, corner to heirs of Jesse Teter, thence with their line south $82^{\circ} 15'$ east 10 perches to a beech and birch, corner to Charles Keiser, thence with his lines south 7° west 48 perches to a white oak stump on the bank of Big run, corner to the heirs of Jesse Teter and said Keiser, thence with their line south $76^{\circ} 15'$ east 150 perches to a stone on the east side of the county road, corner to the heirs of Jesse Teter, thence with their line south 23° west 58 perches to a stone in the river opposite the old Rosenberger mill site, corner to the heirs of Jesse Teter and H. A. Monahan, thence up the Valley river with its meanderings at the water's edge, south $52^{\circ} 31'$ west 29.60 perches, thence south $10^{\circ} 15'$ west 23.20 perches, thence south $5^{\circ} 30'$ east 26.76 perches, thence south 32° east 36.60 perches, thence south $47^{\circ} 30'$ east 13.80 perches, thence south 81° east 21.81 perches, thence north 80° east 28.32 perches passing the south end of the Roaring Creek and Belington Railroad bridge, thence south $80^{\circ} 30'$ east 9.32 perches, thence south $33^{\circ} 30'$ east 9.68 perches, thence crossing the said river, north $87^{\circ} 15'$ east 13 perches to a stake at the culvert on the east side of the said river on the West Virginia Central and Pittsburg Railway; thence south $49^{\circ} 15'$ east 38.74 perches to a stake in Hillyard's field near a line of the Belington Industrial Company, thence south $88^{\circ} 30'$ east 47.88 perches to a stake, thence south $89^{\circ} 40'$ east 24.24 perches to a stake, thence north $79^{\circ} 30'$ east 110 perches

to a stake at the old road, corner to Luther and John Hillyard on the old road crossing the mountain, thence with said road north $18^{\circ} 45'$ west 28.18 perches to a stake in the road, thence north 22° west 39.81 perches to a stake, corner to J. G. Stalnaker and W. S. Phares' place, thence with the said Stalnaker and Phares' line, north $55^{\circ} 30'$ east 71 perches to a stake at the Fairmont and Beverly pike, corner to the said Phares and Stalnaker and W. S. Shurtleff, thence with said pike north $17^{\circ} 30'$ west 75 perches, thence north 3° east 33 perches, thence north $25^{\circ} 30'$ west 28 perches, thence north $44^{\circ} 30'$ west 17 perches, thence north $25^{\circ} 30'$ west 20 perches to corner of J. W. Ward and J. W. Shurtleff, thence leaving the pike and running with said Ward's line, north $14^{\circ} 30'$ east 39.14 perches to a stake, corner to Shurtleff and Ward, thence with said Shurtleff's line north 72° east 39 perches to a locust, corner to Shurtleff, thence north 42° east 97 perches to a stake, corner to Shurtleff and T. T. Elliott, thence south 10° west 6 perches to a stone, corner of Shurtleff and T. T. Elliott, thence north 52° east 67 perches to a white oak, corner to Serpell and Elliott, thence $43^{\circ} 30'$ west 18.80 perches to a gum, corner of Dunham and Elliott, thence with Dunham and Elliott's line north $56^{\circ} 30'$ west 120 perches to a white oak corner to Dunham, thence north 66° west 14.28 perches to a stake, thence north 6° east 5 perches to a stake at the Morgantown pike, thence north 47° west 71.45 perches to two black walnuts in Martha Davis' field, thence north 63° west 99.60 perches to a chestnut in J. W. Thornhill's field, thence south 83° west 84.36 perches to a walnut in J. W. Thornhill's field, thence south 11° west 24.24 perches to a stake at the Fairmont pike, thence north $80^{\circ} 30'$ west 30 perches to a large sugar on the south side of the pike, thence south $86^{\circ} 30'$ west 52.12 perches to a stake in Rohrbough's field, thence south 77° west 128.84 perches to a large sugar on the south side of the Baltimore and Ohio Railroad, thence south 72° west 30 perches, crossing the Tygart's Valley river to the beginning containing 1,300 acres.

Wards.

Sec. 3. The territory included in the said city shall, from time to time, be divided into wards by the common council thereof. The wards shall be as nearly equal as may be in area and population, and when the wards and the boundaries thereof, shall have been once established by an ordinance of the common council, the wards shall thereafter be entitled to elect an equal number of councilmen; but until such establishment of wards by an ordinance of the common council, the

wards shall be as follows, and shall be entitled to elect the number of councilmen provided in the eleventh section of this act:

The first ward shall include all that part of the territory of said city beginning at the county bridge across the Tygart's Valley river and running with Brown avenue to the outer limits of said city as above given and running thence with the said outer limits thereof to the Tygart's Valley river and thence up the said river to the said bridge.

The second ward shall include all that part of the territory of the said city on the west side of said Tygart's Valley river and south of said Bridge street, including all that territory on the west side of said river not included in the first ward as herein laid out.

The third ward shall embrace all that part of the territory of said city included in the following boundaries, that is to say: Beginning at the bridge across the Tygart's Valley river on Bridge street and running with Bridge street to Pike street, thence to the Methodist church, thence running with Serpell avenue to the limits of the said city thence running with the outer limits of said city as prescribed in section two of this act, northward, to the Tygart's Valley river, thence up said river to the said bridge, including all the boundary in said city north of said streets herein above named.

The fourth ward shall embrace all that territory of said city included in the following boundaries, that is to say: Beginning at the bridge across the Tygart's Valley river and running with Bridge street to Pike street and with Pike street to the Methodist church and thence with Serpell avenue to the outer limits of said city as prescribed in section two of this act, and thence with said outer limits in a southerly direction to the said river and thence down said river to the said bridge, including all the boundary in said city south of the streets herein above named.

Sec. 4. The municipal authorities of the said city shall consist of a mayor, to be elected by the voters of the whole city, a recorder, to be elected by the voters of the whole city, and two councilmen from each ward, to be elected by the voters of such ward (eight councilmen as provided by this charter but the number thereof to be increased or diminished if the number of wards be increased or diminished), who together shall form a common council and who shall receive such compensation as the council shall from time to time determine, and shall not be increased or diminished during their term of office.

Exercise of corporate powers.

Sec. 5. All the corporate powers and functions pertaining to said city shall be exercised by its common council, or under its authority, in the corporate name of the city, unless otherwise provided by state law or municipal ordinance.

Subordinate officers.

Sec. 6. The mayor shall nominate, and, by and with the advice and consent of the council, shall appoint a superintendent of streets, a chief of police, a city attorney, an assessor, a collector, a treasurer, and all other officers whose offices may be established by an ordinance of the council, and such officers shall hold the respective offices to which they are appointed during the pleasure of the council and until their successors are appointed and qualified. These several offices, or any two or more of them may be held by the same person, and such officers shall receive such compensation as the council may prescribe by ordinance, and the same shall not be increased or diminished during the term for which the appointment was made.

Eligibility of officers.

Sec. 7. No person shall be eligible to the office of mayor, recorder or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the common council, and was for the preceding year assessed with taxes upon real or personal property within the said city of the assessed value of five hundred dollars, and shall actually have paid the taxes so assessed. And no person shall be eligible to any subordinate office under said city who is not at the time of his election or appointment entitled to vote for members of the common council.

Election of officers.

Sec. 8. On the third Tuesday in June, one thousand nine hundred and five, and every year thereafter on the first Tuesday of March, there shall be elected by the qualified voters of said city, a mayor and recorder. The term of office of said mayor and said recorder shall be one year commencing on the first day of April next after their election and until their successors shall be elected and qualified.

Sec. 9. On the same day first above mentioned in the preceding section two members of the council shall be elected in each ward in said city, who shall reside in the ward for which they are elected, and the candidate receiving the largest number of votes shall be

electd for two years, and the candidate receiving the next highest number of votes shall be elected for one year from the first day of April next succeeding his election, and shall hold their offices until their successors are elected and qualified; and on the first Tuesday in March in each succeeding year one member of the council shall be elected in each ward whose term of office shall begin on the first day of April next succeeding his election and continue for two years and until his successor is elected and qualified; but if any member of the council remove from the ward in which he was elected his office shall thereby become vacant, and the common council shall fill such vacancy by appointment until the next general election of some one residing in the ward who is eligible to the office. Each ward shall constitute an election precinct, and the council of the town of Belington in office at the time of the passage of this act shall establish a voting place in each ward, at which the first election above provided for shall be held, and thereafter the council of said city shall establish such voting place in each ward, and at which the first election above provided for shall be held, and thereafter the council of said city shall establish such voting place in each ward, and at all elections for councilmen the councilmen shall be elected by wards. No voter shall be entitled to vote at any city election except in the ward in which he resides, and if any voter shall vote for any person for councilman who is not a resident of the ward in which he is voted for, such vote or votes shall not be counted for such person or persons.

Who are voters.

Sec. 10. Every male person residing in said city shall be entitled to vote for all officers elected under this act, but no person who is a minor or of unsound mind or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of this state for one year and of said city for six months, and is not a *bona fide* resident of the ward in which he offers to vote, shall be permitted to vote therein.

General elections.

Sec. 11. In all elections by the people the mode of voting shall be by ballot, but the voters shall be left free to vote an open, sealed, or secret ballot, as they may elect. The elections in said city shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this state, relating to general

elections, on the tenth day of March, 1892, except that the persons conducting said election shall on the day after the election is held, deliver the ballots, tally sheets and poll books to the recorder, and thereafter the common council of said city shall meet within ten days after said election and canvass the returns of said election, and declare the result thereof, and in all respects comply with the requirements of the statute above adopted relating to elections. The corporate authorities of said city shall perform all the duties in relation to such elections required by general law of county courts and officers on the 10th day of March, 1892, and the provisions of chapter three of the code of West Virginia, in effect on that date, concerning elections by the people, shall govern such elections and be applicable thereto, and the penalties therein prescribed for offences relating to elections shall be enforced against the offenders of such corporate elections; and the said act shall have the same force and effect as if it were specially applicable in such corporate elections and was by this act specially re-enacted *in extenso*, except as above modified as to the time in which the returns of election and canvass thereof shall be made.

Tie vote, how decided.

Sec. 12. Whenever two or more persons shall receive an equal number of votes for mayor, recorder, or councilman, such tie shall be decided by the council at the time the election is held.

Contested elections.

Sec. 13. All contested elections shall be heard and determined by the common council and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers, and the common council by their proceedings in such cases shall, as nearly as practicable conform with like proceedings of the county court in such cases.

Vacancy in office.

Sec. 14. Whenever a vacancy from any cause shall occur in any office the council shall by a majority vote of those present fill such vacancy.

Appointment of additional officers and defining their duties and fixing compensation of such officers.

Sec. 15. The council shall also have authority to provide by ordinance for the appointment of such other officers as shall be necessary and proper to carry into full force and authority the power, capacity,

jurisdiction and duties of said city which are or shall be vested therein, or in the council, or in the mayor or any other officer or body of officers thereof, and to grant to the officers so appointed the power necessary or proper for the purposes above mentioned. The council by ordinance shall define the duties of all officers so appointed or elected as aforesaid, and allow them reasonable compensation; which shall be payable as the council shall provide, which compensation shall not be increased or diminished during their term of office, and shall require and take from all of them whose duty it shall be to receive its funds, assets or property, or have charge of the same, such bonds, obligations or other writings as they shall deem necessary or proper to insure the faithful performance of their several duties. All officers whether appointed or elected may be removed from office for malfeasance, nonfeasance or misfeasance by the council; but *provided, always*, that any appointed officer who holds his office at the pleasure of the council may be removed from his office at any time without notice. The chief of police shall have all power, rights and privileges within the corporate limits of said city in regard to the arrest of persons, the collection of claims and the execution and return of process, that can be legally exercised by a constable of a district within this state; and may without having any warrant or other process therefor arrest any person who commits any offence against the laws of this state or infraction of the ordinances of said city, in his presence. He shall be *ex-officio* the keeper of the city jail and have charge of the city prisoners confined therein, and may confine any person arrested by him in the city jail until such time as the charges against such person can be inquired into by the mayor. Any person fined by the mayor for infraction of any of the ordinances of the city may pay such fine to either the mayor or chief of police; and the said chief of police and his sureties shall be liable to all fines, penalties and forfeitures that a constable of a district is liable to for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against a district constable. It shall be the duty of the collector and treasurer to collect the city taxes, licenses, levies, assessments and other such city claims as are placed in his hands for collection by the council, and he may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes, and he shall in all other respects have the same powers as the sheriff to enforce the payment and collection thereof.

Bonds.

Sec. 16. All bonds, obligations or other writings taken in pursuance of any provision of this act or under the provisions of any ordinance of said city, shall be made payable to "The City of Belington", and the obligors therein and their heirs, executors, administrators and assigns, bound thereby, shall be subject to the same proceedings on such bonds, obligations or writings for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record or justice of the peace having jurisdiction thereof, held or acting in or for said Barbour county or any district thereof or elsewhere, that the sheriff or collector of said county and his sureties are or shall be subject to on his bond taken for the enforcement of the duties in the payment of the county levies.

Oath of officers.

Sec. 17. The mayor, recorder and council and all other officers provided for in this act shall each, before entering upon the duties of their office, and within fifteen days after their election or appointment, take the oath or affirmation prescribed by law for all officers in this state, and make oath or affirmation that they will truly, faithfully and impartially, to the best of their ability, discharge the duties of their respective offices so long as they continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths under the laws in force at the time the same is taken or before the mayor or recorder of said city, but in any event a copy of said oath of said officers shall be filed with the recorder.

Tenure of Office.

Sec. 18. The mayor, recorder and councilmen, and all other elected officers, shall enter upon the duties of their offices upon the first day of April next after their election, or as soon thereafter as they have qualified, and all appointed officers shall enter upon the duties of their offices as soon as they have qualified; and all officers shall remain in office until their successors are elected and qualified or until removed therefrom.

Ineligibility or failure to qualify.

Sec. 19. If any person elected to any office shall not be eligible thereto under the provisions of this act, or shall fail to qualify as herein required, the council shall declare his said office vacant and proceed to fill the vacancy as required by this act.

Powers and duties of mayor.

Sec. 20. The mayor shall be the chief executive officer of the city, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed. He shall be *ex-officio* a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction in civil case or cause of action arising out of the corporate limits of the city unless the defendant resides or is found therein and process therein served upon him. He shall have the same power to issue attachments in a civil suit as a justice of his county has, but in such case he shall have no power to try the same, but such attachment shall be made returnable and heard before a justice of the peace of his county. Any warrant or other process issued by him may be executed at any place in the county. He shall have control of the police of the city and may appoint special police officers whenever he deems it necessary, and may suspend any police officer until the next regular meeting of the council. And it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may arrest or cause the arrest and detention of all violators of the laws of this state and ordinances of the city, before issuing his warrant therefor if the offence is committed in his presence.

He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof and in default of such payment he may commit the party in default to the jail of the county of Barbour or other place of imprisonment used by said corporation, if there be one, until the fine or penalty and the costs be paid; but the term of imprisonment in such cases shall not exceed thirty days. And in all cases when a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more (and in no case shall a judgment for a fine be for less than ten dollars if the defendant, his agent or attorney object to a less fine being imposed), such person shall be allowed an appeal from such decision to the circuit court of the county of Barbour upon the execution of an appeal bond with security deemed sufficient by the mayor in a penalty sufficient to cover said fine and cost before the mayor, and the costs in the circuit court in case said judgment be affirmed, with condition that the person proposing to appeal will perform and

satisfy any judgment which may be rendered against him by the circuit court on such appeal. If such appeal be taken the warrant of arrest (if any), a transcript of the judgment, the appeal bond and other papers in the case, shall be forthwith delivered by the mayor to the clerk of the said court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, including costs, as the law and the evidence may require. The mayor shall from time to time recommend to the council such measures as he may deem needful to the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer to an indictment, shall be paid by the city and taxed as costs against the defendant. The mayor before acting shall execute bond with good security in a penalty of not less than one thousand dollars, or in such additional penalty as the council may require, subject to the approval of the council, with the same conditions as required in bonds executed by a justice of the peace in chapter fifty of the code; and all the provisions of the said chapter relating to money received by a justice shall apply to like moneys received by the mayor.

Powers and duties of recorder.

Sec. 21. The city recorder shall keep an accurate record of the proceedings of the council, and have charge of and preserve the records of the city, and in case of the absence from the city or in case of the sickness or inability of the mayor to act, or during any vacancy in the office of mayor, he shall perform such duties of the mayor as pertained to him as chief executive of the city, and be vested with all powers necessary for the performance of such duties, but shall not be vested with any of the authority of the mayor pertaining to civil suits. He shall be a conservator of the peace within the city.

Quorum.

Sec. 22. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

Record of minutes and ordinances.

Sec. 23. The council shall cause to be kept by the recorder in a well bound book to be called the "minute book", an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called "ordinance book," accurate copies of all general ordinances adopted by the council; both of which shall be accu-

rately indexed and open to inspection of any one required to pay taxes in the city, or who may be otherwise interested therein. All oaths and bonds of officers in the town, and all papers of the council shall be endorsed, filed and securely kept by the recorder. The bond of officers shall be recorded in a well bound book to be called "record of bonds." The recorder shall perform such other duties as by ordinance of the council may be prescribed. The transcripts of ordinances, acts, orders and resolutions certified by the recorder under the seal of the city shall be deemed *prima facie* correct when sought to be used in any court or before any justice.

Reading of minutes.

Sec. 24. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member the ayes and noes on any question shall be taken and recorded by the recorder in the "minute book." The call of the members for such vote shall be made alphabetically.

Who shall vote in council.

Sec. 25. The mayor and recorder shall have votes as members of the council, and in case of a tie the presiding officer for the time being shall have the casting vote.

Meetings of the council.

Sec. 26. The regular meetings of the council shall be held at such times and at such places in the city as they shall from time to time ordain and appoint; and it shall be lawful for the council by ordinance to vest in any officer of the city, or in any member or number of members of their own body, the authority to call special meetings and prescribe the mode in which notice of such special meetings shall be given. If a majority of the members of council do not attend any regular or special meeting those in attendance shall have authority to compel the attendance of absent members under such reasonable penalties as they may think proper to impose; all questions put to a vote, except such matters as hereinafter provided for, shall be decided by a majority of the members present.

To whom money of city paid.

Sec. 27. All moneys belonging to the city shall be paid over to the city collector and treasurer; and no money shall be paid out by

him except as the same shall have been appropriated by the council and upon an order signed by the mayor and recorder, and not otherwise, except at the expiration of his term of office upon the order of the council signed by the mayor and recorder, he shall pay over to his successor all the money remaining in his hands.

Duties and powers of council.

Sec. 28. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair, the roads and streets, alleys, pavements, sidewalks, crosswalks, drains, sewers and gutters therein, for the use of the citizens or the public and to improve and light the same, and keep them free from obstructions of every kind; to regulate the width and kind of pavements and sidewalks, foot ways, drains and gutters and cause the same to be kept in good order, free and clean by the owners and occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time for holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of said markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits, or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits or to compel the abatement or removal thereof at the expense of the person causing the same or by or at the expense of the owner or occupant of the ground on which said nuisance is placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any town lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals, and fowls of all kinds from going or being at large in such city, and as one means of prevention to provide for impounding or confining such animals and fowls at the expense of the owner thereof, and upon the failure of the owner to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises when and where such worship is held; to regulate the keeping and sale of gunpowder and other inflammable or dangerous substances; and to provide for the regular building of houses or other structures and to provide for the kind of material to be used in the construction thereof, and for the making and maintaining of division fences by the owners of adjoining property, and for the proper

drainage of city lots and other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish assault and battery; to prohibit the keeping or loitering in or visiting houses of ill fame, or loitering in saloons or upon the streets; to prevent lewd or lascivious conduct or other representation; to prevent adultery and fornication; to prohibit the carrying of concealed or dangerous and deadly weapons within the corporate limits of said city; to punish drunkenness; to punish larceny where the amount stolen is less than twenty dollars; to prevent gambling and the keeping and using of slot machines and gaming devices; to prohibit anything against the good morals and common decency and to fix punishment therefor; to prevent the desecration of the Sabbath day, profane swearing, the illegal sale of intoxicating drinks, mixtures or preparations; to protect the persons of those residing or being in said city; to appoint, when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duty, and who when appointed to have the same power and authority in and about the arrest of offenders as the chief of police may have; to build or purchase, or lease a suitable place of imprisonment within said city for the safe keeping or punishment of persons charged with or convicted of a violation of the ordinances of the city, or they may adopt the county jail of Barbour county for that purpose; to erect or authorize or prohibit the erection of gas or water works, or both, within the city limits or near the same; to require any gas company or person furnishing gas for said city or the inhabitants thereof, to put in standard meters for the measurement thereof and may appoint any person to inspect the meters and remove same if not standard and in good order; to prevent injury to such works, or the pollution of any gas or water used or intended to be used by the public or any individual; to require the extension of gas and water lines by such respective companies to any and all parts of the said city when said council may deem the same necessary; to provide for and regulate the weighing of hay, coal, lumber and other articles sold or kept for sale within said city, and to establish rates and charges for the weighing and measuring thereof; to create by ordinance such committees and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein and for the revenue for the city for municipal purposes and to appropriate such revenue to its expenses; and generally to have power to take such measures as are

deemed necessary or advisable to protect persons or property, public or private within the city; to preserve peace, quiet and good order therein and to promote the health, safety, comfort and well being of the inhabitants thereof.

The council shall have authority to pass all ordinances not repugnant to the constitution and laws of the United States, and of this state, which shall be necessary or proper to carry into full effect or power, authority and capacity, the jurisdiction which is or shall be granted to or vested in the said city, or in the council, or in any officer or body of officers of said city, and to enforce any and all of their ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed may compel the offender to labor without compensation at and upon any of the public works or improvements undertaken or to be undertaken by said city, or to labor at any work which the said council may lawfully employ labor upon at such a reasonable rate per diem as the council may fix until any fine or fines and costs upon any such offender by said city have been fully paid and discharged, after deducting reasonable charges of support while in the custody of the officers of the city; *provided, however,* that no fine shall be imposed exceeding thirty dollars and costs, and that no person shall be imprisoned or compelled to labor as aforesaid for more than thirty days for any one offence. And in all cases where a fine is imposed for an amount exceeding ten dollars and costs, or a person be imprisoned or compelled to labor as aforesaid for a greater term than ten days, an appeal may be taken from such decision upon the same terms and conditions as appeals are taken from the judgment of a justice of this state. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city, or, in case of his absence or inability to act, by the recorder of said city, or if he be unable to act, then by any member of the council to be appointed by the council for that purpose; and for his services in trying cases, whether civil, criminal or infractions against the ordinances of the city, the mayor shall be entitled to receive such fees as are paid to justices of the peace for similar services, but in cases of infractions of the ordinances of the city, the mayor shall not be paid such fees unless they are collected from the defendant and in all such cases the chief of police shall be entitled to receive such fees as are paid to constables for similar services, except that for cases for the infraction of the ordinances of the city he

shall not receive such fees unless collected from the defendant; *provided, further*, that the fee for making any arrest shall be one dollar to be paid to the officer making the arrest, whether such officer be the chief of police or other officer, if collected from the defendant but not otherwise. In addition to the powers above enumerated, the said city council shall have power to build, construct, maintain and operate such water works as may be necessary for the proper supply of water to the inhabitants of the said city for both public and private use, and said city shall have the power to purchase or condemn any water works now in the said city or hereafter placed therein by any party other than said city, whenever the council of said city shall deem proper, and such order shall have been ratified by a vote of the qualified voters of said city, at an election called for that purpose, with due notice, and at least two-thirds of the votes cast at said election shall vote for the ratification of the order of said council to purchase or condemn said water works; and the said city shall have the power to enlarge the said water works, if so purchased or condemned, by putting additional reservoirs either within or out of said city; and the said city shall have the right, if its council shall deem proper, and the order of said council be ratified by vote as aforesaid, to build, construct, maintain, and operate such water works in the said city as may be deemed proper without the purchase or acquisition of any water works then in said city, and said city shall have the right to lay pipes and mains for the proper distribution of said water, either in or out of said city, as shall be necessary for the proper distribution of same, and for that purpose may acquire by lease, purchase or condemnation all such land as shall be necessary, either within or without the said city, or they may contract for such work to be done, in either event to supply an adequate supply of pure, healthful water for said city and do all things necessary to supply the said city and the inhabitants thereof with water as aforesaid; and the said city may acquire by purchase or condemnation any electric light plant now in said city or hereafter placed therein by any party other than said city, and shall have the right to build, construct, maintain and operate such plant for furnishing electricity for said city, and for the inhabitants thereof, but no electric light plant shall be purchased, condemned, or built or operated by the said city, without the matter being first submitted to the qualified voters of said city at an election called and held as aforesaid, and the same be ratified by a two-thirds vote of all votes cast at said election. Whenever anything for which

a state license is required is to be done in said city, the council may require a city license therefor and may impose a tax thereon for the use of said city, and whenever said city license is granted by the council for the sale of spirituous, vinous or malt liquors, or drink of like nature, the county court may grant a state license for the sale thereof within the corporate limits of said city, but no state license therefor shall be granted within said city, by the county court or within four miles of the corporate limits thereof, unless the council thereof first grants a city license. The council shall require from every person so licensed to sell spirituous, vinous or malt liquors a bond with good security, to be approved by the council, in a penalty of at least three thousand and five hundred dollars payable to said city, by its corporate name, conditioned as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia, and may revoke such license at any time the conditions of said bond are broken, upon ten days' previous notice to the person holding the same. And suits may be prosecuted and maintained on such bond as prescribed in said section of said chapter by any person for the same causes, in the same manner and to the same extent, as upon the bonds mentioned in said section, and all provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

Mayor's docket.

Sec. 29. A well bound book, indexed, to be denominated the "mayor's docket," shall be kept in the office of the mayor in which shall be noted each case brought before or tried by him together with the proceedings therein, including a statement of the complaint, the warrant or summons, the return, the fact of appearance or non-appearance, the defence, the hearing, the judgment, the cost, and in case the judgment be one of conviction the action taken to enforce the same. The record of each case shall be signed by the mayor and the original papers thereof, if no appeal be taken shall be kept together and preserved in his office.

Annual levy.

Sec. 30. The council shall cause to be made up annually and spread upon its minute book an accurate estimate of all sums which are or may become chargeable against the city and which ought to be paid within one year; and it shall order a levy at a meeting held by it in either the month of June or July of each year of so much

as will in its judgment be necessary to pay the same; such levy shall be upon all real and personal property therein subject to a state tax, and shall designate the same as the "General Tax," and may include a poll tax of not exceeding one dollar each year upon each able bodied man therein who is above the age of twenty-one years and not over fifty years of age; which poll tax shall be used exclusively upon the opening, improving and maintaining the roads, streets and alleys of the city, and shall designate the same as the "Street Tax"; *provided* that such levy for the general tax shall not exceed one dollar on every one hundred dollars of the assessed value of the property on which the same is levied for the year 1905 and not exceeding fifty cents on each one hundred dollars thereafter; and the said council may also impose such license tax upon dogs, and other animals as they may deem proper and collect the same from the owners of such animals as other taxes are collected and prescribe such rules, regulations and penalties governing the payment of such tax on animals as they may deem reasonable. At least once in each year the council shall cause to be made up and published in one or more of the newspapers published in the city an accurate statement of the revenue received from all sources and of all expenditures upon all the different accounts for the preceding year.

Annual assessment.

Sec. 31. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessors of the county and return the same to the council on or before the first day of June of each year, and for this purpose he shall have all the powers conferred by law upon county assessors. He shall list the number of dogs and other animals subject to a license tax in the city and the names of the persons owning the same which list shall be returned to the council at the same time his assessment books are returned. But in making his assessments on real and personal property he shall be governed by the assessment on real and personal property for state and county purposes for said year, and the value placed on said property shall not exceed the value of such assessment for county and state purposes. In order to aid the said assessor in ascertaining the property subject to taxation by said city he shall have access to all books and public records of said Barbour county without expense to him or said city and he shall have the same power and be subject to the same penalties in ascertaining and assessing the property and

subjects of taxation in said city as are granted and imposed on the county assessors throughout the state by general law; and the council shall have authority to prescribe by general ordinance such other rules and regulations as may be necessary to enable and require such assessor to ascertain and properly assess all property liable to be taxed by said city, so that such assessment and taxation shall be uniform and equal, and the council may enforce such rules and regulations by reasonable fines to be imposed on any one failing or refusing to comply therewith.

Assessor's books.

Sec. 32. The assessor shall make two copies of his assessment books each year and extend the taxes in each book and deliver the same when completed and sworn to, to the city council, one of which shall be retained in the office of the recorder and the other delivered to the city collector and treasurer taking his receipt therefor.

Lien for taxes.

Sec. 33. There shall be a lien on real estate within said city for the city taxes assessed thereon, and for all fines and penalties assessed to or imposed upon the owners thereof, by the authorities of said city, including expenses for making sidewalks and streets from the time the same are so assessed or imposed, which shall have priority over all the other liens except taxes or dues due the United States and the lien for taxes due to the state, county or district; and such lien may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of city taxes due thereon, a copy of said delinquent list shall be certified by the council to the auditor of this state and the same may be sold for city taxes, interest and commissions thereon in the same manner, at the same time and by the same officers as real estate is sold for state taxes; and a return of such sales made to and a deed executed therefor, if not redeemed in the same manner and with like effect, as the return of sales of real estate sold for state taxes are made and deeds executed therefor to purchasers.

Collection of taxes.

Sec. 34. It shall be the duty of the city collector and treasurer when the extended copies of the assessor's books are completed, to receive a copy thereof, receipting to the council for the same, and it

shall be his duty to collect from the parties the entire amount of the taxes with which they are severally charged therein, and may proceed to collect the same at any time after the first day of August, and may enforce payment thereof by levy upon the personal property and sale thereof of the person so charged with taxes at any time after the first of October, next after said taxes are assessed; said taxes shall be a lien upon the property upon which they are assessed from and after the time the assessor's books are completed, verified and returned to the city council, and shall write the word "paid" opposite the name of each person who pays the taxes assessed against him and shall also give to the person paying such taxes a receipt therefor; *provided, however,* that said assessor and treasurer may distrain at any time for any taxes assessed against a person who is about to remove or who has removed from said city after such taxes are assessed, and the books returned as aforesaid. He shall also receive such other moneys of the city as he is authorized by this act to receive, and also all moneys ordered by the council to be paid to him, giving receipt therefor to the parties paying the same, and shall keep an accurate, itemized account of all moneys received by him, and his books shall at all times be open for the inspection of the mayor, council, city recorder and to any tax payer of the city. He shall also make up a monthly statement of the money received by him and the amount paid out by him and to whom, showing the amount in his hands from all sources, and shall post the same in the mayor's office on the last day of each month. He shall pay out the money in his hands only upon the order of the city council upon orders signed by the mayor and the recorder. He shall on or before the last meeting of the council in each year just before the expiration of the term of the office of the mayor, and at such other times as the council may require, present to the council a full and complete statement of all the moneys with which he is chargeable or that have been received by him and not previously accounted for, and shall at the same time, in like manner, furnish a complete statement, by separate items of all disbursements made by him during such period, with his vouchers evidencing same. He shall receive all taxes upon licenses and receipt to the party paying the same by endorsement upon the permit granted by order of the council, or mayor as the case may be. He shall receive upon all money coming into his hands and paid out by him as his compensation for receiving and disbursing the same such sum as may be fixed by the council not to exceed five per cent. thereof. He shall upon the expiration of his term of office turn over to the council all

books and other property in his possession belonging to the city except the money in his hands, which he shall turn over to his successor upon the order of the council, as hereinbefore provided; and shall, before entering upon the duties of office, execute a bond with good security payable to said city in a penalty of not less than three thousand dollars, conditioned that he will faithfully discharge the duties of his office and account for and pay over as required by law and the orders, ordinances, rules and regulations of the council of said city, all money which shall come into his hands, which bonds shall be subject to the approval of the council. He shall be chargeable with all the city taxes, levies and assessments and money of the city which shall come into his hands and shall account therefor.

License.

Sec. 35. The council shall prescribe by ordinance the time and manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to the city collector and treasurer before the delivery thereof to the person applying therefor.

Of the time for which license is to be granted.

Sec. 36. The provisions of the twenty-ninth section of chapter thirty-two of the code of West Virginia shall be deemed applicable to licenses of a similar character to those therein mentioned when granted by or under authority of the council of said city; licenses for the keeping of dogs or other animals, shall also expire on the thirtieth day of April next after they are granted.

Condemnation of land for public use.

Sec. 37. The council shall have the right to institute and prosecute proceedings in the name of the city for condemnation of real estate, for streets, alleys, roads, drains, sewers, market grounds, city prison water works, electric light plant or other works, or purpose of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and the expenses thereof shall be borne by the city, except in cases where it is proper under said chapter to charge said expenses or any part thereof against the defendant.

Provision for bonding said city.

Sec. 38. The council of the said city shall have the right to bond the said city for the purpose of paving the said streets or for any other

permanent improvement whenever the council thereof may deem the same necessary, but the aggregate indebtedness of the said city for all purposes shall never at any time exceed five per centum of the assessed valuation of the taxable property therein according to the last assessment next preceding said date, and the said council shall provide a fund for the payment of the interest annually on the said indebtedness so created and to pay the principal thereof within and not exceeding thirty-four years; *provided*, that no debt shall be contracted hereunder, unless all questions connected with the same be first submitted to a vote of the qualified voters of said city, and have received three-fifths of all the votes cast for and against the same.

No indebtedness to be created for current expenses.

Sec. 39. The council of the said city shall not at any time or for any purpose create any indebtedness against the said city except as provided in the next preceding section, exceeding the available assets of the said town for the current year, and if the said council shall create such indebtedness or issue orders on the said town for an amount exceeding the amount of money collected for that year for said town from all sources and the amount of money then in the treasury appropriated, the members of said council shall be severally and jointly liable for the payment of the excess of such indebtedness or orders over the amount of money applicable thereto, and the same may be recovered in any court having jurisdiction thereof.

Streets, roads and bridges.

Sec. 40. The said city shall conduct and maintain its own roads and streets, and by reason thereof shall not be required to pay any district or county road levies for the construction and maintenance of roads outside of the city limits; but the county shall remain chargeable for the construction and maintenance of bridges within the city.

Existing ordinances.

Sec. 41. All the ordinances, by-laws, resolutions and rules of the town of Belington in force on the day preceding the passage of this act, which are not inconsistent therewith, shall be and remain in full force over the whole boundary of said city of Belington as established by this act until the same are amended or repealed by the council of said city, and the officers in office, in the town of Belington at the time this act takes effect shall remain in office until their successors

under this act are elected and qualified, as hereinbefore provided; and after this act takes effect shall have jurisdiction over all the territory embraced in the boundary specified in this act, and shall perform all the duties of such respective officers under this act; but nothing in this act shall be construed or held to in any way affect or impair any of the bonds, obligations or indebtedness of the town of Belington issued or contracted prior to the passage of this act, but on the contrary the said city of Belington shall be liable for all the bonds, obligations and indebtedness of the town of Belington as though the same had been created in the name of the city of Belington.

When officers first elected to assume duties of office.

Sec. 42. The mayor, recorder and councilmen elected on the third Tuesday in June, 1905, as hereinbefore provided, shall assume the duties of their respective offices on the first day of July, 1905, or as soon thereafter as they have qualified; the mayor and recorder shall continue in office until the first day of April, 1906, and until their successors are elected and qualified, and the councilmen from each ward receiving the largest number of votes shall continue in office until the first day of April, nineteen hundred and seven, and the councilmen from each ward receiving the next highest number of votes shall continue in office until the first day of April, nineteen hundred and six, and in each case until their successors are elected and qualified; the terms of all officers elected at any subsequent election shall begin on the date and continue as provided in sections eight and nine of this act.

Power to require abutting land owners to make and maintain sidewalks, streets, etc.

Sec. 43. The council of said city shall have power to require the abutting land owners to put in and maintain such sidewalks as it shall from time to time deem proper, and it shall have the power to regulate the width thereof and designate the material out of which the same shall be built and maintained, and to establish the grade for same, but when a grade therefor has once been established by the council the same shall not afterwards be changed at the expense of the abutting land owner; and said council shall have the right to require the abutting land owners to put in such sewerage as it shall deem proper, and may require the curbing and one-third of the paving of the streets to be done by the abutting land owner, and in case the said abutting land owner shall fail or refuse to carry out any order

of the council under this section after being duly notified of the time and manner in which the same shall be done, the said council shall cause said work to be done and shall charge the same to said abutting land owner, and the same may be collected as taxes are collected and shall be a lien on the property abutting, and may be enforced against the same as liens for taxes are enforced, or at the option of the council, the same may be enforced as the lien of a judgment is enforced against real estate.

The duty of council to appoint officers to hold first election hereunder.

Sec. 44. The council in being in the town of Belington at the time this act shall take effect shall provide places for voting in the several wards of the city and appoint commissioners residing in each ward to hold and conduct the first election hereinbefore provided to be held and shall pass all proper ordinances to give this act full force and effect.

Sec 45. The charter of the town of Belington is hereby annulled and the said city of Belington shall succeed to all the rights, powers and responsibilities of the town of Belington as they exist the day preceding the day on which this act takes effect, and shall enjoy such rights, exercise such powers and discharge such responsibilities in the same manner as the same should have been enjoyed, exercised or discharged if this act had not passed.

Repeal of inconsistent ordinances and acts.

Sec. 46. All ordinances of the town of Belington as they exist at the time of the passage of this act which are inconsistent therewith are hereby abrogated, and all acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

(Senate Bill No. 108.)

CHAPTER 2.

AN ACT to amend and re-enact chapter 44 of the acts of 1882, entitled "An act to incorporate the city of Benwood, in the county of Marshall," as amended and re-enacted by chapter 8 of the acts of 1885, as further amended and re-enacted by chapter 12 of the acts of 1889, and as further amended and re-enacted by chapter 63 of the acts of 1895.

[Passed February 7, 1905. In effect from passage. Became a law without the approval of the Governor.]

SEC.		SEC.	
1.	Corporate name, rights and powers.	25.	Appropriations.
2.	Corporate limits and boundaries.	26.	Scales to be provided.
3.	Officers.	27.	Wharves.
4.	Municipal authorities.	28.	Stagnant water.
5.	Elections.	29.	Crime and punishment.
6.	Mayor.	30.	} Licenses.
7.	Proceedings to enforce ordinances.	31.	
8.	Police court docket.	32.	} Streets and alleys.
9.	} Appeals.	33.	
10.		} Recorder.	34.
11.	} Collector.		35.
12.		} Chief of police.	36.
13.	} Street commissioner.		37.
14.		} Health officer.	38.
15.	} City solicitor.		39.
16.		} City surveyor.	40.
17.	} City assessor.		41.
18.		} City treasurer.	42.
19.	} Wards.		43.
20.		} Meetings of council.	44.
21.	} Quorum.		45.
22.		} Records of minutes.	46.
23.	} Former acts repealed.		47.
24.		} Debt prohibited.	48.
			49.
		50.	

Be it enacted by the Legislature of West Virginia:

That chapter forty-four of the acts of eighteen hundred and eighty-two entitled "An act to incorporate the city of Benwood, in the county of Marshall," as amended and re-enacted by chapter eight of the acts of eighteen hundred and eighty-five, as further amended and re-enacted by chapter twelve of the acts of eighteen hundred and eighty-nine and as further amended and re-enacted by chapter sixty-three of the acts of eighteen hundred and ninety-five, be amended and re-enacted so as to read as follows:

Sec. 1. The inhabitants of Marshall county in this state, now and hereafter residing within the boundaries prescribed in the next section hereof, shall be, and they are hereby constituted a body politic and corporate, by and under the name of "The city of Benwood;" and as

such, and by and in that name, shall have perpetual succession, and a common seal, and may sue and be sued, contract and be contracted with, purchase, lease, hold, and use, real and personal property necessary for corporate purposes, and shall have all the rights, powers and privileges, belonging or appertaining to municipal corporations in this state.

Boundaries.

Sec. 2. The boundaries of said city shall be as follows: Beginning at a point on the west side of the Ohio river in the state line, where the line between Ohio and Marshall counties intersects the same, thence with the Ohio and Marshall county lines crossing the river; S. 85° E. to a stake on the hill side; thence S. 28° W. 140 poles to the abutment of the turnpike bridge over Bogg's run; thence S. 21° W. 22 poles to a stake; thence S. 1° 30' E. 40 poles to a stake on top of hill; thence S. 37° W. 30 poles to a stake; thence S. 27° 30' W. 43 poles to a stake; thence S. 14° W. 17 poles to a stake; thence S. 10° E. 34.5 poles to a white oak; thence S. 3° 30' W. 35 poles to a stake; thence S. 8° E. 12 poles to a stake; thence S. 3° W. 55.5 poles to a stake; thence S. 2° E. 73 poles to a red oak; thence S. 11° 30' E. 24 poles to a stake; thence S. 2° 30' W. 25.5 poles; thence S. 24° E. 34.25 poles to a stake; thence S. 11° E. 38 poles to a stake; thence S. 30° 30' E. 51.5 poles to the southeast corner of the original corporation, on top of the river hill; thence with the top of the ridge of the said hill S. 1° W. 930 feet to a stake; thence S. 37° 45' W. 560 feet to a double honey locust tree on the south point of the hill; thence S. 23° 30' W. 398 feet to a honey locust on the point of the hill; above the hill road; thence leaving the ridge S. 21° 15' E. 384 feet to a stake on the end side of McMechen's run, located S. 21° 15' E. 7.5 feet from a large sycamore standing on the said bank; thence down the run S. 71° 15' W. 132 ft. S. 70° 15' W. 92 ft., S. 68° 45' W. 209.5 ft., N. 85° 45' W. 116 ft. S. 74° 45' W. 400 ft. S. 52° W. 108 ft., S. 86° W. 185 ft. S. 88° 30' W. 247 ft. N. 64° 30' W. 107 ft. N. 78° W. 212 ft. S. 89° 15' W. 179.5 ft. N. 84° 15' W. 140 ft. S. 86° 15' W. 148.5 ft. W. 91 ft. S. 69° 30' W. 178 ft. to the mouth of said McMechen's run; thence crossing the Ohio river S. 81° 15' W. to a point in the mouth Pinch run, at its intersection with the state line; thence up the river with the said state line, to the place of beginning.

Officers.

Sec. 3. The officers of said city shall be a mayor, chief of police,

city collector, who shall be *ex-officio* city recorder; street commissioner, assessor, treasurer, health officer, city solicitor, city surveyor, and two councilmen from each ward. The mayor and chief of police shall be elected by the qualified voters of said city. The councilmen shall be elected by the qualified voters of their respective wards. The other officers named shall be elected by the council of said city. No person shall be eligible for any office in said city, unless he is a qualified voter thereof, nor unless he has resided therein for at least one year before his election; and in the case of a councilman, he shall be a *bona fide* resident of the ward from which he is elected, and the removal of a councilman from the ward in which he is elected, shall vacate his office. All officers of said city except city solicitor and city surveyor must be residents therein and be entitled to vote.

Municipal authorities.

Sec. 4. The municipal authorities of said city shall consist of the mayor and councilmen, who together shall form a common council, and all the corporate powers of said corporation shall be exercised by said council, or under its authority, except where otherwise provided.

Elections.

Sec. 5. The first election hereunder shall be held on the first Tuesday in April, one thousand nine hundred and six, and biennially thereafter. Every person who has been a *bona fide* resident of the said city for one year next preceding any election, and otherwise a qualified voter under the constitution and laws of the state, shall be entitled to vote at such election, in the ward in which he resides. The elections shall be held, conducted, returned, and the results ascertained, certified and determined, under such rules and regulations as may be prescribed by the council, which shall not be inconsistent with the general laws of the state governing municipal elections, and shall conform as nearly as practicable to such laws. Contested elections shall be heard and determined by the common council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the case of county and district officers. The council shall be the judge of the election, return and qualification of its members. In case two or more persons receive an equal number of votes for the same office, the common council shall decide by vote, which of them shall be returned elected, and shall make their return accordingly.

Mayor.

Sec. 6. The mayor shall be the chief executive officer of said city, and shall see that all the orders, by-laws, ordinances, and resolutions, of the council thereof are faithfully executed. He shall be *ex-officio* a justice and conservator of the peace within the city, and shall within the same, have, possess, and may exercise all the powers and perform all the duties, whether in civil or criminal proceeding, vested by law in a justice of the peace. Any summons, warrants or other process issued by him may be executed at any place within the county. He shall have control of the police of the city, and may with the consent of the council, appoint special officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected; and to this end, he may arrest and detain, or cause the arrest and detention of all riotous and disorderly persons before taking other proceedings in the case. He shall from time to time, recommend to the council such measures as he may deem needful for the welfare of the city.

The mayor shall receive a salary of three hundred dollars, (\$300.00) per year, and in addition thereto the fees of his office. He shall preside over the meetings of the council, but shall have no vote except in case of a tie. The mayor shall give bond in penalty to be fixed by the council, and with surety to be approved by the council, for the faithful discharge of the duties of his office, and for accounting for and paying over, as required by law, all moneys which may come into his hands by virtue of his office.

Sec. 7. The process in proceedings to enforce any ordinance prescribing a fine or imprisonment, or a fine and imprisonment, for the violation thereof, shall be a summons in the name of the city of Benwood as plaintiff, directed to the chief of police, or to one of the police officers, or to any regular constable of the county, or to any special constable, requiring him to summon any person accused of such violation, and who may thereafter be designated as defendant, to appear before the mayor at any time and place therein named, make answer to such accusation, and be dealt with according to law. Such summons shall contain such a statement of the facts alleged, as will inform such person of the general nature of the offence against the city, with which he is charged; and, except in case of arrest upon view shall be issued only upon complaint, on oath, of some credible person.

But the mayor may, by endorsement on the summons, order the person so accused to be forthwith apprehended and brought before him for a hearing of the charge. The city recorder of said city, as well as the mayor, shall have authority in the absence, disability, or other unavoidable inconvenience of the mayor, to receive any complaint in writing of the violation of any ordinance, and to sign and issue the proper summons based on such complaint.

The mayor shall have, possess, and may exercise the power and authority belonging to a justice, under sections two hundred and twenty-four and two hundred and twenty-five of chapter fifty of the code of West Virginia, in summoning and enforcing the attendance of witnesses, in punishing for contempt, in granting continuances and in securing and enforcing the further attendance of the accused with a view to a trial or hearing.

Police court docket.

Sec. 8. A book well bound and indexed, to be denominated the "Docket," shall be kept in the office of the mayor, in which shall be noted each case brought or tried by him, together with the summons, and all other proceedings therein. The said "Docket" shall be kept by the city recorder. The record of each sitting or days' proceedings of the court shall be signed by the mayor, or other person acting in his stead; and the original papers thereof, if no appeal be taken, shall be kept together and preserved in said mayor's office, for at least one year.

Appeals.

Sec. 9. In any case for the violation of an ordinance of the said city, in which there is a judgment by the mayor of imprisonment, or a fine of ten dollars or more, (and in no case shall a fine of less than ten dollars be assessed by the mayor, if the defendant, his agent or attorney object thereto,) an appeal shall lie at the instance of the person against whom such judgment is rendered, to the circuit court of Marshall county. Such appeal shall not be granted by the mayor, unless within ten days from the date of the judgment, such person shall enter into a recognizance with security deemed sufficient to appear before the said court, on the first day of the next term thereof, to answer for the offence against the city, with which he stands charged, and not thence depart without leave of said court. The provisions of chapter one hundred and sixty-two of the code of West Virginia, relating to recognizance and criminal cases, shall be applicable to the recognizance

contemplated by this section; but any money recovered thereon or by virtue thereof shall inure to the said city.

Sec. 10. If such appeal be taken, the mayor shall forthwith deliver to the clerk of said court the complaint in writing, if any, the summons, a transcript of the record, including the judgment, the recognizance, and any other papers belonging to the case; and such clerks shall receive and file the same, and place the case upon the trail docket of the next succeeding term of court.

Recorder.

Sec. 11. The recorder shall keep a journal of the proceedings of the council, and have charge of and preserve all the records of the city. He shall be clerk of the police court. In the absence of, or in case of the sickness or disability of the mayor, or during any vacancy in the office of mayor, the recorder shall perform the duties of the mayor which pertain to him as the chief executive of said city and be vested with all the powers necessary for the performance of such duties.

Collector.

Sec. 12. It shall be the duty of the city collector, when the extended copies of the assessor's books are completed, to receive one copy thereof, receipting to the council for the same, and for the taxes therein extended, and it shall be his duty to make out all tax bills, collect from the parties the net amount of taxes with which they are therein severally charged, and such levy and assessment shall be delivered to such collector on or before the fifteenth (15th) day of September in each year. From and after the first day of October, in each year, and until the first day of December succeeding, any citizen and tax-payer shall have the right to make payment of his taxes to such collector and if paid by such tax-payer within that time he shall be entitled to a discount of two per centum, and the tax receipt be delivered up to him. If the taxes so levied, assessed, and placed in the hands of said collector for collection, shall not be paid on or before the first day of January following, then such taxes as remain unpaid, shall bear interest at the rate of six per cent. per annum, which interest shall be collected by the said collector and be accounted for in the same manner as all other moneys that may come into his hands by virtue of his office.

Sec. 13. He shall also receive such other moneys of the city as he is authorized by this charter to receive, and all moneys ordered paid him

by the council, giving receipt therefor to the parties paying and shall keep an accurate account of the same, and his books shall be open at all times for inspection to any tax-payer of the said city, and he shall produce said books to the said council for inspection at any meeting thereof, upon the order of the said council; he shall pay over promptly all moneys which he may receive, within ten days after the receipt thereof, into the hands of the treasurer of the said city. He shall also on or before the first day of January of each year, present to the council a full, complete, and detailed statement of all moneys with which he was chargeable, or that have been received by him from all sources up to that time; and shall at the same time furnish a statement of all taxes and assessments as yet not collected and accounted for, and a statement of the reason for the same. He shall at any other time, upon order of the council, submit a statement of the amount of money with which he is chargeable; and shall receive all taxes upon licenses, and receipt to the party paying the same, by endorsement upon the permit granted by order of council, and shall charge himself with the amount as received and report to the council at the next regular meeting thereafter, the amount so received, and pay the same to the treasurer, taking his receipt therefor. He shall upon the expiration of his term of office, turn over to his successor all moneys, taxes and other property in his possession belonging to the said city.

He shall before entering upon the duties of his office execute a bond with good security, payable to the city of Benwood, in the penalty to be fixed by ordinance, conditioned for the faithful performance, of the duties of his office, and for the accounting for and paying over, as required by law, all moneys which may come into his hands by virtue of his office. For his services as city recorder and collector, he shall receive a salary of four hundred dollars (\$400.00), per year, and in addition thereto a commission of not more than three per cent. to be fixed by council, on all taxes, licenses, and other moneys collected by him and turned over to the treasurer.

Chief of police.

Sec. 14. The chief of police shall, subject to the direction of the mayor and the police committee of the council, have charge of and be responsible for the police force of the city, which police force shall be appointed in such manner, and of such numbers, and paid such compensation, as may be prescribed by ordinance. He shall also perform such other duties as may now, or may hereafter be, by ordinance, prescribed by council. For his services as such chief of police, he

shall receive an annual salary of not more than nine hundred dollars (\$900.00) per year, to be fixed by council. He shall not be eligible for more than two terms in succession.

Street commissioner.

Sec. 15. The street commissioner shall perform the duties which are now, or may hereafter be imposed upon him by ordinance of said city, and shall receive for his services such compensation as council may fix, not to exceed, however, two dollars and fifty cents (\$2.50), for each day actually employed in the performance of such duties as council may, by ordinance or otherwise impose upon him.

Health officer.

Sec. 16. The health officer shall perform such duties as may, by ordinance, be required of him, and shall receive for his services such compensation as the council shall fix, not to exceed, however, in any one year, the sum of more than three hundred dollars (\$300.00).

City solicitor.

Sec. 17. The city solicitor shall prosecute and defend all suits for or against the city, and when requested so to do, shall give his opinion in writing to the mayor, the council, or any standing committee of council, upon such legal questions as may be referred to him affecting the city's interests. For his services he shall receive such compensation as the council may allow.

City surveyor.

Sec. 18. The city surveyor shall perform such duties as may by ordinance and resolution be required of him by council. For his services he shall receive such compensation as council may allow.

City assessor.

Sec. 19. It shall be the duty of the assessor to ascertain the property within said city subject to taxation, including a capitation upon each male inhabitant of said city, who has attained the age of twenty-one years, substantially in manner and form as in the case of assessments by county assessors, and make return thereof to the council on or before the first day of August, in each year. He shall also make out the land books for said city in each year and make proper transfers of such property as shall have changed ownership within the preceding year, and charge the same on said books to the person

who has the property in his possession, whether in fee or for life, on the first day of April in each year; when a tract or lot of land becomes the property of different owners, in several parcels, the assessor shall divide the value at which the whole had been assessed before among the different owners, having regard to the value of each interest compared with that of the whole, and enter the same on the land books for said year. He shall also enter on said land book the value of any old building omitted for one or more years, and of additions or improvements to a building, and of any new building newly erected, not theretofore assessed, if the same be of the value of one hundred dollars or upwards. The value to be assessed on all real property, shall be the same as that for county purposes.

He shall have the same power and be subject to the same penalties, in ascertaining and assessing the property and subjects of taxation in said city, as are conferred and imposed upon county assessors by general law; but the council may correct any error on his part in making such assessment upon the application of any person aggrieved. The council shall have authority to prescribe by general ordinances, such other rules and regulations as may be necessary to enable and require the assessor to ascertain and properly assess all property subject to taxation by said city, so that such assessment and taxation shall be equal and uniform, and may enforce such rules and regulations by reasonable fines to be imposed upon any one failing or refusing to comply therewith. The said assessor shall receive for his services such compensation as council may, by ordinance, allow, not to exceed however, the sum of three hundred dollars (\$300.00) per year.

City treasurer.

Sec. 20. The treasurer of said city shall be the custodian of all moneys, bonds, notes, certificates, and other evidence of indebtedness to the city, together with all valuable papers which may be placed in his hands by the council. All moneys received by the city collector, mayor, or any other officer of said city, shall be paid over to the treasurer, and no money shall be paid out by him, except as the same shall have been appropriated by the council, and then only upon the signed order of the mayor or other presiding officer of the council, and countersigned by the city recorder or person acting in his place, and not otherwise.

He shall before entering upon the duties of his office, execute a bond with good security to be approved by the council, payable to the city

of Benwood, in the penalty to be fixed by the council, conditioned for the faithful performance of the duties of his office and for the accounting for and paying over, as required by law, all moneys which may come into his possession by virtue of his office. For his services as treasurer he shall receive such compensation as council may, by ordinance, allow.

Wards.

Sec. 21. The said city shall be divided into not less than five, nor more than seven wards, but until the first election after this act goes into effect, it shall remain divided into five wards as at present. A change in the wards may be made by the council by ordinance, but in making any such change regard must be had to the compactness of the territory of every ward to an equalizing of the number of inhabitants of the several wards, and no ordinance shall be passed changing the ward which effects a jerrymander of territory, or which does not more nearly equalize the number of inhabitants in the several wards. But a change in the number of councilmen or in the representation from any ward, shall only be made so as to effect the council to be elected to succeed the council making such change. Until otherwise provided by ordinance, the number of councilmen shall remain as at present.

Meetings of council.

Sec. 22. The regular meeting of council shall be held on the second and fourth Tuesday of each month, at such place in the city as council may by ordinance appoint. A special meeting of council may be called by the mayor, or by any number of the members of council specified by ordinance; but reasonable notice of such meeting shall be given in writing to all of the members who can be found. The call and notice must specify the subject of business that the meeting is called to consider, and no business not so specified shall be considered at any such meeting. Such subjects as the call has specified must be recorded in the minutes of the meeting.

Sec. 23. The presence of the majority of the whole number of councilmen shall be necessary to constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members in such a way as council may have provided by ordinance.

Sec. 24. The council shall keep a journal of its proceedings which shall at all times be open to inspection of the citizens of said city, and

at the request of one of the members present, the ayes and nays on any question shall be taken and entered upon the journal.

Appropriations, etc.

Sec. 25. Council shall not appropriate any money, or enter into or authorize any contract on behalf of said city, or enact any ordinance unless two-thirds of all of the members shall concur therein, or unless such appropriations, contract or ordinance, having at one meeting received a vote of a majority of all the members, be concurred in at the next regular meeting held on a different day, by a majority of all the members thereof; no member of council shall discuss or vote on any question in council in which he is interested, other than as a citizen of the city.

Weighing of hay, etc.

Sec. 26. Council may by ordinance provide for the proper weighing or measurement of all hay, straw, stone, coal, potatoes, coke, lumber, lime, cement, sand, oil, spirits, spirituous and malt liquors and wines, or other liquids, which shall be offered for sale in said city.

Wharves.

Sec. 27. Council may by ordinance establish and construct landings, wharves, and docks, on any ground that may belong to the said city, and to repair or alter any landing, wharf or dock, which has been or shall be so constructed, and to establish and collect rates and taxes for using in any manner the landings, wharves and docks, belonging to the said city. And they shall further have authority to pass and enforce such ordinances as shall be proper to keep the same in repair, to preserve peace and good order of the same, and to regulate the manner in which they shall be used.

Stagnant water.

Sec. 28. If any ground in said city shall be subject to be covered by stagnant water, or if the owner or owners, occupier or occupiers, thereof shall permit any offensive or unwholesome substance to accumulate thereon, council shall by ordinance cause such ground to be filled up, or drained, or to cause such substance to be covered, or to be removed therefrom, and to collect for so doing from said owner or owners by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected. *Provided, however,* that reasonable notice shall be

first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice shall be given by publication for not less than ten days, in some newspaper published in the city of Benwood, or in the county of Marshall.

Crime and punishment.

Sec. 29. Council may pass such ordinances as shall be necessary or proper to secure the inhabitants of said city against thieves, robbers, burglars and all other persons violating the peace of said city; for the suppression of riots and gaming, and for the prevention and punishment of lewd, lascivious, indecent, or disorderly conduct, in said city. They shall also have authority to provide in like manner to prevent children from running at large in the streets, or other public places within the city at night. They shall also have authority to provide for the prevention of cruelty to animals, and of cruelty, by neglect or otherwise, to aged people, or imbecile persons, or children within the city.

Public shows, etc.

Sec. 30. Council may by ordinance regulate theatrical exhibitions, public shows, musical performances, and hypnotic exhibitions, and all other performances to which admission is obtained by the payment of money or other reward; also to regulate the employment of all machines or appliances for testing skill, endurance, capacity, or strength, for the use of which money is charged; and of all money-raising appliances of the class known as slot machines, and to grant or refuse licenses for any and all of such performances, and to levy and collect taxes on the same.

Licenses.

Sec. 31. Council may by ordinance grant license to owners and keepers of horses, hacks, carts, wagons, drays, bicycles, and every description of wheeled vehicles kept within the city for hire; to levy and collect taxes thereon, and to subject the same to such regulations as the interest or convenience of the inhabitants of said city, in the opinion of the council, shall require. The council shall also have authority to license and tax hawkers and peddlers, within said city, and persons who temporarily station themselves upon the street to sell or exhibit articles, and to subject the same to such regulations as the interest or convenience of the inhabitants of said city, in the opinion of council, shall require. No license shall permit

the permanent occupancy for private use of an open street or any part thereof.

Sec. 32. Council shall have the exclusive authority within said city by ordinance to grant or refuse license to the keepers of hotels, inns and taverns, houses of public or private entertainment, boarding houses, public eating houses, coffee houses, saloons, places at which spirituous liquors, wine, porter, ale, or beer, intoxicating cider or any drink of like nature, shall be sold, places of public amusement, boarding stables, or stables for keeping and feeding horses for compensation. Council shall have further authority by ordinance to regulate the manner in which such houses or places shall be kept, and to levy and collect a license tax from every person licensed under the authority of this section, in addition to all other taxes imposed upon him or his property; and no person without a license therefor shall sell, or offer or expose for sale, spirituous liquors, wine, porter, ale, or beer, intoxicating cider, or any drink of like nature, within said city

Streets and alleys.

Sec. 33. Council may by ordinance within said city lay out and cause to be opened any streets, walks, alleys and public grounds, or to extend or to widen the same, first having obtained title to the ground necessary for the purpose, and to grade any street, walk, alley, or public ground which is, or shall be, established within said city; to pave, or otherwise improve the same; to cause them to be kept open and in good repair, and generally to ordain and enforce such regulations respecting the same or any of them, as shall be proper for the health, interest or convenience of the inhabitants of the said city.

Condemnation of land.

Sec. 34. Council may, by ordinance, cause to be taken or damaged for the use of the city for streets, alleys and other public purposes, including occupation by sewer, water pipes, gas pipes, steam pipes, compressed air pipes, and electrical or other subways, any private property within the city (and where such use is to secure and improve the water supply, or for sanitary or cemetery purposes, outside of the limits of the city), but no such property shall be taken or damaged without just compensation. The compensation, if it can not be determined by agreement with the owner of the property taken or damaged, shall be ascertained in such manner as is, or may be, prescribed by general law for land for public purposes.

Sidewalks.

Sec. 35. Council may by ordinance establish the width of any sidewalk along any street, alley or public square, or part thereof, and cause to be set or reset, the curbing thereon, and to require that when any such street, alley, or public square, or part thereof, shall be repaired by the city for the laying of sidewalks, by the setting of curb stones, and by grading the sidewalk space, either by filling or cutting, the owner or owners, of such ground, fronting on such street, alley or square, shall properly pave the sidewalks adjacent to their property, and in case of a failure or refusal of such owner, or owners, to so pave the same, or to cause the same to be properly paved by the city, and to levy and collect from such owner, or owners, the cost of the paving adjacent to his property. Council shall have power by ordinance in like manner to require the owners of such property adjacent to any paved sidewalk, whether heretofore or hereafter constructed, to keep such sidewalks in repair, and in default of their doing so to cause the same to be repaired, and assess the cost thereof upon such owners. It shall be lawful for any officer to collect any such tax or assessment, to collect the same from the owners of such ground, or from any tenant or debtor, and such assessment shall be a lien upon such adjacent property.

Taxes.

Sec. 36. The council shall be authorized to levy and collect an annual tax on real estate, personal property and tithables in said city and upon all other subjects of taxation under the several laws of the state, provided said tax does not exceed fifty cents on every hundred dollars of the assessed value of said property, or the sum of one dollar upon every tithable therein; which taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied upon such property, real, personal, and mixed, and on capital on which the state imposes a tax, and to impose a tax on all licenses for which a tax is now, or may hereafter be imposed, for state purposes, in addition to the taxes paid the state, and which said taxes are for the use of the city. The taxes so levied, other than upon licenses, shall be payable on the first day of October, of the year in which the levy is made, Any taxpayer may pay the whole amount of taxes assessed against him, including tithables, in October and November of any year, and receive a discount of two per centum. And taxes on licenses shall be payable on the

first day of May of each year, or at such time as such licenses may be issued.

General authority of council.

Sec. 37. Council shall have authority to pass all ordinances not in conflict with the constitution and laws of the United States, or of this state, which shall be necessary and proper to carry into full effect any power, authority, capacity or jurisdiction, which is, or shall be granted to, or vested in, the said city, or in council, or any officer of said city, or to protect its citizens or others from accident or danger, and to provide for the enforcement of any law or ordinance by reasonable fines and penalties and by imprisoning the offender, or offenders, violating such ordinances, and by compelling them to labor without compensation at any of the public works or improvements undertaken, or to be undertaken, by said city, or by any or all of the said modes. *Provided, however,* that no fines shall be imposed exceeding one hundred dollars, and that no person shall be imprisoned or compelled to labor more than one year for any one offence.

Removal of officers.

Sec. 38. Council shall have authority upon the filing before them, by any person, of charges in writing, against any officer of the city, in any department thereof, to cause an investigation of such charges to be made by the council, or any officer or officers of the city, or committee designated by council. Any such officer or officers, or committee designated to make such investigation, or the council, shall have authority to require the attendance of witnesses before him, or them, and the production of any books or papers pertinent to such inquiry or investigation. The subpoena to compel the attendance of such witnesses or the production of such papers or books, may be issued by the officer or officers, or the chairman of the committee designated by the council to make such investigation. Council may have power to remove or suspend any officer of the city found guilty upon such investigation of charges against him. And without such charges, council may remove officers elected by the council.

Franchises.

Sec. 39. Franchises may be granted by the council allowing to persons or corporations, for a limited time, such occupancy of portions of the streets and alleys as may be necessary for works of public

utility and service, such as steam railway tracks, street railway tracks, polls and trolley wires, telephone and telegraph poles and subways, electric light and other electric poles, wires and subways, and gas and steam pipe lines. But no such franchise shall hereafter be granted, except under the following restrictions and conditions:

First. No ordinance granting any franchise for the using of the streets, alleys or public grounds of the city, for any of the purposes of public utility above named, or for any other purpose of like nature, shall be passed unless it shall have been first proposed in the council, and notice of the object, nature and extent of such franchise shall have been published at least thirty days by the applicant in some newspaper published in the city of Benwood, or county of Marshall, before being acted upon, and shall have received the votes of two-thirds of the members elected to council at a regular meeting or meetings, and after said publication. But before said ordinance shall be acted upon, it shall be read at a regular meeting of council after such publication, and lay over until the next regular meeting of the council.

Second. Every grant of every such franchise shall be for a limited period of time. If no limit be expressly provided in the grant, a franchise shall be valid for one year only. In no case shall the franchise extend for a period exceeding thirty years.

Third. No grant of any such franchise shall be made without at the time of making it providing that the grantee, its successor and assigns, shall indemnify the city against all damages caused by the construction of such works. All reasonable additional provisions and conditions shall be made for the protection of the public from unnecessary damage or inconvenience by reason of such works and the operation thereof.

Fourth. Any corporation or person, to whom a franchise has been heretofore, or may hereafter be granted, or their successors or assigns, who fail to comply with the conditions imposed by the ordinance granting such franchise within one year from the time said conditions are directed to be performed, said franchise shall be and the same become null and void.

Fiscal year.

Sec. 40. The fiscal year of the city of Benwood shall begin on the first day of April, and end on the 31st day of March of each year.

Property subject to taxation.

Sec. 41. All property, real and personal, within said city which is subject to taxation under the constitution and laws of the state of West Virginia, shall be assessed for and subject to taxation for the benefit of said city.

Capitation tax.

Sec. 42. Council may by ordinance also levy an annual capitation tax of not exceeding one dollar upon each inhabitant or tithable of said city, who, under the constitution of this state, is subject to a capitation tax.

Assessments.

Sec. 43. The assessor shall begin the work of assessing annually on the first day of April, and shall complete the assessment book, so far as listing persons, and listing and valuing property with improvements and changes is concerned, on or before the first day of August. When same is completed, notice of the fact, and that the book is on file in his office for inspection by all persons interested, shall be posted at three or more public places in the city, and published as may be prescribed by council. Council shall provide by ordinance for the inspection and correction of said assessment book between the fifteenth and thirtieth days of August, by a committee to be provided by it, and the said notice shall also state the time when, and place where, the sessions of such committee of equalization or review shall be held. The assessor shall assist in the said review. When the work of review is completed, the aggregate of the assessments shall be ascertained, and the corrected book shall be by the assessor prepared for making the extensions thereon of the taxes that shall afterwards be levied by council for the ensuing fiscal year. The assessor shall thereupon extend the taxes on the assessment book and deliver same to the collector, and a copy thereof to the treasurer, who shall charge the collector with the aggregate of such taxes.

Sec. 44. Taxes shall become due on the first day of October in each year, and bear interest from the first day of January next thereafter, at the rate of six per cent. per annum until paid.

Distress for taxes.

Sec. 45. If any person against whom, or upon whose property any taxes shall be lawfully assessed for the benefit of said city, shall not wholly pay such tax on or before the first day of January after

the same shall have become due, it shall be lawful for the officer authorized to collect such tax to take reasonable distress of any personal property in said city, belonging to said delinquent, in which he or she shall have the right of interest, and sell such property, right, or interest at public auction in said city, having given ten days notice of the time and place of sale, by advertisement posted in some public place in said city, and published or posted in such other manner as may be prescribed by ordinance of said city. If council shall by ordinance require any other or more ample advertisement, and out of the proceeds of such sale after defraying all expenses, to pay said city the said tax, or as much thereof as shall be delinquent, and return the remainder, if any, to the owner of the property so levied and sold.

Interest.

Sec. 46. All taxes assessed upon real estate for the benefit of said city shall remain a lien thereon, bearing interest at the rate of six per cent. per annum from the first day of January until the same be fully paid. Such lien may be enforced by the leasing or sale of such real estate under the order of any court having equity jurisdiction in Marshall county. In addition to all other means for the collection thereof, all taxes, as well as all other demands due to the said city, may be recovered by any appropriate suit or proceeding in the name of the city before any justice of Marshall county, or the mayor of said city, if the amount be within his jurisdiction or within the circuit court of said county, if the amount be within the jurisdiction of said court.

Gas works, etc.

Sec. 47. The council may cause to be erected, or prohibit the erection of gas works, electric light works, or water works, and if such works are erected by the city, to make all proper rules and regulations for the management and running of the same, and to make, manufacture, generate, and sell, gas and electricity for lighting and heating purposes, and to furnish water, for a compensation, to its inhabitants.

Debt prohibited.

Sec. 48. The said city is prohibited from creating a bonded indebtedness, and in any year, from making contracts in excess of the revenues of said city, but said city is authorized to borrow money

to meet emergencies: *provided*, provision is made for its payment out of the revenues for the current year.

Sec. 50. All acts and parts of acts, coming within the province of their respective offices, during their present term and until their successors are elected and qualified, unless the office be abolished or be vacated by death, resignation, removal, or otherwise, but their duties and compensation shall be as provided in this act. And all ordinances of said city shall remain in full force and effect until re-ordained or abolished by the council of said city. Council shall have the power to fill all vacancies in office, whether such vacancies occur by death, resignation, removal, or otherwise, and to fill any new offices created by this act, until the next general election.

Sec. 50. All acts and parts of acts, coming within the provisions of this act, and inconsistent herewith, are hereby repealed.

(Senate Bill No. 26.)

CHAPTER 3.

AN ACT to amend and re-enact chapter 99 of the acts of 1897 entitled, "An act to amend the charter of the city of Bluefield, in the county of Mercer," and to define the powers thereof, and to prescribe the corporate limits of said city and to provide for the extension of the corporate limits thereof, and to repeal all acts and parts of acts inconsistent with this act.

[Passed February 17, 1905. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Corporate name, rights and powers.
2. Corporate limits and boundaries.
3. Property heretofore owned.
4. Wards.
5. Qualification of voters.
6. Elections; time of holding.
7. Election of mayor, recorder and treasurer.
8. Election of council.
9. Election of board of supervisors.
10. Qualification and oath of mayor, board of supervisors, members of council.
11. Vacancies and removals.
12. Rules of government of council and board of supervisors.
13. Journal to be kept.
14. Mayor, board of supervisors, members of council not to hold other office.
15. Meetings.
16. Salary of council, board of supervisors.
17. Ordinances, general provisions.
18. Requisites of ordinances.
19. How ordinances passed and recorded.
20. Ordinances concurred in by board of supervisors.
21. Certificate of board's concurrence.
22. Powers vested in council and board.
23. Appropriation of money.
24. Power of council to pass and enforce ordinances.
25. Official bonds.
26. Levy and collection of taxes.
27. Licenses.
28. How assessments to be made.
29. Interest on taxes.
30. Lien of taxes and enforcement of same.
31. Change of location of road or street.
32. Maintenance of streets.
33. Lands for public purposes.
34. Public buildings.
35. Markets.
36. Burial of the dead.
37. Right to take private property.
38. Sidewalks.
39. Paving and sewers.
40. Levy for paving and sewers.

Sec.

41. Paving and sewer fund to be used for no other purpose.
42. Estimate of expenses to be made by board of supervisors.
43. Fire limits.
44. Health.
45. Weight and measures.
46. Sneed and fire-works.
47. Stagnant water, etc.
48. } Offences.
49. }
50. Licenses, how to be issued and paid for.
51. Money, how and when to be paid.
52. Accounts to be audited.
53. Certifications of records.
54. Council to appoint certain officers.
55. Board of supervisors to appoint certain officers.
56. Bonds of officers.
57. Removal of appointive officers.
58. How mayor removed.
59. Qualification of officers.
60. No officer to be interested in any contract.
61. Compulsory attendance of witnesses
62. Member of board disqualified.
63. Money claimants to file oath.
64. Recorder.
65. Duties of mayor.
66. Duties of treasurer.
67. Duties of city attorney.
68. Duties of city engineer.
69. Duties of street commissioner.
70. Duties of chief of police.
71. Duties of health officer.
72. Duties of auditor.
73. Overseer of the poor.
74. Fire department.
75. Duties of board of supervisors.
76. Board to submit estimates.
77. How contracts to be executed.
78. Board to let contracts.
79. Changes of contracts.
80. Board to supervise police and fire departments.
81. Franchises.
82. Police.
83. Sinking fund.
84. Salaries.
85. Penalties not otherwise provided.
86. Special election, if necessary.
87. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-nine of the acts of eighteen hundred and ninety-seven be amended and re-enacted so as to read as follows:

Name and powers.

Sec. 1. That the inhabitants of so much of the county of Mercer as are within the boundaries prescribed by section two of this act, and their successors, shall be and remain and they are hereby made a body politic and corporate, by the name and style of "The City of Bluefield," and as such and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, take, receive, hold and use goods and chattels, lands and tenements and choses in action or any interest, right or estate therein either for the proper use of said city, or in trust for the benefit of any person or corporation therein; and the same may grant, sell, convey, transfer, let and assign, pledge, mortgage, charge and incumber in any case, and in any manner in which it would be lawful for a private individual to do, subject to the limitations and provisions of the constitution of the state; and may have and use a common seal; and shall have all the rights, franchises, capacities and powers appertaining to like corporations in this state, and shall have and succeed to all powers, franchises and immunities, rights and privileges, which were conferred upon or belonged or appertained to said city of Bluefield, by virtue of any act or acts of the legislature of this state, heretofore passed.

Boundaries.

Sec. 2. The corporation limits and boundaries of said city shall be as follows: Beginning at the intersection of the state line between West Virginia and Virginia with the center of the county road between Bluefield, West Virginia, and Graham, Virginia, known as Graham avenue; thence with the said state line north forty-nine degrees and thirty-four minutes west three thousand and fifty-eight feet to a stone corner seven hundred and forty feet north of the stony ridge; thence north sixty-six degrees and thirty-five minutes east twenty thousand seven hundred and twenty-seven feet to a stone corner on the north side of stony ridge; thence south twenty-three degrees and twenty-five minutes east crossing stony ridge at four hundred and fifty-four feet two thousand and six hundred and thirty-six

feet to a stone corner on top of the valley ridge; thence south twenty-five degrees and fifty-three minutes west six thousand six hundred and fourteen feet to a stone corner on the south side of the Wilson valley; thence south sixty-six degrees and thirty-five minutes west six thousand four hundred and thirty-two feet to a stone corner near the Wilson branch; thence south eighty-nine degrees and fifty-five minutes west seven thousand four hundred and twenty feet to a stone corner on the first ridge south of the valley ridge on the state line between West Virginia and Virginia; thence with said state line north forty-nine degrees and thirty-four minutes west two thousand six hundred feet to the point of beginning.

Property heretofore owned.

Sec. 3. All estate of every kind and character heretofore conveyed to or in any way acquired by said city and now owned by it, whether absolutely or in trust, shall be and remain its property.

Wards.

Sec. 4. The said city shall be and is hereby divided into eight wards; said wards to be bounded as follows:

Ward No. 1—On the north by Norfolk and Western Railway Company's right of way; on the east by Thomas street; on the south by the summit of Gravelly ridge, running with a line of the Bluefield Water Works and Improvement Company's lands, and on the west by the line dividing the states of Virginia and West Virginia.

Ward No. 2—On the north by the Norfolk and Western Railway Company's right of way; on the east by Mercer street; on the south by the summit of Gravelly ridge on the line mentioned above; on the west by Thomas street.

Ward No. 3—On the north by the Norfolk and Western Railway Company's right of way; on the east by Higginbotham avenue; on the south by summit of Gravelly ridge on the line mentioned above, and on the west by Mercer street.

Ward No. 4—On the north by the Norfolk and Western Railway Company's right of way; on the east by Monroe street to the intersection of Raleigh street; thence a straight line to summit of Gravelly ridge; on the south by the summit of Gravelly ridge on the lines of the Bluefield Water Works and Improvement Company, and on the west by Higginbotham avenue.

Ward No. 5—On the north by the south lines of wards Nos. 1, 2, 3, 4 and 6. On the east, south and west by the corporate limits of said city.

Ward No. 6—On the north and east by the corporate limits of said city; on the south by the summit of Gravelly ridge, to a point opposite the intersection of Monroe and Raleigh streets; said line being also a part of the northern boundary of ward No. 5; on the west by a straight line to the intersection of Raleigh and Monroe streets, thence along Monroe, crossing the railroad to Henry street, thence along Henry, Sussex and Warren streets to the head of Warren street; thence a straight line to the northern boundary of said city.

Ward No. 7—On the south by the Norfolk and Western Railway Company's right of way; on the east by the lines of ward No. 6; on the north by the corporate line of ward No. 6 to a point on a line of Beasley street; on the west by a straight line running from the said corporate line to the head of Beasley street, thence with Beasley street to Marshall street, thence with Marshall street to Reese street, thence with Reese street to the Norfolk and Western Railway Company's right of way.

Ward No. 8—On the north and west by the corporate lines of said city; on the south by the Norfolk and Western Railway Company's right of way; on the east by the lines of ward No. 7.

Qualifications of voters.

Sec. 5. The male citizens of the city shall be entitled to vote at all elections held within the wards in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in election, or who has not been a resident of the state for one year, and of the said city for sixty days, shall be permitted to vote, while such disability continues.

Elections.

Sec. 6. The first election under this act shall be held on the first Tuesday in May, in the year one thousand nine hundred and five, and thereafter, on the same day in each subsequent year. All elections held under this act shall be held in the manner that is now or shall be hereafter prescribed by the general law for the conduct of elections. Special elections for any purpose must be authorized by the council and concurred in by the board of supervisors, except as herein otherwise provided, and called by the proclamation of the mayor. Such

proclamation shall state the matter or matters to be voted upon at such special election and shall be posted at the front door of the city hall of said city for a period of thirty days next preceding the date fixed for holding such special election, and be published for a like period in some newspaper of general circulation in said city.

Election of mayor, recorder and treasurer.

Sec. 7. On the first Tuesday in May, one thousand nine hundred and six, and on the same day in each succeeding two years, there shall be elected by the qualified voters of said city, a mayor, a recorder and treasurer; who shall respectively hold office for the term of two years from the first day of June in the year in which they are elected, and until their successors are respectively elected and qualified. The treasurer shall give bond in a penalty covering the greatest sum of money which would come into his hands by virtue of said office during the term for which he is elected, the amount thereof to be fixed and approved by the council with the concurrence of the board of supervisors. The present incumbents of the offices of mayor, recorder and treasurer shall hold said offices respectively until the first day of June, one thousand nine hundred and six, and until said time shall perform the duties devolving upon the said officers under this act, except that the duties of the treasurer until the said first day of June, one thousand nine hundred and six, shall remain as under existing law.

Election of council.

Sec. 8. On the first Tuesday in May, one thousand nine hundred and five, there shall be elected, in each ward in which there resides a member of the present council of said city, whose term of office does not expire until the first day of June, one thousand nine hundred and six, by the qualified voters of each of such wards, one member of the council of said city, whose term of office shall be for two years beginning with the first day of June, one thousand nine hundred and five; and in each of the wards of said city where there does not reside a member of the present council whose term of office extends to the first day of June, one thousand nine hundred and six, there shall be elected by the qualified voters on the said first Tuesday of May, one thousand nine hundred and five, two members of the council, whose terms of office shall begin on the first day of June, one thousand nine hundred and five, and the one receiving the highest number of votes in the election shall hold office for the term of two

years from the first day of June, one thousand nine hundred and five, and the one receiving the next highest number of votes in such election shall hold office for the term of one year from said first day of June, one thousand nine hundred and five. On the first Tuesday in May in each year after the year one thousand nine hundred and five, there shall be elected one member of the council from each ward of said city whose terms of office shall be for two years from the first day of June following their election. The members of the present common council of said city shall perform the duties of councilmen thereof until the expiration of the term of office for which they were respectively elected. In case the wards of the city shall be at any time changed, members of council shall be elected therefrom in conformity with the provisions of this section.

Election of board of supervisors.

Sec. 9. At the election herein provided to be held on the first Tuesday in May, one thousand and nine hundred and five, there shall be elected by the qualified voters of the city, three persons, who shall constitute the board of supervisors. The one receiving the highest number of votes shall hold his office for three years; the one receiving the next highest number for two years; and the one receiving the third highest number for one year from the first day of June in the year in which they are elected and until their successors are elected and qualified. At the election to be held on the first Tuesday in May, in each year thereafter, there shall be elected one member of the board of supervisors, who shall hold his office for the term of three years from the first day of June in the year in which he is elected and until his successor is elected and qualified.

Qualifications and oath of mayor, board of supervisors and members of council.

Sec. 10. The mayor, each member of the board of supervisors and each member of the council shall be qualified voters of the city, and each member of the council shall be a qualified voter of the ward from which he is elected. They shall each respectively be the owner of a freehold in said city, which is assessed to him with city taxes for at least one year prior to their election; and they shall respectively be inhabitants of said city for at least one year prior to their election. Before entering upon the duties of their respective offices they shall severally take and subscribe an oath that they possess

the above qualifications and are not subject to any of the disqualifications prescribed in this act; that they will support the constitution of the United States, and of the state of West Virginia, and will faithfully discharge the duties of their respective offices to which they are elected, which oaths shall be filed with and preserved by the auditor. Each member of the board of supervisors shall give bond payable to the city in a penalty to be prescribed by the council, conditioned for the faithful performance of the duties of the office and for the paying to said city of any sum or sums of money expended by his order or permission without proper authority therefor.

Vacancies and removals.

Sec. 11. If a vacancy shall occur in the office of mayor, recorder or collector, the council shall, as soon as practicable, with the concurrence of the board of supervisors, fill the vacancy by the appointment of some eligible person. If a vacancy occur in the board of supervisors or in any office originally filled by appointment by that body, such vacancy shall be filled by appointment by the board of supervisors by the appointment of some eligible person; and if a vacancy occur in the council or in any office which was originally filled by appointment by the council, the same shall be filled by appointment by the council of some eligible person. Persons appointed to fill vacancies shall hold office for the unexpired term for which they are appointed. The council shall have, and it is hereby granted power and authority to remove from office any member of its body for official misconduct, incompetence, neglect of duty, or gross immorality, upon a written specification of charges made by a member of the council or by any responsible citizen; but any member sought to be removed upon such charges shall be served with the same at least ten days before the hearing thereon and shall be entitled to be heard in his defense, and at least two-thirds of the whole number composing the council shall concur in such removal.

Provided; That upon the petition of twenty-five per centum of the voters of the city as shown by the vote at the last preceding city election, or of any ward from which a councilman is elected by twenty-five per centum of the vote of such ward as shown by the last election for councilmen therein, an election shall be called by the council for the purpose of determining the question of the removal of any officer elected by the voters of said city. The said petition shall state the reasons for which such removal is asked and shall state

the particular act with which the officer sought to be removed is charged, and which facts must constitute cause for removal as above, and such petition when signed by the number of voters above prescribed, shall be presented to the council, and if it is in compliance with the above provisions, the said council shall order an election, to be called as provided in this act for special elections, and at said election there shall be submitted to the voters of the city, if the officer sought to be removed was elected by the voters of the whole city, or, if a councilman, to the voters of the ward to which he was elected, the question of the removal of such officer, and if a majority of such voters vote for such removal the facts shall be entered in the journal and the officer declared to be removed, and such vacancy filled as in the case of other vacancies. The ballots used at such election shall have written or printed thereon the words "For removal of (name of officer)," "Against removal of (name of officer)," and the said election shall be held and the result thereof ascertained and declared in the same manner as is herein provided for the holding and conducting of other elections in said city.

Rules for government of council and board of supervisors.

Sec. 12. The council and the board of supervisors shall respectively appoint its own officers and prescribe their duties, except as herein otherwise provided; and shall be the sole judge of the election and qualification of its members, and shall prescribe the rules for its proceedings, except as otherwise herein provided. At the first meeting of the board of supervisors, after the election in each year, they shall elect one of their number president, who shall preside at the meetings of the board without ceasing to be a member and entitled to vote as such. In the absence of the president his duty shall be performed by the member present senior in age. The council shall be presided over at its meetings by the mayor, but he shall not be entitled to vote on any question, except in case of a tie, when he shall cast the deciding vote. In the absence of the mayor, the council shall elect one of its members to preside for the time being. A majority of the whole number of members of either body shall constitute a quorum, but a less number may adjourn from time to time. Said council shall have the power to enact such rules as may by it be deemed necessary to compel the attendance of absent members and provide for the enforcement of such rules in such manner as it may deem advisable.

Journal to be kept.

Sec. 13. The city council and board of supervisors shall each keep a journal of its proceedings, which shall at all reasonable times be open to the inspection of any citizen of the city; and at the request of any member, the yeas and nays of the members on any question shall be taken and recorded in the journal.

Mayor, board of supervisors and members of council not to hold other office.

Sec. 14. No member of the council or board of supervisors or the mayor shall, during the term for which they are elected, be eligible to any other office under the city, nor shall they be employed by the city or paid anything for any other service.

Meetings.

Sec. 15. The council shall, by ordinance fix the time and place for its regular meetings and it may by ordinance vest in some officer of the city, or some member of its body, the power to call special meetings, but such ordinance shall prescribe the manner in which such special meeting shall be called, and no other business shall be transacted at a special meeting except that provided in the call for such meeting. All questions shall be decided by a majority of the members present, except as herein otherwise provided. The board of supervisors shall meet at such times as they may provide and may transact any business they desire at any meeting whether regular or special. The council shall with the concurrence of the board of supervisors provide a room in the city building for the use of said board, and the said board shall have the authority to provide such proper books, stationery and other supplies as may be needed for the proper conduct of its business.

Salary of council and board of supervisors.

Sec. 16. Each member of council shall receive for his services of every kind during his term of office, three dollars for each meeting at which he is in attendance, not to exceed however, the sum of one hundred dollars per annum. Each member of the board of supervisors shall receive a salary to be fixed by ordinance not to exceed six hundred dollars per annum. At each meeting of the council the roll shall be called and the names of those present shall be entered on the journal,

but if there is no quorum present, it shall not be a meeting entitling members to salary as above provided.

Ordinances, general provisions.

Sec. 17. The style of ordinances shall be, "Be it ordained by the council of the city of Bluefield," but all ordinances now in force in said city shall remain in full force and effect until amended or repealed, except such as are inconsistent with the provisions of this act.

Requisites of ordinances.

Sec. 18. All ordinances shall be presented in writing, and upon their presentation shall be referred to the appropriate committee of the council for its recommendation. No ordinance shall be passed at the same meeting at which it is proposed. No ordinance shall contain more than one subject and this shall be clearly expressed in its title; and no ordinance shall be so amended in its passage as to change its original purpose.

How ordinances passed and recorded.

Sec. 19. All ordinances passed by the council shall be spread upon the minutes and read in open council, at the next regular meeting, and if said minutes are found correct the same shall be signed in the presence of the council by the mayor, or, in his absence, by the presiding officer for the time being. The council shall provide an ordinance book, and all ordinances passed shall be copied therein in the order of their passage, and signed by the mayor if found to be correct after a comparison with the originals. Such books shall be indexed to show the subject of each ordinance, and the same, or copies thereof, certified as hereinafter provided, shall be received as evidence by all courts and justices of this state.

How ordinances concurred in by board of supervisors.

Sec. 20. After the passage of any ordinance or resolution, or the appointment of any officer by the council, which requires the concurrence of the board of supervisors, the same shall be at once transmitted to the board for its concurrence or non-concurrence. The board shall consider the same at its next meeting and if concurred in, the same shall be returned to the council with a certificate to that effect, and if not concurred in, the same shall likewise be returned to the council by the board with a statement of its reasons for such non-concurrence; the objection of the board shall be entered on the journal

of the council, and the question shall then be taken by the council by yeas and nays, "Shall the ordinance or resolution pass, or appropriation of money, or appointment of officer be made (as the case may be). the objections of the board of supervisors thereto notwithstanding?" and if two-thirds of the whole number of members of the council vote in the affirmative, that fact shall be entered upon the journal and the ordinance, resolution, appropriation of money or appointment to office shall become and be in full force and effect.

Certificate of board's concurrence.

Sec. 21. . When it is required by this act that any act done by the council shall be concurred in or approved by the board of supervisors, or it is provided that appointments shall be made with advice and consent of said board, it shall be sufficiently attested when the agreement or disagreement of said board is entered in their journal, the yeas and nays being taken on all such matters, and the board shall certify their action thereon to the council or officer making such appointment in such form as it may provide.

Powers vested in council and board.

Sec. 22. All the corporate powers, capacities, authority and jurisdiction of said city shall be vested in and exercised by the council and board of supervisors, except as herein otherwise provided. All real and personal estate and the funds, revenues, claims, rights, titles and privileges of said city shall be under the care, control, management and disposition of the said council and board of supervisors as herein provided; and for the proper administration of the rights, powers, franchises and privileges conferred upon said city by this charter, the said council shall have authority to appoint such officers in addition to those herein provided for and to prescribe their duties and fix their compensation and term of office, subject, however, to the concurrence of the board of supervisors, or over its objection as provided in section twenty hereof and with the like concurrence of said board, or over its objections as provided in said section twenty hereof, may change, increase, diminish or remove them in a manner not inconsistent with the provisions of this chapter.

Appropriation of money.

Sec. 23. No money shall be appropriated in any manner by the council, and no contracts on behalf of the city shall be entered into or

authorized, unless with the concurrence of said board of supervisors, nor shall any ordinance be passed by the council unless two-thirds of all the members elected to the council, when the question is put, concur therein, or unless the same be concurred in at two successive meetings of the council, held on different days, by a majority of the members present at such meetings. The council shall not make any appropriation of money or credit in any way, of donation to festivities, pageants, excursions or parades, and shall not employ or appropriate the revenues of the city in any other manner than for purposes strictly municipal and local, and according to the provisions of this act, and general law; nor shall the council or board of supervisors delegate its powers to a committee to expend money, or to do any act involving the expenditure of money, or bind the city to payments for any work to be done or purchase of material; nor shall a member of either body, a committee of either, or a joint committee have power to create any debt or liability binding on the city; save that the proper committee may be authorized, in cases of emergency, to incur such liability for the city, not exceeding twenty-five dollars. No money shall be appropriated, and no debt shall be contracted for any purpose whatever, except that the funds to meet the same shall have been first provided by levy duly laid, in accordance with the provisions of this act; and no contract shall be entered into involving or anticipating future levies, unless all questions connected with the same shall have been first submitted to a vote of the people and have received three-fifths of all the votes cast for and against the same.

Power of council to pass and enforce ordinances.

Sec. 24. The council shall have authority to pass all ordinances which shall be necessary and proper to carry into effect any power, authority or jurisdiction which is or shall be granted to or invested in the said city, and to enforce any or all of their ordinances by reasonable fines and penalties and by imprisoning the offender or offenders; and, upon failure to pay any fine or penalty imposed, by compelling them to labor without compensation at any of the public works or improvements undertaken or to be undertaken by the city, or to labor at any work which the city may lawfully employ labor upon, at such a rate per diem as the council may fix, until any fine or fines imposed upon any such offender or offenders by said city shall have been fully paid and discharged, after deducting charges of support while in custody of the officers of said city; *provided, however, that no fine*

shall be imposed exceeding two hundred dollars, and that no person shall be imprisoned or compelled to labor, as aforesaid, for more than ninety days for any one offence. And in all cases where a fine is or may be imposed for an amount of ten dollars or more, or a person imprisoned or compelled to labor as aforesaid for the term of ten days, an appeal may be taken to the criminal court of Mercer county, or any other court having concurrent jurisdiction within said city from any decision, upon giving bond, approved by the recorder or other officer trying the case, conditioned for the appearance of the person, upon whom the sentence of fine or imprisonment is imposed, before the court to which the appeal is taken, on the first day of the next term thereof, to answer for the offence wherewith he is charged, and not to depart thence without the leave of said court; and also to pay or satisfy such judgment or fine, as such court may impose, together with the costs of prosecution, including the costs before the recorder; *provided*, that in cases where a fine is imposed, no appeal shall be allowed unless the amount of the fine imposed and costs has been deposited in cash with the recorder; and said fine so deposited shall immediately be paid over by the recorder to the auditor, who shall keep the same in a separate account, until such time as said case is heard on appeal, and upon a duly certified copy of the judgment of said appellate court the said auditor shall pay the amount of the fine to the proper city fund, and the costs to the parties entitled hereto, or refund the same to the party fined, according as said party may be convicted or acquitted on such appeal. And in any case tried before the recorder, in which he deems it expedient, he may have the services of the city attorney in prosecuting the same and if the person charged with the offence is convicted the said recorder shall tax in the costs as a part thereof, a fee of two dollars and fifty cents to be paid to said city attorney for his services in that behalf, and in all cases wherein appeals are taken from the judgment of the recorder, the interests of the city shall be attended to by the city attorney and such appeals on the part of the city prosecuted by him, and in case of conviction the appellate court shall tax in the costs the same attorney's fee as is allowed by the state in misdemeanor cases, which fee shall be paid to the said city attorney as his compensation for such services, and the bond taken for the payment of the fine and costs shall cover the payment of this fee, as well as other costs. The jurisdiction of said city, for police and criminal purposes shall extend one mile beyond the corporate limits thereof in all directions, except the

western and southern boundaries, and shall extend from said western and southern boundaries to the state line, and also to and including all grounds which may be acquired by said city as a public park, whether the same be within the corporate limits or not.

Official bonds.

Sec. 25. Where, by this charter or by an ordinance of said city, any officer of said city is required to give an official bond, it shall be given with a surety company to be approved by the board of supervisors. All such bonds shall be payable to the city of Bluefield, and be with the condition that the officer shall faithfully discharge the duties of his office, and faithfully account for and pay over, as required by law, all moneys which may come into his hands by virtue of his office. Such bonds, except that of the auditor, shall be filed in the office of the auditor of the city, and shall be carefully preserved by him. The auditor's bond shall be filed with and preserved by the collector.

Levy and collection of taxes.

Sec. 26. The council shall have the authority to levy and collect an annual tax on real and personal property in said city, and a capitation tax on the male citizens thereof, and upon all other subjects of taxation under the general laws of the state; *provided*, that such tax does not exceed sixty cents on the one hundred dollars of assessed valuation of such property, or two dollars capitation tax on each male citizen of said city over the age of twenty-one years, which taxes shall be equal and uniform upon the persons and property within the city; and the said council may also impose license taxes as hereafter prescribed, all of which taxes shall be for the use of said city; *provided*, that no levies for taxes shall be laid or collected for city purposes against any farming land within the limits above defined, until the same shall be laid off into town lots and offered for sale as such. The taxes so levied, other than upon licenses, shall be payable on the twentieth day of November, of the year in which the levy is made. The bills for all such taxes, other than licenses, shall be made off each year from the assessor's books by the auditor and delivered to the treasurer on or before the twentieth day of November of the year in which the levy is made; and at the same time the auditor shall publish a notice in one or more of the newspapers of said city to the effect that said tax bills are in the hands of the treasurer for collection, and any person owing taxes may pay the same to said treasurer, who shall deliver to the party so

paying his receipt therefor. The said treasurer shall receive as his commission a sum not to exceed five per centum of all the taxes collected by him on or before the thirty-first day of December of the year in which said levy is made, the exact amount of said commission to be fixed by the council, with the concurrence of the board of supervisors. On and after the first day of January of the year in which said levy is made, the treasurer shall immediately proceed to collect all taxes, which shall then remain unpaid, in the manner hereinafter provided, adding to the face thereof ten per centum commissions, which he shall retain as his compensation for collecting the same, and interest at the rate of six per centum per annum from the first day of January.

Licenses.

Sec. 27. Whenever anything for which a state license is required to be done within said city, the council may require a city license to be had for doing the same, and may impose a tax thereon for the use of the city, the amount of which tax shall be fixed by the council in its discretion, in no case to be less than the amount charged by the state for a license for doing the same thing, and the council may in any case require from the person licensed a bond with sureties and in such penalty and with such conditions as it may deem proper, and may revoke such license at any time if the conditions of such bond be broken. No person shall carry on within the said city any of the business for which a license is required without having first obtained such license and paid the amount assessed therefor to the city treasurer and procured a receipt therefor, and should any person so carry on any of said business without having first complied with this provision, he shall be subject to such fines and penalties as the council may by ordinance prescribe. And no license to sell strong or spirituous liquors, wine, beer, ale, porter or drinks of like nature within said city, or within one mile of the corporate limits thereof, shall be granted by the county court of Mercer county, unless the person applying therefor shall produce to said county court the certificate of said city council of its consent to the granting of such license. The said council shall have authority to require from and grant licenses to owners of horses, hacks, carts, wagons, drays, bicycles, automobiles and every description of wheeled carriages kept for hire; to levy and collect thereon, and subject the same to such regulations as the interests and convenience of the inhabitants of said city shall require; also to license hawkers and peddlers within said city, and persons

who temporarily station themselves upon a street to sell or exhibit articles and to subject them to such regulations as the interest of the city may require; but no license to permit the permanent occupancy for private use of an open street, alley or public square or any part thereof, or a use for private purposes that obstructs the free use of the streets shall be given or granted. The said council shall also have power to provide for the licensing of all engineers operating stationery engines in said city, and levy and collect taxes on such licenses.

All persons who do not keep a regular place of business in said city open at all times in regular business hours, and at the same place, who shall offer for sale goods, wares and merchandise shall be deemed peddlers under this act; and all persons who shall keep a regular place of business in said city open at all times during regular business hours and shall sell or offer for sale thereat goods, wares and merchandise which are carried around from place to place and offered for sale, that is the same goods transported from town to town and offered for sale, shall be deemed peddlers under the provisions of this act. The said council shall have the authority to impose a license tax on agents of foreign manufacturers doing business in the city, or any person in said city acting as agent for another when the work to be done or the article to be furnished is to be done without the said city.

How assessments to be made.

Sec. 28. The council, subject to the confirmation of the board of supervisors, shall have authority to appoint one or more assessors, and the council shall, by ordinance, prescribe their duties, qualifications and compensation; they shall make an assessment of the personal property within said city, subject to taxation, substantially in the manner and form in which assessments are made by assessors of the counties of this state, but taxes for city purposes on real estate therein shall be levied only on the value of real estate ascertained for state or county purposes, and for this purpose each assessor or the assessors shall have access to all books and public records of Mercer county, and be permitted to copy the same upon payment of reasonable fees and charges therefor, to be fixed by resolution or ordinance, and not to exceed one hundred dollars for any one year; and it is hereby made the duty of the county officers to furnish such books and public records to be copied for the use of said city, or to furnish copies when

required. Such assessor shall have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation within said city as are granted to, and imposed upon county assessors by general law, and shall have authority to enter and assess on the land book any building omitted for one or more years, and of additions and improvements to a building, and of any building newly erected, not theretofore assessed, and of the value of one hundred dollars and upwards. Such assessor shall also return a list of all dogs over four weeks old, owned or found within the limits of the city, together with the name of the owner thereof, and such description as they can obtain, designating also the sex of each dog listed by them; and the council shall have authority to levy such tax or license on dogs within the city as it shall deem proper, and enforce the payment of the same by such fines and penalties as may be deemed necessary and proper. The tax or license for dogs shall be paid at such time and in such manner as the council shall by ordinance prescribe. The council may, by ordinance, prescribe all such other rules and regulations as may be necessary and proper to enable such assessor or assessors to ascertain and assess all personal property and tithables liable to be taxed by said city, and to enforce the same by reasonable fines and penalties; *provided, however*, that the council and board of supervisors may elect to adopt the assessment made of personal property, by the officers of Mercer county, against the inhabitants of said city for taxation, in which event the proper officers of said city shall have the right of access to the personal property books and records of said county, with the same rights and subject to the same conditions provided for in relation to real estate.

Interest on taxes.

Sec. 29. In case of the failure or refusal of any person to pay in whole or in part any tax lawfully levied upon him, for the benefit of said city, on or before the first day of January of the year following that in which the levy is made, such person or persons shall be chargeable with interest upon the amount of such taxes, at the rate of six per centum until the same are paid, and the officer charged with the collection of said taxes shall be charged with said interest and required to account therefor. It shall be lawful for such officers to take reasonable distress of any personal property in said city belonging to such delinquent or delinquents, or in which they shall have any right or interest, and they are hereby vested with all the rights, privileges

and authorities in relation to distraint, sale and garnishment concerning said city taxes, as are here authorized and given to sheriffs and collectors by the laws of West Virginia.

Lien of taxes and enforcement of same.

Sec. 30. All taxes assessed upon real estate within said city, for the benefit of said city, shall be a lien thereon from the time the same are assessed, which shall have priority over all other liens, except for taxes due to the state, county or district, and may be enforced by the council, in the same manner now provided for by law for the enforcement of the lien of county taxes, by a suit in equity in the name of the city in any court having jurisdiction, or in such other manner as the council may prescribe by ordinance; and if not paid as prescribed by section twenty-six of this act, said lien and taxes shall bear interest at the rate of twelve per centum per annum until the same are fully paid; and the personal property of every person to whom said real estate shall come by descent, purchase or gift, shall be subject to distress and sale in the same manner and to the same effect as if he, or they were originally chargeable with such taxes. In all cases in which taxes assessed upon real estate for the benefit of said city shall be paid, in whole or in part, by the tenant, or out of his or her property, he shall be entitled to deduct the same out of the accruing rent, or to recover the amount so paid from the owner of such real estate, unless the parties shall have otherwise agreed. The council shall, by ordinance, require the collector on the first day of June in each year, to make out and return to the council two alphabetical lists, one a list of real estate, and the other a list of persons and property, other than real estate, in the city, delinquent for the non-payment of taxes thereon for the year preceding such return, and require the collector returning such lists to subscribe an oath to each list in form and effect as sheriffs are required to make to delinquent lists returned to the state, and the council shall not give the collector credit for any uncollected taxes or licenses unless the same have been abated as prescribed herein or are mentioned in such lists. If any real estate within said city be returned delinquent for the non-payment of the taxes thereon, and such return shall be made by the collector thereof, in the manner aforesaid, a copy of such delinquent list shall be certified by the council to the auditor of the state, and the same shall be sold for taxes, interest and commission thereon, in the same manner and at the same time and by the same officer as real estate is sold for the non-payment of

state and county taxes. A copy of said delinquent list, after it has been confirmed by the council, shall be filed in the office of the clerk of the county court of Mercer county, and recorded in a well bound, permanent book, to be furnished by the city and kept and preserved in said office for that purpose.

Change of location of road or street.

Sec. 31. The council of said city, after having acquired the necessary land for the purpose, may, with the concurrence of the board of supervisors, alter the location of so much of any turnpike, or of any public road, as lies within the corporate limits of said city, in order to conform the same to the general plan of the city, or for any other purpose.

Maintenance of streets.

Sec. 32. The council, with the concurrence of the board of supervisors, shall keep all the streets, alleys and public roads, lying within said city, in good order and condition; but this provision shall not apply to any street or road hereafter opened or dedicated to the public within the corporate limits of said city by private persons, unless the said council shall have first accepted said street or road as a public street of said city; and the council shall not accept any street or alley as a street or alley of said city which may hereafter be opened or dedicated to the public by private persons in order to extend any street or alley now established within the corporate limits, until the same has been made to conform in width and direction to the street or alley so extended; and where new streets and alleys are hereafter laid out and dedicated to the public by private persons, not in extension of streets or alleys already established, the council shall not accept any such street or alley as a public street or alley until such width of ground as the council may determine for the entire length of any such proposed street or alley shall have been laid off and dedicated to the city.

Lands for public purposes.

Sec. 33. The council, with the concurrence of the board of supervisors, shall have the authority to lay out within the city and cause to be opened any streets, walks, alleys, market grounds and public grounds

and parks, and to provide for the protection of the same, having first obtained title to the ground necessary for the purpose. Title to such ground as may be required for such purposes may be acquired by the said city by gift or purchase from the owners by the council with the concurrence of the board of supervisors, and in case the said council and board of supervisors are unable to agree with the owners as to a just compensation for the ground necessary for any such purpose, the council and board of supervisors shall have the authority to proceed in the name of said city in any court having jurisdiction to condemn the same and all of the provisions of general law in regard to the taking of private property for public purposes shall be applicable to proceedings brought by said city for such purpose. The said council, with the like concurrence of the board of supervisors, shall have the authority to extend and widen its streets, to graduate any street, walk, market ground or public square which is or may be established, to pave and otherwise improve the same, to cause them to be kept in good order and repair and to enforce such regulations respecting the same as may be by said council deemed necessary to insure their use to the inhabitants of said city. In any case in which the owners of any land within the corporate limits of said city, not now laid off into town or city lots, desires to lay off the same into such lots, the streets, roads and alleys, so laid off in connection therewith, shall not be adopted by the council until the same are surveyed and the grade established by the owner thereof and approved and adopted by the council with the concurrence of the board of supervisors, and the plat thereof as thus approved recorded by the owners in the office of the clerk of the county court of Mercer county and filed in the office of the auditor of said city; and when any work of improvement shall be undertaken on such streets by said city, no change in the grade so established shall be made until the owners of the property abutting the same shall assent thereto in writing, or until the damage to the property abutting the same, by reason of such change of grade, shall be ascertained and agreed upon between the council, with the concurrence of the board of supervisors, and the owners thereof.

Public buildings.

Sec. 34. The council, with the concurrence of the board of supervisors, shall have the authority to erect and maintain a city hall, engine house or houses, and to regulate the same; to establish and maintain free public libraries and reading rooms, to purchase books, pa-

pers and manuscripts therefor, and to receive donations and bequests of money and property for the same, in trust or otherwise, and to designate and appoint such agents or trustees or managers to manage the same in such manner as shall be prescribed by ordinance; to erect a workhouse, jail, house of refuge, hospital or infirmary and all other buildings necessary for said city; and the management, control, use and occupation of such buildings shall be prescribed by ordinance.

Markets.

Sec. 35. The council shall have power to provide for and establish markets in and for the city; to fix the time and place for holding the same; and with the concurrence of the board of supervisors, provide proper and suitable enclosures and buildings for the same; and to pass such ordinances respecting said markets as the interest of the inhabitants of the city may require.

Burial of the dead.

Sec. 36. The said council shall have authority to regulate by ordinance for the burial of the dead in said city, to establish cemeteries for the purpose, to preserve the peace within the cemeteries therein; to provide for the management and repair of such cemeteries and to have such care and control over the cemeteries as will promote the public health and the public good.

Right to take private property.

Sec. 37. The said council, with the concurrence of the board of supervisors, shall have the authority to take such private property as in its opinion may be necessary for any of the public purposes of said city, by making compensation to the owner thereof, and in case the said council is not able to agree with the owner as to the compensation therefor, then said council, with the concurrence of the board of supervisors, may proceed in the name of the city in any court having jurisdiction to condemn the same, and all of the provisions of the laws of West Virginia in regard to the taking of private property for public use shall be applicable in such cases and shall govern and control the procedure therein.

Sidewalks.

Sec. 38. The board of supervisors shall have the authority to have the footways and sidewalks of the streets and alleys of said city paved or sidewalks laid thereon, or the paving or sidewalks repaired, by the owners of the lots or parts of lots facing upon such streets or alleys, and in case the said property owners or any of them refuse to lay said sidewalks or paving as may be required, when required to do so, the board of supervisors shall have the authority to have the same done, and the city may recover the expense thereof from the said owner or owners, occupier or occupiers or any of them. The sum or sums of money so expended for laying sidewalks, paving or repairing shall be a lien upon the lots abutting or abounding the same, which lien may be enforced by suit in equity in the name of the city in any court having jurisdiction, or the same may be collected by a suit at law in any court or before any justice having jurisdiction; *provided, however,* that ten days' written notice shall first be given, signed by the city auditor, to the said owners or occupiers or their agents, that they are required to lay said sidewalks, or pave said foot ways or repair the same, as the case may be. In case of non-resident owners, such notice may be given by publication for not less than two weeks in some newspaper published in the said city. In every case in which a tenant shall be required to lay such sidewalk or paving or repair the same in front of the property in his occupation, he may deduct the expense of the same from the accruing rent for said property, or he may recover the amount so paid from the owner, unless otherwise agreed between them.

Paving and sewers.

Sec. 39. Upon the petition in writing of the persons owning the greater part of the lots fronting or abounding on both sides of any street or alley, between any two cross streets, or between a cross street and an alley, the council of the city of Bluefield, by a lawful majority of not less than two-thirds of all the members constituting said body, may order such part of any street or alley to be paved between the sidewalks with some suitable material, and a sewer to be constructed therein from one of said cross streets or alleys to another, or to have such paving done without the construction of a sewer, or a sewer constructed without such paving being done, under such regulations as may be prescribed by ordinance, concurred in by the board of super-

visors, upon the lowest and best terms to be obtained by advertisements for bids therefor by the board of supervisors; and two-thirds of the cost of such paving together with the whole cost of such sewer, or the cost of such sewer when constructed without paving, or two-thirds of the cost of such paving, when constructed without such sewer, shall be assessed against the owners of the lots or fractional parts of lots abutting or abounding on that part of the street or alley so paved or sewered, in proportion to the length of frontage owned by each. One-third of such assessment shall be paid within thirty days from the completion of the work, and the remainder in two equal instalments in sixty and ninety days respectively from the completion of such work. The other one-third of the cost of such paving shall be borne by the city. The intersection of streets or of a street and alley, paved or provided with sewer under this section, shall be correspondingly paved or sewered at the sole expense of the city; *provided*, that nothing in the above shall prevent the said council from entering into an agreement with the property owners by their consent by which said property owners agree to pay the whole cost of such paving, and any such agreement signed by the owners of property affected or by their duly authorized agents shall be valid and binding.

The assessments made for paving or construction of sewers as aforesaid shall be a lien on the lots or parts of lots upon which they are assessed, which lien may be enforced by a suit in equity in the name of the city in any court having jurisdiction thereof, and the same, or any instalment thereof, may be recovered in an action at law before any justice or in any court having jurisdiction.

Upon the completion and acceptance of any sewer or paving contract constructed by virtue hereof, the council shall direct the auditor to immediately cause to be published a notice, which shall name and describe the location of the street or alley upon which said sewer or paving shall be constructed; give the name or names of the owners of each lot abutting or abounding on such street or alley, if known, and if the name or names of the owner or owners of any lot or part of a lot are unknown, such lot shall be described with reasonable certainty for identification and the fact that the name or names of the owner or owners are unknown shall also be stated; the number of feet that each lot or fractional part of a lot abuts on such street or alley shall be stated as well as the amount assessed against each lot or part of a lot. Said notice shall require all owners of lots or parts of lots abutting on the street or alley aforesaid to appear before the board of

supervisors at a meeting thereof, within thirty days from the first publication of such notice, and show cause, if any they can, why said assessment should not become final, which notice shall be published once a week for two successive weeks in some newspaper published in said city. The board of supervisors, upon the request of any one or more owners of said lots or parts of lots, shall appoint a day to hear grievances of said owner or owners and they may alter or amend any assessment made against any such owner or owners for good cause to be shown therefor. The auditor shall give notice to all persons claiming to be injured by said assessment, of the time and place of holding said meeting, which meeting shall be held within ten days after the expiration of the thirty days mentioned in the published notice above provided for. The hearing may be adjourned from time to time. In case any of the owners of such lots shall fail to appear before the board for the purpose of having such assessment corrected within the time aforesaid, that said assessments shall become final. The findings of the said board shall be conclusive and final. The rights conferred by this section are cumulative and shall not be exhausted as to any particular street or alley by reason of having been once exercised.

The lien upon any real estate created by virtue of this section shall be void as to any purchaser of any such real estate, for value and without notice, who shall have purchased such real estate at any time after a period of twelve months has elapsed after the paving or sewer has been accepted by the city, unless an abstract of such assessment giving the location of the real estate effected, the name of the owner or owners thereof and the date and the amount of the assessment shall have been first recorded in the office of the clerk of the county court of Mercer county in a well bound book to be furnished by the city for the purpose and preserved in said office, and it is hereby made the duty of said county clerk to record said abstracts, and for the recordation of each of said abstracts the said clerk shall be paid a fee of twenty-five cents by the said city.

The council shall have the authority to regulate by ordinance the manner in which connections are to be made with the sewers of the said city by the owners of property therein and shall have the authority to compel the owners of any property abutting upon a street or alley in which there is a sewer to connect their drainage pipes therewith under the regulations prescribed by the council, and may charge such persons a reasonable amount therefor to be fixed by the council by ordinance; and in case of the failure of the owner of any such

property to so connect his drainage pipes with any such sewer when required, the council may provide by ordinance such fines and penalties as in its discretion may be necessary to affect a compliance with its regulations. The amount fixed by the council for the connection with such sewer shall be paid by the owner in advance of such connection and shall be paid into the city treasury to the credit of the fund to be used for paving and sewers and shall be used for no other purpose.

Levy for paving and sewers.

Sec. 40. The council shall have the authority to levy and collect annually a tax for the purpose hereinafter specified, on the real and personal property in said city, subject to taxation, not to exceed ten cents on the one hundred dollars of valuation thereof; the funds so arising to be used for the purpose of paying its proportion of the cost of paving or repaving streets and alleys and constructing sewers in said city, in accordance with the provisions of section thirty-nine of this act, which tax shall be levied and collected in the same manner as is herein provided for the levy and collection of other taxes for the benefit of said city.

Paving and sewer fund to be used for no other purposes.

Sec. 41. The money collected by virtue of sections thirty-nine and forty hereof, shall be assessed, levied and collected in addition to the money assessed, levied and collected for other purposes by said city, and the funds so arising shall be used for no other purpose than that for which it is therein authorized to be assessed, levied and collected, and any one or more of the taxpayers may by a bill in equity filed in any court having jurisdiction enjoin the application of any of said funds to any purpose other than that for which it is levied and collected.

Estimates of expenses to be made by board of supervisors.

Sec. 42. The board of supervisors shall, on or before the first day of July in each year, prepare and submit to the council an estimate of the amount necessary and advisable to be expended for the use of said city for the next calendar year and to be provided for by levy of taxes as herein provided, in which estimate the board of supervisors shall ascertain and state an itemized estimate of the amount neces-

sary to pay interest accruing on the bonded debt of the city; the amount required for the sinking fund; what shall be expended severally for streets and alleys, water works and water, police department, fire department, market house, street lighting, light plants, transportation lines, street paving and sewers, salaries, parks, and contingent expenses; and before making the levy the council shall apportion the rate thereof, including the estimated receipts from licenses and fines and all other sources, among the several funds so estimated and provided for, which said apportionment, when adopted, shall be spread upon the minutes of the council as well as upon the minutes of the board of supervisors; and the funds arising from such levy shall be used for no other purpose than that for which it is apportioned as aforesaid, and the use of any such funds for any purpose other than that to which it is apportioned may be enjoined by any one or more taxpayers of said city, upon a bill in equity filed in any court having jurisdiction.

Fire limits.

Sec. 43. The council is hereby given power and authority to pass such ordinances as it deems necessary to prevent accidents by fire in the said city and to secure the inhabitants of said city, as far as practicable, from injury thereby, and with the concurrence of the board of supervisors, to cause the demolition and removal of any structure, or other combustible material, which may in their opinion endanger adjacent property by its liability to become ignited or take fire, the expense of such removal or demolition to be paid by the city; with the consent of the board of supervisors the council is empowered to establish fire limits, which said fire limits shall not afterwards be contracted, and to prescribe regulations for the safe construction, inspection and repair of all private or public buildings within the city, and to ordain proper and efficient rules and regulations for the storage of gunpowder, gasoline, nitroglycerine and other combustible and dangerous explosives and articles, and to ordain and enforce such rules and regulations as it may deem necessary and proper respecting the manner and place of keeping the same.

Health.

Sec. 44. The council shall have authority to pass and enforce such rules within the city as they shall deem necessary and proper to pre-

serve the health of the inhabitants of said city, and to secure them against contagious, infectious and other diseases; compel and require the abatement and removal of all nuisances within said city at the expense of the person or persons causing the same or of the owners of the ground whereon the same shall be; to regulate or prevent the slaughtering of animals within the city, or the conduct of any offensive or unhealthy business within the city, and to pass such ordinances as the comfort, health, happiness and convenience of the inhabitants of said city, shall require; to prevent the keeping or selling of any stale meat, fish, vegetables or other matter, or depositing the same, or any dirt, rubbish, offal, or other foul substance upon any lot, street, alley, or square within the city; but the said city shall not throw or cause to be thrown, or pipe or cause to be piped, any sewerage, offal, or matter or filth from cesspools or city jails or hotels, or from any septic tanks into any branch that would overflow any springs that are used for domestic purposes within three miles of said corporation or city line, without the consent of the owners thereof. And to prevent hogs, dogs, cows, horses or other animals from being kept in or from running at large in said city, and to subject the same to such taxes and regulations as the council may deem proper, and to prevent the spread of smallpox by requiring the inhabitants of said city to be vaccinated when in opinion the public good demands it.

Weights and measures.

Sec. 45. The council shall have the authority to provide for the proper weighing and measurement of all hay, animals, meat, provisions, coal, lumber, wood, boards and spirituous liquors and wines, which shall be offered for sale in said city and to provide for the inspection of weights and measures, and may appoint a scaler of weights and measures for said city and prescribe his duties and fix his compensation.

Speed and fireworks.

Sec. 46. The council shall have power to pass ordinances prohibiting the firing of guns, crackers, roman candles, sky-rockets, or any other fireworks, or the throwing of fire balls, or the firing of any other combination of gunpowder or other combustible or dangerous material within the city; and to prevent the riding or driving of horses, mules or other animals at an improper speed within the city;

and to pass such regulations concerning the use of the streets as may be necessary to secure their unobstructed use to the public.

Stagnant water, etc.

Sec. 47. If the owner or occupier of any lot or parcel of land shall permit any stagnant water or any unwholesome substance to remain or accumulate thereon, it shall be lawful for the council, with the concurrence of the board of supervisors, to cause such ground to be filled up, raised or drained, and to cause such substance to be covered or removed therefrom, and to collect the expenses of so doing from the owner or owners, occupier or occupiers, in the manner and after the notice required by section thirty-eight of this act, and the tenant of any lot may have the deduction and remedy provided for in said section.

Offences.

Sec. 48. The council shall have power and authority to pass such ordinances as shall be necessary and proper to secure the inhabitants of the said city against thieves, robbers, burglars and all other persons violating the public peace of said city; to punish persons for carrying about their persons any revolver or other pistol, dirk, bowie knife, razor, slungshot, billy, metallic or other false knuckles or any other dangerous or deadly weapon of like kind or character; to punish for trespasses to real or personal property or for defacing or injuring the same; for assault and battery; for cruelty to animals; for petit larceny; for drunkenness; for profane swearing; for the use of lewd or indecent language on the public streets or in the public places of said city; for circulating or using any indecent, lewd, or profane pictures, prints or printed matter; for lewd, lascivious, indecent or disorderly conduct in said city; to punish persons for the commission of adultery and fornication; to prevent loitering on the streets and other public places of the said city; for the prevention and punishment of vagrancy; for the suppression of riots and the prevention and suppression of gaming; to punish persons for jumping on and off or jumping off or on street cars or railroad cars within the corporate limits of the city while the same are in motion; to punish persons for disturbing or interrupting any literary or religious society or any other public meeting; for interfering with an officer of the city in the discharge of his duties; for placing of carcasses of dead animals within the lim-

its of the city; for throwing or depositing garbage on the streets, alleys, or other public places of the city, or on the private property of persons in the said city; to prohibit persons other than employees from going upon any railroad yard or in any other dangerous place within said city and to provide penalties for so doing; to prohibit the keeping of bawdy houses or the renting of property by the owner or his agent to any person for the purpose of keeping or using it as a bawdy house or gambling house, and to prohibit loitering, loafing around the same or boarding at the same, and to provide penalties for the violation of any ordinance prohibiting the same; to punish persons for selling any intoxicating liquor without a license and for renting any house or other structure for the illegal sale of intoxicating liquors.

Sec. 49. Said council may by ordinance prescribe such regulations as it may deem proper for the conduct of any licensed business within the city, and enforce the same by reasonable fines and penalties; said council shall have the authority to prohibit the doing of any regular business on the Sabbath day, except works of necessity, and may impose reasonable fines and penalties for the violation of any such regulation. The said council, with the concurrence of the board of supervisors, shall have authority to create and maintain a police department and to define the duties and powers of the several officers, members and classes thereof in the manner best to preserve the peace and good order of said city and to secure the inhabitants thereof from personal violence and their property from fire or other loss or injury.

Licenses, how to be issued and paid for.

Sec. 50. The auditor shall issue all licenses, but they shall not be delivered to the person or persons applying for the same until the tax upon the same has been paid to the proper officer of said city; and any person conducting any business for which a license is required, before the tax on the same has been paid to the proper officer and the license delivered to him, shall be considered to have conducted said business without a license therefor.

Moneys, how and when paid.

Sec. 51. All taxes which the council are or shall be authorized to levy and collect, and all fines and penalties which may be imposed and collected for violations of the ordinances of said city, shall inure to the exclusive benefit of said city. All moneys received and col-

lected for the use of said city shall be paid into the city treasury, and shall not be withdrawn therefrom, except as the council, in accordance with the provisions of this act, may order, by orders drawn on the city treasury, signed by the mayor and countersigned by the auditor, and no order shall be drawn upon any fund unless there is an unexpended balance of such fund sufficient to meet such order, and money in the treasury to pay it.

The council shall, at least once every year, cause to be published in two newspapers published in the said city, a statement of the receipts and the expenditures of said city for the past year for each of the several funds, signed and sworn to by the auditor, and attested by the mayor and president of the board of supervisors.

Accounts to be audited.

Sec. 52. The accounts of the city shall, in the month of January of each year, be audited by some expert accountant, who shall, while so engaged, be under the supervision of the board of supervisors and the result of said accounting shall be certified to the board and the same published with the statement, and in the same manner as is provided in section fifty-one of this act.

Certification of records.

Sec. 53. All copies, purporting to be copies of the ordinances of said city, or extracts from the journals of the council, or board of affairs, which shall be printed by the authority of the council, or which shall be certified to be correct by the mayor of said city, under the seal thereof, attested by the auditor, shall be received by all courts and justices of this state as *prima facie* evidence of the tenor of such ordinances, and of the acts and proceedings of the council and said board of affairs as herein set forth.

Council to appoint certain officers.

Sec. 54. The council shall appoint the following officers, who shall hold their offices for the period of one year from the first day of June in the year in which they are appointed, or until their successors have been duly appointed and qualified, to-wit: City attorney, health officers, assessors, overseer of the poor, and all other officers required for heads of departments, now or hereafter created by ordinance, except as otherwise herein provided.

Board of supervisors to appoint certain officers.

Sec. 55. The board of supervisors shall appoint the auditor, street commissioner, chief of police, superintendent of water works (when the city owns water works) and city engineer, who shall hold their offices for one year from the first day of June in the year in which they are appointed and until their successors are duly appointed and qualified, and they shall perform the duties prescribed in this act and such others as may be prescribed from time to time by ordinance.

Bonds of officers.

Sec. 56. All officers of the city, in addition to those expressly mentioned in this act, whose duty it is to receive funds, or other assets or property, or to have charge of the same, belonging to the city, shall give bond in a penalty prescribed by council, with security to be approved by the board of supervisors, which bonds, except the auditor's bond, shall be filed with the auditor and enrolled by him in a book kept for the purpose of enrolling official and other bonds.

Removal of appointive officers.

Sec. 57. Any appointive officer of said city may be removed at any time by the power appointing him, for cause, and upon notice to him of the charges against him.

How mayor removed.

Sec. 58. The mayor may be removed from office for cause, by a five-sixths vote of all the members of the council; notice thereof and an opportunity to be heard shall be given that officer before said removal is made. In case of the removal of the mayor from office, then the president of the board of supervisors shall act as mayor until a mayor is elected and qualified.

Qualifications of officers.

Sec. 59. All officers who are elected by the voters of the city of Bluefield, or appointed by the proper authorities, except as is otherwise provided in this act, shall possess the following qualifications: They shall have been citizens of the United States and of the city of Bluefield for at least one year next prior to their election or appointment, and for one year next preceding their election or appointment shall have been assessed with taxes in said city, and no officer, whether

appointed or elected, shall be interested directly or indirectly in any contract with the city for supplies to be furnished or work to be performed. Such officers, unless otherwise provided, shall hold their office until their successors are duly qualified. They shall take and subscribe an oath in the same manner, form and effect as is prescribed for the mayor and board of supervisors.

No officer to be interested in any contract.

Sec. 60. If any officer or employee shall become personally interested, either directly or indirectly, in any contract for labor or material to which the city is a party, he shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars and not more than five hundred dollars, or imprisoned not less than thirty days and not more than six months, or both fined and imprisoned, at the discretion of the court, and his office shall be declared vacant, and said contract shall be void, and no money shall be paid for services rendered or material furnished under the same. It shall be the duty of any person having knowledge of the violation of the provisions of this section to report the same to the board of supervisors, and the board shall give reasonable notice to all parties interested, and shall, at the earliest convenient time, proceed to investigate the same, but the parties interested shall have the right to be heard both in person and by attorney.

Compulsory attendance of witnesses.

Sec. 61. The board of supervisors, in cases arising under section sixty of this act, and in any other case involving trials provided for in this act in which they are invested with authority to investigate, shall have the power to compel the attendance of witnesses and the production of documents, books and papers, and the presiding officer shall have the power to administer all necessary oaths.

Member of board disqualified.

Sec. 62. When a member of the board of supervisors is involved in charges mentioned in section sixty, he shall be disqualified to sit or vote in the board until the result of the investigation is determined favorably to him, announced and entered in the record of the journal of the board, and whenever a member of the board is involved in such

charges the mayor shall *ex-officio* act as a member of said board in hearing such charges.

Money claimants to file oath.

Sec. 63. If the auditor shall so require, every person claiming money from the city under any contract with the city, shall file with the auditor any affidavit disclosing the names of all persons within the prohibitions of this act who are directly or indirectly interested in said contract or the proceeds thereof, and the affidavit shall disclose the names of the person or persons so interested, and that no other person forbidden by this act has any interest in said contract.

The recorder.

Sec. 64. The recorder shall receive a salary to be fixed by the council not to exceed one thousand dollars per annum. He shall be a conservator of the peace within the corporate limits of said city, and shall have and exercise within said limits all the criminal and police powers and duties which a justice of the peace of said county of Mercer may lawfully exercise. He shall and is hereby authorized to hear and determine all complaints for violations of the laws or ordinances of said city; to issue his warrants to summon or apprehend the persons charged with such violations and upon conviction of the person so charged, to impose such punishments and penalties as may be provided by ordinance; to issue his executions for such fines, and to enforce the collection of such fines, and such punishments and judgments in the same way as are prescribed for the collection of fines and the enforcement of judgments and punishments for offences against the state. In case of the absence or inability of the recorder to act, the president of the board of supervisors shall, for the time being, perform the duties of the recorder under this act, and shall be for such time invested with all the powers and authority of the recorder. The recorder shall give bond in such penalty as the council may prescribe, which bond shall be approved by the board of supervisors and filed with the auditor.

Duties of mayor.

Sec. 65. The mayor shall be the chief executive officer of the city, and preside at the meetings of the council, and in case of a tie in the vote, he shall cast the deciding vote. He shall see that the

laws and ordinances of the city are respected and enforced within the limits of said city. He shall have power to appoint an investigating committee to examine into the affairs of any department of the city whenever he shall deem it necessary, the cost of said examination and report to be paid by order of the council out of the contingent fund of the city. The mayor shall receive such salary as may be prescribed by the council not to exceed three hundred dollars per annum.

Duties of treasurer.

Sec. 66. The council may allow the treasurer such deputy or deputies as it may deem proper. The board of supervisors, shall, however, consent to and confirm the appointment of every such deputy before he enters upon and assumes the duties of his position, and the treasurer shall be responsible for the acts of his deputies in the same manner and to the same extent as the sheriff of Mercer county is responsible and liable for the acts of his deputies. He shall be charged with the aggregate of all licenses, taxes, fines and assessments levied for the benefit of said city. And he shall be credited with all moneys paid by him upon the warrants or orders drawn upon said city by order of the council or board of supervisors or both, as the case may be; also with any delinquent taxes, fines, assessments or other moneys with which he has been charged, and which cannot be collected by due and proper diligence. He shall collect all fines imposed for violation of the law and ordinances of said city, and shall account for the same in the same manner that other moneys of the city are accounted for.

All other officers of the city whose duty it is, or who may be, or are authorized to receive money for the city, or revenues of the city, from any source whatever, are and shall be required to pay the same to the city treasurer within three days from the time the same is collected or received by them. The treasurer shall receive as a compensation five per centum of all fines collected by him, and two and a half per centum on all licenses collected by him which were due and payable before the first day of January, and ten per centum of all licenses and assessments collected after the first day of January in each year, which were due and payable the preceding year.

Duties of city attorney.

Sec. 67. The city attorney shall be the city's counsel and solici-

tor in all matters of law upon which counsel is necessary, or in which legal proceedings are taken. He shall defend all suits against the city and shall prosecute all suits in which the city is plaintiff, and when requested in writing by the mayor, board of supervisors, council, or any standing committee of either body, shall give his written opinion upon any matter of law affecting the interests of the city; and for his general services rendered by him he shall receive such sum as the council with the concurrence of the board of supervisors shall allow.

Duties of city engineer.

Sec. 68. The city engineer shall give his whole time and service to the city's interest, if required by counsel so to do, and shall perform such service as the council, by ordinance or resolution, shall require him to do, or such as the board of supervisors may require of him. He shall receive a salary of not more than twelve hundred dollars per annum, to be fixed by the council with the concurrence of the board of supervisors.

Duties of street commissioner.

Sec. 69. The street commissioner shall perform the duties which are now or may hereafter be imposed upon him by ordinance of said city, and shall receive such compensation as shall be allowed him by the council, with the concurrence of the board of supervisors, not to exceed seven hundred and fifty dollars per annum.

Duties of chief of police.

Sec. 70. The chief of police shall, subject to the direction of the council, have charge of, and be responsible for the police force of the city, and shall perform such other duties as shall be prescribed by ordinance, and shall receive as compensation a salary, payable monthly, to be fixed by the council with the concurrence of the board of supervisors, not to exceed one thousand two hundred dollars per annum.

Duties of health officer.

Sec. 71. The health officer shall perform such duties as shall be prescribed by ordinance by the council and shall receive as compensation such salary as shall be fixed by council, with the concurrence

of the board of supervisors, not to exceed five hundred dollars per annum.

Duties of auditor.

Sec. 72. The auditor shall be clerk of the council and shall be the general accountant of the city, and as such, he shall audit and approve all accounts presented against the city before the same are recommended to be paid; he shall preserve in his office all accounts, books, vouchers, documents, contracts and other papers of the city, concerning its debts, revenues and other fiscal affairs; he shall keep the accounts of the city, general and special, in a systematic and regular manner to be approved by the board of supervisors; he shall have custody of the city's seal, all contracts and deeds; all official bonds, except his own; he shall be the custodian of all other papers, documents and contracts of value to the city or in which the city is interested, all of which he shall register by dates, names and numbers. He shall attest all public instruments, documents and official acts of the mayor by the seal of the city and his signature; he shall certify under his hand and the seal of the city all copies of documents and records in his office and all copies of ordinances of the council, and records of the board of supervisors, as may be required by any officer or person, and charge such fee therefor as may be fixed by the council by ordinance; he shall countersign all drafts drawn on the city treasurer for any pavements, but shall not countersign any such order until and unless the same has been properly signed by the officer or officers having authority to sign the same. He shall do all other acts and things that shall be prescribed by ordinance, which are necessary and proper to accomplish the duties herein intended and contemplated. He shall give bond in a penalty of not less than five thousand dollars to be approved by the board of supervisors; he shall receive as compensation a salary to be fixed by the council with the concurrence of the board of supervisors, not to exceed one thousand five hundred dollars per annum.

Overseer of the poor.

Sec. 73. The city shall care for and maintain its paupers, and shall appoint an overseer of the poor who shall have charge and care of the poor of said city under such regulation as the council may, by ordinance provide, and he shall receive for his services such

compensation as the council with the concurrence of the board of supervisors may provide.

Fire department.

Sec. 74. There shall be a fire department, which shall have a chief to be appointed by the council, which appointment shall be confirmed by the board of supervisors. The chief shall have control and supervision over the fire department, subject to such rules and regulations as may be prescribed by ordinance. The mayor shall nominate persons for appointment as firemen, to the board of supervisors, which persons shall be subjected to examination within reasonable limits, prescribed by ordinance as to capacity, age, health, habits and moral character, but no person shall be nominated who is under the age of eighteen years or over the age of sixty years. Any fireman may be removed from office by the council, with the concurrence of the board of supervisors, at their discretion. The compensation of the chief and firemen shall be fixed by the council with the concurrence of the board of supervisors, and the number of firemen shall be determined and fixed by the council with the concurrence of the board of supervisors.

Duties of board of supervisors.

Sec. 75. The members of the board of supervisors shall each devote the necessary time and careful attention to the duties arising out of the office; they shall meet on some regular meeting day to be fixed by them, once each week, but may hold special meetings whenever they deem it necessary. The board may appoint a clerk as assistant to the auditor, and with the concurrence of the council fix his compensation. There shall be kept a complete and minute record of all the proceedings of the board, and a copy of such record certified by the auditor and the mayor under the seal of the city, shall be received as competent evidence by all the courts of this state.

Board to submit estimate.

Sec. 76. Whenever in their judgment the board deems it advisable to make contract for the purchase of any material for the execution of any work, relating to matters under their supervision, a minute and careful estimate shall be made of the cost of the same, which estimate shall be submitted to the council, and in all cases where assess-

ments are to be made there shall be transmitted by the board to the council, with the recommendation of the board, a resolution or ordinance authorizing the execution of the work or the purchase of the material, at a cost not to exceed the sum named in the estimate which shall be transmitted to the council, and if the council concurs, the work shall be done or the material purchased.

How contracts to be executed.

Sec. 77. The president of the board of supervisors shall execute all contracts on behalf of the city, and the original shall be filed in the office of the auditor; and in the absence of the president or his inability to act, then the senior member of the board remaining shall act as president *pro tempore* and is invested with all the powers of the president. No member of the board or member of the council nor the mayor shall have power to make any contract, or in any other manner create any liability whatever on account of the city.

Board to let contracts.

Sec. 78. When the council shall have the resolution contemplated by section thirty-nine passed, it shall be the duty of the board of supervisors to advertise for at least ten days in some daily paper published in the city, for proposals in accordance with the resolution, to do the work or furnish the material required, and the board shall award the contract to the lowest and least bidder taking into consideration the character and efficiency of the bidder, or reject all bids.

Changes of contracts.

Sec. 79. Whenever in the prosecution of any work the board deems it expedient to make modifications or changes in the specifications or plans of the contract, or omit from the contract any portion of the street or territory ordered improved, such change, omission or modification may by recommendation of the board concurred in by the council be made, provided the total costs shall not exceed the original contract price; and provided that the order changing, omitting or modifying the original contract shall be of no effect until the change, alteration, omission, or modification is embodied in a contract signed by the contractors, their sureties and the president of the board; there shall be no allowance for any extra work unless the same

is provided for by a separate ordinance passed as herein prescribed.

Board to supervise police and fire departments.

Sec. 80. The board of supervisors shall have supervision and control over the departments of fire and police pursuant to such rules and regulations as shall be approved by them and the council. The council with the concurrence of the board shall ordain such rules and regulations as they shall deem advisable, prescribing the duties and defining the powers of the several officers of the said departments.

Franchises.

Sec. 81. Franchises shall be granted by the council, subject to confirmation by the board of affairs, allowing to persons or corporations, for a limited time, such occupancy of portions of the streets, as may be necessary for works of public utility and service, such as steam railway tracks, street railway tracks, poles and trolleys, telephone and telegraph poles and subways, electric light and other electric poles, wires and subways and gas and steam pipe lines. But no such franchise shall hereafter be granted except under the following restrictions and conditions:

First—No ordinance, granting any franchise for the using of the streets, alleys, or public grounds of the city, for any of the purposes of public utility above named, or for any other purpose of like nature, shall be passed unless it shall have been first proposed in the council and notice of the object, nature and extent of such franchise shall have been published at least thirty days, by the applicant in some daily newspaper published in the city of Bluefield, before being acted upon, and shall have received the votes of a majority of the members of the council at a regular meeting or meetings and after said publication. The votes thereon shall be taken by ayes and noes, and the same entered upon the journal.

Second—Every grant of any franchise shall be limited for a period of time. If no limit be expressly provided in the grant, the franchise shall be valid for one year only. In no case shall the franchise extend for a period exceeding fifty years.

Third—No grant of any franchise shall be made without, at the time of making it, providing that the grantee shall indemnify the city against all damages caused by the construction of such works. All

reasonable additional provisions and conditions may be made for the protection of the public from unnecessary damage or inconvenience by reason of such works and the operation thereof.

Police.

Sec. 82. The president shall nominate to the board for appointment such persons as he deems best fitted for the office of policemen, which persons shall be subjected to examination, within specified limitations, to be fixed by the board, as to capacity, age, health, habits, and moral character; and no person shall be nominated for policeman who is over the age of sixty years or under the age of twenty-one years. Any policeman may be discharged at any time by the board at their discretion. The council with the concurrence of the board of supervisors shall determine the number and fix the compensation of the policemen. The council with the concurrence of the board of supervisors may make provision, by ordinance, for the appointment of special policemen, and fix their compensation, but otherwise no person shall act as policeman until he is nominated and his nomination is confirmed as above.

Sinking fund.

Sec. 83. The council may by ordinance, concurred in by the board of supervisors, create a sinking fund for the city of Bluefield, to be placed under the management of two trustees, who together with the president of the board of supervisors, shall be the trustees of the sinking fund. One of said trustees shall be designated by the other trustees as treasurer of the sinking fund, who shall execute a bond in a penalty to be fixed by council, with the concurrence of the board of supervisors, with security approved by council and said board, and said treasurer shall have custody of all money belonging to the sinking fund. The condition of the bond of said treasurer shall be for the payment upon the order of the trustees, or a majority of them, of all moneys coming into his hands as such treasurer and the faithful accounting for and delivery of all property and security that shall come into his hands as such treasurer, and for the faithful discharge of the duties of the office of treasurer. The council shall annually levy sufficient tax to annually discharge the annual interest on bonds heretofore issued, and shall annually make such levies as will be suf-

ficient to pay and discharge the principal of such bonds heretofore issued, at the date of the respective maturity of such bonds. The trustees shall make a full and complete report of their proceedings and the status of the sinking fund to the board of supervisors at the last meeting of said board in the month of December, and shall make such report at any time the said board or council shall require. When the taxes levied for the sinking fund shall have been collected the same shall be promptly paid to the treasurer of the said fund, and the trustees shall invest the same for the benefit of the said sinking fund. Such fund shall not be applied to any other purpose than that for which it was levied, to be used in discharge of the bonded debt of the city. Any of the trustees or any other officer of the city violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars and may be imprisoned in the county or city jail for not less than ten days and not more than sixty days.

Salaries.

Sec. 84. The council, with the concurrence of the board of supervisors, except wherein it is otherwise herein provided shall fix the salaries of all officers, employees and servants of the city.

Penalties not otherwise provided.

Sec. 85. Any person who shall violate any provision of this act, wherein the punishment for the violation of the same is not expressly prescribed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars and not more than fifty dollars.

Special election if necessary.

Sec. 86. If for any reason this act fails to take effect by the time the council and other officers are to be elected in said city under existing laws, in the month of May nineteen hundred and five, then council in office at the time this act does take effect, shall speedily cause an election to be held in said city to elect a board of supervisors, after giving notice at least twenty days, prior to the date fixed for said election, by publishing the same in some newspaper, published in said city, which notice shall state the purpose of said election. If such

special election is held, all persons holding office under the next preceding election, which officers are not prescribed by this act, shall vacate such office immediately, and other officers shall hold office at the pleasure of the council or board of supervisors, notwithstanding they were elected or appointed under existing law for specified terms.

Inconsistent acts repealed.

Sec. 87. All acts or provisions inconsistent with this act are hereby repealed, but this act shall not be construed to take away any powers of the city, the council, or any of the officers of the city, conferred by general law, except so far as the same may be inconsistent with the powers hereby conferred.

(House Bill No. 336.)

CHAPTER 4.

AN ACT to incorporate "The City of Central City," in the county of Cabell, fixing its corporate limits, and prescribing and defining the powers and duties thereof.

[Passed February 16, 1905. In effect from passage. Became a law without the approval of the Governor.]

Sec.	Sec.
1. Corporate name; corporate rights and powers.	25. } Mayor; clerks; assessor; duties of-
2. Corporate limits and boundaries	26. }
3. Wards.	27. }
4. Municipal authorities.	28. Chief-of-police, custodian of mon-
5. Powers of council.	to } eys, ex-officio street commission-
6. Qualification of mayor, city clerk, etc.	30. }
7. Mayor, term of office.	31. } City solicitor, physician, engineer
8. Elections, when held.	32. } and their duties.
9. Qualification of voters.	33. }
10. Elections to be held by ballot.	34. Presiding officer of council.
11. Proceedings in case of tie.	35. Quorum.
12. Contested elections, how heard and decided.	36. Records.
13. Vacancies, how filled.	37. Proceedings of council and duties of presiding officer.
14. } Officers, how appointed and their	38. Tie votes.
15. } duties.	39. Council, powers and duties.
16. } Bonds required, to whom	40. Appropriation of money, contracts, etc.
17. } payable.	
18. Officers, how removed.	41. } Levies, taxes, collections and as-
19. Continuance in office and compensation.	to } sessments.
20. } Oath of office and qualifications.	46. }
21. }	47. Licenses.
22. Councilmen, when to assume duties.	48. Sidewalks.
23. Mayor, when to assume duties.	49. Capitation.
24. Vacancies, how declared.	50. Bonds.
	51. Ordinances.
	52. } Streets and alleys, grading, ma-
	to } cadamizing, etc.
	54. }
	55. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That part of the county of Cabell included in the limits hereafter mentioned is hereby made a city corporate and body politic by the name of "The City of Central City" and as such shall have perpetual succession and a common seal and by that name to sue and be sued, plead and be impleaded and purchase, lease and hold real and personal property necessary to the purpose of the said corporation.

Sec. 2. The corporate limits of said city shall hereafter be as follows:

Beginning on the Ohio river at the point where the east line of Johnson street intersects with the Ohio river, being the northwest corner of the incorporation of Huntington. This point is designated on the accompanying map by the letter "A". Thence with the east

line of said Johnson street to the south boundary line of the right of way of the Huntington and Big Sandy railroad; thence westwardly across the said Johnson street and with the north boundary lines of Mrs. Kincaid and Mrs. Wood's lots and Mrs. Wood's west line to the northeast corner of J. L. Johnson's land; thence with the present north boundary line of said Johnson's land and the north boundary line of Sarah and Martha Johnson's land to the northwest corner of said S. and N. Johnson's land; thence southerly with S. and N. Johnson's west line to the south boundary line of the C. & O. railroad; thence westerly with the south boundary line of the C. & O. railway to a point where the west line of Mrs. Lucinda R. Elders' land extending northerly would intersect said south line of the C. & O. railway; thence southerly with said Elders' west line to Four Pole creek; thence down said creek to the south boundary line of the C. & O. railway; thence westerly with said railway's south line to the east line of R. M. Williamson's land; thence with the west lines of said Huntington and Kenova Development Company's land to the Ohio river; thence up the river to the beginning.

Sec. 3. It is provided, however, that the common council of said city, after the expiration of two years from the time this act takes effect, may, in their discretion, create and fix the boundaries of wards.

Sec. 4. The municipal authorities of said city shall consist of a mayor, city clerk and five councilmen (subject to be increased according to the provisions of section eight hereof), who, together shall form a common council, and who shall receive such compensation as the council may from time to time determine (subject to the provisions and the maximum amounts prescribed by section twenty hereof); and which shall not be increased or diminished during their term of office.

Sec. 5. All the corporate powers of said corporation shall be exercised by said council, or under their authority, except where otherwise provided.

Sec. 6. The mayor, city clerk and councilmen must at the time of their election be entitled to vote for the members of the common council of said city.

Sec. 7. The term of office for mayor shall be two years and until his successor shall have been elected and qualified, as hereinafter provided.

Sec. 8. The first election under this act shall be held on the first Thursday in April *Anno Domini*, one thousand nine hundred and

six, at which election a mayor, five councilmen, a city clerk and a city assessor shall be elected to serve for the term of two years; and every two years thereafter there shall be an election on the first Thursday in April, at which election a mayor for the term of two years, five councilmen for the term of two years, and also a city clerk and city assessor for the term of two years shall be elected. The common council shall designate not less than three voting precincts at which all elections shall be held.

Sec. 9. Every male person residing in said city and not disqualified as hereinafter stated, shall be entitled to vote for all officers elected under this act, and also at all elections of said city held by the corporate authorities thereof; but no person who is a minor or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery in an election, not having been pardoned or punished therefor, or who has not been a resident of this state for one year, and of the city of Central City for sixty days and of the precinct in which he offers to vote for ten days next preceding such offer, shall be entitled to vote at any election held under this act while such disability continues.

Sec. 10. At all elections the vote shall be given by ballot, and in the manner prescribed by the general election law of the state as to the holding of elections in municipalities; and the common council of said city shall perform the duties in relation to such elections as are required by general law of the state from county courts concerning general elections held in the state and said county; and for the preservation of the purity of the ballot and for the prevention of fraud in relation thereto, the provisions of chapter five of the code of West Virginia, concerning offences relating to elections, so far as the same are practicable, shall govern the elections held in and for said city; and the penalties therein prescribed for offences relating to elections shall be enforced against the offenders at such corporate elections, and said chapter shall have the same force and effect, as if it were specially applicable to such corporate elections.

Sec. 11. Whenever two or more persons shall receive an equal number of votes for the same office, the common council under whose directions such election may have been held, shall decide by a majority of all the members elected which of such persons shall be returned as elected, and shall make return accordingly.

Sec. 12. All contested elections shall be heard and decided by the common council for the time being, and the contest shall be made

and conducted in the same manner as provided for in such contests for county and district officers; and the common council shall conduct their proceedings in such cases as nearly as practicable in conformity with the proceedings of the county court in such cases.

Sec. 13. Whenever a vacancy shall occur from any cause in the office of mayor, councilman, city clerk or city assessor, the council for the time being shall by a majority vote of all the members elected, fill the vacancy until the next general election at which time a successor shall be elected by the qualified voters of said city.

Sec. 14. There shall be a chief of police, commissioner of streets, city attorney, city physician and city engineer, appointed by the common council, who at the time of their appointment shall be entitled to vote on members of said council, and who shall hold their office for the term of two years or until their successor shall be appointed and qualified; *provided*, that a person appointed to fill a vacancy in any office mentioned in this section, shall only hold the office for the unexpired term of his predecessor.

The council shall also have authority to provide by ordinance for the appointment of such other officers as shall be necessary and proper to carry into full force and authority, power, capacity or jurisdiction which is or shall be vested in the said city or in the council, or in the mayor, or any officer thereof, and to grant to such other officers so appointed the power necessary and proper to carry into full effect the object and purposes of their said appointment. The additional officers so provided for by ordinance shall hold their offices at the pleasure of the council.

Sec. 15. The council shall by ordinance define the duties of all officers appointed by them as aforesaid (subject to the provisions of sections 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 of this act), and allow reasonable compensation, subject to the maximum amounts of certain officers as set forth in section 20 of this act, which shall be monthly salaries, and not otherwise, except as to the collection of taxes, and as to any additional officers which may be provided for by ordinance pursuant to the preceding section and which compensation shall not be increased or diminished during the term of the officers so appointed.

Sec. 16. The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive its funds, assets or property or have charge of the same, such bonds,

obligations or other writings as they shall deem necessary and proper to insure the faithful performance of their several duties.

Sec. 17. All bonds, obligations and other writings taken in pursuance of any provisions of this act, shall be made payable to "The City of Central City" and the respective persons and their heirs, executors, administrators and assigns bound thereby, shall be subject to the same proceedings on said bonds, obligations and other writings, for enforcing the conditions of the terms thereof. by motion or otherwise, before any court of record held in and for the county of Cabell, that collectors of county levies and other securities are or shall be subject to on their bonds for enforcing the payment of the county levies.

Sec. 18. The mayor, city clerk, and city assessor may be removed from office for malfeasance, misfeasance, incompetency to perform the duties required of their office, and gross immorality, by a vote of three-fourths of all the members elected to the common council, but no elective officer as aforesaid shall be removed until he shall have been served with a notice thereof in writing, specifying the charges and reasons for such removal, for at least ten days prior thereto.

All appointive officers provided for by this act, may be removed from office at the pleasure of the council, two-thirds of all the members elected to the council concurring in such removal; *provided*, that such appointive officer shall not be removed before receiving notice as provided in the case of elective officers as aforesaid.

Sec. 19. The mayor, city clerk and councilmen and other elective officers of said city acting as such at the time this act takes effect shall continue in office until the next regular election herein provided for and until their successors are elected and qualified, and shall receive the following compensation and salaries:

To each councilman, \$12.00 a year; to the mayor, \$150.00 a year; to the city clerk, \$100.00 a year; to the city assessor, \$75.00 a year.

And the councilmen and officers elective and appointive, after this act shall have taken effect and become operative, shall not exceed the following rates:

To each councilman, \$12.00 a year; to the mayor, \$150.00 a year; to the city clerk, \$100.00 a year; to the city assessor, \$75.00 a year; to the city solicitor, \$100.00 a year; to the city physician, \$50.00 a year; to the chief of police, \$900.00 a year.

Sec. 20. The mayor and councilmen and other officers provided for by this act shall before entering upon the duties of their offices

on the twenty-fifth day of April take the oath prescribed by law for all officers of this state and make oath or affirmation that they will truly, faithfully and impartially, to the best of their ability, skill and judgment discharge the duties of their respective offices so long as they continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths under the laws now in force or before the mayor or the city clerk of said city. The oath to be taken as aforesaid shall be certified in writing by the person administering the same, which writing shall be properly signed by the person taking the oath and the person administering the same shall cause said certificates to be filed with the city clerk of said city and shall be allowed for his said services the sum of fifty cents for each certificate to be paid by the person taking the oath as aforesaid.

Sec. 21. Every person elected or appointed under the provisions of this act shall be deemed to have duly qualified when the provisions of the next preceding section shall have been duly complied with.

Sec. 22. When a majority of the newly elected councilmen shall have been so qualified they shall enter upon the duties of their said offices and supersede the former councilmen on or after April 25th.

Sec. 23. The mayor and all other officers provided for in this act shall enter upon the duties of their offices as soon as they are qualified and shall continue therein until their successors are elected and qualified.

Sec. 24. If any person elected to the office of mayor, councilman, city assessor or clerk shall not be eligible to such office under the provisions of this act or shall fail to qualify as herein required, the council for the time being shall declare his said office vacant and shall proceed to fill the vacancy as required by this act.

Sec. 25. The mayor shall be chief executive officer of the said city and shall take care that all orders, ordinances, acts and resolutions of the council thereof are faithfully executed by those officials or persons whose duty it may be to execute the same. He shall be *ex-officio* a justice and conservator of the peace within the city and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace except he shall have no jurisdiction to try cases, civil or criminal in their nature, and all warrants of arrest, if any, issued by him for the violation of any city ordinance shall be made returnable before and heard by him; all other original process, if any, issued by said mayor

shall be made returnable before and heard by some justice of said county.

He shall have charge of and preside over the police court thereof. It shall be his duty in court to try all persons charged with any offence against the city in regard to which he may have jurisdiction by virtue of any state law and also all persons charged with a violation of any ordinance of the city. He shall keep an accurate record of all his judicial proceedings in said court showing the style of each case which shall be properly indexed and numbered. It shall be his duty to hold daily sessions of his said court, Sundays excepted. He shall see that the peace and the good order of the city are preserved and that the persons and property therein are protected and to this end he may also cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor, but before trying such and all other persons charged with any offence, or with any violation of an ordinance as aforesaid, he shall issue his warrant specifying the offence for violation charged. He shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party so in default to the jail of the county of Cabell, or other place of imprisonment in such corporation, (if there be one), until the fine and penalty and costs shall be paid or satisfied; but the term of imprisonment in any such case shall not exceed thirty days. No fine having been assessed by the mayor against any person, can be remitted unless upon a majority vote of the council. And in all cases where a person is sentenced to imprisonment or to the payment of ten dollars or more, (and in no case shall a judgment for a fine of less than ten dollars be given by the mayor if the defendant, his agent or attorney object thereto), such person shall be allowed an appeal from such decision to the circuit court of said Cabell county, upon the execution of an appeal bond with surety deemed sufficient by the said judge, in a penalty double the amount of fine and costs imposed by him, with condition that the person proposing the appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. If such appeal be taken the warrant of arrest, the transcript of the judgment, the appeal bond and other papers of the case shall be forthwith delivered by the said judge to

the clerk of said court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment including that of costs, as the law and the evidence may require. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of the state, shall be paid by the city. The mayor shall pay the amount of fines collected by him weekly to the treasurer of the city, and shall make monthly reports thereof, and of other matters pertaining to his office, to the common council of the city.

Any warrant of arrest or other process so issued by the mayor may be executed at any place in said county. He shall have control of the police of the city, and may appoint special police officers whenever he deems it necessary, subject to any ordinance of the council in regard to police officers, their appointment, powers and duties. And it shall be the mayor's duty to see that the peace and good order of the city are preserved, and that all persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. The mayor shall at each regular meeting of the common council recommend for their consideration such measures as he may deem needful for the welfare of the city.

Sec. 26. The city clerk shall keep the journal of the proceedings of the council, and have charge of and preserve the records, bonds, papers and other documents belonging to the city. He shall in case of sickness or other inability of the mayor, or in case of his absence from the city, or in case of a vacancy in said office, perform the duties of mayor, which pertain to said office, and shall be vested with all powers necessary for the performance of such duties. The city clerk shall perform such other duties pertaining to the fiscal affairs of the city or otherwise as may be required of him by the council. He shall be a conservator of the peace within the said city and shall have a vote on all questions.

Sec. 27. The city assessor in the performance of his duties shall as far as practicable and subject to any ordinance of the council prescribing his said duties, be governed by the provisions of chapter twenty-nine of the code of West Virginia (1891) relating to the assessment of taxes. *Provided, however,* that no capitation tax shall be assessed hereunder upon any citizens of said city other than according

to the provisions of section fifty-one hereof. In order to aid the said council in ascertaining the property and tithables subject to taxation by said city, the assessor of said city shall have access to all books and public records of Cabell county, without expense to said city or assessor, and he shall also have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city as are granted and imposed upon the county assessors throughout the state by general law. And the council shall also have authority to prescribe by ordinance such other rules and regulations as may be necessary to enable and to require such assessor to ascertain and properly assess all property and tithables liable to be taxed by said city, so that assessment and taxation shall be uniform and so that no personalty or realty as far as possible shall be assessed and taxed at a higher or at a lower rate than other personalty or realty respectively of the same class, or in the same locality, and to enforce such ordinance by reasonable fines and penalties.

Sec. 28. The chief of police of said city shall be custodian of all moneys, bonds, notes or certificates or other evidence of indebtedness to the city, together with all valuable papers which may be placed in his possession by the council. It shall be his duty to collect all the city taxes, licenses, levies, assessments and all such other city claims as may be placed in his hands by the council.

He shall in the collection of taxes, levies and assessments be governed so far as practicable (and subject to the control and direction of the council), by the provisions of chapter thirty of the code of West Virginia (1891), relating to the collection of taxes, except as to the compensation paid such treasurer, and as to section six of said chapter, and as hereinafter provided.

It shall be the duty of the said treasurer to give notice by publishing for two successive weeks before the time appointed, in two newspapers of said city, of opposite politics, if there be such, and by posting a copy thereof on the front door of the city hall for the same number of days, that all persons who will pay their city taxes, levies and assessments between the first day of September and the first day of December following, inclusive, of any year, to the said treasurer in his office shall be allowed a discount of two and one-half per cent.

All taxes remaining unpaid on the first day of December of any year, shall be collected by said treasurer, for which he shall, in addition to his salary, be allowed a commission to be fixed by the council, and to be paid by the person from whom the taxes are collected.

The treasurer shall keep regular books of accounts, to be approved by the council, of all moneys received and disbursed by him, and of other matters pertaining to his office; which books shall at all times be open to the inspection of the council or any member thereof; and said treasurer shall, in the month of January of each year, and at other times as the council may require, make a detailed report in writing to the council of all matters pertaining to his office.

All moneys belonging to the city shall be paid over to the treasurer, and no money shall be paid out by him, except as the same shall have been appropriated by the council, and then only upon an order signed by the mayor or other presiding officer of the council and countersigned by the city clerk or person acting in his place and not otherwise.

Sec. 29. It shall be the duty of the chief of police to see that all subordinate police officers faithfully perform their official duty. He shall be present in the police court whenever the same shall be in session and see that all its orders and requirements are properly executed. He shall also be *ex-officio* treasurer, collect all taxes belonging to the city. He shall within the said city and county execute all process of said police court and of the mayor or other persons holding his office. He shall be *ex-officio* a constable within the corporate limits of said city and shall have power to execute all process issued by a justice of the peace of said county. It shall also be the duty of the chief of police to collect all fines and penalties imposed by the police court which he shall pay to the committee on finance. He shall also be *ex-officio* keeper of the city jail or other place of imprisonment, and he shall perform such other duties as may be required of him by any ordinance of the city.

Sec. 30. The chief of police shall be *ex-officio* the commissioner of streets and shall, under and by direction of the council, have the care and supervision of the roads, streets, avenues and alleys within the corporate limits of the city, and shall see that the same are kept in proper repair and free from all obstructions or places of danger to the traveling public. He shall be required to keep an accurate account of all expenditures by him as such commissioner and to make a report of same monthly to the council.

Sec. 31. It shall be the duty of the city solicitor to appear as attorney or counsel for the city in all actions at law or suits in equity by or against the same, to prepare all bonds, contracts or written documents when so required by the council; to be present at all regular meetings of the council and to give his advice and opinion as to all

legal matters, either in writing or orally, as the council or its committee may at any time require.

Sec. 32. The city physician shall whenever required by the mayor or other city official having authority attend in his medical capacity and prescribe for all indigent and poor persons who are sick or otherwise physically disabled and who may be pecuniarily unable to employ a physician. He shall also attend all sick and disabled persons who may be confined in the city jail or other place of imprisonment and prescribe for them as their necessities may require. He shall furnish all drugs and medicines to the persons so attended by him, not to exceed the aggregate amount allowed by the council, and which shall be refunded to him. He shall report monthly to the council his expenditures hereunder, and of all matters which may be required of him by the council. He shall be *ex-officio* chairman of the health committee, if one shall be appointed by the council; and shall perform such other duties in his medical capacity as may be required of him by any ordinance of the city.

Sec. 33. The duties of the city engineer and other officers who may be appointed by the council shall be fixed by ordinances relating, respectively, to each official.

Sec. 34. The council shall be presided over at its meetings by the mayor, or in his absence by one of the council selected by a majority of the council present.

Sec. 35. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

Sec. 36. The council shall cause to be kept in well bound books by the city clerk, an accurate record of all its proceedings, by-laws, orders and resolutions, which shall be fully indexed, and open to the inspection of any one who is required to pay in tax to said corporation.

Sec. 37. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member, the ayes and noes on any question shall be taken and recorded in the journal, and the roll shall be called alphabetically.

Sec. 38. The mayor shall have a second vote in case of tie.

Sec. 39. The council shall have the power within the said city to construct sewers and other improvements, and also to lay off, open, close, alter, curb, pave and keep in good repair roads, streets, alleys, sidewalks, drains and gutters, for the public use, and to im-

prove and light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways and gutters to be curbed and paved and kept in good order, free and clean by the owners or occupants thereof, or of the real property next adjacent thereto; to purchase, or otherwise procure, so much land as they may deem necessary for the erection of a city hall and other building purposes for the use of said city, and for such other uses as the said council may in its discretion seem proper to devote, to the same; and to contract for, build, enlarge and improve said buildings, and to enclose, ornament and take off all such buildings; to establish and regulate markets; to prescribe the time of holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome; to prevent hogs, cattle, horses, sheep or other animals and fowls of all kinds from going at large in said city; to protect places of divine worship in and about the premises where held; to abate or cause to be abated anything which in the opinion of the majority of the whole council shall be deemed a nuisance; to prohibit any theatrical or other performance, show or exhibition which the council may deem injurious to the morals or good order of the city; to regulate the keeping of gunpowder and other combustibles; to provide, in or near the city places for the burial of the dead, and to regulate the interments in the city; to provide and regulate the building of houses and other structures, and for making of division fences by the owners of adjacent premises, and the drainage of lots by proper drains and ditches; to make regulations for guarding against dangers or damages from fire; to protect persons and property of the citizens of said city, and to preserve peace and good order therein; and for this purpose to appoint, when necessary, a police force to assist the chief of police in the discharge of his duties; to erect, or authorize, or prohibit the erection of gas works or water works in or near the city, to prevent injuries to or pollution of the same, or to the water or healthfulness of the city; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the city, and to regulate the transportation thereof through the streets; to provide a revenue for the said city, and to appropriate the same to its expenses; to provide for the annual assessment of taxable persons and property in the city; to establish and construct buildings, wharves and docks on any ground which does or shall

belong to said city, and to repair, alter or remove any building, wharf or dock which has been or shall be constructed; and to levy and collect a reasonable duty on vessels coming to or using the same; and it shall have the power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order in the same, and to regulate the manner in which they shall be used; they shall have the power to appoint as many wharfmasters for said city as shall be necessary, to prescribe their duties, fix their fees, and make regulations in respect to such officers as they may deem proper and shall have power to lease any and all such buildings, wharves and docks so established and constructed by said city, to any person, firm or corporation for a term not exceeding fifty years, upon such terms, conditions and stipulations as said council shall by ordinance prescribe.

The council shall provide for the employment and safekeeping of persons who may be committed in default of the payment of fines, penalties or costs under this act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the city; and to use such means to prevent their escape while at work as they may deem expedient; and shall keep on hand all necessary tools, implements, fixtures and facilities for the immediate employment of any and all such persons, and shall fix a reasonable rate per diem as wages to be allowed to any such person until such fine and costs against him are discharged; and the city clerk shall keep an account of all fines and penalties so collected and expended; to adopt rules for the transaction of business and for the government of its own body; for all of which purposes, except that of taxation, the council shall have jurisdiction, when necessary, for one mile beyond the corporate limits of said city, excepting any other municipal corporation within said one mile limit. And the council shall have the power to provide, by taxation or otherwise, for the maintenance of the poor of the city, and contract with the overseer of the poor of Cabell county, to keep and maintain the poor of said city, upon terms to be agreed upon between the council and the overseer of the poor of said county. To carry into effect these enumerated powers conferred upon the said city or its council, expressly or by implication, by this or any future act of the legislature of this state, the council shall have the power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this state, and to prescribe, impose

and enact reasonable fines, penalties and imprisonment in the county jail or such other place as they may provide, for a term not exceeding thirty days, for violation thereof. Such fines, penalties and imprisonments shall be recovered and enforced under the judgment of the mayor of said city, or the person lawfully exercising his functions. And the authorities of the said city may, with the consent of the said county court, entered of record, use the jail of the said county of Cabell for any purpose for which the use of a jail may be needed by them, under the acts of the council or the state.

Sec. 40. No money shall be appropriated by the council and no contract on behalf of said city shall be entered into or authorized, nor shall any ordinance be passed unless two-thirds of the members present when the question is put, concur therein, or unless the same be concurred in at two successive meetings of the council held at different dates, by a majority of the members present at each meeting.

Sec. 41. The council of said city shall annually, before levying taxes provided for and authorized by this act, through such committees as it shall direct ascertain the total expense of said city to be provided for by said levy for the fiscal year in which said levy is made; and it shall ascertain the sum of money necessary to pay interest accruing on the bonded indebtedness of said city, and what amount it shall expend for the support of its various departments, and for the improvement of its streets, alleys, avenues, and public grounds, or for its contingent expenses; and, before making such levy it shall apportion the rate thereof among the several funds so ascertained and provided for, which said apportionment shall be spread upon the records of said council, a copy of which, together with all other matters pertaining to the finances of said city, shall be annually published by direction of the council, at the time of making such levy, in at least two newspapers of said city if there be such, and of opposite politics, and the funds raised by such levy shall be used for no other purpose than that for which it shall be directed by the apportionment aforesaid, and the use of such funds for any other purpose may be restrained by injunction upon a bill filed by any one or more of the taxpayers of said city.

Sec. 42. The council shall have authority to levy and collect an annual tax on real estate, personal property, tithables and dogs in said city and upon all other subjects of taxation under the several laws of the state, including bank stock whether owned by persons residing within the limits of said city or not; gas companies, building

associations loaning money and all other incorporated companies; *provided*, that the aggregate taxes collected from all real and personal property for the year 1905, does not exceed five per centum, and for the year 1906 does not exceed seven per centum of the amount of the taxes collected upon said property for the year 1904, and that thereafter the levy does not exceed fifty cents on the one hundred dollars valuation of the real and personal property, and does not exceed in other respects the amounts for which the same subjects are taxed for state purposes, which taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed and on capital, on which the state imposes a tax.

Sec. 43. In case any person shall neglect or refuse to pay in whole or in part any tax lawfully levied upon him or her for the benefit of said city, on or before the first day of January next after the assessment thereof, such person or persons shall be chargeable with interest upon the amount of said taxes, at the rate of one-half per centum per month, until the same are paid; and the officer appointed to collect said taxes, shall be chargeable with said interest and required to account therefor.

And it shall be lawful for such officers to take reasonable distress of any personal property in said city belonging to such delinquent or delinquents, or in which they shall have any right or interest, and to sell the said property, right or interest at public sale in said city, having given ten days notice of the time and place of sale by advertisement posted at some public place in the said city; and out of the proceeds of said sale, after paying all proper expenses, to pay to the said city the amount which shall be due on account of said taxes and interest, returning the balance, if any, to the owner of the property, right or interest so sold.

Sec. 44. In case any taxes levied upon real estate for the benefit of said city shall not be paid in full within thirty days after the same have become due, it shall be lawful for the officer appointed to collect such tax to make reasonable distress of any personal property belonging to the owner of said real estate in said city, or in which such owner shall have any right or interest, or of any personal property on the premises taxed belonging to any person in the possession or occupancy thereof, or in which any person shall have any right or interest and apply the proceeds in the manner prescribed in the last preceding section. And the said officer shall have the right to dis-

train any such property and the same sell and apply as aforesaid, notwithstanding such personal property be included in any deed, deed of trust, mortgage, bill of sale, or other writing made subsequent to the time the taxes became due.

Sec. 45. All taxes assessed upon the real estate within the said city, for the benefit of said city, shall remain a lien thereon from the time the same was so assessed, which shall have priority over all other liens, except for taxes due the state, county or district; and may be enforced in the same manner as now provided by law for the enforcement of liens for county taxes, or in such other manner as the council may by ordinance prescribe; and if not paid on or before the first day of January succeeding assessment thereof, said lien and taxes shall bear interest at the rate of one-half per centum per month until the same be fully paid. And the personal property of every person to whom the said real estate shall come by descent, purchase or gift of the person or persons in possession or occupancy thereof, shall be subjected to distress and sale in the same manner and to the same affect as if he, she or they were originally charged with the taxes. And in all cases in which any tax assessed upon real estate for the benefit of said city shall be paid in whole or in part by the tenant, or out of his or her property, he or she shall be entitled to deduct the same out of the accruing rent or to recover the same amount so paid from the owner of such real estate, unless it shall have otherwise been especially agreed. If any real estate in said city be returned delinquent for the non-payment of taxes thereon, and such return shall be made by the collector thereof in such manner as the council of said city may prescribe, a copy of such delinquent list may be certified by the council to the auditor of the state, and the same may be sold for the taxes, interest and commission thereon, in the same manner and at the same time, by the same officer, as real estate is sold for non-payment of state taxes.

Sec. 46. No taxes or levies shall be assessed upon or collected from the taxable persons or property within the corporate limits of said city, for the construction or keeping in repair of roads or bridges, the building, leasing or repairing of school houses, or the purchase of lands for the same or for the support of schools, or for the support of the poor of Cabell county, outside of said corporate limits, for any year in which it shall appear that said city shall at its own expense provide for its own poor and keep its own roads, streets and bridges in good order; and neither the county court of Cabell

county, nor the authorities of the district in which said city is situated, shall have or exercise jurisdiction within the corporate limits with relation to the roads, streets, alleys, bridges, school or school houses therein, but the same shall be and remain under the exclusive jurisdiction and control of the municipal authorities of said city.

Sec. 47. Whenever anything for which a state license is required to be done within the said county the council may require a city license therefor, and may impose a tax thereon for the use of the city; and the council shall have the power to grant, refuse or revoke any such license, and also license to owners or keepers of hotels, carts, or wagons, drays and every other description of wheeled carriages kept or used for hire in said city, and to levy and collect taxes thereon and to subject the same to such regulations as the interest and convenience of the inhabitants of the said city, in the opinion of the council shall require. No license to sell strong or spirituous liquors, or wine, ale, beer, porter or drink of like nature, within the said city, or within one mile of the corporate limits thereof, excepting any other municipal corporation which may lie within the said limit unless granted by the county court of the county of Cabell, but the common council of said city shall have the power to grant, refuse or revoke any such license within the corporate limits thereof. The council shall require from the person so licensed a bond, with approved security, payable to said city, in such penalty and with such conditions as it may think proper, and may revoke such license at any time if the condition of the bond be broken; and the council shall have authority to subject any person or persons who without having paid the tax imposed by the said council for the privilege, shall do any act or follow any employment or business in the said city, upon which the council are or shall be authorized to impose a tax, to any fine or imprisonment which they are or may be authorized to impose or inflict for the enforcement of their ordinances.

Sec. 48. The council shall have authority to put down a suitable curb of brick, stone or other material at the expense of the said city, along and for the footways and sidewalks of the streets and alleys of said city, and to order the construction and repair of sidewalks and gutters of such material and width as the council may determine, by the owners or occupiers of the lots or parts of lots facing upon said streets or alleys; and in case they or any part of them refuse to put down or repair such sidewalks and gutters when required, it shall be lawful for the council to have such sidewalks and gutters con-

structed or repaired, and to collect the expense thereof, with one per centum per month interest added after a demand of thirty days, from the said owner, owners, occupier or occupiers or any of them, by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of the said city are herein authorized to be collected, and shall remain a lien upon said lot or part of lot, the same as taxes levied upon real estate in said city; which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced; *provided, however*, that a reasonable notice shall first be given to the said owner or occupier, or their agent, that they are required to construct or repair such sidewalk or gutters. In case of non-residents who have no known agent in said city, such notice shall be given by publication for not less than four consecutive weeks in any newspaper printed in said city; and in all cases where a tenant shall be required to construct or repair sidewalks or gutters in front of the property of his or her occupancy, the expense of such construction or repairing may be deducted out of the accruing rent of said property, and he or she may recover the amount so paid, from the owner, unless otherwise especially agreed upon.

Sec. 49. There shall be a tax of one dollar annually assessed on each and every male inhabitant of said city over twenty-one and under fifty years of age, by the city assessor at the time of his listing personal property, and for the purpose hereinafter set forth, and the same shall be set out and included in the personal property book against every such inhabitant, and shall be collected by the city collector at the time of collecting other levies and taxes. All moneys collected and fines recovered under this section shall be expended upon the roads, streets, alleys, sidewalks, crosswalks, footways, drains, gutters and wharfs of said city; and the common council thereof shall have power to expend from the revenues of said city additional sums upon the highways that it may deem proper and necessary for work, tools or material. The commissioner of streets shall have all the rights, powers and privileges, and perform all the duties by law conferred upon and required of surveyors of roads in a district, and shall be subject to the same fines and penalties imposed by law upon such surveyor or for any neglect of his duty.

Sec. 50. The common council of said city is hereby empowered to issue bonds for the purpose of public improvements. Said bonds shall not draw more than six per cent interest per annum, and can

be made payable in from five to thirty years; *provided*, that such indebtedness shall not exceed five per cent for the year nineteen hundred and five and two and one-half per centum thereafter of the value of the taxable property of said city, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt, and the principal thereof within and not exceeding thirty-four years; and, *provided further*, that no debt shall be contracted hereunder, unless all questions connected with the same shall have been first submitted to a vote of the people of said city, at a general or special election, and have received three-fifths of all the votes cast for and against the same.

Whenever it shall be deemed expedient by the common council of said city, or on the petition of fifty voters and taxpayers of the city, to issue bonds for any purpose for which bonds may be legally issued under this charter and existing laws, the said common council may order a special election to be held for the purpose of voting upon such bonds. Whenever it is determined to issue bonds hereunder, the said common council shall, by resolution, entered of record, so declare, specifying the particular purpose or purposes, and amount for which said bonds are to be issued, and the rate of interest said bonds shall bear, not exceeding six per centum per annum. Said resolution shall appoint a day on which the election shall be held by the qualified voters of said city to decide whether or not said bonds shall be issued.

Such resolution shall be published in two newspapers of opposite political parties, if there be such papers published in said city, for at least four weeks prior to said election.

Such election shall be provided for, conducted, and the result ascertained and declared, as provided by law for holding, ascertaining and declaring the result of general elections. And the ballots to be voted at such election shall contain a statement of the amount and kind of bonds to be issued, and the purpose or purposes for which they are to be used, and shall contain the words: "For the bonds," and the words, "Against the bonds."

Provided, that the said city council, acting hereunder, shall, in all respects, comply with section eight of article ten of the constitution of West Virginia.

Sec. 51. All ordinances in force at the time this act takes effect,

shall continue to have full operation and effect as ordinances of the city of Central City, until amended, repealed, or superseded by the council of said city.

Sec. 52. The common council of the city of Central City shall be authorized to order any avenues, streets and alleys to be graded and paved between the curbs with cobble stones, brick or other suitable material, or to be macadamized, under such supervision as it shall direct by ordinance, upon the lowest and best terms to be obtained by advertising for bids or proposals therefor; and two-thirds of such paving or macadamizing of any of the avenues, streets or alleys aforesaid, from the curb on either side of the avenue, street or alley, to the middle thereof, shall be assessed to the owners of the lots, fronting or bounding on such avenues, streets or alleys, in proportion to the distance so fronting or bounding owned by each; one-sixth of the cost thereof of such grading or paving, or grading and macadamizing, shall be paid by the lot owner in thirty days after the completion of the work on the square in which it is done, and the remainder in five equal annual instalments, payable as the council may designate in the ordinance letting the contract for such work, with interest from time of completion aforesaid. The other third of the costs of the said paving or macadamizing, and the intersection of avenues, streets and alleys, shall be paid by the city.

Sec. 53. The sum or sums of money thus assessed for such paving or macadamizing, shall be a tax lien upon the lots or fractional parts of lots upon which they are assessed, from the time of the recordation of the report of the council, or its committee, hereinafter provided for, which lien may be enforced by a suit in equity in any court having jurisdiction thereof, or any instalment thereof may be collected by a suit at law before any court or justice of the peace having jurisdiction.

Sec. 54. Whenever the council shall contract for such paving or macadamizing to be done, and that it shall be paid for in instalments by the property owners fronting on such streets, avenues or alleys, as aforesaid, the council may cause the mayor and recorder to issue to the contractor doing the paving or macadamizing, a certificate for each instalment of the amount of the assessment to be paid by the owner of the lot, or fractional part, fronting on such street, avenue or alley; and the amount specified in said assessment certificate, shall be a lien as aforesaid, in the hands of the holder thereof, upon the lot or part of lot fronting on the street, avenue or alley so

improved, and shall draw interest from the date of its issuance, and the payment may be enforced, as set out above, in the name of the holder of such certificate; and after a contract has been made by the council to pave or macadamize any public highway in said city, under this act, and the pavement or macadamizing or any stipulated part thereof, has been completed, the said council, or a committee appointed by the same, shall go upon the properties abutting or bounding upon the public highway so paved or macadamized, and assess the amount each lot shall pay for the improvement so made, and shall return to the common council of said city a written report, stating the number of lots and the blocks and the names of the owners of such lots when known, and the amount assessed thereon; and when the said council approves said report, or modifies it and then approves it, a copy of said report so adopted by the council, when certified to by the recorder of said city, may be recorded in the clerk's office of the county court of Cabell county, in the trust deed book, and shall be a continuing tax lien upon the lot against which the assessment is made, until the certificates, as aforesaid, are paid, and the clerk shall index same in the name of each lot owner mentioned therein; and upon the presentation by the lot owner of all the certificates issued aforesaid against the lot owner, the clerk of said court shall mark upon the margin of the book in which said certificate report is recorded, that the lien is released to the lot mentioned in the certificate produced.

Sec. 55. All other acts and parts of acts coming within the purview of this act and inconsistent herewith are hereby repealed.

(House Bill No. 388.)

CHAPTER 5.

AN ACT authorizing the common council of the city of Charleston to issue bonds not to exceed the amount of seventy-five thousand dollars to purchase, erect and construct a bridge or bridges across the Elk river, within the limits of the city of Charleston.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905]

SEC.

1. Bonds, issue of authorized.
2. Interest, when and where payable.
3. Principal.
4. Proceeds of bonds.

SEC.

5. Payment of bonds.
6. Provision for sale of bonds; exempt from taxation.
7. Provision for submission to vote; election provided for.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the common council of the city of Charleston is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of seventy-five thousand dollars in the aggregate, at any rate of interest, not exceeding six per centum per annum.

Sec. 2. That the said common council of said city shall designate whether the interest on said bonds shall be payable annually or semi-annually, and the place where the same shall be payable, all of which shall be expressed on the face of the coupons for the payment of the interest attached to said bonds.

Sec. 3. The principal of said bonds shall be payable at such times as are stipulated on the face thereof, but not exceeding thirty years after the date of their issue.

Sec. 4. The proceeds arising from the sale of said bonds shall be applied in payment of the cost of erection of a bridge or bridges across the Elk river, within the limits of said city, and such expenses as may be incurred in the erection thereof; the specifications of said bridge or bridges to be determined and agreed upon by the said common council.

Sec. 5. The said common council of said city of Charleston shall provide out of the revenues or income of the city for the payment of the principal and interest of said bonds within the time expressed for the payment thereof. In the event that there shall be default in the payment of either the principal or interest of said bonds, or any of them, the holders thereof shall be entitled to the usual remedies provided by law for enforcing the payment of same, including the right to apply to the circuit court of Kanawha county for writ of mandamus to compel payment thereof.

Sec. 6. Bonds authorized to be issued under this act shall not be sold or negotiated for less than par value, and shall be exempt from taxation for municipal purposes, which fact shall appear upon the face thereof as a part of the contract with the purchaser. Said council shall have authority to prescribe the manner or mode of selling or disposing of said bonds.

Sec. 7. Whenever the said corporate authority shall provide by ordinance for the issuing of the bonds authorized by this act, and for the purposes mentioned therein, said ordinance shall not become operative, and shall not have force and effect until it shall have been published in at least two newspapers of general circulation in the city of Charleston, for two weeks consecutively, and been approved by

three-fifths (3-5) of the legal votes of said city, cast for and against the same, at an election, either special or general city election, to be held at the usual voting places within said city within ten (10) days after the expiration of the publication of two weeks of such ordinance, as herein provided for, and in the publication of said ordinance notice shall be given of the day on which said election shall be held. And in such election the conduct and returns thereof shall be as provided by law for all other elections held in said city for officers and other purposes.

(Senate Bill No. 199.)

CHAPTER 6.

AN ACT to amend and re-enact section 28 of chapter 151 of the acts of 1901, relating to the powers and duties of the common council of the city of Elkins, by adding thereto sub-sections *a* and *b*.

[Passed February 24, 1905. In effect from passage. Approved February 25, 1905]

<p>SEC. 28. Powers of council as to streets; markets; nuisances; loitering; providing for annual assessment; authority to pass ordinances; license, etc.</p>		<p>SEC. Sub-sec. a. Construct sewers, sidewalks and by whom paid. Sub-sec. b. Authority to require property owners to connect to sewers and the payment therefor.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

1. That section twenty-eight of chapter one hundred and fifty-one of the acts of nineteen hundred and one, be amended and re-enacted so as to read as follows:

Sec. 28. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross walks, drains, sewers and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and keep them free from obstructions of every kind; to regulate the width and kind of the pavements and sidewalks, footways, drains and gutters and cause the same to be kept in good order, free and clean by the owners and occupants of the real property next adjacent thereto; to establish and regulate

markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits, or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits, or to compel the abatement or removal thereof at the expense of the person causing the same, or by or at the expense of the owner or occupant of the ground on which such nuisance is placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any town lot or tract of land covered or subject to be covered with stagnant water; to prevent horses, hogs, cattle, sheep or other animals and fowls of all kinds, from going or being at large in such city, and as one means of prevention to provide for impounding or confining such animals and fowls at the expense of the owner thereof, and upon failure of the owner to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises when and where such worship is held; to regulate the keeping and sale of gunpowder and other inflammable or dangerous substances; to provide for the regular building of houses or other structures and to provide for the kind of material to be used in the construction thereof, and for the making and maintaining of division fences by the owners of adjoining property, and for the proper draining of city lots and other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish assault and battery; to prohibit the keeping, or loitering in or visiting houses of ill-fame, or loitering in saloons or upon the streets; to prevent lewd or lascivious conduct or other representations; the desecration of the Sabbath day, profane swearing, the illegal sale of intoxicating drinks, mixtures or preparations; to protect the persons of those residing or being in said city; to appoint, when necessary or advisable, a police force, permanent or temporary, to assist the chief of police in the discharge of his duty, and who when appointed shall have the same power and authority in and about the arrest of offenders as the chief of police may have; to build or purchase, or lease and use a suitable place of imprisonment within said city for the safe keeping or punishment of persons charged with or convicted of the violation of the ordinances of the city, or they may adopt the county jail of Randolph county for that purpose; to

erect or authorize or prohibit the erection of gas or water works, or both, within the city limits or near the same; to prevent injury to such works, or the pollution of any gas or water used or intended to be used by the public or by any individual; to provide for and regulate the weighing or measuring of hay, coal, lumber and other articles sold or kept for sale within said city, and to establish weights and charges for the weighing and measuring thereof; to create by ordinance such committees and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein and for the revenue for the city for municipal purposes and to appropriate such revenue to its expenses; and generally to have power to take such measures as are deemed necessary or advisable to protect persons and property, public or private, within the city; to preserve peace, quiet and good order therein and to promote the health, safety, comfort and well being of the inhabitants thereof.

The council shall have authority to pass all ordinances not repugnant to the constitution and laws of the United States, and of this state, which shall be necessary or proper to carry into full effect and power, authority and capacity, the jurisdiction which is or shall be granted to or vested in the said city, or in the council, or in any officer or body of officers of said city, and to enforce any or all their ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed may compel the offender to labor without compensation at and upon any of the public works or improvements undertaken or to be undertaken by said city, or to labor at any work which the said council may lawfully employ labor upon at such a reasonable rate per diem as the council may fix, until any fine or fines and costs imposed upon any such offender by said city have been fully paid and discharged, after deducting reasonable charges of support while in the custody of the officers of the city; *provided, however*, that no fines shall be imposed exceeding thirty dollars and costs, and that no person shall be imprisoned or compelled to labor as aforesaid for more than thirty days for any one offence. And in all cases where a fine is imposed for an amount exceeding ten dollars and costs, or a person be imprisoned or compelled to labor as aforesaid for a term greater than ten days, an appeal may be taken from such decision upon the same terms and conditions that appeals are taken from the judgment of a justice of this state. Such fines and penalties shall be imposed and

recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city, or, in case of his absence or inability to act, by the clerk of said city, or if he be unable to act, then by any member of the council to be appointed by the council for that purpose; and for his services in trying cases, whether civil, criminal or infractions against the ordinances of the city, the mayor shall be entitled to receive such fees as are paid to justices of the peace for similar services, but in cases of infractions of the ordinances of the city the mayor shall not be paid such fees unless they are collected from the defendant, and in all such cases the chief of police shall be entitled to receive such fees as are paid to constables for similar services, except that for cases for the infraction of the ordinances of the city he shall not receive such fees unless collected from the defendant; and *provided, further*, that the fee for making any arrest shall be one dollar, to be paid to the officer making the arrest, whether such officer be the chief of police or other officer, if collected from the defendant, but not otherwise. In addition to the powers above enumerated, the said city council shall have power to improve, amplify and extend the water works of said city, and to either themselves build and construct, either within or outside of the corporate limits, all such additional reservoirs and lay such water mains or pipes as may be necessary, and for that purpose may acquire by purchase, lease or condemnation, all land either within or outside of said city, as may be necessary, or they may contract for such work to be done, to the end, in either event, to secure an adequate supply of pure, healthful water for said city, and do all things necessary to adequately supply said city with pure, wholesome water, and provide, contract for and construct an adequate sewerage system for said city; and may provide and cause to be maintained by either the construction thereof, or by contract with others, of an electric light plant for the purpose of lighting the streets of the city, and if the city itself constructs and operates such plant it may sell and furnish such light to private individuals and others residing within said city. Whenever anything for which a state license is required is to be done in said city, the council may require a city license therefor and may impose a tax thereon for the use of said city, and whenever said city license is granted by the council for the sale of spirituous, vinous or malt liquors, or drink of like nature, the county court shall grant a state license for the sale thereof within the corporate limits of said city, but no state license therefor shall be granted within said city, by the county court, or with-

in four miles of the corporate limits thereof, unless the council thereof first grants a city license. The council shall require from every person so licensed to sell spirituous, vinous or malt liquors a bond with good security, to be approved by the council, in a penalty of at least three thousand five hundred dollars payable to said city by its corporate name, conditioned as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia, and may revoke such license at any time the condition of said bond be broken, upon ten days' previous notice to the person holding the same. And suits may be prosecuted and maintained on such bonds as prescribed in said section of said chapter by any person for the same causes, in the same manner and to the same extent, as upon the bonds mentioned in the said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

Sub-Sec. a. Whenever in the opinion and judgment of said council the same is necessary, it shall have power to construct such sewers as in its opinion and judgment are needful for the comfort, health, safety and welfare of the inhabitants of said city or of the public, and may construct said sewers at such places and in such manner as in the opinion and judgment of said council may be proper, but so far as practicable shall construct such sewers under the streets, alleys or roads of said city, and whenever in the opinion and judgment of said council any street or alley in said city should be paved with brick, or other suitable substance for paving purposes, the said council may cause the same to be paved in such manner as in the opinion and judgment of said council is most suitable for the purpose; and whenever in the opinion and judgment of said council any sidewalks or footwalks of stone, brick, cement or other suitable substances are necessary or beneficial and for the best interests of the inhabitants of said city, the said council may order the same to be constructed in such way and manner and of such material as in the opinion and judgment of said council are most suitable for the purpose, and for the purpose of paying the expenses and cost of any such sewers, paving, sidewalks or footwalks, the said council may levy a special assessment for the cost thereof against the real estate benefitted thereby which bounds or abuts thereon, and may cause such special assessment to be collected as city taxes are collected against real estate in said city, as provided in said chapter one hundred and fifty-one of the acts of nineteen hundred and one, and as provided for the collection of state

taxes assessed against real estate in said city, but in the case of any sewer constructed under and along any street, alley or road, or in the case of any pavement constructed upon any street or alley the abounding and abutting real estate on each side of the street shall only be held liable to pay the one-third of the cost of such sewer or pavement and the residue of the cost thereof shall be paid out of the city treasury, and in the case of any sidewalks or footwalks the real estate next adjacent thereto shall be held liable to pay the whole of the cost of such sidewalks or footwalks.

Sub-Sec. *b.* The said city council is hereby given full right and authority to require any house or lot owner in said city to connect a sewer leading from his or her house or lot into any public sewer which is located in any street or alley adjoining the same, and if such house or lot owner fails or refuses so to do after having been given a reasonable notice, the said council may enter upon such lot and construct such sewers and may levy the actual cost thereof against the lot upon which the same is built and collect such cost from the owner of such lot in the same manner as city or state taxes are collected against real estate in said city.

(Senate Bill No. 15.)

CHAPTER 7.

AN ACT authorizing the common council of the city of Fairmont to issue bonds to the amount of two hundred and twenty-five thousand dollars, to pay for improvements made upon the water works system of said city, and to secure the payment of the principal and interest of said bonds by mortgage or deed of trust, on the water works system of the said city.

[Passed January 20, 1905. In effect from passage. Approved February 6, 1905.]

<p>SEC.</p> <p>1. Council authorized to issue bonds.</p> <p>2. Interest.</p> <p>3. Principal, when payable.</p> <p>4. Proceeds, how applied.</p>	<p>SEC.</p> <p>5. Sinking fund.</p> <p>6. Sale of bonds.</p> <p>7. Notice by publication.</p>
--	---

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the common council of the city of Fairmont is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of two hundred and twenty-five thousand dollars,

in the aggregate, at any rate of interest, not exceeding six per centum per annum.

Sec. 2. That the said common council of the said city shall designate whether the interest on said bonds shall be paid annually or semi-annually, and the place where the same shall be payable, all of which shall be expressed on the face of the coupons for the payment of the interest attached to said bonds.

Sec. 3. The principal of the said bonds shall be payable at such times as are declared on the face thereof, but not exceeding thirty years after the date of their issue.

Sec. 4. The proceeds arising from the sale of the said bonds shall be applied in payment of all claims, demands and evidences of debt against the city of Fairmont, arising out of the construction of the reservoir and filter plant owned by the said city and located on Log Cabin hill, near the corporation limits of the said city, and for all material used in connection with said water works plant, and all labor performed thereon, including all fixtures, pipes, pipe lines, sewers and pumps in connection therewith, both within and without said corporation limits, as well as all expenses incurred in repairing, enlarging and completing the present system of water works, owned and operated by the said city. *Provided*, that no such claims, demands, or evidences of debt against the said city, shall be paid out of the said proceeds, unless the same shall have been authorized and directed to be paid by the common council of the said city of Fairmont.

Sec. 5. The common council of the said city of Fairmont shall provide annually a sinking fund out of the revenues, or income, from the said water works, for the payment of the interest and the principal of the said bonds within the time expressed on the face thereof; and said sinking fund as it annually accumulates shall be by the common council of said city immediately invested in good and safe securities at a rate of interest not less than that paid on the said bonds and the said council shall keep said sinking fund so invested at said rate of interest until the time said bonds, or any part of them, become due and payable; and as a security for, and guarantee of, the payment of the said interest and principal, said common council is hereby authorized and empowered to execute a mortgage or deed of trust on the said water works, and water system of the said city of Fairmont. Said mortgage, or deed of trust, shall grant and convey unto the trustee therein named, all of the right, title

and interest of every kind and description, held, owned and possessed by the said city of Fairmont, in and to all of the said water works and said water system, both within and without said corporation limits, and including the land known as Log Cabin hill farm; but said city shall have the right to continue to control and operate said water works and water system, so long as there shall be no default in the payment of the interest and principal of said bonds, or any of them, as expressed on the face thereof. In event that there shall be default in the payment of either the interest or principal of said bonds, or any of them, the said trustee shall, when requested in writing by any holder or holders of said bonds, proceed to sell said water works and water system at public auction, at the front door of the court house of said Marion county, West Virginia, to the highest bidder therefor, upon such terms, stipulations and conditions, and after such notice as may be prescribed by the common council of the said city of Fairmont and set forth in said deed of trust or mortgage aforesaid; and the proceeds of said sale shall be applied, as far as may be necessary to pay said bonds, and the interest thereon, according to the tenor and effect thereof; and any surplus remaining shall be paid to said city.

Sec. 6. Bonds authorized to be issued under this act shall not be sold or negotiated for less than par value, and shall be exempt from taxation for municipal purposes, which fact shall appear upon the face thereof as a part of the contract with the purchaser. Said council shall have the authority to prescribe the manner or mode of selling or disposing of said bonds.

Sec. 7. Whenever the said corporate authority shall provide by ordinance for the issuing of the bonds authorized by this act, and for the purposes mentioned therein, said ordinance shall not become operative, and shall not have force and effect until it shall have been published in at least two newspapers of general circulation in the city of Fairmont, for two weeks consecutively, and been approved by three-fifths of the legal votes of said city, cast for and against the same, at an election, either special or general city election, to be held at the usual voting places, within said city, within ten days after the expiration of the publication of two weeks of such ordinance, as herein provided for, and in the publication of said ordinance notice shall be given of the day on which said election shall be held. And in such election the conduct and returns thereof shall be as provided by law for all other elections held in said city for officers and other purposes.

(Senate Bill No. 128.)

CHAPTER 8.

AN ACT to amend and re-enact sections 19, 27, 30, 31, 44 and 49 of chapter 150 of the acts of 1901, incorporating the city of Huntington, and repealing section 53 and substituting another in lieu thereof.

[Passed February 16, 1905. In effect from passage. Approved February 20, 1905.]

SEC.

1. Huntington charter amended.
19. Removal; suspension of officers,
etc.
27. City clerk, his duties.
30. Police judge.

SEC.

31. Chief of police.
44. Council powers and duties.
49. Licenses.
53. Claims.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That sections nineteen, twenty-seven, thirty, thirty-one, forty-four and forty-nine of chapter one hundred and fifty of the acts of one thousand nine hundred and one, incorporating the city of Huntington, be and the same are hereby amended and re-enacted so as to read as follows:

Sec. 19. The mayor, treasurer, city clerk and city assessor may be removed from office for malfeasance, misfeasance, incompetency to perform the duties required of their offices and gross immorality, by a vote of three-fourths of all the members elected to the common council, but no elective officer as aforesaid shall be removed until he shall have been served with a notice in writing, specifying the charges and reasons for such removal, for at least ten days prior thereto.

All officers appointed by the council, provided for by this act, may be removed from office at the pleasure of the council, a majority of all members elected to the council concurring in such removal; and the chief of police, and all police officers provided for by this act, may be suspended, for cause, at the pleasure of the mayor. And in case of any such suspension, the mayor shall report the same to the next regular meeting of the council and after an investigation by the council, said officer or officers so suspended shall not be re-instated unless upon a majority vote of council concurring therein. And in case of suspension the salary of such officer shall cease at time of suspension; *provided, however,* that if such suspended officer or officers be found

not guilty of the charges for which suspension was ordered upon reinstatement as herein provided, the salary shall remain as though there had been no suspension.

Sec. 27. The city clerk shall keep a journal of the proceedings of the council, and have charge of and preserve the records, bonds, papers and other documents belonging to the city. He shall in case of sickness or other inability of the mayor, or police judge, or in case of their absence from the city, or during any vacancy in their respective offices, perform the duties of mayor and police judge, which pertain to their said offices, and shall be vested with all power necessary for the performance of such duties.

The city clerk shall on the first day of each month make up a list of all allowances made by the council for the preceding month, which list shall show the name of the party to whom the allowance was made, the amount thereof, for what it was made and the fund out of which the same was made payable, which list he shall post at the front door of the city hall, and keep the same posted there for at least ten days, and if so required by the council, cause the said list to be published as the council may direct. A duplicate of said list shall be preserved by the clerk in his office. The city clerk shall also perform such other duties pertaining to the fiscal affairs of the city, or otherwise, as may be required of him by the council. He shall be a conservator of the peace within said city.

Sec. 30. The police judge of said city shall be *ex-officio* a justice and conservator of the peace with the same authority to issue process as exercised by the mayor aforesaid, and shall have charge of and preside over the police court thereof. It shall be his duty in court to try all persons charged with any offence against the city, in regard to which he may have jurisdiction by virtue of any state law, and also all persons charged with the violation of any ordinance of the city.

He shall keep an accurate record of all his judicial proceedings in said court, showing the style of each case, which shall be properly indexed and numbered. It shall be his duty to hold daily sessions of his said court, Sundays excepted.

He shall see that the peace and good order of the city are preserved, and that the persons and property therein are protected, and to this end he may also cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor; but before trying such and all other persons charged with any offence or with any violation of an ordinance, as aforesaid, he shall

issue his warrant, unless one shall have been issued by the mayor or other person holding his office, specifying the offence or violation charged. He shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require. He shall also have power to issue executions for all fines, penalties and costs imposed by him, or he, the said judge, may require the immediate payment thereof, and in default of such payment he may commit the party so in default to the jail of the county of Cabell, or any other place of imprisonment in such corporation, if there be one, until the fine and penalty and cost shall be paid or satisfied; but the term of imprisonment in any case shall not exceed thirty days. And in all cases where a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more (and in no case shall a judgment for a fine of less than ten dollars be given by the police judge, if the defendant, his agent or attorney object thereto), such person shall be allowed an appeal from such decision to the criminal court of said Cabell county, upon execution of an appeal bond with surety deemed sufficient by the said judge, in a penalty double the amount of fine and costs imposed by him, with conditions that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the criminal court on such appeal.

If such appeal be taken, the warrant of arrest, the transcript of the judgment, the appeal bond and other papers of the case shall be forthwith delivered by the said judge to the clerk of the said criminal court and the said court shall proceed to try the case as upon indictment or presentment, and render such judgment, including that of costs, as the law and evidence may require. The expense of maintaining such person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of the state, shall be paid by the city.

The police judge shall pay the amount of fines collected by him to the treasurer of the city. And on the first day of each month he shall make up a detailed monthly report to the common council of all the proceedings before him as such police judge for the preceding month, which report shall show the names of all the parties brought before him, the disposition of the cases, the fines assessed, the amounts paid on same in cash and by work and all securities taken for unpaid fines, and the fines remitted. He shall furnish the city treasurer

with a duplicate of said report and preserve a duplicate of same in his office.

Sec. 31. It shall be the duty of the chief of police, subject to the direction and control of the mayor, to see that all subordinate police officers faithfully perform their official duties. He shall be present in the police court whenever the same shall be in session and see that all its orders and requirements are properly executed. He shall, within the said city and county, execute all process of said police court, and of the mayor or other person holding his office. He shall be *ex-officio* a constable within the corporate limits of said city and shall have power to execute all process issued by a justice of the peace of said county. It shall also be the duty of the chief of police to collect all fines and penalties imposed by the police court, which he shall pay daily as collected to the police judge. He shall also be *ex-officio* the keeper of the city jail or place of imprisonment, and he shall perform such other duties as may be required of him by any ordinance of the said city.

Sec. 44. The council shall have authority to levy and collect an annual tax on real estate, personal property, tithables and dogs in said city and upon all other subjects of taxation under the several laws of the state, including bank stock, whether owned by persons residing within the limits of said city or not; gas companies, building associations loaning money and all other incorporated companies; *provided*, that the aggregate taxes collected from all real and personal property for the year 1905, do not exceed five per centum and for the year 1906 do not exceed seven per centum of the amount of the taxes collected upon said property for the year 1904, and that thereafter the levy does not exceed sixty cents on the one hundred dollars valuation of the real and personal property, and does not exceed in other respects the amounts for which the same subjects are taxed for state purposes which taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed and on capital, on which the state imposes a tax.

Sec. 49. Whenever anything for which a state license is required to be done within the said county, the council may require a city license therefor, and may impose a tax thereon for the use of the city; and the council shall have the power to grant, refuse or revoke any such license of owners or keepers of hotels, carts or wagons, drays and every other description of wheeled carriages kept or used

for hire in said city, and to levy and collect tax thereon and to subject the same to such regulations as the interest and convenience of the inhabitants of said city, in the opinion of the council, may require. No license to sell strong or spirituous liquors, or wine, ale, beer, porter, or drinks of like nature, within the said city, or within one mile of the corporate limits thereof, excepting any other municipal corporation which may lie within said limit, shall be granted by the county court of the county of Cabell; but the common council of said city shall have the power to grant, refuse or revoke any such license within the corporate limits thereof; *provided, however,* that the said common council of said city shall not grant more than one license to every one thousand inhabitants of the said city of Huntington. The council shall require from the person so licensed a bond, with approved security, payable to said city in such penalty, and with such conditions as it may think proper, and may revoke such license at any time if the condition of the bond is broken; and the council shall have authority to subject any person or persons, who without having paid the tax imposed by the said council for the privilege, shall do any act or follow any employment or business in the said city upon which the said council are or shall be authorized to impose a tax, to any fine or imprisonment which they are or may be authorized to impose or inflict for the enforcement of their ordinances.

Provided, further, that the common council under the limit hereby made shall not fix the license tax on saloon keepers at less than seven hundred dollars.

Sec. 2. That section fifty-three of chapter one hundred and fifty of the acts of one thousand nine hundred and one, be and the same is hereby repealed.

Sec. 3. That the following be and the same is hereby enacted and numbered section fifty-three, of chapter one hundred and fifty, of said act.

Sec. 53. All claims, founded on contract, for wages, labor, services or materials, shall be presented to the council, in the name of the person earning the wages, doing the labor, performing the services, or furnishing the materials, and all such claims shall be made by accounts stated which shall be verified by the affidavit of the claimant.

No officer or employee of the city shall buy, sell or traffic in any claims against the city for wages earned, labor done, services performed or material furnished, by another, or otherwise become pecun-

iarly interested directly or indirectly therein, either before or after allowance shall be made therefor by the city.

Nor shall any officer or any employee of the city take or become pecuniarily interested directly or indirectly, in any contract let by the city for work to be done, services to be rendered or materials to be furnished.

Any person violating the provisions of this section may be punished by fine not to exceed one hundred dollars and may, at the discretion of the court, be imprisoned not to exceed thirty days. And any official or employee convicted of a violation of this section shall *ipso facto*, thereby forfeit his office or employment.

Sec. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

(Senate Bill No. 144.)

CHAPTER 9.

AN ACT to amend and re-enact chapter 3 of the Acts of 1891, relating to the paving and macadamizing of the avenues, streets and alleys in the city of Huntington, and authorizing the assessment and collection of two-thirds, or the entire cost of same, except intersections, upon and from the lots fronting or bounding on the streets so paved or macadamized, and providing for recording liens for cost of same against the lot owners.

[Passed February 21, 1905. In effect 90 days from passage. Approved February 24, 1905.]

SEC.

1. Common council empowered to lay paving, and how paid.
2. Cost a lien on property.

SEC.

3. Duties of council when paving, etc. is completed.
4. Duties of officials when petitioned by land owners.

Be it enacted by the Legislature of West Virginia:

That chapter three of the acts of 1891 be amended and re-enacted so as to read as follows:

Sec. 1. The common council of the city of Huntington shall be authorized to order any avenues, streets and alleys to be graded and paved between the curbs with cobble stones, brick or other suitable material, or to be macadamized under such supervision as it shall

direct by ordinance, upon the lowest and best terms to be obtained by advertising for bids or proposals therefor; and two-thirds of such paving or macadamizing of any of the avenues, streets or alleys aforesaid, from the curb on either side of the avenue, street or alley, to the middle thereof, shall be assessed to the owners of the lots or fractional parts of the lots, fronting or bounding on such avenues, streets or alleys in proportion to the distance so fronting or bounding owned by each; one-sixth of the costs thereof of such grading and paving or grading and macadamizing, shall be paid by the lot owner in thirty days after completion of the work on the square in which it is done, and the remainder in five equal annual instalments, payable as the council may designate in the ordinance letting the contract for such work, with interest from time of completion aforesaid. The other third of the costs of the said paving or macadamizing, and the intersection of avenues, streets and alleys, shall be paid by the city.

Sec. 2. The sum or sums of money thus assessed for such paving or macadamizing, shall be a tax lien upon the lots or fractional parts of lots upon which they are assessed, from the time of the recordation of the report of the council or its committee, hereinafter provided for, which lien may be enforced by a suit in equity, in any court having jurisdiction thereof, or any instalment thereof may be collected by a suit at law, before any court or any justice of the peace having jurisdiction.

Sec. 3. Whenever the council shall contract for such paving or macadamizing to be done, and that it shall be paid for in instalments by the property owners, fronting on such streets, avenues or alleys as aforesaid, the council may cause the mayor and recorder to issue to the contractor doing the paving or macadamizing, a certificate for each instalment of the amount of the assessment to be paid by the owner of the lot, or fractional part, fronting on such street, avenue or alley; and the amount specified in said assessment certificate shall be a lien as aforesaid in the hands of the holder thereof, upon the lot or part of lot fronting on the street, avenue or alley so improved, and shall draw interest from the date of its issuance, and the payment may be enforced as set out above, in the name of the holder of such certificate; and after a contract has been made by the council to pave or macadamize any public highway in said city, under this act, and the paving or macadamizing or any stipulated part thereof has been completed, the said council or committee appointed by the same,

shall go upon the properties abutting or bounding upon the public highway so paved or macadamized, and assess the amount each lot shall pay for the improvement so made, and shall return to the common council of said city, a written report, stating the number of lots and the blocks and the names of the owners of such lots when known and the amount assessed thereon; and when the said council approves said report or modifies it and then approves it, a copy of said report, so adopted by the council, when certified to by the recorder of said city, may be recorded in the clerk's office of the county clerk of Cabell county, in the trust deed book, and shall be a continuing tax lien upon the lot against which the assessment is made, until the certificates as aforesaid, are paid, and the clerk shall index same in the name of each lot owner mentioned therein; and upon the presentation by the lot owner of all the certificates issued aforesaid against the lot owner, the clerk of said court shall mark upon the margin of the book in which said certified report is recorded, that the lien is released to the lot mentioned in the certificate produced.

Sec. 4. When a petition subscribed by two-thirds in interest, on the basis of foot frontage of the owners of property abutting upon any avenue, street or alley between designated points, embracing not less than the distance between any two streets or avenues, is regularly presented to the council for the purpose, the council may order any such avenue, street or alley between the curbs and between such designated points to be graded and paved in the manner and with the material authorized and provided in section one hereof and may order proper curbs of stone, cement or other suitable material to be set on both sides of the avenue, street or alley so paved, and the entire cost of grading, paving and setting of curbs may be assessed to the owners of the lots or fractional parts of the lots, fronting or bounding on such avenue, street or alley between such designated points in proportion to the distance so fronting or bounding owned by each, except the cost of intersections, which shall be borne and paid by the city. The cost of such grading, paving and setting of curbs to be borne by the abutting owners as herein provided, shall be paid in instalments as provided in section one hereof, and shall become liens and be enforceable as provided by section two hereof, and the work hereby authorized to be done by the council and the assessments therefor, hereby authorized to be made, shall be subject to and the council shall proceed in relation thereto, in accordance with section three hereof.

(House Bill No. 167.)

CHAPTER 10.

AN ACT to amend and re-enact sections 11, 19 and 33 of chapter 145 of the acts of the legislature of 1901, entitled "An act to amend and re-enact and reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington in Marion county."

[Passed February 17, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

<p>Sec. 11. Voting to be by ballot, result certified.</p>		<p>Sec. 19. Vacancies, how filled. 33. The council, its powers.</p>
---	--	---

Be it enacted by the Legislature of West Virginia:

1. That sections eleven, nineteen and thirty-three of chapter one hundred and forty-five of the acts of the legislature of one thousand nine hundred and one be amended and re-enacted so as to read as follows:

Sec. 11. In all the elections by the people the mode of voting shall be by ballot; but the voter shall be left free to vote by open, sealed or secret ballot, as he may elect. The election in said city shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this state, relating to general elections, on the date of the passage of this amendment. The corporate authorities of said city shall perform the duties in relation to such election required by general law of county courts and officers on the date of the passage of this amendment, and the provisions of chapter three of the code of West Virginia, and any amendments to said chapter, in effect on the date of the passage of this amendment concerning elections by the people, shall govern such election and be applicable thereto, and the penalties therein prescribed for offenders relating to election shall be enforced against the offenders at such corporate elections, and said act and its amendments shall have the same force and effect as if it were specially applicable to such corporate elections.

Sec. 19. If any person elected to the office of mayor, councilman, collector, auditor, or recorder, shall not be eligible to such office under the provisions of this act, or shall fail to qualify as herein required,

the council for the time being shall declare his said office vacant and shall proceed to fill the vacancy as required by this act; and the council shall have authority to remove any of its members for cause, provided five-sixths of all the members of which the council shall then consist concur in such removal; but the cause of such removal shall be specified and recorded in the minutes.

Sec. 33. The council of said city shall have the power within said city to lay off, vacate, open, close, alter, widen, extend, curb, grade, pave and keep in good repair the roads, streets, alleys, sidewalks, crosswalks, drains and gutters therein, for the public use, and to improve and light the same, and have them kept free from obstruction on or over them; to regulate and determine the width of all pavements, sidewalks, streets and public alleys, and to order sidewalks, footways, and gutters to be curbed and paved and kept in good order, free and clean by the owners or occupants thereof, or the real property next adjacent thereto; *provided, however*, that nothing in this act shall be construed as to require the city of Mannington to build or keep in repair any bridge or bridges within said corporation owned by the county, and the officers of the said city in preservation of law and order shall have jurisdiction over said bridge or bridges within said corporation; to establish and regulate markets, prescribe the time of holding the same, and what articles only shall be sold in said market and prevent the forestalling of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits; or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits; or to require and compel the abatement or removal thereof at the expense of the owner or occupant of the grounds on which they are placed or found; to cause to be filled up or raised or drained by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep and other animals and fowls, of all kinds, from going or being at large in said city, and as one means of prevention, to provide for impounding and confining such animals and fowls, and upon failure to reclaim, for the sale thereof; to protect places of divine worship, and preserve order in and about the premises where and when such worship is held; to prohibit any theatrical or any performance, show or exhibition which the council may deem injurious to the morals and good order of the city;

to regulate the keeping of gunpowder, nitroglycerine and other inflammable or dangerous substances, and prohibit the storing or keeping of the same in large or unsafe quantities within said city; to provide and regulate the building of houses and other structures and determine the distances that they shall be from any street or alley, and the material of which they shall be composed; to cause the removal of unsafe walls or buildings; to provide for the making and maintaining of all division fences by the owners of adjacent premises, and the drainage of lots or other parcels of land by proper drains and ditches by or at the expense of the owner or occupant thereof; to make regulations with respect to erecting and locating of all telephone, telegraph, electric light or other poles within said city, and the extension of any wires, lines and poles by any individual or corporation; to make regulations for guarding against danger or damage from fire; to organize one or more fire companies and provide necessary apparatuses, tools, implements, engines, or any of them for their use, and in their discretion to organize and maintain a paid fire department, and to prescribe rules and regulations for the government of said fire department; to protect the persons and property of those being or residing within the city; to preserve peace and good order in said city; and for this purpose to appoint the necessary police force, temporary or permanent, to assist the chief of police in the discharge of his duties, and to prescribe rules and regulations for the government of the police department of the said city; to preserve the health of the inhabitants of said city, and for this purpose may establish a board of health, and prescribe rules and regulations for the government of said board, and to prevent the spreading of contagious diseases and sickness in said city, and to this end said council may enact, prescribe and enforce strict rules of isolation and quarantine of all persons afflicted with contagious or infectious diseases; as well as such persons as may be suspected of being afflicted with such diseases, and to erect and maintain necessary building or buildings for the safe keeping and custody of such persons suffering from contagious diseases; to authorize or prohibit the erection of gas works or electric light works or water works in or near said city; to prevent injury of such work, or the pollution of any gas or water used or intended to be used by the public, or any individual; to provide for and regulate the weighing or measuring of hay, coal, lumber and other articles sold or kept or offered for sale within said city, and to establish rates and charges for said weighing or measuring; to regulate the transporta-

tion thereof through the streets of said city; to regulate the running or speed of engines and cars within the city, and may prevent unnecessary using or blowing of any whistles on said engines or cars; to prevent the firing of guns, crackers, or any combination of gunpowder or other combustibles or dangerous materials, and the throwing of fire balls within said city; to prevent the riding or driving of horses or animals, automobiles and bicycles at an improper or dangerous rate of speed within the city limits; to prevent or suppress gaming and gambling, in any form, or the operation of gaming and gambling devices, within said city limits; to prevent or suppress vagrancy, burglary and theft; to punish for assaults and batteries; to prohibit the keeping of, or loitering in, or visiting houses of ill fame, or loitering in saloons or on the streets or highways; to prevent lewd or lascivious conduct and the making, sale of or exhibition of indecent pictures or other representations; to suppress or prevent the desecration of the Sabbath day, profane swearing and obscene language; to prohibit the illegal sale of all intoxicating liquors, mixtures, and preparations, beer, ale, wine or drinks of like nature; to suppress or prevent the carrying of any dangerous or deadly weapons within said city; to create by ordinances such committees and boards and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of taxable persons or property in the city, including dogs kept in said city, and regulate their running at large, and to provide revenues for the city for municipal purposes, and to appropriate such revenues to its expenses; to take, acquire and hold, by condemnation, or purchase or donation, any and all real estate necessary for public purposes within said city, or adjacent thereto, *provided*, that said city shall at no time hold more than fifty (50) acres without the corporate limits of said city, nor more than ten (10) acres within the limits of said city; nor shall said city authorities have the right to acquire by purchase, condemnation or gift, any land more than three (3) miles distant from the corporation limits of said city; that the common council shall have power and authority to sell and convey any of the property of the said city, either real, personal or mixed, for a proper consideration, except that no part of the water works plant or system owned by said city shall be sold and conveyed until the question of such sale and conveyance shall have first been submitted to the qualified voters of said city, at a special or general city election held at the usual voting places of said city for that purpose, and shall have been approved by at least three-

fifths of the legal voters of said city, cast for and against the same, at the said election, notice of which said election shall be published in at least two (?) newspapers of general circulation in the said city for two weeks consecutively, and said election shall be held within ten days after the expiration of the publication of said notice aforesaid; and in such election, the conduct and returns thereof shall be as provided by law, for all other elections held within said city for officers and other purposes; said council shall also have the power to adopt rules for the transaction of business and for the government and regulation of its own body; to construct and maintain public sewers and laterals and may, in its discretion, assess upon and collect from the property benefited thereby such part of the expenses thereof as shall be deemed equitable and just by the said council; to regulate and control all conveyances for public use and hire in said city; to control the construction and repairs of all houses, bridges, culverts and sewers, the opening and construction of ditches, drains, sewers and gutters, to widen and deepen and clean the same of stagnant water and filth, and to determine at whose expense the same shall be done; to provide for shade trees, and the proper protection of the same; to define the powers; prescribe the duties and fix the term of service and compensation of all officers appointed by said council; to require and take from them bonds, with such surties and in such penalties as the council may determine for the true and faithful discharge of their duties, and to remove them at their pleasure (all bonds taken by the council shall be made payable to the city by its corporate name); to grant and regulate all franchises in, upon, over and under the streets, alleys and public ways of said city, under such restrictions as shall be provided for by ordinance; but no exclusive franchise shall be granted by said council to any individual or corporation; and generally to take such measures as may be deemed necessary or advisable to protect the property, public and private, within the city; to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety, comfort and well being of the inhabitants thereof, and for all of which purposes, except that of taxation, the council shall have jurisdiction for one mile beyond the corporate limits of said city.

(House Bill No. 171.)

CHAPTER 11.

AN ACT to amend and re-enact sections 8 and 16 of chapter 144 of an act of the legislature of West Virginia, passed January 24, 1901, entitled "An act to create the municipal corporation of the 'City of Morgantown,' in the county of Monongalia, to grant a charter thereto and to annul the charter of the town of Morgantown, the town of South Morgantown, the town of Greenmount, and the town of Seneca."

[Passed February 21, 1905. In effect from passage. Approved February 25, 1905.]

SEC.

8. Term of officers.

SEC.

16. When mayor to vote.
2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

1. That sections eight and sixteen of chapter one hundred and forty-four of the acts of the legislature of West Virginia of one thousand nine hundred and one be amended and re-enacted so as to read as follows:

Sec. 8. The present officers of said city shall hold their offices until the first day of May in the year one thousand nine hundred and five and until their successors are elected and qualified. The terms of office of the mayor and recorder hereafter elected for said city shall commence on the first day of May next after their election and shall continue for one year and until their successors are elected and qualified, unless they are sooner removed in the manner required by law. The terms of office of all councilmen shall commence on the first day of May next after their election and shall continue for two years, except as hereinafter provided and until their successors are elected and qualified, unless they are sooner removed in the manner required by law. At the first regular annual election in said city, after the passage of this act and as provided for in section thirteen of said chapter and each year thereafter, there shall be elected a mayor and recorder by the voters at large within the corporate limits of said city and two councilmen from each ward which councilmen shall reside in the ward for which they are elected and the candidate receiving the highest number of votes shall be elected for two years and the candidate receiving the next highest number of votes shall be

elected for one year from the first day of May next succeeding his election. And at the regular election of each succeeding year there shall be elected one member of council in each ward whose term of office shall begin on the first day of May next succeeding his election and continue for two years and until his successor is elected and qualified; but if any member of the council remove from the ward in which he was elected, his office shall thereby become vacant, and the common council shall fill such vacancy by the appointment until the next general election of some one residing in the ward who is eligible to the office. All appointed officers shall hold their offices during the pleasure of the common council.

Sec. 16. The mayor shall have a vote as a member of the common council only in case of a tie, and the recorder shall have no vote as a member of the common council except when he is acting as mayor and presiding at the meeting of the common council during the absence of the mayor, under which circumstances he shall exercise the duties and have the powers of mayor, and while he is so performing the duties of mayor, he shall have the right to vote only as the mayor could, were he present. No member of the common council shall vote upon any order, measure, resolution or proposition, in which he may be interested otherwise than as an inhabitant of said city. Upon the call of any member of the common council, or upon order from the mayor, the yeas and nays on any question shall be taken and recorded in the journal.

2. All acts and parts of acts which are in conflict and inconsistent with this act are declared inoperative in so far only as they are in conflict or inconsistent with this act. But nothing in section sixteen of this act shall in any way abridge or limit the powers, duties and privileges of the present officers of said city.

(House Bill No. 198.)

CHAPTER 12.

AN ACT incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.

[Passed February 24, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. Corporate name; corporate rights and powers.	25. Records to be kept.
2. Corporate limits and boundaries defined.	26. Assessment of property; salary of assessor.
3. Wards, when provided.	27. Levies, financial statement to be published.
4. Officers.	28. Bonds.
5. Qualification of voters.	29. Duty of recorder; notice of taxes due.
6. Elections, when held, contests, etc.	30. Account to be rendered; compensation.
7. Terms of officers.	31. Proceedings in case of failure to collect and pay over moneys.
8. Oath of office.	32. Lien on real estate.
9. Council, of whom it consists.	33. Duties of chief of police, his salary.
10. Bonds.	34. Violation of ordinances in presence of officers.
11. Removal from office.	35. Petition to vote on liquor question.
12. To hold but one office.	36. Licenses, regulations, etc.; when license to expire.
13. Meetings, times and place; power to compel attendance.	37. } 38. } 39. } 40. } 41. } 42. } 43. } 44. }
14. Records.	Condemnation of lands.
15. Majority members present required.	Laying of sidewalks, payment for same; notice to non-residents.
16. } Powers of council as to streets, alleys, pavements, etc.; other duties as to crimes, ordinances, by-laws, fines, etc.	Advertising for laying of sidewalks.
17. } 18. } 19. } 20. } 21. } 22. } 23. } 24. }	As to present officials.
Process, complaints.	Former certificate of incorporation annulled.
Mayor, powers and duties.	
County jail to be used.	
Docket.	
Appeals, proceedings in appeal cases.	

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the inhabitants of Marshall county, in this state, and now and hereafter residing within the boundaries prescribed in the next section hereof, shall be and they are hereby constituted a body politic and corporate, by and under the name of the city of McMechen, and as such and by and in that name shall have perpetual succession and a common seal, and may sue and be sued, contract and be contracted with, purchase, lease, hold and use real and personal property necessary for corporate purposes, and grant, sell, convey, transfer, let and assign the same; and generally shall have all the rights, powers and franchises belonging or appertaining to municipal corporations in this state; and shall have and succeed to all the powers, franchises, rights, privileges, and immunities, and be subject to all responsibilities, which were conferred upon, or belong or apper-

tain to the town of McMechen, by virtue of the certificate of incorporation granted by the circuit court of the county of Marshall.

Sec. 2. The boundaries of said city shall be as follows: Commencing at the southwest corner of the corporation of the city of Benwood, the same being on the west edge of the Ohio river, in the Ohio state line, where it crosses the mouth of Pinch run, thence with the south corporation lines of the city of Benwood north eighty-one degrees fifteen minutes east, crossing the river to a point in the mouth of McMechen's run; thence up the same with its meanders, north sixty-nine and one-half degrees east one hundred and seventy-eight feet; south eighty-one degrees east ninety-one feet; north eighty-six and one-fourth degrees east one hundred and forty-eight and five tenths feet; south eighty-four and one-fourth degrees east one hundred and forty feet; north eighty-eight and one-fourth degrees east one hundred and seventy-nine and five-tenths feet; south seventy-eight degrees east two hundred and twelve feet; south sixty-four and one-half degrees east one hundred and seventy feet; north eighty-eight and one-half degrees east two hundred and forty-seven feet; north eighty-six degrees east one hundred and eighty-five feet; north fifty-two degrees east one hundred and eight feet; north seventy-four and three-fourths degrees east four hundred feet; south eighty-five and three-fourths degrees east one hundred and sixteen feet; north sixty-eight and three-fourths degrees east two hundred and nine and five-tenths feet; north seventy and one-fourth degrees east ninety-two feet; north seventy-one and one-fourth degrees east one hundred and thirty-two feet to a point on the north side of the run, located south twenty-one and one-fourth degrees east seven and one-half feet from a large sycamore witness, standing on the north bank of the run; thence, leaving the corporation line of the city of Benwood, north seventy and one-half degrees east two hundred and eighty-five feet to a point at the forks of the run; thence up the south fork south seventy-seven and three-fourths degrees east two hundred and twenty feet; north twenty-seven and one-half degrees east sixty-nine feet; south seventy-nine and one-half degrees east eighty-five feet to a point in the run, located north fourteen and one-half degrees east thirty-eight feet from the northwest corner of a small frame house standing between the run and the McMechen cemetery fence; thence up the run south sixty-six degrees east one hundred and fifty-nine feet to a point in the original easterly corporation line of McMechen; thence with said line, leaving the run, south sixteen degrees east two

hundred and fifty-one and ninety-five one-hundredths feet to a stake in a field located north seventy-three and one-half degrees east one hundred and three and twelve-one-hundredths feet from a gum tree stump, south of the cemetery fence, the said stake being also located south five and one-half degrees west eighty feet from extreme easterly corner of the McMechen cemetery fence; thence from said stake with the original easterly corporation line of McMechen, south thirteen degrees west six thousand one hundred and seventy-one feet to a point in the old bed of Jim's run, south of the present bed, and located south seventy-five degrees east seven hundred and ninety-two feet from the centre of the Baltimore & Ohio railroad stone bridge; thence, leaving the original corporation line of McMechen, south eleven degrees east one thousand three hundred and ten feet to the north-east corner of the county bridge on the Reilly hill road, where it crosses a small run south of and flowing into Jim's run; thence from said bridge south twenty-seven degrees west forty-five and five-tenths feet; thence south thirty-nine degrees and ten minutes west, passing fifteen feet east of and parallel to the eastern line of Riverview as established by the east lines of lots numbers one hundred and thirty-eight and one hundred and thirty-nine, four hundred feet; thence north fifty degrees and fifty minutes west five hundred and five feet; north twenty-eight degrees and fifty minutes west three hundred and ten feet; south twenty-three degrees and ten minutes west six hundred feet; south thirty-eight degrees and fifteen minutes west two thousand one hundred and fifty feet to a point in or near a drain flowing into the Ohio river; thence down said drain north fifty degrees and thirty minutes west four hundred and three feet to a point on the easterly side of the Moundsville pike, located south twenty-eight degrees and twenty-eight minutes west four hundred feet measured along the easterly line of the pike from the south-west corner of lot number one in Riverview; thence crossing the pike and the Ohio river, north fifty degrees and thirty minutes west, at one hundred and eighty feet passing through a marked elm witness standing on the river bank west of the Ohio river railroad tracks to a point on the Ohio state line; thence up the river along the water's edge following the said state line, to the beginning.

Sec. 3. If at any time the number of inhabitants of said city shall exceed four thousand the council may divide the territory of said city into not exceeding five wards, having regard to the compactness of the territory included in each ward, and equalizing, as far as

possible, the population of the several wards; and may from time to time change the boundaries of the several wards, so as to equalize the number of inhabitants in each ward, as near as may be.

Sec. 4. The officers of said city shall be a mayor, recorder, chief of police, assessor, collector and treasurer, health officer, street commissioner and (until said city shall be divided into wards, as provided by section three) seven councilmen. The mayor, recorder, chief of police, collector and treasurer and councilmen shall be elected by the qualified voters of said city. The other officers named shall be appointed by the council. After the territory of said city shall have been divided into wards then there shall be three councilmen from each ward, who shall be elected by the qualified voters of their respective wards.

No person shall be eligible to any elective office in said city, unless he is a qualified voter thereof, nor unless he has resided therein for at least one year before his election, and a freeholder of said city; and in the case of a councilman (after said city shall have been divided into wards) unless he is a *bona fide* resident of the ward from which he is elected, and the removal of a councilman from the ward in which he is elected shall vacate his office; and no person shall be eligible to any office in said city unless he is a tax payer and qualified voter thereof.

Sec. 5. Every person who has been a *bona fide* resident of said city for six months next preceding any election and otherwise a qualified voter under the constitution and laws of the state of West Virginia, shall be entitled to vote at such election, and (after said territory shall have been divided into wards) in the ward in which he resides. The council shall by ordinance provide for such regulations for the registration and listing of voters as may be rendered necessary by the state laws.

Sec. 6. The first election hereunder shall be held on the first Tuesday in March, one thousand nine hundred and six and thereafter biennially on the same day. The election shall be held, conducted, and the result thereof ascertained, certified, returned and determined under such rules and regulations as may be prescribed by council, which shall not be inconsistent with the general laws of the state governing municipal elections, and conforming as nearly as practicable to such laws.

The council shall be the judge of the election, return and qualification of its own members and the other elective officers of said city.

Contested elections shall be heard and decided by the council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the case of county and district officers. In case two or more persons receive an equal number of votes for the same office, if such number be the highest cast for such office, the council shall decide by lot which of them shall be returned elected, and shall make their return and declare the result accordingly.

Sec. 7. The term of office for the mayor, recorder, chief of police, collector and treasurer and councilmen shall begin on the first Monday in April next succeeding their election and shall be for the term of two years, and until their successors shall have been elected and qualified. The other officers named shall be appointed by the council and shall hold their office during the pleasure of the council. The same person shall not be elected collector and treasurer for two consecutive terms, and any former incumbent shall be ineligible for a second appointment unless he shall have fully settled up the business of his former term or terms.

Sec. 8. Every person elected or appointed to any office in said city shall, within twenty days after his election or appointment and before entering upon the discharge of the duties thereof, take and subscribe the oath of office prescribed by law for officers generally, which may be done before the mayor or recorder of said city, or before any person authorized by law to administer oaths; and the same, together with the certificate of the officer administering the oath, shall be filed with the recorder of said city.

Sec. 9. The council shall consist of the mayor, recorder and councilmen, and all the corporate powers of said corporation shall be exercised by said council, or under its authority, except where otherwise provided.

Sec. 10. The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive funds, assets or property belonging to the said city, or having charge of the same, such bonds, obligations or other writings as may be deemed necessary and proper to secure the faithful performance of their several duties. All bonds, obligations or other writings taken in pursuance of any of the provisions of this act shall be made payable to the city of McMechen, with such securities and in such penalties as may be deemed proper conditioned for the faithful performance of their duties and for the accounting for and paying over, as required by law, all moneys coming into their hands by virtue of their

offices and otherwise conditioned according to law; and the respective persons, and their heirs, executors, administrators and assigns bound thereby, shall be subject to the same proceedings on said bonds, obligations and other writings, for enforcing the conditions of the terms thereof by motion or otherwise, before any court of competent jurisdiction held in and for the county of Marshall, that collectors of county levies and other sureties are or shall be subject to on their bonds for enforcing the payment of county levies.

The council shall prescribe the powers and define the duties of all officers by it appointed, except so far as the same are by this act defined, shall fix their compensation, and may require and take from them, respectively, bonds, with such sureties, and in such penalties as may be deemed proper, conditioned for the faithful discharge of their duties.

Sec. 11. The council shall have power and authority to remove from office any officer of said city, whether elected or appointed, for drunkenness, incompetency, misconduct or neglect of duty, or any nonfeasance, misfeasance or malfeasance in office, upon written charges preferred by a member of council or by any responsible citizen of said city, but only after reasonable notice to such officer, and a hearing of the charges preferred; and no such officer shall be removed except by a two-thirds vote of all the members of the council. And any vacancy in office however occasioned shall be filled by the council for the unexpired term.

Sec. 12. Neither the mayor, recorder, nor any member of council, shall during the time for which he is elected, be eligible or appointed to any other office under said city, nor shall the mayor, recorder, nor any member of council, be an employee of said city or of said council, in any capacity whatever, and no compensation shall be audited or paid for services as such officer or employee.

Sec. 13. The council shall fix the place and times of holding its regular meetings; may provide for special and adjourned meetings; shall have the power to compel the attendance of its members; and may prescribe rules and regulations, not inconsistent herewith, for the transaction of business and for its own guidance and government. The council shall be presided over at its meetings by the mayor or in his absence by one of the councilmen selected by a majority of the council present. The mayor shall have a vote only as a member of council, and in no case shall the presiding officer have but one vote. A majority of the council shall be necessary to constitute a quorum

for the transaction of business. No member of the council shall vote upon or take part in the consideration of any proposition in which he is or may be interested otherwise than a resident of said city.

Sec. 14. The council shall cause to be kept by the recorder, in a well bound book, to be called "record," an accurate record of all proceedings, ordinances, acts, orders and resolutions, and in another to be called "ordinance book," accurate copies of all general ordinances adopted by the council, both of which shall be fully indexed and open to the inspection of any tax payer of said city, or any person who shall be otherwise interested. At each meeting of the council the proceedings of the preceding meeting shall be read, and if erroneous, corrected and signed by the presiding officer for the time being. Upon the call of any member the yeas and nays on any question shall be taken and recorded in the record. All printed copies of such ordinances purporting to be published under authority of the council, and transcripts of such ordinances, acts, orders and resolutions certified by the recorder under the seal of the city, shall be deemed *prima facie* correct, when sought to be used as evidence in any court or before any justice.

Sec. 15. No ordinance or by-law and no resolution or measure for the expenditure or appropriation of money, other than to defray the current and incidental expenses of the city, shall be deemed passed or adopted, unless the same shall be fully read and concurred in by a majority of the members present at two consecutive meetings of the council, held on different days, when it shall stand and be declared adopted, and not otherwise.

Sec. 16. The council of said city shall have power to lay off, open, close, vacate, alter, drain, pave and keep in good repair, the roads, streets, alleys, pavements, sidewalks, crosswalks, drains and gutters therein, for the use of the citizens thereof, and of the public, and to improve and light the same, and keep the same free from obstructions; to regulate the width thereof, and to order the pavements, sidewalks, gutters and footways to be curbed and paved, and to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, to prescribe the times and places for holding the same, provide suitable buildings therefor, and to ordain and enforce such regulations respecting said markets as the convenience or interest of the inhabitants of said city may require; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to

prevent firing of guns, crackers, or any combination of gunpowder or other combustible or dangerous materials; to prohibit and regulate slaughter houses, tan houses and soap factories within said city, or the exercise of any offensive or unhealthful business, trade or employment therein, and to ordain and enforce such regulations respecting the same as the comfort, health and convenience of the inhabitants may require; to abate all nuisances within said city, or to require and compel the abatement and removal thereof, by or at the expense of the person causing the same, or by or at the expense of the owner or occupant of the ground on which the same are placed or found; to prevent horses, cattle, hogs, sheep or other animals and fowls of all kinds from running or being at large in said city, and as one means of prevention to provide for the impounding and confining of such animals and fowls, and, upon failure to reclaim, for the sale thereof; to provide for the making and maintaining of division fences by the owners of adjacent premises, and the proper drainage of lots or other parcels of land within said city, by or at the expense of the owner or occupant thereof; to protect places of divine worship, and to preserve order in and about the premises where and when such worship is held; to prevent and punish desecration of the Sabbath day; to prevent and punish profane swearing; to prevent and punish the sale or exhibition of indecent pictures or other representations; to prevent and punish drunkenness; to prevent and punish the carrying of dangerous or deadly weapons of any kind; to punish for assault and batteries; to prevent and punish cruelty to animals; to prevent and punish lewd and lascivious, indecent and disorderly conduct; to suppress houses of ill-fame and arrest and punish persons visiting or loitering therein, or loitering in saloons or on the streets; to protect the persons of those residing or being within said city; to regulate the keeping of gunpowder and other inflammable or dangerous substances; to prevent and punish the illegal sale of all intoxicating liquors, drinks, mixtures and preparations, beer, ale, wine or drinks of like nature; to regulate and provide for the weighing and measuring of hay, coal, and other articles or products sold or offered for sale within said city; to erect or authorize or prohibit the erection of gas works, electric light works, or water works within the corporate limits of said city; to prevent injury to such works, or the pollution of any gas or water used or intended to be used by the public or individuals, and to do all things necessary to adequately supply said city and the inhabitants thereof with pure, healthful and

wholesome water; to use, generate, distribute, sell and control electricity and gas for heat, light and power, and to furnish light for streets, houses, buildings, stores and other places in and about said city; to provide a sewerage system for said city; to establish and construct wharves and docks, and to repair, alter, or remove any landing, wharf or dock which has been or shall be so constructed, and to establish and collect rates and charges for the use thereof; to regulate the running and speed of engines and cars within the said city; to provide for the organization of one or more fire companies and provide necessary apparatus, tools, implements, engines or any of them, for their use, and, in the discretion of the council, to organize a fire department; to provide against damage or danger by fire, and establish and enforce such regulations as may be necessary to prevent or extinguish fires within said city; to regulate the erection and location of all telephone, telegraph, electric light or other poles within said city, and the extension of any wires, lines and poles by any individual or corporation; to regulate the construction and repair of all houses and other buildings within said city; to provide for the granting of building permits; and to cause the removal of unsafe walls or buildings; to grant and regulate all franchises in, upon, over and under the streets, alleys and public ways of said city for works of public utility and service, under such restrictions as shall be provided by ordinance, but no exclusive franchise shall be granted by said council to any individual or corporation, nor shall any franchise be granted for a longer period than fifty years; to appoint when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duties; to build, purchase or lease, and to use a suitable place within said city for the safe keeping or punishment of persons charged with or convicted of the violation of ordinances; to provide for the annual assessment of the taxable property, including dogs kept in said city; to impose a license tax on persons or companies keeping for hire carriages, hacks, buggies or wagons, or for carrying passengers for pay in any such vehicle in said city; to require a license for the doing of any thing for which a state license is required; to provide sufficient revenue for municipal purposes, and to appropriate such revenue to its expenses; and generally to take such measures as may be deemed necessary or advisable to protect the property, public or private, within said city; to preserve and maintain peace, quiet and good order there-

in, and to preserve and promote the health, safety, comfort and well-being of the inhabitants thereof.

Sec. 17. The council shall have and possess full power and authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution and laws of the United States or of this state, to carry into effect these enumerated powers and all others by this act or by general law conferred, or which may hereafter be conferred upon the said city or the council, or any of its officers, and to enforce any and all such ordinances, by-laws, orders or resolutions, by prescribing for a violation thereof fines and penalties, or imprisonment, or fines and penalties and imprisonment, in either the city lockup, or in the county jail of Marshall county, but no fine shall exceed fifty dollars, and no term of imprisonment shall exceed sixty days; and the council may provide for the employment of persons convicted of the violation of ordinances, or who may be committed in default of the payment of fines, penalties or costs, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the city, and to use such means to prevent their escape while at work as they deem expedient.

Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city, or in case of his absence or inability to act, by the recorder of said city, or in case of the absence or inability to act of both of said officers, by one of the councilmen of said city.

Sec. 18. The process in proceedings to enforce any ordinance prescribing a fine or imprisonment, or a fine and imprisonment, for the violation thereof, shall be a summons in the name of the city of McMechen, as plaintiff, directed to the chief of police, or to any constable in the county of Marshall, requiring him to summons the person accused of such violation, and who may be designated the defendant, to appear before the mayor at a time and place therein named, within said town, to make answer to such accusation, and be dealt with according to law. Such summons shall be signed by the mayor, and shall contain such a statement of the facts alleged as will inform the accused of the general nature of the offence against the city with which he stands charged, and shall be issued only upon the complaint, on oath, of some credible person. But the mayor by endorsement on the summons may order the person so accused to be forthwith apprehended and brought before him for a hearing of the charge.

The recorder, as well as the mayor, shall have the authority to receive any complaint in writing of the violation of any ordinance, and to sign and issue the proper summons based on such complaint.

Sec. 19. The mayor shall be the chief executive officer of said city, and shall take care that the orders, by-laws, ordinances and resolutions of the council thereof, are faithfully executed. He shall be a conservator of the peace within said city, and shall have and exercise therein all the criminal and police powers and duties which a justice of the peace may lawfully exercise. Any summons, warrant, or other process issued by him may be executed at any place within the county. He shall have control of the police of the city, and may appoint special police officers whenever he deems it necessary and it shall be his duty, especially, to see that the peace and good order of the city are preserved and that persons and property therein are protected, and to this end he may arrest and detain, or cause the arrest and detention of all riotous and disorderly persons before taking other proceedings in the case. He shall have and possess authority to hear and determine all complaints for violations of the ordinances, by-laws, orders and resolutions of said city, and to impose such penalties and punishments as are prescribed by the ordinances of said city, and may exercise the power and authority belonging to a justice under sections two hundred and twenty-four and two hundred and twenty-five of chapter fifty of the code of West Virginia, in summoning and enforcing the attendance and examination of witnesses, in punishing for contempt, in granting continuances and in securing and enforcing the further attendance of the accused with a view to a trial or hearing. He shall have power to issue an execution for any fine and costs assessed or imposed by him, for the violation of any ordinance; or he may at the time of rendering judgment therefor, or at any time thereafter, and before satisfaction of said judgment, by his order in writing, require the immediate payment thereof, and in default of such payment he may commit the person so in default to the city lockup or to the jail of Marshall county, until such fine and costs are fully paid; but such imprisonment shall not exceed sixty days. He shall from time to time recommend to the council such measures as he may deem needful for the benefit of the city.

Sec. 20. The authorities of said city may, with the consent of the county court of Marshall county entered of record, use the jail of

said county for any purpose for which the use of jail or lockup may be needed by them, under the ordinances of said city.

Sec. 21. A book well bound and indexed, to be called the "docket" shall be kept in the office of the mayor in which shall be noted each case brought or tried by him, together with the proceeding therein, including a statement of the complaint, summons and return, the fact of appearance or non-appearance, the defence, the hearing, the judgment, the costs, and, in case the judgment be one of conviction, the action taken to enforce the same. The record in such case shall be signed by the mayor, or other person acting in his stead, and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

Sec. 22. In any case for the violation of an ordinance of said city, in which there is a judgment by the mayor of imprisonment, or a fine of ten dollars, or over, an appeal shall lie at the instance of the person against whom such judgment is rendered to the circuit court of Marshall county. Such appeal shall not be granted by the mayor unless within ten days from the date of the judgment such person shall enter into a recognizance, with security deemed sufficient, to appear before the said court on the first day of the next term thereof, to answer for the offence against the city with which he stands charged and not thence depart without leave of said court. The provisions of chapter one hundred and sixty-two of the code of West Virginia, relating to recognizances in criminal cases, shall be applicable to the recognizances contemplated by this section, but any money recovered thereon by virtue thereof shall inure to said city.

Sec. 23. If such appeal be taken, the mayor shall forthwith deliver to the clerk of said court, a transcript of the record, including the judgment, recognizance, and all the original papers belonging to the case, and said clerk shall receive and file the same and place the case upon the trial docket of the next succeeding term of said court, and the said court shall proceed to try the same in its order.

Sec. 24. If the accused shall be found guilty of a violation of the ordinance in question, upon such appeal, whether by the verdict or otherwise, the court shall ascertain by its judgment the fine or imprisonment, or the fine and imprisonment, to be paid or suffered by such defendant, having regard to the punishment prescribed by such ordinance, and shall include in any such judgment the costs incurred by said city, as well in the proceedings before the mayor as those in court, and the fees, if any, of the jailer or the keeper of the

city lockup; and the proceedings to enforce the collection of any such fine and costs as may be provided in sections ten, eleven and twelve of chapter thirty-six of the code of West Virginia, except that the writ mentioned in the tenth section may be issued by the clerk upon the order of the mayor of said city and the notice contemplated by the eleventh section shall be given to such officer. If the judgment be for the defendant he shall recover his costs against the city.

Sec. 25. It shall be the duty of the recorder to keep a complete record of the proceedings of the council, and have charge of and preserve and securely keep the records, bonds, oaths of officers, papers and other documents belonging to the city. He shall, in case of sickness or disability of the mayor to act, or in case of his absence from the city, or during any vacancy in the office of mayor, perform the duties of mayor, and shall be vested with all the powers necessary for the performance of such duties. He shall also perform such other duties pertaining to the fiscal affairs of the city, or otherwise, as may be required of him by this act or by the council. He shall receive such salary as may be fixed by council which shall not be more than two hundred dollars per annum.

Sec. 26. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by county assessors, and make return thereof to the council on or before the first day of July in each year, including in such return a capitation upon each male inhabitant of said city who has attained the age of twenty-one years. The latest accessible assessment of real estate for state and county purposes, including values, shall be used and adopted by him, and to this end he shall have access to the books and public records of Marshall county, without expense to said assessor of said city; but as to personal property he shall ascertain the same, the owners and value thereof, without being governed by any other assessment; he shall have the same powers and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city as are conferred and imposed upon county assessors by general law. The council may correct any error on his part in making such assessment, upon the application of any person aggrieved.

The council shall have authority to prescribe by general ordinance such other rules and regulations as may be necessary to enable and require the assessor to ascertain and properly assess all property sub-

ject to taxation by said city, so that such assessment and taxation shall be uniform and equal and may enforce such rules and regulations by reasonable fines to be imposed upon anyone failing or refusing to comply therewith.

The said assessor shall also list the number of dogs or other animals subject to a license tax in said city and the names of the persons owning the same, which list shall be returned to the council at the same time the assessment is returned.

He shall receive for his services such compensation as shall be fixed by council.

Sec. 27. The council shall cause to be made up annually and spread upon its record book, an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be paid within one year, and it shall order at a meeting held by it in the month of July in each year, a levy of so much as will in its judgment be necessary to pay the same. Such levy shall be upon all real and personal property therein subject to state and county taxes, and an annual capitation tax of one dollar upon each male inhabitant of said city who has attained the age of twenty-one years. *Provided, however,* that such levy shall not exceed one dollar on every one hundred dollars of the ascertained value of such property until all property, both real and personal, shall be assessed at its true and actual value, as contemplated by chapter four, of the acts of the extra session of the legislature of one thousand nine hundred and four, after which it shall not exceed fifty cents on every one hundred dollars valuation.

At least once in each year the council shall cause to be made up and published in one or more newspapers published in Marshall county, the financial condition of said city, including therein the revenue received from the different sources, and of the expenditures upon the different accounts the preceding year or portion of the year, as the case may be.

Sec. 28. The collector and treasurer of said city, before entering upon the discharge of his duties, shall execute a bond conditioned for the faithful performance by him of the duties of his office and for the accounting for and paying over as required by law, all moneys which may come into his hands by virtue of his office, with sureties satisfactory to the council, payable to the city of McMechen in a penalty of not less than three thousand nor more than five thousand dollars, as the council may prescribe. He shall be the custodian of

all moneys, bonds, notes, certificates and other evidences of indebtedness to the city, together with all valuable papers which may be placed in his hands by the council. He shall be chargeable with and it shall be his duty to collect the city taxes, levies and assessments, under such regulations as may be prescribed by law and the ordinances of the city, and he shall have the same power and authority to distrain and sell therefor as is possessed by officers charged with the collection of state and county taxes and levies.

Sec. 29. Immediately after the annual levy is made it shall be the duty of the recorder to extend the taxes in the property books returned by the assessor, including as well the proper capitation tax, and make out therefrom proper tax tickets, and the same, having been examined and compared by the finance committee and found to be correct, shall be turned over to the collector and treasurer on the first day of September following the levy, or as soon thereafter as practicable, whose receipt therefor shall be returned to the council and entered upon its records, and the collector and treasurer shall be charged therewith.

The collector and treasurer shall immediately give notice by hand bills posted throughout said city, that said tickets are in his hands for collection, stating the penalty for non-payment thereof, and the place at which the same may be paid; to all persons who shall pay their taxes in full before the first day of October next succeeding said levy, there shall be allowed a discount of two and one-half per centum on the whole amount of taxes so paid, and not otherwise; to all taxes remaining unpaid on the first day of January next succeeding said levy, a penalty of ten per centum shall be added; and the collector and treasurer shall forthwith proceed to collect the same from the person chargeable therewith by distraint or otherwise, the entire amount of taxes with which they are severally charged therein, with interest at the rate of one per centum per month, from the first day of January, until they are fully paid together with the penalty herein provided to be added thereto.

Sec. 30. It shall be the duty of the collector and treasurer, at least once in each six months, during his continuance in office, and often if required by the council, to render an account of the taxes, levies, assessments and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency or other cause, to which list he shall append his affidavit, that he has used due diligence to collect the claims therein mentioned,

but has been unable to do so; and if the council shall be satisfied with the correctness of said list, it shall allow him a credit for such claims, but may thereafter take such lawful measures to collect the same as shall be by it prescribed. The collector and treasurer shall keep regular books of accounts, to be approved by the council, of all moneys received and disbursed by him, and of other matters pertaining to his office, which books shall at all times be open to the inspection of the council or any committee appointed by it for such purpose. All moneys belonging to the city shall be paid over to the collector and treasurer, and no money shall be paid out by him except upon the order of the council.

He shall receive for his services such compensation as shall be fixed by the council, not exceeding five per centum on the amount duly collected and accounted for.

Sec. 31. If the collector and treasurer shall fail to collect, account for or pay over, all or any of the moneys with which he may be chargeable, belonging to the city, according to the conditions of his bond and the orders of the council, it shall be lawful for the council to recover the same by action or by motion upon ten days' notice, in the corporate name of the city, in the circuit court of Marshall county, against him and his sureties, or either of them, or his or their executors or administrators. If the sum claimed does not exceed three hundred dollars, such recovery may be had before the mayor or any justice of the said county.

Sec. 32. There shall be a lien on all real estate within said city for the municipal taxes assessed thereon, and for all fines and penalties assessed to or imposed upon the owners thereof, by the authorities of said city, from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due state, county and district, and which may be enforced in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of the delinquent taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the municipal taxes, interest and commissions thereon, in the same manner, at the same time, and by the same officer as real estate is sold for the non-payment of state, county and district taxes.

Sec. 33. It shall be the duty of the chief of police to preserve order and quiet in said city, and to see that all subordinate police

officers faithfully perform their official duties. He shall, with the consent of the council entered of record, but not otherwise, appoint one or more police officers as the council may determine. He shall before entering upon the discharge of his duties execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over as required by law, to the collector and treasurer all moneys which may come into his hands by virtue of his office, payable to the city of McMechen, with sureties satisfactory to the council in a penalty of not less than one thousand dollars nor more than three thousand dollars. He shall execute within the county of Marshall, any proper process issued by the mayor, in proceedings for the enforcement of ordinances; he shall collect, by levy of execution or otherwise, and duly account for and pay over to the collector and treasurer on or before the last day of each and every month all fines and costs imposed in such proceedings, taking the receipt of the collector and treasurer therefor. He shall also have all the rights and powers within said city in regard to the arrest of persons, the collection of claims and the execution and return of process, that are or may be lawfully exercised by a constable of said county and shall be entitled to the same compensation therefor; and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable is liable to for any dereliction of duty in office, to be recovered in the same manner and in the same courts that such fines, penalties and forfeitures are recovered against constables.

He shall receive such salary as may be fixed by council which shall not be less than four hundred nor more than eight hundred dollars per annum.

Sec. 34. In case of a violation of any ordinance of said city committed in the presence or within view of the chief of police or other police officer, the offender may be forthwith apprehended and taken before the mayor, and a complaint under oath, stating such violation, there lodged and filed, and thereupon such offender shall be tried and dealt with according to law without summons or warrant.

Sec. 35. When twenty per centum of the legal voters of said city, as ascertained at the last regular municipal election, shall petition the council at least thirty days prior to the time of holding any general city election, the question of granting or refusing licenses for the sale of spiritous liquors, wine, porter, ale or beer, or drinks of a like nature, shall be submitted to the voters at such election.

The persons voting on the subject of granting such licenses shall have on their ballots the words, printed, "For license" and "Against license." If a majority of the votes cast on this question be in favor of license, the council shall have authority, provided the consent of the county court of Marshall county be first obtained, and until such question be again voted upon, to grant such license to any proper person applying therefor; but if a majority of the votes so cast be opposed, no license shall be granted.

The council shall have authority to impose for the use of said city, a uniform tax upon such license at the rate of not less than three hundred dollars nor more than one thousand dollars, in each instance, for each year. When any such license is granted by the council it shall take from the person so licensed, a bond with approved security, in a penalty of not less than three thousand dollars, payable to the city of McMechen, and conditioned as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia. The council may provide for the punishment of such persons for the violation of any of the conditions of said bond, and suits may be brought and maintained against such person and his sureties on such bond, for the same objects, by the same persons in the same manner and with like effect as upon a bond taken under the section mentioned; and also for any fine and costs that may be imposed by the mayor for any offence against the city, under its ordinance, involving a breach of the conditions of such bond.

The council shall have the power and authority to revoke any such license for a breach of any of the conditions of such bond, or for other good cause shown; but the person holding the license must first have reasonable notice of the time and place of hearing and adjudicating the matter as well as the cause alleged, and he shall be entitled to be heard in person or by counsel in opposition to such revocation.

Sec. 36. The council shall have power and authority to require and grant licenses for anything to be done, (except as hereinbefore provided in section thirty-five of this act) carried on or exhibited within said city, for which a state license is now or may hereafter be required, for the keeping of hacks, carriages, carts, wagons, drays and every description of wheeled vehicles for hire within said city: to license hawkers and peddlers within said city, and the keeping of dogs within said city, and to subject the same to such regulations as the interests of the city may require; upon all such licenses the

council shall have power to levy and collect a reasonable tax for the use of the city. The council may provide for the killing of all dogs, the keeping of which is not so licensed.

Sec. 37. The council shall prescribe by ordinance the manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to be made to the collector and the treasurer before delivery to the person applying therefor.

Sec. 38. The provisions of the twenty-ninth section of chapter thirty-two of the code of West Virginia, relating to state licenses, shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under the authority of the council of said city.

Licenses for the keeping of dogs shall also expire on the thirtieth day of April next after they are granted; all other licenses may be for such times as the council may determine.

Sec. 39. The council shall have the power and authority to condemn any lot, parcel of land, or other real estate, for streets, alleys, drains, market grounds, landings, wharves, public buildings, or for any other public purpose or work of public utility. Proceedings for the condemnation of real estate shall conform to the provisions of chapter forty-two of the code of West Virginia, and the costs thereof shall be borne by said city, except for contests involving a hearing in the circuit court, when the costs shall be recovered by the prevailing party.

Sec. 40. After having caused proper curb of brick, stone or other suitable material to be set and placed on any of the streets or alleys of said city at the expense of said city, the council may require the sidewalks or footways on such streets or alleys to be paved with brick stone or other suitable material as the council may determine, under the direction of the street commissioner, by the owners, respectively, of the lots or fractional parts of lots fronting or abutting on such sidewalk or footway, and if the owner of such sidewalk or footway, or of the real property next adjacent thereto, shall fail or refuse to pave the same in the manner or within the time required by the council, the council may cause the same to be done at the expense of the city and assess the amount of such expenses upon such owner, and the same may be collected in the manner herein provided for the collection of municipal taxes, and the same shall constitute a lien on said property, and may be enforced in a suit in equity in the name of the

city, in the circuit court of Marshall county, as other liens against other real estate are enforced; *provided, however,* that reasonable notice shall first be given to said owners that they are required to construct such sidewalks or footways, and in case the owner is a non-resident of the state, the notice aforesaid may be given by publication for four successive weeks in some newspaper published in Marshall county.

The provisions of this section shall also be applicable to needed repairs to any of the pavements in said city, and to the substitution of new pavements for any which may have been heretofore or which may be hereafter laid and completed and which may be deemed insufficient.

Sec. 41. Upon the petition in writing of the persons owning the greater amount of frontage of lots abutting on both sides of any street or alley, between two cross streets, or between a cross street and alley, the council of said city may order such part of any such street or alley to be paved between the sidewalks with brick or other suitable material, under such regulations as may be prescribed by ordinance, upon the lowest and best terms obtainable, after advertising for bids or proposals therefor; two-thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the street or alley so paved in proportion to the distance such lots or part of a lot abuts on such street or alley; the other one-third shall be paved by the said city; in making such assessment the basis shall be the cost of paving that part of the street or alley on which the property lies included between the adjoining cross streets or alleys and the amount assessed against the owner of each lot or fractional part of a lot bears to the whole cost of paving said street or alley between said cross streets or cross street and alley as aforesaid. One-half of the sum so assessed shall be paid by the owners to the city within thirty days after the completion of the work, and the remaining one-half within six months thereafter, or at such other time or times as the council may prescribe. The intersection of streets, or of a street and alley, paved under this section, shall be correspondingly paved at the sole expense of the city. The assessment so made to any such owner may be collected in the manner herein provided for the collection of municipal taxes, and the same shall constitute a lien on such real estate, and like proceeding may be had and taken to enforce such lien or to recover from such owner the amount of such assessment, or on any instalment thereof, as those provided

for in the preceding section in the case of pavements. *Provided, however,* that nothing herein shall be construed to relieve any street railway company or other public utility company from paving any portion of any of the streets or alleys of said city required under any franchise heretofore or which may hereafter be granted.

Sec. 42. All officers of the town of McMechen, as heretofore existing, acting as such at the time this enactment takes effect, shall continue to act as such until the first Monday in April, 1906, or until their successors, the officers herein mentioned, are elected or appointed and qualified, and shall exercise the powers, perform the duties and receive the compensation conferred by the charter of said town, by general law, or by the ordinances of said town. The ordinances of said town in force at the time referred to shall continue to have full operation and effect until amended, repealed or superseded by the council of the city hereby created.

Sec. 43. The certificate of incorporation heretofore granted to the town of McMechen by the circuit court of Marshall county, West Virginia, is hereby annulled.

(House Bill No. 407.)

CHAPTER 13.

AN ACT to amend and re-enact chapter 124 of the acts of 1844 of the general assembly of Virginia, as amended and re-enacted by chapter 4 of the acts of 1872 of the legislature of West Virginia, establishing the town of Philippi, in the county of Barbour, fixing its corporate limits, and prescribing and defining the powers and duties thereof, and incorporating the city of Philippi, in said Barbour county.

[Passed February 22, 1905. In effect from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. Corporate name; corporate rights and powers.	22. Jailor of Barbour county to receive prisoners.
2. Corporation limits and boundaries.	23. Records.
3. Wards.	24. } Appeals and judgments.
4. Officers.	27. }
5. Municipal authorities.	28. Clerk, his duties, salary.
6. Qualification of voters; elections and contests.	29. Assessor.
7. Terms of officers.	30. Annual report to be made; levy; financial condition.
8. Oath of office.	31. } Bond of clerk, his duties: dis-
9. Powers and duties of officers and their compensations.	32. } count allowed and clerk to ren-
10. Bond.	33. } der account, etc.
11. Misconduct or neglect of duty.	34. Solicitor and his duties.
12. Meetings of council; presiding officer; tie vote; quorum, etc.	35. Lien, taxes and sales.
13. Records.	36. } Violation of ordinances and duties
14. Proceedings of former meeting to be read.	37. } of chief of police.
15. Expenditure of money.	38. } Licenses and manner in which
16. Streets and alleys; prohibiting certain things; municipal ownership, etc.	40. } license applied for.
17. Authority to enforce ordinances and penalties.	41. Condemnation of real estate for streets, etc.
18. } Mayor.	42. Sidewalks.
21. }	43. Streets, how paved, assessments, etc.
	44. Refund present indebtedness.
	45. Council to succeed to all rights of town of Philippi.
	46. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter 124 of the acts of 1844 of the general assembly of Virginia as amended and re-enacted by chapter 4 of the acts of 1871 of the legislature of West Virginia establishing the town of Philippi in the county of Barbour, fixing its corporate limits and prescribing and defining the powers and duties thereof and incorporating the town of Philippi, in said county of Barbour, is hereby amended and re-enacted so as to read as follows:

Sec. 1. The inhabitants of Barbour county in this state, now and hereafter residing within the boundaries described in the next section

hereof, shall be and they are hereby constituted a body politic and corporate, by and under the name of "The City of Philippi," and as such and by and in that name, shall have perpetual succession and a common seal and may sue and be sued, contract and be contracted with, purchase, lease, hold and use real and personal property necessary for corporate purposes and generally shall have all the rights, powers and franchises belonging or appertaining to municipal corporations in this state.

Sec. 2. The corporate limits of said city shall be hereafter as follows: Beginning at a sugar tree on the east bank of the Tygarts Valley river above the present brick and tile factory, S. $64^{\circ} 15'$, E. 1,307 feet to a stake in the county road; thence N. $74^{\circ} 40'$, E. 1,184 feet to a stake; thence N. $48^{\circ} 22'$ E. 1,661 feet to a chestnut tree in W. G. Key's property; thence N. $9^{\circ} 9'$ E. 1,505 feet to a stake in the divide on farm of J. Hop Woods; thence N. $25^{\circ} 42'$ W. 629 feet to a stake; thence N. $34^{\circ} 51'$ W. 4,570 feet to an apple tree in David Smith's farm; thence N. $78^{\circ} 27'$ W. 627 feet to a stake in said farm; thence S. $27^{\circ} 46'$ W. 757 feet to a pear tree; thence S. $21^{\circ} 21'$ W. 1,670 feet to a stake in the Talbot farm; thence S. $26^{\circ} 13'$ E. 1,460 feet to a stone in the pike; thence N. $9^{\circ} 55'$ E. 444 feet to east bank of Tygart's Valley river; thence with low water mark following the meanderings of the east bank of said river to the beginning.

Sec. 3. The territory of said city is hereby divided into four wards as follows: That part thereof lying south of the center of Wilson street and of the center of Byrer street extended shall constitute the first ward. That part of said territory included between the center of Wilson street and Byrer street extended and the centers of Crim alley and of Court street extended shall constitute the second ward. All that part of said territory included between the centers of Crim alley and of Court street extended and the centers of Main street (beginning at the county wooden bridge) to the intersection thereof with Bosworth street and following the center of same to Wilson's alley and thence with center of same to Walnut street following the center thereof to the Tygart's Valley river shall constitute the third ward and all of the remaining territory above described and included within said corporate limits shall constitute the fourth ward. The council of said city may change said boundaries of the different wards and increase the number thereof from time to time, due regard being had to increase and to equality of population. Should the number of wards be increased the council shall reapportion the representation

of the several wards in the council, giving to each ward equal representation.

Sec. 4. The officers of said city shall be a mayor, clerk, city engineer, solicitor, chief of police, assessor, health officer, street commissioner, and two councilmen from each ward. The mayor, solicitor and clerk shall be elected by the qualified voters of said city. The other officers named (except members of council) shall be appointed by the council and the councilmen shall be elected by the qualified voters of their respective wards. No person shall be eligible to any elective city office unless he is a qualified voter thereof, nor unless he has resided therein for at least six months before his election; and, in the case of a councilman, unless he is a *bona fide* resident of the ward from which he is elected and a freeholder of said city; and the removal of a councilman from the ward in which he is elected shall vacate his office; and no person shall be eligible to any city office unless he is a taxpayer and a qualified voter thereof.

Sec. 5. The municipal authorities of said city shall consist of the mayor and councilmen, who together shall form a common council, and all the corporate powers of said corporation shall be exercised by said council, or under its authority, except where otherwise provided.

Sec. 6. The first election hereunder shall be held on the second Thursday in March, one thousand nine hundred and five and biennially thereafter. Every person who has been a *bona fide* resident of the city for six months next preceding any election, and otherwise a qualified voter, under the constitution and laws of the state shall be entitled to vote at such election, in the ward in which he resides. The election shall be held, conducted and the result thereof ascertained, certified, returned and determined under such rules and regulations as may be prescribed by the present town council which shall not be inconsistent with the general laws of the state governing municipal elections, and shall conform as nearly as practicable to such laws. Contested elections shall conform as nearly as may be to similar proceedings in the case of county and district officers. The council shall be the judge of the election, return and qualifications of its own members. In case two or more persons receive an equal number of votes for the same office if such number be the highest cast for such office, the persons under whose supervision the election is held shall decide by lot which of them shall be returned elected, and shall make their return accordingly.

Sec. 7. The term of office of the mayor, solicitor, clerk and coun-

cilmen shall begin on the first Monday in April next succeeding their election and shall be for the term of two years and until their successors shall have been elected and qualified. The chief of police, engineer, assessor, health officer and street commissioner shall be appointed by the council and shall hold their office during the pleasure of the council. The same person shall not be chosen clerk for more than two consecutive terms, and any former incumbent shall be ineligible for a second election unless he shall have fully settled up the business of his former term or terms. The duties and compensation of all appointees shall be such as are fixed by the council.

Sec. 8. Every person elected or appointed to any office in said city shall, within twenty days after his election or appointment and before entering upon the discharge of the duties thereof, take and subscribe the oath of office prescribed by law for officers generally, which may be done before the mayor or clerk of said city, or before any person authorized to administer oaths; and the same together with the certificate of the officer administering the oath shall be filed with the clerk of said city.

Sec. 9. The council shall prescribe the powers and define the duties of all officers by it appointed, except so far as the same are by this act defined; shall fix their compensation, and may require and take from them, respectively, bonds payable to the city in its corporate name with such surety, and in such penalties, as may be deemed proper, conditioned for the faithful performance of their duties. Members of council shall receive two dollars compensation for each meeting thereof, actually attended.

Sec. 10. The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive funds, assets or properties belonging to said city, or having charge of the same, such bond, obligations or other writings as may be deemed necessary and proper, to secure the faithful performance of their several duties. All bonds, obligations or other writings taken in pursuance of any of the provisions of this act shall be made payable to the city of Philippi, with such sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties and for the accounting for and paying over as required by law. all moneys coming into their hands by virtue of their offices, and the respective persons and their heirs, executors and assigns bound thereby shall be subject to the same proceedings on said bond, obligations and other writings for enforcing the conditions of the terms thereof

by motion or otherwise, before any court of competent jurisdiction held in and for the county of Barbour that collectors of county levies and other sureties are or shall be subject to on their bond for enforcing the payment of the county levies.

Sec. 11. The council shall have the authority to remove from office any officer of the city, whether elected or appointed, for misconduct or neglect of duty, by an affirmative vote of three-fourths of the members of the council, but only after reasonable notice to such officer, and a hearing of the charges preferred; and any vacancy in office however occasioned may be filled by the council for the unexpired term.

Sec. 12. The council shall fix the place and time of holding its regular meetings; may provide for special and adjourned meetings; shall have power to compel the attendance of its members; and may prescribe rules and regulations not inconsistent herewith for the transaction of business and for its own guidance and government. The council shall be presided over at its meetings by the mayor, or in his absence, by one of the councilmen selected by a majority of the council present, who may vote on any question as member of the council. The mayor shall have a vote only in case of a tie, and in no case shall the presiding officer have more than one vote. A majority of the council shall be necessary to constitute a quorum for the transaction of business. No member of the council shall vote upon or take part in the consideration of any proposition in which he is or may be interested otherwise than as a resident of said city.

Sec. 13. The council shall cause to be kept by the clerk in a well bound book, to be called the "minute book," an accurate record of all of its proceedings, ordinances, acts, orders and resolutions, and in another to be called "ordinance book," accurate copies of all general ordinances adopted by the council; both of which shall be fully indexed and open to the inspection of any one required to pay taxes to the city or who may be otherwise interested. All oaths and bonds of officers of the city and all papers of the council, shall be indorsed, filed and securely kept by the clerk. All printed copies of such ordinances purporting to be published under authority of the council, and transcripts of such ordinances, acts, orders and resolutions certified by the clerk, under the seal of the city, shall be deemed *prima facie* correct, when sought to be used as evidence in any court, or before any justice.

Sec. 14. At each meeting of the council, the proceedings of the last meeting shall be read, and if erroneous, corrected, and signed by the presiding officer for the time being. Upon the call of any member

the yeas and nays on any question shall be taken and recorded in the minute book.

Sec. 15. No ordinance or by-law, and no resolution or measure for the expenditure of money, other than to defray the current and incidental expenses of the city, shall be deemed passed or adopted, unless it shall have been fully read at two consecutive meetings of the council, and shall have received a majority of the votes of the members present, when it shall stand and be declared adopted, and not otherwise.

Sec. 16. The council of said city shall have power to lay off, vacate, close, open, alter, grade, and keep in good repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains, and gutters therein for the use of the citizens of the public, and to improve and light the same, and to keep the same free from obstructions of every kind; to regulate the width of pavements and sidewalks on the streets and alleys and to order the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling or regrating of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses and soap factories within the city limits or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, by or at the expense of the owner or occupant of the ground on which they are placed or found; to cause to be filled up, raised or drained by or at the expense of the owner of any city lot or tract of land covered or subject to be covered by stagnant water, to prevent horses, hogs, cattle, sheep or other animals or fowls of all kinds from going or being at large in such city, and, as one means of prevention, to provide for impounding and confining such animals and fowls, and, upon failure to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises where and when such worship is held; to regulate the keeping of gunpowder and other inflammable or dangerous substances; to provide and regulate the building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises and for the proper drainage of city lots, or other parcels of

land, by or at the expense of the owner or occupant thereof; to provide against damages or danger by fire; to punish for assaults and batteries; to prohibit loitering in or visiting houses of ill-fame or loitering in saloons, or upon the streets; to prevent the operation and maintenance of slot machines and other gambling devices; to prevent lewd and lascivious conduct; the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day; to prevent and punish profane swearing; the illegal sale of all intoxicating liquors, drinks, mixtures and preparations, beer, ale, wine or drinks of like nature; to protect the persons of those residing or being within said city; to appoint when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duties; to build or purchase or lease and to use a suitable place within or near said city for the safe keeping or punishment of persons charged with, or convicted of the violation of ordinances; to provide for the employment of persons convicted of the violation of ordinances, or who may be committed in default of the payment of fines, penalties or costs, and who are otherwise unable to discharge the same by putting them to work for the benefit of the city and to use such means to prevent their escape while at work as they may deem expedient; to acquire, erect or authorize or prohibit the erection of gas works, electric light works or water works within the city limits, to prevent injury to such works or the pollution of any gas or water used or intended to be used by the public or by individuals, and to do all things necessary to adequately supply said city and the inhabitants thereof with pure, healthful and wholesome water; to use, generate, distribute, sell and control electricity and gas for heat, light and power, and to furnish light for the streets, houses, buildings, stores and other places in and about said city; to provide a sewerage system for said city; to provide for and regulate the weighing and measuring of hay, coal, lumber and other articles sold or kept or offered for sale, within said city; to regulate the speed and running of engines within said city; to organize one or more fire companies and provide necessary apparatus, tools, implements, engines or any of them for their use, and at their discretion to organize a paid fire department; to make regulations with respect to the erection and location of all telephones, telegraph, electric light or other poles within said city and the extension of wires, lines or poles by any individuals or corporations; to grant and regulate all franchises in, upon, over and under the streets, alleys and public

ways of said city under such restrictions as shall be provided by ordinance, but no exclusive franchise shall be granted by said council to any individual or corporation, nor shall any franchise be granted for a longer period than twenty years; to create by ordinance such committees or boards and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein, including dogs kept in said city and to provide a revenue for the city for municipal purposes, and appropriate such revenue to its expenses, and generally to take such measures as may be deemed necessary or advisable to protect the property, public or private, within the city; to provide for the punishment of offences committed and forbidden under and by virtue of section seven of chapter one hundred and forty-eight of the code of West Virginia; to provide for the punishment of public drunkenness and intoxication in and upon any of the streets, alleys and other public places within the corporate limits of said city; to preserve and maintain peace, quiet and good order therein and to preserve the health, safety, comfort and well being of the inhabitants thereof. Such police regulations as may be ordained by said city and the right and power to enforce the same shall extend one mile in the state of West Virginia beyond the corporate limits of said city; *provided, however,* that no fine shall be imposed exceeding one hundred dollars and that no person shall be imprisoned or compelled to labor as aforesaid for more than thirty days for any one offence, and in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid for a term greater than ten days, an appeal may be taken from such decision upon the same terms and conditions that appeals are taken from a judgment of a justice of this state. Nothing in this act shall be construed as to require the city of Philippi to build or keep in repair any bridge or bridges within said corporation owned by the county of Barbour, but the officers of said corporation in the preservation of law and order shall have jurisdiction over any such bridges within such corporation.

The council of said city shall have power and authority to control and regulate the construction and repairs of all houses and other buildings within the said city; to provide for the granting of building permits; to cause the removal of unsafe walls or buildings; and may upon the petition of the person or persons owning the greater amount of frontage of the lots abutting on any street between any two cross streets or in any square in said city, prohibit the erection on

such street or in such square of any building, or of any addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar or other fire proof materials; and to provide for the removal of any building or addition which shall have been erected contrary to such prohibition, at the expense of the owner or owners thereof.

Sec. 17. To carry into effect these enumerated powers and all others by this act or by general law conferred or which may hereafter be conferred upon the said city or its council or any of its officers, the said council shall have and possess full authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution and laws of the United States or of this state; and to enforce any and all of such ordinances, by-laws, orders or resolutions by prescribing for a violaton thereof fines and penalties and imprisonment in either the county jail of Barbour county or the city prison if there be one; but no fine shall exceed one hundred dollars and no term of imprisonment shall exceed ninety days. Such fines and penalties shall be imposed and recovered and such imprisonment inflicted and enforced by any judgment of the mayor of said city, or in case of his absence or inability to act of the clerk of said city, or in case of the absence or inability to act of both of said officers, of one of the councilmen appointed for that purpose by the council.

Sec. 18. The mayor shall receive a salary of not less than one hundred nor more than four hundred dollars per annum. Such salary shall be in lieu of the fees which would otherwise accrue to him in proceedings for the enforcement of ordinances, but all such fees shall be collected when practicable, and accounted for to the city.

Sec. 19. The mayor shall be the chief executive officer of said city and shall take care that the orders, by-laws, ordinances and resolutions of the council thereof, are faithfully executed. He shall be *ex-officio* a justice and conservator of the peace within the city, and shall within the same have, possess, and may exercise, all the powers and perform all the duties, whether in civil or criminal proceedings, vested by law in a justice of the peace. Any summons, warrants or other proceedings issued by him may be executed at any place within the county. He shall have control of the police of the city, and may appoint special police officers whenever he deems it necessary; it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected;

and to this end he may arrest and detain or cause the arrest and detention of all riotous and disorderly persons before taking other proceedings in the case. He shall from time to time, recommend to the council such measures as he may deem needful for the welfare of the city. He shall not receive any money due or belonging to the state or to corporations or to individuals unless and until he shall have given the bond and security required of the justice of the peace by chapter fifty of the code of West Virginia, and all the provisions of said chapter relating to moneys received by him in like cases.

Sec. 20. The process in proceedings to enforce any ordinance prescribing a fine or imprisonment or a fine and imprisonment for the violation thereof, shall be a summons in the name of the city of Philippi, as plaintiff, directed to the chief of police or to any constable of any district within said county, requiring him to summon the person accused of such violation, and who may thereafter be designated as defendant, to appear before the mayor at any time and place therein named, to make answer to such accusation and be dealt with according to law. Such summons shall contain such a statement of the facts alleged as will inform such person of the general nature of the offence against the city with which he stands charged; and except in case of arrest upon view, shall be issued only upon complaint, on the oath of some credible person. But the mayor may for good cause appearing by endorsement on the summons order the person so accused to be forthwith apprehended and brought before him for a hearing of the charge. The clerk of said city as well as the mayor shall have authority to receive any complaint in writing of the violation of any ordinance, and to sign and issue the proper summons based on such complaint. The mayor shall have, possess, and may exercise the power and authority belonging to a justice under sections two hundred and twenty-four and two hundred and twenty-five of chapter fifty of the code of West Virginia, in summoning and enforcing the attendance and examination of witnesses, in punishing for contempt, in granting continuances, and in securing and enforcing the further attendance of the accused with a view to a trial or hearing. If any recognizance be taken for such further attendance and is forfeited, the mayor may record the default and an action may be maintained, in the name of the city, before the mayor or any justice having jurisdiction against the accused and his sureties, if any, to recover the penalty thereof.

Sec. 21. The mayor shall have power to issue an execution for any

fine and costs assessed or imposed by him, for the violation of any ordinance, or he may at the time of rendering judgment therefor or at any time thereafter, and before satisfaction of such judgment, by his order in writing, require the immediate payment thereof, and in default of such payment he may commit the person so in default to the jail of Barbour county, or, in his discretion, to the prison of said city, if one shall have been provided by the council, until the fine and costs are fully paid; but such imprisonment shall not exceed ninety days.

Sec. 22. The jailer of Barbour county shall take and receive into his custody any person sentenced to imprisonment in the jail of said county, or committed thereto for the non-payment of a fine and costs, or for the failure to enter into a recognizance by the judgment or order of the mayor, in proceedings for the violation of an ordinance; and the expense of maintaining such person while so in confinement shall be paid by the city.

Sec. 23. A book well bound and indexed, to be denominated the "docket," shall be kept in the office of the mayor, in which shall be noted each case brought or tried by him, together with the proceedings therein, including a statement of complaint, the summons, the return, the fact of appearance or non-appearance, the defence, the hearing, the judgment, the cost and, in case the judgment be one of conviction, the action taken to enforce the same. The record of such case shall be signed by the mayor or other person acting in his stead; and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

Sec. 24. In any case for the violation of an ordinance of the said city, in which there is a judgment by the mayor of imprisonment, or for a fine of more than ten dollars, an appeal shall lie at the instance of the person against whom such judgment is rendered to the circuit court of Barbour county. Such appeal shall not be granted by the mayor unless within ten days from the date of the judgment, such person shall enter into a recognizance, with security deemed sufficient, to appear before the said court on the first day of the next term thereof, to answer for the offence against said city with which he stands charged, and not thence depart without leave of said court. The provisions of chapter one hundred and sixty-two of the code of West Virginia, relating to recognizance in criminal cases, shall be applicable to the recognizance contemplated by this section; but any

money recovered thereon or by virtue thereof shall inure to the said city.

Sec. 25. If such appeal be taken the mayor shall forthwith deliver to the clerk of said court the complaint in writing, if any, the summons, a transcript of the record, including the judgment, the recognizance and any other papers belonging to the case; and such clerk shall receive and file the same, and place the case upon the trial docket of the next succeeding term of said court; and said court shall proceed to try the same in its order.

Sec 26. If the appellant be found guilty of violation of the ordinance in question, whether upon the verdict of a jury, or otherwise, the court shall ascertain by its judgment the fine or imprisonment, or the fine and imprisonment, to be paid or suffered by such defendant, having regard to the punishment prescribed by such ordinance, and shall include in any such judgment the costs incurred by said city, as well in the proceedings before the mayor as those in court, including a fee to the attorney for the city of five dollars, and the fee if any of the jailer or the keeper of the city prison; and the proceedings to enforce the collection of any such fines and costs, as may be provided in sections ten, eleven, and twelve of chapter thirty-six of the code of West Virginia, except that the writ mentioned in the tenth section may be issued by the clerk upon the order of the mayor of the city and the notice contemplated by the eleventh section shall be given to such officer. If the judgment be for the defendant he shall recover his cost against the city.

Sec. 27. From all judgments by the mayor in cases other than for violation of ordinances, appeals shall be allowed as in similar cases before justices.

Sec. 28. It shall be the duty of the city clerk to keep a journal of the proceedings of the council, and have charge of and preserve the records, bonds, papers and other documents belonging to the city. It shall be his duty to attend the sessions of the police court and keep accurate records of its proceedings, and all judgments shall be entered by him within twenty-four hours after the same are rendered. He shall in case of sickness or disability of the mayor to act, or in case of his absence from the city, or during any vacancy in the office of the mayor, perform the duties of mayor and shall be vested with all powers necessary for the performance of such duties. He shall also perform such other duties pertaining to the fiscal affairs of the city or otherwise, as may be required of him by this act or by the

council. He shall receive such salary as may be fixed by council which shall not be less than one hundred nor more than three hundred dollars per annum. All salaries and compensation of officers not otherwise provided for shall be fixed by council.

Sec. 29. It shall be the duty of the assessor to ascertain the property within said city subject to taxation, including a capitation upon each male inhabitant of said city who has attained the age of twenty-one years, substantially in manner and form as in the case of assessments by county assessors, and make returns thereof to the council on or before the first day of June in each year. He shall also make out the land books for said city in each year, in accordance with the valuation as ascertained by the state and county, and make proper transfers of such property as shall have changed ownership within the preceding year, and charge the same on said books to the person who by himself has the freehold in his possession, whether in fee or for life, on the first day of April, in such year. When a tract or lot of land becomes the property of different owners in several parcels, the assessor shall divide the value at which the whole had before been assessed, among the different owners, having regard to the value of each interest compared with that of the whole, and enter the same upon the land books for said year. He shall also enter in said land books the value of any old building for one or more years, and of any addition or improvement to a building, and of any building newly erected, not theretofore assessed, if the same be of the value of one hundred dollars or upwards. He shall have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city, as are conferred and imposed upon county assessors by general law; but the council until the year 1909 may correct any error on his part in making such assessment, upon the application of any person aggrieved. The council shall have authority to prescribe by general ordinances, such other rules and regulations as may be necessary to enable and require the assessor to ascertain and properly assess all property subject to taxation by said city, so that such assessment and taxation shall be uniform and equal, and may enforce such rules and regulations by reasonable fines to be imposed upon any one failing or refusing to comply therewith. The said assessor shall also list the number of dogs or other animals subject to license tax in said city, and the names of the persons owning the same, which list shall be returned to the council at the same time the assessment is returned. He shall receive for his services such com-

pensation as shall be fixed by the council. The assessment of property and levying of taxes thereon shall after the year 1908, conform to the provisions of sections 12 and 135 of chapter 4 of the acts of 1904.

Sec. 30. The council shall cause to be made up annually, and spread upon its minute book an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be paid within one year, and it shall order, at a meeting held by it in the month of June in each year, a levy of so much as will, in its judgment, be necessary to pay the same. Such levy shall be upon all real and personal property otherwise subject to state and county taxes, and an annual capitation tax of one dollar shall be levied upon each male inhabitant of said city who has attained the age of twenty-one years; *provided*, that after the year 1905 such levy shall not exceed fifty cents on every one hundred dollars of the ascertained value of such property. At least once in each year the council shall cause to be made up and published in one or more of the newspapers of the city, a statement of the financial condition of the city, including the revenue received from the different sources, and of the expenditures upon the different accounts, for the preceding year, or portion of the year as the case may be.

Sec. 31. The clerk of said city before entering upon the discharge of his duties, shall execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over as required by law all money which may come into his hands by virtue of his office with sureties satisfactory to the council, payable to the city of Philippi, in a penalty of not less than two thousand nor more than five thousand dollars as the council may prescribe. He shall be custodian of all moneys, bonds, notes, certificates and other evidences of indebtedness to the city, together with all valuable papers which may be placed in his possession by the council. He shall be chargeable with, and it shall be his duty, to collect the city taxes, levies and assessments, under such regulations as may be prescribed by law and the ordinances of the city, and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner, and have the same power and authority possessed by the officer charged with the collection of state taxes.

Sec. 32. Immediately after the annual levy of city taxes is made, it shall be the duty of the city clerk to extend the same in the property books returned by the assessor, including as well the proper capita-

tion tax, and make out therefrom proper tax tickets and the same after being examined and compared and approved by the finance committee of the council and found to be correct, shall be turned over to the clerk on or before the first day of August following the levy, whose receipt shall be returned to the council and entered upon its records, and the clerk shall be charged therewith. The clerk shall give notice that said tickets are in his hands for collection, stating the penalty for non-payment thereof, and the time and place where the same may be paid, which notice shall be published for twenty days in two or more newspapers, published in said city. To all persons who shall pay their taxes in full before the first day of November next succeeding said levy, there shall be allowed a discount of two and one-half per centum on the whole amount of taxes so paid and not otherwise. To all taxes remaining unpaid on the first day of January next succeeding said levy, a penalty of ten per centum shall be added, and the clerk shall forthwith proceed to collect from the parties by distraint or otherwise the entire amount of the taxes with which they are severally charged therein with interest at the rate of one per centum per month from the said first day of January, until they are fully paid, together with the penalty herein provided to be added thereto.

Sec. 33. It shall be the duty of the clerk, at least once in six months during his continuance in office, and oftener when required by the council to render an account of the taxes, levies, assessments and other claims in his hands for collection, and return a list of such as he shall not have been able to collect, by reason of insolvency, removal or other cause, to which list he shall append an affidavit that he has used due diligence to collect the claims therein mentioned, but has been unable to do so, and if the council shall be satisfied with the correctness of said list, it shall allow him a credit for said claims, but may thereafter take such lawful measures to collect the same as shall be prescribed. He shall keep regular books of account to be examined and approved by the council, of all moneys received and disbursed by him, and of other matters pertaining to his office, which book shall at all times be open to the inspection of the council, or any committee appointed by it for such purpose. All moneys belonging to the city shall be paid over to the clerk, and no money shall be paid out by him except upon the order of the council, countersigned by the mayor. He shall receive for his services a compensation to be fixed by the council not less than one hundred dollars nor more than three hundred dollars per annum. If the clerk shall fail to collect, account for and

pay over all or any of the moneys with which he may be chargeable, belonging to the city, according to the conditions of his bond and the orders of the council, to recover the same by action or by motion, upon ten days' notice in the corporate name of the city, in the circuit court of Barbour county, against him and his sureties or any or either of them or his or their executors or administrators. If the sum claimed does not exceed three hundred dollars, such recovery may be had before the mayor or any justice of said county.

Sec. 34. It shall be the duty of the solicitor to prepare, when directed by this council, all ordinances for said city, to represent the said city in all matters and proceedings in any court in which the said city is interested, and counsel the said council when requested. He shall receive a compensation for his services to be fixed by the council not exceeding one hundred dollars per annum.

Sec. 35. There shall be a lien on real estate, within said city, for the city taxes assessed thereon, and for all fines and penalties assessed to, or imposed upon the owners thereof by the authorities of such city from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the state, county and district; and which may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of the delinquent taxes thereon a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the city taxes, interest and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for the non-payment of state taxes.

Sec. 36. It shall be the duty of the chief of police to preserve order and quiet in said city, and to see that all subordinate police officers faithfully perform their official duties. He shall be present in the police court, whenever the same shall be in session, and see that all its orders and requirements are properly executed. He shall with the consent of the council entered of record, but not otherwise, appoint one or more policemen as the council may determine. He shall, before entering upon the discharge of his duties, execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office, with sureties satisfactory to the council in a penalty of not less than one thousand dollars nor more than three thousand dollars as the council may pre-

scribe. He shall receive such salary as may be fixed by council, which shall not be less than four hundred nor more than nine hundred dollars per annum.

Sec. 37. In case a violation of any ordinance of said city is committed in the presence or within view of the chief of police or other police officer, the offender may be forthwith apprehended and taken before the mayor, and a complaint under oath, stating such violation there lodged and filed; and thereupon such offender may be tried and dealt with according to law, without summons. The chief of police shall execute within the county of Barbour, any proper process issued by the mayor in proceedings for the enforcement of ordinances; and shall collect by a levy of execution or otherwise, and duly account for all fines assessed and costs imposed in such proceedings. He shall also have the rights and powers, within said city, in regard to the arrest of persons, the collection of claims and the execution and return of process, that are or may be lawfully exercised by a constable of the district within the same, and shall be entitled to the compensation therefor; and he and his sureties shall be liable for all fines, penalties and forfeitures for which a constable is liable, and for dereliction of duty in office, to be recovered in the same manner and in the same courts, that such fines, penalties and forfeitures are recovered against constables.

Sec. 38. The council shall have the authority to require a city license as follows: For anything to be done, carried on or exhibited within the city, for which a state license is now or may hereafter be required, for the keeping of hacks, carriages, carts, wagons and other vehicles for hire within the city, and for the keeping of dogs within the city, and the council may provide for the killing of all dogs, the keeping of which is not so licensed. And upon all such licenses the council may impose a reasonable tax for the use of the city.

Sec. 39. The council shall prescribe by ordinance, the manner in which license of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to be made to the collector and treasurer before delivery to the person applying therefor.

Sec. 40. The provision of the twenty-ninth section of chapter thirty-two of the code of West Virginia, relating to the state licenses, shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under the authority of the council of said city. Licenses for the keeping of dogs shall also expire on the thirtieth day of April next after they are granted. No license

for the sale of intoxicating drinks shall be granted without the consent of the county court of Barbour county.

Sec. 41. The council shall have the right to institute proceedings in the name of the city, for the condemnation of real estate for streets, alleys, drains, market grounds, landings, wharfs, city prison or other work or purpose of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia; and the costs thereof shall be borne by the city, except that in contests involving a hearing in the circuit court, costs shall be recovered by the prevailing party.

Sec. 42. After having caused proper curb of brick, stone or other suitable material, to be set and placed on any of the streets or alleys of said city at the expense of said city, the council may require sidewalks or footways on such streets or alleys to be paved with brick, stone or other suitable material as the council may determine, under the direction of the street commissioner, by the owners respectively of the lots, or the fractional parts of lots, facing or abutting on such sidewalk or footway, and if the owner of any such sidewalk or footway, of the real property next adjacent thereto shall fail or refuse to pave the same in the manner or within the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the city, and to assess the amount of such expense upon such owners; and the same may be collected in the same manner herein provided for the collection of city taxes, and the same shall constitute a lien on such property, which may be enforced by a suit in equity in the name of the city, in the circuit court of Barbour county, as other liens against real estate are enforced; *provided, however*, that reasonable notice shall first be given to said owners that they are required to construct such sidewalks or footways, and in case the owner is a non-resident of the state, the notice aforesaid may be given by publication for four successive weeks in a newspaper published in said city. The provisions of this section shall also be applicable to needed repairs to any of the pavements of the city, and to the substitution of new pavements for any which may have been heretofore or which may be hereafter laid and completed, and which may be deemed insufficient.

Sec. 43. The council shall have the authority to provide that any street or alley or any portion thereof, between the curb stones, shall be macadamized, or paved with bricks, cobble stones, or other suitable material, upon the lowest and best terms obtainable, after ad-

vertisement for four weeks in one or more newspapers of the city, for bids and proposals for the work; and two-thirds of the cost of such macadamizing or paving, from curb to curb of such street or alley, shall be assessed to the owners of the lots, or fractional parts of lots, fronting or abutting on such street or alley, that is to say: The property owners on each side of said street or alley to be assessed one-third of the cost of said improvements, to each property owner a sum proportionate to the distance, or extent in feet by him owned, and one-third of the sum so assessed shall be paid by each property owner to the city within thirty days after the completion of the work, and the remainder in two equal instalments in six and twelve months thereafter, or at such other times as the council may prescribe. The remaining one-third of such expense, as well as the expense of macadamizing or paving at the intersections of streets and alleys shall be defrayed by the city. The council shall cause a notice to be published for one week in a newspaper of said city, showing the owners of the property and the number of feet fronting on said improvements, as well as the time and the place where the said council will proceed to fix said assessment as above provided, and giving notice to any person having an interest in said property to appear and show cause, if any they can, why such assessment should not be made; and the council may in making said assessments, consider the petition of any person or corporation relative to the inequality of such assessment, and may equalize and adjust the same. The assessment to be made to any owner of real estate shall constitute a lien on such estate; and like proceedings may be had and taken to enforce such lien or to recover from such owner the amount of such assessment, or of any instalment thereof, as those provided for in the preceding section providing for the laying of pavements. The council of said city may cause an additional annual levy for the year 1905 of not to exceed twenty-five cents and thereafter annually of not to exceed ten cents on the hundred dollars of the ascertained value of all the real and personal property within said city, or subject to taxation, for the purpose only of defraying the expenses of paving the streets and alleys of said city as herein provided; such levy shall be made at the time the general levy is laid, and shall be collected in like manner, but a separate account shall be kept of the receipts and expenditures of such fund.

Sec. 44. The council of said city shall have power and authority to refund the present bonded indebtedness of the town of Philippi at

a lower rate of interest after the right to pay off and discharge the same shall have accrued and to issue from time to time additional bonds for the purpose of municipal improvements and other proper purposes provided that the same shall be in accordance with section eight, article ten of the constitution of the state of West Virginia. And said council shall have power to create and maintain a sinking fund for the discharge of any present or future bonded indebtedness according to any regulation said council may establish.

Sec. 45. The council of Philippi shall succeed to all the rights, powers, liabilities and responsibilities and be vested with the title to all property of the town of Philippi, and the town of Philippi, as heretofore existing, and all officers of said town acting as such at the time this enactment takes effect shall continue until the first Monday in April, one thousand nine hundred and five, or until their successors, the officers herein mentioned, are elected or appointed and qualified, to exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by the former charter, by general law, or by the ordinances of said city; such ordinances in force at the time referred to, shall continue to have full operation and effect until amended, repealed or superseded by the council of said city.

Sec. 46. All acts and parts of acts coming within the purview of this act, and inconsistent herewith, are hereby repealed.

(Senate Bill No. 7.)

CHAPTER 14.

AN ACT to amend and re-enact and reduce into one act the several acts, provisions, orders and decrees incorporating the town of Salem, in the county of Harrison, and state of West Virginia, defining the powers thereof, and describing the limits of said town, and incorporating the city of Salem in said Harrison county.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

SEC.	SEC.
1. Corporate name; corporate rights and powers.	20. Quorum.
2. Corporate limits and boundaries defined.	21. Duties of recorder.
3. Wards.	22. Reading minutes of meetings.
4. Municipal authorities, how compensation determined.	23. Mayor to vote.
5. Corporate laws to be exercised.	24. Time of meetings.
6. } Election of officers, qualification,	25. Recorder custodian of moneys, how paid out.
7. } etc.	26. Power of council as to streets, alleys, etc.
8. Ward precincts.	27. Council to pass ordinances.
9. Qualification of voters.	28. Levies, assessments to be uniform, etc.
10. Voting, how conducted.	29. Collector, his duties.
11. When a tie, how decided.	30. Right of council to bring action to condemn property.
12. Contested elections, how determined.	31. To require work on streets.
13. Vacancies.	32. To appoint board of health.
14. Appointments, etc.	33. Street and water commissioner.
15. Bond required; oaths of office.	34. Present council to provide for election.
16. When to assume duties of office.	35. Council to have powers conferred on corporations.
17. Vacancies to be declared.	36. Election to ratify this charter.
18. Mayor, his power and duties.	
19. Records of meetings required.	

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the inhabitants of so much of the county of Harrison as is within the bounds prescribed by section two of this act and their successors, shall be and remain, and they are hereby made a body politic and corporate by the name of, "The City of Salem," and as such shall have perpetual succession and a common seal and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold real estate and personal property necessary to the purpose of said corporation.

Sec. 2. The corporate limits of said city shall hereafter be as follows: Beginning at the center of the Baltimore and Ohio railroad right of way on the west end of bridge crossing the mouth of Dog run; thence north 69½ degrees, west 1,000 feet to white oak on point in I. N. Wilcox field; thence north 59½ degrees west, 2,084 feet to white oak near north-west corner of Independent Order of Odd Fellows cemetery; thence north 77½ degrees west 1,400 feet to hickory at north west corner to R. Carpenter's lot; south 60 degrees west 1,700

feet to white oak on ridge in G. C. Gabert's field; north 81 degrees west 2,445 feet to chestnut oak on point in F. J. Ebert's field; south 27½ degrees, west 700 feet to willow tree at south 15 degrees, west 1,950 feet to stone on north side of Pike street and east side of Main street creek; south 81 degrees, east 445 feet to stone on south side of B. & O. railroad; south 70 degrees west 1,378 feet to a stone east of county line; south 15½ degrees east 1,000 feet to a jack oak on point; north 82 degrees east 900 feet to a chestnut oak; north 74 degrees east 1,421 feet to a jack oak; north 82 degrees east 3,730 feet to a hickory in S. Gain's field opposite depot; south 4½ degrees east 1,775 feet to a chestnut in line with S. Broadwater's land, north 42 degrees east 1,200 feet to a large white oak in Randolph heirs' field; north 45½ degrees east 1,900 feet to stone above spring in Robinson's field; north 6 degrees east 950 feet to beginning, containing about 800 acres.

Sec. 3. The territory of said city shall be divided into three wards as soon as convenient after the passage of this act, by the council in being for the corporation of the town of Salem, which said wards shall be as nearly equal in population as practicable, and shall consist of compact territory, which said wards shall remain until otherwise changed by the council of the city of Salem and a record map of said wards shall be entered upon the journal of the council of said city and be preserved. And no change shall be made in the limits of any of the said wards within six months prior to any general election to be held for the election of city officers after the first election hereafter provided for.

Sec. 4. The municipal authorities of said city shall consist of a mayor and six councilmen, who together shall form a common council, and shall receive such compensation as the council shall from time to time determine, which shall not be increased or diminished during their term of office.

Sec. 5. All of the corporate laws of said corporation shall be exercised by said council or under their authority, except when otherwise provided.

Sec. 6. There shall be elected by the qualified voters of said city, as hereinafter provided, a mayor, six councilmen, a recorder, a chief of police and street and water commissioner who at the time of their election, shall be freeholders in said city and be entitled to vote for the members of the common council.

Sec. 7. On the first Tuesday in April, nineteen hundred and five, and each year thereafter, there shall be elected by the qualified voters

of said city, a mayor, recorder, chief of police, street commissioner and six councilmen, and two councilmen shall be elected from each ward in the said city as the same shall be laid out and designated as hereinbefore provided. The said mayor, recorder, chief of police and street and water commissioner heretofore elected or appointed, or hereafter appointed by the council in being, shall each hold their respective offices until the first Monday in April, nineteen hundred and six, and until their successors are elected and qualified or appointed as herein provided, and all other elections shall be held yearly thereafter on the first Tuesday in April, at which time a mayor, recorder, chief of police and street and water commissioner and all other officers of said city shall be elected, unless otherwise provided for. The mayor, council in being and all other elective officers of the town of Salem, shall hold their respective offices until their successors are elected and qualified, as hereinbefore specified and provided for. The council elected on the first Tuesday in April, nineteen hundred and five, shall, as soon as convenient thereafter, and as soon as the council shall be organized, be divided into two classes; one class of whom, being one member of the council from each ward, shall hold office until the first Monday in April, nineteen hundred and six, and the second class shall hold office until the first Monday in April, nineteen hundred and seven, so that one-half of said council or one member from each ward, shall thereafter be elected at each annual election, and hold office for the period of two years, and the said council first elected under this charter shall determine by lot one councilman from each ward who shall hold his office until the first Tuesday in April nineteen hundred and six, and one councilman from each ward who shall hold his office until the first Tuesday in April, nineteen hundred and seven, or until their successors are elected and qualified.

Sec. 8. Each ward shall constitute an election precinct and the council shall establish a voting place in each, and the election of councilmen shall be by wards.

Sec. 9. Every male person residing in said city, shall be entitled to vote for all officers to be elected under this act, but no person who is a minor or of unsound mind, or a pauper, or who receives aid from the treasury of said city, or who is under conviction of treason, felony or bribery in an election, or who has not resided in this state for one year, and in the said city limits for three months, and is not a

bona fide resident of the ward in which he offers to vote, shall be entitled to vote at any election.

Sec. 10. In all municipal elections the mode of voting shall be by ballot, but the voter shall be left free to vote by open, sealed or secret ballot as he may select. The election in said city shall be held and conducted, and the result thereof certified, returned and finally determined under the laws in force in this state relating to elections by the people, at the time such election is held. The corporate authorities of said city shall perform the duties in relation to such election, required by general laws of county courts and officers, in force on the first day of March, eighteen hundred and ninety-one, concerning elections by the people, and such laws shall govern such election and be applicable thereto, and the penalties therein prescribed for offenders relating to such election shall be enforced against the offenders of such election, and such laws shall have the same force and effect as if they were especially applicable to corporate elections.

Sec. 11. When two or more persons shall receive an equal number of votes for councilman or other city office such tie shall be decided by the council in being.

Sec. 12. All contested elections shall be heard and determined by the common council for the time being, and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers, and the common council shall conduct the proceedings in such case as nearly as practicable in conformity with the proceedings of the county court in such cases.

Sec. 13. Whenever a vacancy shall occur from any cause of the office of mayor, councilman, recorder, chief of police or street and water commissioner, the council shall immediately fill such vacancy by a vote of the majority of the council until the next election.

Sec. 14. The council shall also have authority to provide by ordinance for the appointment of such other officers as shall be necessary and proper to carry into full force any authority, power or jurisdiction which is or shall be so vested in the said city or in the council or mayor or any officer or body of officers thereof, and to grant to such officers so appointed the power necessary or proper for the purpose above mentioned. The tax collector shall have the power to collect all taxes levied and assessed by the council of said city and all other assessments and money due the said city, and for that purpose shall have the power to distrain and sell property for the enforce-

ment of such payment. And the said council shall, by ordinance, define the duties of all officers so elected or appointed as aforesaid, and allow them a reasonable compensation, which shall be by monthly salaries, and not otherwise, except as to the collection of taxes, and which compensation shall not be increased or diminished during their term of office, and shall require and take from all those whose duty it is to receive funds, assets of property, or have charge of the same, such bonds, obligations and other writings as they shall deem necessary or proper to insure the faithful performance of their said duties. All officers appointed or elected by the council shall hold their office or appointment during the will and pleasure of the said council, but no appointee shall hold beyond the current year for which he shall have been appointed without a new election by the said council. The said chief of police shall have all powers, rights and privileges within the corporate limits of said city in regard to the arrest of persons, the execution and return of process, that can be legally exercised by a constable of the district within the same, and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable of a district is legally liable to, for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts that the same fines, penalties and failures are now recoverable against such district constable. It shall be the duty also of said collector of taxes, to collect all city taxes, licenses, levies, assessments and such other claims as are placed in his hands for collection by the council, and he may distrain and sell for such taxes and assessments, and he shall have in all other respects the same power as a sheriff of a county to enforce the payment and collection thereof. All officers appointed by the council must be residents of the said city at the time of their appointment, and a removal from said city shall vacate their said offices.

Sec. 15. All officers elected and appointed under this chapter shall each before entering upon the duties of their office, and within one week from the date of their election or appointment, give bond required from any officer, and take the oath prescribed by law of all officers of the state, and shall make oath that they will truly, faithfully and impartially, to the best of their ability, discharge the duties of their respective offices, so long as they continue therein.

Sec. 16. The elective officers shall enter upon the duties of their offices within two weeks after they shall have been elected, and shall

continue therein until their successors are elected, or appointed and qualified.

Sec. 17. If any person elected or appointed to office shall be found to be ineligible to such office, or shall fail to qualify, the said council shall declare the office vacant, and it shall be filled in the manner prescribed in this charter.

Sec. 18. The mayor shall be the chief executive officer of the said city, and shall take care that the ordinances, by-laws and resolutions of the council thereof are faithfully executed; he shall be *ex-officio* a justice and conservator of the peace within the city, and shall within the same, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases. Any warrant or other process issued by him may be executed at any place in the county. He shall have control of the police in the city, and may suspend any policeman for cause, and he may appoint police officers whenever he deems it necessary; and it shall be his duty to see that the peace and good order of the city is preserved; and the persons and property therein protected; and to this end he may cause the arrest and detention of all riotous and disorderly persons in said city before issuing his warrant therefor. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment thereof he may commit the offending party to the jail of Harrison county, or place of imprisonment in said corporation, until the fine or penalty and costs shall be paid, but the term of imprisonment in such case shall not exceed ten days. In all cases where a person is sentenced to prison or to the payment of a fine of ten dollars or more, (and in no case shall a judgment for a fine of less than ten dollars be ordered by the mayor if the defendant or his agent or attorney object thereto) such person shall be allowed an appeal from such decision to the circuit court of Harrison county, and upon the execution of an appeal bond and a surety deemed sufficient by the mayor in a penalty double the amount of the fine and costs imposed by the mayor. If such appeal be taken, the warrant of arrest, if any, the transcript of the judgment, the appeal bond and other papers of the case shall be forthwith delivered by the mayor to the clerk of said court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment including that of costs, as the law and the evidence may require, but no judgment shall be

rendered against said city for costs on such appeal. The mayor may from time to time recommend to the council such measures as he may deem needful for the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under provisions of sections two hundred and twenty-seven and two hundred and twenty-eight, of chapter fifty of the code of this state, shall be paid by said city. Said mayor shall pay all moneys received by him for fines or by virtue of his office belonging to said city to the recorder of the same within one week after he received the same.

Sec. 19. The recorder shall keep a journal of the proceedings of the council, and have charge of and preserve the records of the city. In his absence, or in case of sickness, or inability of the mayor, or during any vacancy in the office of mayor, the recorder shall perform the duties of the mayor which pertain to him as the chief executive of said city, and be vested with all the powers necessary for the performance of such duties.

Sec. 20. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

Sec. 21. The council shall cause to be kept by the recorder in a well bound book, to be called the journal, an accurate record of all the proceedings, ordinances, acts, orders and resolutions, and in another book, to be called the book of ordinances, accurate copies of all ordinances adopted by the council, both of which shall be fully indexed and open to the inspection of any citizen of the city of Salem. All oaths and bonds of officers and all papers of the council shall be endorsed, filed and securely kept by the recorder. The bonds of officers and all papers of the council shall be endorsed, filed and securely kept by the recorder. The bonds of officers shall be recorded in a well bound book, to be called the record of bonds; said recorder shall perform all such other duties as may by ordinance of the council be prescribed. Said council may bind and print in pamphlet form all the general ordinances of said city, and transcripts of such ordinances, acts, orders and resolutions certified by the recorder under the seal of the city, shall be deemed *prima facie* correct when sought to be used before any court or before any justice.

Sec. 22. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, signed by the presiding officer for the time being, and countersigned by the recorder. Upon the call of any member the ayes and noes upon any

question shall be taken and recorded in the journal, and the roll for that purpose shall be called alphabetically.

Sec. 23. The mayor shall have a vote on all questions and shall decide all ties.

Sec. 24. The regular meetings of the council shall be on the first Monday night in each month, and at such times as may be deemed necessary for the transaction of the business of said city, and shall be held at such place in said city as the council shall from time to time ordain and appoint; and said council shall meet in special session upon the call of the mayor, or upon the call of any two of the councilmen. And council shall, by ordinance, prescribe the mode in which notice of special meetings shall be given, and no business shall be transacted at such special meeting unless a majority of all the members of the council shall be present, except that a less number may compel the attendance of absent members under such reasonable penalties as they may think proper to impose.

Sec. 25. The money belonging to the city shall be paid over to the recorder, and no money shall be paid out by him except as the same shall have been appropriated by the council, and upon an order signed by the mayor and himself.

Sec. 26. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains and gutters therein for the use of the citizens and the public, and to improve and light the same, and to keep them free from obstructions of every kind; to regulate the width of the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance of the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and factories within the corporate limits; and to prohibit the exercise of any offensive business, trade or employment, to abate all nuisances within the corporate limits, and to require or compel the abatement or removal thereof at the expense of the person causing same, or by or at the expense of the owner of the ground at the place they are found; to be caused to be filled up, raised or drained by or at the expense of the owner, any city lot or tract of land covered or

subjected to be covered by stagnant water; to prevent horses, hogs, cattle, sheep and other animals and fowls of all kinds from going or being at large in said town, and as a means of prevention, said council may provide for the impounding and confining of said animals and fowls; and upon the failure to reclaim, for the sale thereof; to protect places of divine worship, and preserve order in and about the premises where and when such worship is held; to protect places of public instruction and schools, and to preserve order in and about all the school buildings; to regulate the keeping of gunpowder and other dangerous explosives and substances; to regulate the building of houses and other structures; for the maintaining and making of division fences by the owners of adjacent premises; and for the proper drainage of town lots and other parcels of land by or at the expense of the owner or occupant thereof, when such drainage shall be deemed necessary for the protection of the public health; to provide against danger or damage by fire; to punish assault and batteries; to prohibit the keeping of or loitering in or visiting houses of ill-fame, or congregating or loitering in saloons or upon streets of said city; to prevent lewd or lascivious conduct, the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day; to prevent swearing, the illegal sale of intoxicating liquors, mixtures and other preparations, porter, beer, ale, wine or other drinks of like nature; to protect the persons of those residing or being within said town; to build or purchase or lease and use a suitable place of imprisonment within said city for the safe keeping and punishment of persons charged with or convicted of the violation of ordinances; to erect, or authorize or prohibit the erection of gas or water works within the corporate limits; to prevent injury of such works, or the pollution of any gas or water used or intended to be used by the people or by individuals; to provide for and regulate the measuring and weighing of hay, coal, lumber or other articles sold or kept or offered for sale within said town; to create by ordinance such committee and boards, and delegate such authority thereto as may be deemed necessary or advisable; to establish rates and charges for weighing and measuring of hay, coal, lumber or other articles; to regulate the running speed of engines and cars within said town; to provide for the annual assessment of taxable property therein, including dogs kept in said city, and to regulate their running at large; to provide a revenue for the city for municipal purposes and to appropriate such revenue to its expenses, and to take such measures as may be

deemed necessary or advisable to protect the property, public and private, within said city; to preserve and maintain peace, quiet and good order therein; and to preserve and promote the health, safety and well being of the inhabitants thereof.

Sec. 27. The said council shall have authority to pass all ordinances which shall be necessary or proper to carry into full effect and force the authority and jurisdiction which is or shall be granted or vested in said city, or in the council thereof, or in any officer or body of officers of said city, and to enforce any and all ordinances by reasonable fines and penalties and by imprisonment, and upon failure to pay any such fine or penalty imposed, by compelling defaulting party to labor without compensation on any public works or improvements undertaken, or to be undertaken, by said city, or to labor at any work which said city may lawfully employ labor upon, at such rate per diem as the council may fix, but not at a less rate than is fixed by said council for like labor for other employees of the city, until all such fines imposed, have been paid or until such offenders have been discharged, after deducting charges of support while in the custody of the officers of said city.

Provided, however, That no fines shall be imposed exceeding twenty dollars, and no person shall be imprisoned or compelled to labor as aforesaid more than ten days for any offence; and in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid for a greater term than ten days, an appeal may be taken as from the judgment of a justice of this state; such fines and penalties shall be imposed and recovered, and such punishment inflicted and enforced by and under the judgment of the mayor of said city or in case of his absence or inability to act, by the recorder; or if he be unable to act, then a member of the council shall be appointed by the council for that purpose. In addition to the powers already enumerated, the said council shall have power to amplify, improve, extend and expand the water works of said city, to contract for an adequate supply of pure, healthful water for said city, and do all things necessary to secure an adequate supply of pure wholesome water, and to provide, contract for and construct an adequate sewerage system for said city.

Whenever anything for which a state license is required to be done in said city, the council may require a city license therefor and may impose a tax thereon for the use of said city, and whenever said city

license is granted by the council for the sale of brandy, whiskey, rum, gin, wine, porter, ale, beer, or any other spirituous, vinous or malt liquors, as provided herein, or drink of like nature, the county court may, for sufficient reason shown, grant a state license for the sale thereof within the corporate limits of said city.

The council shall require from every person so licensed a bond with good security to be approved by the council in a penalty of at least three thousand five hundred dollars, payable to said city by its corporate name, conditional as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia, and may revoke such license at any time the condition of said bond be broken, upon ten days' previous notice to the person holding the same.

And suits may be prosecuted and maintained on such bond as prescribed in said section of said chapter by the same person, in the same manner and to the same extent as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

No such license shall be granted until after the first election of councilmen under this act. No brandies, liquors, wine, malt, porter, ale, beers or any other spirituous or vinous liquors or other drinks of like nature or character shall be sold or offered for sale within one thousand five hundred feet of the boundary line of the property occupied by the West Virginia industrial home for girls.

At each general city election, the question of granting or refusing licenses for the sale of spirituous liquors, wine, porter, ale or beer, and drinks of a like nature, shall be submitted to the voters of the city. The persons voting in favor of granting such licenses shall have on their ballots the words printed or written: "For License," and those voting against the granting of such license, shall have on their ballots printed or written: "Against License." If a majority of the votes cast on this question, be in favor of license, it shall be the duty of the council until the next general election to grant such license, subject to approval of and license therefor granted by the county court to any person applying therefor, not exceeding, however, one such license for each one thousand inhabitants of said city; but if a majority of such vote so cast be opposed, no such license shall be granted. Each ballot voted shall have written or printed on it the words: "For License," and the words: "Against License," so that the voter of any ticket may

vote by erasing the one term or the other so as to conform to his desires.

Sec. 28. Said council shall also have power to levy, assess and collect taxes upon the real and personal property within said city, but such taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and the said council as soon as convenient after the first day of May in each year, and after the annual assessment, shall cause to be made up and entered upon its journal an account and estimate of all sums which ought to be paid within one year; and it shall order a levy of so much as in its opinion may be necessary to pay the same, the same not exceeding that allowed by law.

The levy so ordered shall be upon all male persons residents of the said city, all real and personal estate within said city subject to state and county taxes, but in the year 1905 such levy shall not exceed one dollar on each one hundred dollars valuation, and thereafter the annual levy shall not exceed fifty cents on each one hundred dollars valuation. Such levy shall also include a poll tax of not more than one dollar upon each male resident of said corporation over twenty-one years of age.

Said council shall also have power to contract for the paving of its streets and alleys; to establish and regulate the grade thereof and to provide for the maintenance and repair of the same; to provide for the maintenance, continuance and enjoyment of its water works; to provide for the maintenance, establishment and enjoyment of fire companies for the purpose of protecting the property of the citizens of the said city from destruction or damage by fire.

Provided, that no debt shall be contracted under this charter unless all questions connected with the same shall have been first submitted to a vote of the people, and have received three-fourths of all the votes cast for and against the same. Said council shall not grant any franchise to any person or corporation within said city limits, which shall be either exclusive or perpetual, but all such grants shall have annexed to them the power to rescind, revoke, alter, modify or regulate the exercise thereof; and the said council shall have power upon ten days' notice and for cause, to revoke, rescind, alter or modify the exercise of any such franchise; and franchises involving the use of any of the public property, streets, alleys, sidewalks, crosswalks, or involving the use or occupancy of the same, shall be granted except by any ordinance to that effect. *Provided, however*, that said council shall have power

to make a contract on behalf of the city upon such terms as it may desire for the use and occupancy of the streets and other public places by companies or corporations owning or operating public utilities.

It shall be the duty of the assessor of said city, who shall be appointed by the council, on or before the first day of April of each year, until the year 1909, to make an assessment of the property within said city subject to taxation, substantially in the manner and form in which assessments are made by the assessor for the county, and to return the same to the council on or before the first day of May in each year, and for this purpose he shall have all power conferred by law, on the county assessor. He shall list the number of dogs in the city, and the names of the persons owning the same, which list shall be returned to the council, in order to aid said council in ascertaining the property of persons subject to taxation by said city. The assessor of the same shall have access to all the books and public records of Harrison county without expense to said city or assessor, and he shall also have the same power, and be subject to the same penalties, in ascertaining and assessing the property and subjects of taxation in said city, as are granted and imposed upon the county assessor by a general law; and the council shall also have authority to prescribe by ordinance such other rules and regulations as may be deemed necessary to enable and require such assessor to ascertain and properly assess all property and persons liable to be taxed in said city, so that such assessment and taxation shall be uniform; and to enforce such ordinances by reasonable fines and penalties. Upon the return of the assessors' books to the council, as herein provided, with the list and valuation of the personal and real property and all other subjects of taxation, the same shall be laid before the council for its inspection and consideration, and the council shall have power to revise the action of the assessor, until the year 1909 as well also as to revise the valuation made by him upon the subjects of taxation, and authority to increase or diminish such valuation. Beginning with the year 1909, the assessments of the county assessor as to realty and personalty shall be adopted.

After such inspection by the said council and such correction, if any, the council shall then approve the said assessment and cause the same to be correctly copied by the recorder into two well bound books provided for the purpose, and the taxes extended into each book, one of which shall be delivered to the tax collector, and taking his receipt therefor as well for the taxes therein contained.

There shall be a lien on real estate within said city for the city taxes

assessed thereon and for all fines and penalties assessed to, or imposed, which shall have priority over all other liens except the liens for the taxes due the state and county and which may be enforced by the council in the same manner provided by law, for the enforcement by lien of county taxes. If any real estate within said city be returned delinquent for the non-payment of taxes due thereon, a copy of such delinquent tax may be certified by the council to the auditor of the state and the same may be sold for said taxes, interest and commission thereon, in the same manner, at the same time, and by the same officers as real estate is sold for state taxes.

Sec. 29. It shall be the duty of the collector of taxes, when the extended copies of the assessors' books are completed, to receive one copy thereof, receipting to the council for the same, and for the taxes therein extended, and it shall be his duty to collect from the parties the net amount of taxes with which they are therein severally charged, and such levy and assessment shall be delivered to such collector on or before the first day of June in each year. From and after the first day of June in each year, and until the fifteenth day of July succeeding, any citizen and taxpayer shall have the right to make payment of his taxes to such collector, and if paid by such taxpayer within the time he shall be entitled to a discount of two per centum, and the tax receipt delivered up to him. If the taxes so levied, assessed and placed in the hands of said collector for collection shall not be paid on or before the fifteenth day of July in each year, then it shall be the duty of said collector to collect all such taxes remaining unpaid, by distraint and sale and otherwise according to law.

He shall also receive such other moneys of the city as he is authorized by this charter to receive, and all moneys ordered paid him by the council, giving receipts therefor to the parties paying, and shall keep an accurate account of the same, and his books shall at all times be open for inspection at any meeting thereof upon the order of the council; he shall pay over promptly all moneys which he may receive within ten days into the hands of the said recorder, who shall be *ex-officio* treasurer of said city. He shall also on or before the first day of January of each year, present to the council the full, complete, detailed statement of all moneys which he was chargeable, or that have been received by him up to that time; and shall at the same time furnish a statement of all dues, taxes and assessments uncollected, and a statement of the reason for the same. He shall at any other time

upon the order of the council submit a statement of the amount of money and dues with which he is chargeable, and shall receive all taxes upon licenses and receipt to the party paying the same by endorsement upon the permit granted by the order of the council, which permit shall be furnished him by the recorder, and charge himself with the amount so received, and report to the council at its next regular meeting thereafter the amount so received, and pay the same to the recorder. He shall, upon all moneys coming into his hands and duly turned over by him to the recorder, receive as compensation therefor a sum to be fixed by the council, not exceeding five per centum on the amount collected; and shall upon expiration of his term of office turn over to the council all moneys, taxes and other property in his possession belonging to the city. He shall upon entering upon the duties of his office execute a bond with good security to the city of Salem, in the penalty of not less than ten thousand dollars, conditioned for the faithful performance of the duties of his office and for the accounting for and paying over as required by law all money which may come into his hands by virtue of his office; he shall be charged with all city taxes, levies, assessments and money of the city that may come into his hands, and shall account therefor. He shall pay into the hands of the said recorder and treasurer all moneys in his hands, taking the said recorder's receipt therefor.

Sec. 30. The council shall have the right to institute proceedings in the name of the city for the condemnation of real estate for streets, alleys, drains, markets, market ground, city prison or other work or purposes of public utility; such provisions shall conform to chapter forty-two of the code of West Virginia. And said council shall also have power to acquire by purchase, gift or condemnation, one or more lots necessary for municipal building on which to place such buildings as they may deem necessary for the meeting of said council and for the keeping of the officers of said council, and for the keeping of the property of said city, and said council shall also have power to organize or authorize the organization of fire companies, hose companies, or any other company or aggregation of persons for the purpose of protecting the property of citizens of said city against destruction by fire, and authorize such company to create and hold property necessary and ordinarily held and used by such fire companies. Council shall not have power to release or relieve any taxpayer from the payment of taxes levied on or assessed against him or them.

Sec. 31. The council shall have power to require every male resident residing in said city between the ages of twenty-one and fifty years to expend two days' labor upon the streets, alleys or public works of said city during each current year when properly notified so to do by the commissioner of streets, and the council shall have power also, to permit such persons liable to perform work upon the streets, alleys and public works of the said town to commute for the same by paying into the treasury of said town, not to exceed two dollars per day for each day that he may fail so to labor when properly warned so to do, and in case any person liable to perform such labor shall fail to do so for ten days having been properly and legally notified to that effect, the said recorder of said town, upon a return of that fact to him by said commissioner shall make out and sign a tax bill, stating the amount for which such individual is delinquent, and shall place in the hands of the collector of taxes, who shall have the same power in relation thereto, to levy, distrain and sell the property for collection of such bill as he has under this charter or by any by-law in regard to the collection of taxes of said city.

Sec. 32. The council shall have power to appoint and constitute a board of health consisting of one reputable physician and two of its own members, which said board of health under the supervision and with the approval of said council, shall have full power to make all needful rules and regulations for the keeping and maintaining of the said city in proper healthful condition, and when such board of health shall have been elected and organized it shall have exclusive control of all matters relating to the public health within the limits of the city.

Sec. 33. The street and water commissioner, under direction of the council, shall have charge of the water supply and of the opening, maintaining, constructing and repair of the streets, alleys, ways and wharves of the city and the control of the laborers thereon.

Sec. 34. The council in being for the corporation of the city of Salem, at the time this act shall take effect, shall appoint and provide places for voting in the different wards of said city, as herein prescribed for the elections herein provided for, to be held in said city, and to appoint the election officers thereof, and shall pass all proper orders and ordinances to give this act full force and effect; and all officers of said city acting as such at the time this act takes effect shall continue until their successors are elected and qualified as herein provided, to exercise the powers and perform the duties and receive the compen-

sation heretofore conferred, prescribed and allowed by former charter, general law, by-law, or ordinance of said city. Such ordinance in force at the time referred to shall continue to have full operation and effect as ordinances of the city of Salem until amended, repealed or superseded by the council of said city.

Sec. 35. The council shall also have the powers conferred on corporations by the general laws of the state, where not inconsistent with the provisions of this act. And all acts, or parts of acts inconsistent with this act are hereby repealed.

Sec. 36. This act shall take effect from its passage, unless, however, a petition signed by not less than one hundred free-holders residing within the corporate limits of the city of Salem, request the said common council of the said city for an election for the ratification or rejection of this act, and provided in that case that the said petition be presented to the said council within ten days after the passage of this act that the council in being shall call an election under the present laws of this state for the election or ratification of this charter within thirty days thereafter. The council in being at the time of the passage of this act shall have power to call such election or elections to take the votes of the people residing within the corporate limits of the said city of Salem, upon the ratification or rejection of this charter, and shall publish in some newspaper in the county of Harrison for two weeks, notice of such election, providing, however, that a petition is presented to said council as aforesaid.

(House Bill No. 303.)

CHAPTER 15.

AN ACT to create the municipal corporation of "The City of Williamson," in the county of Mingo, to grant a charter thereto, and to annul the charter of the town of Williamson.

[Passed February 22, 1905. In effect from passage. Became a law without the approval of the Governor.]

Sec.		Sec.	
1.	Corporate name; corporate rights and powers.	20.	Enforcement of powers.
2.	Corporate limits and boundaries defined.	21.	Estimate of expenditures.
3.	Wards.	22.	Annual levy.
4.	Municipal authorities.	23.	Money, how and when paid.
5.	Exercise of corporate powers.	24.	Control of liquor traffic by council.
6.	Subordinate officers.	25.	Revoking licenses.
7.	Eligibility of officers.	26.	Other licenses.
8.	Powers, duties and compensation of officers.	27.	Sidewalks, street paving, etc.
9.	Vacancies in office.	28.	Liens for taxes, assessments, etc.
10.	Who are voters.	29.	The city collector.
11.	Elections.	30.	The city assessor.
12.	Qualification of officers.	31.	Exemption from district poor and road levies.
13.	Powers and duties of appointed officers.	32.	Power and duties of the mayor.
14.	Removal of officers.	33.	Powers and duties of the recorder.
15.	Meetings of council.	34.	Duties of city attorney.
16.	Votes of members.	35.	Duties of the city treasurer.
17.	Bonds.	36.	The police officers.
18.	Records of council.	37.	Right to condemn real estate.
19.	Powers and duties of council.	38.	Repeal of certain acts.
		39.	Rights and liabilities of the city.
		40.	Ordinances.

Be it enacted by the Legislature of West Virginia:

The city of Williamson.

Sec. 1. That the inhabitants of that portion of Mingo county in the state of West Virginia, included in the boundary described in section two of this act, be and they are hereby made a municipal corporation by the name of "The city of Williamson," by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, and purchase, otherwise acquire, and hold real estate and personal property needed in the discharge of the functions of government conferred by this charter.

Boundaries.

Sec. 2. The corporate boundaries of the said city shall be as follows, that is to say: Beginning at the mouth of Sycamore creek; thence up said creek to the first left hand fork; thence with the said left hand fork to the top of the ridge dividing the waters of Tug

river and Buffalo creek to a point on the dividing lines of the lands of the Williamson Mining & Manufacturing Company and Thomas Stepp's estate; thence west with said dividing lines to the lands of V. A. Williamson; thence with the lines dividing the lands of said V. A. Williamson and Thomas Stepp's estate to Tug river; thence with Tug river to the beginning.

Wards.

Sec. 3. The territory included in the said city shall, from time to time, be divided into wards by the common council thereof; *provided*, that no wards shall be abolished, created, consolidated, or the boundary lines thereof changed or altered within ninety days next preceding any election, and provided further that no wards shall be abolished or created or two or more wards consolidated, or the boundary lines of any ward changed or altered by the said common council, without first giving notice of said proposed change for at least two successive weeks by publication in two newspapers of opposite politics, if such there be, published in said city; and *provided, further*, that no ward shall be created which contains within its boundary fewer than one hundred and fifty electors, as shown by an actual census.

If, at any election hereafter, two hundred and fifty or more votes shall be cast in any ward, it shall be the duty of the common council, and it shall, at its next regular meeting after such election, divide such ward as equally as possible, so that the new wards created therefrom, or in part therefrom, shall contain an equal number of electors as nearly as practicable. If such common council fail to act as herein directed, any qualified voter of the city may apply for a writ of mandamus to compel the performance of this duty. And when the ward, and boundaries thereof, shall have been once established by an ordinance of the common council, each of said wards shall thereafter be entitled to elect two councilmen. But until such establishment of wards by an ordinance of the common council, the wards shall be as follows:

The first ward shall include all the territory within the corporate limits of the city of Williamson lying south of Pike street and Alderson street.

The second ward shall include all the territory lying within the corporate limits of the city of Williamson lying south of Harvey and north of Pike and Alderson streets.

The third ward shall include all the territory within the corporate limits of the city of Williamson lying north of Harvey street.

Municipal authorities.

Sec. 4. The municipal authorities of the said city shall consist of the mayor, recorder and two councilmen from each ward, who together shall form the common council. Said councilmen shall be elected two from each ward by the voters thereof. A mayor and recorder shall be elected by the voters of the entire city.

Exercise of corporate powers.

Sec. 5. All the corporate powers and functions, pertaining to the said city shall be exercised by its common council, or under its authority, in the corporate name of the city unless otherwise provided by state law or municipal ordinance.

Subordinate officers.

Sec. 6. The council shall appoint a superintendent of streets, light, and water, an attorney, an assessor, a collector, and all other officers whose offices may be established by an ordinance of the council.

Eligibility of officers.

Sec. 7. No person shall be eligible to the office of mayor, recorder, or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the common council, and was for the preceding year assessed with taxes upon real or personal property within the said city of the assessed value of two hundred dollars, and shall actually have paid the taxes so assessed. And no person shall be eligible to any subordinate office under said city, who is not at the time of his election or appointment entitled to vote for members of the common council.

Powers, duties and compensation of officers.

Sec. 8. The powers, duties, and compensation of all officers shall be established by ordinance. But the compensation pertaining to any office shall not be increased or diminished so as to effect any offi-

cer subsequent to his election or appointment and during the term for which he was elected or appointed.

Vacancies in office.

Sec. 9. Whenever a vacancy shall occur from any cause in the office of mayor, recorder, or councilman, the common council shall fill the same by election by a *viva voce* vote until the end of the term.

Who are voters.

Sec. 10. Every person who has been a *bona fide* resident of the city for sixty days next preceding the city election therein, and who is a qualified voter under constitution and laws of this state, shall be entitled to vote at any city election, in the ward in which he actually resides. But no person shall be deemed a resident of such city by reason of being stationed therein for any temporary purpose.

Elections.

Sec. 11. The first election hereunder shall be held on the first Thursday in January, 1906, at which election all the officers provided for in section four shall be elected. The term of office of all persons elected at said first election shall begin February 1, 1906, and shall be until May 1, 1907, and until their successors are elected and qualified. The next election hereunder shall be held on the first Thursday in April, 1907, and all subsequent elections each second year thereafter, on the first Thursday in April. The term of office of all persons elected at the election held hereunder in 1907, and all succeeding elections, shall begin on the first day of May next, ensuing after election, and shall be for two years, and until their successors are elected and qualified, unless they are sooner removed in the manner provided by law.

All appointed officers shall hold their office during the pleasure of the common council.

The election shall be held, conducted and the result thereof ascertained, certified, returned and determined, under the constitution and general laws of the state governing municipal elections, and shall conform as nearly as practicable to such laws. Contested elections shall be heard and decided by the council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the

case of county and district officers. The council shall be the judge of the election, return and qualification of its own members. In case two or more persons receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons under whom the supervision is held shall decide, by lot, which of them shall be returned elected, and shall make their return accordingly.

Qualification of officers.

Sec. 12. Every person elected or appointed to an office in such city shall, within twenty days after his election or appointment, and before entering upon the duties of his office, take and subscribe the oath of office prescribed by law in the case of district officers, which may be done before the mayor or recorder of such city, or before any person authorized by law to administer oaths; and the certificate of the officer administering the oath shall be filed with the recorder of the city.

Powers and duties of appointed officers.

Sec. 13. The council shall prescribe the powers and define the duties of all officers by it appointed, except so far as the same are by this act defined; shall fix their compensation, and may require and take from them, respectively, bonds payable to the city in the corporate name with such sureties, and in such penalties, as may be deemed proper, conditioned for the faithful performance of their duties.

Removal of officers.

Sec. 14. The council shall have the authority to remove from office any officer of the city, whether elected or appointed, for misconduct or neglect of duty, by an affirmative vote of three-fourths of the members of the council, but only after reasonable notice to such officer, and a hearing of the charges preferred.

Meetings of the council.

Sec. 15. The council shall be presided over at its meetings by the mayor, or in his absence, by the recorder; or in the absence of both mayor and recorder, by one of the councilmen selected by the majority

of the council present. A majority of the council shall be necessary to form a quorum for the transaction of business.

Votes of members.

Sec. 16. The recorder shall have a vote as a member of the council. The mayor shall have a vote only in case of a tie, and in no case shall the presiding officer have but one vote. No member of the council shall vote upon or take part in the consideration of any proposition in which he is or may be interested otherwise than as a resident of said city.

Bonds.

Sec. 17. The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive funds assets or property belonging to said city, or having charge of the same, such bonds, obligations or other writings, as may be deemed necessary and proper to secure the faithful performance of their several duties. All bonds, obligations or other writings taken in pursuance of any of the provisions of this act shall be made payable to the city of Williamson, with such sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties and for the accounting for and paying over, as required by law, all moneys coming into their hands by virtue of their offices, and the respective persons, and their heirs, executors and assigns bound thereby, shall be subject to the same proceedings on said bonds, obligations and other writings, for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of competent jurisdiction, held in and for the county of Mingo, that collectors of county levies and other sureties are or shall be subject to on their bonds for enforcing the payment of the county levies.

Records of the council.

Sec. 18. The council shall cause to be kept in a well bound book called the "Council Journal" an accurate record of all its proceedings, by-laws, ordinances, orders, and resolutions which shall be fully indexed, and shall be open to the inspection of any one who is required to pay taxes to such city. The records of the town of Williamson shall be deposited with the council of said city, and it shall make

suitable provisions for the safe keeping and preservation of the same. At each meeting of the council the proceedings of the last meeting shall be read, corrected if erroneous, and signed by the presiding officer for the time being.

Powers and duties of council.

Sec. 19. The council of said city shall have power to lay off, vacate, close, open, alter, grade, and keep in good repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains and gutters therein for the use of the citizens or of the public and to improve and light the same, and to keep the same free from obstructions of every kind; to regulate the width of pavements and sidewalks on the streets and alleys, and to order the pavement, sidewalks, footways, drains and gutters to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time for holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling or regrating of such markets; to prevent injury or annoyance to the public or to individuals from any thing dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses and soap factories within the city limits; or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits or to require and compel the abatement or removal thereof, by or at the expense of the owner or occupant of the ground on which they are placed or found; to cause to be filled up, raised or drained by or at the expense of the owner any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals and fowls of all kinds from going or being at large in such city, and, as one means of prevention, to provide for impounding and confining such animals and fowls, and, upon failure to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises where and when such worship is held; to regulate the keeping of gunpowder and other inflammable or dangerous substances; to provide and regulate the building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and the proper drainage of city lots, or other parcels of land, by or at the expense of the owner or occupant thereof; to provide against damage or danger by fire; to punish for carrying

deadly weapons, and assaults and batteries; to prohibit loitering in, or visiting houses of ill fame, or loitering in saloons, or upon the streets; to prevent lewd and lascivious conduct, the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day, profane swearing; the illegal sale of all intoxicating liquors, drinks, mixtures and preparations, beer, ale, wine, or drinks of like nature. To protect the persons of those residing or being within said city; to build or purchase, or lease and to use, a suitable place within or near said city for the safe keeping or punishment of persons charged with, or convicted of the violation of ordinances; to provide for the employment of persons convicted of the violation of ordinances, or who may be committed in default of the payment of fines, penalties or costs, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the city, and to use such means to prevent their escape, while at work, as they may deem expedient; to erect, or authorize or prohibit the erection of gas works, electric light works or water works within the city limits, to prevent injury to such works or the pollution of any gas or water used or intended to be used by the public or by individuals, and to do all things necessary to adequately supply said city and the inhabitants thereof with pure, healthful and wholesome water; to use, generate, distribute, sell and control electricity and gas for heat, light and power, and to furnish light for the streets, houses, buildings, stores and other places in and about said city; to provide a sewerage system for said city; to provide for and regulate the weighing and measuring of hay, coal, lumber and other articles sold, or kept or offered for sale within said city; to establish and construct wharfs and docks, and to repair, alter or remove any landing, wharf or dock, which has been or shall be so constructed, and to establish and collect rates and charges for the use thereof; to regulate the running and speed of engines and cars within said city, except that the council of said city shall not interfere with the speed of trains and engines beyond the corporation lines of the town of Williamson as heretofore existing, until the said new territory shall be laid out in lots, streets and alleys, and open and used by the public; to organize one or more fire companies and provide necessary apparatus, tools, implements, engines, or any of them, for their use, and in their discretion to organize a paid fire department: to make regulations with respect to the erection and location of all telephone, telegraph, electric light or other poles within said city, and the extension of any wires, lines and poles by any individuals

or corporation; to grant and regulate all franchises in, upon, over and under the streets, alleys and public ways of said city, under such restrictions as shall be provided by ordinance, but no exclusive franchise shall be granted by said council to any individual or corporation, nor shall any franchise be granted for a longer period than fifty years; to create by ordinance such committees or boards, and delegate such authority thereto, as may be deemed necessary or advisable; to provide for the annual assessment of taxable property therein, including dogs kept in said city, and to provide a revenue for the city for municipal purposes, and to appropriate such revenues to its expenses, and generally to take such measures, as may be deemed necessary or advisable, to protect the property, public and private, within the city; to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety, comfort and well being of the inhabitants thereof.

The council of said city shall have power and authority to control and regulate the construction and repairs of all houses and other buildings within the said city; to provide for the granting of building permits; to cause the removal of unsafe walls of buildings; and may, upon the petition of the person or persons owning the greater amount of frontage of the lots abutting on any street between any two cross-streets or in any square in said city, prohibit the erection on such street, or in such square, of any building, or of any addition to any building, more than ten feet high, unless the outer walls thereof be made of brick and mortar, or other fireproof material; and to provide for the removal of any building or addition which shall have been erected contrary to such prohibition, at the expense of the owner or owners thereof.

Enforcement of powers.

Sec. 20. To carry into effect these enumerated powers and all others by this act or by general law conferred, or which may hereafter be conferred upon the said city or its council, or any of its officers, the said council shall have and possess full authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution and laws of the United States or of this state; and to enforce any or all of such ordinances, by-laws, orders or resolutions, by prescribing for a violation thereof, fines and penalties and imprisonment in either the county jail of Mingo county or the city prison, if there be one; but no fine shall exceed fifty dollars,

and no term of imprisonment shall exceed ninety days. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city, or, in case of his absence or inability to act, of the recorder of said city; or, in case of the absence or inability to act of both of said officers, of one of the councilmen, appointed for that purpose by the council.

Annual estimate of expenditures.

Sec. 21. The council shall cause to be annually made up and entered upon its journal not later than the first day of July of each year, an accurate estimate of all sums that are or may become chargeable to such city, and which ought to be paid, within one year; and it shall order a levy of so much as may, in its opinion, be necessary to pay the same.

Annual levy.

Sec. 22. The levy so ordered shall be upon all dogs in the said city, and upon all real and personal property therein subject to state taxes upon the basis of the valuation of such property as fixed for state purposes; but the taxes so levied upon property shall not exceed the rate of one dollar on every one hundred dollars of the valuation thereof, in any one year for current purposes, unless authorized by ordinance in the manner prescribed by law.

Money, how and when paid.

Sec. 23. All taxes which the council are or shall be authorized to levy and collect, and all fines and penalties which may be imposed and collected for violations of the laws and ordinances of said city, shall inure to the exclusive benefit of said city, and all moneys received or collected for the use of said city shall be paid into the city treasury, and shall not be drawn therefrom, except as the council, in accordance with this act, may order, by orders drawn upon the city treasury, signed by the mayor and countersigned by the recorder, and no order shall be issued upon any fund unless there is an unexpended balance to the credit thereof sufficient to cover such order and money in the treasury to pay it. The council shall, once at least every year, cause to be published in two newspapers published in the said city,

a statement of the receipts and expenditures of said city for the past year for each of the several funds, signed and sworn to by the recorder, and attested by the mayor.

Control of liquor traffic by council.

Sec. 24. The council shall have full power to make and enforce ordinances for the regulation and control of the sale of all spirituous, vinous, and malt liquors within the city; to provide for the forfeiture, cancellation and annulment of any license for the violation of any condition of the bond given by any licensee, or for a violation of any ordinance regulating and controlling the sale of such liquors; to make and enforce ordinances determining the class, character and qualification of licensees and their employees; to impose a license for the sale of such liquors, upon the licensee, for the use of the city, in excess of the amount required to be paid to the state for the same purpose.

When any such license is granted by the council, it shall take from the person so licensed, a bond with approved security, in a penalty of not less than three thousand dollars, payable to the city of Williamson, and conditioned as prescribed by the constitution and laws of the state of West Virginia. The council may provide for the punishment of such persons for the violation of any of the conditions of said bond, and suits may be brought and maintained against such person and his sureties on such bond, for the same objects, by the same persons, in the same manner and with like effect, as upon a bond taken under the laws mentioned; and also for any fines and costs that may be imposed by the mayor for any offence against the city, under its ordinances, involving a breach of the conditions of such bond. But nothing contained in this act shall be construed to authorize the corporate authorities of said city to grant state licenses for the sale of spirituous liquors, wines, ale, beer or drinks of like nature within the corporate limits of said city without the consent and approval of the county court of Mingo county.

Revoking licenses.

Sec. 25. The council may revoke any such license for a breach of any of the conditions of such bond, or for other good cause shown, but the person holding the license must first have reasonable notice of the time and place of hearing and adjudicating the matter, as well as

the cause alleged; and he shall be entitled to be heard, in person or by counsel, in opposition to such revocation.

Other licenses.

Sec. 26. When anything for which a state license is required other than the sale of spirituous, vinous, and malt liquors is to be done within such city, the council may require a city license therefor, in the manner prescribed by law, and may impose a tax thereon for the use of the city. And the council may make and enforce all reasonable ordinances respecting the same, provided only that such ordinances shall not be in conflict with the constitution and laws of this state and of the United States.

Sidewalks, street paving, etc.

Sec. 27. If the owner or occupant of the real property abutting on any sidewalk, footway or gutter in such city, shall fail or refuse to curb, pave, or keep the same clean, in the manner or within the time required by council it shall be the duty of the council to cause the same to be done at the expense of the city, and to assess the amount of such expense on such property, or upon the owner or occupant thereof, and the same may be collected by the collector in the manner provided herein for the collection of city taxes.

Upon the petition, in writing, of the person owning the greater amount of frontage of the lots abutting on any street, or alley, between any two cross streets, or between a cross street and alley, the council of the city, by a lawful majority thereof, may order such part of any street or alley to be paved between the sidewalk with cobble stones, brick, Belgian blocks, asphaltum, or other suitable material, from one of such cross streets or alleys to the other, under such regulations as may be fixed by ordinance duly passed by council; two-thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the street or alley so paved, in proportion to the distance such lot or part of a lot abuts on such street or alley, and the remaining one-third of the cost of such paving shall be paid by the city. In making such assessments the basis shall be the cost of paving that part of the street or alley on which the property lies, included between the adjoining cross streets or alleys; and the amounts assessed against the owners of each lot or fractional part

of a lot, shall be in the proportion which the frontage of such lot or part of lot bears to the whole cost of paving said street or alley between said cross streets or alleys as aforesaid; and the same may be collected by the collector in the manner provided herein for the collection of city taxes.

Liens for taxes, assessments, etc.

Sec. 28. There shall be a lien on all real estate within the city for the city taxes assessed thereon, from the day fixed by law for the commencement of the assessment of such taxes in each year, and the interest upon such taxes, at the rate of six per centum per annum from the first day of January next after such assessment until payment, which may be enforced by the council in the same manner now provided by law for the enforcement of the lien for state or county taxes, or in such other manner as the council may by ordinance prescribe. There shall also be a lien on all real estate within the city for other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of the city from the time the same are so assessed or imposed, which shall have priority over all other liens except the lien for taxes and may be enforced by the council by suit in equity, in the corporate name of the city, in the same manner now prescribed by law for the enforcement of the lien for state or county taxes, or in such other manner as the council may by ordinance prescribe. If any real estate within the city be returned delinquent for the non-payment of the taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the taxes, interest, and commissions thereon, in the same manner, at the same time, and by the same officer as real estate is sold for the non-payment of state taxes.

The city collector.

Sec. 29. It shall be the duty of the collector to collect the city taxes, fines, levies, and assessments, under such regulations as may be prescribed by law and the ordinances of the city; and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner as the officer collecting the state taxes may distrain therefor, and he shall have in all other respects the same powers to enforce the payment and

collection thereof. His compensation shall not exceed five per cent. of the amount duly collected and accounted for. He shall account for and pay over all taxes, fines, levies and assessments in accordance with the ordinances prescribed by council. In case the collector shall fail to collect, account for, and pay over all or any moneys with which he may be chargeable, belonging to the city, according to the conditions of his bond and the ordinances of the council, the city shall have the right in its corporate name to recover the same by action or motion in the circuit court of Mingo county, or where the sum does not exceed his jurisdiction, before a justice of the peace against the collector and his sureties or any of them, or his or their personal representatives, upon giving ten days' notice of any such motion. The collector shall, on the last day of each month, file with the recorder a sworn, itemized statement, showing his total collections and disbursements for said month; and he shall annually, on or immediately before the first day of July, make such settlement with the council as the general laws of this state provide for sheriff's settlements with the county court.

The city assessor.

Sec. 30. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of June of each year; and for this purpose he shall have access to all public books and records of Mingo county, and to all documents and papers in the hands of the county assessor relating to assessments for state and county purposes, between the first day of April and the first day of June of each year, without expense to the city, and shall have all the powers conferred by law on county assessors. In case the assessor of the city shall discover any property subject to taxation which has not been listed by the county assessor, or assistant tax commissioner, it shall be his duty to list the same, and make report of the fact, with a description of the property and its owner, to the county assessor or assistant tax commissioner; and it shall be the duty of the county assessor or assistant tax commissioner to list the same for state and county purpose and to make a proper valuation of the same, and report its valuation to the assessor of the city. The assessor of the city shall list the dogs in the city, with the name of the owners thereof and return the list to the council. The council shall have power to make

and enforce regulations respecting the listing and taxation of dogs in the city, and provide for impounding and killing such as appear to have no owner, or upon which the tax has not been paid. And it shall have power to make and enforce all needful ordinances respecting the assessment of property.

Exemption from district poor and road levies.

Sec. 31. The city shall support its own poor, and shall conduct and maintain its own roads and streets; and by reason thereof shall not be required to pay any district poor levies for the support of the poor outside of the city limits, or any district road taxes for the construction and maintenance of roads outside of the city limits.

Powers and duties of the mayor.

Sec. 32. The mayor shall be the chief executive officer of the council, he shall recommend such measures as he may deem needful for the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of section two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of this state, shall be paid by the city. But the mayor shall not receive any money belonging to the state or individuals, unless he shall give the bond and security required of a justice of the peace by chapter fifty of the said code, and all provisions of said chapter relating to money received by justices shall apply as to like moneys received by the mayor. The mayor shall have power, when authorized by a proper ordinance of the city, in the case of an offender upon whom a fine has been imposed and who shall neglect or refuse to pay the same, to sentence such offender to work out the amount of the fine imposed, together with the costs, and the costs of the maintenance of such offender from day to day, by compelling him to labor without compensation upon any of the public works or improvements undertaken by the city, or upon any works upon which the city may employ labor for, he shall receive such commutation per day, to be fixed by the council, as is allowed to laborers regularly employed, until such fines, costs, and costs of maintenance, shall have been fully paid; *provided*, that no person shall be compelled to labor as aforesaid for more than thirty days for any one offence.

Appeals shall lie from the judgment of the mayor to the circuit court of Mingo county, under the regulations prescribed by law.

Powers and duties of the recorder.

Sec. 33. It shall be the duty of the recorder to keep the journal of the proceedings of the council, to have charge and preserve all records and archives of the city, and to perform such other duties pertaining to his office as the council may prescribe. In the absence of the mayor from the city, or in case of his sickness or disability to act, or during any vacancy in the office of mayor, the recorder shall perform the duties belonging to the office of mayor and for that purpose shall have and possess all the powers of the mayor.

Duties of city attorney.

Sec. 34. The city attorney shall be the city solicitor, and counsel, in all legal matters arising upon which counsel is necessary, or in which legal proceedings are taken. He shall defend all suits against the city, and, when requested in writing, shall give his written opinion to the mayor, the council, or any standing committee thereof, upon such legal questions as may be referred to him affecting the city's interest. When required by the mayor, he shall attend and prosecute all trials in his court, and shall prosecute all appeals that are taken from such court to the circuit, or if there be one, the criminal court of Mingo county, and for his services he shall receive such sum as the council may allow.

Duties of city treasurer.

Sec. 35. The city treasury shall be one or more of the banks of the city, and shall be selected biennially by the council. The bank or banks which shall be designated city treasury shall be first chosen at the first regular meeting of the council held in February, 1906, and thereafter on the same day each second year. The money deposited therein shall be disbursed only upon orders drawn against the same, signed and countersigned as hereinbefore prescribed. Such bank or banks selected shall give bond with security to the city, to insure the safety of such deposit, in amount sufficient to protect the highest amount deposited, the security to be approved as other bonds are herein provided to be approved. The treasurer shall, on the last

day of each month, furnish the council a statement showing by items its receipts and disbursements for said month, and the amount on hand; and it shall annually, on or immediately before the first day of July, make such settlement with the council as the general laws of this state provide for sheriff's settlements with the county courts.

The police officers.

Sec. 36. The chief of police shall be *ex-officio* a constable within the corporate limits of his city. He may execute any writ or process issued by the mayor or justice of the peace at any place in Mingo county. He shall have all the powers, rights and privileges within the corporate limits of the city, in regard to the arrest of persons, the collection of claims, and the execution and return of process, that can be legally exercised by a constable of the district in which the said city is situated, and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable of a district is liable to, for any failure or dereliction in his office, to be recovered in the same manner and in the same courts that the fines, penalties and forfeitures may be recovered against such constable. All special police officers shall have and possess all the powers, rights and privileges of a constable of the district within the corporate limits of the city, in regard to the arrest of persons, and the execution and return of all criminal writs and process issued by the mayor; but the council may exempt them from giving the bond required of constables.

Right to condemn real estate.

Sec. 37. The council shall have the right to institute proceedings in the name of the city for the condemnation of real estate for the use of roads, streets, alleys, drains, public buildings, and grounds, including parks and cemeteries, for the use of the city; and the manner of procedure shall, as nearly as practicable, conform to the provisions of chapter forty-two of the code, and the expenses thereof shall be borne by the city.

Repeal of certain acts.

Sec. 38. All acts and parts of acts which are in conflict and inconsistent with this act, are hereby declared inoperative in so far as they are in conflict or inconsistent with this act. And this act shall not be

construed to take away any of the powers conferred upon said town, or upon the council, or any officer thereof, conferred by general law, except so far as the same may be inconsistent with the powers conferred by this act.

Rights and liabilities of the city.

Sec. 39. The said city shall succeed to all the rights and liabilities of the said town of Williamson. It shall be liable for all the debts and obligations of the said town the same as if the bond or other evidence of indebtedness were issued in the corporate name of the city.

Ordinances.

Sec. 40. The ordinances in force in the town of Williamson on the first day of February, one thousand nine hundred and six, so far as they are not inconsistent with this charter, shall continue in force as ordinances of the city of Williamson until amended or repealed by the council of said city.

(House Bill No. 410.)

CHAPTER 16.

AN ACT to amend and re-enact section 19 of chapter 150 of the acts of the legislature of West Virginia of 1903, as amended and re-enacted by the legislature of West Virginia of 1905.

[Passed February 22, 1905. In effect 90 days from passage. Approved February 25, 1905.]

<p>Sec. 19. City officials, how removed; provision as to the suspension of ap-</p>		<p>Sec. pointed officers and their reinstatement.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

1. That section 19 of chapter 150 of the acts of the legislature of West Virginia of 1903, as amended and re-enacted by the legislature of 1905, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 19. The mayor, treasurer, city clerk and city assessor may be removed from office for malfeasance, misfeasance, incompetency to

perform the duties required of their office and gross immorality, by a vote of three-fourths of all of the members elected to the common council, but no elective officer as aforesaid shall be removed until he shall have been served with a notice in writing, specifying the charges and reasons for such removal, for at least ten days prior thereto. All officers appointed by the council, provided for by this chapter, may be removed from office at the pleasure of the council, a majority of all the members elected to the council concurring in such removal; and the chief of police and all police officers provided for by this chapter may be suspended for cause at the pleasure of the mayor with or without pay. In the event of the suspension by the mayor of the chief of police, or any other police officer as herein provided, the mayor at the next regular meeting of the council shall prefer charges in writing against such suspended chief of police or police officer; and such suspended chief of police or police officer may be re-instated in office only upon the vote of a majority of all the members elected to the council; *provided*, that in case the chief of police or any other police officer is suspended by the mayor without pay, and is thereafter re-instated by the council such chief of police or police officer shall be entitled to his pay as though he had not been suspended, unless the majority of all the members elected to the council shall order otherwise.

(Senate Bill No. 201.)

CHAPTER 17.

AN ACT to create and establish the Independent School District of Alderson in the counties of Greenbrier and Monroe.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

SEC.

1. Boundary lines.
2. Board of education; authority of; term and pay of members.
3. Vacancies in board.
4. President and secretary of board.
5. Meetings and quorum.
6. Corporate name, powers and liabilities.
7. Text books and attendance of pupils.
8. High school provided for.
9. School for colored children.
10. Admission to schools.
11. Superintendent.
12. Teachers, appointment and qualification of.

SEC.

13. Provision as to moneys belonging to old districts.
14. Levy.
15. Bonds, how and for what purpose issued.
16. Provision for payment of bonds.
17. Polling places.
18. Election to ratify this act, county court to publish notice of.
19. Ballots for special election—proclamation of president.
20. Assessments; levies to whom paid and how accounted for.
21. Duties of sheriffs of Monroe and Greenbrier counties.
22. Election.
23. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event a majority of the votes cast at an election to be held on the first Monday in May, one thousand nine hundred and five, be in favor thereof, the following described territory in Wolf creek district, Monroe county, and Blue Sulphur district, Greenbrier county, shall after the result of such election is ascertained, and declared, be the "Independent School District of Alderson," to-wit: All the territory now included and within one mile of the corporate limits of the incorporated town of Alderson, including the territory recently added by extending the corporate limits according to law, in Blue Sulphur district, Greenbrier county, and Wolf creek district. Monroe county, except that in the event one mile from the west line of the incorporation of the town of Alderson extends into Summers county, said limit of the territory of said independent school district shall be shortened so as to not include any portion of Summers county.

Sec. 2. The board of education of said district shall consist of five members, who shall be elected by the qualified voters resident therein, and shall be vested with the same rights and exercise the same powers, perform the same duties, and be governed by the same laws, that boards of education elsewhere in the counties are or may hereafter be governed, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district, a board of education shall be elected on the second Monday in July, one thousand nine hundred and five, one of whom shall serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and the other for the term of five years, and until their successors have been elected and qualified. The term of office for which each candidate is voted for shall be designated on the ballots used at said election. The regular term of members of said board of education shall be five years, and one member of the said board shall be elected each year after said first election at an election to be held for the purposes on the second Monday in July. The terms of office of members of said board shall commence on the first day of August following their election. The compensation of the members of said board of education shall not exceed one dollar per day per member for the time actually engaged in performing the duties required of them and no member to receive more than \$16.00 in any one year.

Sec. 3. Any vacancy that may occur in the office of school commissioner by death, resignation, refusal to serve or otherwise, shall be

filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office until the next election of school commissioners or members of the board of education, when a member of said board of education shall be elected to fill the unexpired term.

Sec. 4. The board of education shall elect annually, at their first meeting, one of their members to act as president of said board, who shall perform all the duties required to be performed by such officer of any board of education, which may not be inconsistent with the provisions of this act. The board shall elect at the same time a secretary, who shall perform such duties for said board as required of secretaries of other boards of education. The president shall have one vote as commissioner, but shall not vote upon any question arising in the board, except in the event of a tie he shall cast the deciding vote. The president, other members of the board of education and the secretary shall, before performing any of the duties required of them, take the oath of office required to be taken by presidents, members and secretaries of boards of education. The secretary shall record in a book provided for the purpose, all the official acts and proceedings of the board, which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contract and obligations; and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He shall annually between the first and twentieth of July, report to the county superintendent such facts in his possession as may be required by the general school law of the state. For his services as secretary he shall receive such compensation, not exceeding one hundred dollars per annum, as the board may allow. In his absence, the board may appoint one of its members or some other suitable person secretary *pro tempore*.

Sec. 5. The board of education shall hold stated meetings at such times and places as they may appoint, and any three members of said board shall constitute a quorum for the transaction of business. Special meetings may be called by the president, or, at the request of any member, by the secretary. The concurrence of three members of the board shall be required to elect superintendent or teachers, and to decide all questions involving the expenditure of money.

Sec. 6. The board of education of the Independent School District of Alderson shall be a body corporate in law, and as such may purchase, hold and grant estate, real and personal, contract, sue and be sued, plead and be impleaded; may receive any gift, grant, donation, or devise and do other corporate acts. They shall have the management and be vested with the title to all real and personal estate for the use of public schools within the district, and shall manage and dispose of the same as will, in their opinion, best subserve the interest of the district.

Sec. 7. The board of education of said independent school district of Alderson shall have exclusive control of all public schools within the district; shall have power to make all necessary rules and regulations for the government of said schools of the district, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the moral or discipline of the school or schools. They shall prescribe the same text books used throughout the counties of Greenbrier and Monroe, but may prescribe other and advanced courses of study to be pursued in the schools of said district, and to this end may supplement the list of text books adopted by said counties and may furnish books and stationery for the use of indigent children in attendance at the schools in said district. They may also furnish all necessary apparatus and books for the use of the schools in the district, and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district.

Sec. 8. The board of education of said independent school district of Alderson shall have power to establish within the district such schools including a high school, by such name as may be prescribed by said board as may in their judgment be best for the interest of the district. The branches to be taught in the high school and other schools within the district shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board of education may direct. The said high school shall be open to all pupils in the district, but no pupil shall enter such school until the district superintendent shall have been satisfied that the said pupil has made due proficiency in the other schools of the district.

Sec. 9. The board of education of said independent school district shall establish within the district one or more separate schools for colored children, whenever they may deem it necessary, so as to afford

them as far as practicable the advantages and privileges of a free school education. All such schools shall be under the supervision, management and control of the board of education of the district and shall be subject to like general regulations as other schools of the district.

Sec. 10. Admission to the various schools of the district shall be gratuitous to all children, wards and apprentices, or actual residents within the district between the ages of six and twenty-one years; *provided*, that admission of pupils, residents of one sub-district to the schools of another shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon payment in advance of such tuition as the board of education may prescribe.

Sec. 11. Annually, at the first meeting of the board, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. He may be removed at any time by the board of education for any palpable violation of law or omission of duty, intemperate habits, immorality or incompetency, but he shall not be removed unless charges shall be preferred against him to the board by a member thereof, and notice of a hearing, with a copy of the charges delivered to him, and an opportunity given him to be heard in his defence. When the office shall have become vacant from any cause, the board of education shall fill the same by appointment. It shall be the duty of the superintendent to make such report to the board of education of the character and condition of the schools of the district, as shall enable the secretary to make his required report to the county superintendent. He shall also perform such other appropriate duties with relation to the schools of the district as the board may prescribe. He shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever in the schools of the district.

Sec. 12. The board of education shall appoint all teachers for public schools of any grade within the district, and fix their salaries, at a meeting held not later than the third Monday in August of any year, except that for the school year beginning September, one thousand nine hundred and five, the salaries fixed and the teachers employed by the respective boards of education of Blue Sulphur district, Greenbrier county, and Wolf creek district, Monroe county, shall be recognized for such school year; but no person shall be employed to

teach a school of the grade for which the appointment is made, without having a satisfactory certificate obtained and issued as required by law in the examination of teachers for the public schools of this state. The teachers appointed shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency, intemperance or gross immorality, upon the complaint of the superintendent or any member of the board. All appointments of superintendent and teachers shall be in writing signed by the president, secretary, and two members of said board of education.

Sec. 13. All moneys, whether belonging to the teachers' or building fund of the districts of Wolf creek, Monroe county and Blue Sulphur, Greenbrier county, which may be unexpended when the provisions of this act take effect, or to which said districts may be entitled for the year nineteen hundred and five, shall be divided between the said districts and the independent school district of Alderson, in proportion to the amount of taxable property in each of said districts, and the board of education of said independent school district of Alderson shall, from the money received, if sufficient, pay the salaries of the teachers employed within said district for the school year commencing in September nineteen hundred and five, and other necessary expenses for school purpose within said independent school district. It shall be the duty of the board of education of each of said districts to make the settlement mentioned in this section as soon as practicable after the election and qualification of the members of the board of education of said independent district. The latest preceding assessment for state and county purposes shall be taken as the basis of such settlement and division.

Sec. 14. It shall be the duty of the board of education of said independent school district of Alderson at a meeting held not later than the second Monday in August next following their election and qualification and annually thereafter, to ascertain as nearly as possible the amount of money, in addition to all available funds, necessary to keep in operation or session the schools in said district for at least eight months in the year and for the purpose of raising the required or necessary amount the board shall levy a tax upon the property and residents of the district, and same shall be collected under the provisions of the general school law of the state; *provided*, the levy made or taxes to be raised for both teachers' and building fund in said school district

shall not exceed the rate provided by the general school law of the state.

Sec. 15. The board of education of the independent district of Alderson is hereby authorized and empowered, at any time after this act takes effect or after their election and qualification, to issue and sell the bonds of said district, and with the proceeds erect one or more public school buildings within and for the use of the said district; such bonds to bear interest at a rate not exceeding six per centum per annum and to become payable in not less than five nor more than twenty years from the date thereof. No indebtedness under this act shall exceed, when added to the existing indebtedness of said district, five per centum of the value of the taxable property within said district, such value to be ascertained by the next preceding assessment made with reference to state and county taxes; nor shall such bonds be issued without due provisions for the assessment and collection of a direct annual tax sufficient to pay annually the interest thereon, and the principal thereof at their maturity; nor at all unless all questions connected therewith be submitted to the voters of the said district, and three-fifths of all the votes cast at such election shall have been in favor of the issuance of said bonds. When the board of said independent district shall deem it expedient to exercise the power hereby conferred, an order shall be made and placed upon the minutes at a regular meeting specifying the purpose, amount and denomination of the bonds proposed to be issued, the date of maturity and the plan adopted to meet the payment of the principal and the accruing interest. Such bonds shall be of the denomination of one hundred dollars or a multiple thereof.

Sec. 16. The board may provide in such order for the payment, after five years, of the principal of one or more of such bonds in each year, so that when they become payable according to their face not more than one bond will remain unpaid or unprovided for; or, a sinking fund may be created with a view to the payment of the aggregate or principal when they become due and payable.

Sec. 17. The board of education of said independent school district of Alderson shall, at convenient points, establish two district polling places, one on the north side of Greenbrier river and one on the south side of Greenbrier river, which shall be taken, held and used as polling places for voters of said independent district, in all elections, until such polling places are changed by law.

Sec. 18. The election provided for in section one of this act, shall

be by ballot, which said ballots shall have printed thereon, "For Independent School District," and "Against Independent School District." Said election shall be held at the usual place of voting in North Alderson, Blue Sulphur district, and South Alderson, Wolf creek district. The said ballots and the necessary booths, ballot boxes, poll books, and all other appliances required by law and necessary for the holding of such election, shall be furnished and supplied by the county courts of Greenbrier and Monroe counties. The said election shall be superintended and the result thereof ascertained and declared by election officers to be appointed by the commissioners of the county courts of Monroe and Greenbrier counties; and all the provisions of the election laws of this state shall be enforced and govern such election unless otherwise provided.

The expense of said election shall be paid by the board of education of Blue Sulphur district, Greenbrier county, and Wolf creek district, Monroe county, in case a majority of the voters voting at said election are against the establishment of said independent district; but if a majority of the votes cast at said election are in favor of the establishment of said independent school district, then, expenses of said election shall be paid by the board of education of said independent district and collected by the sheriffs of Greenbrier and Monroe and Greenbrier county to give notice of said election by publication of said notice once a week for four consecutive weeks prior thereto in some newspaper of general circulation in the districts interested, *provided*, said courts agree upon a newspaper, if not, then said court shall give notice of same by posting for the period of thirty days in three public places in each of said districts interested.

Sec. 19. The election, provided for in section fifteen of this act, shall be by ballot, which said ballot shall have printed thereon, "For Ratification," and "For Rejection." The president of the board of education of said independent school district, by and with the consent of the majority of said board, shall issue his proclamation to the voters of the independent district, notifying them of the time and places of holding said election and the object and purpose thereof, embodying therein a copy of said order of the board, and such proclamation shall be inserted once a week for four weeks, next preceding the day designated for holding said election, in some newspaper of general circulation in said district, and by posting a copy of same at three public places within said district.

Sec. 20. The assessments made under the provisions of this act,

shall be levied by said board of education of the independent school district and collected by the sheriffs of Greenbrier and Monroe counties and the amounts of said levies shall be charged in full to said officers who shall be held to account for the same. No money collected under the provisions of this act shall be paid out by said sheriffs, or either of them, except on an order signed by the president and secretary of said board of education of said independent district, and specifying on its face the particular account to which the same is chargeable and the purpose for which it was drawn, nor shall any credit be allowed to the said sheriffs, in their annual settlements, upon any voucher except such order or draft.

Sec. 21. The sheriffs of the respective counties of Monroe and Greenbrier shall annually, on or immediately before the first day of July, make such settlement with the board of education of said independent school district as the general school law may provide; and for collecting and disbursing the taxes, assessed by the said board of education of said independent school district of Alderson, they shall be entitled to a commission of not more than five per centum upon the amount collected excepting for the collection of railway companies' tax, they or either of them shall not receive more than two per centum for receiving and disbursing same.

Sec. 22. The election, provided for in section two of this act, after said first election, shall be held and conducted in the manner prescribed by the general school law for the election of school officers.

Sec. 23. All provisions of the general school law of the state and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district; otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the state.

(Senate Bill No. 20.)

CHAPTER 18.

AN ACT to amend and re-enact sections 2 and 4 of chapter 93 of the acts of the legislature of West Virginia, of 1881, and to add thereto sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, which act is entitled "An act to establish the Independent School District of Buckhannon, out of Sub-district No. 1 of Buckhannon District of Upshur county."

[Passed January 30, 1905. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Certain sections added.
2. Board of education; made a corporation; vacancies, how filled.
4. Powers of board to lay levies; separate schools for white and colored.
5. The power of president to vote.
6. The secretary; how appointed, his duties and compensation.
7. To hold stated meetings; quorum; special meeting.
8. The board to make rules and have control of schools.
9. High schools; who to attend.
10. Free to children of district; how non-residents may attend.
11. Schools for colored children.

SEC.

12. Superintendent of schools; salary and duties.
13. Teachers, how appointed; salaries.
14. Superintendent and teachers, how removed.
15. Money to be expended to run schools, how ascertained.
16. Bonds.
17. Amount of indebtedness limited.
18. Interest on bonds.
19. Notice to be given of election to be held.
20. How election to be held.
21. Ballots, how prepared.
22. Collecting officers, to make settlements; his compensation.
23. How funds to be paid out.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That sections two and four of chapter ninety-three be amended and re-enacted so as to read as follows; and that sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three be added thereto.

Sec. 2. The board of education for said independent school district shall consist of a president, and two commissioners, who shall be a corporation by the name of the "Board of Education of the Independent School District of Buckhannon," and by that name may sue and be sued, plead and be impleaded, purchase and hold so much real estate and personal property as may be necessary for the purpose of this act, and without any transfer or conveyance they shall be deemed the owners of all real and personal property within the territory aforesaid, now held or owned for free school purposes, and they shall have all the powers, perform all the duties, and be subject to all the liabilities, both of boards of education and trustees. They shall hold their offices for the term of four years, beginning on the first day

of July next after the election, at which they are elected. The board of education now in office shall hold their offices as follows, to-wit: The president and commissioner that were elected on the fourth day of November, 1902, shall hold their offices for four years from the first day of the following July, and until their successors are elected and qualified according to law, and a president and one member of said board shall be elected at the general election every four years thereafter; and the commissioner who was elected on the eighth day of November 1904, shall hold his office for four years from the first day of the following July and until his successor is elected and qualified according to law; and one commissioner shall be elected every four years thereafter at the general election. But nothing herein shall be construed to prohibit the re-election and eligibility of any member of such board for two or more terms. Vacancies in the board shall be filled for the unexpired term by appointment by the board.

Sec. 4. The said board of education of the independent school district of Buckhannon shall have power to lay levies without a vote being taken by the voters of said district empowering it to do so. If in the judgment of said board it will be advantageous to the interest of education in such district to do so, they may apply all moneys at their disposal, and which may be levied by them, either entirely to the employment and payment of teachers, and incidental expenses necessary to carrying on and conducting schools, including fuel and other things necessary for schools, or entirely to building purposes, or partly for either; but there shall be schools taught in said district for both white and colored children, for at least six months in each year, and said board of education may provide for a longer period without resorting to a vote of the people residing therein. The board of education of said independent school district shall not lay a greater levy than forty cents on the one hundred dollars valuation of the property for teachers' fund, nor more than twenty cents on the like valuation for building fund in any one year.

Sec. 5. The president of said board of education shall have one vote as president of said board on all questions, but shall not vote the second time on any question arising in said board by reason of his being the presiding officer thereof.

Sec. 6. The said board shall at their first meeting in July of each year appoint a secretary who shall perform such duties for said board as are required of secretaries of other boards of education, who shall hold his office at the will of said board and whose compensation shall

be fixed by the board and shall not be less than twenty-five nor more than fifty dollars per year and shall have in addition thereto the usual fee for making the annual report required by law.

Sec. 7. The board of education shall hold stated meetings at such times and places as they may appoint, not less than two members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or, at the request of any member, by the secretary. The concurrence of two members of the board shall be required to elect a superintendent or teachers and to decide all questions involving the expenditure of money. The members of the board of education shall receive the same compensation as other boards of education.

Sec. 8. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the school. It may prescribe text books for the use of the schools in the district, supplementing the list adopted for the county, and may furnish books and stationery for the use of indigent children in attendance at the schools. It may furnish all necessary apparatus and books for the use of the schools and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district.

Sec. 9. The board of education shall have power to establish within the district such schools, including high schools by such name as may be prescribed by said board, as may in its judgment be best for the interest of the district. The branches to be taught in the high school and other schools within the district shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be opened to the white pupils in the district, but no pupil shall be entitled to enter such school until the city superintendent shall have been satisfied that the pupil has made due proficiency in the branches taught in the other schools of the district.

Sec. 10. Admission to the various schools of the district shall be gratuitous to all children, wards and apprentices between the ages of six and twenty-one years who are actual residents within the district. Non-residents of said district may be allowed to attend the

schools of the district upon the payment in advance of such tuition as the board of education may prescribe.

Sec. 11. The board of education shall establish within the district one or more separate schools for colored children, whenever it may deem it necessary, so as to afford them as far as practicable the advantages and privileges of a free school education. All such schools shall be under the management and control of the board of education, and shall be subject to like regulations as other schools of the district.

Sec. 12. Annually, on the first meeting in July, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent, in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of the district as the board may prescribe. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the superintendent to make such report to the board of education, of the character and condition of the schools of the district as shall enable the secretary to make his required report to the county superintendent.

The superintendent shall not directly or indirectly receive any gift, emolument or reward for influence in recommending the use of any book, apparatus or furniture of any kind whatever in the schools of the district. Upon conviction thereof, after having been given a hearing as hereinbefore provided, he shall be discharged from further duty.

Sec. 13. The board of education shall appoint all teachers for public schools of any grade within the said district and fix their salaries at a meeting held on the first Monday in July, or as soon thereafter as possible. But no person shall be employed to teach a school of the grade for which the appointment is made, including the superintendent, without having a satisfactory certificate obtained and issued as required by law in the examination of teachers for the public schools of this state. All appointments of superintendents and teachers shall be in writing, as required by law.

Sec. 14. The superintendent and teachers shall be subject in all respects to the rules and regulations adopted by the board of education and may be removed by the board of education for incompetency,

profanity, cruelty or immorality, in manner and form prescribed for the removal of teachers in section thirteen of chapter forty-five of the code as amended.

Sec. 15. It shall be the duty of the board of education at its annual meeting on the first Monday in July, to ascertain as nearly as possible the amount of money, in addition to all of the available funds, which ought to be expended for school purposes in said district, to keep the schools in session at least six months in the year; for which amount the board shall levy a tax upon the property included in the district and the residents thereof, and the same shall be collected under the provisions of the general school law of the state.

Sec. 16. The board of education of the independent school district is hereby authorized and empowered, at any time after this act takes effect, to issue and sell the bonds of said district, and with the proceeds erect one or more public school buildings within and for the use of the said district; such bonds to bear interest at a rate not exceeding six per centum per annum, and to become payable in not less than five nor more than twenty years from the date thereof.

Sec. 17. No indebtedness incurred under this act shall exceed, when added to any existing indebtedness of said district, five per centum of the value of the taxable property of said district, such value to be ascertained by the next preceding assessment made with reference to state and county taxes; nor shall such bonds be without due provisions for the assessment and collection of a direct annual tax sufficient to pay annually the interest thereon, and the principal thereof at their maturity; nor unless all questions connected therewith shall have been first submitted to a vote of the qualified voters of the said district, and three-fifths of all the votes cast at such election shall have been in favor of such issue. When the board shall deem it expedient to exercise the power hereby conferred, an order shall be made and placed upon the minutes at a general meeting specifying the purpose, amount and denomination of the bonds proposed to be issued, the date of maturity and the plan adopted to meet the payment of the principal and the accruing interest. Such bonds shall be of the denomination of one hundred dollars, or a multiple thereof.

Sec. 18. The said board of education shall by special levy provide for the payment of the principal and interest on said bonds which levy each year shall be sufficient to meet the interest on the bonds until the end of five years and thereafter to pay the interest and provide a

sinking fund to liquidate all said bonds within said twenty years but said board shall not make a levy in any one year greater than fifteen cents on the one hundred dollars valuation in said district.

Sec. 19. At least four weeks before the election to take the sense of the voters as to any proposed issue of bonds, the president of the board shall issue his proclamation to the voters of the district, notifying them of the time and place of holding the same, and the object and purpose thereof, embodying a copy of said order and such proclamation shall be inserted once a week for four weeks next previous to the day designated, in at least two newspapers published in the said district and posted for a period of thirty days at the front door of the postoffice and at the court house, and at two or more other places in the district.

Sec. 20. Such election, or elections, shall be held and conducted in the same manner as are general elections of state and county officers, at such time, after this act takes effect, as shall be designated by the board of education, and at its usual places of voting in said district, and shall be held and conducted by the officers appointed by the board of education to hold such election, in accordance with the law of the state; and the officers conducting such election shall ascertain and certify the result to the secretary of said board within three days thereafter. Such result shall within ten days after the same is certified be noted on the minutes and the certificate filed with the clerk. The board of education is hereby vested with the power to appoint the officers required by law to hold and conduct such election.

Sec. 21. Any person voting in favor of such issue of bonds shall have upon his ballot the words written or printed, "For Ratification," and any person voting against such issue, the words written or printed, "For Rejection," and all ballots shall be sealed up and deposited with the said secretary. In the event that the result of such election is favorable to such issue the board shall have authority to erect such new public school buildings, applying the proceeds of such sale to such purposes; and, should a surplus remain, to the payment of the interest of such bonds.

Sec. 22. The collecting officer of the state and county taxes shall be the collecting officer of this district, who shall annually make such settlement, receive such compensation as provided by the general school law for collecting and disbursing district levies. But shall receive nothing for receiving and disbursing the state fund.

Sec. 23. No money shall be paid out by the officer collecting the taxes levied in said independent school district of Buckhannon except

on an order signed by the president and secretary of the said board of education, and specifying on its face the particular account to which the same is chargeable, nor shall any credit be allowed to the said collecting officer in his statement, which settlement shall be annually with the said board, upon any voucher except such order.

(House Bill No. 381.)

CHAPTER 19.

AN ACT to establish the Independent School District of Burnsville, in the county of Braxton, in the state of West Virginia.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

<p>SEC.</p> <p>1. } Proposed school district, boundary</p> <p>2. } lines defined.</p> <p>3. Board of education; election there- of.</p> <p>4. Board made a corporation; its powers.</p> <p>5. Voting place; how established.</p> <p>6. President and secretary; how elect-</p>	<p>SEC.</p> <p>7. Board to prescribe books to be used.</p> <p>8. Term of school to be fixed by board.</p> <p>9. Levies for the teachers and build- ing fund.</p> <p>10. Elections; how to be held.</p>
--	--

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event that a majority of the votes cast at an election to be held the first Tuesday in June, one thousand nine hundred and five, be in favor thereof, the following described territory in the county of Braxton shall, after the result of such election is ascertained and declared, be the independent school district of Burnsville, to-wit: The town of Burnsville and the territory contained within the limits of said town, shall constitute one school district to be called "The Independent School District of Burnsville."

Sec. 2. That the said independent school district of Burnsville shall, at all times, be confined within the corporate limits of the said town of Burnsville, whether the said corporate limits be extended or retracted from their present location at the passage of this act.

Sec. 3. The board of education of said district shall consist of three members who shall be elected by the qualified voters therein, and shall be invested with the same rights and exercise the same powers, perform the same duties and be governed by the same laws, that boards of education elsewhere in the county are, or hereafter be governed, except in so far as changed by this act; and in the event of the estab-

lishment of the school district, a board of education shall be elected on the second Tuesday in July, one thousand nine hundred and five, who shall serve as such board until their successors are elected and qualified, and thereafter such board of education shall be elected as provided by law for magisterial districts; and the members of such board shall be elected for such terms as will conform to the interest and meaning of the foregoing.

Sec. 4. The board of education herein provided for shall be a corporation by the name of the Board of Education of Burnsville District, and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate, real and personal, make ordinances, by-laws and regulations, consistent with the laws of this state, for the government of all persons and things under its authority and the due and orderly execution of its affairs.

Sec. 5. The board of education shall, at a convenient point, establish in said district a polling place or places, which shall be taken, held and used for a polling place, or places, for the voters in said district, in all elections, until such polling place or places are changed by law.

Sec. 6. At the first meeting of the board in July of each year, the board shall organize by electing a president who shall be one of their number; and also elect a clerk who may or may not be a member of said board, who shall perform the duties and receive the same compensation as secretaries of other boards of education in this state.

Sec. 7. The said board of education shall have authority to prescribe the school books to be used and the course of studies to be pursued in the schools of said district. They, also, out of the building fund of said district, may provide free text books for indigent pupils.

Sec. 8. The said board of education shall have power to determine the number of months the school shall be kept in operation, but no such term shall be for a less period than five months for any school year.

Sec. 9. It shall be the duty of the board of education at its annual meeting on the first Monday in July in each year, or at some subsequent meeting not later than the first Monday in August, next following, to ascertain as nearly as possible the amount of money, in addition to all the available funds, which ought to be expended in said district, for school purposes, to keep the schools in session at least five months in each year, for which amount the board shall levy a tax on all the property included in the district and residents thereof, which levy shall not exceed that provided by general law, to be col-

lected and accounted for as provided by the general school law of the state. The said board shall also in like manner provide a building fund for said district, as provided by general law.

Sec. 10. The election provided for, in section one of this act, shall be by ballot, and those voting in favor of the establishment of said independent district, shall have written or printed on their tickets the words "For Independent District," and those voting against the establishment thereof, shall have written or printed the words, "Against Independent District." The election shall be superintended, and the result thereof ascertained and declared by election officers appointed by the county commissioners of Braxton county; and all the provisions of the election laws in this state, so far applicable, shall be enforced and govern such election.

(House Bill No. 204.)

CHAPTER 20.

AN ACT to empower the board of education of Clarksburg Independent School District, in Harrison county, to issue bonds for the purpose of erecting one or more school buildings.

[Passed February 15, 1905. In effect from passage. Approved February 21, 1905.]

Sec.	1. } Board of education of Clarksburg school district to issue bonds; time; amount and for what purpose.		SEC.	3. Debts contracted to be first voted on; notice of election.
	2. }			

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the board of education of Clarksburg school district, in Harrison county, be, and is hereby authorized and empowered at any time within two years from the passage of this act, to issue its bonds to an amount not exceeding the sum of sixty thousand dollars, in the aggregate, for the purpose of erecting one or more public school buildings in said school district.

Sec. 2. Said bonds shall be of the denomination of one thousand dollars, and be payable in not less than five, and not more than twenty years from their date, at the option of said board of education, with interest thereon at the rate of not exceeding five per centum per annum, payable annually; *provided*, that such indebtedness shall not exceed, including existing indebtedness in the aggregate five per

centum of the taxable property in said school district, to be ascertained by the last assessment made for state and county taxes next before the incurring of such indebtedness; not without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such indebtedness and the principal thereof when due and payable.

Sec. 3. But no debt shall be contracted under this act, unless all questions connected therewith shall have first been submitted to the voters of said school district, at an election to be held for the purpose, and shall have received three-fifths of all the votes cast for and against the same. Said election shall be held in the city of Clarksburg in said district after thirty days notice published in two newspapers of general circulation in said city at the following places, namely: the mayor's office, Ed. Armstrong's office, Southern Pine Lumber Company's office, and the Walker House, and said election shall be conducted under the supervision of, and the result ascertained and certified by the said board of education.

(House Bill No. 1.)

CHAPTER 21.

AN ACT to amend and re-enact chapter 54 of the acts of the legislature of 1869, entitled: "An act to provide free schools for the district of Fairmont," and, to repeal chapter 88 of the acts of 1879, creating the independent school district of Palatine, and adding the territory included in the said independent district of Palatine to the Fairmont independent district.

[Passed February 10, 1905. In effect from passage. Approved February 15, 1905.]

Sec.

1. Boundary lines of proposed independent school district defined.
2. Board of education; invested with what rights, etc.; when members of elected and for what terms; secretary and his salary;
3. president, his duties.
4. Board made a corporation; its corporate powers; books and apparatus prescribed; manual training and high school.
5. Who admitted as pupils in the schools of the district.
6. School for colored people.
7. Superintendent, his salary and duties.

Sec.

8. Examining committee; its duty.
9. Teachers; how appointed; regulations and removal.
10. Annual ascertainment by the board of the amount of assessment for school purposes, and tax levy thereof.
11. Bonds, ratification or rejection; notice to voters; election, when and how held; board to purchase real estate.
12. Palatine independent school district abolished under certain conditions.
13. Palatine independent school district abolished under certain conditions.
14. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of the Acts of 1869, entitled, "An act to provide free schools for the district of Fairmont," be amended and re-enacted, so as to read as follows:

Sec. 1. The city of Fairmont and the territory adjacent thereto heretofore included within the boundaries of Fairmont independent school district, and of the Palatine independent school district, shall constitute one independent school district, to be known as Fairmont Independent School District, the boundaries of said district being as follows, to-wit:

Beginning at the line between Fairmont and Paw Paw magisterial districts on the Monongahela river, and running with the same to Polecat run; thence down said run to Buffalo creek; thence up said creek with its meanders to Ice's run; thence up said run to the Fairmont and Wheeling turnpike, near the residence of John Conaway; thence in a straight line to the top of the ridge dividing the waters of Bell's run and Goose run; thence with said ridge to the line dividing the lands of Archibald Fleming and William Vandervort; thence with their said line to the West Fork river; thence down said West Fork river to the Monongahela river; thence down said Monongahela river to a point opposite the mouth of Pumpkin run; thence crossing said river to the mouth of said run; thence up said run to the lands of John C. Gallahue; thence with said Gallahue's line and a line of the late J. O. Watson, including said Watson's lands, to the mouth of Bartholow's land at the county road; thence with said road to the lands of Job S. Gaskins and I. N. Holland to the Morgantown and Bridgeport turnpike; thence with said turnpike to the boundary line of Winfield district; thence with said Winfield district line to the Monongahela river; thence down said river crossing the same to the place of beginning.

Sec. 2. The board of education of Fairmont independent school district shall consist of a president and four commissioners, to be elected by the qualified voters of said district, the term of office of each of whom shall be four years. The present president of the board of education of Fairmont independent school district shall continue in such office until the expiration of his term, viz: the first day of July, 1907. At the general election preceding the said July 1st, 1907, and every four years thereafter his successor shall be elected by the qualified voters of said district.

When this act shall take effect, the four commissioners herein pro-

vided for shall consist of M. J. Lantz, E. F. Morgan, W. E. Arnett and H. J. McElfresh, the first two of whom, M. J. Lantz and E. F. Morgan shall remain in office until the first day of July, 1907, or until their successors are elected and qualified, and the said W. E. Arnett and H. J. McElfresh shall continue as such commissioners until the first day of July, 1909, or until their successors are elected and qualified, and at the general election preceding the first day of July, 1907, and at the general election occurring every two years thereafter, there shall be elected by the qualified voters of said district two commissioners whose terms of office shall begin on the first day of July following and continue four years. Any vacancy that may occur in the office of president or school commissioner by death or otherwise shall be filled by the board of education at the first meeting thereof thereafter occurring, or as soon as practicable, who shall hold his office until the next school election under this act, when a successor shall be elected for the unexpired term.

The members of the board of education shall each receive a compensation of twelve dollars per annum, and the secretary of said board shall receive one hundred dollars per annum, to be paid out of the building fund of the district.

Sec. 3. The president of said board shall perform all the duties required to be performed by such officer as the board of education under the general school law, which may not be inconsistent with the provisions of this act. The board shall annually elect a secretary who shall perform such duties as may be required of him by the board and by the general school law.

The president shall have one vote as commissioner, and shall not vote upon any question arising in the board by reason of being said officer.

The president shall have power, from time to time, to appoint such committees as he may deem expedient for the expedition of the work of said board.

Sec. 4. The board of education of Fairmont independent school district shall be vested with the same rights, exercise the same power, and perform the same duties, and be governed by the same laws that boards of education of other school districts are, except so far as they are exempt by the provisions of this act. It shall be a body corporate, by the name of the Board of Education of Fairmont Independent School District, and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a common seal; may purchase, hold and grant estates, personal and real, and

make ordinances, by-laws and regulations, consistent with the constitution and laws of this state for the government of all persons under its authority and the ordinary conduct of its affairs.

The board of education shall have exclusive control of all schools within the district; shall have the power to make all necessary rules and regulations for the government of the same; for the admission of pupils therein, and for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the schools.

The said board shall prescribe a uniform list of text books for the use of the schools in the district, and may furnish books and stationery for the use of indigent children in attendance at said schools; and, may furnish all apparatus and books for the use of said schools, and incur any and all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district.

The said board shall have power to establish and maintain within said independent district such schools, including a manual training school and a high school by such names as it may prescribe as may be for the best interest of the district; the branches to be taught in the high school and other schools within the district shall be prescribed by the board, as well as the scheme of grading the said schools.

The said board shall have power, also, under limitations as may be hereinafter set out, to maintain, equip and conduct in connection with its said system of schools a public library.

Sec. 5. Admissions to the schools of said districts shall be gratuitous to all persons lawful school age residing within the district, and non-residents thereof may be allowed to attend the schools of said district upon such terms as the board of education may prescribe.

Sec. 6. The board of education shall establish within the district one or more schools for colored people, which shall be under the management of said board, and subject to the general regulations of the said school district.

Sec. 7. Annually on the first Monday in May or as soon thereafter as practicable, the board of education shall appoint a superintendent of schools for said district and fix his salary, who shall have general supervision of all the schools of the district and perform such duties in relation to the same as the board may prescribe.

It shall also be the duty of the superintendent and principals and teachers, to make such report to the board of education from time to time as to the character and condition of the schools of the district

as the board may require, and as shall enable the secretary to make his required report to the county superintendent. The said superintendent shall, also, from time to time, make such reports as may be requested of him by the state superintendent of schools.

Sec. 8. The superintendent of schools of said district, together with two persons appointed by the board, shall act as an examining committee for the district, and it shall be the duty of said committee to examine all applicants for positions as teachers in the district; the time and place for the holding of such examinations, and the subjects for examination shall be prescribed by the superintendent with the consent of the board. The examining committee may receive such compensation for holding such examinations as the board may allow.

Sec. 9. The board of education shall appoint all teachers for the public schools of all grades within the district and fix their salaries, and shall establish rules and regulations to which said teachers shall be subjected; and, may remove any teacher at any time for proper cause.

Sec. 10. It shall be the duty of the board of education at an annual meeting not later than July, or as soon thereafter as may be, to ascertain as nearly as possible the amount of money, in addition to the available funds, which ought to be expended for school purposes in said district for the coming year, for which amount the board shall levy a tax upon the property included in the district and the residents thereof; and, the same shall be collected under the provisions of the general school law of the state. The sheriff shall receive for collecting the same such commissions as are allowed by law for collecting of other school money, and a lien is hereby declared to exist on the real estate within said school district for the taxes levied thereon.

The taxes to be raised as aforesaid, both for teachers' fund and building fund in said school district, shall not exceed the amount prescribed by the general law.

Sec. 11. The board of education of said district is hereby authorized and empowered at any time after this act takes effect to issue and sell the bonds of said district, and with the proceeds thereof erect one or more public school buildings within and for the use of said district, and this section shall include and extend to graded or ward school buildings, high school buildings and public libraries; such bonds to bear interest at the rate not exceeding six per centum per annum, and to become payable in not less than five or more than twenty years from the date thereof.

But no indebtedness incurred under this act shall exceed when added to any existing indebtedness of said district, five per centum of the value of the taxable property of said district, such fund to be ascertained by the next preceding assessment made with reference to state and county taxes; nor shall such bonds be issued without due provisions for the assessment and collection of a direct annual tax sufficient to pay annually the interest thereof and the principal thereof at their maturity. Nor, unless all questions connected therewith shall have been first submitted to a vote of the qualified voters, of said district, and three-fifths of all the votes cast at such election shall have been in favor of such bond issue. When the said board shall deem it expedient to exercise the power hereby conferred, an order shall be made and placed upon the minutes at a general meeting specifying the purpose, amount and denomination of the bonds proposed to be issued; the date of maturity, and the plan adopted to meet the payment of the principal and accruing interest. Such bonds shall be of the denomination of one hundred dollars, or a multiple thereof. And, the questions connected with any such bond issue to be submitted to a vote of the people may be so submitted by an order of the said board, as aforesaid, either at a general or a special election, to be called for the purpose.

The board may provide in any such order for payment after three years, of the principal of one or more of such bonds in each year or a sinking fund may be created with a view to the payment of the aggregate or principal when they become so payable.

In ordering any such bond issue under this act, the said board of education shall have power to provide for the refunding of any existing bonded indebtedness of said district, and the payment and cancellation of said bonds outstanding, whether the same to be bonds hereafter issued as the bonds of the district hereby created or whether they be bonds heretofore issued or authorized by the boards of education, respectively, either of Fairmont independent school district, or Palatine independent school district.

Sec. 12. At least four weeks before the election to take the sense of the voters as to the proposed issue of bonds, the president of the board shall issue his proclamation to the voters of the district notifying them of the time and places of holding the same, and the object and purpose thereof, embodying therein a copy of said order, and such proclamation shall be inserted once a week for four weeks next prior to the day designated, in at least two newspapers published in the

district, and of opposite politics, and posted for a like period at the front door of the court house of Marion county, and three or more other places in the district.

Such election shall be held and conducted in the same manner as the municipal election of the city of Fairmont, and shall be held and conducted by the officers appointed by the board of education to hold such elections at such places as may be designated by said board in accordance with the law of the state and the rules and regulations governing the election of municipal officers in said city; and, the officers conducting such election shall ascertain and certify the results to the secretary of said board within three days thereafter; such results shall, within ten days after the same is so certified, be noted on the minutes, and the certificate filed with the clerk. The board of education is hereby vested with the power to appoint the officers required by law to hold and conduct such election.

Any person voting in favor of such issue of bonds shall have upon his ballot the written or printed words: "For Ratification," and any person voting against such issue, the written or printed words: "For Rejection," and all ballots shall be sealed up and deposited with the said secretary. In the event that the result of such election is favorable to such issue, the board shall have authority to purchase, upon reasonable terms, real estate within the district, suitable for the purpose, and to erect thereon such new public school buildings, and to sell upon the best terms practicable, the school buildings now used, and the land upon which they are located, applying the proceeds of such sale to such purchase, should a surplus remain to the payment on the interest on such bonds.

Sec. 13. The provisions of this act shall not become effective or operative upon that portion of the territory described in section one hereof heretofore included in Palatine independent school district until the people of said Palatine independent school district which district it is herein proposed to annex to Fairmont independent school district, by majority of the votes cast at an election to be held in the said Palatine independent school district, within sixty days after this act takes effect, declare in favor thereof.

The election provided for in this section shall be held at the school house in the said Palatine independent school district, and shall be by ballot, those voting in favor of the establishment of said independent district shall have written or printed on their tickets the words: "For Independent District," and those voting against the establish-

ment thereof shall have written or printed on their tickets the words: "Against Independent District." The election shall be superintended, conducted and the result thereof ascertained and declared by officers appointed for that purpose by the board of education of Fairmont independent school district at such time as may be ordered by the board, and notice thereof shall be published once a week for two successive weeks prior to the time of holding said election in two weekly newspapers published in the city of Fairmont, and the provisions of the general election laws of this state, so far as applicable and ascertained shall be in force and govern such election. But if a majority of the votes of said Palatine independent school district, voting at said election, fail to declare in favor of the said annexation, then the provisions of this act shall apply and be in force within the present boundaries of the said Fairmont independent school district; and, the board of education of said district shall be and remain as at present organized under existing laws; and, this act shall operate as an amendment or substitute for the said chapter 54 of the acts of 1869, except as to the provisions changing the number and tenure of office of the boundaries of the said Fairmont independent school district, which shall remain as heretofore provided by law.

Sec. 14. All provisions of the general school law of this state, and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district, otherwise, the said general school law shall remain in full force and effect in this district, as elsewhere in this state.

(House Bill No. 267.)

CHAPTER 22.

AN ACT to establish the Independent School District of Grantsville in the county of Calhoun, state of West Virginia.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

Sec.
1. Boundary lines of proposed school district.
2) Board made a corporation; its corporate powers; voting places established; meetings; clerks of board, his compensation; books to be used; school term.
7)

SEC.
8. Election to determine the establishment of proposed school district and how held.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event of a majority of the votes cast at an election to be held on the second day of May, 1905, in Center district, Calhoun county, West Virginia, be in favor thereof, the following described territory as included in this section, shall, after the result of such election is ascertained and declared, be the "Independent School District of Grantsville," and the territory thereto adjacent, bounded and described as follows:

Beginning at the mouth of Leaf Bank and running thence up said Leaf Bank with the meanders thereof, to the corner of the lands of S. M. Scott and Joshua Martin; thence with a line of said Scott and Martin to the public road on top of the ridge; thence with the road in an easterly direction to the Sherman district line; thence with the lines of said Sherman district to the mouth of Bull river; thence down the Little Kanawha river and across the same to three lynns, corner to Mr. Barr's farm; thence due west to the top of the hill between said river and Phillip's run; thence a straight line to the most southern corner of the Florence Pell farm; thence with her lines so as to include said Pell farm to a line of the Peter Johnson farm; thence due west to the top of the hill between Philip's run and Pine creek; thence with the meanders of the ridge in a northerly direction to a corner of lands of T. R. Stump and Reese Blizzard; thence with the dividing lines of said lands to the Little Kanawha river; thence down said river and crossing same to the beginning, shall constitute one school district to be called the "Independent School District of Grantsville."

Sec. 2. The board of education for said district shall consist of three members who shall be elected by the qualified voters residents therein, and shall be invested with the same rights and exercise the same powers, perform the same duties and be governed by the same laws, that boards of education elsewhere in the county are or may hereafter be governed, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district, a board of education shall be elected on the second Tuesday in July, one thousand nine hundred and five, who shall serve as such board until their successors are elected and qualified and thereafter such board of education shall be elected as provided by law for magisterial districts; and the members of such board shall be elected for

such terms as will conform to the interests and the meaning of the foregoing.

Sec. 3. The board of education herein provided for shall be a corporation, by the name of the "Board of Education of Grantsville District," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate, real and personal, make ordinances, by-laws and regulations, consistent with the laws of this state, for the government of all persons and things under its authority, and the due and orderly execution of its affairs.

Sec. 4. The board of education shall, at a convenient point, establish in said district a polling place or places, which shall be taken, held and used as a voting place or places for voters of said district in all elections, until such polling place or places are changed by law.

Sec. 5. At the meeting of the board in July of each year, the board shall organize by electing a president, who shall be one of the number, and also elect a clerk, who shall be allowed the same compensation to which other clerks of boards of education, in this state are entitled.

Sec. 6. The said board of education shall use the same school books, used throughout the county, but shall have authority to prescribe other and advanced courses of study to be pursued in the schools of said district, they also out of the building fund of said district, may provide free text books, for indigent pupils of said district.

Sec. 7. The said board of education shall have power to determine the number of months the school shall be kept in operation, but not to exceed eight months and not less than five months in each year.

Sec. 8. The election provided for in section one of this act shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets the words "For Independent District," and those voting against the establishment thereof shall have written or printed on their tickets the words, "Against Independent District." The election shall be superintended and the result thereof ascertained and declared by election officers to be appointed by the county commissioners of Calhoun county; and all the provisions of the election laws in this state shall be enforced and govern such election unless otherwise provided.

(House Bill No. 298.)

CHAPTER 23.

AN ACT to establish the Independent School District of Henry in the county of Clay, and state of West Virginia.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

SEC.

1. Boundary lines of proposed school district defined.
2. Election to elect commissioners to constitute a board of education; when and for what term.
3. Board made a corporation; its corporate powers.
4. Board to establish voting places.
5. President and clerk to be elected; compensation of clerk.
6. Books to be used.

SEC.

7. General powers and duties of board of education as to school houses, grounds, etc.; as to term of school; as to levy; limit to such levy.
8. Appointment of teachers, and fixing salaries; trustees not required for employment of teachers.
9. } Election to determine the establish-
to } ment of proposed school district;
11. } and how held; result thereof.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event of a majority of the votes cast at an election to be held on the first Tuesday in May, 1905, within the district of Henry in said county, be in favor thereof, the following described territory in the county of Clay, in the district of Henry, shall, after the result of said election is ascertained and declared, be the Independent School District of Henry, to-wit: All of the territory included within the following lines: Beginning at the mouth of Lower Two run, on the north side of Elk river, and running thence with a straight line up the point on the lower side of said Two run to a stake on the top of the river ridge, crossing the public road at or near T. B. Stephenson's gate, to and down the point to Camp creek at the abandoned coal mine; thence down said creek to Elk river, and crossing said river with a straight line to a stake on the southern limit of the Coal & Coke Railway Company's right-of-way; thence with the southern line of said right-of-way in an easterly direction to Pisgah creek; thence with a straight line to a large rock or cliff on the point above the railroad and opposite the bridge across Elk river at Clay C. H.; thence with a straight line to a stake at Mt. Pisgah hotel, thence with a straight line to a large beech tree on the bank of Buffalo creek above the house occupied by John Wilson; thence with a straight line to a stake on the point opposite the mouth of Two Run; thence with a straight line to the place of beginning, so as to include the residence of Enoch Eagle in said independent district.

Sec. 2. The board of education of the said district shall consist of five members, who shall be elected by the qualified voters resident

therein, and shall be invested with the same rights and exercise the same powers, perform the same duties, and be governed by the same laws that boards of education elsewhere in the county are or may hereafter be governed, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district a board of education shall be elected on the first Saturday in June, 1905, one of them shall serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and the other for the term of five years and until their successors have been elected and qualified. The term of office for which a candidate is voted for shall be designated on the ballots used at said election; the regular term of members of said board of education shall be five years, and one member of the said board shall be elected each year after the first election to be held for the purpose on the first Saturday in June of each year. The term of office of the members of said board shall commence on the first day of July following the election.

Sec. 3. The board of education herein provided for shall be a corporation by the name of the Board of Education of the Independent School District of Henry, and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate, real and personal, make ordinances, by-laws and regulations, consistent with the laws of the state for the government of all persons and things under its authority, and the due and orderly execution of its affairs.

Sec. 4. The board of education shall at a convenient point establish in said district a polling place or places for voters of said district in all elections, until such polling place or places are changed by law.

Sec. 5. At the first meeting of the board in July of each year, the board shall organize by electing a president who shall be one of its members; and also elect a clerk who may or may not be a member of the board, who shall be allowed the same compensation to which other clerks of boards of education in this state are allowed.

Sec. 6. The said board of education shall use the same school books used throughout the county, but shall have the authority to prescribe other and advanced courses of studies to be pursued in the schools of said district, may provide free text books for indigent pupils, or for all pupils of said district.

Sec. 7. The said board of education shall have the power to determine the number of months the schools shall be kept in operation, and shall lay sufficient levy on all property, both real and personal, to raise

funds for the payment of teachers and the repair of buildings within said independent district, and for the erection of new buildings when the same may be necessary, the said levies at no time to exceed the limit prescribed by general law for educational purposes.

Sec. 8. The said board of education shall have full power to employ and contract with such teachers as may be necessary for all schools carried on in said district, and shall determine and fix upon the salary of such teachers so employed by them and shall not be required to appoint trustees for the employment of teachers.

Sec. 9. The election provided for in section one of this act shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their ballot the words, "For Independent District," and those voting against the establishment thereof shall have written or printed on their ballot the words, "Against Independent District."

Sec. 10. The election shall be superintended and the result thereof ascertained and declared by election officers to be appointed by the county court of Clay county; and all provisions of the election laws of this state shall be enforced and govern such election, unless otherwise provided.

Sec. 11. The first election for members of the said board of education shall be held by the officers appointed as above provided, and subsequent elections therefor shall be held by officers appointed by said board of education.

(House Bill No. 94.)

CHAPTER 24.

AN ACT to amend and re-enact chapter 88 of the acts of the legislature of West Virginia, of 1877, creating "The School District of Keyser," as amended by an act of the legislature of West Virginia of 1897 and to enlarge the powers of the board of education of the school district of Keyser.

[Passed January 30, 1905. In effect from passage. Became a law without the approval of the Governor.]

SEC.		SEC.	
1.	Boundary lines of proposed school district defined.		to elect teachers; compensation.
2.	Board of education to consist of three commissioners; to be a corporation.	8.	Board made a corporation; its corporate powers.
3.	Election to elect commissioners to constitute a board of education; when and for what term; right to appoint election officers.	9.	Who admitted as pupils; non-residents to attend, condition.
4.	Vacancy, how filled.	10.	School for colored children.
5.	} President of board; duties of secretary, his compensation.	12.	} Levy and how collected; limit.
6.		13.	
7.	Board to hold monthly meetings; quorum; two members necessary	11.	Teachers and pupils subject to regulations; cause for removal.
		14.	Members board of education; term of office; limited time to qualify.
		15.	Report to be published showing condition of schools.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the following described territory within the county of Mineral, shall be and constitute "The School District of Keyser."

Beginning at the mouth of Limestone run on the north branch of the Potomac river, near Bull Neck; running thence with Limestone run to what is called "Wild Cat Den," thence along the top of middle ridge mountain to the north side of the lands formerly known as the James Paris heirs lands; thence, along the north side of said Paris lands, and the north side of the Samuel Arnold lands, to the line of Piedmont district, in said county; thence along the east line of said Piedmont district to the north branch of the Potomac river; thence with the meanders of said river to the place of beginning.

Sec. 2. The board of education of said district shall consist of three commissioners, who shall be elected by the voters residing in said district having the qualifications requisite to vote at a municipal election, and shall be a corporation by the name of "The Board of Education of the District of Keyser" and by that name may sue and be sued, plead and be impleaded, purchase and hold so much real estate as may be necessary for the purposes of this act.

Sec. 3. The term of office of said commissioners shall be three

years, and those now in office shall hold office for the term to which they were elected or appointed. On the first Tuesday in August, one thousand nine hundred and five and on the same day in every year thereafter one of said commissioners shall be elected. Such election or elections, shall be held and conducted in the same manner as the municipal elections of the town of Keyser are now held and conducted, and at the usual places of voting in said town and shall be held and conducted by the officers appointed by the board of education to hold such election, in accordance with the law of the state: and the officers conducting such election shall ascertain and certify the result thereof to the secretary of said board within two days thereafter. Such result shall within ten days after the same is so certified be noted on the minutes, and the certificate filed with the secretary. The board of education is hereby vested with power to appoint the officers required by law to hold and conduct such election.

Sec. 4. Any vacancy that may occur in the office of school commissioner by death, resignation, refusal to serve or otherwise, shall be filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office for the unexpired term.

Sec. 5. The board shall annually elect, at their first regular meeting, one of their members to act as president of said board, who shall perform all the duties which are required to be performed by such officer of any board of education, which may not be inconsistent with the provisions of this act.

The board shall elect at the same time a secretary, who shall perform such duties for said board as are required of secretaries of other boards of education.

The president shall have one vote as commissioner, and shall not vote upon any question arising in the board by reason of being said officer.

Sec. 6. The secretary shall record in a book provided for the purpose, all the official acts and proceedings of the board, which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contract and obligations; and in general shall record and keep on file in his office all such papers or documents as may be required by any of the provisions of this act, or of the general school law, or by any order of the board. He shall annually make up and submit to the board

and the county superintendent of schools reports as may be required by the general school law of the state. For his services he shall receive such compensation, not exceeding fifty dollars per annum, as the board may allow. In his absence the board may appoint a secretary *pro tempore*.

Sec. 7. The board of education shall hold stated monthly meetings at the school house in said district, and at such time as may be appointed by order of the board entered in the minutes not less than two members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or at the request of any member, by the secretary. The concurrence of two members shall be necessary to elect teachers and officers, and to decide all question involving the expenditure of money. The members of the board of education shall receive as compensation for all services twelve dollars per annum to be paid out of the building fund of said district.

Sec. 8. The board of education of said school district shall be a body corporate in law, and as such may purchase, hold, sell, or convey real and personal property for the purposes of education; may receive any gift, grant, donation, or devise. They shall have the management and be vested with the title to all real and personal estate for the use of the schools within the district, and shall manage and dispose of the same as will, in their opinion, best subserve the interest of the district.

Sec. 9. Admission to the various schools of the district shall be gratuitous to all children, wards and apprentices, or actual residents within the district between the ages of six and twenty-one years; *provided*, that admission of pupils residents of one sub-district or of another district to the schools of another, shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the districts upon payment in advance to the sheriff of the county such tuition as the board of education may prescribe.

Sec. 10. The board of education shall establish within the district one or more separate schools for colored children, whenever they may deem it necessary, so as to afford them as far as practicable, the advantages and privileges of a free school education.

Sec. 11. Teachers and pupils shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency, or grossly immoral conduct; or disobedience of the orders and rules of the board, upon

complaint of the superintendent or teacher or any member of the board.

Sec. 12. It shall be the duty of the board of education at their annual meeting in July of each year, to ascertain as nearly as possible, the amount of money, in addition to all the available funds which ought to be expended for school purposes in said school district to keep the schools in session at least nine months in the year; for which amount the board shall levy a tax upon the property, included in the district and the residents thereof, and the same shall be collected under the provisions of the general school law of the state.

Sec. 13. The tax to be raised as aforesaid for both teachers and building fund in said school district shall not exceed the rate provided by the general law of the state for such purposes.

Sec. 14. Hereafter the term of office of the members of the board of education shall commence on the first day of September, and shall continue for three years, or until his successor has been elected and qualified. Every person elected a member of said board shall within twenty days after election, qualify as a member thereof by taking before the clerk of the circuit court of the county of Mineral, the oath now required by law to be taken by members of boards of education.

Sec. 15. The boards of education shall within ten days after the adjournment of the first annual meeting in each year, cause to be published in the newspapers published in said district, a report showing the true condition of the schools of the district. Said report shall show the amount of personal and real property in the district for the year just closed; for the rate of levy made thereon for teachers' and building funds; the balance due each fund at the close of the year; the indebtedness of the district for all purposes; the number of days school was taught and the attendance of boys and girls during the year, and such other matters as the board may deem proper.

(Senate Bill No. 211.)

CHAPTER 25.

AN ACT to create and establish the Independent School District of Marlinton, county of Pocahontas.

[Passed February 21, 1905. In effect from passage. Became a law without the approval of the Governor.]

- | SEC. | SEC. |
|---|--|
| 1. Boundary lines of proposed school district defined. | 15 School for colored children may be established. |
| 2. Election to determine the establishment of proposed school district; and how held. | 16 } Superintendent; his duties, etc. |
| 3. Board of education; what constitutes. | 17 } Teachers; cause for removal; by |
| 4. Election to elect commissioners to constitute a board of education; when and for what term; exception; notice of to be published; how conducted. | 18 } whom appointed; satisfactory certificate required. |
| 5. Vacancy, how filled. | 19. Edray and Marlinton districts; teachers and school funds; how distributed. |
| 6. President, his duties; secretary, his duties; president to have one vote. | 20. } Annual levy; limit; for what used; teachers' fund; mandamus to compel levy. |
| 7. Board to hold meetings, when and where; quorum; special meetings, by whom called; number necessary to elect superintendent, etc.; compensation. | 21. } |
| 8. Board made a corporation; its corporate powers. | 22. Board of education of Edray district to exercise powers for certain period. |
| 9. Board to have control of schools; to make rules and regulations; may prescribe text books; power to establish other schools. | 23. Marlinton district to sell bonds; what for. |
| 10. High school open to Edray district pupils. | 24. Indebtedness; limit; questions submitted to vote. |
| 11. Children admitted to schools; certain exceptions. | 25. Board to provide order for payment of bonds. |
| | 26. } Notice of election to be given; secretary to record result. |
| | 27. } |
| | 28. Ballots; how printed; board to purchase real estate, etc. |
| | 29. Assessment; how levied and collected; shall not incur expense to exceed available funds. |
| | 30. Sheriff to make annual settlement; his commission. |
| | 31. Sheriff to pay out money under certain conditions. |

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event a majority of the votes cast at an election to be held on the first Tuesday in May, one thousand nine hundred and five, be in favor thereof, the following described territory in the county of Pocahontas shall, after the result of such election is ascertained and declared, be the independent school district of Marlinton, to-wit:

Beginning at a stake on Greenbrier river corner of Apperson and Pocahontas Development Company, thence in an easterly direction with the present corporate limits and boundary of the town of Marlinton by the various calls to a stake in said line opposite the Presbyterian manse, thence in a straight line to a stake on Greenbrier river four hundred feet above the site of the mill, thence crossing the river at right angles to a stake on the brow of Drinnen's ridge, thence with

the brow of said ridge in a westerly direction crossing Indian draft and passing on and down the point of the ridge to a stake at the first ford in Stony creek on the old mill road, thence crossing said creek at right angles to a stake on the line of the Levy Gay farm, and with the boundaries of said farm to the corner of Wm. T. Price's Jericho farm and with the boundaries of said farm and with the line of Price and Moore to where the same crosses Jericho run, thence down said run to where it intersects Johnson's run, and with Johnson's run to a point opposite John Moore's stable, thence a straight line crossing the ridge to a big hemlock on point of ridge above the Red house, thence in a straight line to the point of beginning.

Sec. 2. At a special election to be held in pursuance of law within Edray district of Pocahontas county on the first Tuesday in May, one thousand nine hundred and five, it shall be the duty of the county court of Pocahontas county to submit to the legal and competent voters residing in Edray district, the question of the adoption or rejection of the provisions of this act, of which election the county court shall give thirty days' notice by posting the same in three public places within said district, and by publication of a notice containing therein the boundaries of the independent district and the general purposes of this act once a week for four successive weeks, prior thereto, in each newspaper of general circulation in Pocahontas county. Said election shall be held and conducted and the result thereof ascertained and declared in all respects as now provided by law for general elections in this state. The officers to conduct said election shall be appointed and the ballots to be voted thereat shall be prepared by the said county court, which said ballots shall have printed thereon "For Independent District," and "Against Independent District," and the legal voters in said district voting at said election in favor of the establishment of said independent district shall strike from the ballot voted by them the words, "Against Independent District," and those voting at said election against the establishment of said independent district shall strike from their ballot the words, "For Independent District," the said ballots and the necessary booths, ballot boxes, poll books and other appliances, required by law and necessary for the holding of such election, shall be furnished and supplied by the said county court, which shall also perform all the duties and be subject to all the penalties prescribed by law for ballot commissioners. The expense of said election shall be paid by the board of education of Edray district in case the majority of the voters voting at said election is against the

establishment of said independent district and if a majority is for its establishment such expense shall be paid by the board hereinafter provided for and elected at said election. Immediately after the ratification of this act the county superintendent shall appoint three commissioners, also residing and being legal voters within said boundaries, one of whose term of office shall expire on the first day of July, 1907, and two of whose term of office shall expire two years thereafter; the county superintendent to designate the term of office of each member.

Sec. 3. The said three commissioners shall constitute the board of education of the Independent School District of Marlinton.

Sec. 4. On the first Tuesday in May, 1907, and every two years thereafter, there shall be an election held for the Independent School District of Marlinton for the purpose of electing one or more commissioners respectively of the board of education of the Independent School District of Marlinton. The said commissioners shall be elected for and hold their office for four years beginning on the first day of July after said election unless sooner removed from office for cause. For the purpose of said election there shall be not less than two voting places in the said district, which voting places shall be fixed by the said board, and designated by the president of the said board in his proclamation for an election as provided for in the next section, and said election shall be held and conducted and the results thereof ascertained and declared in all respects as now provided by law for general elections in this state, and as provided in section six, excepting, however, that the said board shall be vested with authority to appoint election officers and to perform all the duties and functions relative to said election.

Sec. 5. Such election shall be called by the president of the board of education of the independent school district of Marlinton by proclamation to the voters of said district, notifying them of the time and place of holding the same, the purpose thereof, and the places fixed by the said board in the said district for holding the said election; said proclamation shall be posted on the front door of the city building in the town of Marlinton and at two other conspicuous places in the said district, at least four weeks previous to the day designated for holding said election or the same shall be published in a newspaper published in Marlinton for a period of four weeks prior to the day of said election.

Sec. 6. Such election or elections under this act shall be held and

conducted in the same manner as a municipal election of the town of Marlinton and shall be held and conducted by the officers appointed by the board of education to hold said election in accordance with the law of the state and the rules and regulations governing the election of municipal officers of said town; and the officers conducting said election shall ascertain and certify the result to the secretary of said board, within three days thereafter. Such result shall within ten days after the same is certified be noted on the minutes and the certificates filed with the secretary. And the officer so elected shall within twenty days after his election or appointment, and before he shall enter upon the duties of his office, take and subscribe the oath of office as prescribed for district officer, as provided by general laws, which may be done before any person authorized by law to administer oaths or before the president of the board of education of said independent school district, which said oath of office together with the certificate of the officer administering the same shall be filed with the said board of education.

Sec. 7. Any vacancy that may occur in the office of school commissioner by death, resignation, refusal to serve or otherwise, shall be filled by the board of education of the district at its first regular meeting thereafter, or as soon as circumstances will permit by the appointment of a suitable person who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term.

Sec. 8. The board of education shall elect annually at the first meeting, one of its members to act as president of said board, who shall perform all the duties which are required to be performed by such officer of any board of education which may not be inconsistent with the provisions of this act. The board shall elect at the same time a secretary, who shall perform such duties of said board as are required of secretaries of other boards of education. The president shall have one vote as commissioner and shall not vote upon any question arising in the board by reason of being said officer.

Sec. 9. The secretary shall record in a book provided for the purpose, all the official acts and proceedings of the board, which shall be a public record open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contracts and obligations; and in general shall record and keep, on file in his office all such papers and documents as may be required by any of the provisions of this act or by an order of the board of educa-

tion. He shall annually, between the first and twentieth days of July, make a report to the county superintendent of such facts in his possession as may be required by the general school law of this state. For his service he may receive such compensation not exceeding one hundred dollars per annum as the board may allow. In his absence, the board may appoint a secretary *pro tempore*.

Sec. 10. The board of education shall hold stated meetings at such times and places as it may appoint, not less than two members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or at the request of any member, by the secretary. The concurrence of two members of the board shall be required to elect a superintendent or teachers and to decide all questions involving the expenditure of money. The members of the board of education to receive no compensation.

Sec. 11. The board of education of the Independent School District of Marlinton by such name shall be a body corporate in law, and as such may purchase, hold, sell or convey real estate or personal property for the purpose of education within the district; may receive any gift, grant, donation or devise; may become party to suits and contracts and do other corporate acts. It shall have the management and be vested with the title to all real and personal property for the use of the public schools within the district, and shall manage and dispose of the same as will, in its opinion, best serve the interest of the district.

Sec. 12. The board of education shall have exclusive control of all the schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the school. It may prescribe text books for the use of the schools in the district, supplementing the list adopted for the county, and may furnish books and stationery for the use of indigent children in attendance at the school. It may furnish all necessary apparatus and books for the use of the schools and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district.

It shall have the power to establish such other departments in said school, such as manual training, music, drawing, etc., as shall be

deemed advisable and to the interest of said independent school district.

Sec. 13. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by said board, as may in its judgment be best for the interest of the district. The branches to be taught in the high school and other schools within the district shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be open to all pupils in Edray district but no pupil shall be entitled to enter such school until the city superintendent and the principal of the high school have examined said pupil and satisfied themselves that the said pupil has made due proficiency in the branches taught preparatory to the high school.

Sec. 14. Admission to the various schools of the district shall be gratuitous to all children, wards and apprentices or actual residents within the district between the ages of six and twenty-one years; *provided*, that the admission of pupils residing in one sub-district, to the schools of another shall rest with the board of education. Non-residents of the independent district may be allowed to attend the schools of the district upon payment in advance of such tuition as the board of education may prescribe.

Sec. 15. The board of education may establish within the district one or more separate schools for colored children whenever they deem it necessary, so as to afford them as far as practicable the advantages and privileges of a free school education. All such schools shall be under the management and control of the board of education and shall be subject to the same general regulations as the other schools of the district.

Sec. 16. Annually, at the first meeting in July, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of the district as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of law or omission of duty, but he shall not be removed unless charges shall be preferred to the board by a member thereof and notice of hearing with a copy of the charges delivered to him and an opportunity be given him to be heard in his defence. When the office shall have become vacant from any

cause, before the expiration of the term for which the superintendent shall have been elected the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the superintendent to make such report of the character and condition of the schools of the district, to the board of education as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument, or reward for his influence and recommending the use of any book, apparatus or furniture of any kind whatever in the schools of the district. And upon conviction thereof, after having been given a hearing as hereinbefore provided, he shall be discharged from further duty.

Sec. 17. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency or grossly immoral conduct, upon complaint of the superintendent or any member of the board.

Sec. 18. The board of education shall appoint all teachers for public schools of any grade within the said district and fix their salaries at a meeting held not later than the third Monday in August of any year; but no person shall be employed to teach a school of the grade for which the appointment is made, including the superintendent, without having obtained a satisfactory certificate issued as required by law in the examination of teachers for the public schools of this state. All appointments of superintendents and teachers shall be in writing.

Sec. 19. All school moneys, whether belonging to the teachers or building fund of Edray district, which may be unexpended when the provisions of this act take effect, or to which said district may be entitled for the year nineteen hundred and five shall be divided between the said Edray district and the independent school district of Marlinton in proportion to amount of taxable property in each of said districts, after the creation of the said independent school district of Marlinton. The latest available assessment for state and county purposes shall be taken as the basis of such settlement and division. It shall be the duty of the board of education of each of said districts, within two months after the passage of this act, to make the settlement provided for in this section.

Sec. 20. It shall be the duty of the board of education at its annual meeting, not later than the first Monday in August next following, and annually thereafter to ascertain as nearly as possible

the amount of money in addition to all the available funds which ought to be expended for school purposes in said district to keep the schools in session at least seven and one-half months in each year; for which amount the board shall levy a tax upon the property included in the district and the residents thereof as provided in the next succeeding section, and the same shall be collected under the provisions of the general school law of the state.

Sec. 21. For the purposes of providing for purchase, condemnation, leasing, building or otherwise, school houses and grounds, furniture and fixtures, and keeping the same in good order and repair and supplying the school houses with fuel and other things necessary for their comfort and convenience; to pay the principal and interest on any loan made pursuant to this act and all other expenses incurred in the district in connection with schools not chargeable to the "teachers' fund," the board of education shall annually levy a tax on the property taxable in said district not to exceed in any one year twenty cents on every hundred dollars valuation thereof, according to the latest assessment of the same for state and county taxation; *provided*, that in case it is necessary to erect any new school building in any year or to pay the principal and interest on any loan made pursuant to this act, the levy for a sufficient number of years may be made by the board of education not to exceed forty cents on the hundred dollar valuation of property; and in addition to the levy named in this section, the board of education shall, for the support of schools of the district, annually levy such tax on the taxable property of the district as will, with the moneys received from the state for the support of free schools, be sufficient to keep said schools in operation not less than seven and one-half months in the year; *provided* that said tax shall not in any year exceed the rate of fifty cents on every hundred dollars valuation, according to the latest available assessment for the state and county taxation.

The proceeds of this levy, together with the money received from the state as aforesaid, shall constitute a special fund to be called the "teachers' fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries and salary of the city superintendent, first, for the current year, and second, any part of said fund not so expended shall be appropriated to the payment of any existing indebtedness created for said purpose. Upon the failure of the board of education to lay such levy as hereby required, or any other levy provided for in this act, they shall be compelled to do so by the

circuit court of the county of Pocahontas by a writ of *mandamus*, unless good cause be shown to the contrary. But in case the levy provided for in this section shall not be sufficient to run the schools of the district seven and one-half months in the year and pay the salary of the city superintendent, the board may increase such levy to the amount actually necessary, but such increase shall not exceed in the aggregate twenty-five cents on the hundred dollars valuation of said property.

Sec. 22. Until commissioners are appointed or elected and qualified the board of education of Edray district now in office shall be governed by the provisions of this act, and shall exercise the powers herein conferred upon the board of education of the independent school district of Marlinton.

Sec. 23. The board of education of the district of Marlinton is hereby authorized and empowered at any time after this act takes effect to issue and sell the bonds of said district and with the proceeds erect one or more public school buildings within and for the use of the said district; such bonds to bear interest at a rate not exceeding six per cent. per annum and become payable in not less than five or more than twenty years from the date thereof.

Sec. 24. No indebtedness incurred under this act shall exceed when added to any existing indebtedness of said district five per centum of the value of the taxable property of said district, until the first day of January, 1906, after which time it shall not exceed two and one-half per centum of such value, such value to be ascertained by the next preceding assessment made with reference to state and county taxes nor shall such bonds be issued without due provisions for the assessment and collection of a direct annual tax sufficient to pay annually the interest thereon and the principal thereof at their maturity; nor unless all questions connected therewith shall have been first submitted to a vote of the qualified voters of the said district, and three-fifths of all the votes cast at such election shall have been in favor of such issue.

When the said board shall deem it expedient to exercise the power hereby conferred an order shall be made and placed upon the minutes at a general meeting specifying the purpose, amount and denomination of the bonds proposed to be issued, the date of maturity and the plan adopted to meet the payment of the principal and accruing interest. Such bonds shall be of the denomination of one hundred dollars or a multiple thereof.

Sec. 25. The board may provide in such order for the payment after three years of the principal of one or more of such bonds in each year so that when they become payable according to their face not more than one bond will remain unpaid, or unprovided for or a sinking fund may be created with a view to the payment of the aggregate or principal when they become so payable.

Sec. 26. At least four weeks before the election to take the sense of the voters as to any proposed issue of bonds the president of the board shall issue his proclamation to the voters of the district notifying them of the time and places of holding the same and the object and purposes thereof embodying therein a copy of the said order and such proclamation shall be inserted once a week for four successive weeks, next previous to the day designated in the different newspapers published in the county and posted for a period of thirty days at the front door of the postoffice and at three more places in the district.

Sec. 27. Such election or elections shall be provided for, held, conducted and the result ascertained and declared as provided by law for holding and ascertaining and declaring the result of general elections and at such time after this act takes effect as shall be designated by the board of education and at the usual place or places of voting in said district. The secretary of the board of education shall enter upon the minutes of the board the result of the election.

Sec. 28. All the ballots to be voted at such election after stating the amount of bonds to be issued and the purpose for which they are to be used shall have written or printed thereon the words "For the bonds" and the words "Against the bonds." but the form of ballot shall not be material so long as it shows the intention of the voter on the issue of the bonds. In the event that the result of such election is favorable to such issue the board shall have authority to purchase upon reasonable terms real estate within the district suitable for the purpose and to erect thereon such new public school buildings and to sell upon the best terms practicable the school buildings now used and the land upon which they are now located applying the proceeds of such sale to such purposes; and should any surplus remain to the payment of interest of such bonds.

Sec. 29. The assessment made under the provisions of this act shall be levied by said board of education and collected by the sheriff of Pocahontas county as the levies for the said county are made and collected and the amounts of said levies shall be charged in full to the said sheriff who shall be held to account for the same, but said board

of education shall not during any one year incur any expense that shall exceed the amount of available funds received for school purposes during that year.

Sec. 30. The sheriff shall annually make such settlements with the board of education as the general school law may provide and for collecting and disbursing the taxes assessed by the board of education he shall be entitled to receive a commission of not more than five per cent. upon the amount collected. He shall receive nothing for receiving and disbursing the state fund.

Sec. 31. No money shall be paid out by the said sheriff of said independent school district of Marlinton, except on an order signed by the president and secretary of the said board of education and specifying on its face the particular account to which the same is chargeable and the purpose for which it is drawn nor shall any credit be allowed to the said sheriff in his statement which settlement shall be made annually with the said board upon any voucher except an order.

(House Bill No. 30.)

CHAPTER 26

AN ACT to amend and re-enact sections 12, 13, 14, and 18 of chapter 85 of the acts of 1897, relating to the Independent School District of Morgantown.

[Passed February 13, 1905. In effect 90 days from passage. Approved February 18, 1905.]

<p>Sec. 12. Superintendent, his duties. 13. Examining committee; its duties and compensation; examination of teachers; when and where held; subjects prescribed by board of education.</p>	<p>Sec. 14. Board to appoint teachers; their duties and compensation. 18. Board to issue bonds under certain conditions and purposes.</p>
--	---

Be it enacted by the Legislature of West Virginia:

1. That sections twelve, thirteen, fourteen and eighteen of chapter eighty-five of the acts of one thousand eight hundred and ninety-seven be amended and re-enacted so as to read as follows:

Sec. 12. Annually, on the first Tuesday in June, or as soon thereafter as circumstances will allow, the board of education shall appoint a superintendent of schools for the said district and fix the salary; said superintendent in addition to the duties specified in this act

shall perform such other appropriate duties with relation to the schools of the district as the board may prescribe. It shall be the duty of the superintendent to make such reports to the board of education of the character and condition of the schools of the district as shall enable the secretary to make his required report to the county superintendent.

Sec. 13. The superintendent of schools for the said district, together with two persons appointed by the board of education, shall act as an examining committee for the district; and it shall be the duty of said committee to examine all applicants for positions as teachers in the district, but no applicant shall be entitled to examination who shall not furnish satisfactory evidence of good moral character. The examining committee shall issue to such applicants as they shall find entitled thereto certificates of qualification, numbering from one to three, according to the merits of the applicant, the different grades of certificates corresponding as nearly as may be to the standard required by the general school law. No certificate shall be granted for a longer term than one year, but a number one certificate may be renewed from year to year by the board of education on the recommendation of the superintendent. Examination shall be held at such time and place as the superintendent may appoint. The subjects for examination shall be prescribed by the superintendent with the consent of the board of education. The examining committee may receive such compensation for holding the examination as the board may allow not to exceed three dollars per day for time actually employed in conducting examinations, grading manuscripts and issuing certificates.

Sec. 14. The board of education shall appoint all teachers for public schools of any grade within the district, and fix their salaries at a meeting held not later than the third Monday of August of any year; but this provision shall not prohibit the appointment of additional teachers after said meeting if it shall be found advisable to make further appointments. No person, however, shall be employed to teach in any public school of the district who does not hold a certificate of qualification to teach a school of the grade for which the appointment is made, issued by the examining committee as hereinbefore provided.

Sec. 18. The board of education of the said district is hereby authorized and empowered at such times as they may deem advisable to issue and sell the bonds of said district, and with the pro-

ceeds erect one or more public school buildings within and for the use of said district; such bonds to bear interest at a rate not exceeding six per centum per annum and to become payable in not less than five nor more than thirty-four years from the date thereof.

(House Bill No. 28.)

CHAPTER 27.

AN ACT relating to the Independent School District of Ravenswood, in Jackson county.

[Passed February 10, 1905. In effect from passage. Became a law without the approval of the Governor.]

- | | |
|---|---|
| <p>Sec.</p> <ol style="list-style-type: none"> 1. Boundary lines of proposed school district defined; board of education; how elected. 2. Property of district; to be sold under certain conditions. 3. Board made a corporation; its corporate powers. 4. Election to elect commissioners to constitute a board of education; when and for what term; vacancy; how filled; general school law not to apply in certain case. 5. } | <p>Sec.</p> <ol style="list-style-type: none"> 6. Election of president and secretary of board of education; duties of secretary. 7. } General powers of board of education as to schools; as to levies; 8. } as to the admission of pupils. 9. } Taxes for school and building purposes; levy limited; not to be used for another purpose. 10. Inconsistent acts repealed. |
|---|---|

Be it enacted by the Legislature of West Virginia:

Sec. 1. The town of Ravenswood, and the tract of two thousand four hundred and forty acres of land, granted to General George Washington, on which it is located, shall constitute an independent school district. And a board of education to consist of three commissioners, and which shall have exclusive control of the schools within the same, shall be elected as provided for by law.

Sec. 2. The property, real and personal, within the district of Ravenswood now vested in the board of education of said district, shall remain so vested in said district until sold or disposed of by said board of education, which said board of education may do, with the sole intent and purpose of securing more suitable grounds and buildings for the accommodation of said schools; and the said board shall have the same rights and shall exercise the same powers and perform the same duties including the right to purchase and hold for school buildings, within said district, and be governed by the same laws as boards of education of districts are, except only so far as otherwise provided by this act.

Sec. 3. The board of education of said district herein provided for shall be a corporation by the name of the Board of Education of the Independent School District of Ravenswood, and by that name may sue and be sued, plead and be impleaded, purchase, hold and grant so much estate, real and personal, as may be necessary for the purpose of this act, make ordinances, by-laws and regulations, not inconsistent with the laws of this state, for the government of all persons and things under its authority, and the proper conducting of its affairs.

Sec. 4. The qualified voters of said district, shall at the time and place the superintendent of free schools is voted for, in said district, for the year one thousand nine hundred and six, elect three members of said board. The person receiving the highest number of votes, shall hold his office for six years. The person receiving the next highest number of votes, shall hold his office for four years. The person receiving the next highest number of votes shall hold his office for two years. The term of office of the members of said board elected under the provisions of this section shall commence on the first day of July next succeeding their election.

Sec. 5. There shall be elected in said district every two years at the general election one member of said board, who shall hold his office for six years, commencing on the first day of July succeeding his election. The members of the said board now in office, shall continue therein until their successors shall be elected and qualified as provided by this act. Any vacancy in said board shall be filled by appointment of the board for the unexpired term, unless it be for a period extending beyond the first day of July after the next general election, in which event such appointment shall be until the next general election, at which election a member shall be elected to fill such vacancy, and the person so elected shall enter upon the duties of his office on the first day of the month succeeding his election. The provisions of the general school law in relation to trustees shall not apply to said district.

Sec. 6. The said board of education shall, at their first meeting, or as soon thereafter as may be practicable, elect one of their number to act as president and another to act as secretary of said board, or may elect a secretary not a member of said board, who shall perform all the duties which are to be performed by the president and secretary as required by the general school law, which may not be inconsistent with this act.

Sec. 7. The board of education of the independent school district of Ravenswood, shall have power to establish an adequate number of primary schools, and a central high school, by such name as may be prescribed by said board, in which may be taught all the branches of education usually taught in college, and shall have power to admit to said schools pupils not residents of said district, upon payment of such tuition as they may prescribe.

Sec. 8. It shall be the duty of the board of education of said district to determine, at their annual meeting, on the first Monday in July, as near as practicable, the amount of money necessary to be levied, in addition to all other available funds, to carry on schools within said district for not less than nine months during the succeeding year, for which amount said board shall levy a tax upon the property included in said district, and collect the same; and a lien is hereby declared to exist on the real estate taxable in said district, for all taxes levied thereon; and the said board shall carry into effect the provisions of this act, in the same manner as other tax is collected under the provisions of the general school laws of this state. The said school district shall not be entitled to receive its share of the state school fund for any year, until the board of education shall have first levied the tax above provided.

Sec. 9. The taxes raised in said district for school and building purposes shall never exceed the rate prescribed in the law relating to general free schools, except to pay bonded indebtedness, they may lay a levy not to exceed forty cents on the one hundred dollars for building fund, and the amount so levied and collected, as aforesaid, may be entirely for educational purposes, or entirely for building purposes, or partly for either, as the board of education, from time to time may deem expedient, but shall not be used for any other purpose.

Sec. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 202.)

CHAPTER 28.

AN ACT to establish a high school in the county of Ritchie, upon a site to be donated by General Thomas M. Harris.

[Passed February 18, 1905. In effect 90 days from passage. Approved February 24, 1905.]

SEC.

1. Name of school.
2. } The board, of whom it shall con-
3. } sist; its powers.
4. Board made a corporation; its powers.
5. Levies.

SEC.

6. Qualification of pupils.
7. Collection and disbursement of funds; by whom.
8. Compensation of members of board.
9. Submitted to vote.

WHEREAS, General Thomas M. Harris of the town of Harrisville in the county of Ritchie and state of West Virginia, has offered to donate three acres of valuable land in or near the said town of Harrisville, West Virginia, on which to locate and establish a county high school for the said county of Ritchie; now, therefore,

Be it enacted by the Legislature of West Virginia:

Sec. 1. That a high school be and the same is hereby established in the county of Ritchie, in or near the town of Harrisville, state of West Virginia, which shall be known as the "General Thomas M. Harris High School of Ritchie County," the site for which, consisting of three acres, is to be donated by General Thomas M. Harris.

Sec. 2. The board of directors of said high school shall consist of the presidents of the boards of education in the several magisterial districts of the said county of Ritchie, the president of the Harrisville independent school district in said county of Ritchie, and the county superintendent of free schools in said county of Ritchie who shall be *ex-officio* president of said board; whose term of office shall be for the period for which they were elected or appointed.

Sec. 3. The said board of directors, as heretofore constituted, shall have full power and authority to make such rules and regulations as they may deem necessary for the management and control of said high school; employ necessary teachers and fix the salaries of the same; establish a graded course of study and grant diplomas upon graduation of pupils, and perform such other acts as are necessary and essential to the welfare and maintenance of said high school; and shall elect a secretary and treasurer, neither of whom shall be a

member of said board of directors, and shall allow them a reasonable compensation for their services.

Sec. 4. Such board of directors shall be a body corporate, and as such may sue and be sued, and shall receive, hold and dispose of according to the usual forms of law, and the intent of the instrument conferring title, all gifts, grants or devises made for the use of such high school, and shall be deemed the owner of all property belonging to said high school, and shall be liable for all claims which may legally exist against it.

Sec. 5. For the purpose of establishing such high school a levy not to exceed twenty-five cents on the one hundred dollars valuation, of property for taxable purposes, for the first year, and not to exceed ten cents on the one hundred dollars valuation of property for taxable purposes after the first year, may be laid; and a further levy not to exceed ten cents on the one hundred dollars valuation of property for taxable purposes, for the maintenance of said high school, may be laid annually; and the county court of the county of Ritchie is hereby authorized to lay such levy in accordance with the provisions of this section, for the purpose of erecting, building and maintaining said high school.

Sec. 6. The qualifications for admission to the said county high school shall be subject to such regulations as may be prescribed by the said board of directors of said county high school.

Sec. 7. All revenue from taxation provided herein, shall be collected and disbursed by the sheriff of the county of Ritchie in the manner provided for by general law.

Sec. 8. The members of the said board of directors shall be allowed a compensation of two dollars per day for their services for the time they are actually employed in transacting the business of said high school, not to exceed ten days in any one year.

Sec. 9. But before this act shall take effect, it shall be submitted to the voters of Ritchie county at the next general election to be held therein in the year nineteen hundrd and six; and to the official ballot to be voted at said election shall be added, "For County High School," and "Against County High School," and if a majority of the votes cast at said general election, shall be in favor of said county high school, then this act shall be of binding force and effect from the time of the official announcement of said vote.

(House Bill No. 295.)

CHAPTER 29.

AN ACT to empower the board of education of the Independent School District of Ripley, in the county of Jackson, to borrow money and issue bonds for the erection, completing and furnishing of a public school building.

[Passed February 10, 1905. In effect 90 days from passage. Approved February 15, 1905.]

SEC.	1. Board of education to issue bonds; when and for what purpose; denomination; when payable; rate of interest.	SEC.	3. Debt shall not be contracted unless submitted to voters at election to be held within certain period and under certain conditions.
------	--	------	---

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the board of education of the independent school district of Ripley, in the county of Jackson, be and is authorized, and hereby empowered, at any time within one year from the passage of this act, to borrow money and issue therefor bonds for the purpose of erecting, completing and furnishing a public school building for the use of said independent school district.

Sec. 2. Said bonds shall be of the denomination of one hundred dollars, and be payable in not less than five, and not more than twenty years from their date, at the option of said board of education, with interest thereon at the rate of not exceeding five per centum per annum, payable annually: *provided*, that such indebtedness shall not exceed including existing indebtedness, in the aggregate five per centum of the taxable property in said independent school district, to be ascertained by the last assessment made for state and county taxes next before the incurring of said indebtedness; nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such indebtedness, and the principal thereof when due and payable.

Sec. 3. But no debt shall be contracted, under this act, unless all questions connected therewith shall have first been submitted to the voters of said independent school district, at an election to be held therein for the purpose, and shall have received three-fifths of all the votes cast for and against the same. Said election shall be held in said town of Ripley at the court house therein after thirty days' notice thereof shall have been published in the two newspapers therein, and shall be conducted under the supervision of, and the result ascertained and certified by the said board of education.

(Senate Bill No. 21.)

CHAPTER 30.

AN ACT to create and establish the Independent School District of the City of Sistersville, county of Tyler.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

- | | |
|--|---|
| <p>SEC.
1. Boundary lines of proposed school district defined.
2. } Election to enlarge and establish school district; county superintendent to appoint commissioners and designate term of office; to constitute board of education.
3. }
4. } Election to elect commissioners of board of education; when and for what term; exceptions; proclamation to voters; notice to be published; how conducted; certificates of result to be filed with secretary; oath of office.
5. }
6. }
7. Vacancy in office of school commissioner; how filled.
8. } Election of president and secretary of board of education; president's vote; secretary's duties and salary; teachers and superintendent to be elected; how; expenditure of money; quorum.
9. }
10. }
11. Board made a corporation; its corporate powers.
12. } Board to have control of schools and make rules; who admitted as pupils; to prescribe text books; power to establish other schools.
13. }
14. Admission of pupils to various schools; non-residents may attend.</p> | <p>SEC.
15. School for colored children shall be established.
16. Superintendent to be appointed; his salary; his duties; removal; unlawful to receive gifts for certain purposes; penalty therefor.
17. } Teachers subject to certain rules;
18. } board to appoint and fix salaries.
19. Unexpended fund of Lincoln district; boards of education of each district to make settlement.
20. Annual levy for certain specific purposes; limit to such levy.
21. }
22. Board now in office to exercise certain powers until the election of commissioners.
23. } Sistersville board to sell bonds for certain purposes; interest and time payable; denomination of said bonds; boards may provide for payment after three years.
24. } President to issue proclamation as to bond issue; to be published in newspapers, etc.; election, how conducted; board to appoint election officers; authority of board to purchase and sell property.
25. }
26. }
27. }
28. }
29. How school moneys paid out; sheriff's settlement with board; his per cent. for collecting.
30. }
31. }</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event a majority of the votes cast at an election to be held on the first Tuesday of May, one thousand nine hundred and five, be in favor thereof, the following described territory in the county of Tyler shall, after the result of such election is ascertained and declared, be the Independent School District of Sistersville, to-wit: The city of Sistersville and the territory contained within the following described boundaries, and being the same territory included in what is now sub-school district No. 6 of Lincoln district, Tyler county, West Virginia, and which is particularly described as follows:

Beginning at a stake and stone pile on the bank of the Ohio river, 525 feet down said river from a common corner of lands of T. N. Wells and Eph. Wells on said river bank, said beginning corner being in line with and opposite the entrance to the lane commonly known as the Eph. Wells' lane; thence in a straight line and parallel with the

division line between lands of said Eph. and T. N. Wells, S. 50, E. 4,000 feet, to a stake and stone pile in the back line of lands of said Eph. Wells, being an old patent line, and being the division line between the lands of the said Eph. Wells and Nathan Salisbury; thence up and with said old patent line N. 36, E. 8,460 feet, to a large white oak in the south line of land of J. T. Jones; said white oak being the original northeast corner of what is commonly known as the Samuel Corbitt or Raleigh Moore tract, now a corner between Lazear and the McCoach and West tracts; thence continuing the same straight line and crossing the J. T. Jones, Eveline Russell and Henry W. McCoy tracts of land to a black oak, being the southeast corner of the Joshua Russell farm, and also an established corner to said Joshua Russell farm and land now owned by said Henry W. McCoy; thence with the division line between the said Joshua Russell farm and said land of Henry W. McCoy N. 32, W. 2,574 feet, to a white hickory (now gone), being an old original patent corner on the bank of the said Ohio river; thence down the said river with the meanders thereof and binding thereon 11,350 feet, to the stone pile, the place of beginning. The territory described above is identical with what is now sub-school district No. 6 of Lincoln district, Tyler county, West Virginia, and is to constitute and be known as the Independent School District of Sistersville.

Sec. 2. At a special election to be held in pursuance of law within Lincoln district of Tyler county, on the first Tuesday in May, one thousand nine hundred and five, it shall be the duty of the county court of Tyler county to submit to the legal and competent voters residing in Lincoln district, the question of the adoption or rejection of the provisions of this act, of which election the said county court shall give thirty days' notice by posting the same in three public places within said Lincoln district, or by publication of said notice once a week for four weeks prior thereto in some newspaper of general circulation in Tyler county, or both. Said election shall be held and conducted, and the result thereof ascertained and declared, in all respects as now provided by law for general elections in this state. The officers to conduct said election and the ballots to be voted thereat shall be appointed and prepared by the said county court, which said ballots shall have printed thereon, "For Independent District," and "Against Independent District"; and the legal voters in said district voting at said election in favor of the establishment of said independent district shall strike from the ballot voted by them the

words, "Against Independent District," and those voting at said election against the establishment of said independent district shall strike from their ballots the words, "For Independent District." The said ballots and the necessary booths, ballot boxes, poll books, and all other appliances required by law and necessary for the holding of such election, shall be furnished and supplied by the said county court, which shall also perform all the duties and be subject to all the penalties prescribed by law for ballot commissioners. The expense of said election shall be paid by the board of education of Lincoln district, in case a majority of the voters voting at said election is against the establishment of said independent district; but otherwise, such expense shall be paid by the board hereinafter provided for and elected at said election. Immediately after the ratification of this act the county superintendent shall appoint three commissioners, also residing and being legal voters within said boundaries, whose term of office shall expire, one of said commissioners on the first day of July, 1907, and two, two years thereafter; the county superintendent to designate the term of office of each member.

Sec. 3. The said three commissioners shall constitute the board of education of the independent school district of Sistersville.

Sec. 4. On the first Tuesday in May, 1907, and every two years thereafter there shall be an election held for the independent school district of Sistersville, for the purpose of electing one or more commissioners respectively of the board of education of the independent school district of Sistersville. The said commissioners shall be elected for, and hold their office four years, beginning on the first day of July after said election, unless sooner removed from office for cause. For the purpose of said election, there shall not be less than two voting places in the said district, which voting places shall be fixed by the said board, and the places shall be designated by the president of the said board in his proclamation for an election as provided for in the next section, and said election shall be held and conducted and the result thereof ascertained and declared in all respects as now provided by law for general elections in this state, and as provided for in section six, excepting, however, that the said board shall be vested with authority to appoint election officers and to perform all the duties and functions relative to said election.

Sec. 5. Such elections shall be called by the president of the board of education of the independent school district of Sistersville, by a proclamation to the voters of said district, notifying them of the time

and place of holding the same, and the purpose thereof, and the places fixed by said board in the said district for holding the said election; said proclamation shall be posted on the front door of the city building in the city of Sistersville, and at two other conspicuous places in the said district at least four weeks previous to the day designated for the said election, or the same shall be published in a newspaper published in Sistersville, for a period of four weeks prior to the day of said election.

Sec. 6. Such election or elections under this act shall be held and conducted in the same manner as a municipal election of the city of Sistersville, and shall be held and conducted by the officers appointed by the board of education to hold such election, in accordance with the law of the state and the rules and regulations governing the election of municipal officers of said city; and the officers conducting such election shall ascertain and certify the result to the secretary of said board, within three days thereafter. Such result shall within ten days after the same is so certified, be noted on the minutes, and the certificates filed with the secretary. And the officer so elected shall, within twenty days after his election or appointment, and before he shall enter upon the duties of his office, take and subscribe the oath of office as prescribed for district officers, as provided by general laws, which may be done before any person authorized by law to administer oaths, or before the president of the board of education of said independent school district, which said oath of office, together with the certificate of the officer administering the same, shall be filed with the said board of education.

Sec. 7. Any vacancy that may occur in the office of school commissioner by death, resignation, refusal to serve or otherwise, shall be filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term.

Sec. 8. The board of education shall elect annually, at the first meeting, one of their members to act as president of said board, who shall perform all the duties which are required to be performed by such officer of any board of education, which may not be inconsistent with the provisions of this act.

The board shall elect at the same time a secretary, who shall per-

form such duties for said board as are required of secretaries of other boards of education.

The president shall have one vote as commissioner, and shall not vote upon any question arising in the board by reason of being said officer.

Sec. 9. The secretary shall record in a book provided for the purpose, all the official acts and proceedings of the board, which shall be a public record, open to inspection to all persons interested therein. He shall preserve in his office all papers containing evidence of title, contracts and obligations; and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He shall annually, between the first and twentieth of July, make report to the county superintendent of such facts in his possession as may be required by the general school law of the state. For his services he may receive such compensation, not exceeding one hundred dollars per annum, as the board may allow. In his absence, the board may appoint a secretary *pro tempore*.

Sec. 10. The board of education shall hold stated meetings at such times and places as they may appoint, not less than two members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president; or at the request of any member, by the secretary. The concurrence of two members of the board shall be required to elect superintendent or teachers, and to decide all questions involving the expenditure of money. The members of the board of education shall receive no compensation.

Sec. 11. The board of education of the independent school district of Sistersville shall be a body corporate in law, and as such may purchase, hold, sell or convey real estate or personal property for the purpose of education within the district; may receive any gift, grant, donation, or devise; may become party to suits and contracts and do other corporate acts. They shall have the management and be vested with the title to all real and personal property for the use of the public schools within the district, and shall manage and dispose of the same as will, in their opinion, best subserve the interest of the district.

Sec. 12. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein and for the exclusion of

pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the school. They may prescribe text books for the use of the schools in the district, supplementing the list adopted for the county, and may furnish books and stationery for the use of indigent children in attendance at the schools. They may furnish all necessary apparatus and books for the use of the schools and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district. They shall have power to establish such other departments in said school, such as manual training, music, drawing, etc., as shall be deemed advisable to the interest of said independent school district.

Sec. 13. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by said board, as may in their judgment be best for the interest of the district. The branches to be taught in the high school and other schools within the district shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be open to all pupils in Lincoln district, but no pupil shall be entitled to enter such school until the city superintendent and the principal of the high school shall have examined said pupil and satisfied themselves that the said pupil has made due proficiency in the branches taught preparatory to the high school.

Sec. 14. Admission to the various schools of the district shall be gratuitous to all children, wards and apprentices, or actual resident within the district between the ages of six and twenty-one years; *provided*, that admission of pupils, residents of one sub-district to the schools of another shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon payment in advance of such tuition as the board of education may prescribe.

Sec. 15. The board of education shall establish within the district one or more separate schools for colored children, whenever they deem it necessary, so as to afford them so far as practicable the advantages and privileges of a free school education. All such schools shall be under the management and control of the board of education, and shall be subject to like general regulations as other schools of the district.

Sec. 16. Annually, on the first meeting in July, or as soon thereaf-

ter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent, in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools or district as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of law or omission of duty, but he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges delivered to him, and an opportunity be given him to be heard in his defence. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the superintendent to make such report to the board of education, of the character and condition of the schools of the district as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever in the schools of the district. And upon conviction thereof, after having been given a hearing as hereinbefore provided, he shall be discharged from further duty.

Sec. 17. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency or grossly immoral conduct, upon complaint of the superintendent or any member of the board.

Sec. 18. The board of education shall appoint all teachers for public schools of any grade within said district, and fix their salaries at a meeting held not later than the third Monday in August of any year; but no person shall be employed to teach a school of the grade for which the appointment is made, including the superintendent, without having a satisfactory certificate obtained and issued as required by law in the examination of teachers for the public schools of this state. All appointments of superintendents and teachers shall be in writing.

Sec. 19. All school moneys, whether belonging to the teachers' or building fund of Lincoln district, which may be unexpended when the provisions of this act take effect, or to which said district may be entitled for the year nineteen hundred and five, shall be divided between the said Lincoln district and the independent school district of

Sistersville, in proportion to the amount of taxable property in each of said districts, after the creation of the said independent school district of Sistersville.

The latest available assessment for state and county purposes shall be taken as the basis of such settlement and division. It shall be the duty of the board of education of each of said districts, within two months after the passage of this act, to make settlement provided for in this section.

Sec. 20. It shall be the duty of the board of education at their annual meeting, not later than the first Monday in August next following, and annually thereafter, to ascertain as nearly as possible the amount of money, in addition to all of the available funds, which ought to be expended for school purposes in said district to keep the schools in session at least nine months in the year; for which amount the board shall levy a tax upon the property included in the district and the residents thereof, and the same shall be collected under the provisions of the general school law of the state.

Sec. 21. The taxes to be raised as aforesaid for both teachers' and building fund in said school district shall not exceed the rate now provided for under the provisions of the general school law of the state.

Sec. 22. Until commissioners are elected and qualified, the board of education now in office shall be governed by the provisions of this act, and shall exercise the powers herein conferred upon the board of education.

Sec. 23. The board of education of the district of Sistersville is hereby authorized and empowered, at any time after this act takes effect, to issue and sell the bonds of said district, and with the proceeds erect one or more public school buildings within and for the use of the said district; such bonds to bear interest at a rate not exceeding six per centum per annum, and to become payable in not less than five nor more than twenty years from date thereof.

Sec. 24. No indebtedness incurred under this act shall exceed when added to any existing indebtedness of said district, five per centum of the value of the taxable property of said district, such value to be ascertained by the next preceding assessment made with reference to state and county taxes; nor shall such bonds be issued without due provisions for the assessment and collection of a direct annual tax sufficient to pay annually the interest thereon and the principal thereof at their maturity; nor unless all questions con-

nected therewith shall have been first submitted to a vote of the qualified voters of the said district, and three-fifths of all the votes cast at such election shall have been in favor of such issue. When the said board shall deem it expedient to exercise the power hereby conferred, an order shall be made and placed upon the minutes at a general meeting, specifying the purpose, amount and denomination of the bonds proposed to be issued, the date of maturity and the plan adopted to meet the payment of the principal and the accruing interest. Such bonds shall be of the denomination of one hundred dollars, or a multiple thereof.

Sec. 25. The board may provide in such order for the payment, after three years, of the principal of one or more of such bonds in each year, so that when they become payable according to their face, not more than one bond will remain unpaid or unprovided for; or a sinking fund may be created with a view to the payment of the aggregate or principal when they become so payable.

Sec. 26. At least four weeks before the election to take the sense of the voters as to any proposed issue of bonds, the president of the board shall issue his proclamation to the voters of the district, notifying them of the time and places of holding the same, and the object and purposes thereof, embodying therein a copy of said order, and such proclamation shall be inserted once a week for four weeks, next previous to the day designated, in the different newspapers published in the county, and posted for a period of thirty days at the front door of the postoffice, and at three or more places in the district.

Sec. 27. Such election, or elections, shall be held and conducted in the same manner as the municipal elections of the city of Sistersville, at such time, after this act takes effect, as shall be designated by the board of education, and at its usual places of voting in said district, and shall be held and conducted by the officers appointed by the board of education to hold such election, in accordance with the law of the state and the rules and regulations governing the election of municipal officers for said city; and the officers conducting such election shall ascertain and certify the result to the secretary of said board within three days thereafter. Such result shall within ten days after the same is certified be noted on the minutes, and the certificate filed with the secretary. The board of education is hereby vested with the power to appoint the officers required by law to hold and conduct such election.

Sec. 28. Any person voting in favor of such issue of bonds shall have upon his ballot the words written or printed, "For Ratification," and any person voting against such issue, the words written or printed, "For Rejection," and all ballots shall be sealed up and deposited with the said secretary. In the event that the result of such election is favorable to such issue the board shall have authority to purchase upon reasonable terms real estate within the district suitable for the purpose, and to erect thereon such new public school buildings, and to sell upon the best terms practicable the school buildings now used and the land upon which they are located, applying the proceeds of such sale to such purposes; and, should a surplus remain, to the payment of the interest of such bonds.

Sec. 29. The assessment made under the provisions of this act shall be levied by said board of education, and collected by the sheriff of Tyler county as the levies for the said county are made, and collected, and the amounts of said levies shall be charged in full to said sheriff, who shall be held to account for the same; but said board of education shall not, during any one year incur any expenses that shall exceed the amount of available funds received for school purposes during that year.

Sec. 30. The sheriff shall annually make such settlement with the said board of education as the general school law may provide; and for collecting and disbursing the taxes assessed by the board of education he shall be entitled to receive a commission of not more than five per cent. upon the amount collected. He shall receive nothing for receiving and disbursing the state fund.

Sec. 31. No money shall be paid out by the said sheriff of said independent school district of Sistersville except on an order signed by the president and secretary of the said board of education, and specifying on its face the particular account to which the same is chargeable and the purpose for which it is drawn, nor shall any credit be allowed to the said sheriff in his statement, which settlement shall be made annually with the said board, upon any voucher except an order.

(Senate Bill No. 228.)

CHAPTER 31.

AN ACT to establish a high school in the county of Tyler upon a site to be selected by the board of directors.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

<p>SEC.</p> <ol style="list-style-type: none"> 1. School established. 2. Board of directors; its duties. 3. Board made a corporation. 4. Levy; limit. 5. Qualification of children admitted to school. 	<p>SEC.</p> <ol style="list-style-type: none"> 6. Sheriff; his duties. 7. Compensation of the members of the board. 8. Submitted to voters of county.
---	--

Be it enacted by the Legislature of West Virginia:

Sec. 1. That a high school be and the same is hereby established in the county of Tyler, in or near the town of Middlebourne, state of West Virginia, which shall be known as the "Tyler County High School," the site for which is to be selected by the board of directors of said school which said board shall consist of the presidents of the boards of education in the several magisterial districts of the said county of Tyler, and the county superintendent of free schools of said county, who shall be *ex-officio*, president of said board; the term of office of said board shall be for the term of office for which the members thereof were elected or appointed.

Sec. 2. The said board of directors, as heretofore constituted, shall have full power and authority to make such rules and regulations as it may deem necessary for the management and control of said high school; employ necessary teachers and fix the salaries of the same; establish a graded course of study and grant diplomas upon graduation of pupils, and perform such other acts as are necessary and essential to the welfare and maintenance of said high school; and shall elect a secretary and treasurer, neither of whom shall be a member of the said board of directors, and shall allow them a reasonable compensation for their services.

Sec. 3. Such board of directors shall be a body corporate, and as such may sue and be sued, and shall receive, hold and dispose of according to the usual form of law, and the intent of the instrument conferring titles, all gifts, grants or devises made for the use of such high school, and shall be deemed the owner of all property be-

longing to said high school, and shall be liable for all claims which may legally exist against it.

Sec. 4. For the purpose of establishing such high school a levy not to exceed twenty-five cents on the one hundred dollars valuation, of property for taxable purposes, for the first year, and not to exceed ten cents on the one hundred dollars valuation of property for taxable purposes after the first year, may be laid, and a further levy not to exceed ten cents on the one hundred dollars valuation of property for taxable purposes, for the maintenance of said high school, may be laid annually; and the county court of the county of Tyler is hereby authorized to lay such levy in accordance with the provisions of this section, for the purpose of erecting, building and maintaining said high school.

Sec. 5. The qualifications for admission to the said county high school, shall be subject to such regulations as may be prescribed by the said board of directors of said county high school.

Sec. 6. All revenue from taxation as provided herein, shall be collected and disbursed by the sheriff of the county of Tyler, in the manner provided by general law.

Sec. 7. The members of the said board of directors shall be allowed a compensation of two dollars per day for their services for the time they are actually employed in transacting the business of said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect, it shall be submitted to the voters of Tyler county at the next general election to be held therein, in the year nineteen hundred and six; and to the official ballot to be voted at said election shall be added, "For county high school," and "Against county high school"; and if a majority of the votes cast at said general election, shall be in favor of said county high school, then this act shall be of binding force and effect from the time of the official announcement of said vote.

(Senate Bill No. 95.)

CHAPTER 32.

AN ACT making attendance at the public schools of the school district of Wheeling compulsory and providing for attendance officers.

[Passed February 3, 1905. In effect September 1, 1905. Approved February 11, 1905.]

<p>SEC. 32. Compulsory attendance between certain ages; penalty for violation; exceptions thereto; attend-</p>	SEC.	<p>ance officers; their duties; truancy; penalty therefor; time act takes effect.</p>
--	------	---

Be it enacted by the Legislature of West Virginia:

1. That the following section be added as section thirty-two to and as a part of chapter eleven of the acts of one thousand eight hundred and seventy-two, entitled "An act relating to the school district of Wheeling," as amended and re-enacted by chapter one hundred and fifteen of the acts of one thousand eight hundred and seventy-five and by chapter sixteen of the acts of one thousand eight hundred and eighty-two and by chapter one hundred and thirty-nine of the acts of one thousand nine hundred and one, namely:

Sec. 32. Every person having under his control a child or children between the ages of seven and fourteen years, residing in the school district of Wheeling, shall cause such child or children to attend public school in said district and such attendance shall be continuous throughout the school year thereof, and for every neglect of such duty the person offending shall be guilty of a misdemeanor and shall upon conviction thereof be fined two dollars for the first offence and five dollars for each subsequent offence, together with the costs of prosecution, and, in the discretion of the court or justice, be required to enter into a bond in the penal sum of fifty dollars, with security to be approved by the court or justice, conditioned that the person so convicted will cause such child or children to attend some school in accordance with the provisions of this act. Such bond shall be made payable to the school district of Wheeling and any amount which may be recovered thereon shall be placed to the credit of a fund which will be applied toward defraying the compensation of the attendance officer or officers hereinafter provided for. Any failure to give such bond in the manner and within the time prescribed shall be a misdemeanor and punished by a fine of not less than one dollar nor more

than five dollars and the costs of prosecution. An offence as understood in this act, shall consist in the failure of such person to send to school any such child or children for one-fourth the number of days on which regular sessions of the public schools are held in the school district of Wheeling, so that such child or children shall not be in attendance for at least three-fourths of said days in any four consecutive weeks of the school year of such district, unless the attendance of such child or children be prevented by sickness or other reasonable excuse; *provided*, that if such child or children shall have graduated from a sub-district school, or shall have attended for a like period of time a private or other school, or if such child or children have been otherwise instructed for a like period of time in the branches of learning required by law to be taught in public schools, or have already acquired such branches, or if, in the opinion of the superintendent of said school district the mental or physical condition of such child or children is such as to render such attendance inexpedient or impracticable, such penalty shall not be incurred. Any fines so collected shall be paid to the clerk of the board of education and be by him paid to the city collector of the city of Wheeling, who shall place the same to the credit of the school fund. If the person against whom any such proceedings shall be instituted shall satisfactorily prove in the course of such proceedings that he has made all proper efforts to compel such child to attend a school as hereinbefore provided for and that, because of the disobedience or other misconduct of such child he has been unable to do so, such facts shall constitute a sufficient defence to such proceedings. Thereupon the attendance officer shall take the proper proceedings before the proper court to have such child adjudged incorrigible and committed to the state reform school at Pruntytown or the girls' industrial home at Salem. To aid in the enforcement of this act the board of education shall appoint and employ one or more attendance officers whose compensation and term of office shall be fixed by said board. The attendance officer shall be vested with police powers, the authority to serve warrants, and shall have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act. The attendance officer shall have full power, without warrant, to apprehend any child between the age of seven and fourteen years who shall be reported to him in writing by the superintendent or principal, and to place such child in the public school which he should

have attended and in which he should have been or has been enrolled, or to place such child, at the expense of the parent, guardian or other person having such child under his control, in such private school as the parent, guardian or other person having such child under his control may select. In case such parent, guardian or other person having such child under his control shall fail or refuse, immediately upon being applied to, to select such private school, then the said attendance officer shall at once place such child in the public school of the district in which such child shall then reside. Such officer shall institute proceedings against any person or persons violating this act, and perform such other services as the superintendent or the board of education may deem necessary to preserve the morals and secure the good conduct of such school child or children, and to enforce this act. Such attendance officer shall keep a record of his transactions for the inspection and information of the superintendent and board of education, and shall make daily reports to the superintendent throughout the school year and the superintendent shall make monthly reports to the board of education. The principals and teachers of all schools, public, private or other in such school district, shall report to the board of education the names, ages and residences of all pupils of compulsory school age in attendance at their respective schools, together with such other facts as said board of education may require to facilitate the carrying out of the provisions of this act and said board of education shall furnish blanks for such purpose and such report shall be made at such time or times as the said board of education shall prescribe by rules to be adopted by it. Such principals and teachers shall also report to the proper attendance officer, the superintendent or the clerk of the board of education of said school district, all cases of truancy and unlawful absence in their respective schools as soon as practicable after such truancy and absence. If any person shall fail to comply with the provisions of this section requiring reports to be made as aforesaid he shall be guilty of a misdemeanor and punished by a fine of five dollars and the costs of prosecution. Any fine so collected shall be paid to the clerk of the board of education and be by him paid to the city collector of the city of Wheeling, who shall place the same to the credit of the school fund. If to any prosecution instituted under the provisions of this act a satisfactory defence shall be made, so that the proceedings shall be dismissed or the defendant shall be adjudged not guilty, the costs of any such prosecution shall then be paid by the board of education of

the school district of Wheeling out of the funds under its control. When so directed by the superintendent of the board of education, or when it otherwise comes to the notice of any attendance officer of said school district, such officer shall examine into any case of truancy or unexplained absence of the school children of compulsory school age in said school district. When any child or children are not attending school without lawful excuse and in violation of the provisions of this act, an attendance officer shall notify, in writing, the person having control of such child or children, and require such person within three days after notification to send such child or children to some school. But the service of such notice shall not be an essential preliminary to prosecution under the provisions of this act. This act shall go into effect on the first day of September in the year 1905.

(House Bill No. 304.)

CHAPTER 33.

AN ACT to establish the Independent School District of Williamson, in the county of Mingo, in the state of West Virginia.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

SEC.

1. Establishment of school district authorized; boundary lines defined.
2. Election of commissioner.
3. Vacancies; how filled.
4. President and secretary of board.
5. Secretary to be custodian of papers; his duties and compensation.
6. Stated meetings; quorum.
7. Board made a corporation; its powers.
8. Who to attend schools.
9. Separate schools for colored pupils.
10. How funds to be paid out.
11. Sheriff, his duties; his commission; penalties.

SEC.

16. Superintendent of schools, the requirements.
17. Examining board; examination of applicants to teach.
18. Teachers subject to rules of board; how removed.
19. Teachers, how appointed.
20. Other duties of board.
21. Levies.
22. Collection of assessments; expense not to exceed funds.
23. Injury to property; punishment.
24. If by minor, parent or guardian liable.
25. Election; the ballot; where held.
26. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event a majority of the votes cast at an election to be held on the first Tuesday in May, one thousand nine hundred and five, in Lee district of Mingo county, West Virginia, be in favor thereof, the following described territory in the county of Mingo, in the district of Lee, shall, after the result of such election is ascertained and declared, be the "Independent School District of Wil-

Williamson," to-wit: All the territory, including the incorporated town of Williamson, situate in Lee district, Mingo county, West Virginia, embraced within the following boundaries, to-wit: Beginning at the mouth of Sycamore creek; thence up said creek to the first left-hand fork; thence with said left-hand fork to the top of the ridge dividing the waters of Tug river and Buffalo creek to a point on the dividing lines of the lands of the Williamson Mining & Manufacturing Company and Thomas Stepps' estate; thence west with said dividing lines to the land of V. A. Williamson; then with the line dividing the land of said V. A. Williamson and Thomas Stepps' estate to Tug river; thence with Tug river to the beginning.

Sec. 2. In the event of the establishment of said independent school district, there shall be elected by the voters of said district at an election to be held at the public school building in Williamson on the first Tuesday in June, nineteen hundred and five, five commissioners, and every year thereafter one commissioner, whose term of office shall commence the first day of July following their election, and continue five years, and until their successors are elected and qualified, except that one of the commissioners elected in the year nineteen hundred and five shall serve one year, another only two years, another only three years, and another only four years, the ballot designating the term of office of each member. The said commissioners shall constitute a board of education to be denominated "The Board of Education of the Williamson Independent School District."

Sec. 3. Any vacancy that may occur in the office of school commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term.

Sec. 4. The board of education shall elect annually at their first meeting on the first Monday in July, or as soon thereafter as may be practicable, one of their members to act as president of said board who shall perform all the duties which are required to be performed by such officer of any board of education, which may not be inconsistent with the provisions of this act.

The board shall elect at the same time a secretary, who may or may not be a member of said board, who shall perform such duties for said board as are required of secretaries of other boards of education.

The president shall have one vote as commissioner, and shall not vote upon any question arising in the board by reason of being said officer.

Sec. 5. The secretary shall record in a book for the purpose all the official acts and the proceedings of the board which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contracts and obligations, and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He shall annually, between the first and twentieth of July, make report to the county superintendent of such facts in his possession as may be required by general school law of the state. For his services he may receive such compensation, not exceeding one hundred dollars per annum, as the board may allow. In his absence the board may appoint a secretary *pro tempore*.

Sec. 6. The board of education shall hold stated meetings at such times and places as they may appoint, not less than three members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or, at the request of any member, by the secretary. The concurrence of three members of the board shall be required to elect superintendent or teachers, and to decide all questions involving expenditure of money. The members of the board of education shall each receive a compensation of two dollars for each meeting of the board attended by them, and no compensation shall be paid said commissioners for any meeting of the board at which they are not present.

Sec. 7. The board of education of the Independent School District of Williamson shall be a body corporate in law, and as such may purchase, hold, sell, or convey real or personal property for the purpose of education within the district; may receive any gift, grant, donation or devise; may become party to suits and contract and do other corporate acts. They shall have the management and be vested with the title to all real and personal property for the use of the public schools within the district, and shall manage and dispose of the same as will in their opinion best subserve the interests of the district.

Sec. 8. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose

attendance would be dangerous to the health or detrimental to the morals or discipline of the school. The said board of education shall use the same school books used throughout the county, but shall have authority to prescribe other and advanced courses of study to be pursued in the schools of said district; may provide free text books for indigent pupils.

Sec. 9. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by said board, as, may in their judgment be best for the interest of the district. The board of education shall also have power to adopt and enforce such rules as to it seem expedient to compel the attendance of all children within the district of school age. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be open to all pupils in the district, but no pupil shall be entitled to enter such school until the city superintendent shall have been satisfied that the said pupil has made due proficiency in the other schools of the district.

Sec. 10. Admission to the various schools of the district shall be gratuitous to all white children, wards, and apprentices, or actual residents within the district, between the ages of six and twenty-one years, and the board may, where it deems expedient, establish, regulate and provide for kindergartens for younger children; *provided*, that admission of pupils, residents of one sub-district, to the schools of another shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon the payment in advance of such tuition as the board of education may prescribe.

Sec. 11. The board of education shall establish, within the district, one or more separate schools for colored children, whenever they may deem it necessary, so as to afford them, as far as practicable, the advantages and privileges of a free school education. All such schools shall be under the management and control of the board of education, and shall be subject to like general regulations as other schools of the district; but under no circumstances shall colored children be allowed to attend the same school, or be classified with white children.

Sec. 12. No money shall be paid out, by the sheriff, except on a draft signed by the president and secretary of the board of education, and specifying on its face the particular account to which the same is chargeable, nor shall any credit be allowed to the sheriff, in his annual settlement, upon any voucher except such draft.

Sec. 13. The sheriff shall annually, on or immediately before the first day of July, make such settlement with the board of education as the general school law may provide; and for collecting and disbursing the taxes, assessed by the board of education, he shall be entitled to a commission of not more than five per centum upon the amount collected, excepting for money received for sale of bonds, and collection of railway companies' tax, he shall not receive more than two per centum for receiving and disbursing the same.

Sec. 14. The sheriff shall annually, as hereinbefore provided, make such settlement with the board of education, and account to said board for all moneys, from whom, and on what account, and the amount paid out for school purposes in the district, since the last settlement.

Sec. 15. In case the sheriff shall fail to make the annual settlement within the time prescribed in the preceding section, he shall forfeit five hundred dollars, to be recovered before any court having jurisdiction, for the use of the schools of the district. And it is hereby made the duty of the secretary of the board of education to proceed forthwith, in case of such failure, by suit against such sheriff and his securities, to recover the penalty as aforesaid. But if, before suit shall have been entered, the sheriff shall satisfy the board that owing to sickness, or other causes which may seem to them sufficient, said settlement has been rendered impracticable, such further time may be allowed as the board may deem reasonable and just.

Sec. 16. Annually, on the first Monday in July, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, who shall have had at least five years' experience as superintendent, principal or teacher in some high school or college, and fix his salary. Said superintendent, in addition to the duties specified in this act, shall perform such other appropriate duties with the relation to the schools of the district as the board may prescribe. He shall be liable to removal by the board of education, for any palpable violation of law or omission of duty, but he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges, delivered to him, and an opportunity be given him to be heard in his defence. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It

shall be the duty of the superintendent to make such report to the board of education, of the character and condition of the schools of the district, as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever, in the schools of this district.

Sec. 17. The board of education shall, annually, at their first regular meeting, appoint two competent persons of opposite politics to act with the superintendent as an examining committee. The superintendent, who shall be *ex-officio* chairman of the board of examiners, shall be required to take no examinations for teaching in case he is to teach in said district. The other two members of the board of examiners shall not be eligible to appointment as teachers in the said district during their term of office. It shall be the duty of the said committee to examine all applicants for positions as teachers in the schools of the district, in all common branches, and such other branches as they may be required to teach, and each person so examined shall pay a fee of one dollar, but no applicant shall be entitled to examination who shall not furnish evidence satisfactory to the committee of good moral character; certificates of qualification shall be granted according to the merits of the applicant, thus: Number one shall denote a very good teacher; number two, good; number three, medium. A number three certificate shall not be issued more than twice to any one person, but the board may make special regulations as they may deem fit concerning the certificates of colored teachers. No certificate shall be granted for a longer period than two years, and there shall be no renewals without examination.

The committee shall hold meetings for the examination of teachers at such times and places as the superintendent may appoint. They may receive such compensation as the board may allow out of the fees for examining teachers. The excess of such fees, if any, shall go into the building fund of the district.

Sec. 18. Teachers shall be subject, in all respects, to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency, or immoral conduct, upon complaint of the superintendent or any member of the board.

Sec. 19. The board of education shall appoint all teachers for public schools of any grade within the district and fix their salaries at the meeting held not later than the third Monday in August in

any year, but no person shall be employed to teach in any public school in the district who shall not have first obtained a certificate of qualification to teach a school of the grade for which the appointment is made; except that the superintendent shall not be required to obtain any certificate. All appointments of superintendent and teachers shall be in writing, under a form of contract to be provided by the board of education.

Sec. 20. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building, or otherwise, school houses and grounds, furniture, fixtures, and appendages, and keep the same in good order and repair, and supply the said school houses with fuel and other things necessary for their comfort and convenience; to pay the principal and interest on loans made pursuant to this section, and all other expenses incurred in the district in connection with schools not chargeable to the teachers' fund. For the purposes mentioned in this section, the board of education shall annually levy a tax on the property taxable in said district, not to exceed in any one year twenty cents on every hundred dollars valuation thereof, according to the latest assessment of the same for state and county taxation. The proceeds of the taxes so levied, of school houses and sites sold, of all donations devises and bequests, applicable to the purposes mentioned in this section, shall constitute a special fund to be called "The Building Fund," to be appropriated expressly for the purposes named in this section.

Sec. 21. In addition to the levy named in the preceding section the board of education shall, for the support of the schools of the district annually levy such tax on the taxable property of the district as will be sufficient, with the money received from the state for the support of free schools, to keep said schools in operation not less than five months in the year; *provided*, that the said tax shall not in any year exceed the rate of fifty cents on every hundred dollars valuation, according to the latest available assesment, made for the state and county taxation. The proceeds of this levy, together with the money received from the state as aforesaid, shall constitute a special fund to be called "The Teachers' Fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries, and the salary of the city superintendent. Upon failure of the board of education to lay the levies required by this act, or either of them, they shall be compelled to do so by the circuit court by writ of *mandamus*.

Sec. 22. The assessments made under the provisions of this act

shall be collected as now provided by law. The board of education shall not, during any one year, incur any expense that shall exceed the amount of available funds received for school purposes during that year.

Sec. 23. If any person or persons shall mar, deface or otherwise injure any schoolhouse, outbuilding, fence, furniture, or other school property of the district, the person or persons so offending shall be liable to prosecution before any court having jurisdiction, and, upon conviction, shall be subjected to a fine of not less than five dollars and costs of prosecution and if the amount of damage shall exceed five dollars, the person or persons convicted of the offence shall be liable for the full amount thereof.

Sec. 24. If the injury be done by a minor, the parent or guardian of said minor shall be liable as aforesaid. It shall be the duty of the board of education of the district in which the property damaged may be located to ascertain, if possible, by whom the offence was committed, and when satisfied thereof, to cause the party or parties to be arrested and tried for the offence, in the name and on behalf of the board of education, and all fines or damages collected, by virtue of this section, shall be paid into the district treasury, and be appropriated for the benefit of the schools of the district. The mayor of the town of Williamson, or any justice of Lee district, shall have jurisdiction of such offences.

Sec. 25. The election, provided for in section one of this act, shall be held as therein specified and shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets the words "For Independent District," and those voting against the establishment thereof, shall have written or printed on their tickets the words "Against Independent District." The election shall be superintended, conducted, and the result thereof ascertained and declared by officers appointed for that purpose by the county court of Mingo county at the time ordered by the court, and notice thereof shall be published once a week for two successive weeks next prior to holding said election, in two newspapers of different politics, published in Mingo county; and the provisions of the election laws of this state, so far as applicable, shall be in force and govern such election, unless otherwise provided.

The first election held hereunder, in the event of the creation of said district shall be held and conducted by the same officers, serving within said independent district, as conducted the election creating

said district. This and all subsequent elections shall be held in the public school building in Williamson. All subsequent elections of commissioners shall be held and conducted by officers appointed by the board of education, and the provisions of the general election laws of this state shall, so far as applicable, control and govern said election. The board of education shall perform all duties required of the county court, and the secretary of the board all the duties required of the clerks of the county and circuit courts.

Sec. 26. All provisions of the general school law of the state and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district; otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the state.

(House Bill No. 271.)

CHAPTER 34.

AN ACT to authorize "The Board of Education of the District of Winfield," in Putnam county, to borrow money and issue bonds for the erection of a public school building in said district.

[Passed February 24, 1905. In effect from passage. Approved February 25, 1905.]

SEC.

1. Board authorized to issue bonds to erect building; at what interest; when payable.
2. Indebtedness not to exceed lawful

SEC.

per centum; direct tax to pay interest and principal; under certain conditions; submitted to a vote; notice by publication.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the Board of Education of the District of Winfield in the county of Putnam is hereby authorized, at any time within three years from the passage of this act, to borrow money and issue bonds therefor for the purpose of erecting a public school building for the use of said district.

The said bonds shall bear interest at the rate of six per cent per annum, and shall be payable in not less than fifteen and not exceeding thirty years from the date of issue thereof.

Sec. 2. No indebtedness incurred under this act, including the existing indebtedness of said district, shall exceed the lawful per centum on the value of the taxable property of said district, to be ascertained by the last assessment for state and county taxes previous to the in-

currence of such indebtedness nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on said debt and the principal thereof within not less than fifteen nor more than thirty years.

Provided, that no debt shall be contracted under this act unless all questions connected with the same, shall have been first submitted to a vote of the people of said district, and shall have received three-fifths of all the votes cast for and against the same; which election shall be at the usual place of voting in the said district, at any general election or special election that may be called by the board of education of said district for said purpose, after first giving notice thereof by publication in two newspapers published in the town of Winfield in said district.

(House Bill No. 375.)

CHAPTER 35.

AN ACT to amend and re-enact sections 6 to 135 inclusive, of chapter 29 of the code of West Virginia, as last amended and re-enacted by chapter 4 of the acts of 1904, relating to the assessment of taxes.

[Passed February 24, 1905. In effect from passage. Approved February 28, 1905.]

- | | |
|--|---|
| <p>SEC.</p> <p>6. Assessment districts; one assessor elected in each district, and when; his term of office; who qualified to be elected; provision as to assessors now in office.</p> <p>7. Assistant assessors; number to be appointed, and when; qualifications; how appointed and removed; term and oath of office; vacancies.</p> <p>8. Assessor to apportion work among assistants; no magisterial district to be divided; change in the apportionment of work.</p> <p>10. Compensation of assessors and assistants; how fixed and paid.</p> <p>11. Authority and duty of assessor restricted to the limits of his district.</p> <p>12. Assessments to have reference to first day of April; basis of assessment value for 1905, and after the year 1905; annual assessment of real estate and personal property to begin with the year 1909.</p> <p>13. Taxpayers to be furnished with blanks; when, how and by whom; proviso as to failure to receive such blanks.</p> <p>14. Assessors must call upon every person liable to assessment, when; taxpayers to furnish list of property owned or controlled by them to assessor, and when; duty of assessor as to such list; proviso as to list and value of real estate and personal property.</p> <p>15. Assessor empowered to administer oaths; form of oath made by owner of property and appended to list.</p> <p>16. Assessor to revise and correct list.</p> <p>17. Assessor and assistants to hold meetings, when and where; for what purposes held; what notice to be given; duty of assessor at such meetings; clerk of county court to sit as advisory member, when.</p> <p>18. Tax commissioner to report misconduct or neglect of official duty of certain officers; to whom; duty of court; penalty.</p> <p>20. State tax commissioner to furnish forms, etc., to assessors, also to give instructions; penalty on any assessor failing to obey such instructions.</p> | <p>SEC.</p> <p>21. Assessor to apply for books and papers of his predecessor; penalty for failure to deliver same; substitutes, how obtained.</p> <p>22. Land books, who to make out; what to govern; corrections to be made; compensation to clerk of county court; omitted taxes to be entered; omitted tracts to be also entered, when; penalty for failure.</p> <p>23. Change of ownership of land, general rules respecting; duty of clerk of every circuit and municipal court as to judgments and decrees respecting lands; duty of clerk of county court as to wills recorded in his office devising lands lying in another county; duty of such officers as to lists made out by them; duty of state auditor as to land grants issued by the state.</p> <p>25. County court clerk to furnish assessor certified list of all transfers of title to land in his county; when and for what period; what such list to show.</p> <p>26. Penalty on officer failing to perform certain duties.</p> <p>27. Certified copy of any deed, etc., may be delivered to assessor by person interested; examination of original deed and records by assessor.</p> <p>28. Change of ownership, how entered in land book, and by whom; penalty for failure; provisions relating to real estate purchased by the state—duties of the auditor and the officer who makes out the land book.</p> <p>29. Certified statement to be furnished town or city clerks and secretaries of boards of education, by whom, when and what to show; such statement to be taken as the proper valuation of property liable for taxation for municipal purposes; duty of such clerks.</p> <p>30. Minerals and timber, how assessed.</p> <p>31. Lands of deceased persons, how assessed.</p> <p>32. Old and new buildings, how assessed.</p> <p>33. No new building to be assessed until fit for use.</p> <p>34. Buildings or structures with machinery and fixtures attached thereto, how assessed.</p> |
|--|---|

- | | |
|--|--|
| <p>SEC.
44. } Tract of land lying in more than
45. } one county or district, how en-
46. } tered and assessed.
47. } Additional annual duties of assess-
 sors when listing and assessing
 real and personal property after
 the year 1908; penalty for fall-
 ure.
48. } Form of land books; tables of
49. } tracts of land; town lots.
50. } Contiguous tracts may be charged
 as one, how; penalty for failure.
51. } Town lots, how entered, described
 and assessed.
52. } Assessor and assistants to begin
 annually on first day of April
 to ascertain the persons and
 personal property subject to
 taxation; after the year 1908 to
 annually ascertain at same
 time all real property subject to
 taxation; who to pay taxes as-
 sessed.
53. } Duty of assessor and assistants to
 see every person in his county
 liable to taxation; statement to
 be obtained; capitation tax, as-
 sessor to collect; provisions re-
 lating to.
54. } Who deemed owner of property
 for purposes of taxation.
55. } By whom property listed for tax-
 ation.
56. } Persons required by law to list
 property for another, how listed.
57. } Property exempt from taxation.
58. } Land taken for public road or rail-
 road may be released from tax-
 ation, how.
59. } Capitation tax, what persons to be
 listed to pay. (How such tax
 collected, see section 53.)
60. }
61. } Definition of certain words.
62. }
63. } What personal property to be list-
 ed for taxation.
64. } In what district personal property
 to be listed.
65. } Valuation of credits and invest-
 ments, how estimated or rated
 for taxation; what may be de-
 ducted therefrom; duty of as-
 sessor, and his authority to ad-
 minister oaths; penalty for
 false statement, etc.
66. }
67. }
68. } Listing property; duties of assess-
 sors—general provisions relat-
 ing to duties of persons having
 property to list for taxation;
 forms of oaths to be appended
 to such lists, penalty for re-
 fusing to verify list.
72. }
73. } Penalty for failure to list prop-
 erty correctly.
74. } Failure to furnish proper list,
 duty of assessor; penalty for
 refusal to permit examination of
 property.
75. } As to list of household and kitch-
 eu furniture.</p> | <p>SEC.
76. } Toll bridges and ferries, assess-
 ment of.
77. } Certain incorporated companies,
 how assessed; form of oath to
 be attached to statement; pro-
 viso as to real estate and value
 of personal property; duty of
 assessor after receiving verified
 report.
78. }
79. } Banks and trust companies, how
 assessed.
80. } Capital of merchants and other in-
 dividuals or firms, used in trade
 or business, how assessed; form
 of oath to be subscribed to;
 proviso as to value of real es-
 tate and personal property; per-
 son or firm commencing busi-
 ness after April 1 in any year.
81. }
82. } Transient persons, how assessed.
83. } Receivers, commissioners and
 clerks of courts.
84. } Assessment of railroads, railroad
 toll bridges, car lines, express
 companies, telegraph and tele-
 phone lines and pipe lines;
 when certain sections to go into
 operation.
107a. }
108. } Personal property books, how
109. } made up.
110. } Rules applicable to both land and
 personal property books.
111. } Property of assessor and his as-
 sistants, how assessed; pen-
112. } alty.
113. } How land and personal property
 books may be supplied.
114. } How assessment made in case the
 assessor is prevented from per-
 forming his duties by reason of
 war, riot, imminent danger, etc.
115. } Assessment valuation, evidence in
 certain cases.
116. }
117. } Proceedings of the assessor after
118. } the books are made out.
119. }
120. }
121. } Penalty on clerk, assessor or pro-
 secuting attorney for failure to
122. } perform his duty.
123. }
124. } Collection of fees of clerks of
 county courts; subject to what
 penalties.
125. } Certain expenses of assessors pro-
 vided for.
126. } Allowance to assessors by county
127. } court; provisions relating to.
128. } Alteration of land or personal
 property book prohibited, after
 when.
129. }
130. } Relief against taxes erroneously
131. } assessed, etc.
132. }
133. } Duty of assessor, prosecuting at-
 torney and grand jury respect-
 ing violations of revenue laws.
134. } Certain words defined.
135. } All taxes levied only upon the
 value of property ascertained
 under this chapter.
2. } Repealing section.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

1. That sections 6 to 135 inclusive of chapter 29 of the code, as last amended and re-enacted by chapter 4 of the acts of 1904, be

and the same are hereby amended and re-enacted so as to read as follows:

Sec. 6. On and after January first, nineteen hundred and nine, each county in the state shall constitute one assessment district, and shall elect one assessor whose term of office shall be four years. He shall be elected at the general election in the year nineteen hundred and eight and every four years thereafter, and shall be ineligible to re-election until the expiration of four years next after the term for which he was elected. No person shall be eligible to the office of assessor who is not a resident of the county and a freeholder therein at the time of his election. The assessors now in office and their successors shall serve until said first day of January, nineteen hundred and nine, unless removed in the manner provided by law, and shall perform also, in their several assessment districts, all the duties of the assistant assessors.

Sec. 7. After January first, nineteen hundred and nine, in every county whose population, as shown by the next census last preceding the election of an assessor, does not exceed twenty thousand, there shall be appointed one assistant assessor; in every county whose population is thus shown to exceed twenty thousand, and not to exceed thirty thousand, there shall be appointed two assistant assessors; and in every county whose population is thus shown to exceed thirty thousand, there shall be appointed three assistant assessors. Each of said assistant assessors shall be a voter and a resident of the county in which he is appointed.

Sec. 8. The assistant assessor shall be appointed by the assessor, with the advice and consent of the county court of the counties for which they are to be appointed. Not more than one assistant shall be appointed from any magisterial district, nor shall an assistant be appointed from the same magisterial district in which the assessor resides. They shall be appointed for the same term as that for which the assessor was elected, and shall be subject to removal by the assessor or by the county court. They shall take the same oath of office prescribed for the assessor. Vacancies, occurring from any cause, in the office of an assistant assessor shall be filled in the same manner provided for the appointment to full terms of office, and shall be for the unexpired term made vacant.

Sec. 9. The assessor, after consulting with his assistants, shall apportion the work of assessing property for the purpose of taxation among his assistants and himself as nearly equal as possible according to magisterial districts, and may from year to year make such changes

in the apportionment of work as to him may seem proper; but no magisterial district shall be divided in such apportionment between any two assistants, or between the assessor and any one of his assistants; nor shall any change in the apportionment of work be made after the labor of assessing has begun, until the expiration of that particular year.

Sec. 10. After the year nineteen hundred and eight, it shall be the duty of the county court of the different counties of the state to fix the annual compensation to be paid to the assessor, within the following limits, viz: In the counties not exceeding twenty thousand in population, the annual compensation of the assessor shall be fixed at not less than four hundred dollars nor more than seven hundred dollars; in counties whose population exceeds twenty thousand, and does not exceed thirty thousand, it shall be fixed at not less than seven hundred dollars nor more than one thousand dollars; and in counties whose population exceeds thirty thousand, it shall be fixed at not less than one thousand dollars nor more than two thousand dollars. The assistant assessors in each county shall receive the same compensation, which shall not exceed three hundred dollars per annum. The compensation of the assessor and his assistants shall be fixed and provided for by the county court and paid out of the county treasury.

The compensation of the assessors elected in the year nineteen hundred and four shall be fixed according to law as it was on the day before the election, or as may hereafter be fixed by law.

Sec. 11. The authority and duty of the assessor elected for each county in the year nineteen hundred and eight and thereafter shall extend to the limits of his county. The authority and duty of the assessors elected in the year nineteen hundred and four shall extend to the limits of their several respective assessment districts.

Sec. 12. In the year nineteen hundred and five all property, both real and personal, in any county (except as is provided in chapter fifteen of the acts of the extraordinary session of the legislature of nineteen hundred and four), whether it be assessed by the assessor, by the board of public works, or by any other person or officer or tribunal, shall be assessed at its fair cash value. Such property as is required to be assessed by the assessor shall be assessed as of the first day of April. After the year nineteen hundred and five all such property, whether assessed by the assessor, assistant assessor or other person or officer, or by the board of public works or other tribunal, shall be assessed at its true and actual value; (that is to say: at the price for

which such property would sell if voluntarily offered for sale by the owner thereof, upon such terms as such property, the value of which is sought to be ascertained, is usually sold, and not the price which might be realized if such property was sold at a forced sale). Nothing in this chapter contained shall be construed so as to require the annual assessment of the value of all the real estate in the state before the year nineteen hundred and nine; but, beginning with said year, it shall be the duty of the assessor and his assistants in each county to assess the value of all real estate annually in said county, as well as the value of all personal property therein, at the true and actual value.

Sec. 13. It shall be the duty of the assessor and his assistants to furnish each taxpayer, in their respective magisterial districts, in the month of March, and at least ten days before said taxpayer is called upon to make the list of his property, the proper blanks on which his property shall be listed. The mailing of said list addressed to the taxpayer at his nearest post office shall be a sufficient compliance with this provision: *provided, also*, that the failure of any taxpayer to receive such blank shall in no case excuse him from making a list of his property when called on, or exempt him from taxation.

Sec. 14. Between the first day of April and the twentieth day of June each assessor and assistant shall call upon every person, in the territory appointed to such assessor and assistant, who is liable to assessment, and thereupon such person shall furnish to said assessor, or his assistant, a full and correct description of all of the real and personal property of which he was the owner on the first day of April of the current year, fixing what he deems to be the true and actual value of each item of property, both real and personal, for the guidance of the assessor, who shall finally settle and determine the actual value of each item of such property by the rule prescribed in section twelve of this chapter. Such person shall also, at the same time, make separate, full and true statements, in like manner and upon similar blanks to be furnished him, distinctly setting forth in each a correct description of all the property, real and personal, held, possessed or controlled by him, as executor, administrator, guardian, trustee, receiver, agent, partner, attorney, president or accounting officer of a corporation, consignee, broker, or in any representative or fiduciary character, and he shall fix what he deems the true and actual value thereof to each item of such property, which valuation shall be subject to revision and change by the assessor in like manner as property owned by such person

in his own right: *provided, however*, that no person shall be compelled to furnish the list mentioned in this section sooner than the tenth day of April of the current year: *provided, further*, that no person shall be required to furnish the list and value of his real estate as above provided before the year nineteen hundred and nine; nor, in the year nineteen hundred and five, shall such list state other than the fair cash value of said personal property, but it shall state its true and actual value in each year thereafter; and the form of oath in the next succeeding section shall be modified according to this proviso.

Form of oath prescribed.

Sec. 15. The assessor and his assistants are empowered to administer oaths in all matters pertaining to his official business, and every such list provided to be made out by the next preceding section shall be sworn to or affirmed, by the person making the same, before it shall be received by the assessor or any of his assistants. The form of such oath or affirmation, when made by the person owning the property (and the oath, or affirmation, of the owner of the property shall be required in all cases where it is practicable, instead of the oath or affirmation of his agent, or manager), shall be substantially as follows. to wit:

"State of West Virginia, county of _____ ss:

"I, _____, do solemnly swear (or affirm) that, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and correct list of all property, real and personal, owned by me on the first day of April last; that where I have been unable to exhibit any class of property to the assessor, or to his assistant, such property has been fully and fairly described to him and its true condition represented; that I have in no case sought to mislead the assessor, or his assistant, as to the entire quantity, quality or value of the property; that I have reported all moneys and the value of all credits and investments owned by me on the said day and liable to taxation, except bonds of the United States, and except stock in banks, trust companies, and other incorporated companies whose property is assessed in the name of such corporation, either within or without this state; that since the first day of April of last year I have not directly, or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind; and that

I have, to the best of my knowledge and judgment, valued the said property, both real and personal, at its true and actual value on the first day of April; by which I mean the price that could be obtained for said property at private and voluntary sale, and on such terms as are usually employed in the selling of such property, and not the price which might be realized at a forced or auction sale; so help me, God.

“_____”

“Subscribed and sworn (or affirmed) to before me, this — day of _____, 19—.

“_____, Assessor.

“By_____”

Sec. 16. The assistants shall perform their labors under the direction and advice of the assessor. It shall be his duty to examine and revise the lists of property taken by his assistants to see that the assessment is equal and uniform throughout his county; and if in his opinion any property, real or personal, or any of said lists, is valued at more or less than its value, according to the rule provided in section twelve of this chapter, he shall correct the same by giving to such property its value according to said rule. If it should appear that any property liable to taxation has been omitted from any taxpayer's list, the assessor shall list and value the same according to the rule prescribed by section twelve.

Assessors and assistants to hold meetings, et cetera.

Sec. 17. After the year nineteen hundred and eight, there shall be held at least two meetings of the assessor and his assistants, between the first day of April and the twentieth day of June of the current year, at such time and place as the assessor shall appoint, of which all of said assistants shall have had due notice, for the purpose of procuring a uniform valuation of property, both real and personal, throughout the entire county, according to its true and actual value. The last meeting shall be held after the work of listing property has been completed, at which meeting all the lists shall be thoroughly gone over and revised and corrected, if found to be erroneous either in the amount of property, real or personal, assessed to any person, firm or corporation, or in the value given to any item of property by the taxpayer, by placing on such lists the omitted property and giving to it, as well as any property that has been listed, but which has been incorrectly valued, the true and actual value thereof according to the

rule prescribed in section twelve of this chapter, and by omitting property improperly listed. The clerk of the county court shall sit as an advisory member at such last meeting.

Sec. 18. After the year nineteen hundred and eight, the assessor and his assistants shall, together with the clerk of the county court sitting as an advisory member, hold another meeting, which shall be held at the county-seat not later than the fifth day of July, for the purpose of hearing any complaints that may be made by any person whose property, or any item thereof, has been given a greater value by the assessor than that fixed to it by the taxpayer or the person listing the property, and for hearing the complaint of any one who may claim that the assessor has entered on his list, and valued for taxation, property that does not exist, or, if it exists, is not liable for taxation, or if any property has been incorrectly described. Every person, or his personal representative or agent, who listed and valued the property in the first instance, whose list has been changed by increasing the aggregate valuation of the property thereon, or by placing thereon additional property not listed by him, and every person whose list has been made out by the assessor as provided in section seventy-one of this chapter, shall be given at least ten days' notice of said meeting, and of the particular changes that have been made in his tax list. Notice addressed to such person at his nearest post office, and mailed ten days before said meeting, shall be equivalent to personal service. Notice of such meeting shall also be published once a week, for two successive weeks prior thereto, in two newspapers of opposite politics published in that county, if there be such; and if none be published therein, then in some newspaper of general circulation in the county. The notice so to be published shall state briefly the time and place of holding said meeting, and the general purpose thereof. The expenses of such publication shall be provided for and paid out of the county levy. If any person so notified shall fail to apply for relief at said meeting, he shall be deemed to have waived his right to ask for a reduction in his assessment list for the current year, and shall not thereafter be permitted to question the correctness of his list as finally fixed by the assessor. After hearing the complaint, and consulting with his assistants and the clerk of the county court, the assessor, if he be of the opinion that any error has been committed, shall correct the same, always giving to any particular item of property its true and actual value according to the rule prescribed in section twelve of this chapter. If any taxpayer

who applies at said meeting for relief is dissatisfied with such decision, he shall have the right to apply for relief as provided in sections one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two and one hundred and thirty-three of this chapter.

State tax commissioner to report neglect of duty.

Sec. 19. The state tax commissioner shall communicate to the circuit court, and to the prosecuting attorney of the county, any instance of misconduct or neglect of official duty on the part of any assessor, justice, prosecuting attorney, clerk of a court, sheriff or constable of such county, and any evidence thereof of which he may be cognizant; and the court shall investigate the same, and, if the charges are true, such assessor, justice, prosecuting attorney, clerk of a court, sheriff or constable shall forfeit not less than ten nor more than one hundred dollars, and may be removed from office.

State tax commissioner to furnish forms to assessors.

Sec. 20. The state tax commissioner shall prepare and forward to the assessors such printed forms for the personal property books and the land books, and such lists of taxable subjects to be furnished by the assessors to persons chargeable with taxes, as will procure a perfect assessment of all persons and property, both real and personal, in this state subject to taxation. The state tax commissioner shall also, by letter or printed circular, give such instructions to assessors respecting their duties as may seem to him judicious; and if any assessor fail to obey such instructions, so far as they are not contrary to law, he shall forfeit not less than ten nor more than one hundred dollars, and upon being convicted a second time, of a like offence, he shall be removed from office.

Books and papers of his predecessor.

Sec. 21. The assessor shall apply for the official books and papers, which his predecessor had, to the person in possession of the same; and if such person fail or refuse to deliver them he shall forfeit one hundred dollars.

Sec. 22. The state tax commissioner, on being informed that such official books and papers cannot be obtained, may authorize the asses-

sor to procure substitutes therefor, or copies thereof, and the person furnishing the same shall be paid such fee therefor, out of the county treasury, as the county court may deem reasonable.

Assessors to make out land books; corrections therein.

Sec. 23. The land books for every county shall, after the year nineteen hundred and eight, be made out by the assessor of such county. Until that time the said land books shall be made out by the clerks of the several county courts of the state. In making the said land books in each year such officer shall be governed, as far as is proper, by the copy of the land books last made out in his county. But he shall correct errors and mistakes which he may have made in any such land books as to the names of persons properly chargeable with taxes on any tract or lot of land therein, and enter and charge the same with taxes thereon to the person or persons properly chargeable therewith, whether such correction be rendered necessary by the conveyance of such tract or lot by the person last charged with taxes thereon or otherwise. He shall also correct all errors and mistakes he may find in such land books as to the local description thereof, and all clerical errors of every sort which he may find therein. Mistakes, errors and improper entries in the land books after they are made out, corrected and certified, as provided in this chapter, shall be corrected in the manner provided in section one hundred and twenty-nine, one hundred and thirty and one hundred and thirty-one of this chapter. So long as the clerk of the county court shall make out the land books as required by this chapter, he shall receive a compensation, to be fixed by the county court and paid out of the county treasury, not exceeding ten cents for each and every separate tract or lot of land entered upon said land books for taxation: *provided*, that he shall not be paid for any copy or duplicate of said land book.

Sec. 24. The clerk or the assessor in making out the land books shall correct any and every mistake he may discover in the original land books, or in the land books of any previous year, and if any taxes have been omitted for a former year he shall enter the same, with lawful interest thereon, for collection.

Sec. 25. When the clerk or assessor shall ascertain that any land in his county liable to taxation has been omitted from the land books, for a period of less than five years, he shall make an entry thereof, and of the name of the owner, in the land book of the year in which

such omission was discovered, and shall assess the same at its proper value according to the rule prescribed in section twelve of this chapter, and shall charge the same with all taxes chargeable against it, together with interest thereon, for the years during which it was omitted from the land books. Any assessor failing to make such entry shall forfeit twenty dollars.

Change of ownership; general rules respecting.

Sec. 26. Land which has been properly charged to one person upon the land book for any assessment year shall not afterwards, within that assessment year, be transferred on such book to another person.

Sec. 27. If the owner of a tract or lot of land has derived title thereto by several conveyances from the same person, or from different persons, such tract or lot shall be entered and charged with taxes on the land books as a whole, and not in different parcels.

Sec. 28. The clerk of every circuit and municipal court shall annually, in the month of April, make out a list of all judgments and decrees for the partition or recovery of lands which have been rendered by their respective courts and have not been heretofore reported to the proper officer, stating in such list the date of the judgment or decree in each case, the land recovered and by whom, the land which was divided and between whom and in what parcels. The clerk of the county court shall annually, in the month of April, make out a list of all lands, if any, lying in another county devised by wills recorded in his office and not before reported to the proper officer, stating in such list the date of the will in each case, when admitted to record, the names of the devisor and devisee, and description of the land devised.

Sec. 29. After the year nineteen hundred and eight, every list mentioned in the preceding section shall be delivered or transmitted by mail, by the officer making it, to the assessor of the county or counties where the said lands are situated, within the said month of April. Before the year one thousand nine hundred and nine such list shall be delivered to the county clerk.

Sec. 30. The auditor shall annually, in the month of April, make out and forward to the assessor of each county an abstract of all grants issued by the state for land lying in such county, not previously reported for assessment.

Clerk to furnish assessor certified list of deeds, et cetera.

Sec. 31. After the year one thousand nine hundred and eight, the clerk of the county court shall annually, not later than the fifteenth day of April, make out a certified list, and deliver the same to the assessor, showing all the transfers of title to land made in his county prior to the first day of April of the current year. Said list shall show whether the transfer was made by will or by deed of conveyance, or by judgment or decree, the names of the devisors and devisees, the names of the grantors and grantees and the names of the parties in favor of and against whom said judgment or decree was rendered, with the title of the cause, the nature of the estate transferred, the character of interest in the land conveyed, the quantity and location of the land or interest transferred, and if part of a tract, of what tract it was a part when the whole tract was transferred. From the list thus furnished the assessor shall make the necessary changes in the land books for the current year, and shall value each tract of land or interest therein, so transferred, at its true and actual value according to the rule established in section twelve of this chapter.

Sec. 32. If any officer fail to perform any duty required of him, by the five preceding sections, he shall forfeit not less than ten nor more than fifty dollars for every such failure.

Sec. 33. Any person interested may procure at his own cost a certified copy or statement of any deed, judgment, decree or grant, deliver the same to the assessor of the county, and the assessor may examine the original deeds or the records, of his or any other county, to ascertain to whom any parcel of land is properly chargeable, or its description or quantity.

Change of ownership—how entered by assessors.

Sec. 34. Such changes as happen in the county shall be noted in the land books by the officer whose duty it is to make them as follows:

Sec. 35. Such officer shall enter in the land book all lands appearing by the abstract of the auditor to have been granted and not previously entered therein, and shall assess the value thereof, giving to it its proper value according to the rule prescribed in section twelve of this chapter. If he shall fail to enter and assess any grant mentioned in the said abstract in the land book next made out by him, after the abstract shall have been received, he shall forfeit twenty dollars.

Real estate purchased by state to be kept on books.

Sec. 36. Real estate purchased for the state, at a sale for taxes, shall not be omitted from the land books, but no taxes shall be assessed thereon while the same remains the property of the state. There shall be noted on the land book, and by the officer whose duty it is to make out the same, opposite the name of the former owner the time when the same was so purchased by the state, and such officer shall continue said memorandum in the land books for succeeding years, and until the said real estate is redeemed or until it is otherwise disposed of by the state. The auditor shall also keep a register of said purchase. When real estate so purchased appears to have been redeemed, the officer whose duty it is to make out the land books shall note the fact therein for the year in which the redemption was made, and shall value the same at its value according to the rule prescribed in section twelve of this chapter, and taxes shall thereafter be assessed against the same. The auditor shall in the month of April, in each year, certify to the officer whose duty it is to make out the land book a list of such lands in his county as have been so redeemed within the preceding year. When real estate is sold to an individual for taxes, the officer whose duty it is to make out the land book shall continue the same upon the land books in the name of the former owner until the purchaser obtains a deed therefor. Such officer shall then enter the same so purchased in the name of the purchaser and shall value the same according to the rule prescribed for the valuing of other lands.

Sec. 37. The lands specified in the lists, copies, deeds, records, abstracts and statements, mentioned in the twenty-seventh, twenty-eighth, thirtieth, thirty-first and thirty-third sections of this chapter, shall be transferred by the officer whose duty it is to make out the land book to the persons who appear thereby to be the owners thereof.

Certified statement to be furnished town clerks and boards of education.

Sec. 38. The officer whose duty it is to make out the land book shall annually, not later than the twentieth day of July, furnish to the recorder or clerk of the city or town council of every incorporated city and town in his county, and also to the secretary of the various boards of education of his county, a certified statement, showing, in separate amounts, the aggregate value of all the personal property and the aggregate value of all the real estate in said county or city, as ascer-

tained from the land and personal property books of the current year.

The statement so furnished shall be taken, by the council of said city or town, as the proper valuation of all property situated therein and liable for taxation for municipal purposes, notwithstanding any provisions which may be contained in the charter of any city or town. Upon receiving said statement the recorder, or clerk of the council, shall immediately present the same to the said council at a meeting to be held, not later than the first day of August, for the purpose of determining the rate of levy for municipal purposes for the current year; and as soon as the rate shall have been determined upon, the recorder, or secretary of the council, shall furnish the officer whose duty it is to make out the land and personal property books a certified copy of the order of said city or town council fixing the rate of tax, and such officer shall thereupon extend the tax against the property situated in said city or town in the land book and the personal property book of his county, in separate columns in said books, which columns shall be headed with the words: "Town, or city, tax for the town, or city, of _____."

Mineral and timber—how assessed.

Sec. 39. When a tract of land becomes the property of different owners in several parcels, the assessor shall assess the several parcels separately to the individual owners thereof, giving to each of said parcels its true and actual value according to the rule prescribed in section twelve of this chapter. Whenever any person becomes the owner of the surface, and another or others become the owner of any other estate in the coal, oil, gas, ore, limestone, fire clay, or other minerals or mineral substances in and under the same, or of the timber thereon, the assessor shall assess such respective estates to the respective owners thereof at their true and actual value, according to the rule prescribed in section twelve of this chapter: *provided*, that if, by reason of the discovery of such minerals or the development thereof or otherwise since the last assessment, any such land or estate increases in value to the amount of one hundred dollars or more, the assessor shall increase the assessment of such land or estate to the actual value thereof, according to the rule contained in section twelve, in the name of the owner thereof; and *provided, further*, that if the value of such estate shall decrease to the amount of one hundred dollars or more, by reason of the exhaustion of any such minerals or by the fail-

ure to find or develop the same thereunder, said assessor shall make such reduction in the valuation thereof as to place it at its actual value according to the rule prescribed in section twelve of this chapter.

Lands of deceased persons.

Sec. 40. When the owner dies intestate his undivided real estate may be listed to his heirs, without designating any of them by name, until they shall give notice to the officer whose duty it is to make out the land books of the division of the same, the names of the several heirs, and the parcels allotted to each; and each heir shall be liable for the whole tax assessed upon such land while it is so listed; but when he pays the same he may recover of the others their proper proportion of the amount so paid, and the proportion thereof for which such other or others as are liable shall be a lien on the interest owned by him or them in such lands; and such liens, when the amount so paid exceeds twenty dollars in all, may be enforced in a court of equity. When the owner has devised the lands, or a freehold estate therein absolutely, such land shall be charged to the devisee. If under the will the land is to be sold it shall be charged to the decedent's estate, and the assets in the hands of the personal representative shall be liable for the taxes until a sale and conveyance thereof be made.

How old and new buildings are to be assessed.

Sec. 41. Land and the buildings or structures erected thereon shall be assessed separately, and the value of each entered in separate columns in the land books. Land, except town lots, shall be valued by the acre, and town lots shall be designated by the number of the lot and the name of the street on which it fronts, provided the lots be numbered and the streets of the town designated by name. They shall also be designated by giving their width and length in feet. A part of a lot shall be further described by giving its direction from the other portion of the lot. Every assessor shall, in each year, assess and enter in the land book of his county the value of any old building omitted for one or more years, and of any addition or improvement to a building and of any building newly erected, not theretofore assessed, if the same be of the value of one hundred dollars or more. Such building, whether new or old, and such addition or improvement, shall be assessed at their proper value according to the rule prescribed in section twelve of this chapter. And when it is an old building omitted

for one or more years, the taxes for former years shall be charged with lawful interest thereon for the omitted year. When any building that has been assessed shall become reduced in value one hundred dollars, or more, the assessor shall take the amount of such reduction from the value of the building assessed against the owner; and where any building shall be wholly destroyed, or reduced to less than one hundred dollars in value, the assessor shall deduct from said assessment the amount for which such building was assessed.

Sec. 42. No new building, addition or improvement shall be assessed until it is so far finished as to be fit for use. For any failure on the part of the assessor to comply with this or any of the three preceding sections he shall forfeit fifty dollars.

Machinery and fixtures, how assessed.

Sec. 43. In assessing the value of buildings or structures, the assessor shall ascertain the value of all machinery and fixtures attached thereto, and include the same in the value of the building charged to the owner, unless it appears that such machinery and fixtures are owned by some person other than the owner of the building, in which case the value of such machinery and fixtures shall be assessed to their owner as personal property; and the value of such machinery or fixtures shall be thereafter increased or reduced according as they may have increased or decreased in actual value.

Lands lying in more than one county.

Sec. 44. Every tract of land of one thousand acres or less, lying in more than one county, shall be entered for taxation on the land book of the county where the greater part thereof in value lies; but the entry thereof and payment of taxes thereon, in any county where any part thereof is situated, shall, for the time during which the same is so entered and paid, be a discharge of the whole of the taxes and levies charged and chargeable thereon. When new buildings are erected of the value of one hundred dollars or more, upon that part of such tract lying out of the county in which it is assessed, the assessor on whose books it is entered shall assess the same and add the value thereof as in other cases. Every tract of land of more than one thousand acres, lying in two or more counties, shall, for the purpose of taxation, be entered and charged with all taxes in each magisterial district of the several counties in which any part of it is, to the extent,

as near as may be, that the same lies in such district. When any such tract of more than one thousand acres is thus assessed, partly in one county and partly in another, the several officers of such counties whose duty it is to make out the land books of the respective counties shall value the part lying in his county without regard to the value of the whole tract, and he shall ascertain its value, as in other cases, according to the rule prescribed in section twelve of this chapter. It shall be the duty of such officer of the county in which the whole of any such tract is charged with taxes to strike such charge from the land book of such county, and to enter so much of said tract as lies in his county and charge the same with county and district taxes on the land book in each magisterial district in his county where any part of such tract may be. Such officer of the county in which the remaining portion of such tract lies shall likewise enter and charge with taxes the portion of said tract in his county. Any person aggrieved by any such entry and charge may apply to the county court for relief, as in other cases.

Sec. 45. When land lying in more than one county has been assessed in one of said counties only, if the owner convey that portion, or any part thereof, lying in the county wherein the same is not assessed, such officer in said county shall enter the part so conveyed in the land books of his county, and shall assess it to its owner at its proper value according to the rule prescribed in section twelve of this chapter. And such officer of the county in which the whole of said land has been previously assessed shall deduct the part so conveyed and assess the remainder according to its proper value.

Sec. 46. In like manner, when a tract or lot of land lies in more than one district, and the owner conveys any portion thereof situated in a district wherein such land was not assessed, the part so conveyed shall be thereafter entered in the proper district, and the proper value thereof ascertained, as in other cases, according to the rule prescribed in section twelve of this chapter, and the quantity thereof shall be deducted from the entire tract or lot as it was before entered.

Sec. 47. The assessor and his assistants shall annually after the year nineteen hundred and eight, when listing and assessing personal and real property, make diligent inquiry of every resident land owner, and of the resident agents of non-resident land owners, as to the number of acres of land owned by them, the number of acres in each tract, and the number of town lots owned by them, and the value per acre of each tract and the local description thereof, and the value and

location of the town lots. They shall also inquire of said owners or agents whether the entries charged against them in the land books of the previous year are correct, whether any part thereof ought to be transferred to any other person, and if so to whom, and the nature of the evidence to authorize such transfer; also, whether any other land in the county ought to be charged to such resident or non-resident, and whether the description given to any tract of land or town lot in the book of the previous year is incorrectly given. It shall be the duty of such owners and agents to answer all of said inquiries on oath. The assessor shall provide for himself, and for each one of his assistants, a copy of so much of the land book of the previous year as contains a list of the land in the magisterial districts severally apportioned to them under the provisions of section nine of this chapter, and shall note in said copies such changes and corrections as ought to be made in the land book of the previous year, according to the information obtained under the authority of this section. The assistant assessors shall report any such changes and corrections, as appear to them should be made, to the assessor at some of the stated meetings provided for in sections seventeen and eighteen of this chapter. The assessor shall make such use of the information so obtained as he can properly make, consistently with the other provisions of this chapter, in making out the land book of the county for the current year. Any such resident or agent failing to comply with such requisition shall, after the year nineteen hundred and eight, forfeit fifty dollars. Any assessor or assistant failing to comply with this section shall forfeit not less than fifty nor more than one hundred dollars.

Form of land books—tracts of land—town lots.

Sec. 48. After the year one thousand nine hundred and eight the assessor shall make out the land book, including all extensions, in such form as the auditor may prescribe. Such land books shall contain separate lists for the different magisterial districts and separate lists for the towns of the county, and if there are independent school districts which include towns, and also lands lying outside of such towns, there shall also be a separate list for so much of each of such independent school districts as lies outside of such towns. There shall, for the purpose of taxation, be entered on the land books the town lots in the alphabetical order of the names of the owners thereof in the list arranged for them, and shall designate the said lists as "Town (or city) lots of the town (or city) of ———." There shall also be entered

in like alphabetical order, in the separate lists for the independent school districts and magisterial districts, the tracts of land the whole or the greater part of which is situated therein, but no tract or lot of land shall be entered in more than one of said lists, and no part of any tract or lot of land which does not lie within the incorporated limits of a town shall be entered in the list or charged with municipal taxes for such town. This section is subject to the provisions contained in the following section :

Sec. 49. In the table of the tracts of land the officer whose duty it is to make out the land books shall enter each tract separately, and shall set forth, in as many separate columns as may be necessary, the name of the person who, by himself or his tenant, has the freehold in his possession ; the nature of his estate, whether in fee or for life ; the number of acres as near as may be in the tract ; the name of the tract, if it has a name ; a description of it, as far as practicable, with reference to the water courses, mountains or other places on or near which it lies ; the distance and bearing, as near as may be, from the court house ; the value of the land per acre, including buildings ; the value of the whole tract and buildings ; the sum included in the value on account of buildings ; the amount of taxes assessed on each tract for state, state school, county, free school, building and other district purposes, and, if the said real estate is located in an incorporated city or town, for municipal purposes, in separate columns, at the rate assessed for each of said purposes, and from whom, when and how the owner derived the land, if known, with a note of explanation of any other alteration made, showing why and upon what authority it was made.

How contiguous tracts may be charged as one.

Sec. 50. Any owner of two or more contiguous tracts of land, situated in whole or in part in the same magisterial district of any county, may, upon application to the county court of such county and duly showing the relative location of said tracts, their ownership and present description on the land book, have the same by order of said court consolidated and charged, by aggregating the quantities thereof so far as lying in the same magisterial district, as one tract upon the land book of said county for the succeeding year and thereafter. The officer whose duty it is to make out the land books, upon presentation to him of a certified copy of said order showing the consolidation of

said several tracts of land, shall enter the same as one upon the land book of the year next ensuing, and make a proper note opposite the last entry of each of said several tracts, referring to said order, and a like note opposite the entry of the consolidated tract. He shall value the said consolidated tract at its proper value according to the rule prescribed in section twelve of this chapter. Any such officer failing to comply promptly with any of the several duties imposed, by this section, shall be deemed guilty of a misdemeanor, and fined not less than twenty-five and not more than fifty dollars.

Town lots—how described.

Sec. 51. In the table of town lots the officer, whose duty it is to make out the land books, shall enter separately each lot, whether improved or unimproved, and shall set forth in as many separate columns, as may be necessary, the name of the person and his estate, as in the table of tracts of land, charging lots leased for a term of years on ground rent, including all improvements thereon, not to the lessee, but to the tenant for life or fee simple owner under whom the lessee holds. He shall set forth in other columns the number of each lot in the town, if the same be numbered; the length and width of the lot in feet; the street on which it fronts, if the street of such town be named; the value of the buildings on the lots; the value of the lots including the buildings, and where a person does not own the whole of a lot he shall give a description of the part which he owns; the amount of the tax at the legal rate, and like notice of the course of title, and explanation of alterations, as in the table of tracts of land. If several unimproved contiguous lots be owned by the same person, they may be assessed together, but the number of the lots shall be stated.

Assessment to have reference to first of April.

Sec. 52. The assessor together with his assistants shall begin annually on the first day of April, and proceed without delay to ascertain all the persons and personal property on that day subject to taxation in his county; and after the year one thousand nine hundred and eight, the assessor together with his assistants shall likewise begin annually on the first day of April and proceed to ascertain all the persons and property, real and personal, on that day subject to taxation in his county. The taxes for each year upon real and personal property shall

be paid by those who are the owners thereof on that day whether it be assessed to them or others.

Sec. 53. While making such assessment, it shall be the duty of the assessor and assistants to see every person in his county who is liable to taxation therein upon property or capitation and obtain from him a sworn statement of his personal property.

He shall at the same time collect from every person liable for capitation tax, mentioned in section two of article ten of the constitution, the amount of such tax and deliver to such person a receipt therefor. In case any person liable therefor shall fail or refuse to pay such capitation, the assessor shall levy upon, and take into his possession, property or effects of the delinquent sufficient to pay said capitation and the cost of levy and sale. The assessor shall have as to said capitation the same powers of levy and sale, and of collection by any other method, as is vested in the sheriff for the collection of taxes, and he shall be entitled to the same fees. The assessor shall, at the end of each month, turn over to the sheriff all capitations collected by him and not paid over, less commission of ten per cent to which the assessor shall be entitled for collection. At the levy term of the county court the assessor shall make report to said court of all capitations collected, the names of those from whom collected, the names of all delinquents and the cause of delinquency in each case. Said report shall be verified by the affidavit of the assessor. Said assessor shall not thereafter for that year have authority to collect capitations, but a copy of said report shall be by the county court turned over to the sheriff, who shall forthwith proceed to collect all capitations remaining unpaid, whether or not they appear on said report. Upon the capitations collected by the sheriff he shall be allowed a compensation of ten per cent, of which the assessor shall be required to pay one-half of all over five per cent. The assessor shall be charged by the county court with all delinquents appearing in his said report, and likewise with all delinquents not reported by him, but afterward ascertained or reported by the sheriff, or ascertained in any other way, and credited with all collections on that account made and paid over by the sheriff, less two and one-half per cent to cover the sheriff's extra commission; he shall also be credited with such delinquencies as the county court shall be satisfied could not have been collected either by the assessor or the sheriff by the exercise of due diligence. And in case the sheriff shall fail to use due diligence in the ascertainment and collection of such delinquencies, he and his sureties on his offi-

cial bond shall be liable to the assessor for all damages sustained by him on that account. The assessor shall, in addition to other bonds required of him, give a bond in a penalty, to be fixed by the county court, of not less than four thousand dollars nor more than twenty thousand dollars, conditioned for the faithful performance of his duties under this act.

Who deemed owner of property for purposes of taxation.

Sec. 54. As to real property the person who by himself or his tenants has the freehold in his possession, whether in fee or for life, shall be deemed the owner for the purpose of taxation. A person who has made a mortgage or a deed of trust to secure a debt or liability shall be deemed the owner until the mortgagee or trustee takes possession, after which such mortgagee or trustee shall be deemed the owner. Personal property mortgaged or pledged shall, for the purpose of taxation, be deemed the property of the party who has the possession.

By whom property is to be listed.

Sec. 55. The property of every person shall be listed for taxation, and all necessary information concerning the same shall be furnished to the assessor on his application. Such list shall be made and information furnished:

(a) With respect to property of a minor, by his guardian, if he has one, and if he has none, by his father, if living, or if not, by his mother, if living, and if neither be living or be a resident of this state, by the person having charge of the property;

(b) with respect to the separate property of a married woman, by herself or her husband, in her name;

(c) with respect to the property of a husband, who is out of the state or incapable of listing such property, by his wife;

(d) with respect to the property held in trust, by the trustee, if in possession thereof, otherwise by the party for whose benefit it is held;

(e) with respect to the personal property of a deceased person, by the personal representative;

(f) with respect to the property of an insane person, or a person sentenced to confinement in the penitentiary, by his committee;

(g) with respect to the property of a company, whether incorporated or not, whose assets are in the hands of an agent, factor or re-

ceiver, by such agent, factor or receiver, otherwise by the president or proper accounting officer, partner or agent within the state;

(h) with respect to money, credits or investments, in the possession or under the charge of a receiver or commissioner, by such receiver or commissioner;

(i) with respect to money deposited to the credit of any suit, by the clerk of the court in which the suit was brought; and

(j) with respect to shares in a bank, trust company or national banking association, the capital of which is not assessed under section seventy-eight of this chapter, by the cashier, secretary or principal accounting officer of such bank, trust company or national banking association, as provided in said section seventy-eight.

Sec. 56. Every person required by law to list property on behalf of another shall list it separately from his own, designating the person, company, estate or trust to which it belongs.

Property exempt from taxation.

Sec. 57. All property, real or personal, described in this section, and to the extent herein limited, shall be exempt from taxation; that is to say: property belonging to the United States, or which, by the laws of the United States, is exempt from taxation by or under state authority; property belonging exclusively to the state; property belonging exclusively to any county, district, city, village or town in this state and used for public purposes; property used exclusively for divine worship, parsonages, and the household goods and furniture pertaining thereto; cemeteries, property belonging to colleges, academies and free schools, if used for educational, literary or scientific purposes, including books, apparatus, annuities, money and furniture; public and family libraries; property used for charitable purposes and not held or leased out for profit; property belonging to any public institution for the education of the deaf, dumb or blind, or to any hospital, house of refuge, lunatic or orphan asylum; homes for children or for the aged, friendless or infirm, not conducted for private profit; fire engines and implements for the extinguishing of fire and property used exclusively for the safe keeping thereof, and for the meetings of fire companies; but no property shall be exempt from taxation which shall have been purchased or procured for the purpose of evading taxation, whether temporarily holding the same over the first day of April or otherwise, whether same be in this state or elsewhere:

provided, however, that the property, both real and personal, which is exempt from taxation by this section shall be entered upon the assessors' books, together with the true and actual value thereof, but no taxes shall be levied upon the same or extended upon the assessors' books.

How land taken for road may be released from taxation.

Sec. 58. Any person through whose lands a public road has been or may hereafter be established according to law, or through whose lands a railroad company has acquired or may hereafter acquire a right-of-way, by purchase or condemnation, may have the number of acres so taken for such public road or railroad deducted from the whole number of acres in the tract of land, and if such deduction is made on account of land taken for a railroad, the amount so deducted shall be transferred and charged to the railroad company until such time as the railroad is constructed and assessed by the board of public works under the provisions of this chapter, and when the said railroad is so assessed by the board of public works, the land occupied by its right-of-way and assessed to it under the provisions of this section shall be stricken from the land books, and be no longer assessed under this section. The reduction, provided for in this section, shall be made only by the county court of the county wherein such land is assessed at the time the reduction is applied for, after ten days' notice in writing to the prosecuting attorney of such county and upon satisfactory proof of the number of acres in any such public road or railroad, and of the number of acres in the whole tract or tracts of land from which the deduction is desired to be made. If the reduction is made on account of land taken for a public road, such reduction shall continue only so long as the land is used as a public highway, after which time the officer, whose duty it is to make out the land book, shall increase the quantity of land in the tract by adding to it the number of acres included in that part of the public road running through said land, with the proper value thereof, which has ceased to be used as such public road. Any order made by the county court upon such application shall direct such officer to correct the land books according to the facts established by such order.

Capitation tax.

Sec. 59. Every assessor shall ascertain and list for taxation the

white male persons and colored male persons, over the age of twenty-one years, residing in the county on the first day of April, and not exempted by the county court from taxation on account of bodily infirmity, and shall include in the said list all persons who remove into the the said county between the first day of April and the time the assessors' books are made out; but persons who pay the capitation tax in one county shall be exonerated from paying the same in any other for that year.

Definition of certain words.

Sec. 60. The words "county court," as used in this chapter, shall be construed to include any tribunal constituted for police and fiscal purposes in lieu of a county court; and the clerk of such tribunal shall perform all the duties required of a clerk of a county court under any of the provisions of this chapter, and in counties where such tribunal exist, such clerk of the county court as is mentioned in section twenty-six of article eight of the constitution, as amended, shall perform all the other duties required of a clerk of a county court under this chapter. The word "person" shall include firms and companies, whether incorporated or not, unless such meaning be inconsistent with the context; and words importing residence shall, as applied to firms and companies, be regarded as designating the place where the principal office is, or if there be none such in this state, then where its principal business is transacted.

The word "assessor," when used in this chapter for the purpose of defining the powers, duties and liabilities of such officer, shall be understood to apply to and embrace his assistants, unless it clearly appear that the word is used in such a way as to mean the assessor only.

Sec. 61. The words "personal property," as used in this chapter, shall include all fixtures attached to land, if not included in the valuation of such land entered in the proper land book; all things of value, movable and tangible, which are the subjects of ownership; all chattels, real and personal; all money, credits and investments as defined in the following section. The word "land" or "lands" and words "real estate" or "real property" include lands, tenements and hereditaments, and all rights thereto and interests therein, except chattel interests and chattles real.

Sec. 62. The word "money" includes not only coin, but all notes, tokens or papers which circulate or are used in ordinary transactions

as money or currency, and deposits, which either in terms or effect are payable in money on demand. "Credits" includes all claims and demands whether owing upon bond, note, certificate, book account, or otherwise, and whether due or not, whether payable in money, property, labor or services, except only such demands as are included in the term "money," as above defined. "Investments" includes stocks, bonds and securities of the United States or of this state, or any other state, nation or government, or of any city, town, county, district, railroad or other corporation; and any share, portion, interest or stock in the capital, joint fund, assets or profits of any company, whether incorporated or not, or in a steam boat or other vessel, or in any adventure, business or undertaking.

What personal property is to be listed for taxation.

Sec. 63. All personal property belonging to persons residing in this state, whether such property be in or out of the state, and all personal property in the state, though owned by persons residing out of the state, shall be entered in the personal property book, and be subject to equal and uniform taxation, unless especially exempted by law; but personal property of all classes, except as hereinbefore provided, belonging to the residents of this state, which is actually and permanently located in another state, and by the laws of such other state is subject to taxation and is actually taxed in such other state, shall not be entered on the personal property book, or be taxed in this state. But the shares of capital stock owned by residents of this state in corporations actually located in other states, and whose property is taxed by the laws of such other state, shall not be required to be listed for taxation. All moneys belonging to citizens of this state, and loaned to any person out of the state, shall be subject to taxation the same as if loaned in this state.

In what district personal property is to be listed.

Sec. 64. Every person required by law to list personal property shall list for taxation the tangible personal property in the magisterial district wherein it is on the first day of April; and he shall list for taxation, in the magisterial district in which he resides, the money, credits and investments subject to taxation belonging to himself, or under his charge or control, whether the same, or the evidence thereof, be in or out of the state; but capital, money and intangible prop-

erty (except real estate) employed in any trade or business (other than agriculture) belonging to a company, whether it be incorporated or not, or to an individual, shall be assessed for taxation in the magisterial district where the principal office for the transaction of the financial concerns pertaining to such trade or business is located; or, if there be no such office, then in the district where the operations are carried on. Goods and chattels and other tangible personal property not exempt from taxation, which may not be assessed for taxation in the magisterial district where the same were on the first day of April, but which have been removed therefrom, shall be assessed in the magisterial district where the same were on said first day of April. But the assessment and payment of taxes in any county or district in any year shall exonerate the owner of such property in any other county or district for such year.

Valuations of credits and investments.

Sec. 65. The value of any credit, if the solvency of the party liable therefor be doubtful or if the claim be disputed, shall be estimated at its probable worth. If it be payable in anything but money, its probable value in money, to be fixed by the assessor, is to be listed. If a solvent credit bear interest which has not been paid, the amount of principal and interest, calculated up to the first day of April in the year for which the assessment is made, shall be listed; but if it do not bear interest, and be not due, the interest for the time it has to run from the said first day of April, until it will be due and payable, may be deducted. Investments shall be rated by the assessor at their market price, or if there be no known market price, then at their proper value, according to the rule prescribed in section twelve of this chapter.

Sec. 66. When the property, stock or capital of any company, whether incorporated or not, is assessed to such company, no person owning any share, portion or interest therein, shall be required to list the same, or be assessed with the valuation thereof.

Sec. 67. In listing money, credits or investments the person owning the same may have deducted therefrom the amount of the indebtedness which he owes to others as principal debtor, but not what he may be liable for as surety or endorser, unless the principal debtor is insolvent and the surety or endorser is not indemnified. But before such deduction shall be allowed the person desiring the same

shall be examined under oath as to each debt which he desires to have deducted, when payable and the amount thereof, including the interest to the first day of April of the current year. After such examination, if the assessor be satisfied that the debts so claimed are *bona fide* and correct in amount, he shall allow and deduct the amount of the same from the valuation of such debtor's money, credits and investments, but not from the valuation of any other kind of property, and shall extend the taxes upon the remainder of such money, credits and investments. If such indebtedness equals or exceeds in amount the money, credits and investments no taxes shall be extended on account of the same. The total valuation of money, credits and investments, after deducting therefrom the amount of such indebtedness, shall be placed in a column opposite the name of the owner thereof in the personal property book. If debts to be deducted are owing by such persons as co-obligor or joint indorser, with others who are solvent, he shall be allowed to deduct only so much of such debt as he may have to pay after his co-obligors or his co-sureties or joint indorsers shall have paid their proportion thereof. To the end that the assessor be enabled to make diligent and careful inquiry as to said debts, money, credits or investments, the justness and correctness thereof, he is hereby given the authority to administer oaths to any and all persons and examine them under oath as to any and all matters pertaining to a fair and full disclosure of the same. And any person who shall make a false statement, or shall state fictitious debts for the purpose of having the amount thereof deducted as herein provided for, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars.

List to be called for by the assessor.

Sec. 68. It shall be the duty of the assessor, as soon as possible after the first day of April in each year, to ascertain all personal property, and after the year 1908 all personal and real property, subject to taxation in the county, with the value thereof and name of the person to whom the same ought to be assessed, and to make proper entry thereof in the land book, or personal property book, as the case may be.

Sec. 69. To ascertain the same, the assessor and his assistants shall call upon every person in the respective magisterial districts allotted to them, who is required by law to list any such property, for a list and valuation thereof, and he may apply to any officer or agent of a com-

pany, or any person interested therein, and shall require every person to answer under oath such questions as he may ask him in relation to any matter about which the assessor is authorized to inquire. An assessor, or any of his assistants, failing to make any call and administer the oath required by this section shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars, one-half of which shall go to the informer.

Sec. 70. The assessor and his assistants shall deliver to every person in the respective magisterial districts allotted to them, not previously supplied with forms, as provided in section thirteen of this chapter, proper forms for the list and valuation of such personal property and real estate as he is required by law to list; and in order to enable them to do so, the state tax commissioner shall furnish the assessor with printed forms for the purpose. If any person be absent from his residence at the time the assessor or any of his assistants calls, and there be no person on the premises to act for him, forms shall be left for him with some member of his family over sixteen years of age, or if there be no such person on the premises, such forms shall be delivered to him as soon thereafter as possible, or the proper statements otherwise procured. To the form furnished to the assessor, by the state tax commissioner, shall be appended the form of the oath to be taken by the party who is required by law to make out such list.

Sec. 71. Every person so called upon shall, within ten days thereafter, deliver to the assessor or to one of his assistants, or leave for him with the clerk of the county court, a full and correct statement in the form prescribed, and delivered as aforesaid, of all real and personal property and persons, on account of which he is chargeable with taxes, or which by law he is required to list on behalf of another, with the valuation of the property mentioned in said statement. He shall also take and subscribe an oath to the following effect, viz:

“State of West Virginia, county of _____ ss:

“I, _____, do solemnly swear (or affirm) that to the best of my knowledge, information and belief, the foregoing statement contains a true, full and correct list of all property, real and personal, owned by _____ on the first day of April last; that where I have been unable to exhibit any class of property to the assessor, or to his assistant, such property has been fully and fairly described to him and its true condition represented; that I have in no case sought to mislead the assessor, or his assistant, as to the entire quantity, quality or value thereof; that I have reported all moneys and the value of all

credits and investments owned by _____ on said day and liable to taxation, except bonds of the United States, and except stocks in banks, trust companies and other incorporated companies whose property is assessed in the name of such corporation, either within or without this state; that since the first day of April of last year, no property belonging to _____ has been directly, or indirectly, converted temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind, and that I have, to the best of my knowledge and judgment, valued the said property, both real and personal, at its true and actual value on the said first day of April; by which I mean the price that could be obtained for said property at private and voluntary sale and on such terms as are usually employed in the selling of such property, and not the price which might be realized at a forced or auction sale; so help me, God.

“_____”

“Subscribed and sworn (or affirmed) to before me, this—day of _____, 19—.

“_____”

No such list shall be received by the assessor unless the same be so verified.

Sec. 72. Notwithstanding anything contained in this chapter to the contrary, any person may refuse to value any personal or real property listed by him if he exhibits the same to the assessor, who shall thereupon assess the value thereof. Any person so refusing to value the property listed by him shall take and subscribe an oath to the following effect, viz:

“State of West Virginia, county of — ss:

“I, _____, do solemnly swear (or affirm) that to the best of my knowledge, information and belief, the foregoing statement contains a true, full and correct list of all property, real and personal, owned by _____ on the first day of April last; that where I have been unable to exhibit any class of property to the assessor, or to his assistant, such property has been fully and fairly described to him and its true condition represented; that I have in no respect sought to mislead him as to the entire quantity, quality and value of property; that I have reported all moneys, credits and investments owned by _____ on said day and liable to taxation, except bonds of the United States, and except stocks in banks, trust companies and other incorporated companies whose property is assessed in the name

of such corporation, either within or without this state; that since the first day of April of last year no property belonging to _____ has to my knowledge, either directly or indirectly, been converted temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind; so help me, God.

“_____.”

“Subscribed and sworn (or affirmed) to before me this—day of _____, 19—.

“_____.”

No list shall be received by the assessor unless the same shall be verified by the oath of the person making the same, and any assessor who shall receive any such list not so verified, as required by law, shall forfeit not less than fifty nor more than two hundred dollars. Any person whose duty it is by law to list property for taxation and who shall refuse to verify such list, being called upon to do so, shall, in addition to any other penalty provided for such refusal, be denied the right to apply to any court to have the assessment and valuation of his property, which the assessor may make, changed in any manner: *provided*, that no person shall be required to furnish the list and value of his real estate, as above provided, before the year 1909; nor, in the year 1905, shall any such list state other than the fair cash value of said personal property, but it shall state its true and actual value in each year thereafter; and the form of oath in the two next preceding sections shall be modified according to this proviso.

Penalty for failure to list property correctly.

Sec. 73. If any person whose duty it is by law to list any real or personal property, being called upon by the assessor to do so, refuse to furnish a proper list thereof, or to make such oath as is required by this chapter; or if any person refuse to answer, or answer untruly, any question lawfully asked by the assessor, or fail or refuse to deliver any statement required by law, he shall forfeit not less than twenty-five nor more than one hundred dollars, and he shall be denied all remedy provided by law for the correction of any assessment made by the assessor. If any person fail to give a true list of all his property, which should be assessed, he shall, in addition, forfeit twenty per centum of the value of the property not listed and not otherwise taxed. Such forfeiture may be enforced for any such default oc-

curing in any year hereafter, not exceeding five prior to the time the same is discovered. Each failure to make a true list as herein required shall constitute a separate offence, and the forfeiture shall apply to each of them, but all such forfeitures to which the same person is liable shall be enforced in one proceeding against such person or his estate. It shall be the duty of the prosecuting attorney of the county in which the defaulting taxpayer resides, or in which the property which should have been listed is located, to enforce the collection of the same in the name of the state of West Virginia against the defaulting taxpayer, or his personal representative, in the circuit court, upon motion, whereof the defendant shall have at least twenty days' notice. Either party shall have the right to have the issue tried by a jury, and the state, as well as the defendant, shall have the right to an appeal. The prosecuting attorney shall receive ten per centum of the amount received as his compensation, and an attorney's fee of ten dollars, to be taxed as a part of the cost against the defendant, in the event a judgment is recovered against him; the residue collected on said judgment he shall turn over to the sheriff and take his receipt for the same. The sheriff shall apportion said fund among the state, county, district and municipalities which would have been entitled to the tax on said property if it had been assessed, in the proportion that the rate of taxation for each purpose, for the current year, bears to the sum of the rates for all purposes. The return of the assessor showing that any person is the owner of any amount of property liable to taxation shall be *prima facie* evidence that such taxpayer was called upon by the assessor to list his property. And when the list of property returned by the appraisers of the estate of any deceased person shows an amount greater in value than the last assessment list of such deceased person next preceding the appraisement of his estate, it shall be *prima facie* evidence that such deceased person returned an imperfect list of his property: *provided, however*, that any one liable for the tax, or his personal representative, may always be permitted to prove by competent evidence that the discrepancy, between said assessment list and the appraisement of the estate, is caused by a difference in valuation returned by the assessor and that made by the appraisers of the same property; or that any property enumerated in the appraisers list had been otherwise listed for taxation, or that it was not liable to taxation. Any judgment recovered under this section shall be a lien, from the time of the service of notice, upon all the real estate and personal estate

of such defaulting taxpayer, owned at the time or subsequently acquired, in preference to any other lien.

Sec. 74. If any person fail to furnish a proper list, or if the list furnished be, in the judgment of the assessor, incomplete or erroneous in any respect, the assessor shall proceed to list the property and assess its value, or to supply the omission and correct the errors, upon the best information he can obtain, and for that purpose the assessor may call upon any officer of the state, county or district for such proper information as it may be in his power to give, and may require any person having possession, charge or control of any personal property in the county, to permit him to examine the same in order that a fair valuation thereof may be made, and if any person refuse to do so, he shall forfeit not less than ten nor more than fifty dollars.

Sec. 75. Nothing in this chapter contained shall be construed to require any person to furnish, or the assessor to take, a list of the several articles of such person's household and kitchen furniture, except those specified in section one hundred and eight of this chapter.

Toll bridges and ferries.

Sec. 76. The assessor shall, after the year 1908, upon the best information he can obtain, ascertain for the purposes of taxation the annual value of all ferries and toll bridges, other than railroad bridges upon which a separate toll or fare is charged, located in his county, except such as are by law exempt from taxation. He shall value such bridge or ferry each year at ten times its annual value, and enter the same in the land book in the name of the owner in the magisterial district wherein the same is located. If such bridge or ferry is on a line dividing two counties, or two districts of the same county, one-half of the value so ascertained shall be assessed in each county or district, as the case may be.

Certain incorporated companies.

Sec. 77. Each incorporated company having its principal office or chief place of business in this state, except railroad, foreign insurance, telegraph and express companies, telephone companies, pipe line, car line companies and banks and trust companies, shall annually, between the first day of April and the first day of June, make a written report, verified by the oath of the president or chief accounting officer,

to the assessor of the county in which its principal office or chief place of business is situated, showing the following items, viz:

- (a) The amount of capital authorized to be employed by it;
- (b) the amount of cash capital paid on each share of stock;
- (c) the amount of money in hand, or on deposit anywhere subject to its check or draft, on the first day of April of the current year;
- (d) the amount of credits and investments, other than its own capital stock held by it on said date, with their true and actual value;
- (e) the quantity, location and true and actual value of all of its real estate, and the magisterial district or districts in which it is located;
- (f) the kinds, quantity and true and actual value of all its tangible personal property in each magisterial district in which it is located.

And in case such company desires to have its indebtedness deducted from its money, credits and investments, as hereinbefore provided, it shall also include in said report: —

(g) An itemized statement, such as is provided for in section sixty-seven of this chapter, and all of the provisions of said section sixty-seven shall apply to said statement, so far as they are applicable; which statement shall be verified by the oath of the president or chief accounting officer of such company, substantially in the form required for individuals in said section sixty-seven.

Any incorporated company failing to make the report required by this section within the time specified shall forfeit one hundred dollars, and shall, in addition thereto, be liable for the tax assessed upon its property at a valuation thereof to be fixed by the assessor, according to the best information he can obtain from other sources.

The oath required by this section shall be substantially as follows, viz:

“State of West Virginia, county of _____ ss:”

“I, _____, president (treasurer or manager) of (here insert name of corporation), do solemnly swear (or affirm) that the foregoing is, to the best of my knowledge and judgment, true in all respects; that it contains a statement of all the real estate and personal property, including moneys, credits and investments belonging to said corporation; that the valuation affixed to such property is, in my opinion, its true and actual value, by which I mean the price at which it would sell if voluntarily offered for sale on such terms as are usually employed in selling such property, and not the price which might be realized at a forced or auction sale; and that said corporation has not,

to my knowledge, since the first day of April last, converted any of its assets into non-taxable securities for the purpose of evading the assessment of taxes thereon; so help me, God.

“_____”

The officer administering said oath shall append thereto the following certificate, viz:

“Subscribed and sworn to before me by _____ this ____ day of _____, 19_____

“_____”

Provided, that no such company shall be required to furnish the list and value of its real estate, as above provided, before the year 1909; nor, in the year 1905, shall such list state other than the fair cash value of such personal property, but it shall state its true and actual value in each year thereafter; and the form of oath in this section shall be modified according to this proviso.

Sec. 78. Upon receiving the verified report required by the preceding section, the assessor, if satisfied with the correctness thereof, shall assess the value of all the property of such corporation liable to taxation, and enter the same as follows, viz: All the property in item (e) shall be entered with its valuation in the land books of the county, and in the magisterial district in which the real estate is situated; all property mentioned in items (c) and (d) shall, together with their valuation, be entered in the personal property book of the county, and in the magisterial district wherein is the principal office or chief place of business of such corporation, under the appropriate heads; and all property mentioned in item (f) shall, together with its valuation, be entered in the personal property book of the county, and in the magisterial district wherein said property is on the first day of April. The property mentioned in items (c), (d), (e) and (f) shall constitute all the property on which any such corporation shall be liable to pay taxes. If a company have branches, each branch shall be assessed separately in the county and magisterial district where its principal office for transacting its financial concerns is located; or if there be no such office, then in the magisterial district where its operations are carried on. All locks and dams of navigation companies shall be assessed and taxed as real estate in the county and magisterial district wherein they are situated; and in case such locks and dams are located on any creek or river which is the dividing line between counties, or the dividing line between magisterial districts of the same county, one-half of the value thereof shall be assessed in each

of said counties or magisterial districts as the case may be. When the property of an incorporated company is assessed as aforesaid, no individual shareholder therein shall be required to list or be assessed with his share, portion or interest in the capital stock of such corporation.

Banks and trust companies and how assessed.

Sec. 79. The shares of stock in a bank, trust company or national banking association, shall be assessed at their true and actual value, according to the rule prescribed in section twelve of this chapter, to the several holders of such stock in the county, district and town where such bank, company or association, is located, and not elsewhere, whether such holders reside there or not. The real and actual value of such shares shall be ascertained according to the best information which the assessor may be able to obtain, whether from any return made by such bank, company or association to any officer of the state or United States, from actual sales of the stock, from answers to questions by the assessor as hereinafter provided, or from other trustworthy sources. The cashier, secretary or principal accounting officer, of every such bank, company or association, shall cause to be kept a correct list of the names and residences of all the shareholders therein, and the number of shares held by each, which list shall be open to the inspection of the assessors of the county, and of the state tax commissioner; and such cashier, secretary or officer shall answer under oath such questions as the assessor may ask him concerning the matters shown by said list, and concerning the value of said shares, and shall be subject to the same penalties, for failure to do so, which are imposed by law upon individuals failing to answer questions which the assessor is authorized to ask. The taxes so assessed upon the shares of any such bank, company or association shall be paid by the cashier, secretary or proper accounting officer thereof, and in the same manner and at the same time as other taxes are required to be paid in such county, district and town. In default of such payment such cashier, secretary or accounting officer as well as such bank, company or association, shall be liable for such taxes, and, in addition, for a sum equal to ten per centum of the amount thereof. Any taxes so paid upon any such share may, with interest thereon, be recovered from the owners thereof by the bank, company, association or officer paying them, or may be deducted from the dividends accruing on such shares. The real estate of any such bank,

company or association shall be assessed as in other cases, and a proportionate share of such assessed value shall be deducted in ascertaining the market value of the shares. Notwithstanding anything hereinbefore provided for, any such bank, company or association may have its capital stock assessed and may pay taxes thereon as hereinafter provided, and in that case the shares of its capital stock shall not be assessed for taxation. In such case the bank, company or association electing to have its capital stock assessed shall list the same for taxation, within the time prescribed as to other taxpayers, which list shall be made as of the first day of April, and shall be in the form used in making reports to the comptroller of the currency of the United States, or the state commissioner of banking, as the case may be. It shall be verified by the oath or affirmation of the president, cashier or secretary of such bank, company or association, and be attested by the signature of at least three of the directors. Such report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the bank at the close of business on the thirty-first day of March previous. It shall especially show as of that date, the amount of the capital, surplus and undivided profits, the value of any real estate, and the amount and value of any property exempt from taxation, which property claimed to be so exempt shall be specifically described. Upon consideration of the matters shown by such list, and of any former or other return or report made by such bank to the comptroller of currency of the United States, or the commissioner of banking in this state, and of any other information he may obtain upon the subject, the assessor shall fix the value of said capital, surplus and undivided profits, after deducting the value of such real estate and property exempt from taxation, and enter the same in his personal property book. If the capital stock of such bank, company or association is thus assessed, its real estate shall be assessed and entered in the land books as in other cases. No property shall be considered as exempt from taxation which shall have been purchased or procured for the purpose of evading taxation, whether by temporarily holding the same over the first of April or otherwise, and whether the same be in this state or elsewhere.

Capital used in trade or business by merchants and other individuals or firms.

Sec. 80. The value of the capital used by any individual or firm

not incorporated, in any trade or business taxable by law, shall be ascertained in the following manner: The owner, agent or chief accountant of every such trade or business, except the business of agriculture, carried on in any county of the state, shall annually, between the first day of April and the first day of June of the current year, make a written report, as of the first day of April, to the assessor, verified by his affidavit, showing the following matters and things, viz:

(a) The amount and the true and actual value of all tangible personal property used in connection with such trade or business, otherwise than such as is regularly kept for sale therein, including chattels real;

(b) the true and actual value of all goods and property kept for sale and remaining unsold;

(c) the amount of all money derived from or belonging to such trade or business, on hand or remaining uninvested on that day, whether in or out of the state, payable to such individual or firm;

(d) the amount in value of all credits arising out of such business and remaining unpaid on that day, whether due or not and whether in or out of the state;

(e) the amount and true and actual value of all investments made by such person or firm whether in or out of the state, other than those hereinbefore specified;

(f) the location, quantity, and the true and actual value of all real estate owned by such individual or firm and used in such trade or business.

And in case such individual or firm desires to have indebtedness deducted from money, credits and investments it shall also include in said reports:

(g) An itemized statement such as is provided for in section sixty-seven of this chapter, and all the provisions of said section sixty-seven shall apply to said statement so far as they are applicable; which statement shall be verified by such owner, agent or chief accountant substantially in the form required for individuals in said section sixty-seven.

The assessor shall upon receipt of such report properly verified, if he is satisfied with the correctness thereof, enter the real estate in the land book of the county in the district wherein the same is situated, and assess the same with taxes, if not otherwise assessed, to the owner thereof. The personal property mentioned in said report he shall en-

ter in the personal property book of his county and assess with taxes as follows, viz: Items (a) and (b) shall be entered in the magisterial districts where they are for the greater part of the year kept or located; and items (c) and (d), (e) and (g) shall be entered, under their appropriate headings, in the town or magisterial district wherein is the principal place of business of said individual or firm. If the assessor is not satisfied with the correctness of said report, he may proceed to ascertain a correct list of the property on which such individual or firm is liable to be assessed with taxes, and to value the same as in other cases. The person making said report shall take and subscribe an oath in substantially the following form, viz:

"State of West Virginia, county of _____ ss:

"I, _____, do solemnly swear (or affirm) that the foregoing list is true and correct to the best of my knowledge; that the value affixed to the property therein listed I believe to be the true and actual value thereof, by which I mean the price at which said property would sell if voluntarily sold on such terms as are usually employed in the sale of such property, and not the price which might be obtained if sold at a forced or auction sale; that none of the assets belonging to (here state the name of individual or firm) and used in the business of (here describe the business) have to my knowledge, since the first day of April of last year, been converted into non-taxable securities for the purpose of evading the assessment of taxes thereon; so help me, God.

"_____."

The officer administering said oath shall append thereto the following certificate, viz:

"Subscribed and sworn to before me by (here insert affiant's name) this _____ day of _____, 19—."

"_____."

Provided, that no such individual or firm shall be required to furnish the list and value of its real estate, as above provided, before the year 1909; nor, in the year 1905, shall such list state other than the fair cash value of said personal property, but it shall state its true and actual value in each year thereafter; and the form of oath in this section shall be modified according to this proviso.

Sec. 81. Any such person or firm, as is mentioned in the preceding section, desiring to commence business after the first day of April in any year shall give notice thereof to the assessor of the proper county, accompanied with a sworn statement of the amount of capital in-

vested or intended to be invested by such person or firm in such trade or business during the remainder of the year. It shall be the duty of the assessor, upon receipt thereof, to enter the same in his personal property book under the appropriate heading, and extend the taxes to be paid thereon. But if at the time of receiving such sworn statement his personal property book shall have been completed and certified he shall enter the amount of such capital in a supplement to the copy of his personal property book, to be retained by him, and extend the taxes thereon. He shall also certify such entry to the auditor and the clerk of the county court, whose duty it shall be to make a like entry thereof in a supplement to the copies of the personal property book filed in their respective offices. When any personal property employed in any trade or business is assessed under the provisions of this and the preceding section, the owner shall not be required to list the same otherwise, nor shall it be otherwise assessed to him. All personal as well as real property, not so assessed to such person or firm, shall be assessed as other like property is required by law to be assessed.

Transient persons—how assessed.

Sec. 82. Any transient person desiring to offer or furnish for sale, either by auction or otherwise, any goods or merchandise not assessed for the purpose of taxation in any county in this state, as provided by the preceding section, shall apply to the assessor of the county in which such goods or merchandise is about to be offered or furnished for sale, and have the value thereof ascertained and assessed with taxes, as like property is valued and assessed, and shall, before selling any of such goods or merchandise, pay to said assessor the taxes levied for the current year. If at the time of such valuation and payment of taxes the levies for the current year shall not have been ascertained, the assessor shall assess such valuation according to the rate of taxation levied for the previous assessment year, for all purposes for which said goods or merchandise is liable to be assessed for the current year, in the place where they are to be offered or furnished for sale. If the amount thus ascertained and paid is afterward ascertained to be in excess of the taxes levied for the current year he shall have such excess refunded to him. The assessor shall at the time he so values such goods or merchandise and collects the taxes thereon, if his personal property book has not been completed and certified, enter such valuation therein, under the appropriate heading in the name of the owner

of such goods or merchandise. If at the time of such valuation and collection of taxes thereon said personal property book shall have been completed and certified, he shall enter the same in the supplement to the copy of such book retained by him, and in either event he shall furnish to the auditor and to the clerk of the county court, respectively, certificates of such valuation and of the amount of taxes collected thereon by him. The auditor and said clerk shall preserve such certificates in their respective offices, and, if the entry of such valuation and assessment of taxes thereon shall not have been made in the personal property book before copies thereof have been certified, they shall also enter the amount of such valuation so certified to them in the supplements to their respective copies of said personal property book. The assessor shall deliver to such person a receipt for the amount of taxes paid by him, stating therein the character of the goods or merchandise on which said taxes were paid, the value assessed thereon, and the amount of taxes and the year for which the same were paid. Such receipt shall be signed by the assessor and attested by the clerk of the county court, and when so signed and attested shall operate as a discharge to such person holding the same from any further liability for taxes in any county of the state on account of such goods or merchandise for that year; but it shall not relieve him from all liability for taxes on account of goods or merchandise which he has not reported to the assessor to be valued, and on which he has not paid the taxes as herein provided. The assessor shall report to the clerk of the county court all taxes collected by him, under this and the preceding section, upon property assessed by him after he has completed and certified his personal property book, and it shall be the duty of said clerk to charge the same against him in the supplement to the personal property book filed with such clerk. Any such person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined not less than fifty nor more than five hundred dollars. The assessor shall apportion the taxes collected by him under the provisions of this section, and shall account therefor to the county, district and municipality entitled thereto, according to the rate levied for the current year for each of them. Any assessor who shall fail to perform the duty required of him by this section shall forfeit not less than twenty-five nor more than one hundred dollars. If he shall fail to account for any taxes collected by him under the provisions of this and the preceding section he shall be guilty of embezzlement, and shall, in addition to the foregoing penalty, be punished therefor according to law.

Receivers, commissioners and clerks of courts.

Sec. 83. The assessor shall ascertain from each person in his county, who acts under the order of any court as receiver or commissioner, the amount of all moneys and bonds, or other evidence of debt, under his control, and the style of the suit to which such fund belongs, and, from the clerk of such court, the amount deposited by order of such court in any bank or savings institution to the credit of any suit in such court, and the style of such suit.

Assessment of railroads, car lines, express companies, telegraph and telephone lines and pipe lines.

Sec. 84. On or before the first day of April in each year a return in writing to the board of public works shall be delivered to the state tax commissioner by the owner or operator of every railroad, wholly or in part within this state; by the owner or operator of every railroad bridge upon which a separate toll or fare is charged; by the owner or operator of every car or line of cars used upon any railroad within the state for transportation or accommodation of freight or passengers, other than such owners or operators as may own or operate a railroad within the state; by the owner or operator of every express company or express line, wholly or in part within this state, used for the transportation by steam or otherwise of freight and other articles of commerce; by the owner or operator of every pipe line, wholly or in part within this state, used for the transportation of oil or gas, whether such oil or gas be owned by such owner or operator or not, or for the transmission of electrical or other power, or the transmission of steam or heat and power or of articles by pneumatic or other power; and by the owner or operator of every telegraph or telephone line, wholly or in part within this state, except private lines not operated for a compensation. The words "owner or operator," as applied herein to railroad companies, shall include every railroad company incorporated by or under the laws of this state for the purpose of constructing and operating a railroad, or of operating part of a railroad within this state, whether such railroad or any part of it be in operation or not; and shall also include every other railroad company, or persons or associations of persons, owning or operating a railroad or part of a railroad in this state on which freight or passengers, or both, are carried for compensation. The word "railroad" as used herein

includes every street, city, suburban or electric or other railroad, or railway. The words "owner or operator," as applied herein to express companies, shall include every express company incorporated by or under the laws of this state, or doing business in this state, whether incorporated or not, and any person or association of persons, owning or operating any express company or express line upon any railroad or otherwise, doing business partly or wholly within this state. Such return shall be signed and sworn to by such owner or operator if a natural person, or, if such owner operator shall be a corporation, shall be signed and sworn to by its president, vice-president, secretary or principal accounting officer, and shall show in detail particulars as hereinafter set forth, for the year ending on the thirty-first day of December, next preceding.

Sec. 85. In the case of a railroad, such return shall show for every such owner or operator:

(a) The whole number of miles of railroad owned, leased or operated within this state;

(b) if such railroad be partly within and partly without this state, the whole number of miles within this state, and the whole number of miles without the same, including its branches in and out of the state;

(c) the railroad track in each county in this state through which it runs; giving the whole number of miles of road in the county, including the track and its branches and side and second tracks, switches and turnouts therein, and the true and actual value per mile of such railroad in each county, stating the valuation of main track, second main track, branches, sidings, switches and turnouts separately;

(d) all rolling stock owned, leased or operated, showing in separate classes: (1) The rolling stock owned; (2) the rolling stock leased or held under any conditional sale or other contract, giving such owner or operator the possession or control thereof; (3) the rolling stock used upon the line of such owner or operator, but owned by other railroad companies not owning or operating a railroad wholly or in part within this state; and (4) the rolling stock used upon such line, but owned, held or operated by corporations or companies not railroad companies, or by individuals, and for each of said classes giving a detailed statement of the number and ownership of engines, car lines and cars, including passenger, mail, express, baggage, freight, sleeping, dining, parlor, refrigerator, stock and other cars of every description, and the names and addresses of the owners,

and the true and actual value of all such cars used wholly or in part in this state, distinguishing between those used wholly in this state and those used partly within and partly without the state; the whole number of engines, including their appendages, used wholly or in part within this state, distinguishing between those used wholly within this state and those used partly within and partly without the same, and the true and actual value of those used wholly within the state and those used partly within and partly without the state; and the proportional value of cars and engines used partly within and partly without the state, according to the time used and the number of miles run by such cars and engines in and out of the state; and the proportional value thereof in each county in this state within which such railroad runs;

(e) the depots, station houses, section houses, freight houses, machine and repair shops and machinery therein, and all other buildings, structures and appendages connected thereto or used therewith, including tool houses and the tools usually kept therein, together with all other real estate, other than railroad track, owned or used in connection with the railroad, and not otherwise taxed, including telegraph and telephone lines owned or used, and the true and actual value of all buildings and structures, and all such machinery and appendages, and each parcel of such real estate, including such telegraph or telephone lines, and the true and actual value thereof in each county in this state in which it is located;

(f) personal property, of every kind whatsoever, including money, credits and investments wholly held or used in this state, showing the amount and value thereof in each county;

(g) an itemized list of all other real property, with the location thereof, which list shall show as to each parcel whether it is assessed for taxation, and if so, by what officer or authority;

(h) the capital actually employed; the total amount of bonded indebtedness, and of indebtedness not bonded; gross earnings for the year, including earnings from telegraph lines, which shall be stated separately, on the whole length of road, including the branches thereof, in and out of the state, and also such earnings within the state on way freight and passengers, and the proportion of such earnings in this state on through freight and passengers carried over lines in and out of the state, to be ascertained by the number of miles the same was carried within and the number of miles without the state; and, if such owner or operator be a corporation, its actual capital stock,

and the number, character, amount and market value of the shares thereof, and the amount of capital stock actually paid in;

(i) gross expenditures for the year, giving a detailed statement thereof under each class or head of expenditures.

Sec. 86. In the case of a railroad bridge upon which a separate toll or fare is charged, such return shall show:

(a) The location of the same;

(b) what railroads use it;

(c) the length of such bridge and the number of tracks on it;

(d) all other property owned by such owner or operator and used in connection with said bridge;

(e) the capital actually invested; the total amount of bonded indebtedness and of indebtedness not bonded; gross earnings for the year from all sources;

(f) gross expenditures for the year, giving a detailed statement thereof under each class or head of expenditure.

Sec. 87. In the case of car lines used for the transportation or accommodation of passengers or freight by owners or operators, other than railroad companies making their return under this law, such return shall show for every such owner or operator:

(a) All cars and other rolling stock, giving a detailed statement of the number of cars, including passenger, mail, express, baggage, freight, sleeping, dining, parlor, refrigerator, stock or other cars of every description, and the true and actual value of all such cars used wholly or in part in this state, distinguishing between those used wholly in this state and those used partly within and partly without the state, and the true and actual value of those used wholly within the state and those used partly within and partly without the state, and the proportional value of such cars used partly within and partly without the state, according to the time used and the number of miles run by such cars in and out of the state, the railroad over which they were run, and the proportional value in each county within this state within which such cars were run; but in any case where it may appear to the board of public works that from the nature of the employment of such cars, or otherwise, it is not practicable to show the matters hereinbefore required in this section as to the cars used in this state, and the proportional value of the cars used partly within and partly without this state and each county thereof, the board may, as to such matters, accept such other information as it may be practi-

cable to obtain, or in its discretion the board may dispense with such showing as to any such matter;

(b) real and personal property of every kind, whatever, including money, credits and investments, and the amount thereof, wholly held or used in this state, showing the amount and the true and actual value in each county;

(c) the actual capital employed in the business of such owner or operator, the total amount of bonded indebtedness with respect to such line, and of indebtedness not bonded; the whole length of the several lines of railroad over which such cars run, including branches and connecting lines in and out of the state; and, if such owner or operator be a corporation, its actual capital stock and the number, character, amount and market value of the shares thereof, and the amount of capital stock actually paid in; its bonded indebtedness and its indebtedness not bonded. The board of public works shall have the right to require any such owner or operator to furnish such other and further information as, in the judgment of the board, may be of use to it in determining the true and actual value of the property to be assessed to such owner or operator.

Sec. 88. In the case of a pipe line, such return shall show for each owner or operator:

(a) The number of miles of pipe line owned, leased or operated within this state, the size or sizes of the pipe composing such line, and the material of which such pipe is made;

(b) if such pipe line be partly within and partly without this state, the whole number of miles thereof within this state and the whole number of miles without this state, including all branches and connecting lines in and out of the state;

(c) the length, size and true and actual value of such pipe line in each county of this state, including in such valuation the main line, branches and connecting lines, and stating the different values of the pipe separately;

(d) its pumping stations, machine and repair shops and machinery therein, tanks, storage tanks and all other buildings, structures and appendages connected or used therewith, together with all real estate, other than its pipe line, owned or used by it in connection with its pipe line, including telegraph and telephone wires, and the true and actual value all such buildings, structures, machinery and appendages and of each parcel of such real estate, including such telegraph and telephone lines, and the true and actual value thereof in each county in

this state in which it is located; and the number and value of all tank cars, tanks, barges, boats and barrels;

(e) its personal property of every kind whatsoever, including money, credits and investments, and the amount thereof wholly held or used in this state, showing the amount and value thereof in each county;

(f) an itemized list of all other real property within this state, with the location thereof;

(g) the actual capital employed in the business of such owner or operator, the total amount of the bonded indebtedness of such owner or operator with respect to such line, and of indebtedness not bonded; and, if such owner or operator be a corporation, its capital stock, the character, number and amount and the market value of the shares thereof, and the amount of capital stock actually paid in; its bonded indebtedness and its indebtedness not bonded. The board of public works shall have the right to require such owner or operator to furnish such other and further information as, in the judgment of the board, may be of use in determining the true and actual value of the property to be assessed to such owner or operator.

Sec. 88a. In case of an express company or express line, such report shall show for every such owner or operator:

(a) The whole number of miles of railroad over which such express company operates its cars within this state;

(b) if such railroad be partly within and partly without this state, the whole number of miles of such railroad over which such express company runs its cars within this state, and the whole number of miles without the same, including its branches in and out of this state;

(c) the whole number of miles of railroad in each county in this state over which such express company runs its cars;

(d) the whole number of cars used or run by it within the limits of this state;

(e) the gross and net earnings of such express company wherever its business is carried on, and the gross and net earnings within the limits of this state;

(f) the personal property of every kind whatsoever, including the number of horses, drays, wagons, carts, money, credits and investments wholly held or used in this state, showing the amount and value thereof in each county;

(g) an itemized list of all its real property, with the location

thereof; which list shall show, as to each parcel, whether it is assessed for taxation, and if so, by what officer or authority;

(*h*) the capital actually employed and the amount of indebtedness; and, if such owner or operator be a corporation, its actual capital stock, and number, character, amount and market value of the shares thereof, and the amount of capital stock actually paid in;

(*i*) the gross expenditures for each year, giving a detailed statement thereof under each class or head of expenditure.

Sec. 89. In the case of a telegraph or telephone line, such report shall show for every such owner or operator:

(*a*) The number of lines owned, leased or operated within this state, the gauge of the wire, the number of strands of wire, the material of which it is made, and, as accurately as may be, the time when the line or any material part thereof was constructed or last replaced;

(*b*) if such lines be partly within and partly without the state, the whole number of miles thereof within this state and the whole number of miles without this state, including all branches and connecting lines in and out of the state;

(*c*) the true and actual value per mile of such line in each county of this state;

(*d*) its stations, shops and machinery therein, and all buildings, structures and appendages connected or used therewith, together with all real estate, other than its telegraph or telephone line, owned or used by it in connection with its line, and of each parcel of such real estate and the true and actual value thereof in each county in this state in which it is located;

(*e*) its personal property of every kind whatsoever, including money, credits and investments, and the amount thereof wholly held or used in this state, showing the amount and value thereof in each county;

(*f*) an itemized list of all other real property within this state, with the location thereof;

(*g*) the actual capital employed in the business of such owner or operator, the total amount of the bonded indebtedness of such owner or operator, with respect to such line, and of all indebtedness not bonded; and, if such owner or operator be a corporation, its capital stock, the character, number, amount and the market value of the shares thereof, and the amount of capital stock actu-

ally paid in; its bonded indebtedness and its indebtedness not bonded.

The board of public works shall have the right to require any such owner or operator to furnish such other and further information as, in the judgment of the board, may be of use to it in determining the true and actual value of the property to be assessed to such owner or operator.

Sec. 90. All returns to be made to the board of public works, under this chapter, shall be made in conformity with any reasonable requirement of the board of which the person making the return shall have had notice, and shall be made upon forms which may be furnished by the board, and according to instructions which the board may give relating thereto, and to the description and itemizing of the property. And such owner or operator, whether a natural person, or a corporation or company, failing to make such return as herein required shall be guilty of a misdemeanor, and fined one thousand dollars for each month such failure continues.

Sec. 91. If any owner or operator fail to make such return, in the time or manner hereby required, it shall be the duty of the state tax commissioner to take such steps as may be necessary to compel the making of such return, and to enforce any and all penalties imposed by law for such failure. The returns delivered to the state tax commissioner shall be examined by him, and if any be found insufficient in form or in any respect defective, imperfect or not in compliance with law, he shall compel the person required to make it to do so in proper and sufficient form, and in all respects as required by law. The state tax commissioner shall arrange, collate and tabulate such returns so that they may be conveniently considered and disposed of by the board and shall then, as soon as practicable, lay them before the board of public works. If such return be satisfactory to the board it shall approve the same, and, by an order entered upon its records, direct the auditor to assess the property of such owner or operator with taxes; and he shall thereupon assess the same as hereinafter provided. But if such return be not satisfactory to the board, or if any such owner or operator fail to make such return as herein required, said board of public works shall proceed, in such manner as to it may seem best, to obtain the facts and information required to be furnished by such returns; and to this end the said board may send for persons and papers, and may compel the attendance of any person and the

production of any paper necessary, in the opinion of said board, to enable it to obtain the information desired for the proper discharge of its duties under this section. Any expenses necessarily incurred by said board in procuring such information shall be paid by the governor out of the contingent fund.

Sec. 92. If any person shall refuse to appear before said board when required by it to do so, as aforesaid, or shall refuse to testify before said board in regard to any matter as to which said board may require him to testify, or if any person shall refuse to produce any paper in his possession or under his control, which said board may require him to produce; every such person shall be guilty of a misdemeanor and fined five hundred dollars, and may be imprisoned not less than one nor more than six months, at the discretion of the court.

Sec. 93. As soon as possible after the board of public works shall have procured the necessary information to enable it to do so, and at the latest before the first day of June, said board shall proceed to assess and fix the true and actual value of all property of said owner or operator hereinbefore required to be returned, so far as the said board has been able to ascertain the same, in each county through which the railroad, car line, cars, express, telegraph, telephone, or pipe line of any such owner or operator runs, and in which any property to be assessed is. In ascertaining such value the board shall consider the return, if any, made by the owner or operator, and any return which may have been previously made by such owner or operator, and all the evidence and information it has been able to procure by the means aforesaid, and such as may be offered by such owner or operator. When the board of public works has assessed any property hereby required to be returned, and has determined the valuation thereof, such assessment and valuation shall be entered of record in the book of minutes of its proceedings, and shall be certified by the secretary of the board to the auditor. Nothing in this chapter contained shall be construed to require the assessment of any part of the railroad, telegraph, telephone or pipe line until such part is so far completed as to be fit for use. As soon as such assessment is made, the secretary of the board shall notify the owner or operator affected thereby of the amount thereof by written notice deposited in the postoffice, addressed to such owner or operator at the principal office or place of business of such owner or operator. Such assessment and valuation shall be final and

conclusive, unless the same be appealed from in the manner following, within thirty days after such notice is so deposited.

Sec. 94. Any owner or operator claiming to be aggrieved by any such decision may, within the time aforesaid, apply by petition in writing to the circuit court of any county, in which any part of the property so assessed is situated, for an appeal from the assessment and valuation so made, as far as it relates to property in such county; and such appeal shall forthwith be allowed by such circuit court, and shall be entitled to precedence over all cases on the docket of such court and be heard as soon as possible after such appeal is docketed; but notice in writing of such hearing must be given to the prosecuting attorney of such county, and to the state tax commissioner, at least ten days beforehand. Upon such hearing the court shall hear all such legal evidence as shall be offered on behalf of the state or any county, district or municipal corporation interested, or on behalf of the appealing owner or operator. If the court be satisfied that the value so fixed by the board of public works is correct, it shall confirm the same, but if it be satisfied that the value so fixed by said board is either too high or too low, the court shall correct the valuation so made and ascertained and fix the true and actual value of such property according to the facts proved, and shall certify such value to the auditor and to the secretary of the board of public works.

Sec. 95. In case the list and valuation of the property filed with the auditor, as aforesaid, be satisfactory to the board of public works, or in case assessment of the property of such owner or operator is made by the board of public works as aforesaid, the auditor shall immediately certify to the county court of each county, in which any part of the property lies, the value of the property therein of every such owner or operator as valued or assessed as aforesaid, and it shall be the duty of such court to apportion the whole of such value between the districts and independent school districts in their county in which any part of said property is situated, according to the value thereof, as near as may be, and then a proportional valuation to each municipal corporation in their county, in which any part of said property is situated, according to the value thereof, or as near as may be.

Sec. 96. The clerk of the county court of every county in which any property lies which was so assessed shall, within thirty days after the county and district levies are laid by such court, certify to the

auditor the apportionment made by the county court, as aforesaid, and the amount levied upon each one hundred dollars value of the property in the county for county purposes, and on each one hundred dollars of the value of the property in each magisterial district for district purposes. It shall be the duty of the secretary of the board of education of every school district and independent district in which any part of the property lies, within thirty days after the levy is laid therein for free school and building purposes, or either, to certify to the auditor the amount so levied on each one hundred dollars value of the property therein for each of said purposes; and it shall be the duty of the recorder, clerk, or other recording officer of every municipal corporation in which any part of the property lies, within the same time, after a levy is laid therein for any of the purposes authorized by law, to certify to the auditor the amount levied upon each one hundred dollars value of the property therein for each and every purpose.

Sec. 97. Any clerk of a county court, secretary of the board of education, or recorder, clerk or other recording officer of a municipal corporation, who shall fail to perform any of the duties herein required of him shall be guilty of a misdemeanor, and fined not less than one hundred nor more than five hundred dollars. In case of the failure of any such officers to furnish to the auditor the certificate herein required, the auditor may obtain the rate of taxation for any of said purposes from the copies of the land books on file in his office, if the same be found in such books, if not, in such other way or manner as he may deem necessary or proper for the purpose.

Sec. 98. As soon as possible after the valuation of the property of such owner or operator is fixed by the board of public works or by the circuit court on appeal as aforesaid, and after he shall have obtained the information herein provided for to enable him to do so, the auditor shall assess and charge the property of every such owner or operator with the taxes properly chargeable thereon, in a book to be kept by him for that purpose, as follows:

(a) With the whole amount of taxes upon such property for state and state school purposes, if any such taxes are levied;

(b) with the whole amount of taxes on such property in each county for county purposes;

(c) with the whole amount of taxes on such property in each magisterial district for road and other district purposes, other than free school and building purposes;

(d) with the whole amount of taxes on such property in each school district and independent school district, for free school and building purposes;

(e) with the whole amount of taxes on such property in each municipal corporation for each and all of the purposes for which a levy therein was made by the municipal authorities of such corporation.

Sec. 99. No injunction shall be awarded by any court or judge to restrain the collection of the taxes, or any part of them, so assessed upon the property of such owner or operator, except upon the ground that the assessment thereof was in violation of the constitution of the United States, or of this state; or that the same were fraudulently assessed, or that there was a mistake made by the auditor in the amount of taxes properly chargeable on the property of such owner or operator; and in the latter case no such injunction shall be awarded unless application be first made to the auditor to correct the mistake claimed, and the auditor shall refuse to do so, which fact shall be stated in the bill, nor unless the complainant pay into the treasury of the state all taxes appearing by the bill of complaint to be owing.

Sec. 100. The auditor shall, as soon as possible after the said assessment is completed, make out and transmit by mail or otherwise to such owner or operator a statement of all taxes and levies so charged, and it shall be the duty of such owner or operator, so assessed and charged, to pay the whole amount of such taxes and levies into the treasury of the state by the twentieth day of January next after the assessment thereof, subject to a deduction of two and a half per centum upon the whole sum, if the same be paid on or before that day. If such owner or operator fail to pay such taxes and levies by the said twentieth day of January the auditor shall add ten per centum to the amount thereof, to pay the expense of collecting the same, and shall certify to the sheriff of each county the amount of such taxes and levies assessed within his county; and it shall be the duty of every sheriff to collect and account for such taxes and levies in the same manner as other taxes are levied or collected and accounted for by him.

Sec. 101. When the district and independent school district taxes and levies are collected by the sheriff he shall account for and pay the same as treasurer of such district. When such taxes and levies due to a municipal corporation are collected by the sheriff he shall pay the same to the proper collecting officer, or treasurer, of such municipal

corporation or otherwise, as the council or other proper authority thereof may direct.

Sec. 102. Neither the county court of any county, nor any board of education, nor the municipal authorities of any incorporated town, shall have jurisdiction, power or authority, by compromise or otherwise, to remit or release any portion of the taxes so assessed upon the property of any such owner or operator, and when such taxes or levies are certified to the sheriff of any county for collection, as aforesaid, it shall be his duty to collect the whole thereof, regardless of any order or direction of any such county court, board of education or municipal authority to the contrary; and if he fail to do so, he and his sureties in his official bond shall, unless he be restrained or prohibited from so doing by legal process from some court having jurisdiction to issue the same, be liable thereon for said taxes and levies he may so fail to collect, if he could have collected the same by the use of due diligence. Any member of the county court or board of education, or of the council of a municipal corporation, who shall vote to remit or release any part of the taxes, so assessed on the property of any such owner or operator, shall be guilty of a misdemeanor and fined five hundred dollars, and shall be removed from his office by the court by which the judgment of such fine is rendered, in addition to such fine.

Sec. 103. When such taxes and levies are paid into the treasury, as herein provided, the auditor shall account to the sheriff of each of the counties, to which any sum so paid in for county levies belongs, for the amount due such county, and may arrange the same with such sheriff in any settlement for state taxes in such a way as may be most convenient; and the sheriff shall account to the county court of his county for the amount so received by him, in the same manner as for other county levies: *provided*, that the taxes assessed for the last year of the term of office of a sheriff shall be paid to or settled with the sheriff who was in office at the time the assessment was made. The amount so paid for each district and independent school district shall be added to the distributable share of the school fund payable to such district, and shall be paid upon the requisition of the county superintendent of free schools in like manner as other school moneys are paid.

Sec. 104. The auditor shall certify to the county court of every such county, on or before the first day of April in each year, the amount with which the sheriff thereof is chargeable on account of the

levy upon the property of such owner or operator. He shall also certify to the county superintendent of free schools the amount of such levies due to each district and independent school district in his county for free school purposes. The amount so paid in for each municipal corporation shall, as soon as received by the auditor, be paid over to the sheriff, or the treasurer of the municipal corporation to which such taxes are due, or to such other officer of the corporation as the council may designate, and the auditor shall report such payment to the council. But the failure of the clerk of any county court, or the secretary of any board of education, or the proper officer of any municipal corporation, to certify to the auditor the levies or apportionment within the time herein prescribed shall not invalidate or prevent the assessment required by this section, but the auditor shall make the assessment and proceed to collect or certify the same to the sheriff as soon as practicable after he shall have obtained the information necessary to make such assessment.

Sec. 105. The taxes and levies assessed against any such owner or operator shall constitute a debt to the state or county, district or municipal corporation entitled thereto, and may be collected by action of *assumpsit* or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies. The right of the state or of any county or district, or municipal corporations, to enforce by suit or otherwise the collection of taxes or levies heretofore assessed, or the right to which has heretofore accrued, shall not in any manner be affected or impaired by anything in this chapter contained.

Sec. 106. All buildings and real estate owned or held by such owner or operator, and used or occupied for any purpose immediately connected with the property, shall be included in such assessment by the board of public works; but all real estate owned or held by any such owner or operator, and not used or occupied for purposes immediately connected with the property, shall be assessed as otherwise provided in this chapter.

Sec. 107. No railroad company or corporation shall be exempt from taxation whether the same has been or may be created, organized or incorporated under or by virtue of any general or special law or laws, or whether heretofore exempt from taxation or not, but the provisions of this chapter shall apply to all such companies and corporations without distinction or exception.

Sec. 107a. Sections eighty-four to one hundred and seven, both

inclusive, of this chapter shall not go into operation until the thirty-first day of December, nineteen hundred and five; and the property required to be returned and assessed thereby shall be returned and assessed, taxed and certified according to the law as it was on the first day of July, nineteen hundred and four, and all provisions of such law shall apply to the assessment and taxation of such property for the year nineteen hundred and five.

Making up the personal property book.

Sec. 108. From the information obtained as aforesaid the assessor shall proceed to make up his personal property book as follows: He shall enter therein the names of the owners of personal property and of other persons liable to capitation tax, alphabetically arranged by districts, and opposite the name of each person, in separate columns, the persons and subjects of taxation with which he is chargeable, that is to say:

- (a) The number of white male residents over the age of twenty-one, not exempt from taxation on account of bodily infirmity;
- (b) the number of colored male residents over the age of twenty-one, not exempt from taxation on account of bodily infirmity;
- (c) the number of horses, mules, asses and jennies, and the value thereof;
- (d) the number of cattle and the value thereof;
- (e) the number of sheep and the value thereof;
- (f) the number of hogs and the value thereof;
- (g) the value of farming and gardening utensils and implements;
- (h) the value of agricultural products and products of animals;
- (i) the value of mined or manufactured products;
- (j) the number of automobiles and bicycles, and the value thereof;
- (k) the number of carriages, carryalls, gigs, buggies, coaches, hacks, wagons, carts, drays, and other vehicles not included as farming utensils, and the value thereof;
- (l) the number of watches and clocks, and the value thereof;
- (m) the number of pianofortes, organs, melodeons, and other musical instruments, and the value thereof;
- (n) the value of all gold and silver plate and jewelry;
- (o) the value of household and kitchen furniture, not otherwise enumerated. But articles assessed as property used in connection with any trade or business, or as tangible personal property of any

incorporated company, shall not be enumerated under items *g, h, i, j, k, l, m, n, or o*;

(*p*) the value of all tangible personal property of any incorporated company, and of the tangible personal property used in connection with any trade or business;

(*pp*) the value of all chattels real of every person, firm or incorporated company;

(*q*) the value of all tangible property not otherwise assessed;

(*r*) the money of every person, firm and incorporated company;

(*s*) the value of credits and investments not otherwise assessed;

(*t*) the amount of money, bonds and evidences of debt under control of a receiver or commissioner, or deposited or invested by order of court to the credit of any suit;

(*u*) all money, credits and investments not otherwise assessed or exempt from taxation;

(*v*) in case the shares of any bank, trust company or banking association are assessed, the names of the owners thereof, and the value thereof, which names shall be arranged alphabetically under the names of each bank, in a separate list following the other entries in said book, for the magisterial district in which shares are assessed;

(*w*) the total amount of all personal property included in the foregoing terms;

(*x*) the aggregate of the indebtedness allowed to be deducted under section sixty-seven of this chapter;

(*y*) the net sum shown after deducting such indebtedness from the total amount of money, credits and investments;

(*z*) the whole amount of the taxes due from each corporation, firm and individual and not assessed on the land books, which taxes shall be assessed on the net sum shown as aforesaid.

Sec. 109. If the assessor discover that any taxes on personal property were omitted in any former years, not exceeding five, he shall enter the same, with interest thereon, in his personal property book.

Rules applicable to both land and personal property books.

Sec. 110. The officer whose duty it is to make out the land and personal property books shall add up the columns of figures on each page of such books so as to show, at the bottom of each page, the aggregate of each column; and at the end of each district list he shall enter the aggregate from the bottoms of the respective pages pertaining to such district, with reference to the pages from which he

has transferred the said aggregate, and shall there add up the same, so as to show the total of each column for the whole district. The totals thus ascertained for the several districts shall be transferred, with proper references, to the end of such book and there added up so as to show the total of each column for the whole county.

Property of assessor and his assistants—how assessed.

Sec. 111. After the year nineteen hundred and eight, it shall be the duty of the assistant assessors to report a list of all their real and personal property, with the true and actual value of the same, to the assessor, which report shall be sworn to by them as in other cases, and it shall be the duty of the assessor to revise said list, and, if found to be erroneous, to correct the same, as in other cases.

Sec. 112. After the year nineteen hundred and eight, the assessor shall make a particular report, under oath, to the clerk of the county court of his county of his own real and personal property subject to taxation in his county, showing the whole amount of taxes chargeable to him therefor. Until that time such report shall be made only of his personal property. He shall enter his own property, and the taxes chargeable, upon his books in like manner as those of other persons are entered. For failing to perform any duty required of them by this and the preceding section the assessor and his assistants shall each forfeit fifty dollars, and, in addition thereto, be liable to removal from office.

Sec. 113. In any case in which, in consequence of there being no assessor, or from any other cause, a land book or personal property book is not made out for any county for any year thereafter, the officer whose duty it is to make out such land or personal property book for such county shall proceed to make out the proper land and personal property books for such year, according to the rate of taxation prescribed therefor by law, and for the collection of the taxes therein charged, as if the said books had been duly made during the year to which they relate.

Sec. 114. If by reason of war, insurrection, riot, forcible resistance to the execution of the law, or imminent danger thereof, the assessor cannot perform his duties in his county, or any part thereof, he shall nevertheless after the year 1908 proceed to make the assessment by reference to the former land and personal property books, or upon the best information he can obtain, and like proceedings may be

had for the collection of taxes thus charged as if assessments had been regularly made.

Sec. 115. In any proceeding to take or damage for public use all or any part of any property, real or personal, or in any proceedings wherein the value of any such property or any part thereof may come in question, the assessment of such property appearing on the land or personal property books, last certified before the beginning of such proceedings, shall be admissible, together with other evidence, to ascertain the value of such property.

Proceedings of the assessor after the books are made out.

Sec. 116. The assessor shall make three fair copies of his personal property books, and after the year 1908 a like number of copies of his land books, and, when the same shall be completed, shall present them, together with the lists mentioned in section seventy-one of this chapter, to the clerk of the county court of the county, who shall, with such assistance as may be necessary, carefully and minutely compare the books with said lists, and examine them in such other way as his information will enable him to do. The assessor shall attend at the office of the clerk and shall assist at the examination so far as he may be desired by the clerk. The clerk shall point out to the assessor such errors, if any, as in his opinion may exist in any of the books, and every such error shall be corrected; but when the clerk and assessor cannot agree as to the propriety of such correction, the matter shall be submitted to the prosecuting attorney for the county, and they shall conform to his decision. When the examination is completed and the additions and recapitulations, required by law, have been made and found to correspond in each of said books, the clerk shall append to each of said books an affidavit to the following effect:

"I, _____, clerk of the county court of _____ county, do solemnly swear (or affirm) that I have examined and corrected the foregoing book as required by law, and the additions, proofs and recapitulations having been made as required by law, have been examined by me and are correct, and correspond with the other two land books (or personal property books) examined by me.

"_____"

"Clerk of the county court of _____ county."

The officer before whom the oath is taken shall annex the following certificate:

"Sworn to and subscribed before me, a _____ for the county of _____ on this _____ day of _____ 19____.

"_____"

Which certificate shall be subscribed by the officer administering the oath.

Sec. 117. As soon as such comparison and examination shall have been completed, the assessor shall make and subscribe the following oath, at the foot of the three copies of the personal property book and of the land book:

"I, _____, assessor of the county of _____, do solemnly swear (or affirm) that in making the foregoing assessment I have to the best of my knowledge and ability pursued the law prescribing the duties of assessors; that I have not been influenced in making the same by fear, favor or partiality, nor by the character or residence of any owner of any property; that the valuation of each item of property is fixed according to the best information I could obtain, and that I believe such valuation to be the true and actual value thereof, by which I mean the price which could be obtained for such property if voluntarily sold on such terms as are usually employed in the sale of such property, and that such valuation is in no case made according to any rule, basis, percentage or proportion less than the whole of such true and actual value, and that I believe the entries of the list, the additions, proofs and recapitulations in the foregoing book are correct, and the same are alike in words and figures, to the other two copies of the land book (or the personal property book as the case may be) made by me for my county for this year; so help me, God.

"_____ Assessor."

The officer administering the foregoing oath shall append thereto a certificate in substantially the following form:

"Subscribed and sworn to before me, a _____ for the county of _____ and State of West Virginia, by _____, assessor for said county, this the _____ day _____ 19____."

"_____"

Which certificate shall be subscribed by such officer.

Sec. 118. After the land book and personal property book have been corrected and certified, as required by sections one hundred and thirteen and one hundred and fourteen of this chapter, the assessor shall, on or before the twentieth day of July next ensuing, deliver one copy of each of said books to the clerk of the county court of the

county to be by him carefully preserved among the records of his office, free for the inspection of any person, and a copy of the same, or any portion thereof, may be had at the charge of the person desiring it, and such copy of the personal property book and the land book shall also serve for laying the county levy. At the time the assessor delivers a copy of said books to the clerk, he shall also deliver to the prosecuting attorney of the county the lists mentioned in section seventy-one of this chapter, arranged in the order in which they have been entered in the personal property book. It shall be the duty of the prosecuting attorney to examine said lists, and compare them with the books, to ascertain whether the assessor has complied with his duty in swearing the persons named therein, or in any other respect, and whether the said persons have violated any of the requirements of this chapter; and if the prosecuting attorney discover any violation of law by the assessor, or any other person, it shall be his duty to take such proceedings to prosecute and punish all such offenders, as such examination and any other facts in his possession may warrant. After he has made such examination and comparison the prosecuting attorney shall deliver said lists to the clerk of the county court, who shall preserve them in his office for one year, and then destroy them, unless otherwise directed by the prosecuting attorney.

Sec. 119. Of the remaining copies of the personal property book and the land book, the assessor shall turn over one copy of each to the sheriff not later than the first day of September, which shall be the sheriff's guide in the collection of taxes, and be carefully preserved by him and turned over to his successor in office. The assessor shall transmit one copy of each of said books to the auditor not later than the first day of October, with a certificate affixed thereto, or written thereon, stating that he has delivered duplicates thereof to the clerk of the county court and the sheriff, and the date of such delivery. The said copies shall be a guide to the auditor in auditing the accounts of such sheriff or collector, and shall be admitted as evidence in any proceeding against any such sheriff or collector in relation to the taxes entered therein.

Sec. 120. The assessor may require from the officer to whom the said copies are delivered, or transmitted, an acknowledgment in writing of the receipt thereof: *provided*, that the provisions mentioned in this and the next four preceding sections, as to the duties of the assessor in relation to the land books and the assessment of

real estate, shall not be required of the assessor until the year nineteen hundred and nine; nor shall the lists of personal property mentioned in section one hundred and eighteen, for the year nineteen hundred and five, state other than the fair cash value of such personal property, but it shall state its true and actual value in each year thereafter, and the form of oath in section one hundred and seventeen shall be modified according to this proviso.

Penalty on clerk or assessor for failure to perform his duty.

Sec. 121. If any clerk or assessor knowingly make a false entry, addition or recapitulation in the personal property book or land book, or in any copy of either, he shall for every such offence forfeit three hundred dollars.

Sec. 122. If any clerk or assessor fail to perform any duty required of him by sections one hundred and sixteen, one hundred and seventeen and one hundred and eighteen of this chapter, or the prosecuting attorney fail to perform the duty required of him by section one hundred and eighteen of this chapter, he shall forfeit for every such failure not less than fifty nor more than three hundred dollars.

Sec. 123. If any clerk, assessor or prosecuting attorney fail to perform any duty required of him by law, and there be no other penalty imposed by law for such failure, he shall forfeit for every such failure not less than ten nor more than fifty dollars.

Compensation allowed clerks.

Sec. 124. The clerk may make out tickets for his fees and place them in the hands of the sheriff, or other officer, to be collected and accounted for in the same manner that the fees of the clerk of the circuit court are collected and accounted for. The clerk of the county court shall be subject to the same penalties as the clerk of the circuit court for issuing fee bills wrongfully.

Sec. 125. The auditor shall pay, out of his contingent fund, to the several assessors for all postage and express charges advanced by them in the transmission of their books or correspondence relating thereto, the accounts for which shall be verified by their affidavits.

Sec. 126. Unless the assessor exhibit to the county court the receipts of the proper officers, showing that the copies of the land

book and personal property book have been delivered within the time prescribed in this chapter, or show to the satisfaction of the court that any delay which may have occurred was unavoidable, the court may refuse him any compensation, or may reduce his commission or allowance as to them may seem right and proper.

Sec. 127. When one assessor begins in any year and the office becomes vacant before the services to be rendered by him in that year are fully performed, in consequence whereof another is elected or appointed who completes the same, the sum to be paid for the whole service of the assessor in that year shall be apportioned by the county court between the assessor last mentioned and the former, according to the services by them respectively performed. If, however, in consequence of any failure to deliver books or papers which the former had, the latter has to proceed to take the list of taxable property, and to do all that he would have to do in case there had been no previous assessor that year, then he shall receive all the compensation for the said year.

Sec. 128. After the copies of the land book or personal property book shall have been verified and delivered, no alteration shall be made in them, or either of them, affecting the taxes of that year.

Relief against taxes erroneously assessed, etc.

Sec. 129. Any person claiming to be aggrieved by any entry in any land or personal property book of any county who shall not have been notified of his assessment, or who shall not have appeared and contested the same as provided in section eighteen of this chapter, and any person claiming to be aggrieved by the assessment of a license tax in any county, may, within one year from the verification of such book, or within six months after the assessment of such license tax, as the case may be, apply for relief to the county court of the county in which such books are made out, and in which such license tax is assessed. But he shall, before any such application is heard, give ten days' notice to the prosecuting attorney of the county, whose duty it shall be to attend to the interests of the state, county and district, in the matter. If it appear on the hearing of such application that the value, distance or bearing from the court house, or the local description of any tract of land entered in such land book is, by mistake or fraud, incorrectly entered therein, or that any tract or lot of land entered in such land book is, by mistake or fraud, charged with a greater or less amount of taxes and levies than should

have been charged thereon, or that any person properly chargeable with the taxes on any tract or lot entered therein is not so charged, or that there is any mistake in the name of the person charged with taxes on any tract or lot of land therein entered, or if it appear from the report of a competent surveyor, under oath, that any tract of land entered therein is by mistake or otherwise charged with a greater number of acres than it contains, or if it appear that any one has been improperly charged with taxes on personal property, or that his property has been assessed at an improper valuation, the court shall, by an order entered of record, correct any and every such error or mistake, and direct its clerk to furnish the assessor with a copy of such order, and the said assessor shall enter the same property in the next land book made out by him. A copy of any such order, or orders, entered in any court making any such correction as is herein provided for, shall be made and certified to the auditor by the clerk within twenty days after the entering of the same; such application shall have precedence of all other business before the court; but any order or judgment made upon such application shall show that the prosecuting attorney was present and defended the interest of the state. In the event it shall be ascertained that the land or personal property has been assessed too high, or is otherwise improperly assessed, and that the owner has paid the excess of such taxes, or the taxes erroneously charged, it shall be refunded to him; and if not paid, he shall be released from the payment thereof. If the court, upon an application to correct an assessment under any of the provisions of this chapter, refuse to make the corrections asked for, the applicant may have the evidence taken thereon certified by the county court and an appeal may be taken, as in other cases, from the order of refusal to the circuit court of the county, and such appeal, when allowed by the court or judge, shall, except as hereinafter provided, have the preference over all other civil cases pending in said court; and whenever any such assessment is corrected by the county court, or by the circuit court on appeal, the clerk of the court making the corrections shall certify a copy of such order to the auditor, and shall also furnish to the assessor a copy of the same, and said assessor shall thereupon make the correction in his land book for the next year according to such order.

Sec. 130. Whenever the county court or the circuit court, on appeal, shall grant relief to any such applicant against the taxes, or any part of them, assessed against him on either the land or the per-

sonal property books, or if a license tax, an order shall be made by such court exonerating such applicant from the payment of so much of such taxes as are erroneously charged against him, if the same have not been paid; and if paid, that the sum so erroneously charged be refunded to him.

Sec. 131. Such order, delivered to the assessor, sheriff or other collecting officer shall restrain him from collecting so much as is erroneously charged, and if the same has been already collected shall compel him to refund the money, if such officer has not already paid it into the treasury, and in either case, when endorsed by the person exonerated, it shall be a sufficient voucher to entitle the officer to a credit for so much in his settlement, which he is required to make.

Sec. 132. If what was erroneously charged has been paid into the state treasury, the order of the county court, attested by its clerk, shall entitle the claimant to a warrant on the state treasury for the amount thereof, if application for the same be made to the auditor within one year after the date of said order: *provided*, that the provisions in this and the next three preceding sections, relative to relief against taxes erroneously assessed against real estate, shall not be in effect until after the year nineteen hundred and eight, and that all the provisions relative to erroneous assessments and relief against the same, mentioned in chapter fifteen of the acts of the extraordinary session of the legislature of nineteen hundred and four, shall be and remain in operation until the year nineteen hundred and nine.

The grand jury to inquire into violations of the revenue laws.

Sec. 133. It shall be the duty of every assessor to furnish the prosecuting attorney of the county a list of every violation of the revenue laws committed by any person, other than himself, showing the nature and character of each violation. It shall be the duty of such prosecuting attorney to deliver such list to the foreman of the grand jury, who shall treat it as having been especially delivered in charge to the grand jury. The said foreman, after the grand jury is discharged, shall return said list to the clerk of the circuit court, to be preserved and filed in his office. It shall also be the duty of the circuit court to especially charge the grand jury to inquire into all violations of the revenue laws by the assessor.

Sec. 134. The words "tax," "taxes," "taxable," and "taxation," in this act, shall be deemed to include county, district, independent

school district and municipal corporation levies in all cases not inconsistent with the context.

Sec. 135. Taxes for county, district, independent school district and municipal purposes shall be levied only upon the value of property ascertained under the provisions of this chapter.

2. All acts and parts of acts coming within the purview of this act, and inconsistent therewith, are hereby repealed.

(Substitute House Bill No. 341.)

CHAPTER 36.

AN ACT to amend and re-enact chapter 32 of the code of West Virginia, relating to regulations respecting licenses, injury to persons arising from illegal sales of intoxicating liquors—remedy therefor, and amount of rate of tax on each subject of taxation.

[Passed February 24, 1905. In effect from passage. Became a law without the approval of the Governor.]

SEC.		SEC.	
1. }	For what a state license is necessary.	34.	Revocation of license.
2. }	Penalty for acting without license.	35.	Place to which license confined.
3. }	License not required in certain cases.	36.	How license transferred to another place.
5. }	Sales of liquors by druggists.	37.	How license assigned.
7. }	Certain provisions respecting tavern license.	38.	Fees for licenses, alterations and assignment.
8. }	How state licenses obtained.	39. }	Time for which license granted.
9. }	Power of municipal authorities not impaired, except, etc.	41. }	Appeals from county clerk.
10. }	Evidence of character required, when.	42. }	Posting and production of license.
17. }	Certain conditions required.	43. }	Automobiles, licensing of.
18. }	Penalty for selling or giving liquors to minors, etc.; selling on Sunday; loitering, etc., by minor or female.	44. }	Clerk's list of licenses; his duties; duty of persons requiring license; list, evidence of what.
19. }	Assignment of liquor license, when prohibited.	45. }	Auditor's instructions to county clerks and other officers.
20. }	Sale by one person for another deemed sale by both.	49. }	Penalty on certain officers for neglect of duty.
21. }	Buildings where liquors are sold deemed nuisances; and abated, when.	50. }	Collection of license taxes; delinquents.
22. }	Owner of any such building, how punished.	51. }	When license taxes paid into state treasury.
23. }	Liability of violators to husband, wife, etc.	52. }	How payment enforced against sheriffs or collectors; appeals.
24. }	Lessee or tenant, certain rights forfeited for illegal selling, etc.	53. }	Commissions for collecting license taxes.
25. }	Bond required to sell liquors, etc.	54. }	Duties of prosecuting attorney; certain provisions of chapter construed.
26. }	Jurisdiction of justices.	55. }	Rate of tax on real estate and personal property; duty of board of public works.
27. }		56. }	Capitation tax.
28. }		57. }	License tax on hotels, restaurants, etc.
29. }		58. }	
30. }		59. }	
31. }		60. }	
32. }		61. }	
33. }		62. }	
		63. }	
		64. }	

SEC.	SEC.
65. } License tax on distillers and	106. On sale of pistols, slung shots, etc.
66. } brewers.	107. On money brokers or private
67. } Reports and records by distillers	bankers.
69. } and brewers; when reports filed.	108. On bagatelle tables, etc.
70. } Examinations respecting produc-	109. On roller skating rinks.
71. } tion.	110. Provisions respecting watering
72. When auditor may require addi-	places.
tional tax from distillers and	111. On auctioneers.
brewers.	112. On pawnbrokers.
73. Assignee of distiller's or brewer's	113. License tax on patent rights; on
license.	collection agencies; how obtain-
74. Distiller's or brewer's license au-	ed.
thorizes what sale; municipal	114. On hawkers and pedlers; provi-
license tax.	sos.
75. Penalty on distillers and brewers.	115. On sewing machine agents; stoves
76. Penalty for false report of pro-	and ranges; musical instru-
duction; oath to report, etc.,	ments; lightning rods.
who to make.	116. On shooting galleries.
77. } Wholesale license for porter, ale,	117. } On theaters, opera houses, etc.
beer, etc.; reports and records	118. } Exhibitions not requiring license.
of such wholesaler; basis of tax-	119. On circus, menagerie, etc.
ation.	120. Expiration of existing licenses.
81. } Examinations respecting sales of	121. Tax on state seal.
such wholesaler.	122. Tax on holding land.
83. When auditor may require addi-	123. Classification of corporations for
tional tax from such wholesaler;	purposes of taxation.
relief of person aggrieved.	124. Corporation aggrieved at assess-
84. Assignee of such wholesale li-	ment, how relieved.
cence.	125. } Annual license tax on resident
85. Authority of such wholesale li-	corporations.
cence.	126. } Annual license tax on non-resident
86. Penalty on such wholesaler for	corporations.
violations.	127. } Assessment and collection of such
87. Retail license tax.	tax.
88. Wholesale license tax, on other	130. } Assessment and taxation of for-
than brewed liquors.	131. } eign corporations.
89. Retailer not to sell over five gal-	132. How foreign corporation may quit
lons.	business and be released from
90. Wholesaler not to sell less than	paying charter tax.
five gallons.	133. Notice by auditor to corporations;
91. Tax on assignment of liquor li-	statement of domestic corpora-
cence.	tion; license tax as a lien.
92. License tax on turf or base ball	134. Publication of list of delinquent
exchange.	corporations.
93. Liquor license tax for theater.	135. Special agents to investigate vi-
94. License tax for selling apple and	olations and collect taxes from
peach brandy by distiller.	such corporations.
95. License tax on real estate agents,	136. Proceedings against delinquent
etc.; bucket shop, etc.	corporations.
96. Retail license tax on tobacco, ci-	137. Service of process in such pro-
gars, cigarettes, etc.	ceedings.
97. On druggists.	138. What corporations exempt from
98. On bowling alleys.	license tax.
99. On billiard tables, pool rooms, etc.	139. Report of secretary of state to
100. On junk dealers.	auditor; auditor to report fail-
101. On trading stamps, etc.	ure to governor.
102. On trading house-boats, etc.	139a. What license not required before
103. On slot machines and other auto-	May 1, 1905.
matic devices, etc.	140. Repealing section.
104. On automobiles.	
105. On roller coaster, merry-go-round,	
etc.	

Be it enacted by the Legislature of West Virginia:

1. Chapter thirty-two of the code, relating to regulations respecting licenses, injury to persons arising from illegal sales of intoxicating liquors—remedy therefor, and amount of rate of tax on each subject of taxation, is hereby amended and re-enacted so as to read as follows:

For what a state license is necessary.

Sec. 1. No person without a state license therefor shall

- (a) keep a hotel or tavern, eating house or restaurant; or
- (b) furnish intoxicating drinks or refreshments at a public theater; or
- (c) sell or offer or expose for sale, or solicit or receive orders for, spirituous liquors, wine, porter, ale or beer, or any drink of a like nature; or
- (d) carry on the business of a distiller or brewer of whisky, brandy, beer, porter or ale; or
- (e) carry on the business of a turf exchange or base ball exchange; or
- (f) carry on the business of a druggist; or
- (g) keep for public use or resort a bowling alley, billiard table, pool table, bagatelle table, or any table of like kind, or a shooting gallery or skating rink.

All mixtures, preparations or liquids which will produce intoxication, whether they are patented or not, shall be deemed spirituous liquors within the meaning of this section.

Sec. 2. No person without a state license therefor shall

- (a) exhibit any circus, menagerie, circus and menagerie combined, theatrical performance, street or other carnival, or public show, to which admission is obtained for money or other reward, except for the benefit or under the auspices of a volunteer fire department; or
- (b) run or operate for profit a merry-go-round or roller coaster or scenic railway or like device; or
- (c) act as a hawker or pedler; or
- (d) act as auctioneer; or
- (e) practice the business of real estate agent, stock broker, merchandise broker or other broker, by buying or selling for others stocks, securities or any property for a commission or reward; or
- (f) practice such business by carrying on what is commonly known as a bucket shop, or by engaging in transactions for the purchase or sale for others of grain, provisions, stock, securities, merchandise or other property, wherein the parties thereto or the broker intend that such transactions shall be settled according to public market quotations on any board of trade or exchange, and without a *bona fide* transaction on such board of trade or exchange, or intend that such transaction may be deemed terminated when such public market quotations shall reach a certain figure, or intend that such property shall be resold before or at the time fixed in such transaction for the delivery of such property, and that the difference between the contract price and the market price thereof shall be paid or received

without the prior receipt or delivery of such property under the former sale; or

(g) practice the business of money broker, private banker, buying or selling uncurrent or depreciated money or funds; or exchanging one kind of money or funds for another, for benefit or reward; or

(h) practice the business of pawnbroker by lending money or other thing for profit, for or on account of personal property deposited with the lender in pledge; or

(i) sell or barter or offer or expose for sale or barter any patent right; or

(j) sell, offer or expose for sale to merchants trading stamps, premium stamps or certificates of like nature or character, or undertake with merchants to redeem such stamps or certificates in money or goods; or

(k) being a traveling agent, canvasser or salesman, sell or contract to sell any lightning rods, sewing machines, stoves or ranges, or organs or other musical instruments, whether manufactured within or without the state; or

(l) sell, offer or expose for sale, or solicit or receive orders for manufactured tobacco, snuff, cigars, cigarettes or any other preparation of tobacco, or cigarette paper or wrappers, at retail; or

(m) carry on the business of a junk dealer; or

(n) sell pistols, revolvers, dirks, slung-shots, billies, bowie-knives, metallic or other false knuckles, or weapons of like kind; or

(o) maintain or occupy any trading house-boat, or like structure or vessel, upon or along the bed, banks or shores of any navigable stream; or

(p) maintain any slot machine or other automatic device which, for the same profit or reward in each case and without any violation of law, furnishes music, or exhibits pictures, or provides facilities for weighing, or supplies any merchandise or other thing, or renders any service, except that no license in any case be required to maintain any machine actually delivering merchandise therefrom, automatically, where such machine is kept within the merchant's place of business; but no slot machine or other automatic device with respect to which, or its operation, service or supplies, there is any element of chance (being a gaming table, within the meaning of section one of chapter one hundred and fifty-one of the code), shall be licensed or protected by any license; or

(q) maintain or operate an automobile or vehicle of like nature; or

(r) being a corporation, heretofore or hereafter chartered under

the laws of this state, whether its principal place of business or chief works be within or without the state, do or attempt to do any business by virtue of its charter or certificate of incorporation; or

(s) being a corporation chartered or organized under the laws of any other state or country, hold property or transact business in this state; or

(t) being a corporation, hold more than ten thousand acres of land in this state; or

(u) solicit, carry on or practice the business of a collection agency or association, whether it be a person, firm or corporation: *provided*, that nothing in this chapter contained, and no license or payment under the provisions hereof, shall be taken to legalize any act which otherwise may be in violation of law, or exempt any person from any penalty prescribed for such violation.

Penalty for acting without license.

Sec. 3. Any person convicted of violating either of the two preceding sections, except paragraphs *b, c, d, e* and *f* in section one, shall, except where it is otherwise provided herein, be fined not less than twenty nor more than one hundred dollars, and may, in the discretion of the court, be imprisoned in the county jail not more than three months; and any person convicted of violating either of said paragraphs *b, c, d, e* or *f* of said section one shall be fined not less than twenty-five dollars nor more than two hundred dollars, and imprisoned in the county jail not less than two months nor more than six months. Upon a conviction for a violation of any of said paragraphs *b, c, d, e* and *f*, committed after the first conviction, such person shall be confined in the penitentiary for one year: *provided*, that the jury may, for reasons stated in its verdict, fix the penalty therefor at a fine not exceeding one hundred dollars, and imprisonment in jail not less than six months nor more than twelve months, and in such case the sentence shall be according to the verdict.

License not required in certain cases.

Sec. 4. This chapter shall not be construed

(a) to require license to keep a boarding house or boarding school, where boarders are not received for less than three days; or

(b) to prohibit a druggist from selling without license alcohol for scientific or mechanical purposes; or alcohol, spirituous liquors or

wine in good faith upon the written prescription of a reputable physician for medicinal purposes; or

(c) to require any incorporated bank, savings bank, or savings institution or trust company, to obtain a license as broker or private banker; or

(d) to require any resident of this state to obtain a license to exhibit any work or production of his own invention or skill; or

(e) to require license for any school exhibition, literary or scientific lecture or musical concert; or

(f) to require license for furnishing refreshments at any public dinner, fair, festival or celebration; or

(g) to require any trustee selling trust property, or any personal representative or committee selling property belonging to the estate under his charge, or any officer or commissioner selling property under the order, decree, execution or process of any court of justice of this state or of the United States, to obtain a license to make such sale; or

(h) to require any colporteur or person selling religious books to obtain a license therefor; or

(i) to require farmers who furnish meals to travelers and others passing to obtain license therefor.

Sales by druggists.

Sec. 5. If any druggist shall sell spirituous liquors, wine, porter, ale, beer, or other intoxicating liquors, unless for medical purposes, or alcohol unless for medical, scientific or mechanical purposes, he shall for each and every offence be fined not less than fifty nor more than two hundred dollars: and he shall upon a second conviction be fined not less than one hundred nor more than five hundred dollars, and may, in the discretion of the court, be imprisoned in the county jail not less than thirty nor more than ninety days, and the court wherein such conviction is had may revoke the license of such person to carry on the business of druggist and registered pharmacist; and, no such license or licenses shall thereafter be granted to such person or to any person in his employ; and it shall be the special duty of the circuit court to give this provision in charge to every grand jury. If any person shall upon or along any river, which forms any part of the boundary line of this state, violate the first section of this chapter he shall, in addition to the penalty prescribed in section three, be confined in the county jail not less than thirty nor more than sixty days,

and during such sentence shall work at hard labor on any public highway of the county, under the custody of the sheriff or his deputy, at such place or places as the court may direct.

Sec. 6. In any prosecution against a druggist for selling alcohol, spirituous liquors, wine, porter, ale, beer, or other intoxicating liquors, without a license therefor, if the sale be proven, it shall be presumed that the sale was unlawful in the absence of satisfactory proof to the contrary. No sale of alcohol except for mechanical or scientific purposes, or of spirituous liquors, wine, porter, ale, beer, or other intoxicating liquors, shall be made by any druggist under the provisions of this chapter except upon the written prescription of a practicing physician in good standing in his profession, and not of intemperate habits, specifying the name of the person and the kind and quantity of liquors to be furnished him, and stating that such liquors, so prescribed, are absolutely necessary as a medicine for such person, and are not to be used as a beverage, and not more than one sale shall be made upon the same prescription. And the production of such prescription by the defendant at the trial of an indictment against him for the sale of the alcohol, spirituous liquors, wine, porter, ale, beer, or other intoxicating liquors, mentioned therein, shall be sufficient to rebut the presumption arising from the proof of such sale, as hereinbefore provided for, if the jury believe from all the evidence in the case that the sale was made in good faith, under the belief that such prescription and statement were true.

Sec. 7. If any physician shall, for the purpose of aiding a druggist or other person in the violation of any of the provisions of this chapter, or otherwise, give such prescription and make such statement falsely he shall be guilty of a misdemeanor, and fined not less than fifty nor more than two hundred dollars. Every such prescription and statement shall be filed and preserved by the druggist selling such liquors thereon, and the same shall be open and subject to the inspection of the prosecuting attorney of the county, or any member of a grand jury thereof, or the husband, wife or any relative of the person to whom such liquors were sold; and any druggist or person in charge of such prescriptions and statements who shall wilfully fail or refuse to produce the same, when demanded for inspection by any of the persons aforesaid, shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars.

Certain provisions respecting tavern licenses.

Sec. 8. Every house where food and lodging is usually furnished to travelers, and payment required therefor, shall be deemed a hotel or tavern. Every person licensed to keep a hotel or tavern shall constantly provide the same with lodging and diet for travelers and their servants, and with stableage and provender, or pasturage and provender, as the season may require, for their horses; but if such hotel be in a city, village or town, the council may, if the applicant desire it, dispense with the necessity of providing for horses. If any person so licensed fail to comply with this section the license shall be revoked, pursuant to the thirty-fourth section; and shall always be revoked if it appear that the principal object in obtaining the same is not to provide lodgings and diet for travelers and their servants, but to use it as a facility for selling intoxicating liquors.

Sec. 9. The state tax on a license to keep a hotel or tavern shall be determined by the yearly rental value of the premises occupied for that purpose. The clerk of the county court may require the proprietor to declare on oath the rental value of the premises, and if the premises be leased or rented, the tenant to declare on oath the amount of rent agreed to be paid, and, if either of them refuse to do so, the person so refusing shall forfeit not less than twenty nor more than one hundred dollars. From such information if obtained, and a comparison of the premises, where it is in his power, with other premises actually leased or rented, and other circumstances affecting the value, the said clerk shall estimate the yearly rental value to the best of his judgment, taking into consideration not only the house itself, but all the lots, gardens, stables, out-houses, booths and watering places held and used therewith, but excluding the contiguous farm and farm houses.

How state licenses are obtained.

Sec. 10. The state licenses mentioned in the first section shall be issued only when authorized by the county court of the county, except as herein otherwise provided, and except, further, that where the act, occupation or business for which such state license is necessary is to be done or carried on in an incorporated city, village or town, the license shall be issued only when authorized under the charter of said city, village or town, by the council or license court thereof, as well as by the county court: *provided*, that no license shall be

issued for the sale of intoxicating liquors within two miles of the limits of any incorporated city, town or village without the consent of the council thereof first be obtained, unless the same be in another incorporated city, town or village in which there is no such license.

Sec. 11. Every person desiring to obtain a state license shall apply for a certificate therefor to the clerk of the county court, except as hereinafter provided. The words "clerk of the county court" as used in this chapter shall in each instance be construed to mean the clerk of the county court who acts as the recorder of said county.

Sec. 12. If the applicant desires such license for any of the purposes mentioned in paragraphs *b*, *c* or *e* of the first section he shall file a petition with the clerk of the county court of the proper county at least thirty days before the session of said court at which the same may be heard, and shall at the same time pay the said clerk ten dollars for advertising expenses connected therewith. Said clerk shall cause to be published once in each week for four successive weeks in two newspapers of opposite politics (if there be such) of general circulation in the county wherein such license is desired, designated by said court, a list containing the names of all such applicants, their respective residences, and the places for which application is made. The first publication shall not be less than twenty-two nor more than thirty days before the first day of the term of said court at which said petition may be heard. Said petition shall show:

First—The name and residence of the applicant, and how long he has resided there.

Second—The particular place for which the license is desired, and the name of the owner of the premises.

Third—That the applicant is a citizen of the United States, the place of the birth of said applicant, and if a naturalized citizen the court and date of such naturalization.

Fourth—That the applicant has not applied, and does not intend to apply, for license to do business at any other place in said county where any of said liquors are sold or kept for sale, except being a distiller or brewer he has applied or intends to apply for a wholesale dealer's license under the provisions of this chapter.

Fifth—Whether the license held by the applicant has ever been revoked, and if so when and where.

Sixth—Unless the surety offered be a trust or surety company authorized to do business in this state, the names of not less than two reputable freeholders of the county who will become sureties on the

bond hereafter required, and a statement that they are the *bona fide* owners in their own right of real estate in said county which at its assessed value is worth more than four thousand dollars above all liens and incumbrances thereon, and that they will not go on the bond or be surety upon bonds aggregating more than the total worth of their property.

Seventh—Said petition must be verified by the affidavit of the applicant, and if any false statement is wilfully made in said petition the applicant shall be deemed guilty of the crime of perjury, and upon conviction shall be subject to its penalties. There shall be annexed to said petition a certificate, signed by at least twelve reputable qualified voters of the magisterial district in which such liquors are to be sold, setting forth that they have been acquainted with the applicant, that they have good reason to believe that each and all of the statements contained in the petition are true, and stating their names in full and their places of residence, and the kind and places of business in which they are engaged.

If the business is to be carried on in an incorporated city, town or village the municipal authorities whereof are not vested with the sole power to grant such licenses, the applicant shall procure from the clerk of such city, town or village a certified copy of the order or resolution of the council of said city, town or village authorizing or assenting to such license, and shall file such certified copy with his said petition.

Sec. 13. The court shall hear the petitions at a regular or special term called for that purpose on the first Monday of April of each year, in the order in which they are filed with the clerk, who shall prepare a docket thereof, and the court shall grant or refuse the licenses applied for. The said county court shall hear any petition of residents of the county, in addition to that of the applicant, in favor of, and any remonstrance against, the application for such license, and in all cases shall refuse the same whenever in the opinion of said court (having due regard to the number and character of the petitioners for and against said application) such license is not necessary or that the applicant is not a fit person to whom such license should be granted. Upon sufficient cause being shown, or proof being made to the said court, that the person holding a license has knowingly violated any law of the state relating to the sale of liquors, the said court, upon notice being given to the person licensed, shall revoke the said license.

Sec. 14. If the license desired is for any of the purposes named in paragraphs *b*, *c* and *e* of said first section and the business is to be carried on in an incorporated city, town or village the municipal authorities whereof are vested with the sole power of granting such license, the council shall constitute a license court for such municipality, of which the mayor shall be president and the clerk of the municipality shall be clerk of said court, in each case without any additional compensation. The court so constituted shall hear and determine petitions for such license and remonstrances of residents against the same, which shall in all things conform to the requirements of the petitions of applicants and remonstrances of residents in county courts, and which shall be filed within the same time with the clerk of such municipality as provided for like proceedings in the county courts; and the said clerk shall perform all the duties as to publication and otherwise required of clerks of the county courts. Such license court shall be governed and controlled in the hearing and granting or refusing such license, in all respects, as prescribed herein for granting or refusing such license by the county courts. Said license court shall convene for hearing such petitions at the same time provided herein for county courts and shall sit from day to day until the business is completed.

Sec. 15. If the applicant desires such license for any of the purposes mentioned in paragraphs *a* or *g* of the said first section he shall, if the business is to be carried on in an incorporated city, town or village the municipal authorities whereof are vested with the sole power of granting such license, or wherein the assent of such municipal authorities is required to the granting of the same, deliver to such clerk a copy of the order or resolution of such authorities of said town authorizing or assenting to such license. If the business is to be carried on in an incorporated city, town or village the municipal authorities whereof are vested with the exclusive power of granting such license, the said clerk shall thereupon deliver to the applicant a certificate of the license to be obtained, and the amount of the tax to be paid thereon to the state, which certificate shall conform in other respects to the provisions relating thereto hereinafter contained. If such business is to be carried on in an incorporated city, town or village not vested with the sole power of granting such license, or outside of an incorporated city, town or village, the clerk shall deliver such certificate only when the same has been authorized by the county court. Such certificate shall be produc-

ed by the applicant to the officer to whom the state tax is to be paid, and his receipt for such tax written on the certificate shall, with the certificate, constitute a license, while it remains in force, to the person and for the purpose specified in the certificate, except so far as otherwise provided in this chapter.

Sec. 16. When the county or license court shall have granted a license for any of the purposes mentioned in paragraphs *b, c, d, e* or *f* of said first section, as provided herein, the clerk of the county court shall issue a certificate of license in the form to be prescribed by the state tax commissioner, and it shall be the duty of the said commissioner to prepare and have printed or lithographed all necessary forms and blanks for said purposes and for other purposes of this chapter, and furnish the same in such quantities as may be necessary, with such instructions and regulations for their use as he may think best.

Such certificate shall be turned over by the clerk to the officer to whom the state tax is to be paid as prescribed in the case of certificates in other cases, and his receipt for such tax written on the certificate shall, with the certificate, constitute a license, while it remains in force, to the person and for the purpose specified in the certificate, except so far as otherwise provided in this chapter.

Sec. 17. The clerk of the county court may obtain a certificate for a state license from the clerk of the circuit court in the same manner as another person may obtain such certificate from the clerk of the county court. The clerk of the circuit court, in relation to such certificate issued by him, shall perform the same duties and be subject to the same penalties as the clerk of the county court would be in relation to a certificate issued by him.

Power of municipal authorities not to be impaired.

Sec. 18. Where the council of a city, town or village is authorized by its charter or any law of the state to impose a penalty for doing any act, or engaging in any business or occupation, within the limits of such municipality, without having first obtained a license therefor pursuant to the ordinances of said town, no state license shall exonerate the person holding the same from any such penalty, whether such penalty be greater or less than herein provided; but no incorporated city, town or village shall impose or require the payment of a greater annual license tax for doing any act or engaging in any

business within the limits of such city, village or town, than the state tax imposed by this chapter for doing the same act or engaging in the same business or occupation, except on license to sell at retail spirituous liquors, wine, porter, ale, beer or drinks of like nature, anything in the charter of such city, village or town to the contrary notwithstanding: *provided, further*, that no incorporated city, town or village shall impose or require the payment of a greater annual wholesale license tax on beer, ale, or porter than two hundred and fifty dollars.

Evidence of character required in certain cases.

Sec. 19. No license for any purpose mentioned in the first section shall be granted unless the tribunal granting the same shall be satisfied, and so enter upon its record, journal or minutes, that the applicant for such license is not of intemperate habits, and has not been convicted of a felony, or who shall be convicted hereafter of selling intoxicating liquors on Sunday.

Certain conditions required.

Sec. 20. The granting of a license to any person to carry on any business for which a license is required, under any of the provisions of this chapter, shall not be construed to authorize him to carry on said business, unless he shall have complied with all the provisions of law requiring him to make any payment, obtain any certificate or permit, or to do any act as a condition of carrying on any such business.

Penalties and liabilities for illegal sales.

Sec. 21. If any person having a state license to sell spirituous liquors, wine, porter, ale, beer, or any other intoxicating drink, shall sell or give any such liquors or drinks to any minor or person of unsound mind, or to any person who is intoxicated at the time, or who is in the habit of drinking to intoxication, when he knows or has reason to believe such person is a minor or of unsound mind, or intoxicated, or is in the habit of drinking to intoxication; or if he permit any person to drink to intoxication on any premises under his control, or shall sell or give any intoxicating drink to any one on Sunday, or if any person (except a parent to his child or a guardian to his ward), whether he have a state license or not, give to any minor or person of unsound mind any intoxicating drink, unless such drink be prescribed

by a reputable physician, in writing, stating that such drink is necessary as a medicine, and the quantity necessary, he shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars for the first offence; and not less than forty dollars nor more than two hundred dollars for the second offence; and may in the discretion of the court, in addition to such fine for the second offence, be confined in jail not more than sixty days. Upon conviction for the second offence the court, in which the conviction is had, may revoke the license of such person, and a sale thereafter by him shall be a sale without a license; and no license shall be afterwards granted to such person.

Any minor or female who shall loiter in or about any saloon or place where intoxicating liquors are sold shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars, or may be confined in the county jail not less than ten nor more than thirty days.

Sec. 22. Notwithstanding any other provision in this chapter, no person holding such license shall be allowed to transfer or assign it to any other person while any indictment is pending against the person holding such license.

Sec. 23. A sale of any such liquors or drinks by one person for another shall, in any prosecution for such sale, be taken and deemed as a sale by both, and both may be indicted and punished therefor, either jointly or separately.

Sec. 24. All houses, buildings and places of every description, where intoxicating liquors are sold or vended contrary to law shall be held, taken and deemed to be common and public nuisances, and courts of equity shall have jurisdiction by injunction to restrain and abate any such nuisance, upon bill filed by any citizen, or by the prosecuting attorney of any county or by any state officer, in the name of the state of West Virginia.

Sec. 25. The owner of any house, building or other place, mentioned in the preceding section, who sells or knowingly permits intoxicating liquors to be sold or vended therein contrary to law, and every person engaged in such unlawful sale in any such house, building or place, may be indicted for keeping and maintaining a common and public nuisance, and upon conviction thereof he shall be fined not less than twenty nor more than one hundred dollars, and, at the discretion of the court, imprisoned in the county jail not less than ten nor more than thirty days; and judgment shall be given that such house,

building or other place be ahated or closed up as a place for the sale of such liquors contrary to law, as the court may determine.

Sec. 26. Every husband, wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action, severally or jointly, against any person who shall, by unlawfully selling or giving of intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and persons owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or, who having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors that have caused, in whole or in part, the intoxication of any person, shall be liable, severally and jointly, with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, and for exemplary damages. A married woman shall have the same right to bring suits and to control the same and the amount recovered as a *feme sole*; and all damages recovered by a minor, under this chapter, shall be paid either to his parent, guardian, or next friend, as the court shall direct. All suits for damages under this chapter may be by any appropriate action in any of the courts of this state having competent jurisdiction: *provided, however*, that if the property of the landlord be seized or taken for any fine, forfeiture or amercement, by reason of the unlawful acts of his tenant, arising under the provisions of this chapter, such landlord may sue upon the bond required by this chapter to be given, and may recover thereon damages to the amount incurred and paid by him, together with costs.

Sec. 27. The unlawful sale or giving away of intoxicating liquors shall work a forfeiture of all rights of the lessee or tenant under any lease or contract of rent of the premises where such unlawful sale or giving away shall take place.

Bonds required.

Sec. 28. No county or license court nor town council shall authorize the issuing of any license to sell spiritous liquors, wine, porter, ale, beer, or drink of like nature, until the applicant shall have given bond with good security, to be approved by the court or other tribunal, or council, in the penalty of at least three thousand five hundred

dollars, conditioned that he will not permit any person to drink to intoxication on any premises under the control of such applicant; and will not knowingly sell or furnish any intoxicating drink to any person who is intoxicated at the time, or who is known to him to have the habit of drinking to intoxication, or whom he knows, or has reason to believe, is under the age of twenty-one years, and that he will not sell or furnish such drink to any person on Sunday; and with the further condition, that he will pay all such damages and costs as may be recovered against him by any person under any of the provisions of chapter thirty-two of the code of West Virginia, as amended. And such applicant and his securities in said bond shall be liable, in a suit or suits thereon, for the fine and costs which may be recovered against him for any offence under this chapter which is a violation of any of the conditions of said bond, as well as for the damages hereinbefore provided for, until the penalty of such bond is exhausted.

Jurisdiction of justices over certain violations.

Sec. 29. Every justice of the peace upon information made under oath or affirmation, that any person is selling, offering or exposing for sale spirituous liquors, wine, porter, ale, beer, or drinks of like nature, or that the affiant has cause to believe and does believe that any such liquors are sold in any house, building or other place named therein, contrary to the provisions of this chapter, whether such persons have a license or not, shall issue his warrant requiring the person suspected to be brought before him for examination, or the said house, building or other place to be searched and the parties found therein arrested and brought before him, as aforesaid, and requiring the officer to whom it is directed to summons such witnesses as shall be therein named, or whose names are endorsed thereon, to appear and give evidence on the examination; and (where the person suspected is charged in such information with a violation of any of the provisions of the first section in relation thereto, or where it is charged that any such liquors are sold in any house, building or place named therein, contrary to the provisions of said first section), in the same warrant shall require the officer to whom it is directed to seize and hold all intoxicating liquors found therein, also vessels, bar fixtures, screens, glasses, bottles, jugs and other appurtenances apparently used in the sale of such liquors contrary to law.

Sec. 30. If, upon the examination of such person, it shall appear

to the justice that there is probable cause to believe him guilty of the offence charged he shall require the accused to enter into a recognizance, with sufficient sureties, in the sum of not less than one hundred dollars, to appear before the next term of the circuit court of the county to answer an indictment, if one be preferred against him; and upon his failure to enter into such recognizance the justice shall commit him to jail to answer such indictment. The justice shall also recognize all the material witnesses, with or without sureties, as he may deem proper, to appear before the grand jury, at the next term of the said court, and give evidence against the accused; and the justice shall require the accused to give bond, with sufficient security, in the sum of five hundred dollars, conditioned that he will not violate any of the provisions of chapter thirty-two of the code of West Virginia, as amended, during the time intervening between the date of such bond and the adjournment of the next grand jury term of the circuit court of the county; and upon his failure to give such bond the justice shall commit him to jail until such bond is given, or until he is discharged therefrom by the circuit court of the county.

Sec. 31. Whenever intoxicating liquors as aforesaid shall be seized in any room, building or place, which has been searched under the provisions of this chapter, the finding of such liquors in such room shall be *prima facie* evidence of the unlawful sale of the same by the person named in the government license posted in such room, or his agent or employee therein, and the proprietor or other person in charge of the premises where such liquor was found shall be subject to trial by due process of law on the charge of selling such liquors unlawfully; and upon his conviction of selling or offering for sale such liquors unlawfully, the liquors found upon said premises together with the other articles taken under the warrant shall at once be sold to the highest bidder by such officer on a notice similar to that required on an execution sale of other personal property, the proceeds to be paid to the county wherein the suit or prosecution was had.

Sec. 32. If in any such house, building or place, as is hereinbefore mentioned, the sale of intoxicating liquors is carried on clandestinely, or in such manner that the person so selling cannot be seen or identified, any sheriff, constable or other officer, charged with the execution of a warrant issued under sections twenty-nine and thirty of this chapter, may, whenever it is necessary for the arrest or identification of the person so selling, break open such house, building or place.

Sec. 33. Nothing contained in sections twenty-nine and thirty-one of this chapter relating to the seizure and sale of liquors, vessels, bar fixtures, screens, glasses, bottles, jugs and other appurtenances, or as to the *prima facie* evidence of unlawful selling of such liquors by the person named in the government license posted, shall apply to persons having a state license under the provisions of this chapter.

Revocation of license.

Sec. 34. The county or license court or council who authorized any license mentioned in the first section may, for good cause shown, revoke the same upon the petition in writing of any inhabitant of the county or town. But the person holding the license must first have reasonable notice of the proposed revocation and the privilege of being heard in person or by counsel. After such revocation the license shall be of no effect to protect him from any penalty imposed by this chapter.

Place to which the license is confined.

Sec. 35. Every certificate issued as aforesaid, if it be to authorize the keeping of a hotel or tavern, or bowling alley, billiard table or bagatelle table, or any table of like kind, or turf or base ball exchange, or to carry on the business of a druggist, shall specify the house in which it is to be kept or carried on; and to keep or carry on the same at a different place shall be deemed a violation of this chapter. Every license to sell spirituous liquors, wine, porter, ale, beer, or any drink of like nature, or to furnish drinks or refreshments at a public theater, shall specify the house where they are to be sold, and a sale at any other place shall be held to be a sale without a license. Other licenses shall be deemed co-extensive with the county, subject to such regulations as may be prescribed by the tax commissioner, but of no effect beyond the limits of such county, unless otherwise herein provided.

Sec. 36. If the person holding a state license, which is limited to a particular house as aforesaid, desires to have such license transferred to another place within the same county, the tribunal or tribunals vested by this chapter with authority to authorize the issuance of the original license for the conduct of such business at such place may authorize such transfer, and cause a memorandum thereof to be endorsed on the original license by the clerk of the county court; or if such place be within an incorporated city, town

or village, the municipal authorities whereof are vested with sole power to grant licenses therein, then by the clerk of such municipality, who shall immediately make report thereof in writing to the clerk of the county court, who shall thereupon make record thereof. After such endorsement the license shall have the same effect as if the place to which it is transferred had been inserted therein. But such transfer shall not be authorized until the applicant shall have presented to said county court or other tribunal a petition setting forth all the facts necessary, under the provisions of this chapter, for the original application for such license, nor, in case such license be for the conduct of any business mentioned in paragraphs *b*, *c*, *e* or *f* of the first section, until all the requirements of law mentioned in sections thirteen and fourteen of this chapter in relation to applications for the original license have been complied with.

Sec. 37. A person holding a license for any purpose mentioned in the first section may, except as otherwise provided, assign the unexpired term thereof to another, with the assent of the tribunal or tribunals which authorized such license. Such tribunal or tribunals shall cause a memorandum of such assignment to be endorsed on the original license by the clerk of the county court, or if such place be within an incorporated city, town or village, the municipal authorities whereof are vested with the sole power to grant licenses therein, then by the clerk of the municipality, who shall immediately make report thereof in writing to the clerk of the county court, who shall thereupon make record thereof.

If the assignment be of such a license as is mentioned in the twenty-eighth section, the assignee shall give bond and security as required by that section, and the said license shall in all respects be applicable thereto. A person holding a state license other than those mentioned in the first section may transfer the unexpired term thereof to another by assignment endorsed on the license, and attested by the clerk of the county court. But no assignment of a license shall be of any effect unless made in the manner prescribed in this section. And no transfer of a license mentioned in paragraphs *b*, *c*, *d*, *e* and *f* of the first section shall be authorized except upon petition of the proposed assignee, setting forth all the essential facts as required in an original application for such license, and in compliance with all other requirements of the law in relation thereto. Nor until there be filed with such petition a receipt from the proper officer showing the payment of the tax of fifty dollars upon such transfer hereinafter provided for.

Fees for licenses, alterations and assignments.

Sec. 38. For every order entered authorizing a state license, or assignment of the same, the clerk of the tribunal making the order shall be entitled to a fee of fifty cents. For every certificate for a license, or alteration or assignment of such license, the clerk issuing the same shall be entitled to a fee of fifty cents. The said fee shall be paid by the person on whose application the license is issued, or the alteration or assignment made.

Time for which license is to be granted.

Sec. 39. Every state license for any purpose mentioned in sections one and two of this chapter, except as hereinafter otherwise provided, shall expire on the thirtieth day of April next after the commencement thereof; if granted for a less time than a year the state tax thereon shall be computed from the annual tax in proportion to such time as the license has to run.

Sec. 40. A state license to furnish intoxicating drinks or refreshments, or sell at retail spirituous liquors, wine, porter, ale or beer, or any drink of like nature, at a public theater or at any public watering place in this state, or sell patent rights, or act as hawker or pedler, or to keep for public use or resort at any public watering place in this state a bowling alley or billiard table, or any table of like nature, shall be either for a year, four months or two months from the commencement thereof. But no license to sell intoxicating liquors as provided in this section shall be granted for a year or less than one year except upon petition to the county court or municipal tribunal as provided in this chapter. If for four months, the state tax thereon shall be one-half, and for two months, one-third of the annual tax.

Sec. 41. There shall be a state tax per week on theatrical performances, and on a circus, menageric, street or other carnival, or public show, for every exhibition.

Appeals from the clerk of the county court.

Sec. 42. If any person desiring a state license of any kind be dissatisfied with the amount of taxes to be assessed thereon as stated in the certificate of the clerk of the county court, or with any decision of the clerk respecting such license, or if any person be aggrieved by the assessment of a license tax, he may obtain relief in the following

manner: He may apply to the state tax commissioner to review the decision of the clerk. The tax commissioner shall review the action of the clerk, affirm the same if found to be in accordance with the law, and if found contrary to the law, reverse the same, and issue a certificate for such license on such terms and with such conditions as may be required by law. On such appeal the state tax commissioner may increase or diminish the amount of tax as fixed by the clerk, to meet the requirements of the law. Whenever the state tax commissioner shall ascertain from any source that any person is carrying on any business for which a state license is required without having paid the full amount of the tax required by law, though having paid the amount of tax named in the clerk's certificate, he shall, after notice to such person to show cause before him why such license tax should not be increased, impose the proper amount of tax and require such person to pay to the sheriff the amount of the difference between what such person has already paid and what the state tax commissioner finds he should have paid. If in any case the person desiring the license shall not comply with such requirements or decision, within ten days after the same is made known to such person, the license awarded to such person, if any shall have been awarded, shall be revoked by the state tax commissioner, and any money paid on account of such license shall be forfeited to the state, and such license shall be of no force or effect to authorize the carrying on of the business or engaging in the acts authorized by such license. When it has been ascertained that any person, firm or corporation has carried on any business for which a state license is required without having paid the full amount of the tax required by law, whether such person, firm or corporation has had a certificate authorizing the carrying on of such business or not, the state shall, in addition to the penalties that may be imposed for transacting such business without a state license, have the right to collect such back taxes for a time not exceeding five years, and suits therefor may be brought in the name of the state and enforced in any of the courts of this state having jurisdiction, as other suits in civil actions are brought and prosecuted.

Production of license.

Sec. 43. Every person holding a state license for any of the purposes mentioned in the first section of this chapter, and every person holding such license to sell cigars, or any other preparation of tobacco,

shall keep such license posted in a conspicuous position in the place where any such business is carried on. Every person, firm or corporation conducting a business for which, under the provisions of this chapter, a state license is required, shall produce such license for inspection whenever required so to do by the state tax commissioner, prosecuting attorney, sheriff, justice of the peace, the assessor or his assistants, and it shall be the duty of every assessor and his assistants to call upon every person, in the territory appointed to such assessor and assistants, who is conducting a business for which a state license under this chapter is required and inspect the same, and if such person, firm or corporation shall not have the license authorizing such business he shall immediately report the same to the state tax commissioner. Any person violating this section shall forfeit not less than ten nor more than one hundred dollars.

Sec. 44. A license to maintain an automobile shall be granted by the auditor to the owner thereof, and shall be co-extensive with the state. Such licenses shall be numbered consecutively and a record shall be kept showing the name of the person to whom each license is granted. In addition to the certificate of license the auditor shall furnish to every such licensee two metal tags or plates bearing the same number as the license and the word "licensed," which shall be printed on such tag or plate in plain letters. One such tag or plate shall be securely attached in a conspicuous place on the front and the other on the rear end of such automobile. Any person other than the owner of the automobile licensed who shall deface or destroy such tag or plate shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than twenty-five dollars. Duplicates of any such tag or plate may be issued by the auditor to the person to whom the original was issued upon payment of the fee of one dollar for each. Any person who shall maintain or operate an automobile without such tag or plate, or with one bearing any other number than that of the license issued therefor, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty nor more than one hundred dollars. In any controversy respecting the identity or ownership or control of an automobile, the number borne by it shall be *prima facie* evidence that it was owned and operated by the person to whom the license therefor was issued. If a license for an automobile be issued to any person other than the owner it shall be invalid, and such automobile shall be deemed to be maintained and operated without a license.

Clerk's list of licenses.

Sec. 45. It shall be the duty of every clerk of the county court to ascertain from time to time all persons in his county from whom state license is required by law, and deliver them proper certificates of the license to be obtained and the tax to be paid thereon to the state; but it shall also be the duty of every person to apply to the clerk of the county court and cause himself to be properly listed and licensed. And in case he shall transact any business for which he obtained such license, without having paid the taxes thereon, he shall forfeit not less than ten nor more than one hundred dollars for every such offence, in addition to all other penalties provided by this chapter.

Sec. 46. The said clerk shall from time to time make fair classified lists of all persons in his county from whom state license is required by law, specifying in such lists the date of every certificate, the name of the person to whom delivered, the amount of the state tax, for what the license is to be obtained, and such other particulars as he may be directed by the auditor to state therein.

Sec. 47. He shall complete and deliver to the sheriff or collector, before the thirtieth day of April in each year, the list of licenses issued by him and expiring on that day. Of other licenses issued by him, he shall make out and deliver to the sheriff or collector proper lists at intervals, not exceeding two weeks.

Sec. 48. He shall transmit to the auditor proper lists of all state licenses for which certificates may have been issued in his county. A list of such as are issued on or after the first day of January in any year, and before the first day of July following, shall be transmitted on or before the tenth day of July; and of such as are issued on or after the first day of July in any year, and before the first day of January following, a list shall be transmitted on or before the tenth day of January. If he shall have ascertained that the state tax specified in any certificate was not paid, he shall note the fact on the proper list. The said list shall be verified by the affidavit of the clerk. If no certificate for license has been issued, during any of the periods above mentioned, he shall return that fact to the auditor, verified by his affidavit, at the times specified for transmitting the said lists.

Sec. 49. Such lists shall be evidence against the sheriff or collector to charge him with the amount of state tax therein stated.

Instructions by auditor.

Sec. 50. The auditor after conference with the state tax commissioner shall, by letter or printed circular, give such instructions from time to time to the clerks of the county courts, municipal clerks and other officers, respecting their duties under this chapter as may seem to him judicious.

Penalty for neglect of duty.

Sec. 51. If any clerk, or municipal or other officer, fail to perform any duty required of him by this chapter, or to obey the instructions of the auditor so far as they are not contrary to law, he shall forfeit for every such offence not less than ten nor more than one hundred dollars.

Collection of license taxes.

Sec. 52. The sheriff or other collector shall be authorized to distrain immediately upon receipt of the list provided for in section forty-six, for the amount with which any person may have been assessed upon any state license under the provisions of this chapter, and to sell upon ten days' notice so much of said person's personal property, subject to such distress, as may be necessary to pay the tax so assessed.

Sec. 53. When the sheriff or collector is unable to find property out of which to make the taxes imposed upon persons who may have been assessed with a license, such sheriff or collector may return such person as insolvent, subject to all the laws in relation to uncollected taxes.

When license taxes to be paid into the treasury.

Sec. 54. Every sheriff or collector shall account for and pay into the treasury of the state the state taxes on licenses at the following times: The taxes assessed on or after the first day of January, and before the first day of July following, shall be accounted for and paid on or before the thirty-first day of the said month of July, and the taxes assessed on or after the first day of July, and before the first day of January following, shall be accounted for and paid on or before the thirty-first day of said month of January.

How payments enforced against sheriffs or collectors.

Sec. 55. If a sheriff or collector fail to pay as required by the

preceding section, the auditor within three months after such failure may file in the clerk's office of the circuit court, for the county in which the seat of government for the time may be, an accurate account of the amount with which such sheriff or collector may be chargeable on account of said taxes; and the said clerk shall enter up judgment thereon against such sheriff or collector for the said amount, with lawful interest thereon from the time of such failure until payment, and fifteen per cent. damages on the principal in addition thereto, unless the auditor direct a reduction of the said damages; which judgment shall have the same force and effect, and be subject in all respects to the same proceedings, as if it had been rendered by the said court. The auditor may retain any money in his hands or in the state treasury due such sheriff or collector, as commissions or otherwise, sufficient to pay the amount due from such sheriff or collector, and apply the same in satisfaction of the tax as due from such sheriff or collector, or of such part of said taxes as the amount retained will satisfy. If such money is so retained and applied by the auditor, after judgment shall have been entered by the clerk as herein provided for, the auditor shall certify the amount so retained and applied to the said clerk, and he shall enter an order showing the satisfaction of the said judgment in whole or in part, as the fact may be.

Sec. 56. But any person aggrieved by such judgment may, within one year after it is entered up, upon notice to the auditor, apply to the said court to set the judgment aside and try the case, or for leave to prove errors, sets-off or credits against the same; and the court, for good cause, may either set aside the judgment and proceed to try the case as if no judgment had been entered, or, allowing the judgment to stand as a security for what may appear ultimately to be due, may give leave to the applicant to prove errors, sets-off and credits before a jury or commissioner, and render such final judgment in the case as the law and equity may require.

Sec. 57. The right of the state to proceed by motion or otherwise against the sureties of any sheriff or collector shall not be impaired or affected by anything contained in the last two preceding sections, or which may be done in pursuance thereof. And if any sheriff or collector fail to pay as required by the fifty-fourth section of this chapter, proceedings may be had according to the thirty-fifth chapter of this code. Every sheriff or collector who fails to pay as required by the said fifty-fourth section, shall be charged with interest at the rate of twelve per cent. per annum on the amount in

arrears from the time it ought to have been paid into the treasury.

Commissions for collecting taxes.

Sec. 58. Every sheriff or collector receiving taxes on licenses, under this chapter, shall be allowed a commission of five per cent. for his collections on the first one thousand dollars, two per cent. for any excess not over five thousand dollars, and one per cent. on any excess over that sum.

Duties of prosecuting attorney.

Sec. 59. In addition to the general duties of the prosecuting attorney in each county, he shall, upon his own motion or upon the application of any revenue officer, institute prosecutions for the offences and suits upon the bonds mentioned in this chapter, in all proper cases, and no indictment or presentment for a violation of the revenue law shall be dismissed without a trial, or submitted without evidence, where any evidence exists, nor shall a confession of judgment be taken in any prosecution for a misdemeanor, where there is a specified fine or penalty, for a less sum than that so specified.

Sec. 60. The foregoing provisions of this chapter shall in all cases be construed as remedial and not penal. And all forfeitures and penalties herein provided for may be recovered and enforced by indictment and prosecution in the circuit court of the proper county. And every such indictment shall be tried at the term of the court at which it is found, unless good cause be shown to the contrary.

Amount and rate of tax on real and personal property.

Sec. 61. In every year for which a different rate is not prescribed by special enactment, the state taxes on the person and subjects hereinafter mentioned shall be as follows, except that the taxes on real and personal property prescribed by the next section shall be imposed only as follows:

Sec. 62. On real and personal property not exempt from taxation, for the year nineteen hundred and five, sixteen cents on every hundred dollars valuation thereof, for general state purposes, and eight cents on every hundred dollars valuation thereof, for the support of free schools; for the year nineteen hundred and six, eight cents on every hundred dollars valuation thereof, for general state purposes, and five cents on every hundred dollars valuation thereof, for the support of free schools; and for the year nineteen hundred

and seven, and thereafter, only five cents on the one hundred dollars valuation, for state school taxes, shall be imposed upon real or personal property: *provided*, that the board of public works may reduce and fix the levy below the said levy for the year nineteen hundred and five or nineteen hundred and six, or either of them, to any amount not less than two cents on each one hundred dollars of valuation for state purposes, and two cents on each one hundred dollars of valuation for state school purposes; and for the year nineteen hundred and seven, and thereafter, the said board may reduce and fix the amount of the levy for state school purposes to any amount not less than two cents on each one hundred dollars of valuation. Any such act of the board of public works shall be certified by the president and the secretary of said board to the clerk of the county court and the sheriff of every county not later than the first day of August of the year for which said reduction of levy is to apply; and it shall be the duty of said officers to extend the levy so fixed by the board of public works on the personal property books and the land books of their county.

Capitation tax.

Sec. 63. On every male inhabitant who has attained the age of twenty-one years, one dollar.

License tax on hotels, eating houses, etc.

Sec. 64. On every license to keep a hotel or tavern, eating house or restaurant, three per centum per annum upon the yearly rental value of the premises occupied for that purpose, estimated according to the ninth section of this chapter.

Sec. 65. On every license to carry on a distillery for the manufacture of whisky or brandy, one hundred dollars, and, in addition thereto, twenty-five cents on every barrel of whisky or brandy manufactured or produced; except that on a license to distill apple and peach brandy, from fruit grown exclusively within this state, the annual license tax shall be one hundred dollars.

Sec. 66. On every license to carry on a brewery for the manufacture of beer, porter or ale, one hundred dollars, and, in addition thereto, seven and one-half cents on each and every barrel manufactured or produced.

Sec. 67. Every person, company, firm or corporation carrying on a brewery or distillery in this state, except a distillery for dis-

tilling solely apple and peach brandy from fruit grown exclusively in this state, shall, not later than the first day of May, in the year 1905, and in each year thereafter, make a report under oath to the auditor, and to the clerk of the county court of the county in which the distillery or brewery is situated, showing the annual productive capacity of such distillery or brewery. The aggregate annual tax each year for carrying on any such brewery or distillery shall be based in the first instance upon the annual productive capacity of such distillery or brewery, and shall be paid in full each year before such distillery or brewery is carried on after the thirtieth day of April in each year.

Sec. 68. Every person holding any such license shall keep a complete and accurate record of the production of such brewery or distillery during the period covered by the license. Within thirty days after the end of any license year, he shall report to the auditor in writing under oath the exact production of any such brewery or distillery operated by him during all or any part of such license year. If the actual production shall exceed the estimated production upon which the tax was assessed, such person shall pay to the auditor a further tax on account of such license to be ascertained by applying the rate aforesaid to such excess; or if the actual production shall fall short of the capacity of the brewery or distillery upon which the tax was assessed, then there shall be refunded to such person out of the state treasury a sum to be ascertained by applying the rate aforesaid to the difference between the productive capacity and the actual production.

Sec. 69. Such report of actual production shall be filed with the auditor within thirty days after the end of the license year. No money shall be refunded to any applicant under the provisions of this chapter, unless written application therefor be made within six months from the end of the license year.

Sec. 70. The clerk, the auditor or the state tax commissioner may examine under oath any person applying for such license at the time the application is made, or at any other time, touching the productive capacity of such distillery or brewery, may examine the books of any such person and institute any other inquiries pertinent to ascertain such productive capacity upon which is based the annual tax.

Sec. 71. The auditor or the state tax commissioner may examine under oath any person making to the auditor a report of the actual production of any such distillery or brewery as to such report of any-

thing bearing thereon. He may, either in person or through the assessor or prosecuting attorney of the county, examine the books of any person holding such license relating to or showing the actual production during the period covered by the license.

Sec. 72. Upon consideration of such report, the result of such examination under oath, and such other information as he may be able to gain, the auditor may increase the amount so reported and may require from the applicant the payment of an additional amount ascertained by applying the rate aforesaid to the amount of such increase. Upon the request of the auditor at any time, the assessor or the prosecuting attorney of the county shall furnish any information at his command respecting the operation or production of any such brewery or distillery. If any person deem himself aggrieved by any ruling of the auditor, under this section, he may apply for relief to the board of public works of the state, and, upon due notice having been given to the auditor, the board shall proceed to hear the matter and any pertinent evidence which may be offered, and to make such order therein as may be right and just, which order shall be final and binding as well upon the applicant as upon the auditor.

Sec. 73. The assignee of any license to carry on a distillery or brewery shall be subject to all the provisions of this chapter requiring report of the actual production, and subject to other obligations of his assignor under this chapter and liable for any additional tax assessed by the auditor under its provisions.

Sec. 74. A license for carrying on a distillery shall authorize the holder thereof to sell the product of such distillery at wholesale at the distillery, but shall not authorize such holder to sell such product at retail at any place; and the shipment or delivery of any such product from any place of storage other than the distillery shall be deemed a sale without a license at the place of such shipment or delivery, unless a license to sell at wholesale at that place has been obtained under this chapter and shall be in force. But a license to carry on a brewery shall authorize the holder thereof to solicit and receive orders for, sell, offer and expose for sale, the product of such brewery, at wholesale only, in any and all of the counties and cities, towns and villages of this state, except in those counties where the county court or other license tribunal does not grant license to sell intoxicating liquors, and except also in cities, towns and villages where the city council or other license tribunal does not grant license to sell intoxicating liquors.

No city, town or village shall impose on the holder of a state license to carry on a brewery any municipal license tax unless he maintains a storehouse or place of business therein, and such municipal license tax shall not exceed two and one-half cents per barrel on the sales made at such storehouse or place of business; this, notwithstanding the provisions of chapter forty-seven of the code or of the charter of any city, town or village.

Sec. 75. Any person who shall violate any of the provisions of the eight preceding sections shall be guilty of a misdemeanor and shall be fined not less than five hundred nor more than five thousand dollars.

Sec. 76. Any person swearing falsely to any report of actual production or sale required by this chapter shall be guilty of a felony, and, upon conviction thereof, shall be punished by confinement in the penitentiary for not less than one year nor more than five years. Any oath to a written statement or report made under the requirements of this chapter shall be made as follows: When the business is carried on by an individual, by such individual; when carried on by a firm or company not incorporated, by a member of such firm or company; and when carried on by a corporation, by the president, secretary or chief accounting officer of such corporation.

Sec. 77. On every license to sell porter, ale, beer or drinks of like nature, other than spirituous and other distilled or vinous liquors, at wholesale, three hundred and seventy-five dollars to every person, firm, company or corporation selling annually not over five thousand barrels, and seventy-five dollars for each additional one thousand barrels or fractional part thereof.

Sec. 78. Every person, company, firm or corporation selling porter, ale, beer or drinks of like nature, at wholesale, shall, not later than the first of May in the year 1905, and in each year thereafter, make a report to the auditor, and to the clerk of the county court in which his place of business is situated, showing as nearly as may be the amount of his annual sales. The aggregate annual tax in each year on such license shall be based in the first instance upon the annual sales as estimated under this chapter, and shall be paid in full each year before any sales are made under such license after the thirtieth day of April in each year.

Sec. 79. Every person holding such license shall keep a complete and accurate record of the number of barrels sold by him during the period covered by the license. Within thirty days after the end of the license year he shall report to the auditor in writing under oath

the exact number of barrels sold by him during all or any part of such license year. If the actual sales shall exceed the estimated sales upon which the tax was assessed, such person shall pay to the auditor a further tax on account of such license to be ascertained by applying the rate aforesaid to such excess; or if the actual sales shall fall short of the amount of sales upon which the tax was assessed, then there shall be refunded to such person out of the state treasury a sum to be ascertained by applying the rate aforesaid to the difference between the estimated sales and the actual sales.

Sec. 80. Such report of actual sales shall be filed with the auditor within thirty days after the end of the license year. No money shall be refunded to any applicant under the provisions of this chapter unless written application therefor be made within six months from the end of the license year.

Sec. 81. The clerk, the auditor or the state tax commissioner may examine under oath any person applying for such license at the time the application is made, or at any other time, touching the probable annual sales by said person, may examine the books of any person, and may institute any other inquiries pertinent to ascertain the probable annual sales upon which the annual tax is to be based.

Sec. 82. The auditor or the state tax commissioner may examine under oath any person making to the auditor a report of the actual sales by such person as to such report, or anything bearing thereon. He may either in person or through any clerk in his office, or through the assessor or through the prosecuting attorney of the county, examine the books of any person holding such license relating to or showing the actual sales during the period covered by the license.

Sec. 83. Upon consideration of such report, the result of such examination under oath, and such other information as he may be able to gain, the auditor may increase the amount so reported and may require from the applicant the payment of an additional amount ascertained by applying the rate aforesaid to the amount of such increase. Upon the request of the auditor at any time the assessor or the prosecuting attorney of the county shall furnish any information at his command respecting the actual amount of such sales. If any person deem himself aggrieved by any ruling of the auditor under this section he may apply for relief to the board of public works of the state, and, upon due notice having been given to the auditor, the board shall proceed to hear the matter and any pertinent evidence which may be offered, and to make such order therein

as may be right and just, which order shall be final and binding as well upon the applicant as upon the auditor.

Sec. 84. The assignee of any license to sell porter, ale, beer or drinks of like nature, at wholesale, shall be subject to all the provisions of this chapter requiring report of the actual sales, and subject to other obligations of his assignor under this chapter, and liable for any additional tax assessed by the auditor under its provisions.

Sec. 85. The license to sell porter, ale, beer or drinks of like nature, at wholesale, shall authorize the holder thereof to sell thereunder at wholesale only at the place in the county for which it is granted, but shall not authorize such holder to make sales at retail at any place, nor to sell at wholesale elsewhere than at the place in the county for which the license was granted.

Sec. 86. Any person who shall violate any of the provisions of the eight preceding sections shall be guilty of a misdemeanor and shall be fined not less than five hundred dollars nor more than five thousand dollars.

Sec. 87. On every license to sell spirituous liquors, wine, porter, ale, beer, or drinks of a like nature, at retail, five hundred dollars.

Sec. 88. On every license to sell spirituous liquors, wine and drinks of a like nature, other than porter, ale, beer and other brewed liquors, at wholesale, five hundred dollars, in addition to all other taxes.

Sec. 89. No person having such license to sell at retail shall sell or deliver by virtue thereof more than five gallons at a time, and the sale and delivery of more than five gallons at a time shall be deemed a sale without a license.

Sec. 90. No person having such license to sell at wholesale shall sell or deliver by virtue thereof a less quantity than five gallons at a time, and if any such sale or delivery be made it shall be deemed a sale without a license.

Sec. 91. On every assignment or transfer of a license to sell liquors, fifty dollars.

Sec. 92. On every license to carry on the business of a turf exchange or base ball exchange, fifteen hundred dollars.

Sec. 93. On every license to furnish intoxicating drinks or refreshments at a public theater, seven hundred dollars.

Sec. 94. Apple and peach brandy distilled within any of the counties of this state, from fruit grown in the state, may be sold by the distiller thereof in quantities of not less than five gallons at a

time, to be carried away and not drunk on the premises where sold, by his paying a license tax of one hundred dollars; but the sale and delivery of a less quantity than five gallons at a time shall be deemed a sale without a license.

Real estate agents, stock and other brokers.

Sec. 95. On every license to practice the business of a real estate agent or of a stockbroker, merchandise broker or other broker (other than that of a pawnbroker), by buying or selling for others stocks, securities, merchandise or other property, for commission or reward, fifty dollars; or to carry on a bucket shop, or to engage in transactions specified in clause "f" of section two of this chapter, five hundred dollars, in addition to all other taxes prescribed by this chapter or by any other law.

Tobacco, cigars, cigarettes, etc.

Sec. 96. On every license to sell at retail cigarettes, cigarette paper or wrappers, cigars, tobacco, snuff and other preparations of tobacco, ten dollars; to sell at retail cigars, tobacco, snuff or other preparations of tobacco, other than cigarettes or cigarette paper or wrappers, five dollars.

The giving away or furnishing of cigarette paper or wrappers in connection with the sale of tobacco, or other thing of value, shall be taken to be a sale thereof under the provisions of this section.

Druggists.

Sec. 97. On every license to carry on the business of a druggist, twenty-five dollars, in addition to all other taxes.

Bowling alleys.

Sec. 98. On every license to keep a bowling alley for public use or resort where any charge is made for the use of the same, forty dollars; but if more than one be kept in one house, by the same person, forty dollars for the first one and fifteen dollars for each additional one.

Billiard tables, etc.

Sec. 99. On every license to keep a billiard table or pool table,

or table of like kind, for public use or resort, where any charge is made for the use of same, fifty dollars; if more than one of such tables be kept in the same house, by the same person, fifty dollars for the first one and twenty-five dollars for each additional one.

Junk dealers, etc.

Sec. 100. On every license to carry on the business of a junk dealer, twenty-five dollars.

Sec. 101. On every license to sell to merchants trading stamps, premium stamps, or stamps or certificates of like nature or character, or undertake with merchants to redeem such stamps or certificates in money or goods, five hundred dollars.

House-boats, slot machines, etc.

Sec. 102. On every license to maintain or occupy a trading house-boat, or like structure or vessel, ten dollars.

Sec. 103. On every license to maintain a slot machine or other automatic device, which is not a gambling device under section one of chapter one hundred and fifty-one of the code, or which is for the purpose of the sale of cigars, chewing gum or other articles of merchandise, five dollars for each machine or device.

Sec. 104. On every license to maintain an automobile, ten dollars.

Roller coaster, etc.

Sec. 105. On every license to operate a roller coaster, merry-go-round, scenic railway, or like device, for one week, ten dollars; for four months, thirty dollars; for six months, fifty dollars; and for one year, one hundred dollars.

Pistols, dirks, etc.

Sec. 106. On every license to sell pistols, revolvers, dirks, slungshots, billies, bowie-knives, metallic or other false knuckles, or other weapons of like kind, ten dollars.

Money brokers or private bankers.

Sec. 107. On every license to carry on the business of money broker or private banker, two hundred dollars.

Sec. 108. On every license to keep a bagatelle table, or table of

like kind, for public use or resort, twenty-five dollars; but if more than one be kept in one house, by the same person, twenty-five dollars for the first one and ten dollars for each additional one.

Roller skating rinks.

Sec. 109. On every license to keep a roller skating rink for public use or resort, in a city or town with a population of ten thousand or more, one hundred dollars; in a city or town with a population of more than five thousand, but less than ten thousand, fifty dollars; and in a city or town with a population not exceeding five thousand, twenty-five dollars.

Provisions respecting public watering places.

Sec. 110. At any public watering place in this state a license may be granted to keep such alley or billiard table, pool table, bagatelle table, or other table of a like kind, or roller skating rink, for public use and resort, for four months or two months from the commencement thereof. If for four months the state tax thereon shall be one-half, and if for two months one-third, of the annual tax.

Auctioneers.

Sec. 111. On every license to act as auctioneer, five dollars; and if any auctioneer act as such in a town an additional tax of two dollars for every thousand of the population of such town, according to the last preceding United States census.

Pawnbrokers.

Sec. 112. On every license to practice the business of pawnbroker, one hundred dollars.

Sale of patent rights, collection agencies, etc.

Sec. 113. On every license to sell or barter patent rights, ten dollars.

On every license to carry on or practice the business of a collection agency, twenty dollars, provided it shall not apply to attorneys at law engaged in the practice of their profession in this state, unless a separate collection department is maintained in connection with

their law business, in which case the license fee of twenty dollars shall be paid. Said license shall be obtained from the auditor, upon application and payment to him of the amount of said tax, who shall issue to such applicant a certificate of license.

Any person violating any of the provisions of this section shall be fined not less than twenty-five dollars, nor more than one hundred dollars.

Hawkers and pedlers.

Sec. 114. On every license to act as a hawker or pedler, if the person licensed travel without a horse, fifty dollars; if he travel with one horse, with or without a wagon, or other vehicle, one hundred and fifty dollars; if he travel with two or more horses, with or without a vehicle, two hundred dollars. Such license shall be placed in some conspicuous place in his wagon or about his pack: *provided*, that nothing in this chapter shall be construed as levying a license tax on farmers selling produce, or what are commonly known as hucksters, who, for the purposes of this chapter, are persons that travel with a wagon or other vehicle with one or more horses and buy or sell farm, dairy, garden or poultry produce and pay or receive pay therefor with money, or with articles of merchandise for the sale of which no license tax is required by law: *provided, further*, that no tax or fee shall be imposed on any license, to act as hawker or pedler, granted to any soldier of the late civil war.

Sewing machines, lightning rods, organs, etc.

Sec. 115. On every license to sell sewing machines, stoves or ranges, if the salesman thereof travels with or without a vehicle, ten dollars; on every license to sell organs or other musical instruments, if the salesman thereof travels and sells from a wagon or other vehicle, twenty dollars; and on every license to sell lightning rods, if the salesman thereof travels, fifty dollars.

Shooting galleries.

Sec. 116. On every license to keep a shooting gallery for public use or resort, twenty-five dollars.

Theaters, opera houses, etc.

Sec. 117. The state tax on every license for a theatrical perform-

ance shall be ten dollars for one week, and no such license shall be issued for less than one week. But if such performance be in a city or town of a population of twenty thousand or more, the tax shall be twenty dollars; if the population be more than ten thousand and less than twenty thousand, fifteen dollars; if the population be ten thousand or less, ten dollars: *provided*, that a theater, opera house, or other permanent place for public shows may have a license by paying a tax as follows: If in a city of twenty thousand or more for three months for fifty dollars, for six months for seventy-five dollars, or for one year for one hundred dollars; if in a city or town of more than ten thousand and less than twenty thousand, for three months for twenty-five dollars, for six months for thirty-eight dollars, or for one year for seventy-five dollars; if the population be ten thousand or less, for three months thirteen dollars, for six months nineteen dollars, or for one year, twenty-five dollars.

If such theater or other permanent place be outside of an incorporated city, town or village, the rate shall be the same as that for a city or town of a population of ten thousand or less.

Sec. 118. Whenever anything for which a state license is required by the last preceding section is to be done within any incorporated city, town or village (whether incorporated under general or special law) the council may require a city, town or village license therefor, and may impose a tax thereon for the use of the city, town or village.

Sec. 119. The provisions of this chapter shall not apply to literary, dramatic, musical or benevolent societies, where they do not give exhibitions outside of their own counties.

Circus, menagerie, etc.

Sec. 120. The state tax on every license to exhibit a circus shall be fifty dollars for each exhibition; on a license to exhibit a menagerie, thirty dollars for each exhibition; on a license to exhibit a circus and menagerie combined, seventy-five dollars for each exhibition; and on a license to exhibit any other show (inclusive of each and every side-show in the vicinity of a circus and menagerie, or circus and menagerie combined), ten dollars for each exhibition, except that a license to exhibit a museum or public show, where the admission is ten cents, shall be four dollars a day or twenty dollars a week.

Expiration of existing licenses.

Sec. 121. All licenses granted or that may hereafter be granted

under the law as it was on the day before this chapter, as amended, takes effect shall continue in force until the expiration thereof.

Tax on state seal.

Sec. 122. Except when the seal is used on the papers of a requisition issued by the governor for the return of a fugitive from justice, and except in cases where it is otherwise provided by law, there shall be a tax of one dollar whenever the seal of the state is affixed to any paper, which tax shall be paid to the secretary of state, and by him paid into the treasury of the state.

Tax on holding land.

Sec. 123. Every corporation, including railroad and other corporations, holding more than ten thousand acres of land in this state, shall pay a tax of five cents per acre for each acre in excess of ten thousand acres. Corporations heretofore incorporated and foreign corporations heretofore authorized to hold property and transact business in this state, which are liable to pay such tax, and have not paid the same, shall pay the same to the secretary of state before the first day of August, nineteen hundred and five. Such corporations shall, under the hand of the president and seal of the corporation, and attested by the secretary, apply to the secretary of state for a certificate authorizing the holding of the number of acres stated in such application, and pay the tax thereon; and it shall be the duty of the secretary of state to issue to such corporation a certificate stating the amount of tax paid and the number of acres on which paid, and the number of acres the corporation is thereby entitled to hold. Hereafter a domestic corporation shall state in its agreement for incorporation, and a foreign corporation shall state in its application for authority to hold property and transact business in this state, the number of acres it desires to hold, and pay the taxes thereon to the secretary of state before the certificate of incorporation or of authority is issued. If any corporation desires to increase the number of acres it may hold, it shall make application therefor to the secretary of state. Such application shall be signed by the president of the corporation, sealed with its corporate seal, and attested by the secretary, and shall state the number of acres it then holds and the number of acres it desires to hold. The secretary of state shall collect the proper amount of tax and shall issue to the corporation a certificate, reciting the number of acres the corporation may hold and the amount of tax paid

to him. If any corporation shall fail to comply with the provisions of this section it shall be liable to a fine of not less than twenty-five dollars and not exceeding five hundred dollars, and be liable to pay such tax due to the state with a penalty of ten per cent. on the total amount due, and be liable to all the provisions of sections 136 and 137 so far as they are applicable. All moneys received by the secretary of state under the provisions of this section he shall report to the auditor, and pay into the state treasury in the manner prescribed for the payment of other moneys received by him.

Sec. 124. For convenience in classification for prescribing and assessing license tax on charters or certificates of incorporation, corporations are divided into two classes, domestic and foreign. A domestic corporation is (a) one incorporated by or under the laws of this state, or (b) under the laws of the state of Virginia before the twentieth day of June, eighteen hundred and sixty-three, and which has its principal place of business and chief works (if it have chief works) in this state. Every other corporation is a foreign corporation. Domestic corporations are subdivided into two classes, resident and non-resident. A resident corporation is a domestic corporation whose principal place of business and chief works (if it have chief works) are located within this state, and a non-resident corporation is a domestic corporation whose principal place of business or chief works is located without this state. The words "chief works" as used in this chapter include shops, factories, mines, manufacturing plants or any building or other place where mechanics, artisans or laborers are employed.

Sec. 125. Any corporation feeling aggrieved at the assessment of its license tax by the auditor, under the provisions of this chapter, may apply to the board of public works for relief; and the board shall have authority to consider such case, and also cases of the insolvency or financial distress of any corporation or any other case involving said license tax. In any such case the board may fix the amount to be paid by such corporation in full discharge of the license tax and penalties due the state for the period named in the order made therein. Every such order shall be entered in the record of the board and a certified copy thereof shall be delivered to the auditor by the secretary of the board.

Sec. 126. Every resident corporation shall pay an annual license tax on its charter based on its authorized capital stock as follows:

If the authorized capital stock be five thousand dollars or less, ten dollars.

If more than five thousand dollars and not more than ten thousand dollars, fifteen dollars.

If more than ten thousand dollars and not more than twenty-five thousand dollars, twenty dollars.

If more than twenty-five thousand dollars and not more than fifty thousand dollars, twenty-five dollars.

If more than fifty thousand dollars and not more than seventy-five thousand dollars, thirty dollars.

If more than seventy-five thousand dollars and not more than one hundred thousand dollars, thirty-five dollars.

If more than one hundred thousand dollars and not more than one hundred and twenty-five thousand dollars, forty dollars.

If more than one hundred and twenty-five thousand dollars and not more than one hundred and fifty thousand dollars, forty-five dollars.

If more than one hundred and fifty thousand dollars and not more than one hundred and seventy-five thousand dollars, fifty dollars.

If more than one hundred and seventy-five thousand dollars and not more than two hundred thousand dollars, fifty-five dollars.

If more than two hundred thousand dollars and not more than three hundred thousand dollars, seventy dollars.

If more than three hundred thousand dollars and not more than four hundred thousand dollars, eighty-five dollars.

If more than four hundred thousand dollars and not more than five hundred thousand dollars, one hundred dollars.

If more than five hundred thousand dollars and not more than one million dollars, one hundred and fifty dollars.

If more than one million dollars, one hundred and fifty dollars, and forty dollars on each million dollars, or fraction thereof, in excess of one million dollars.

Sec. 127. When application is made to the secretary of state for a certificate of incorporation, and it is proposed by such corporation to pay the rate of license tax prescribed for resident corporations, it shall be the duty of the secretary of state to require an affidavit to be made by at least two of the incorporators in the following form or to the following effect:

"State of _____, county of _____, to-wit:

I, _____, a _____, in and for the county and state aforesaid, do hereby certify that _____ and _____, two of the persons who have executed this

agreement, as incorporators thereof, for the incorporation of the— company, which agreement is dated the—day of—, this day personally appeared before me in my said county, and made oath that the statement made in said agreement, to-wit: that said corporation 'shall keep its principal place of business at—, in the county of —, state of West Virginia,' is true, and that said principal place of business and chief works have been so located in good faith and not for the purpose of evading any law of the state of West Virginia, and especially not for the purpose of avoiding payment of the difference between the amount of the annual license tax on the charters of corporations having their principal place of business and chief works within the state of West Virginia and those corporations having their principal place of business or chief works without the said state; and that said corporation named in said agreement proposes in good faith to carry on its business and to have its principal place of business and its chief works within the state of West Virginia.

Given under my hand and official seal, this—day of—, 19—."

Any person who shall falsely make such affidavit shall be guilty of perjury, and upon proof thereof the corporation named in such affidavit shall forfeit all its privileges, rights and franchises. And it shall be the duty of the auditor and the secretary of state to file with the attorney general information of such false affidavit, and the duty of the attorney general to institute proceedings to have said charter declared forfeited.

Sec. 128. Every non-resident corporation shall pay an annual license tax on its charter, based on its authorized capital stock as follows:

If the authorized capital stock be ten thousand dollars or less, fifteen dollars.

If more than ten thousand dollars and not more than twenty-five thousand dollars, twenty dollars.

If more than twenty-five thousand dollars and not more than fifty thousand dollars, thirty dollars.

If more than fifty thousand dollars and not more than seventy-five thousand dollars, forty dollars.

If more than seventy-five thousand dollars and not more than one hundred thousand dollars, fifty dollars.

If more than one hundred thousand dollars and not more than one million dollars, fifty dollars, and an additional twenty-five cents

on each one thousand dollars, or fraction thereof, in excess of one hundred thousand dollars.

If more than one million dollars and not more than two million dollars, two hundred and seventy-five dollars, and an additional twenty cents on each and every one thousand dollars, or fraction thereof, in excess of one million dollars.

If more than two million dollars and not more than four million dollars, four hundred and seventy-five dollars, and an additional ten cents on each and every one thousand dollars, or fraction thereof, in excess of two million dollars.

If more than four million dollars, six hundred and seventy-five dollars, and an additional fifty dollars on each and every one million dollars, or fraction thereof, in excess of four million dollars.

Sec. 129. When an application is made to the secretary of state for a certificate of incorporation, it shall be his duty to make the assessment and collect the license tax for the first year before issuing such certificate. If such certificate be issued after the last day of July he shall assess one-tenth of the amount of the annual tax for each month, or fractional part of a month, to ensue before the first day of the next May; but in no case shall the amount assessed and collected be less than five dollars for a resident corporation, nor less than ten dollars for a non-resident corporation.

Thereafter, on or before the first day of May next following the date of the certificate of incorporation, and on or before each succeeding first day of May, the auditor shall collect such tax for a full year; except that if the certificate of incorporation be issued on or after the first day of March, and before the first day of the ensuing May, the secretary of state shall assess and collect the tax for the full year beginning on said first day of May, in addition to the initial tax. The moneys so received by the secretary of state and the auditor shall be paid by them into the state treasury.

Sec. 130. Every foreign corporation holding property or doing business in this state shall make report to the auditor annually in the month of February, in which report shall be set out:

I. The name of such corporation, the name of the state or country by which incorporated, the date of the incorporation, the date of the certificate of the secretary of state authorizing it to do business in this state, the place of its principal office, the names and postoffice addresses of its president, secretary, and of its officer (if any) charged with the duty of making returns of its property for taxation; and

the name and postoffice address of its attorney of record in this state.

II. The number of shares of its authorized capital stock, and the par value of each share.

III. The value of the property owned and used by such corporation within this state, where situate, of what it consists, and the number of acres of land it holds in this state; and the value of its property owned and used without this state; and

IV. The proportion of its capital stock which is represented by property owned and used in the state of West Virginia; which report shall be verified by the affidavit of the president, secretary or other executive officer of such corporation. It shall be the duty of the auditor to assess and fix its license tax according to the proportion of its capital stock which is represented by its property owned and used in this state, according to the rates prescribed in section 126 of this chapter, if the assessed value of its property located in this state amounts to five thousand dollars; but if the assessed value of such property be less than five thousand dollars, the assessment shall be according to the rates prescribed in section 128 of this chapter: *provided*, that no such corporation shall pay an annual license tax of less than one hundred dollars. The auditor may in any case require such additional information as he may deem necessary to enable him to assess and fix the just amount of license tax of such corporation; and it shall be his duty to notify every such corporation of the amount so assessed by him; and it shall be the duty of the corporation to pay the same into the treasury of the state within thirty days thereafter, and if it fail to do so it shall be liable to the penalties prescribed in sections 136 and 137 of this chapter.

Sec. 131. Every foreign corporation at the time of its application for the certificate mentioned in section 30 of chapter 54 of the code shall file with the secretary of state a report preliminary to the annual report hereinbefore provided for, which preliminary report shall contain sufficient information upon which to base an assessment of its license tax for the then current year. It shall be the duty of the secretary of state to make assessment of its license tax for the said year, and he may require such further information as he may deem necessary for that purpose. Before issuing such certificate the secretary of state shall collect the amount of license tax he finds to be proper for the license tax year ending with the thirtieth day of the succeeding April. If the certificate be issued after the last day of July, and before the first day of the ensuing May, the

secretary of state shall assess and collect such taxes at the rate of one-tenth the amount of the annual license tax for each month, or fractional part of a month, to ensue before the said first day of May. Thereafter, on or before the first day of May next following the date of the certificate of authority, and on or before every succeeding first day of May, the auditor shall collect such tax for a full year: *provided*, that if the certificate be issued in the month of March or April the secretary of state shall assess and collect the license tax for said month, as well as for a full year, beginning with the first day of the ensuing May. When the auditor shall assess and collect the tax on any such foreign corporation, he may include in the tax for any year any amount that such corporation should have paid for any previous year and failed to pay. All moneys collected by the secretary of state and the auditor shall be paid into the state treasury in the manner prescribed by law.

Sec. 132. If any foreign corporation desires no longer to hold property and transact business in this state, it may surrender to the state its authority therefor, in the following manner: It shall publish once in each week for four successive weeks in some newspaper of general circulation published in some county in the state, where it carries on its business, a notice of its intention to withdraw from the state. After such publication it shall make application to the secretary of state for a certificate of withdrawal, which application shall be signed by the president of the corporation, sealed with its corporate seal, and attested by its secretary, and be accompanied by a copy of the said notice and the publisher's certificate of said publication. The secretary of state shall file the same in his office and issue to said corporation a certificate of withdrawal; but said certificate of withdrawal shall not be issued unless and until the corporation has paid into the state treasury any amount it may owe as license tax, including all fines, interest and penalties, as provided in section 56 of chapter 53 of the code. The issuance of such certificate of withdrawal shall not relieve the corporation of any debt or obligation due from it to the state or any resident thereof.

Sec. 133. It shall be the duty of the auditor, between the fifteenth day of February and the fifteenth day of March in each year, to notify every corporation, liable to the tax imposed by this chapter, of the time of payment of such tax and the amount thereof. Such notices may be sent through the mails, addressed to the corporation at its last known postoffice address, as shown by the records in the office of the

secretary of state, or be so sent or be delivered to the attorney of the corporation appointed pursuant to section 24 of chapter 54 of the code. If the auditor shall make a mistake in the amount of such tax the said corporation may file a sworn certificate of the president, vice-president or secretary of the corporation, showing such mistake, or showing the actual amount of tax due; and, in that event, it shall be the duty of the auditor to accept the amount due as shown by said certificate, unless contrary to the provisions of this chapter. At the time of making payment to the auditor every domestic corporation shall deliver to him a statement which shall show the name of the corporation, the date of its charter, the name and postoffice address of its attorney of record in this state, the names and postoffice addresses of its president, secretary and treasurer, the amount of its authorized capital stock, the number of acres of land it holds in this state if the number exceeds ten thousand acres, and such other facts as the auditor may require. Such statement shall be signed by the president, secretary or treasurer of the corporation. The amount of such tax shall be deemed a debt due the state, and shall be a lien on all the property and assets of the corporation prior to all other liens except the lien of the taxes levied on its property for state, county and district purposes. Such tax shall be a preferred debt in cases of insolvency.

If such corporation holds more than ten thousand acres of land in this state and has not paid taxes thereon, as fixed by section one hundred and twenty-three of this chapter, it shall pay such tax or the remainder of such tax and procure the certificate from the secretary of state as required by said section one hundred and twenty-three within thirty days thereafter. If such tax be paid to the secretary of state he shall report the same to the auditor as prescribed by section one hundred and thirty-nine of this chapter; and if any corporation shall pay such tax to the auditor he shall report the same to the secretary of state. Any such tax due shall be considered annual license tax on the charters of corporations, and its payment enforced in the same manner and with the same penalties.

Sec. 134. The auditor shall, between the first and the fifteenth day of June in every year, publish in some daily newspaper of general circulation printed in this state a list of all corporations failing to pay the license tax, or any part thereof, due therefrom on or before the first day of the preceding month of May. Such list shall contain the names of such delinquent corporations, arranged in three

classes, resident, non-resident and foreign. The cost of such publication shall be paid by the auditor, when allowed by the board of public works, out of any moneys in the treasury not otherwise appropriated, and such sums as may be necessary to pay such costs are hereby appropriated. Any such delinquent corporation may, on or before the first day of September following, or at any time before judgment or decree is entered as hereinafter provided, pay the amount of such tax and a penalty of one per cent. per month for each month, or fractional part thereof, that such failure continues, but the amount of such penalty shall not be less than five dollars. After the publication of the list of delinquent corporations by the auditor he shall mail to the last known postoffice address of each of such corporations a supplemental notice, together with a statement of the total amount of taxes and penalties due therefrom, which notice shall be mailed at least thirty days before the first day of September.

Sec. 135. The auditor, with the approval of the governor, may appoint agents to investigate all violations of the provisions of this chapter concerning license taxes on corporations, and also for the purpose of collecting such taxes from all corporations which have not paid the same, whether due from domestic or foreign corporations. The compensation of all such agents shall be fixed by the board of public works.

Sec. 136. Within thirty days after the said first day of September the auditor shall certify to the governor and the secretary of state a list of all such delinquent corporations, resident, non-resident and foreign. The secretary of state shall preserve the list in his office, and a certificate from him that the name of any corporation mentioned in such certificate is delinquent in the payment of the license tax imposed by this chapter shall be *prima facie* evidence thereof. Within thirty days after receiving such list from the auditor the governor shall issue his proclamation, in which he shall declare the delinquency of every such corporation. A copy of such proclamation shall be filed and recorded in the office of the secretary of state, and be published in such newspapers as the governor may designate, not exceeding one in each congressional district. The cost of such publication shall be paid by the governor, when allowed by the board of public works, out of any moneys in the treasury not otherwise appropriated, and such sums as may be necessary to pay such costs are hereby appropriated. Within sixty days after the date of the publication of such proclamation it shall be the duty of the attorney gen-

eral to institute on the chancery side of the circuit court, in the county in which the seat of government is, a suit or proceeding, or suits or proceedings, in the name of the state, in which such delinquent corporation shall be made defendant. In the bill or petition so filed it shall only be necessary to allege that the corporations therein made defendants have failed to pay such license tax, and that each of them justly owes to the state the amount of license tax, penalty and fines stated therein in connection with the name of the corporation, which amount shall be computed up to the first day of the month succeeding that in which such bill or petition is filed. No such corporation shall interpose as a plea or defence in such suit the fact that the auditor failed to notify it as prescribed in this chapter, or that it failed to receive such notice, or that its name was not included in the list or proclamation hereinbefore mentioned. Upon the hearing of such suit, if it shall appear to the court that any such corporation has failed to pay any such license tax and the penalties and fines assessed against it, the court shall enter a decree or judgment against such corporation for the amount due, including the costs of the proceeding, or such portion of such costs as the court shall apportion to be paid by such corporation, and if the same be not then and there paid the court shall enter a decree, if it be a domestic corporation, forfeiting its charter, rights and franchises; and if it be a foreign corporation, revoking its rights and privilege to hold property and transact business in this state. The amount of the judgment or decree, including costs entered against any corporation, and interest thereon until paid, may be collected by the attorney general, or be collected by the auditor in the same manner that other claims due the state are collected. In any such suit or proceeding the court may make such orders and decrees as he shall deem necessary and proper for a court of equity; and may appoint a receiver for any such corporation and order its assets marshalled and distributed among its creditors; and may, on motion of the attorney general, grant an injunction against any such corporation restraining it from the exercise of any franchise or the transaction of any business within this state, until such tax and the costs be paid. Any person or persons who shall exercise or attempt to exercise any powers under the charter of any such corporation after the issuing of the governor's proclamation shall be guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, in the discretion of the court. The words "license tax" used in this section

shall include, in addition to the amount of the license tax proper, all penalties and fines accruing for failure to pay such tax, and the cost of any suit or proceeding to enforce the collection of the same. When two or more corporations are included in one suit or proceeding the court shall apportion the cost thereof among them as he may deem just.

Sec. 137. In any such suit or proceeding notice may be served on the defendants by service of the summons on the president or any other officer, or any agent or director or stockholder of the corporation found in this state, or on the attorney of record thereof appointed pursuant to section twenty-four of chapter fifty-four of this code; or, if the corporation have no such attorney, or personal service cannot be had on him, by mailing a copy of such summons to the last known postoffice address of such corporation as shown by the reports of such corporation filed in the office of the secretary of state pursuant to section forty-six of chapter fifty-three of this code; or service may be had on all such corporations by order of publication, published once in each week for four successive weeks in some daily newspaper of general circulation published in this state. The court in which the suit is brought or is pending may order such other service on any defendant corporation as he may designate, before final decree. The order of publication may be in form or substance as follows: "State of West Virginia, Plaintiff, vs. _____ (here name the corporations), defendants. The object of this suit is to enforce the collection of the license tax, penalty and fines due from said defendants to the state of West Virginia, to declare forfeited the charters, rights, franchises and privileges of said defendants, and to restrain them from exercising any such rights, franchises or privileges. The said defendants are hereby notified to appear before the circuit court of _____ county within thirty days after the date of the first publication hereof and do what is necessary to protect their interests herein. Teste: _____ Clerk." The attorney general may cause a copy of such order of publication to be mailed to each of said corporations at its last known postoffice address as aforesaid. It shall be the duty of the clerk of every court of this state in which any proceedings are had which result in the forfeiture of the charter of any corporation issued under the laws of this state, or result in the dissolution or extinction of any such corporation, or in the revocation of the rights and privileges of any foreign corporation to do business in this state, to notify the secretary of state of any such

forfeiture, dissolution, extinction or revocation, in which report he shall state the name of the court, the name of the corporation, the nature of the proceedings and the date of the order, decree or judgment, and such other pertinent matter as may be required by the secretary of state; and the secretary of state shall file and record such report in his office, and aptly note the same in the indexes of corporations kept in his office. If any clerk fail to make such report, he shall be liable to a fine of not exceeding one hundred dollars.

Sec. 138. Nothing in this chapter shall be construed as imposing a license tax on corporations chartered strictly for educational, literary, agricultural, scientific, religious or charitable purposes, or upon charters incorporating cemeteries, or lodges of masons, odd fellows, or the like, or other charitable, fraternal or patriotic societies not incorporated for profit to the stockholders; but the secretary of state shall require full proof as to the character of any such corporation claiming such exemption from the payment of license tax. Every such corporation, however, shall, in the month of February in each year, deliver to the auditor the statement required in section 133 of this chapter.

Sec. 139. The secretary of state shall within twenty days after the close of each month make a report to the auditor for the preceding month, in which he shall set out the name of every corporation to which he issued a certificate of incorporation during the month, as well as the name of each corporation to which he issued a certificate under section thirty of chapter fifty-four of the code, with the amount of license tax paid to him by each; also he shall set out in such report the names of all corporations to which he issued, during such preceding month, certificates of increase or decrease of stock, or of shares of stock, or of par value of shares of stock; certificates of change of name or of change of location of principal office; and a statement of all moneys received by him during such preceding month from the proceeds of the sale of books and from tax on state seal, and from any other source whatever and due to the state, and pay the same into the treasury; if he fail to do so it shall be the duty of the auditor to report such failure to the governor.

Sec. 139a. The new license herein provided for shall not be required before the first day of May, 1905.

Sec. 140. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(House Bill No. 276.)

CHAPTER 37.

AN ACT regulating the operations of insurance companies, other than life or fire.

[Passed February 23, 1905. In effect 90 days from passage. Approved February 25, 1905.]

SEC.

1. Insurance companies, other than life or fire, organized under the laws of this state and having their principal office located within this state, when authorized to do business; otherwise, what statute to govern; penalty.
2. Such companies when organized

SEC.

- under the laws of any other state, etc., and having its principal office outside of this state, governed by what laws for admission to do business; penalty.
3. To what fraternal societies, etc., provisions of act not to apply.
4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. Every insurance company or association, other than life or fire, organized under the laws of this state, and having its principal office or place of business located within this state, shall, before transacting any business in this state, have a capital stock of at least ten thousand dollars actually paid up in cash, and properly invested in interest bearing securities, and in addition thereto shall at all times keep on hand a reserve fund equal to the amount of the unearned premiums of all insurance in force on policies written in this state, and shall otherwise be governed by the same provisions of the statute applicable to fire insurance companies. Any company, association, or agent thereof, found guilty of the violation of this section shall be subject to a fine of not less than two hundred dollars nor more than one thousand dollars for every such offence, in any court of jurisdiction.

Sec. 2. Every insurance company, or association, other than life or fire, organized under the laws of any other state or territory of the United States, or the District of Columbia, or any foreign country, and having its principal office or place of business outside of this state shall be governed in all respects by the laws of this state regulating the admission of foreign fire insurance companies doing business in this state. Any company, association or agent thereof found guilty of the violation of this section shall be subject to a fine of not less than two hundred dollars nor more than one thousand dollars for every such offence, in any court of jurisdiction.

Sec. 3. This act shall not apply to fraternal beneficiary societies

or farmers' home mutual fire insurance companies, organized and carried on solely for the mutual benefit of its members and their beneficiaries and not for profit, and having a lodge system with ritualistic form of government.

Sec. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

(Senato Bill No. 82.)

CHAPTER 38.

AN ACT to amend and re-enact section 46 of chapter 29 of the code as amended and re-enacted by section 61 of chapter 4 of the acts of the extraordinary session of the legislature of 1904, relative to the meaning of the words "personal property," "real estate," or "real property."

[Passed February 11, 1905. In effect 90 days from passage. Approved February 15, 1905.]

<p>Sec. 46. The words "personal property," "real estate" or "real property,"</p>		<p>Sec. defined for assessment purposes.</p>
--	--	--

Be it enacted by the Legislature of West Virginia:

1. That section forty-six of chapter twenty-nine of the code as amended and re-enacted by section sixty-one of chapter four of the extraordinary session of the legislature of nineteen hundred and four, be amended and re-enacted so as to read as follows:

Sec. 61. The words "personal property" as used in this chapter, shall include all fixtures attached to land if not included in the valuations of such land entered in the proper land book. All things of value, movable and tangible, which are subject to ownership, all chattels, real and personal; and all money, credits and investments as defined in the following section. The word "land" or "lands" and the words "real estate" or "real property" include lands, tenements and hereditaments and all rights thereto and interest therein, except chattel interests and chattels real not included in the valuation of such land.

(Senate Bill No. 77.)

CHAPTER 39.

AN ACT constituting the auditor of this State the attorney in fact for all foreign and non-resident domestic corporations, and prescribing his duties as such, and to pay into the state treasury the revenues therefrom.

[Passed February 22, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Auditor constituted attorney in fact for foreign and non-resident domestic corporations; provisions relating to appointment of such attorney.
2. Payment of attorney's fee to auditor, and when; amount of such fee; such corporations not required to pay any fee to person heretofore appointed; duty of auditor as to such fees.
3. What must be filed with auditor;

SEC.

- duty of auditor after being served with or accepting any such process, etc.; when auditor not to accept such notice or process.
4. Corporation may appoint, in addition to auditor, some other person as its attorney.
- 5 } Penalty for failure to pay attorney's fee to auditor, and to appoint the auditor its statutory attorney.
- 6 }

Be it enacted by the Legislature of West Virginia:

Sec. 1. The auditor of this state shall be, and he is hereby constituted, the attorney in fact for and on behalf of every foreign corporation doing business in this state, and of every non-resident domestic corporation. Every such corporation shall, by power of attorney, duly executed, acknowledged and filed in the auditor's office of this state, appoint said auditor, and his successors in office, attorney in fact to accept service of process and notice in this state for such corporations, and by the same instrument it shall declare its consent that service of any process or notice in this state on said attorney in fact, or his acceptance thereof endorsed thereon, shall be equivalent for all purposes to, and shall be and constitute, due and legal service upon said corporation.

Sec. 2. Such foreign or non-resident domestic corporation shall at the time of taking out its charter, or procuring its authority to do business in this state, as the case may be, pay to the auditor as its said attorney ten dollars for his services as such for the then current year ending on the 30th day of April next ensuing; and on or before the first day of May, for each year, such corporation shall pay to said auditor the like sum of ten dollars for his services as such attorney. And all such corporations as have heretofore taken out charters, or procured authority to do business in this state, shall for the fiscal year commencing on the first day of May, nineteen hundred and five, pay

the sum of ten dollars to the auditor as the fee for such attorney to receive service of process, and annually thereafter a like sum, and such corporations shall not be required to pay any fee to the person who may have been heretofore appointed its attorney to receive service of process. All moneys received by the auditor under this chapter shall belong to the state, and be by him immediately paid into the state treasury. The auditor shall keep in a well bound book in his office a true and accurate account of all moneys so received and paid over to him.

Sec. 3. The postoffice address of such corporation shall be filed with the power of attorney, and there shall be filed with the auditor from time to time statements of any changes of address of said corporation. Immediately after being served with, or accepting, any such process or notice, the auditor shall make and file with said power of attorney a copy of such process or notice with a note thereon indorsed of the time of service, or acceptance, as the case may be, and transmit such process or notice by registered mail to such corporation at the address last furnished as aforesaid. But no such process or notice shall be served on the auditor or accepted by him less than ten days before the return thereof.

Sec. 4. In addition to the auditor, any such company may designate any other person in this state as its attorney in fact, upon whom service of process or notice may be made or who may accept such service. And, when such local attorney is appointed, process in any suit or proceeding may be served on him to the same effect as if the same were served on the auditor.

Sec. 5. Failure to pay the attorney's fee as hereinbefore required shall have all the force and effect, and subject such corporation to the same penalties and forfeitures, as are or may be prescribed by law for failure to pay the license tax required to be paid by such corporation.

Sec. 6. Any corporation failing to comply with the provisions of this act in so far as it relates to the appointment of the auditor as its failure to pay such penalty the charter of such corporation shall forfeit one hundred dollars as a penalty for such failure, and upon a failure to pay such penalty the charter of such corporation shall thereby be forfeited and be void.

(House Bill No. 133.)

CHAPTER 40.

AN ACT to repeal chapter four of the acts of the legislature of West Virginia passed on the 27th day of February, 1903, entitled "An act authorizing suit or suits to be brought by the attorney-general to forfeit the charters and privileges of certain corporations delinquent in the matter of payment of license tax, or in failing to comply with any other provision of the laws of this state."

[Passed January 24, 1905. In effect from passage. Approved February 2, 1905.]

<p>Sec. 1. Act of 1903 authorizing suits against corporations delinquent</p>		<p>Sec. in payment of license tax, etc., repealed, and all suits dismissed.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

Sec. 1. That chapter four of the acts of the legislature of one thousand nine hundred and three, entitled "An act authorizing suit or suits to be brought by the attorney-general to forfeit the charters and privileges of certain corporations delinquent in the matter of payment of license tax, or in failing to comply with any other provision of the laws of this state," be and the same is hereby repealed, and all suits and proceedings thereunder are hereby dismissed.

(Senate Bill No. 90.)

CHAPTER 41.

AN ACT to amend and re-enact section 14 of chapter 52 of the code of West Virginia, authorizing railroad companies to take wood, stone, gravel, earth or water from lands.

[Passed February 22, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

<p>Sec. 14. Railroad companies may enter upon lands and obtain therefrom wood, stone, gravel, or earth necessary for construction of its work; may take and consume water, and condemn land for location and construction of reservoirs, pumps, etc.; provision relating to trees and buildings;</p>		<p>Sec. condemnation proceedings; notice to be given; commissioners to assess damages; reports of commissioners and proceedings thereon; in case of judgment against company; water not to be taken from any well, spring or pond which is used for domestic purposes, etc.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

1. That section fourteen of chapter fifty-two of the code of West

Virginia, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 14. A company incorporated for the purpose of building and operating a railroad in this state may, by its officers, agents, or servants, enter upon any convenient lands for the purpose of obtaining therefrom wood, stone, gravel, or earth, necessary to be taken and used in the construction of its work, or in repairing, enlarging or altering the same. And may in like manner take and consume any and all water not required by the owner and necessary for the use of its engines, whether locomotive or stationary, and may, in the mode now prescribed by law, condemn as much land contiguous to such water as shall be required for the construction of suitable wells or reservoirs, locating its pumping engines and machinery, for the erection of buildings for the protection of the same, and for a right of way thereto; and may also condemn as much land as may be necessary for pipes to be used for conducting said water to the proper locality. But the company shall not cut down any fruit trees, or trees reserved for farming purposes, or any tree preserved in any field or lot for shade or ornament, nor take any part of any building, nor take any of the said things from any lot in such town. Before taking any of the said things, the company, unless it agrees therewith those having rights thereto, shall give to the tenant of the freehold, or his tenant for years, at least ten days' notice in writing, that at a certain time and place, to be specified in this notice, application will be made to the circuit court of the county, in which the property or properties or the larger part thereof is situated, to appoint commissioners to ascertain what will be a just compensation for the same; and in case of water, shall give notice in the same manner to the tenant of the freehold or his tenant for years upon which said water is located; and although it may own or acquire the land upon which the water is located, or be able to agree with the owner therefor, it shall further give notice in like manner to all riparian owners, having an interest likely to be affected by such action, that at a certain time and place, to be specified in the notice, application will be made to the circuit court of the county, in which the lands of such riparian owners are situated, to appoint commissioners to ascertain what will be a just compensation for the same, and to assess the damages, if any, to the owner or any other person in his property affected by such taking. At such time and place the said court shall appoint three disinterested freeholders as commissioners, who, after

being sworn, shall view the premises and report in writing the extent to which wood, stone, gravel, earth, water or other material is proposed to be taken, the nature of the injury which may be done in cutting, quarrying, digging, consuming or carrying away the same, and what will be just compensation therefor, and the damage to the owner or any other person in his property affected thereby. The notice in writing, certificate of commissioners having been sworn, and their report shall be forthwith returned to the circuit court of the county. If upon such report being so returned, either party file exceptions thereto and demand that the question of compensation be tried by a jury, proceedings shall thereafter be had in the case as prescribed in chapter forty-two of the code. But if neither party demand a trial by jury, and good cause be shown against the report, or if the commissioners cannot agree or fail to report within a reasonable time, the court may, as often as to it seems proper, appoint other commissioners, who shall act and report in the manner before prescribed. If the report be confirmed, then upon the payment to the person entitled thereto, or into court, of the sum so ascertained, the company may take, carry away, use and consume the wood, stone, gravel, earth, water or other material for which such compensation and damages, if any, may have been allowed; and though the report may not be confirmed, yet upon the payment into court of the sum or sums therein mentioned, it may proceed in like manner as if the report had been confirmed and payment made of the sum or sums thereby ascertained. Upon the coming in of a new report, after such payment into the court, the court if it affirm the report shall render judgment in like manner as in cases provided for in chapter forty-two of the code. From the time of any such judgment against the company, its right so to cut, quarry, dig, take away, use and consume, shall be suspended until said judgment shall be satisfied. And where water is to be taken, and the rights of riparian owners having lands below the point at which the water is proposed to be taken are likely to be affected, notice shall be given by publishing the same once in each week for four successive weeks in some newspaper of general circulation published in the county, and by posting such notice at the front door of the court house of the county in which the water is located for at least thirty days, which shall include the first day of the circuit court; and any person claiming to be interested may appear at the time and place specified, make himself a party to the proceedings, and have his rights passed upon by the commissioners

and his damage, if any, ascertained, allowed, and paid as hereinbefore provided for the taking of the water or other things named in this section: *provided*, that at any and all times the owner of the land on which the water condemned is situated, or the riparian land owners below affected, shall have the right to use as much water as may be necessary for any and all purposes connected with the proper use and operation of their land; nor shall this be construed to authorize said railroad company to take water from any well, spring or pond which is used for domestic purposes or for the watering of domestic animals.

(Senate Bill No. 212.)

CHAPTER 42.

AN ACT relating to sales of land for the benefit of the school fund, amending and re-enacting sections 6 and 19 of chapter 105 of the code as amended and re-enacted by chapter 24 of the acts of the Legislature of 1893.

[Passed February 23, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 6. Report of lands liable to be sold for the school fund to be recorded; how suits brought for sale of school lands; who to be made defendants; effect of former sales, unless, etc.; burden to allege and prove forfeiture put upon the state or some other claimant; effect of the absence of such allegation and proof; filing of letters patent or copy thereof by defendant in certain suits, effect thereof, unless, etc.; dismissing of suits involving titles dependant on possession under color of title, etc., when.

19. What suits now pending for sale of

SEC. forfeited, etc., lands to be dismissed, except as to what lands; the state prohibited from taking advantage of any error or irregularity in any sale and deed to her purchasers; such sales and conveyances confirmed and made good and valid; effect of certified copy of such conveyances as evidence; what presumption arises, and when; payment of taxes by grantee, etc., for five years and land not forfeited in name of such grantee; effect of such payment; sales hereafter made, purchaser vested with what title; duty of court.

Be it enacted by the Legislature of West Virginia:

1. That sections six and nineteen of chapter one hundred and five of the code, as amended and re-enacted by chapter twenty-four of the acts of the legislature of eighteen hundred and ninety-three, be amended and re-enacted so as to read as follows:

Sec. 6. Every such report shall be recorded in the chancery order book of said court and filed and preserved by the clerk of said court in his office, and thereupon a suit or suits in chancery shall be com-

menced and prosecuted, by and in the name of the state of West Virginia, for the sale of every such tract and parcel of land, so reported, as required by section four of article thirteen of the constitution of this state. All such tracts or parcels of land mentioned in any such report, not exceeding in quantity one thousand acres, may be included in one suit, but a separate suit may be brought and prosecuted for the sale of each tract of land exceeding in quantity one thousand acres; and the former owner of any such tract of land at the time of the forfeiture thereof, or the person in whose name the same is forfeited, shall, if known, be made a defendant in such suit, and all persons claiming title to or interest in any such lands shall, also, as far as known, be made defendants therein. And any person claiming an interest in any such land or in the proceeds thereof, not so made defendant, may file his petition in any such suit stating what interest he claims therein, either in open court, or before a commissioner in chancery while the suit is pending before him, or at rules, if the case be pending at rules, and shall thereupon become a defendant therein, and may defend and protect his interest, if he has any therein, to the same extent as if he had originally been made a party defendant therein. Any tract or parcel of land which has been heretofore forfeited or treated as forfeited, waste and unappropriated or escheated to the state of Virginia or this state, and which has been sold and conveyed as such under decree or order of the circuit court in any suit or proceeding under chapter one hundred and five of the code or other act at any time since eighteen hundred and seventy-two, or which any instrument executed under such decree or order purports to convey, shall not again be proceeded against or sold in any suit or proceeding now pending or hereafter brought under said chapter or otherwise, unless since the execution of such conveyance or instrument such tract or parcel of land has become forfeited for the non-payment of taxes charged or chargeable thereon, since such conveyance or instrument, in the name of the purchaser thereof, his heirs, devisees or assigns. No circuit court shall have jurisdiction, power or authority to sell any such tract or parcel of land or to permit any such tract or parcel to be redeemed by any party in any suit or proceeding now pending or hereafter brought under chapter one hundred and five of the code aforesaid, or otherwise, against any other grant, survey, piece or boundary of land which has been or may be forfeited or claimed to be forfeited and which may be claimed to embrace such tract or parcel within its bounds and as part thereof, unless the state alleges and proves by a

certificate of the auditor of the state, or of the clerk of the county court of the county where such tract or parcel of land or the greater part thereof lies, that such tract or parcel of land has since the date of such conveyance or instrument become and remains forfeited to the state in the name of such purchaser, his heirs, devisees or assigns, or unless some other claimant of such land shall within the time aforesaid by answer or petition filed for the purpose make such allegation and file such proof. In the absence of such allegation and proof the circuit court shall have no jurisdiction either to sell such tract or parcel of land, or to allow the same to be redeemed by any party in such suit or proceeding now pending or hereafter brought under chapter one hundred and five aforesaid, or otherwise, against any other grant, survey, piece or boundary of land which may be claimed by any party to such suit to embrace such tract or parcel, after the filing in such suit of such conveyance or instrument made to such purchaser, his heirs, devisees or assigns, or a certified copy from the record thereof. After the filing in such suit of such conveyance or instrument or certified copy the court, in the absence of such allegation and proof by the state made and filed within thirty days thereafter, shall thereupon enter an order dismissing the suit as to any such tract or parcel of land and proceed no further against the same. If any defendant to any suit now pending or which may hereafter be brought under the chapter aforesaid, or otherwise, which alleges the forfeiture of any particular grant, survey, piece or boundary of land granted by the commonwealth of Virginia and prays that the same or some part thereof may be sold for the benefit of the school fund, shall file in such suit letters patent, or certified copy thereof, issued by the governor of Virginia or of West Virginia granting or purporting to grant any tract or parcel of land, and shall show by proof or by the admission of the state or of her attorney prosecuting such suit that such tract or parcel so granted, or purporting to be granted, lies wholly or partly within what are claimed either by the state in said suit, or by any other defendant or party in said suit, as the bounds of the particular grant, survey, piece or boundary of land mentioned in the said suit, then the court shall dismiss the suit and all proceedings as to and against so much of the land therein proceeded against as may be embraced in the bounds of such letters patent or certified copy so filed, unless within thirty days from the date of so filing said letters patent, or such copy thereof, the state shall amend her bill and allege and show by the certificates of the auditor or of the clerk of the county

court as aforesaid that such tract or parcel of land so granted is now forfeited to the state in the name of the grantee named in such letters patent or copy thereof so filed, his heirs, devisees or assigns, or unless some other claimant of such land shall within the time aforesaid by answer or petition filed for the purpose make such allegation and file such proof. Whenever it shall appear to the court, by motion or otherwise, in any such suit now pending, or that may be hereafter brought, that any parcel or tract of land, or any part thereof, mentioned or claimed in the suit as forfeited or escheated to the state of Virginia or this state, or waste or unappropriated, has been in the actual continuous possession, under color or claim of title, for ten years, by any person who or those under whom he claims shall have paid the state taxes thereon for any five years during such possession, or if it shall appear that any parcel or tract of such land mentioned or claimed in the suit, to which any person has had claim to and actual continuous possession of, under color of title, for any five successive years after the year eighteen hundred and sixty-five, and on which all state taxes charged or chargeable for such period of five years have been paid, the court shall thereupon enter an order dismissing the suit as to any such parcel or tract of land, and proceed no further against the same. And if at any time during the pendency of any suit for the sale of school lands, whether now pending or hereafter brought, the commissioner of school lands of the county where such suit was or may be instituted shall become satisfied that part or the whole of the land sought to be sold therein is not liable to sale for the benefit of the school fund, such commissioner shall report in writing to the court the facts and reasons which lead him to that conclusion, which report shall be filed and made part of the record; and if the court upon consideration thereof, and upon such other inquiry as it may be advised to make, shall concur in such report, in whole or in part, it shall confirm the same to that extent, and shall dismiss such suit as to the lands embraced in such report as far as it may be confirmed.

Sec. 19. All suits and proceedings for the sale of forfeited, waste and unappropriated and escheated lands, instituted since the twelfth day of March, eighteen hundred and ninety-one, and before the twenty-third day of February, eighteen hundred and ninety-three, shall be discontinued and dismissed, except as to the lands which have been sold therein; and the other lands mentioned therein which are liable to sale for the benefit of the school fund shall be proceeded against and sold under the provisions of this act. Whatever right, title, in-

terest and estate the state of West Virginia had to any lands at the date of the sale or conveyance thereof, or instrument purporting to convey the same heretofore made by said state through and by the commissioner of school lands of any county, under an order or decree of the circuit court in any suit or proceeding under said chapter one hundred and five of the code. however derived or claimed, shall be deemed and held to have passed to and vested in the grantee thereof, whether the land so sold was proceeded against as forfeited, escheated, or as waste and unappropriated land, notwithstanding any irregularity or error in such proceeding or informality in such sale or conveyance or purported conveyance, or want of jurisdiction in the court to decree such sale. And all such sales and conveyances and purported conveyances are hereby confirmed and made good and valid. A copy of such conveyance or purported conveyance duly certified from the record thereof shall be evidence of such proceeding and sale. And in the absence of an allegation and proof by the state to the contrary it shall be presumed that said land so sold and conveyed, or purporting to be sold and conveyed, was entered upon the land books of the county where situated and has not become forfeited for any cause or liable to sale. And if such land so sold and conveyed, or purporting to be, was entered upon the land books after the recordation of such conveyance or purported conveyance and the grantee, his heirs, devisees or assigns, have paid all taxes assessed thereon since such entry for a period of at least five successive years and such land is not at the date of the passage of this amendatory act forfeited for any cause in the name of such grantee, his heirs, devisees or assigns, then all the right, title, interest and estate which the said state of West Virginia may, since such sale as aforesaid, have derived thereto under the constitution and laws of the state by the forfeiture or escheat of any other title or claim of title to such land or otherwise shall be and is hereby granted and relinquished to such grantee, his heirs, devisees and assigns, and in all such sales and deeds hereafter made under the provisions of this chapter, the purchaser of such lands, his heirs, devisees or assigns, who complies with the terms of the sale and obtains a deed for the lands so sold, shall be vested from and after the date of such deed with all title to said lands previously vested in the state immediately before; and it shall be the duty of every such court to make all necessary and proper orders and decrees to carry every such sale and purchase into full force and effect where the terms thereof have been or shall be fully complied with.

(Senate Bill No. 205.)

CHAPTER 43.

AN ACT to amend and re-enact sections 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of chapter 3 of the code of West Virginia, entitled "Registrations and penalties."

[Passed February 17, 1905. In effect 90 days from passage. Approved February 21, 1905.]

SEC.

91. Voters to be registered, when; assessor the officer of registration in each county; his duties; his compensation.
92. List for each precinct and what it shall contain.
93. Duties of the clerk of the county court; his compensation; county court to appoint challengers; their compensation.
94. How voters may be registered other than by officer of registration.
95. Oath to be taken and questions to be answered before registering.
96. Persons refusing to answer ques-

SEC.

- tions or to take oath not to be listed: how afterwards listed and permitted to vote.
97. What constitutes evidence; rules as to residence, etc.
98. Penalties for violating the registration laws; affidavits to be preserved and delivered to clerk who shall present them to grand jury.
99. Judge to instruct grand jury in regard to elections.
100. Receiving bribe, etc.; penalty; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

1. That sections ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine and one hundred of chapter three of the code of West Virginia be amended and re-enacted as follows:

Voters to be registered.

Sec. 91. It shall be the duty of each assessor, who shall for this purpose hereafter be called the officer of registration in each county of this state, preceding each general or special election, to register and make a true list of the name of every qualified voter in each voting precinct in his assessment district, in a well bound book prepared for the purpose, and the names so listed shall be in alphabetical order, and shall perform the duty of the office of registration at the time he is assessing the property of his district and for his services shall be allowed two cents for each name so entered, to be paid out of the county treasury.

Sec. 92. The list for each precinct shall contain the name, age, occupation, residence, that is, the state, county, and magisterial district, and voting precinct, where born, and if a naturalized citizen where naturalized, of each voter therein; and if a colored voter the

word "colored" shall be written after his name, and he shall list the names of persons who will be twenty-one years old at the next general or special election thereafter the same as other voters, and to be arranged as follows:

First—Name: _____.

Second—Age: Was _____ years old on the _____ day of _____,

Third—Occupation _____.

Fourth—Residence: Precinct, No _____, _____ district,
_____ county, West Virginia.

Fifth—Time of residence: State _____ years; county _____ months.

Sixth—Place of birth _____.

Naturalized at: _____.

Duty of the clerk of the county court.

Sec. 93. It shall be the duty of the clerk of the county court of each county to have prepared and furnish to the officer of registration in his county the necessary books in which to register the votes as herein provided for, and shall make and furnish a certified copy from the general register for each voting precinct in his county a list of all the names in alphabetical order, and the necessary number of blank affidavits for each precinct containing a list of questions the same as is required in the general register for listing voters, with the additional question as to why he was not registered by the officer of registration of his county, which list shall be delivered to the commissioner of election together with the poll books, etc., to be used in said election, and the general register shall be kept in the county clerk's office for inspection, and he shall be allowed a reasonable compensation for his services by the county court to be paid out of the county treasury, and challengers of election shall be appointed by the county court upon the nomination of the respective county chairmen of the two leading political parties and paid the same as commissioners of election but for one day only. It shall be the further duty of said clerk to add to the general register, in the proper place, the names of all the voters who shall have been registered by affidavit before he has furnished said list to the commissioners of election and shall add those furnished by said commissioners as soon after the election as is convenient.

How voters may be registered other than by officer of registration.

Sec. 94. Any voter who has not applied to the officer of registration to be registered may apply to the commissioner of election to be registered before voting, and before he is permitted to vote he shall make and sign an affidavit before some one entitled to administer oaths, which shall contain the same allegations as is required by the officer of registration for listing voters, and in addition thereto he shall state, under oath, as to why he did not appear before the officer of registration and there be listed as required by the registration laws, and said affidavit shall contain the names of two qualified voters of said precinct who shall be known to said election commissioners, or other person before whom he shall make affidavit, to be reliable persons, who shall state under oath that said person who desires to vote and who has made the affidavit required herein is well known to them and the statements therein made by him they believe to be true, and shall sign the same, or said affidavit may be made before a justice of the peace, notary public or other officer entitled to administer oaths, on or before said election day, which affidavit shall be accepted by said commissioners, and if said commissioners believe the answer thereto to be satisfactory as to why he has not heretofore been registered, after answering all other questions satisfactorily, his name shall then be listed and he shall be permitted to vote, otherwise his vote shall be rejected.

Oath to be taken and questions to be answered before registering.

Sec. 95. The officer of registration shall have the power to administer oaths, and shall tender to each person offering to be registered the following oath: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you in regard to your qualifications as a legal voter at the coming election, so help you God."

Then he shall put the following questions:

First—Are you a citizen of the United States?

Second—Are you a native or a naturalized citizen?

If the person offering to be registered claims to be a naturalized citizen of the United States he shall produce, for the inspection of the officer of registration, a certificate or other evidence of his naturalization, and also state under oath or affirmation that he is the identical person named therein; but the production of the certificate shall

not be required if the person offering to be registered states under oath, when and where he was naturalized, that he has had a certificate of naturalization, and that against his will the same is lost, destroyed or beyond his power to produce the same; or if he states under oath that by reason of the naturalization of his parents, or one of them, he has become a citizen of the United States, and where and when his parent or parents were naturalized.

Third—Will you have resided in this state for one year immediately preceding the coming election?

Fourth—Have you been absent from this state within the year immediately preceding the coming election? (If yes, then—)

Fifth—When you left this state did you leave for a temporary purpose with the intention of returning; or for the purpose of remaining away?

Sixth—Did you, while absent, look upon and regard this state as your home?

Seventh—Did you, while absent, vote in any other state?

Eighth—Will you have resided in this county for sixty days prior to the coming election?

Ninth—When did you last come into this county?

Tenth—When you came into this county, did you come for a temporary purpose or for the purpose of making it your home?

Eleventh—Did you come into this county for the mere purpose of voting in this county?

Twelfth—Did you come into your precinct merely for the purpose of voting in it?

Thirteenth—Are you an actual resident of that precinct?

Fourteenth—Are you twenty-one years of age, or will be such, at the coming election, to the best of your knowledge and belief?

He shall also put such other questions to the person offering to be registered as may be necessary to test his qualifications as a legal voter at the coming election, or require such additional evidence as he may deem necessary.

Sec. 96. If the person offering to be registered refuse to answer fully any question put to him, as hereinbefore provided, his name shall not be listed among the legal voters; if any person refuse to take the oath so required of him in the preceding section his name shall be rejected, but if he afterwards appears before the commissioners at the polls and make the affidavit required by them, then he shall be listed and be permitted to vote.

What constitutes evidence.

Sec. 97. The officer of registration in determining the residence of any person, offering to be registered, shall be governed by the following rules, so far as the same may be applicable:

I. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

II. A person shall not be considered to have lost his residence who leaves his home and goes into another state or county of this state, for temporary purposes, with the intention of returning.

III. A person shall not be considered to have gained a residence in any county of this state into which he comes for temporary purposes, without the intention of making such county his permanent home.

IV. If a person move into another state, with the intention to make it his permanent residence, he shall be considered to have lost his residence in this state.

V. The mere intention to acquire a new residence, without removal, shall not constitute non-residence, neither shall the removal, without the intention to acquire a new residence, constitute non-residence.

VI. If a person go into another state, and while there exercise the right of a citizen by voting, he shall be considered to have lost his residence in this state.

VII. All questions of the right to be registered shall be heard and determined by the officer of registration, the commissioners at the polls or other officer before whom said affidavit is made.

Penalties for violating the registration laws.

Sec. 98. If any person swear falsely, or make a false affidavit pertaining to the registration of his vote or the vote of another, he shall be guilty of perjury, and on conviction thereof shall be confined in the penitentiary of this state for not more than three years; and if any officer of registration or other officer shall register or cause to be registered any person who is not entitled to be registered, or refuse to register any person who is entitled to be registered, knowing the same to be true, shall be guilty of felony, and on conviction thereof shall be confined in the penitentiary for not more than two years.

The affidavits taken by election commissioners, or other officer au-

thorized to administer oaths, of persons desiring to be registered shall be preserved as other affidavits taken by them and delivered in the same manner to the clerk of the circuit court of their county, who shall present them to the grand jury of his county for investigation.

Sec. 99. It shall be the duty of the judge of every court, in which a grand jury is impaneled, to give thereto instructions in regard to elections as the court deems advisable.

Receiving bribe.

Sec. 100. If any voter, directly or indirectly, by himself or through any other person, receives, agrees or contracts for, before, during or after the election, any money, gift, loan, or other valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for not voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons or proposition or question at any election, shall be guilty of a misdemeanor, and on conviction thereof shall be disfranchised for not more than ten years, for the first offence, and for a second offence he shall be disfranchised during life. Any voter asking or soliciting money from any candidate, before any primary or general election, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than fifty dollars and, upon failure to pay said fine, shall be confined in the county jail not to exceed sixty days.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 56.)

CHAPTER 44.

AN ACT to amend and re-enact sections 1, 3, 4, 6 and 10 of chapter 60 of the acts of the legislature of West Virginia for the year 1899, entitled, "An act to provide for the better protection of life and health by diminishing the danger from infectious and contagious diseases through the creation of a state board of embalmers in the state of West Virginia, with systematic examinations, registrations and license for all entering the business of embalming and providing penalties for the violation thereof."

[Passed February 24, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

- SEC.
1. State board of embalmers: who to be members; how appointed; membership divided into three classes; term; vacancies.
 3. Compensation of members of board and secretary.
 4. Meetings of board.
 6. What experience required; embalmers must be registered and licensed; qualifications; fee; proviso as to non-residents; li-

- SEC.
- cense to employees; renewal of certificate and license; transfer of license from one county to another; revocation of license; recordation of license in clerk's office of county court; duty of secretary of board and such clerk; licensee to display license; duties required of embalmers; penalty.
10. Annual report of board to governor.

Be it enacted by the Legislature of West Virginia:

1. That sections one, three, four, six and ten of chapter sixty of the acts of the legislature of eighteen hundred and ninety-nine, be amended and re-enacted so as to read as follows:

Sec. 1. There shall be a state board of embalmers in this state consisting of one embalmer residing in each congressional district thereof, from among the most competent embalmers of said district, each of whom shall have been a resident of the state for at least five years, and of at least five years' practical experience in their profession. The governor shall, in the month of May, one thousand nine hundred and five, nominate, and by and with the advice and consent of the senate appoint, the said members of the board, and the said board shall be divided into three classes, to-wit: first, second and third class. The first class shall consist of one member, the second class of two members, and the third class of two members. The terms of office for the first class shall be for one year, of the second class for two years, and of the third class three years. The governor shall, in like manner, appoint embalmers to fill any vacancy occurring in said board, and all appointments to fill vacancies caused by the expirations of the terms of office shall be for a period of three years.

Sec. 3. The members of the board shall receive a salary of three dollars per day for their services and attendance at each meeting; the secretary shall receive a salary not to exceed one hundred dollars per annum, which, together with the actual traveling and necessary expenses of the board and its members, shall be paid out of its receipts as hereinafter directed.

Sec. 4. Said board shall hold an annual meeting. The said annual meeting shall be held on the third Tuesday of September, of each and every year, for the transaction of any and all business that

may come before it. Said board may also hold special meetings as frequently as the proper and efficient discharge of its duties shall require, at a time and place to be fixed by the rules and by-laws of this board. A majority of its members shall constitute a quorum for the transaction of its business. A meeting of the board may be called by the president or any two members thereof.

Sec. 6. Before any person or persons shall hereafter engage in the business of embalming in this state, he shall have had at least one year's practical experience in embalming under some competent licensed embalmer. And before any person or persons now engaged in the said business who shall have failed to register with the said board, in accordance with section five of this act, and shall continue in such business, such person or persons shall apply to said board for a license to practice the same; and thereupon the applicant, as aforesaid, shall present himself or herself before said board, at a time and place to be fixed by the said board; and if the board shall find, upon due examination, that the applicant or applicants are of good moral character, possessed of skill and knowledge of sanitation, preservation of the dead, disinfecting the bodies of deceased persons, the apartments, clothing and bedding, in case of death from infectious or contagious diseases, the board shall issue to said applicant or applicants, upon the payment of a fee of twenty-five dollars, a license to practice the said business of embalming, and shall register said applicant or applicants as duly licensed embalmers: *provided, further*, that any person not a resident of the state of West Virginia shall be entitled to have issued to him a license to practice said business of embalming in this state by said board upon his producing a certificate, from any state or territory of the United States, of the fact that he is a duly licensed embalmer therein, and that he has passed a successful examination in said business of embalming, and upon his showing to the satisfaction of said board that he is a person of good moral character, but such license shall not be issued to such non-resident until he shall have first paid said license fee of twenty-five dollars, as aforesaid. Said board is authorized to issue a license upon due examination to an employee of any firm or corporation engaged in the business of undertaking, (and said license when so issued to said employee, shall be for the use and benefit of said firm or corporation): *provided*, that the said employee shall undergo the same examination and possess the same qualifications that are hereinbefore required of each and every applicant for license, who is a resident of this state,

and shall be required to pay the said fee of twenty-five dollars. And said license so issued shall entitle the said firm or corporation, as well as the said employee thereof, to all of the rights, privileges and powers given herein to other duly licensed embalmers, and the said firm or corporation, and its said employees, shall be subject to all the penalties, conditions and restrictions, herein imposed upon other duly licensed embalmers.

All certificates issued under section five of this act, and all licenses granted under section six of this act, shall be renewed annually, if the holder thereof desires to continue in such business. Each holder of such certificate or license desiring to continue in said business shall make application to the board on or before the third Tuesday of September of each and every year for renewal of such certificate or license; and the said board shall, at its annual meeting, grant and issue such renewals to all persons entitled thereto under the provisions of this act. No license or renewal of a certificate or license shall be granted or issued to any person not entitled thereto under the provisions of this act. If any person in this state, holding a certificate or license as an embalmer, contemplates removing from one county of this state to another, such person shall make application to the secretary of the board to have his license or certificate transferred from the county in which he is then engaged in business to the county in which he intends to remove. And each and every application for either a renewal or transfer shall be accompanied by a fee of one dollar. Said board shall have the power at any time to revoke any license or certificate heretofore granted on proper cause and after full hearing of all of the parties in interest.

Such license shall be signed by a majority of the board and attested by its seal. The secretary of said board shall, immediately after such registration as provided for in section five of this act, and after the issuing of the license, certificates, renewals and transfers provided for in section six of this act, file, in the office of the clerk of the county court of the county in which it is proposed to carry on said business, a certified copy of said registration of said license or certificate, or renewal or transfer, which said certified copy shall be by said clerk recorded in a book kept for that purpose; and the said clerk shall, upon recordation of same, make a report in writing of his having recorded such certified copy to the secretary of said board.

The fees for recording all such certified copies of such registration of license, or certificate or renewal or transfer, shall be paid by the

person or persons to whom the same are issued. Said license shall be displayed in a conspicuous place in the office or place of business of the licensee. Said embalmer shall, when so required, disinfect and embalm the bodies, no matter how infectious or contagious the character of the disease may be that caused the death of the said person, or persons, and shall not charge unreasonable rates for such services. And should said embalmer fail to comply with the above named requirements to perform such duties, he shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars, and may, in the discretion of the court, be imprisoned for not less than ten nor more than thirty days in the county jail in the county wherein the offence is committed. And upon complaint to any prosecuting attorney of any county in this state by any of its citizens, that they have reasons to believe that the law is being violated, he (the said prosecuting attorney) shall have the power to examine or cause to be examined any dead body within this state for the purpose of ascertaining the cause of said complaint or violation of said embalmers' law.

Sec. 10. It shall be the duty of the board on or before the first Monday in October of each and every year to make a report in writing to the governor of this state, containing a detailed statement of the nature of the receipts, and the manner of expenditures, and any balance or money remaining at the end of the year, after the payment of the necessary expenses, including the salary of the secretary and other necessary expenses of the members of said board incurred in the discharge of their duties as such, shall be reserved by the treasurer of the said board to meet the necessary expenses of the ensuing year.

2. All acts or parts of acts heretofore passed, which are in conflict with this act, are hereby declared null and void.

(House Bill No. 323.)

CHAPTER 45.

AN ACT to amend and re-enact section 78 of chapter 54, code of West Virginia of 1899, as amended and re-enacted by chapter 83, acts of the legislature of 1901, relating to banks, trust companies and building associations.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 2, 1905.]

SEC.		Sec.	
78.	What powers banks may exercise; unlawful to use the term "bank" or "trust company" in connection with any banking business without a charter, etc.; penalty.		panies subject to what laws; building and loan associations and mutual investment companies, subject to state supervision; what required to obtain certificate of authority to begin business; duty of commissioner of banking; amended charter, etc.; penalty; statement to be filed with commissioner of banking; printing and circulation of such statement; penalty for false statement; examination by such commissioner; his duty; what required of foreign building and loan associations or mutual investment associations or trust companies before transacting business; renewal of statements and certificates; penalty.
I.	Increase or reduction of capital stock; when and how.		
II.	Payment of capital stock; what per cent. required; must receive certificate of authority from bank commissioner before commencing business.		
IIa.	Stockholder required to give additional security to borrow money on capital stock.		
III.	Personal liability of stockholders to creditors, and to what extent.		
IIIa.	Limit on loan to a stockholder.		
IV.	Board of directors; power of; what is required of each director; where oath filed.	VI.	Assistant commissioner of banking.
V.	Savings banks, co-operative banking associations and trust com-	VII.	Additional penalties.
		VIII.	Repealing clause.

Be it enacted by the Legislature of West Virginia:

1. That section seventy-eight of chapter fifty-four, code of one thousand eight hundred and ninety-nine, as amended and re-enacted by chapter eighty-three, acts of the legislature of one thousand nine hundred and one, be and the same is hereby amended and re-enacted so that the section when amended shall read as follows:

Sec. 78. Every such bank may exercise, under the laws of this state, all such incidental powers as may be necessary to carry on the business of banking by discounting promissory notes, negotiating drafts, bills of exchange, and other evidence of indebtedness, receiving deposits, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security. It shall be unlawful for any private individual or association of individuals doing business in this state to use in connection with such business the term "Bank" or "Trust Company," until they shall have taken out a charter and complied with the statutes governing banks and trust companies. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars, or be confined in the county jail for a period not exceeding six months, or both, at the discretion of the court, for each and every offence.

I. Any banking company heretofore formed or which may hereafter be formed under the provisions of this chapter, at any general, adjourned or special meeting of the stockholders thereof, may by reso-

lution make such increase or reduction of the capital stock thereof as may be decided upon by said stockholders, a majority of the stock of such company being represented by the holders thereof, and such holders being present in person or by proxy, and voting for such increase or reduction: *provided*, that no increase or reduction shall conflict with the limitations prescribed in section seventy-seven of this chapter, and that a notice under the signature of the president of said bank, of the intention to offer such resolution, shall be sent through the United States mail to each stockholder ten days previous to such meeting; or that notice of such intention be given by advertisement published once a week for two successive weeks in some weekly newspaper of general circulation in this state, or for ten days in some daily paper of like circulation printed in this state. When such increase or reduction shall have been made, by any such bank, the president thereof shall, under his signature and seal of the bank, certify the resolution to the secretary of state; and the secretary of state under his hand and the great seal of state shall issue to such bank a certificate reciting such resolution and declaring such increase or reduction, and of the authority to make the same in all courts of law.

II. At least forty per centum of the capital stock of every banking company, organized under the provisions of this chapter, shall be paid in before it shall be authorized to transact any business, except that which is incidental and necessarily preliminary to its organization. And in no case shall a bank commence public business until it shall have received the certificate of authority from the commissioner of banking, as provided in sub-section nine, section eighty-one of this chapter. All banks organized under former laws, and now doing business in this state, having a subscribed capital of fifty thousand dollars or less, shall be required to pay only forty per cent. of their subscribed capital, and such banks shall be given one year from the date this act takes effect to pay up forty per cent. of their capital.

IIa. It shall be unlawful for any stockholder to borrow money from the bank on his stock or stock certificate, unless sufficient additional security be given therefor.

III. The stockholders of every bank heretofore organized or that may hereafter be organized, under the provisions of this chapter, shall be personally liable to the creditors thereof, over and above the amount of stock held by them, respectively, to an amount equal to their

respective shares so held for all liabilities accruing while they are such stockholders.

IIIa. No stockholder shall be permitted directly or indirectly to borrow more than twenty per cent. of the entire capital stock of said bank.

IV. For every bank subject to the provisions of this chapter there shall be a board of directors who shall have power to do or cause to be done all things that are proper to be done by the bank. Every director must own in his own right at least five shares of the capital stock of the bank of which he is a director, and before entering on his duties as such director he shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the bank, and that he will not knowingly and willingly permit to be violated any of the provisions of the laws of this state relative to banking, and that the stock standing in his name upon the books of the bank is not hypothecated in any way, or pledged as security for loans obtained or debts owing; which oath subscribed by himself, and certified by the officer before whom it is taken, shall be filed and carefully preserved in the office of the commissioner of banking.

V. It is further expressly provided that all savings banks, co-operative banking associations, and trust companies engaged in a general banking business, shall be subject to the provisions of this chapter; and that all building and loan associations and mutual investment associations doing business in this state shall be subject to state supervision, as follows:

Every such association organized under the laws of this state, and desiring to operate within the state, shall file with the commissioner of banking a certified copy of its charter, constitution and by-laws. Said commissioner shall carefully examine the same and if he find that they provide a just and equitable plan for the management of the association's business, he shall issue to such association a certificate of authority permitting it to begin business. But if he find the provisions of said charter, constitution and by-laws to be impracticable, unjust or inequitable, or oppressive to any class of shareholders, he shall withhold his certificate of authority. It shall not be lawful for any association hereafter organized under the laws of this state, for the purposes above set forth, to transact any business except the execution of its articles of incorporation, the adoption of its constitution and by-laws, and the election of directors and officers, until it

shall have procured the certificate of authority above provided for, nor shall any amendment of the charter, constitution or by-laws, of any such association become operative until a copy of the same shall have been filed, and a certificate of authority obtained, as above provided in regard to original charter, constitution and by-laws. Any one violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars, and at the discretion of the court may be imprisoned in the county jail not more than six months. Every building and loan association or mutual investment association organized under the laws of this state, and operating within the state, shall at least twice a year, at such times as may be designated by the commissioner of banking, file in the office of said commissioner within ten days after the receipt of his request for same a statement verified by its president or secretary and approved by three of its directors, in such form as may be prescribed by said commissioner, setting forth its actual financial condition and the amount of its assets and liabilities, and furnish such other information as to its affairs as the said commissioner may require, which reports, in the same form in which they are transmitted to the commissioner of banking, shall be printed and circulated among all the stockholders of the association. Every person who shall wilfully or knowingly subscribe or make, or cause to be made, any false statements or any false entries in any book of any association, above mentioned, or exhibit false papers with the intent to deceive any person authorized to examine into the affairs of such association, or shall make, state or publish any false statement of the financial condition of such association, shall be deemed guilty of felony, and upon conviction thereof shall be fined not exceeding ten thousand dollars, and be imprisoned in the state penitentiary not less than one nor more than five years.

At least once in every year the commissioner of banking, either in person or by competent assistant, shall make a thorough examination of the books and affairs of every association mentioned in the next preceding sub-section of this act. He shall carefully examine all notes and mortgages and all other assets of the concern, and shall ascertain the full amount of its liabilities. He shall see that the books are kept properly posted and balanced, and that complete trial balances are struck at regular intervals. If at any time he shall find one of these institutions in an insolvent condition, he shall deal with it according

to the manner prescribed for dealing with insolvent banks. And for making such examination the association shall pay a fee of ten dollars and the said fee shall be collected by the examiner and covered into the state treasury.

It shall not be lawful for any foreign building and loan association, or mutual investment association or trust company, to transact any business in this state directly or indirectly without first procuring a certificate of authority from the commissioner of banking. Before obtaining such certificate such foreign association shall furnish the commissioner of banking an itemized statement of its financial condition and all such other information touching its affairs as the said commissioner may require. Which statement and information shall be verified by the oath of the president or secretary of the association. Such foreign association shall also file with the commissioner of banking a certified copy of the laws of the state, territory or government under which it is incorporated; and of its constitution and by-laws and all amendments thereto, and shall appoint an attorney in each county in which it transacts or solicits business, who shall be a resident of such county; and shall file with the commissioner of banking a written instrument, duly signed and sealed, authorizing such attorney of such association to acknowledge service of process in behalf of such association, consenting that the service of process, mesne or final, upon such attorney shall be taken and held as if served upon the association, according to the laws of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service. If, after examination of such statements, and certified copies of instruments, and after such association shall have complied with the provisions of this act with reference to the appointment of an attorney or attorneys, the commissioner of banking shall be satisfied that said association is solvent and that the capital and investments are secure, and that the laws, charters, articles of incorporation, constitution and by-laws governing it, afford as ample protection to the interests of its members, as is afforded by the laws of this state to members of associations chartered by and doing business in this state, he may grant such an association a certificate of authority permitting it to transact business in this state, until the thirty-first day of the next succeeding December; but the same statements and the same certificates shall be renewed every year as long as such association shall continue to do business in this state; and for every certificate issued the commissioner of banking shall collect a

sum of twenty-five dollars and cover the same into the treasury of the state. Any person, agent or company doing business or attempting to do business in this state for any foreign building association, mutual investment company or trust company, which shall not at the time be a holder of a valid certificate of authority as provided for in this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars, for each and every offence.

VI. The legislature shall provide for the payment of one capable assistant for the commissioner of banking, and for his traveling expenses; and he shall have authority under special instructions from the commissioner to make special or annual examinations of the banking institutions of the state, subject to the supervision of the commissioner of banking.

VII. Any person, bank, association or mutual investment company, violating any of the provisions of this act shall, in addition to the other penalties herein, be deemed guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than two hundred dollars.

VIII. All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 81.)

CHAPTER 46.

AN ACT to create the "Department of Mines"; to provide a more efficient system of mine inspection; to re-district the state for the purpose of mine inspection and to repeal section 1 of chapter 106 of the acts of 1901, and section 4 of chapter 9 of the acts of 1890.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

- | | |
|--|--|
| <p>SEC.</p> <p>1. Department of mines created; chief mine inspector; his duties, authority and qualifications; records of his office; penalty for violations; his appointment, term of office; his salary and expenses.</p> <p>2. District inspectors; their appointment, term of office, salary and expenses, qualifications, removal,</p> | <p>monthly reports by, and other duties; penalty on any inspector; oath of office; vacancies.</p> <p>3. Annual reports by district inspectors and what to include; annual report by the chief mine inspector; appropriation to print and distribute.</p> <p>4. Division of state into mining districts.</p> <p>5. Repealing section.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

Sec. 1. There is hereby created an executive department to be

known as the "Department of Mines," which shall have for its purpose the execution and enforcement of all state laws pertaining to the inspection of mines, heretofore and hereafter enacted for the safety of persons employed within or at the mines within this state, and the said department of mines shall be in charge of an official to be known as the chief mine inspector, who shall have full charge of said department, and who shall superintend and direct the inspection of mines as herein provided and as provided by any other state law not in conflict with this act.

The chief mine inspector shall keep a record of all inspections made by himself and the district mine inspectors, which shall be a permanent record properly indexed. The records of the department of mines shall at all times be open to inspection by any citizen of this state, and upon request of the governor of the state the chief mine inspector shall lay said records before said officer, also maps of mines furnished the chief mine inspector by the district mine inspectors. Any chief mine inspector who shall violate any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars, and may in the discretion of the court be imprisoned in the county jail not exceeding one year.

The chief mine inspector shall be a male citizen of West Virginia, and shall be a competent person, having had at least eight years' experience in the working, ventilation and drainage of coal mines in this state, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines; and to enable the said chief mine inspector to perform his duties he shall have the same authority to visit, enter and examine the mines as is conferred upon the district mine inspector, and he shall have the authority to call the assistance of any one of the district mine inspectors to any district in the state.

Within thirty days after this act becomes a law, and every four years thereafter, the governor of the state shall, with the consent of the senate, appoint a chief mine inspector whose term of office shall begin July 1, 1905, and shall be four years, or until his successor shall be duly appointed and qualified.

The salary of the chief mine inspector shall be eighteen hundred dollars per annum, and five hundred dollars for expenses, which shall be paid monthly out of the state treasury upon a requisition upon the state auditor, properly certified by the chief mine inspector.

Sec. 2. Within thirty days after this act becomes a law, and every

four years thereafter, the governor of the state shall appoint one district mine inspector for each mining district within the state as hereinafter provided, whose term of office shall begin July 1, 1905, and shall be four years, or until his successor shall be duly appointed and qualified.

The salary of each district mine inspector shall be twelve hundred dollars per annum, and not more than five hundred dollars for expenses. Such salary and expenses shall be paid monthly out of the state treasury upon the approval of the chief mine inspector: *provided*, that before payment of traveling expenses shall be made to the inspector he shall file an account of such expenses, verified by his affidavit, showing that they accrued in the discharge of his official duties. Every person so appointed district mine inspector must be a citizen of West Virginia, having a practical knowledge of mining and the proper ventilation and drainage of mines and a knowledge of the gases met with in coal mines, and must be a miner of at least six years' experience in coal mines, or having otherwise been engaged as an employee for six years within the mines of this state, and he shall not, while in office, be interested as owner, operator, agent, stockholder, superintendent or engineer of any coal mine, and he shall be of good moral character and temperate habits. An inspector of mines shall be removed from office by the chief mine inspector of this state for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes.

Each of the district mine inspectors shall report in writing monthly to the chief mine inspector the number and condition of all mines inspected by him during each month, and shall deliver to the operator or operators of each mine inspected a certificate of inspection, and he shall visit each mine in his district at least once in every three months, or oftener if called upon in writing by twenty men engaged in any one mine, and make a personal examination of the interior of all mines, and outside of the mine where any danger may exist to the workmen, in their respective districts, and shall particularly examine into the condition of the mines as to ventilation, drainage and general safety, and shall make a record of all such examinations, and he shall see that all the provisions of the mining statutes are strictly carried out; and it shall be unlawful for any district mine inspector to appoint any deputy or other person to do and perform any work required of such inspector. Any mine inspector failing to comply with the requirements of this act shall be guilty of a misdemeanor, and

upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and be dismissed from office. The chief mine inspector and the district mine inspectors shall, each, before entering upon the discharge of his duties, take the oath of office prescribed by the constitution and shall furnish bond in the sum of two thousand dollars, with security to be approved by the governor, conditioned upon the faithful discharge of his duty, a certificate of which oath and bond shall be filed in the office of the secretary of state. Vacancies in the office of chief mine inspector or district mine inspectors shall be filled by appointment for the unexpired term.

Sec. 3. Each district mine inspector shall, for each year ending with the thirtieth day of June, make a written report to the chief mine inspector of his proceedings, stating therein the number of mines in his district, the improvements made in and at the mines, the extent to which this act is obeyed or violated, and such other information in relation to mines and mining as he may deem of public interest, or as may be required of him by the chief mine inspector. He shall also suggest or recommend such legislation on the subject of mining as he may think necessary. Such report shall be filed with the chief mine inspector on or before the thirtieth day of September next succeeding the year for which it was made. The chief mine inspector shall annually make a full and complete written report of his proceedings as such chief mine inspector to the governor of the state for the year ending the thirtieth of June. Such report shall include the reports of the district mine inspectors, the number of visits and inspections made in the state by the district inspectors, the quantity of coal and coke produced in the state, the number of men employed, number of mines operated, ovens in and out of blast, improvements made, prosecutions, etc., and such other information in relation to the subject of mines, mining, inspection and needed legislation as he may deem of public interest and beneficial to the mining interests of the state. Such report shall be filed with the governor on or before the thirtieth day of December next succeeding the year for which it was made, and such report shall be printed upon the requisition of the governor, and in order that the report may be annually printed and distributed among the operators, miners and citizens of the state, the sum of fifteen hundred dollars shall annually be allowed out of the state treasury for this special purpose.

Sec. 4. The chief mine inspector, by and with the approval of the governor, shall divide the state into seven mining districts, in such a

manner as to equalize as far as practicable the work of each district inspector.

Sec. 5. Section one of chapter one hundred and six of the acts of one thousand nine hundred and one, and section four of chapter nine of the acts of one thousand eight hundred and ninety, are hereby repealed.

(Senate Bill No. 41.)

CHAPTER 47.

AN ACT to amend and re-enact sections 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 26, 34, 35, 39, 40, 41, 42, 43, 44, 45, 47, 50, 76 and 85 of chapter 18 of the code of West Virginia known as the "Military Code" and adding section 100a thereto.

[Passed February 3, 1905. In effect from passage. Approved February 11, 1905.]

- | SEC. | SEC. |
|--|---|
| 6. The organized militia shall be known as the "West Virginia National Guard;" may be called into active state service; may be called into service of United States, when and how; state designations not to be given to new organizations, when. | except the adjutant general and his assistant; chief of staff department; what duties such chief to perform in time of peace; assistant adjutant general, what duties he may perform, and when. |
| 7. Drills, parades or target practice, provision relating to; duty of commanding officer of each company or band; loss of or damage to equipments issued to any enlisted man; duty of adjutant general; duty of company commanders as to reports; pay-rolls; "statement of charges" for loss of quartermaster's property, etc. | 19. Governor to commission all officers; required qualification. |
| 9. Military organizations of the National Guard, composition and strength of; increase of military force beyond the maximum, when; who given preference for commissions in new organizations. | 21. Staff officers of commanders of brigades, regiments and battalions; who to appoint; who to commission; required eligibility; how removed; promotion from the line, etc. |
| 10. Composition and strength of a company. | 22. Promotions to and in the grade of field and company officers; examination; waiving right to promotion and failure to pass examination; failure of officer to appear for examination. |
| 11. Composition and strength of a battalion. | 26. Sergeants of the hospital corps, how appointed; first class sergeant of such corps. |
| 12. Composition and strength of a regiment; provision where it is impracticable to assign three battalions to a regiment; number of infantry regiments to a brigade; staff of a brigadier general. | 34. Recruits for national guard; enlistment papers. |
| 13. When the governor may assign to a brigade other organizations or special troops. | 35. Surplus commissioned officers; provisos; further provisions relating to officers on the supernumerary list. |
| 14. Composition and strength of a company of the signal corps. | 39. Noncommissioned officers may be reduced in rank or to the ranks or discharged, when and by whom; proviso; enlisted man may be dropped, how and for what; further provisions. |
| 15. Of the hospital corps; increase of and details from such corps. | 40. Uniforms, arms, equipments, etc; annual allowance for maintenance to officers; all military property issued to organizations to remain the property of the state. |
| 16. Of the medical department. | |
| 17. Governor's staff, active military duty not required of, unless, etc., | |

- | | |
|---|---|
| <p>SEC.</p> <p>41. Provisions relating to the issuing and transferring of military property; responsibility of officers; worn-out and worthless property; penalty on officer for neglect, etc.</p> <p>42. Unlawful conversion of military property; penalty.</p> <p>43. Unlawful wearing of uniforms and devices indicating rank; penalty.</p> <p>44. Pay and allowance to officers and men in actual service of the state; for duty at camps; to officers serving on military courts; transportation; payments how paid; bond of disbursing officer; duty of quartermaster general as to transportation.</p> <p>45. Pay and allowance to assistant adjutant general appointed by the governor; pay of such officer appointed by brigade commander; allowance for certain clerical service.</p> <p>47. Pay and care when injured or dis-</p> | <p>SEC.</p> <p>abled in service; how claims for such injury, etc., inquired into, ascertained and paid; widow and children of officer or soldier killed while in the service of the state to be provided for.</p> <p>50. Annual camp duty.</p> <p>76. Summary courts; oath of office and before whom taken; jurisdiction of such courts.</p> <p>85. Contributing members of companies and signal corps; annual dues of such members; number.</p> <p>100a. Armory commission; who to compose such commission; powers and duties; provisions relating to repairs; verification of accounts; military or civil officers attesting oaths, to do so without fee; contracts, etc., where filed; sale of buildings, etc., on land taken for armory; condemnation proceedings to acquire real property; state to pay costs, etc.; words "armory commission" how construed.</p> |
|---|---|

Be it enacted by the Legislature of West Virginia:

1. That sections six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-six, thirty-four, thirty-five, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-seven, fifty, seventy-six and eighty-five of chapter eighteen of the code of West Virginia, known as the military code, be amended and re-enacted, and section 100a be added thereto, so as to read as follows:

Sec. 6. The organized militia of the state shall constitute and be known as the West Virginia National Guard, and shall be liable at all times to be ordered into active service, and all or any part thereof may be turned over by the commander-in-chief into the service of the United States on requisition by the president, for service without the state, for a period of not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by the order of the president. When the militia of this state or any part thereof is called for under the constitution and laws of the United States, the governor shall order out for service the active militia or such part thereof as may be necessary, and if the number available be insufficient he shall order out such part of the reserve militia as he may deem necessary. During the absence of organizations of the national guard in service of the United States, their state designations shall not be given to new organizations.

Sec. 7. For the purpose of providing, maintaining and encouraging a more efficient national guard, the governor in his discretion may,

by orders, direct that each regularly enlisted man in the organized militia of this state be paid ten cents for attendance at drill, parade or target practice, not including duties performed at encampments, practice marches, or maneuvers, not to exceed forty-eight drills, parades or days of target practice in one year, and shall be paid quarterly upon the presentation of the proper certified muster and pay roll to the adjutant general, and upon his approval the state auditor shall issue his warrant upon the treasurer for the amount certified to as above provided in favor of the officer making the certificate as hereinafter provided for. The commanding officer of each company or band shall, at a stated hour during the drill, parade, or target practice, call the roll of his command and keep a record of the members present and absentees, and from this record shall make in triplicate muster and pay rolls at the end of each quarter, to which he shall attach his certificate and forward to the adjutant general.

Any enlisted man in the organized militia of the state who wilfully, maliciously, purposely, or through carelessness or neglect, permits any of the arms, utensils, clothing, bedding, or other equipment issued to him, being public property or belonging to the state, to become lost, damaged, or in any other manner unfit for its intended use, the commanding officer of his company, or other organization, shall apply so much of the said soldier's pay herein provided for as may be required for the replacing, repairing, cleaning or other requirements necessary to place such property in condition for military service. The adjutant general shall make such regulations and require such bonds and reports, and furnish such blanks as may be necessary to carry out the provisions of this section.

Company commanders will keep a morning report of each drill, parade or target practice in a morning report book furnished for that purpose, and kept with the company records, subject to inspection. They will furnish at once a true copy of each morning report to the regimental or separate battalion headquarters of their respective regiments or battalions.

Pay-rolls will be made quarterly, as provided herein, on the last weekly drill of each quarter, the same to be forwarded direct to the adjutant general.

All charges against enlisted men for the loss to quartermaster's property or ordnance and ordnance stores will be entered on the pay-rolls in red ink in a special column ruled for that purpose, and a "statement of charges" will be mailed with the quarterly return of

the property and stores, for the use of the quartermaster general in checking property accounts. Drafts for the amounts due the state made payable to the adjutant general will accompany each "statement of charges"; quartermaster's and ordnance property being kept separate.

Sec. 9. The military organizations of the national guard shall consist of a general (governor's) staff, a brigade of infantry, medical department, hospital corps and signal corps, and the regiments, battalions, companies and signal corps shall remain as now established, but the governor shall have power to alter, divide, annex, consolidate, disband or re-organize the same and create new organizations whenever in his judgment the efficiency of the state forces will be thereby increased, and he shall at any time have power to change the organization of regiments, battalions, companies and signal corps so as to conform to any organization, system of drill or instruction now or hereafter adopted for the army of the United States, and for that purpose the number of officers and non-commissioned officers of any grade in regiments, battalions, companies and signal corps may be increased to the extent made necessary by the new positions thus created.

The governor shall have power in case of war, insurrection, invasion or imminent danger thereof to increase the force beyond the maximum now established by law, and organize the same, with the proper officers, as the exigencies of the service may require. In event of the formation of any such new organizations, officers holding commissions in the national guard as organized at such time shall be eligible for commissions in said new organizations with like or higher grade and rank, if found capable after examination by a regularly authorized board, and shall be given preference over any one not already holding commissions.

Sec. 10. The military units of the national guard shall be composed and organized as follows:

Infantry.

A company shall consist of:

- 1 captain,
- 1 first lieutenant,
- 1 second lieutenant,
- 1 first sergeant,
- 1 quartermaster sergeant,

4 sergeants,
 8 corporals,
 2 cooks,
 2 musicians,
 1 artificer,
 87 privates.

Total enlisted, 106.

The minimum strength of a company shall be 40 enlisted men.

Sec. 11. A battalion should consist of:

1 major,
 1 battalion adjutant (first lieutenant),
 1 battalion quartermaster and commissary (second lieutenant),
 1 battalion sergeant major,
 4 companies.

Total enlisted (maximum), 425.

Sec. 12. A regiment should consist of:

1 colonel,
 1 lieutenant colonel,
 1 adjutant (captain),
 1 quartermaster (captain),
 1 commissary (captain),
 1 surgeon (major),
 2 assistant surgeons (captains),
 1 assistant surgeon (first lieutenant),
 1 chaplain,
 1 sergeant major,
 1 quartermaster sergeant,
 1 commissary sergeant,
 2 color sergeants,
 1 chief musician,
 1 principal musician,
 1 drum major,
 4 sergeants,
 8 corporals,
 1 cook,
 12 privates,
 1 sergeant, first-class, of the hospital corps,
 3 sergeants of the hospital corps,
 6 privates, first-class, of the hospital corps,
 3 privates of the hospital corps,

} Band 28.

3 battalions.

Total enlisted (maximum), 1,321.

When it is impracticable to assign three battalions to a regiment it may be composed of a smaller number, not less than two, each of which should consist of four companies; but, where four companies cannot be assigned to a battalion, it may be composed of three companies, with the fourth company skeletonized.

A brigade will, ordinarily, consist of three regiments of infantry; it may consist of a smaller number, not less than two, or of a greater number, and in each case separate battalions or companies may be assigned thereto.

The commander of a brigade is a brigadier general, and he may be provided with the following staff: One assistant adjutant general, with rank of lieutenant colonel; 1 inspector; 1 judge advocate; 1 quartermaster; 1 commissary; 1 ordnance officer and one engineer, each with the rank of major; 1 surgeon, with the rank of lieutenant colonel; 2 aides-de-camp, each with the rank of captain; 1 quartermaster sergeant; 1 commissary sergeant; 1 chief trumpeter, and 2 orderlies, with the rank of sergeant.

Sec. 13. At camps of instruction, maneuvers, or field exercises, or when called into active service for the state in case of riot, insurrection, tumult, or invasion, actual or impending, the governor may attach to a brigade such organizations or special troops as may appear to him advisable which at other times would ordinarily report to the commanding officer of the national guard direct.

Sec. 14. A company of the signal corps shall consist of:

- 1 captain,
- 1 first lieutenant,
- 1 second lieutenant,
- 5 first-class sergeants,
- 10 sergeants,
- 10 corporals,
- 30 first-class privates,
- 20 second-class privates.

Total enlisted, 75.

The minimum strength of the company shall be 30 enlisted men.

Hospital corps.

Sec. 15. The hospital corps of the national guard shall consist

of the sergeants first-class, sergeants, corporals, and privates of the hospital corps who are members of regiments, separate battalions and companies. The governor shall be authorized to increase the number of enlisted men in the hospital corps so as to provide for medical attendance in separate battalions and companies, and such additional men shall be considered a part of the hospital corps. Such portions of the hospital corps as are needed may be detailed for duty at encampments, field maneuvers, or in campaign.

The medical department.

Sec. 16. The medical department shall consist of the officers necessary to perform the duties of surgeon on the staff of the brigade, of the surgeons and assistant surgeons filling the positions in the regiments and separate battalions, and of the hospital corps.

Sec. 17. Active military duty is not contemplated or required of the members of the general (governor's) staff, with exception of the adjutant general and assistant adjutant general, unless by express orders and directions of the governor, and without such express orders and directions they have no authority to command.

The adjutant general is chief of staff, and it is through him the governor communicates with and receives communications from the national guard, and in time of peace, when not otherwise ordered by the governor, also perform the duties of the quartermaster general, commissary general and chief of ordnance.

The assistant adjutant general may perform all the duties of the adjutant general in case of his absence, or disability, or by his express direction.

Sec. 19. All officers of the West Virginia national guard shall be commissioned by the governor and by him assigned to the respective commands for duty in the field, line or staff; but no person shall be commissioned in the militia or national guard of this state unless he is a citizen thereof, and eighteen years of age or upwards.

Sec. 21. The brigade, regimental and battalion commanders shall appoint the officers of their respective staffs, who after satisfactorily passing an examination by a board consisting of three officers appointed by the brigade commander shall be commissioned, if approved, by the governor. No person shall be eligible to appointment on such staff, except as aide-de-camp, who has not served in some recognized military establishment for at least one year. Such staff

officers, for cause, approved by the governor, may be removed by their respective commanders. The promotion of an officer from the line to the staff shall be without prejudice to his promotion in the line, and he may return to the line and fill any position to which he would had been eligible had he remained in the line.

Sec. 22. Promotion to and in the grade of field officer shall be made according to seniority in the line officers assigned to each regiment or separate battalion; to the grade of captain and first lieutenant in the line according to seniority in the officers assigned to each company and corps, and to the grade of second lieutenant in the line by election in each company and corps: *provided*, that no promotion shall be made until an officer shall have passed a satisfactory examination by a board consisting of three officers appointed by the brigade commander; and *provided*, that after satisfactorily passing an examination for promotion to the next higher grade, an officer may, with the approval of the brigade commander, waive his right to such promotion; in which case, and in case of a vacancy remaining unfilled by reason of the failure of an officer to pass his examination, the vacancy shall be filled by the qualified officer next for promotion. Should an officer fail to pass such examination, the next qualified officer shall be promoted to the vacancy, and the officer failing shall within one year be given another opportunity to pass such examination, and again failing, he shall be discharged from the service of the state. In case an officer ordered before an examining board fails to appear at the time and place specified in the order, he shall be discharged from the service of the state, unless the brigade commander shall excuse such officer from such attendance upon satisfactory evidence that he was unable at the time to attend.

Sec. 26. The first-class sergeants and sergeants of the hospital corps shall be appointed and warranted by the commanding officer of the organization to which they are attached, upon the recommendation of the ranking surgeon of said organization. To be eligible for appointment as sergeant, first-class, of the hospital corps, a candidate must be a registered pharmacist. A sergeant of the hospital corps must be appointed from the hospital corps.

Sec. 34. Every person recruited for the national guard shall sign an enlistment paper, which shall be forwarded to the adjutant general, of such form as may be prescribed by the commander-in-chief, which shall contain an oath of allegiance to the state and United States. Such oath of allegiance may be taken before any commissioned offi-

cer of the national guard, who is hereby authorized to administer the same, or before any civil officer duly authorized to administer oaths. Each applicant before enlistment shall answer and subscribe to such questions in writing as to his physical condition as the chief surgeon may prescribe, which questions and answers shall accompany the enlistment paper and be approved by the chief surgeon.

Sec. 35. Commissioned officers who shall be rendered surplus by reduction, consolidation or disbandment of organizations, or in any manner provided by law, now or hereafter, shall be withdrawn from active service and placed upon the supernumerary list: *provided*, such officers shall have had three years' continuous active service in the national guard of this state immediately preceding their being placed on the supernumerary list; and *provided, further*, that the governor is hereby authorized to honorably discharge such officers having less than three years' service at the time they are rendered surplus in any manner provided by law. Officers placed on the supernumerary list shall be removed from the line of promotion while on such list. The governor may, upon the recommendation of the commanding officer of the national guard, detail supernumerary officers for active duty, in which case they shall rank in their grade from the date of such detail, and he may relieve them from such duty and return them to the supernumerary list at his discretion.

Sec. 39. The officer warranting a non-commissioned officer shall have power to reduce, or reduce to the ranks, on the application of the immediate commanding officer of the organization to which he belongs, for good and sufficient reasons, the non-commissioned officers of his command, but such as were enlisted as non-commissioned officers shall be discharged: *provided, however*, that in cases requiring immediate example a non-commissioned officer may be reduced, or reduced to the ranks, by his immediate commander, subject to appeal to, and review and approval by, the officer warranting him; and an enlisted man who cannot, after due diligence, be found, or who shall remove his residence from the state, or to such a distance from the armory of his organization as to render it impracticable for him to properly perform military duties, or who shall be convicted of felony, or who shall be expelled from his organization in accordance with by-laws lawfully adopted, may be dropped by order of the commanding officer of the brigade. Any enlisted man dropped on account of removal may be taken up at any time within three years after such removal, or at any time thereafter, upon his own applica-

tion. Non-commissioned officers who shall be dropped vacate their positions.

Sec. 40. The uniforms, arms and equipments and military supplies necessary for the proper performance of the duty required by this chapter shall be similar to those prescribed for the army of the United States. Commissioned officers shall provide themselves with the uniforms, arms and equipments lawfully prescribed or approved, and there shall annually be allowed to aid them in procuring the same and maintaining the same in condition for service: To mounted officers, twenty dollars; to all other officers, fifteen dollars. The uniforms, arms, equipments and other property issued to organizations of the national guard shall be and remain the property of the state of West Virginia, and shall be accounted for on regular property returns.

Sec. 41. All officers shall be responsible for the safe keeping and return of all military property committed to their charge, but no such property shall be issued until suitable bond shall be given by such officers, in an amount and with security approved by the commander-in-chief, for the safe keeping and return of the same. Whenever property is ordered transferred by the commander-in-chief, brigade commander, or regimental commander, from one company, or corps, to another, the officer turning the property over shall be held responsible for the same until he has received a receipt from the officer to whom the transfer is ordered to be made. In case of property worn-out and become worthless in the service of the state, an inspector general shall have power to condemn the same and authorize the officer responsible to drop it from his returns, but no inspecting officer shall exercise this power except when inspecting said property under authority of the commander-in-chief, or the brigade commander.

Any officer who shall neglect or refuse to properly account for any military property he shall have received shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section 99 of this chapter.

Sec. 42. Whoever shall secrete, sell or dispose of, or offer for sale, or purchase, knowing the same to be such, retain after proper demand is made, or in any manner pawn or pledge, any military property, which shall have been issued under the provisions of this chapter, shall be guilty of a misdemeanor, and, in addition to the punishment provided for misdemeanors in this chapter, shall for-

feit to the state twice the cost of the property so secreted, sold, disposed of, offered for sale, or purchased, retained after proper demand had been made, pawned or pledged.

Sec. 43. Any person who shall wear any uniform, or any device, strap, knot or insignia of any design or character used as a designation of grade, rank or office, such as are by law or by regulations, duly promulgated, prescribed for the use of the active militia, or similar thereto, except members of the army and navy of the United States and the national guard of this or any other state, members of associations wholly composed of soldiers honorably discharged from the service of the United States, the members of order of sons of veterans, shall be guilty of a misdemeanor, and any member of the national guard who shall, when not on duty, wear any such uniform or equipments issued by the state, without permission of his commanding officer, shall be subject to a fine of not more than ten dollars.

Sec. 44. Officers and soldiers, when called into actual service of the state to enforce the laws, suppress riots, or insurrections, repel invasions or to disperse unlawful assemblages, after sixty days of such service shall receive the same pay and allowances as prescribed for officers and soldiers of the United States army. For a period of sixty days or less officers shall receive the same pay per diem and allowances as prescribed for officers of like rank and grade in the United States army; and soldiers shall receive pay per diem as follows: A musician or private, one dollar and twenty-five cents; a first sergeant or sergeant-major or non-commissioned staff officer, or non-commissioned officer acting as such, two dollars; sergeants, or soldiers acting as such, one dollar and seventy-five cents; corporals, or privates acting as such, one dollar and fifty cents; and the same rations and allowances as soldiers in the United States army. For duty at encampments, officers shall receive two-thirds of the pay and allowances as prescribed for officers of like rank and grade in the United States army, together with subsistence; and soldiers the same pay and rations as provided for service of sixty days or less. All officers serving on military courts shall receive the same pay and subsistence as for camp duty. Transportation shall be furnished by the quartermaster's department at the rates annually contracted for with the railroads. All payments required by the provisions of this chapter, except for active service, shall be paid by the treasurer of the state out of the military fund, and all expenses incurred in active

service shall be paid by the treasurer of the state out of any moneys in the treasury not otherwise appropriated. All payments shall be made by the heads of the proper departments on vouchers which shall be kept for record. Each voucher shall certify the authority under which the expenditure is made, and when received by the heads of the respective departments shall be verified and then submitted to the commander-in-chief for his approval. When approved by the commander-in-chief, it shall be returned to the proper head of department to be presented by him to the auditor of the state, who shall draw his warrant on the treasurer of the state for the amount thereof in favor of the proper head of department, who shall disburse the same to the person to whom it is due. All disbursing officers shall give bond, conditioned according to law, in an amount and with security to be approved by the commander-in-chief, before receiving any such funds for disbursements; and the commander-in-chief may require such new or additional bonds from disbursing officers as may in his judgment be necessary to insure a just and full accountability of all funds that may come to the hands of such disbursing officer. The several railroad and other transportation companies in this state shall furnish transportation for all officers and enlisted men of the national guard, together with their stores, munitions and equipments, when traveling on duty, under orders from competent authority, in the service of the state, upon request of the officer desiring transportation, which request shall state the number of men to be carried, their destination, and amount of stores, munitions and equipments to be carried, and for such transportation said company shall be entitled to receive compensation from the state, and it shall be the duty of the quartermaster general to contract annually with the various railroad and other transportation companies of the state for rates of such transportation.

Sec. 45. In lieu of all other pay, the assistant adjutant general appointed by the governor shall receive one-half of the pay and allowances of officers of like rank and grade in the United States army; the assistant adjutant general, appointed by the brigade commander, shall, in lieu of all other pay, except for active service and camp duty, be allowed an annual salary of seven hundred and fifty dollars. There shall be allowed to each regimental headquarters for clerical service the sum of fifty dollars per quarter; and to each battalion headquarters the sum of twenty-five dollars per quarter; and to each

company and corps the sum of twenty dollars per quarter for like services.

Sec. 47. A member of the national guard who shall, when on duty or assembled therefor, in case of riot, tumult, breach of the peace, insurrection, or invasion, or whenever ordered by the governor, commanding officer of the national guard, or called in aid of the civil authorities, by proper military order, receive any injury, or incur or contract any disability or disease, by reason of such duty or assembly therefor, or who shall without fault or neglect on his part be wounded or disabled while performing any lawfully ordered duty, which shall temporarily incapacitate him from pursuing his usual business or occupation, shall during the period of such incapacity receive the pay provided by this chapter and actual necessary expenses for care and medical attendance. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed upon the application of the member claiming to be so incapacitated by the commanding officer of the brigade to which such member is attached. Such board shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court-martial. The findings of the board shall be subject to the approval of the officer convening it, and also to the approval of the governor, either of whom may return the proceedings of the board for revision and for the taking of further testimony. The amount found due such member by said board, to the extent that its findings are approved by the reviewing officers thereof, shall be paid by the treasurer of the state out of any moneys in the treasury not otherwise appropriated. The widow and children of every officer or soldier killed, while in the service of the state, shall be suitably provided for by the legislature.

Sec. 50. The commander-in-chief shall cause the national guard to perform at least five consecutive days of camp duty in each calendar year, exclusive of the time consumed by troops in going to and returning from camp, either by brigade, regiment or battalion, and designate the time and place therefor.

Sec. 76. Before entering upon their duties summary courts shall take an oath of office to the effect that they will well and truly try and determine, according to the evidence, all matters between the state of West Virginia and any person or persons who shall come

for trial before the court. This oath may be taken before any officer authorized by law to take acknowledgments of deeds, or before a field officer. The jurisdiction of the summary court authorized by this chapter shall be the same as the jurisdiction of summary courts of the United States army.

Sec. 85. In time of peace the officers commanding companies and signal corps may enlist contributing members not to exceed one hundred and fifty. Such members shall be subject to such contributions, dues and services as may be ordered by the respective organizations, but the dues of such members shall in no case be less than five dollars each, per annum, and the whole number of active and contributing members belonging to the active militia in any county shall not exceed five per centum of the voting population of such county.

Armory commissions.

Sec. 100a. Whenever any arsenal, armory, or other quarters of the militia, camp ground, or rifle range is owned by the state, the same shall be under the charge of an armory commission. When any such property is devoted to the use of the national guard, the commission in charge thereof shall consist of the governor, the commanding officer of the brigade, the assistant adjutant general, appointed by the governor, and the senior national guard officer living in the county in which such property, or the erection of such property, may be located.

From the time this act takes effect, a commission so constituted shall take charge of the erection and completion of all such property as may hereafter be authorized to be erected, and of all such property the erection or completion of which is in progress, at the time this act takes effect, under any general or special law. And as to such work as is in progress, such commission is hereby invested with all the powers conferred by law on any officers, boards, or commissions theretofore charged with such work or any part thereof. It shall keep in good repair the arsenals, armories, quarters, camp grounds and rifle ranges in its charge, and all moneys appropriated heretofore, or which may be appropriated hereafter, for the erection or repair of such buildings, grounds and ranges shall be expended by a commission so constituted in the same manner as other moneys appropriated for military purposes are authorized to be expended, except as herein otherwise provided. Every such commission is hereby authorized to ap-

point, and at its pleasure discharge, its own architects and inspectors.

When ordinary repairs not exceeding one hundred dollars in cost are necessary, the officer in charge of the building or grounds shall report to the quartermaster general what is required to be done, submitting estimates from at least two responsible parties, and the quartermaster general may authorize the officer to cause the repairs to be made, designating the party who shall do the work. When repairs, the cost of which will amount to more than one hundred dollars, but not more than five hundred dollars, are required, a full statement of the necessity thereof must be made by the officer in charge to the quartermaster general, who shall cause estimates of the cost thereof to be prepared by two or more parties, have them examined by an architect selected by the commission, and then cause the work to be done under a contract entered into by him for that purpose. When repairs are to be made, the expenditures of which will exceed five hundred dollars, the commission shall advertise for proposals, bids shall be received and contracts regularly entered into.

During and upon completion of the work, the expenditure for which will exceed five hundred dollars, it shall be inspected from time to time by an inspector selected by the commission, and payment shall not be made until it appears by the certificate of such inspector that such work has been properly performed and according to the contract, if one has been made.

Payment for repairs, the expenditure for which does not exceed five hundred dollars, shall only be made upon a like certificate of the officer in charge of the building or grounds where the same were made.

All bills for work done on any of the arsenals, armories, quarters, camp grounds, or rifle ranges of the state exceeding ten dollars, must be verified by affidavit setting forth that the work has been properly performed and that the amount charged is reasonable and just.

All military or civil officers attesting oaths required by the provisions of this chapter shall do so without fee.

Copies of all contracts and agreements made for the repair or alteration of arsenals, armories, quarters, camp grounds, or rifle ranges of the state shall immediately be filed in the office of the adjutant general.

Whenever any real property is taken for the purpose of erecting a state armory thereon, the buildings on such property, or the old materials in the same, may be sold at public or private sale for the best

price that can be obtained, and the proceeds thereof used for the improvement of the property taken by the authorities authorized to erect such armory.

When real property shall be required for the purpose of a state camping ground or for rifle practice, or other military purposes in connection with any state arsenal or armory, which is deemed necessary by the armory commission, and such armory commission is unable to agree with the owners for the purchase thereof, title thereto shall be acquired by the attorney general in the name of the people of the state by condemnation, on the written application of the armory commission. The cost of all real property so taken, and damages and expenses incurred by and awarded in any proceedings for the condemnation of any such property, shall be paid by the state.

The words "armory commission" when used in this chapter shall be construed to refer to the commissions provided for by this section.

(Senate Bill No. 45.)

CHAPTER 48.

AN ACT to amend and re-enact section 29 of chapter 39 of the code relating to county levies.

[Passed February 11, 1905. In effect 90 days from passage. Approved February 15, 1905.]

SEC.

29. County court to make estimate and lay levy: when, how and for what; proviso fixing rate of such levy for certain years; word "taxes" defined; special election to increase rate of levy, when;

SEC.

what counties excluded from limit provisions of proviso first; proviso limiting aggregate assessment after the year 1907, with exceptions.

Be it enacted by the Legislature of West Virginia:

1. That section twenty-nine of chapter thirty-nine of the code be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 29. The county court of every county shall, at a regular session of said court, held not later than the month of July in each year, proceed to make up an estimate of the amount necessary to be levied for the current fiscal year to cover all county debts and liabilities payable during each year, including the probable expenditure for county purposes, the amount outstanding of unpaid orders on the

county treasurer, and a proper allowance for delinquent taxes, discount allowed on taxes paid on or before the thirtieth day of November, expense of collection and contingencies; but deducting the money in the county treasury applicable to the service of the year, and county claims, the collection of which during the year may, in their opinion, be relied on; which estimate shall set forth the several heads of expenditure with the amount estimated as necessary under each head, and when approved by the court shall with the order approving it be entered by the clerk in the proper record book. The said county court shall thereupon levy so many cents on every hundred dollars of the valuation of the property taxable in the county, according to the last assessment thereof, as will cover the estimated amount necessary to be raised for county purposes during the fiscal year: *provided, first*, that no county court shall in the year nineteen hundred and five assess or levy taxes, including district road taxes, which shall exceed by more than five per cent. the aggregate amount of taxes levied by it in the year nineteen hundred and four; nor in the year nineteen hundred and six assess or levy taxes which shall exceed by more than seven per cent the aggregate amount of taxes levied by it in the year nineteen hundred and four; nor in the year nineteen hundred and seven assess or levy taxes which shall exceed by more than nine per cent the aggregate amount of taxes levied by it in the year nineteen hundred and four. The word "taxes" shall be construed to include district road taxes, as well as all other taxes for county purposes. If the county court of any county shall be of opinion that the maximum fixed by this proviso is insufficient for any of said years, it shall make up an itemized estimate of the expenses to be provided for in such year, with the rate of levy in cents on each one hundred dollars of valuation necessary to provide for the payment thereof, and may submit the question of an increased levy to the voters of the county at an election to be held therein on not less than thirty days published notice, and may make such rules and regulations as may be necessary for the holding of such election; and if three-fifths of the votes cast on the question of increased levy at such election be in favor of such levy, the county court may levy the amount stated in the notice of election as necessary; but this proviso shall not extend to the counties of McDowell and Gilmer, but in such counties, for said years, the county court may levy taxes under the limitations contained in section 7 of article X of the constitution of this state: *provided, second*, that after the year nineteen hundred and seven no county court shall in any

year assess or levy taxes for any and all purposes, including district road taxes, the aggregate of which shall exceed sixty cents on the hundred dollars valuation of property, except for the support of free schools and the payment of indebtedness as provided in section 7 of article X of the constitution, unless such levy shall have been submitted to a vote of the people of the county and have received three-fifths of the votes cast for and against the same.

(House Bill No. 47.)

CHAPTER 49.

AN ACT to authorize the circuit courts of the various counties at the instance of any county, city, town or village therein situate, or of any inhabitant thereof, to compel by mandamus any individual, association of individuals or corporation holding any right, privilege, license or franchise from said county, city, town or village, to comply with all the duties and obligations thereof, or incident or attached thereto, and the terms, conditions and manner of exercising the same as lawfully required or undertaken.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

SEC.

1. Power of circuit courts to compel by mandamus certain persons or corporations holding any right, privilege, license or franchise from any county, city, etc., to comply with all the duties and

SEC.

obligations, etc., lawfully required or undertaken.

2. At whose instance said mandamus may be awarded; any other remedy or right not affected.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in all cases where any individual, association of individuals or corporation has obtained or shall hereafter obtain any right, license, privilege or franchise to operate a street car line, lines or cars in whole or in part upon the public roads of any county, or the streets of any city, town or village, or to furnish to such county, city, town or village, or the inhabitants thereof water or gas or electricity, or to construct or operate a telephone system in any such county, city, town or village, and the terms, conditions or manner of exercising such right, license, privilege, or franchise are embodied in the order of the county court of said county, or order, resolution or ordinance of said city, town or village conferring the

same, or are otherwise, either voluntarily or by law, imposed upon or assumed by said individual, association of individuals or corporation, that then and in each of such cases the circuit court of the county in which said city, town or village is situate shall have power by mandamus to compel such individual, association of individuals or corporation, and their assigns, to use and exercise such right, privilege, license or franchise in accordance with the terms and conditions and in the manner so prescribed in said resolution, order or ordinance or otherwise lawfully so defined or assumed, and to do and perform each and every obligation and duty attached to said right, privilege, license or franchise, whether such obligation and duty be voluntarily assumed or by law attached thereto or imposed thereby.

Sec. 2. Said mandamus may be awarded at the instance of the said county, city, town or village in its corporate name; and the foregoing section shall not be construed to deprive such county, city, town or village, or any inhabitant thereof, of any other remedy to compel such individual, association or corporation to comply with the terms, conditions, and agreements of such right, privilege, license or franchise, or of the right to recover damages for their failure so to do, or to affect, remove or lessen the liability of such individual or association of individuals or corporation to forfeiture of such right, license, privilege, franchise or charter for failure so to use and exercise such right, privilege, license or franchise.

(Senate Bill No. 57.)

CHAPTER 50.

AN ACT limiting the power of municipal corporations to impose taxes.

[Passed February 9, 1905. In effect 90 days from passage. Approved February 15, 1905.]

SEC.
1. Power of municipal corporations to impose taxes limited; question of

SEC. additional levy must be submitted to voters.

Be it enacted by the Legislature of West Virginia:

Sec. 1. Notwithstanding the provisions of chapter forty-seven of the code of West Virginia, or of any act of the legislature, special or

general, incorporating any city, town or village, or amending the charter thereof, no council of any city, town or village shall, after the year one thousand nine hundred and five, in any one year assess or levy taxes upon property, real or personal, at more than one-half the maximum rate fixed by such chapter of the code or act of the legislature; nor shall any such council in the year one thousand nine hundred and five assess or levy taxes upon property, real or personal, which shall exceed by more than five per cent the aggregate amount of taxes on property levied by it in the year one thousand nine hundred and four; nor in the year one thousand nine hundred and six assess or levy taxes on property, real or personal, which shall exceed by more than seven per cent the aggregate amount of taxes on property levied by it in the year one thousand nine hundred and four; nor in the year one thousand nine hundred and seven assess or levy taxes on property, real or personal, which shall exceed by more than nine per cent the aggregate amount of taxes on property levied by it in the year one thousand nine hundred and four: *provided*, that the council of any city, town or village, believing that the maximum amount of revenues herein provided will not be sufficient for any year, may submit the question of an additional levy to the voters of such city, town or village, and if three-fifths of the votes cast thereon be in favor of such increased levy the council may levy the same. The amount of rate of such additional levy shall be named in the order of the council submitting the question to the voters.

(Senate Bill No. 42.)

CHAPTER 51.

AN ACT limiting the amount of indebtedness of counties, cities, school districts and municipal corporations.

[Passed February 11, 1905. In effect January 1, 1906. Approved February 15, 1905.]

SEC.

1. No county, city, school district or municipal corporation to become indebted to an amount exceeding two and one-half per cent of taxable property; exceptions

SEC.

- thereto; to provide for a direct annual tax to pay interest and principal within certain time; to be submitted to vote.
2. When act to take effect.

Be it enacted by the Legislature of West Virginia:

Sec. 1. No county, city, school district or municipal corporation,

except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding two and one-half per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness; nor without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt, and the principal thereof within and not exceeding thirty-four years: *provided*, that no debt shall be contracted under this section, unless all questions connected with the same shall have been first submitted to a vote of the people, and have received three-fifths of all the votes cast for and against the same.

Sec. 2. This act shall not take effect until January first, nineteen hundred and six.

(House Bill No. 4.)

CHAPTER 52.

AN ACT requiring municipal corporation to make and publish annual statements of their financial condition.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

Sec.

1. Municipal corporations to publish annual statements; what to show; copy to be filed where;

Sec.

penalty for violation; duty of prosecuting attorney.

Be it enacted by the Legislature of West Virginia:

Sec. 1. All municipal corporations shall cause to be published in two newspapers of opposite politics, if there be such published therein, at a compensation not to exceed the rate as provided by law for like publications, for one issue, or, if no such newspaper be published therein, to publish in pamphlet form not less than one hundred copies of, a sworn statement of the financial condition of said corporation.

Said statement shall contain an itemized account of the receipts and expenditures of the city or municipality, showing the source from which all the money was derived, and the name of the person to whom an order was issued, together with the amount of such order,

and why such order was issued, arranging the same under distinct heads, and also a specific statement of the debts of such municipal corporation, showing the purpose for which any debt was contracted, the time it becomes due, the rate of interest, up to what time the interest thereon has been paid, the amount of money in the treasury at the end of the preceding administration and the debts contracted by it. Such statement shall be prepared by the municipal corporation every twelve months and shall then be printed according to the provisions of this chapter. Either method of making this report shall be sworn to by the recorder, by the mayor and two members of the city council.

One copy of such printed report shall be delivered to the judge of the judicial district, one to the clerk of the county court, one to the clerk of the circuit court, one shall be kept as a part of the records of the city or municipal corporation and the remainder shall be held for distribution as called for by the tax payers.

If a city council fail or refuse to perform the duties hereinbefore named, every member of such council and recorder thereof concurring in such failure or refusal shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

If any of the provisions of this act are violated, it shall be the duty of the prosecuting attorney of the county in which such violations are made to immediately present the evidence thereof to the grand jury if in session, and if not in session, he shall cause such violation to be investigated by the next succeeding grand jury.

(House Bill No. 266.)

CHAPTER 53.

AN ACT to amend and re-enact section 28 of chapter 47 of the code of West Virginia of 1899, and to add section 49a thereto.

[Passed February 24, 1905. In effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 28. City council, general powers of. 49a. Person sentenced to imprisonment; right to appeal; bond required;</p>		<p>SEC. papers to be delivered to clerk of court; in case of judgment, what costs to be included.</p>
---	--	---

Be it enacted by the Legislature of West Virginia:

1. That section twenty-eight of chapter forty-seven of the code of

West Virginia of one thousand eight hundred and ninety-nine be amended and re-enacted, and to add section "forty-nine-a" thereto, so as to read as follows:

Sec. 28. The council of such city, town or village, shall have plenary power and authority therein to lay off, vacate, close, open, alter, curb, pave and keep in good repair, roads, streets, alleys, sidewalks, cross-walks, drains and gutters, for the use of the public, or any of the citizens thereof, and to improve and light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, cross-walks, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to establish and regulate markets, to prescribe the time of holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep or other animals, and fowls of all kinds, from going at large in said city, town or village; to protect places of divine worship in and about the premises where held; to arrest, convict and punish any person for keeping a house of ill-fame, or for leasing or letting to another person any house or other building for the purpose of being used or kept as a house of ill-fame, or knowingly permitting any house owned by him, or under his control, to be kept or used as a house of ill-fame, or loafing, boarding or loitering in a house of ill-fame, or frequenting same; to arrest, convict and punish any person for importing, printing, publishing, selling or distributing any book or other thing containing obscene language; to arrest, convict and punish any person for cruelty, unnecessarily or needlessly beating, torturing, mutilating, killing or over-loading and over-driving, or wilfully depriving of necessary sustenance, any horse or other domestic animal; to arrest, convict and punish any person for gambling or keeping gaming tables, commonly called A, B, C, or E, O, table or faro bank or keno table, or table of like kind, under any denomination, whether the game or table be played with cards, dice or otherwise, or shall be a partner, or concerned in interest, in the keeping or exhibiting such table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value; to arrest, convict and punish any person for carrying about his person any revolver or other pistol, dirk, bowie-knife, razor, slung-shot, billy, metallic or other false knuckles, or any other dangerous or other dead-

ly weapon of like kind or character; to provide penalties for the offences and violations of law mentioned herein in addition to the penalties provided in section twenty-nine of this chapter, but which shall not exceed the penalties provided for like offences and violations in this chapter and in chapters one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty-one of the code of West Virginia, of one thousand eight hundred and ninety-nine; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near the city, town or village places for the burial of the dead, and to regulate the interments therein; to provide for the regular building of houses or other structures, and for the making of division fences by the owners of adjacent premises, and the drainage of lots by the proper drains and ditches; to make regulations guarding against danger or damage by fire; to prevent the illegal sale of all intoxicating liquors, drinks, mixtures and preparations therein; to protect the persons and property of the citizens of such city, town or village, and to preserve peace and good order therein, and for this purpose to appoint when necessary a police force to assist the sergeant in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council, fix their terms of service and compensation, require and take from them bonds, when deemed necessary, payable to such city, town or village, in its corporate name, with such sureties and in such penalty as the council may see fit, conditioned for the faithful discharge of their duties; to erect, or authorize or prohibit the erection of, gas works, electric light works or water works in the city, town or village; to prevent injury to or pollution of the same, or to the water or healthfulness thereof; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the city, town or village; to provide a revenue for the city, town or village, and appropriate the same to its expenses; to provide for the annual assessment of taxable personal property therein; to impose a license tax on persons or companies keeping for hire carriages, hacks, buggies, or wagons, or for carrying passengers for pay in any such vehicle, in such city, town or village; to adopt rules for the transaction of business, and the government and regulation of its own body.

Sec. 49a. Every person sentenced to imprisonment under this chapter, or to the payment of a fine of ten dollars or more, (and in no case shall a fine of less than ten dollars be given if the defendant,

his agent or attorney object thereto), shall be allowed an appeal to the circuit or criminal court of the county, upon entering into an appeal bond with surety deemed sufficient in a penalty double the amount of fine and costs, with condition that the person appealing will perform and satisfy any judgment which may be rendered against him by the circuit or criminal court on such appeal. If such appeal be taken, the appeal bond and other papers in the case shall be forthwith delivered by the mayor, recorder or police judge, to the clerk of the court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, without remanding the case, as the law and the evidence may require. If the judgment be against the accused, it shall include the costs incurred in the proceedings before the mayor, recorder or police judge, as well as in the said court.

(Senate Bill No. 133.)

CHAPTER 54.

AN ACT to amend and re-enact section twenty-one of chapter ten of the code relating to bonds.

[Passed February 17, 1905. In effect 90 days from passage. Approved February 21, 1905.]

SEC.
21. How surety in official bond may be relieved; office to become vacant on failure to give new bond

SEC.
1 when required; how surety in certain other bonds may terminate his liability.

Be it enacted by the Legislature of West Virginia:

1. That section twenty-one of chapter ten of the code be amended and re-enacted so as to read as follows:

Sec. 21. When a surety in an official bond, or his personal representative, shall have reason to believe that he or the estate of his decedent is likely to suffer pecuniary loss, in consequence of such suretyship, he may file his petition before the court, board or officer by whom such bond was approved to be relieved therefrom. The petition shall state the ground upon which his belief is founded, and shall be verified by his affidavit. Upon the filing of such petition and proof that a notice of the time and place of filing the same has been served upon the principal in such bond at least ten days before the filing thereof, in the manner prescribed by law for the serving

of notices, such court, board or officer shall require a new bond to be given. And if any officer, being so required, fail to give a new bond within the time required his office shall be deemed vacant, unless the time for giving such new bond be extended or the requirement be withdrawn. And the surety in any bond, which is required to be approved by any court, board or officer, may terminate his liability in like manner.

(House Bill No. 58.)

CHAPTER 55.

AN ACT requiring a trustee of an insolvent debtor to give bond, and providing for appraisers and settlement of such trustee's accounts.

[Passed February 15, 1905. In effect 90 days from passage. Approved February 21, 1905.]

SEC.

1. Trustee of an insolvent debtor to qualify and give bond: form of oath: bond to be approved by court: conditions thereof: appraisers to be appointed; their

SEC.

duties; such trustee to submit report to commissioner of accounts.

2. Clerk to perform certain duties of county court in vacation.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That a person appointed by an insolvent debtor as trustee in any assignment, conveyance, transfer, or other act of such insolvent debtor, which is intended to operate as an assignment of all such debtor's property for the benefit of all of his creditors, or which does so operate under the laws of this state, shall not have the power of such trustee until he qualifies as such by taking an oath and giving a bond in a penalty double the amount of the ascertained estate, with sufficient surety, before the clerk of the county court of the county in which such assignment, conveyance, transfer or other instrument is or should be recorded, or such act is done, in the manner and with the effect as a personal representative of the estate of a decedent is qualified: And in case such person so appointed trustee by such insolvent debtor fails or refuses to so qualify the said county court shall appoint such trustee upon the application of any person interested. The oath of such trustee shall be that he will faithfully perform the duties of the office of trustee to the best of his skill and judgment, and will account for and pay over all money that comes

to his hands as such trustee. Said bond shall be approved by said court, and conditioned that said trustee shall faithfully perform the duties of trustee to the best of his skill and judgment and account for and pay over all money that may come to his hands as such trustee. Upon the qualification of such trustee, there shall be appraisers appointed to appraise the estate of the insolvent debtor in the same manner and by the same authority that appraisers are appointed for the estate of a decedent, and such appraisers shall be governed by the same laws and perform the same duties that appraisers of the estate of a decedent are governed by and are required to perform. And all such trustees as aforesaid shall appear before some one of the commissioners of accounts of the county court before which he qualified as such trustee and lay before such commissioner a report of his receipts and disbursements, and his vouchers for the same, in all respects and with like effect as is provided for fiduciaries generally by chapter 87 of the code of West Virginia.

Sec. 2. In the vacation of the county court, the clerk thereof shall perform the duties in the appointment and qualification of such trustee, and the appointment of the appraisers, that said clerk is now required by law to perform in the appointment and qualification of personal representatives of decedents, and appraisers of their estate.

(Senate Bill No. 119.)

CHAPTER 56.

AN ACT to amend and re-enact section 4 of chapter 16 of the acts of the extraordinary session of the legislature of 1904, providing for the prohibition of the expenditure of public money.

[Passed February 11, 1905. In effect 90 days from passage. Approved February 15, 1905.]

<p>Sec. 4. Personal and criminal liability of violators of the provisions of act prohibiting the expenditure of</p>		<p>Sec. public moneys and incurring obligations without proper authority; penalty.</p>
---	--	--

Be it enacted by the Legislature of West Virginia:

1. That section four of chapter sixteen of the extraordinary session of the legislature of one thousand nine hundred and four, be amended and re-enacted so as to read as follows:

Sec. 4. Any such officer or person who, in violation of any of the

provisions of this act, shall expend any sum or amount of money, incur any debt or obligation, or make or participate in the making of any such contract, or shall be party to any such in any official capacity, shall be personally liable therefor, both jointly and severally, and an action may be maintained therefor by the state, county, district or any person prejudiced thereby, in any court of competent jurisdiction, and such official shall further be guilty of a misdemeanor and upon conviction thereof be fined not less than ten nor more than five hundred dollars, and may be confined in jail not less than ten days nor more than one year, and, in addition to the penalties hereinbefore provided, such official or person violating any of the provisions of this act shall forfeit his office. And there shall be no liability upon the state, county or district, or the funds thereof, on account of any such debt, obligation or contract.

(House Bill No. 254.)

CHAPTER 57.

AN ACT re-enacting and amending section 9 (to section 9a) of chapter 62 of the code for the protection of sheep.

[Passed February 21, 1905. In effect 90 days from passage. Approved February 25, 1905.]

<p>SEC. 9. Dogs chasing or killing sheep: when and what proceedings may be had to have such dogs killed:</p>		<p>SEC. Liability of owner for costs and damages.</p>
--	--	--

Be it enacted by the Legislature of West Virginia:

1. That section nine (to section 9a) of chapter sixty-two of the code be re-enacted and amended so as to read as follows:

Sec. 9. The owner or keeper of any dog that has been worrying, wounding, chasing or killing any sheep or lamb (not the property of such owner or keeper) out of his enclosures shall, within forty-eight hours after having received notice thereof in writing from reliable and trusty source, under oath, cause such dog to be killed. If the owner or keeper refuse to kill said dog, as hereinbefore provided, any justice of the peace, upon information, shall summon the owner or keeper of said dog, and, after receiving satisfactory proof that his dog did the mischief, shall issue a warrant on application being made by the owner of sheep killed, and give it into the hands of a constable,

special constable or sheriff, who shall kill the dog forthwith. The costs of said proceedings shall be paid by the owner of the dog so killed, including a fee of fifty cents to the officer killing the said dog. The owner of said dog so killed shall, in addition to the costs, be liable to the owner of the sheep for the value of the sheep so killed or injured.

(House Bill No. 180.)

CHAPTER 58.

AN ACT to amend and re-enact section 21 of chapter 150 of the code of West Virginia, relating to vaccination and quarantine.

[Passed February 23, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Compulsory vaccination or quarantine in certain cases; voters to petition; penalty for refusing; certain persons excepted; certificate required in case of epidemic; enforced when directed

SEC.

by county court; physicians to be appointed; their duties and compensation; penalty for false certificate; expenses and how paid; other provisions.

Be it enacted by the Legislature of West Virginia:

1. That section twenty-one of chapter one hundred and fifty of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 21. That the county court of any county in this state, upon petition of one hundred voters of the county, shall direct and have enforced upon any party or parties compulsory vaccination or quarantine, in case of smallpox epidemic, in any city, town or village of the county or in their said county. Any person refusing to be vaccinated when so directed by the county court and who cannot give satisfactory proof of having been vaccinated previous to that time, or a certificate from a reputable physician showing that a successful vaccination upon his or her body is impossible or improper, or sufficient reason be given why it has not been done, shall be placed under quarantine as directed by section seven of this chapter: *provided, further, that* when it shall be directed by the county court of any county in this state as herein provided, no child or person residing in a locality in which an epidemic is prevailing shall be admitted to or received into any of the public schools in any city, town, village or the county who cannot produce a certificate or satisfactory proof showing a success-

ful vaccination, or a certificate from a reputable physician showing that a successful vaccination upon his or her body is impossible or improper, or sufficient reason be given why it has not been done, and the trustees or other officers having charge, management or control of such school shall cause the provisions of this act to be enforced when so directed by the county court.

And for the purpose of the enforcement of this act the county court may appoint competent physicians in any city, town, village or the county, and fix their compensation, but such compensation for each successful vaccination as herein provided for shall in no case exceed twenty-five cents; but no compensation shall be allowed for any unsuccessful vaccination, and such physicians shall provide themselves with good and reliable vaccine virus with which to vaccinate such persons when directed by the county court; and such physicians so appointed or any competent reliable physician who shall do vaccine work shall give to any person or child a certificate, free of charge, when such person or child has been successfully vaccinated by him, or to any person or child whom he knows to have been successfully vaccinated when such person or child demands such certificate.

If any physician shall give any person a false certificate of vaccination, as herein provided for, he shall be guilty of a misdemeanor, and upon conviction thereof he shall be fined not less than twenty nor more than one hundred dollars.

The expenses incurred in carrying into effect the provisions of this act shall be deemed a part of the expenses of the county and shall be levied and collected in the same manner as other county expenses.

Any person who shall have smallpox after this act goes into effect going into another county, within three months of said time, shall be required to produce a certificate showing that he has been properly cleansed and disinfected, which certificate shall state what has been done to accomplish this end, and if said certificate be acceptable to the county health officer of the county to which such person shall go, it shall be deemed sufficient and entitle such person to remain therein, but if not deemed sufficient such person shall not be permitted to remain therein.

Any violation of this act shall be a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than fifty dollars: *provided*, that the provisions of this section shall apply in a county only after the county court thereof has passed an order adopting it.

(House Bill No. 25.)

CHAPTER 59.

AN ACT to prevent the pollution, by non-residents, of the waters of the New and Great Kanawha rivers.

[Passed February 16, 1905. In effect 90 days from passage. Approved February 21, 1905.]

SEC. 1. Governor authorized to prevent pollution of New and Great Ka-	SEC. nawha rivers; appropriation therefor.
--	---

WHEREAS, by the actions of certain persons, companies or corporations, non-residents of this state, the waters of New and Great Kanawha rivers are polluted at the time of entering this state, and remain so polluted throughout the course of the New and Great Kanawha rivers, rendering the water unfit for domestic or mechanical use; and,

WHEREAS, the people residing in the valleys of the aforesaid rivers are dependent upon said rivers for their supply of water; therefore,

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the governor be and is hereby directed to take such action as he may deem necessary to prevent said pollution; and that the sum of fifteen hundred dollars be and the same is hereby appropriated out of money in the treasury not otherwise expended to defray any expense which he may incur in taking such action to prevent the pollution of said waters.

(House Bill No. 376.)

CHAPTER 60.

AN ACT to authorize the counties of Wirt and Wood and the city of Parkersburg to donate to the United States government certain stock held by them respectively in the Little Kanawha Navigation Company.

[Passed February 21, 1905. In effect from passage. Approved February 24, 1905.]

SEC. 1. Counties of Wood and Wirt and city of Parkersburg authorized to donate Little Kanawha Navigation company stock to United States government.	SEC. 2. How said donations to be made; election provided for. 3. How election held; ballots. 4. County court or council may make donation, when.
--	---

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the county of Wirt, the owner of twelve hundred shares, of the par value of thirty thousand dollars, of the capital stock of the Little Kanawha Navigation Company, a private corporation owning and operating locks and dams on the Little Kanawha river; the county of Wood, the owner of eight hundred shares, of the par value of twenty thousand dollars, of the capital stock of said company; and the city of Parkersburg, the owner of twelve hundred shares, of the par value of thirty thousand dollars, of the capital stock of said company, be and are hereby severally authorized and empowered to donate their respective holdings of stock in said company to the government of the United States, or to a trustee for said government, for the purpose of aiding and encouraging said government to purchase and acquire the property of said Little Kanawha Navigation Company with a view to improving, extending and making free the navigation of said Little Kanawha river.

Sec. 2. Any contracts or conveyances which may be made by said counties pursuant to the provisions of this act shall be severally executed by the president of the county courts of said counties of Wirt and Wood respectively, and any contract or conveyance which may be made by said city of Parkersburg pursuant to the provisions of this act shall be executed by the mayor and the president of the board of affairs of said city, after authority duly given by the county courts of said counties of Wirt and Wood respectively, and by the council and board of affairs of said city: *provided*, that within sixty days after any action affirmative or negative by the county court of either of said counties, or by the council or board of affairs of said city, a special election shall be ordered by the said county court or council for the purpose of submitting to the voters of the said counties or either of them, or to the voters of said city, the question of the donation of said stock, if ten per cent of the voters of said counties, or either of them or of the city respectively, shall have first petitioned in writing to the county court or council of their respective county or city for such special election; and *provided, further*, that in case, within sixty days from the passage of this act, no action upon the question of donating said stock is taken by the county court of either of said counties or by the council or board of affairs of said city, then upon like petition of ten per cent of the voters of said county or city a special election shall be ordered as above provided to ascertain the wishes of the voters.

Sec. 3. Any election held under this act shall be governed by the general election laws of the state of West Virginia as far as the same may be applicable.

The clerk of the county court of the county in which said election is to be held, and the auditor of the city of Parkersburg, if such an election is to be held in said city, shall cause notice of said election to be published once a week for four successive weeks preceding said election in as least two newspapers of opposite politics, published within the county or city within which the election is to be held; which notice shall be given by the publication of this act and of the petition for said special election, together with a statement of the time of holding the election.

The ballots used at any such election shall have printed or written upon them the words: "For donation of county's (or city's) stock in Little Kanawha Navigation Company." "Against donation of county's (or city's) stock in Little Kanawha Navigation Company." If a majority of the votes cast at any such election shall be in favor of such donation, then the president of the county court of the county in which such election is held, and the mayor and president of the board of affairs of said city, if such election is held therein, shall execute appropriate contracts or conveyances of the stock of said county or city.

Sec. 4. In case no petition of voters praying for a special election is presented to the county court of either of said counties or to the council of said city, as hereinbefore provided for, then a contract or conveyance made by authority of the county court of either of said counties, or by authority of the council and board of affairs of said city, shall be effective to fully pass the title of said county or city in and to its said stock in said Little Kanawha Navigation Company to the government of the United States.

(Senate Bill No. 62.)

CHAPTER 61.

AN ACT to amend and re-enact chapter 48 of the acts of 1903, relating to the sale of fruit trees, vines and shrubbery, and to add thereto sections 3 and 4.

[Passed February 18, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Sale of fruit trees, vines and shrubbery: traveling agents to be licensed: license fee: employer of such agents required to file list of his agents with county clerk.
2. Agents not to act until provisions

SEC.

- in section one complied with; penalty for violation.
3. Penalty for labeling any tree or vine with false name.
 4. False representations of agents; penalty.

Be it enacted by the Legislature of West Virginia:

1. That chapter forty-eight of the acts of nineteen hundred and three be amended and re-enacted so as to read as follows:

Sec. 1. That every dealer in and grower of fruit trees, vines and shrubbery, whether in or out of this state, who employs traveling salesmen or agents for the sale of fruit trees, vines or shrubbery in this state shall, before he is authorized to do business, take out a license in some county in this state, said license to be issued by the assessor in like manner as other licenses, and he shall pay to the sheriff of the county wherein said license is issued the license fee, which is hereby fixed at ten dollars per annum. Every such dealer or grower, as hereinbefore mentioned, whether such dealer be an individual, firm or corporation, shall file with the clerk of the county court in each county where such individual has traveling salesmen or agents a list of all agents or traveling salesmen in said county representing such dealer or grower, which list when filed shall be open to public inspection.

Sec. 2. No person shall act as agent or traveling salesman in this state for any firm, person or corporation engaged in growing, selling or handling fruit trees, vines or shrubbery until such firm, person or corporation shall have complied with all the provisions of the foregoing section and taken out the license in some county of this state therein provided for. Any person violating this section shall be guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than one hundred dollars, upon conviction, and may be confined in jail not to exceed six months, in the discretion of the judge or justice before whom the case is tried. The license hereinbefore provided for shall authorize such person to transact business in any county of the state upon the filing of the lists of agents or traveling salesmen employed therein, together with a certified copy of the license with the clerk of the county court. Every person acting as agent or traveling salesman for any person, firm or corporation engaged in growing or selling fruit trees, vines or shrubbery shall take from his employer a certificate showing that he is the authorized agent or salesman of such person, firm or corporation, and shall ex-

hibit the same to any person who demands to see said certificate, and any person who fails to do so, before acting as salesman or agent for any person, firm or corporation engaged in growing or selling any fruit trees, vines, or shrubbery, shall be guilty of a misdemeanor and be fined ten dollars upon conviction.

Sec. 3. Any person, firm or corporation that shall label any trees or vines any false or fictitious name or variety, or who shall substitute, without the permission of the purchaser, trees from any nursery other than the one wherein it was represented the stock sold was grown, shall be deemed guilty of a misdemeanor and upon conviction fined not less than twenty-five dollars, nor more than two hundred dollars, and shall, in addition thereto, forfeit the license held and shall thereafter be precluded from doing business in this state.

Sec. 4. If any person acting as agent or traveling salesman for any person, firm or corporation sell any trees, vines or shrubbery upon a certificate of agency and afterward, without the consent of the purchaser, procure them of and supply them from the nursery of some person or place other than that such agent or salesman professed to represent he shall be deemed guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than one hundred dollars.

(Senate Bill No. 124.)

CHAPTER 62.

AN ACT to amend and re-enact chapter 33 of the acts of 1903, relating to the time in which distraint and sale may be made for taxes.

[Passed February 8, 1905. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Time extended in which certain sheriffs may make distraint and sale for taxes not returned delinquent for certain years; collection where person assessed has

Sec.

removed from county.
2. Collection of such taxes; power of personal representatives or assignee of any such sheriff to collect.

Be it enacted by the Legislature of West Virginia:

1. That chapter thirty-three of the acts of nineteen hundred and three be amended and re-enacted so as to read as follows:

Sec. 1. The sheriffs of the several counties in the state of West

Virginia, whose terms expired on the thirty-first day of December, one thousand eight hundred and ninety-six, and those whose terms expired on the thirty-first day of December, one thousand nine hundred, shall be allowed until the thirty-first day of December, one thousand nine hundred and five, within which to make distraint or sale for the collection of taxes not returned delinquent for the years one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, and one thousand nine hundred; and any person who shall remove from the county, wherein he or she has been assessed, before paying the tax on said assessment, the sheriff of said county may forward the tax receipt of said assessment to the sheriff of the county in which said person has removed, who is hereby empowered to make, levy and collect said tax the same as he is empowered to make, levy and collect taxes on assessments made in his own county.

Sec. 2. And such sheriffs may collect such taxes by distraint or by suit or appropriate action in the name of the state in any court of law or equity, or before any justice of the peace, though he or his bondsmen shall have advanced or paid such taxes into the treasury of the state or of any county, district or school district therein. Wherever such sheriff has died, or has assigned his property for the benefit of creditors, his personal representative or assignee shall have the same power as such sheriff to collect by such suit or action, and may cause any constable or sheriff in the state to distrain for such taxes, and in such case such constable shall have the same powers to distrain as such sheriff.

(House Bill No. 406.)

CHAPTER 63.

AN ACT to extend the time in which distraint and sale may be made for taxes.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

SEC.
1. Collection of taxes; time for distraint or sale extended; provision for collecting such taxes

SEC. when person assessed has removed from county.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the sheriffs of the several counties in the state of West Virginia, whose terms expired on the thirty-first day of December one thousand nine hundred and four, be allowed until the thirty-first day of December, one thousand nine hundred and nine, within which to make distraint or sale for the collection of taxes not returned delinquent for the years one thousand nine hundred and one, one thousand nine hundred and two, one thousand nine hundred and three, and one thousand nine hundred and four, and any person who shall remove from the county wherein he or she has been assessed before paying the tax on said assessment, the sheriff of said county may forward the tax receipt of said assessment to the sheriff of the county in which said person has removed, who is hereby empowered to make levy, and collect said tax the same as he is empowered to make levy and collect taxes on assessments made in his own county.

(Senate Bill No. 64.)

CHAPTER 64.

AN ACT providing for the establishment of a State Bureau of State Archives and History.

[Passed February 18, 1905. In effect 90 days from passage. Approved February 21, 1905.]

- | | | | | | |
|------|----|---|------|----|---|
| SEC. | 1. | } State bureau of archives and history to be established; to be a department of state government; board of public works to establish by-laws; battle flags, etc. held in trust by West Virginia historical and antiquarian society made part of collection. | SEC. | 3. | } State historian and archivist to be appointed by governor; term of office; powers and duties; compensation. |
| | 2. | } | | 4. | } Secretary of state to deliver biennial reports to such bureau. |
| | | | | 5. | } Appropriation for carrying into effect the provisions of this act. |

Be it enacted by the Legislature of West Virginia:

Sec. 1. There shall be established a state bureau of archives and history in which shall be collected for permanent preservation, so far as it can now be done, all valuable papers and documents relating to the settlement of the state; to the period of the reorganized government of Virginia and to the erection and formation of West Virginia out of the territory of the mother state, with biographical

matter pertaining to the men who were prominent then, together with all missing public records, state papers, documents of the legislature, executive and judicial departments, and the reports of all state officials, boards of regents and directors of state institutions, educational, charitable, penal and otherwise, from the twentieth of June, eighteen hundred and sixty-three, to which the annual additions shall be added as produced. In this bureau there shall be devised and adopted a systematic plan for the preservation and classification of all the state archives of the past, present, and future. In the said bureau there shall also be collected books, pamphlets, papers, and other works of history, biography, and kindred subjects as are usually found in such collections, together with the works of West Virginia authors and such others as will properly illustrate the bibliography of the state. In connection with the collections in said bureau, there may be a museum illustrative of history, science, the social conditions and life of the people of our country, past and present.

Sec. 2. The said bureau shall be a department of the state government and it shall occupy rooms in the state capitol or in the annex thereto. It shall be under the management of the board of public works, which body shall have full power and authority to adopt and establish such by-laws and regulations for its government, as it may deem necessary and proper to effect the objects of the bureau, and it shall cause to be enforced such library rules and regulations as will secure to all students, readers, and those making research and investigation, that order, quiet and system so necessary in such an establishment. It shall take into its keeping the old battle and regimental flags borne by West Virginians in war, together with all other property, of whatever character, which has been purchased by the state's money and is now held in trust for the state by the West Virginia historical and antiquarian society, and shall cause the flags and said property to be made part of the collection of the bureau of archives and history, therein to be classified, labeled and catalogued as the other collection of said bureau, in such manner as to be of greatest use to the public.

Sec. 3. The bureau shall be in charge of a person who shall be appointed by the governor for the term of four years, and who shall be known as the state historian and archivist. He shall be the custodian of the collections in this bureau and it shall be his duty to carry into operation and full effect the provisions of section one of this

act; and arrange for the publication of such matter as the legislature may, from time to time, provide for printing, and enforce all rules and regulations required by the board of public works pertaining to the bureau, which it may prescribe under the provisions of section two of this act. He shall cause the rooms of the bureau to be kept open to the public daily, except Sunday, from nine o'clock in the morning until four o'clock in the afternoon, throughout the year; and from seven o'clock until ten o'clock in the evening during the sessions of the legislature. He shall make annually a report to the governor to be transmitted by him to the legislature, which report shall contain an exhibit of all the state's papers, public documents, books, pamphlets, and other property belonging to the bureau; of its annual accumulations, and a statement of the receipts and expenditures accompanied by such recommendations as he deems best for the state's interests in the said bureau. His compensation shall be fixed by the board of public works, which body shall disburse all moneys on its own order which may be appropriated for the expense of the bureau.

Sec. 4. It shall be the duty of the secretary of state to deliver, when printed, biennially, at least sixty copies of all the biennial reports of state officials and of all boards of regents or directors of state institutions, to be exchanged for similar documents of other states.

Sec. 5. For the purpose of carrying into effect the provisions of this act, the sum of two thousand dollars is hereby appropriated out of the revenues of nineteen hundred and four and five; and the sum of two thousand dollars out of the revenues of nineteen hundred and five and six; the auditor to issue his warrants therefor upon such vouchers as the board of public works may provide.

(House Bill No. 351.)

CHAPTER 65.

AN ACT to amend and re-enact chapter 97 of the acts of 1872-3, in relation to the property of the state at Capon Springs or Watson town in the county of Hampshire.

[Passed February 9, 1905. In effect from passage. Approved February 15, 1905.]

- SEC.
 1. Capon Springs commission created.
 2 } Board of trustees powers to cease; additional powers conferred on commission; property to be sold to }
 4 } or leased; indebtedness and surplus; conditions of lease or purchase.
 5 } Sale to be made subject to certain conditions; title to return to state; to be submitted to board of public works for confirmation.
 6 }

- SEC.
 7. Governor to appoint or remove members of commission; oath to be taken.
 8. Deed to be executed without warranty in name of state; by whom.
 9. Commission made a corporation; its corporate powers; expenses of board; how paid.
 10. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

1. That chapter ninety-seven of the acts of the legislature of one thousand eight hundred and seventy-two and three be amended and re-enacted so as to read as follows:

Sec. 1. That the possession, management and control of the state property, real and personal, in and around Capon Springs or Watsontown, in the county of Hampshire, be and the same is hereby vested in a commission, whose appointment is hereinafter provided for, to be known as the "Capon Springs commission."

Sec. 2. That the present board of trustees of Capon Springs or Watsontown shall surrender and deliver to the said Capon Springs commission, or to such person or persons as it may designate, upon the passage of this act, all the property, real and personal, belonging to the state of West Virginia, and under their management and control, and all books, papers and records pertaining to such property; and with the passage of this act, the said board of trustees of Capon Springs or Watsontown shall cease to be a corporate body, and the powers, privileges and duties of said board, subject to the conditions and provisions of this act, shall devolve upon said Capon Springs commission.

Sec. 3. The said Capon Springs commission shall, until such action is taken by them, as they are hereinafter authorized and empowered to take, have all the rights, privileges and powers, and perform all the duties required to be done by the said board of trustees of Capon Springs or Watsontown, as prescribed by chapter ninety-seven of the acts of eighteen hundred and seventy-two-three and such additional rights, privileges and powers as are conferred and prescribed by this act.

Sec. 4. The said Capon Springs commission shall, as soon as practicable after the passage of this act, either lease or sell the said state property at Capon Springs or Watsontown, subject to the conditions

herein provided, and after such advertisement, and upon such further terms and conditions as may seem to said commission to best promote the interests of the state.

Out of the proceeds of such lease or sale, the said commission shall pay first the costs incidental thereto, and next the indebtedness now owing by the board of trustees of Capon Springs or Watsonstown, or so much thereof as may be approved by the said commission, and the surplus shall be paid into the treasury of the state.

Sec. 5. Any lease or sale which may be made hereunder shall be made on and subject to the conditions that the said property shall be perpetually maintained and operated as a public watering and bathing place, with fair and reasonable charges for the use of the water and the baths; and when the lessees or their assigns, or the purchasers or their grantees, shall cease to so maintain and operate said property, the title thereto and the possession thereof shall re-vest in and return to the state of West Virginia.

Sec. 6. Any lease or sale made under the provisions of this act shall be submitted for confirmation to the board of public works of this state, and shall not be valid, unless and until confirmed by the said board.

Sec. 7. The said Capon Springs commission shall consist of three members to be appointed by the governor, as soon as practicable after the passage of this act, and the said governor shall have power to remove any member of said commission at his discretion, or to fill any vacancy therein occurring by death, resignation, refusal to serve or otherwise. That before entering upon the duties herein provided for, each member of said commission shall take an oath, before any officer of the state authorized to administer same, to support the constitution of the United States and the constitution of the state of West Virginia, and to faithfully discharge the duties of his office to the best of his skill and judgment, which said oath shall be filed with the governor within thirty days after the notice of his appointment as a member of said commission.

Sec. 8. In case a sale be made of this said property under the provisions of this act, the deed therefor shall be executed without warranty or title, in the name of the state of West Virginia, by the governor, who is hereby given power to execute such deed and acknowledge the same for record.

Sec. 9. The said members of said Capon Springs commission and their successors are hereby created a body corporate, under the name

of the "Capon Springs commission," with power to sue and be sued, elect officers, adopt by-laws and a corporate seal, and generally to exercise such powers as may be necessary or proper to perform the duties and obligations imposed by this act, and shall have power to enforce the provisions of any lease or deed which may be made as hereinbefore provided, and in case of any forfeiture of any such lease or deed, the said commission shall have power as often as any such forfeiture may occur to make a new lease or sale upon the terms and conditions hereinbefore set out.

The expenses incurred by said Capon Springs commission or by the members thereof in carrying out the provisions of this act, and discharging their duties thereunder, shall be paid out of the treasury of the state, and the auditor shall from time to time issue his warrants therefor, upon certificates of the president and secretary of said commission, approved by the governor. The expenses of the members of said commission shall include the sum of four dollars per day to each member, for each day spent in the discharge of his duties hereunder.

Sec. 10. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

(House Bill No. 245.)

CHAPTER 66.

AN ACT to amend and re-enact sections 2, 8 and 10 of chapter 23 of the special session of 1904, relative to the West Virginia Asylum.

[Passed February 5, 1905. In effect from passage. Approved February 28, 1905.]

<p>SEC. 2. Board of directors: corporate name. 8. What class of persons admitted.</p>	<p>SEC. 10. How persons committed.</p>
---	--

Be it enacted by the Legislature of West Virginia:

1. That sections two, eight and ten of chapter twenty-three of the special session of one thousand nine hundred and four, be amended and re-enacted so as to read as follows:

Sec. 2. The board of directors shall consist of five members, no two of whom shall be from the same county. Not later than the month of May, 1905, the governor shall nominate and, by and with the advice and consent of the senate, appoint the five directors for the terms following: One for one year, one for two years, one for three

years, one for four years and one for five years; their terms to begin on the first day of June following their appointment. Not later than the month of May of every year, after the year 1905, the governor shall in like manner appoint one director, for the full term of five years, whose term shall begin on the first day of June following his appointment. Vacancies in the board shall be filled by the governor for the unexpired term in like manner as appointments are made.

Any director appointed during the recess of the senate shall serve as such until a meeting of the senate: The board shall be a body corporate under the name of "The West Virginia Asylum," and as such may sue and be sued, plead and be impleaded, and have and use a corporate seal.

It may receive and hold donations and grants of property for the use and benefit of such institution. No director shall have any personal interest direct or indirect in any contract relating to such asylum or its interests.

Sec. 8. The class of persons who shall be admitted as patients in said institute shall consist of epileptics, idiots and such other incurable defectives and insane as the board of directors may deem eligible, but in no case to include tubercular or cancerous persons, or those afflicted with leprosy.

All persons eligible to this institution under the rules of the board of directors, or as above defined, who are not charges upon the county or likely to become such, but who may desire to be admitted to said institution, may be so admitted upon payment of the actual cost of their maintenance and treatment: *provided, however*, that such admittance is not to the exclusion of worthy, eligible charity patients whose applications are pending at the time such pay patients apply. Nothing in this act is to be construed as excluding from said institution those who are inmates thereof at the time of the passage of this act.

The governor of West Virginia may, when in his judgment he deems it necessary, transfer patients from either the Spencer or Weston hospitals for insane to this institution, or from the West Virginia asylum to either of the hospitals for insane; but the board of directors must so regulate their rules for admission of patients that each county, having applications filed, shall have its *pro rata* according to population when patients are received other than by direction of the governor, as above set forth. The same laws governing other insane are hereby made applicable to the insane patients admitted to or to be admitted to the West Virginia asylum.

Sec. 10. Whenever it is desired that any person, belonging to any class mentioned in section eight of this act, incapable of deciding and acting for himself should be admitted to such asylum, the father, guardian, or other person having control or custody of such person, may file his petition in writing under oath before the county court of such county, showing the facts relied on to entitle him to be received into the asylum, and in addition thereto the name of such person, his age, residence, former occupation, the estate of such person, if any, and especially the nature of his disability, and cause thereof, if known. In such case reasonable notice shall be given to such person of the time, place and purpose of filing such petition. The court shall hear all evidence offered, and take all proper steps to ascertain and determine whether such person shall be sent to such asylum. If, upon such hearing and investigation, the court determines that such person should be admitted to such asylum it shall enter such finding of record and order such person to be taken to and placed in such asylum. In any such proceeding a guardian *ad litem* shall be appointed for such person. In any other case, any person such as is mentioned in section eight desiring to enter such asylum shall file in his own name a like application asking to be sent to such asylum, on which like proceedings, so far as applicable, shall be had before the court, and if the facts warrant it such person shall be ordered sent to the asylum: *provided*, that said application shall be accompanied by a certificate of some practicing physician of good standing to the effect that he has made an examination of the physical condition of the applicant, and is of opinion that he is a proper subject for admission to the West Virginia asylum, which certificate shall be sworn to. If upon such investigation the court shall determine that the applicant is entitled, under the provisions thereof, to admission to said asylum, it shall enter the same of record, and direct the conveyance of the applicant to said asylum.

(Senate Bill No. 46.)

CHAPTER 67.

AN ACT to amend and re-enact sections 38 and 40 of chapter 45 of the code of West Virginia, relating to education, as amended

and re-enacted by chapter 19 of the acts of the legislature of 1904, extra session.

[Passed February 11, 1905. In effect 90 days from passage. Approved February 15, 1905.]

SEC. 38. Building fund; annual levy for.	SEC. 40. Teachers' fund; annual levy for.
---	--

Be it enacted by the Legislature of West Virginia:

1. That sections 38 and 40 of chapter 45 of the code of West Virginia be and they are hereby amended and re-enacted so as to read as follows:

Sec. 38. To provide school houses and grounds, furniture, fixtures and appliances, and keep the same in good order and repair, to supply said schools with fuel and other things necessary for their comfort and convenience, and to pay any existing indebtedness against the building fund, and all other expenses incurred in the district in connection with schools, not chargeable to the "teachers' fund," the board of education shall annually on the first Monday in July, or as soon as practicable thereafter, levy a tax on the property taxable in each district, not to exceed in the year nineteen hundred and five by more than five per cent. the taxes levied for like purposes in the same district in the year nineteen hundred and four; nor in the year nineteen hundred and six to exceed by more than seven per cent. the taxes levied for like purposes in the same district in the year nineteen hundred and four; nor in the year nineteen hundred and seven to exceed by more than nine per cent. the taxes levied for like purposes in the same district in the year nineteen hundred and four: *provided, first*, that if the board believes that the said maximum amount of the levies provided for in any one of the said years nineteen hundred and five, nineteen hundred and six or nineteen hundred and seven is not sufficient for said year, they may submit the question of additional or increased levy to the voters of the district, and if three-fifths of the votes cast on the question at such election be in favor of such increased levy the board may levy the same. The board shall make up an itemized estimate of the amount needed for such year and enter the same on its record or minutes together with a statement showing the amount of such additional or increased levy necessary, and such estimate and showing shall be published with the notice of the election: *provided, second*, that in case it is necessary to erect any new school building in any year, or to finish paying for any such new building already erect-

ed, the levy for such year may be made any amount necessary not exceeding forty cents on the one hundred dollars of valuation of property: *provided, further*, that no board of education shall be allowed to purchase any school apparatus of any kind without the consent and advice of the county superintendent.

Sec. 40. For the support of the primary free schools of the district, and of each independent school district, and to pay any existing indebtedness against the teachers' fund, the board of education thereof shall annually on the first Monday in July, or as soon thereafter as possible, levy, by the authority of the people as prescribed in section two of this chapter, such a tax on the property taxable in the district as will, with the money received from the state for the support of free schools, be sufficient to keep the schools in operation at least five months in the year: *provided*, the tax in any one year shall not exceed the rate of fifty cents on every one hundred dollars valuation, according to the latest available assessment. The proceeds of this levy, together with the money received from the state as aforesaid, shall constitute a special fund to be called the "teachers' fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries, first, for the current year, and any part of said fund not so expended shall be appropriated to the payment of any existing indebtedness created for said purpose. Upon the failure of any board of education to lay such levy as is hereby required, or any other levy provided for in this chapter, they shall be compelled to do so by the circuit court of the county by writ of *mandamus*, unless good cause be shown to the contrary. But in case the levy provided for in this section shall not be sufficient to run the schools of the district five months, the board may increase such levy to the amount actually necessary, but such increase or special levy shall not exceed in the aggregate twenty-five cents on the one hundred dollars valuation of said property.

(House Bill No. 100.)

CHAPTER 68.

AN ACT to amend and re-enact sections 2, 6, 7 and 17 of chapter 3, of the acts of 1889, as amended by chapter 22 of the acts of the special session of 1904, relating to the West Virginia Reform School.

[Passed February 14, 1905. In effect from passage. Approved February 20, 1905.]

<p>SEC. 2. Board of directors to consist of five members; governor to nominate; term of office; when to commence and terminate; appointment during recess of senate.</p>	<p>SEC. 6. } What persons to be committed; how and for what; notice to be given 7. } superintendent. 17. County court to pay fifty dollars for each person received; when and how county may be reimbursed.</p>
--	---

Be it enacted by the Legislature of West Virginia:

1. That sections two, six, seven and seventeen of chapter three, of the acts of eighteen hundred and eighty-nine, as amended by chapter twenty-two of the special session of nineteen hundred and four, be amended and re-enacted so as to read as follows:

Sec. 2. The board of directors from and after the first day of May, nineteen hundred and five, shall consist of five members, no two of whom shall be from the same county. The governor shall, during the month of April of the said year, nominate and, by and with the advice and consent of the senate, appoint the five directors for the terms of office following: one for one year, one for two years, one for three years, one for four years, and one for five years, their terms of office to begin on the first day of June, nineteen hundred and five.

The terms of the directors now in office shall terminate with the last day of May of said year.

During the month of May in every year after the year nineteen hundred and five, the governor shall nominate and, by and with the consent and advice of the senate, appoint one member of said board whose term of office shall be five years, and begin on the first day of June following his appointment.

The governor may in like manner fill any vacancy which may occur in the board for the unexpired term.

Any person appointed to such board during the recess of the senate shall discharge the duties of the office until the next meeting thereof.

Sec. 6. A male minor under the age of eighteen years may be committed to and received into the West Virginia reform school for the reason and in the manner following:

First. By a justice of the peace of the county in which he resides, on complaint under oath and due proof made to him by the parent, guardian or other person having the custody and control of such minor, that by reason of incorrigible or vicious conduct such minor has rendered his control beyond the power of the parent, or guardian or such other person, and made it manifestly requisite

that, from regard for the morals and future welfare of such minor and the peace and order of society, he shall be placed in said school.

Second. By the same authority, upon complaint under oath, and due proof before the justice that such minor is a vagrant, incorrigible or vicious in disposition and conduct, and that his parents, guardian, or other person having custody of or authority to control him, are depraved or otherwise unfit, unwilling or unable to exercise care or discipline over such minor.

Third. By the several courts of this state, as provided in the next section.

Sec. 7. Whenever any male minor, under the age of eighteen years, shall be convicted in any of the courts of this state of felony or of a misdemeanor, punishable by imprisonment, the judge of said court in his discretion, and with reference to the character of the reform school as a place of reform and not of punishment, instead of sentencing said minor to be confined in the penitentiary or county jail, may order him to be removed to and confined in the said reform school, to remain until he shall have arrived at the age of twenty-one years, unless sooner discharged or bound as an apprentice by the board of directors; but no such boy shall be retained in said school after the superintendent shall have reported him, and he has been found by the board or its executive committee, to be fully reformed. Male minors under eighteen years of age, convicted in any of the courts of the United States for the districts of West Virginia, of any offence punishable by imprisonment, may also be received into said reform school upon such regulations and such terms as to their maintenance and support as may be prescribed by the board of directors, and assented to by the proper authorities of the United States.

And in all cases, before any minor is transferred to said reform school, due notice shall be given to the superintendent and an answer received from him that there is room in the reform school for such minor.

Sec. 17. The county court of every county, after the year nineteen hundred and five, shall pay into the state treasury the sum of fifty dollars a year on account of each minor from the county who shall be received in said school of the first, second or third classes mentioned in section six. But in all cases of minors received in said school of the first class mentioned in section six, the parent, if of sufficient means, and the guardian where the minor has sufficient

estate, shall annually re-imburse the county the amount paid into the state treasury, by virtue of this section, on account of such minor mentioned in the first class of section six, and the county court of such county shall have a right to recover the same of such parent or guardian in any court of competent jurisdiction.

(Senate Bill No. 43.)

CHAPTER 69.

AN ACT to amend and re-enact section 6 of chapter 45 of the code, as amended by chapter 70 of the acts of 1901, relating to the salaries of teachers.

[Passed February 16, 1905. In effect 90 days from passage. Approved February 21, 1905.]

Sec.

6. When boards of education to meet and determine the number of teachers and fix their salaries; minimum salary paid teacher of each grade; trustees not to diminish or increase salary fixed

SEC.

by board; quorum of board; if president be absent, who to act; when only to transact official business; exception; compensation of members of board.

Be it enacted by the Legislature of West Virginia:

1. That section six of chapter forty-five of the code as amended by chapter seventy of the acts of nineteen hundred and one be amended and re-enacted as follows:

Sec. 6. The boards of education of the several districts shall hold their first meeting for each school year on the first Monday in July. At this meeting they shall determine the number of teachers that may be employed in the several sub-districts, and fix the salaries that shall be paid to the teachers. In determining the salaries, they shall have regard to the grade of teachers' certificates, fixing to each grade the salary that shall be paid to teachers of said grades in the several sub-districts as follows: Teachers having certificates of the grade of number one shall be paid not less than thirty-five dollars per month; those holding certificates of the grade of number two, not less than thirty dollars per month; and those holding certificates of the grade of number three, not less than twenty-five dollars per month. And the trustees of the several sub-districts shall in no case transcend or diminish the salaries so fixed in any contract they may make with teachers. A quorum of the board of education shall con-

sist of a majority of the members thereof, and in the absence of the president, one of said members may act as such; but they shall do no official business except when assembled as a board, and by due notice to all the members, except that the president and secretary may sign orders upon the sheriff for any sum of money which may have been already ordered to be paid. The members of the board of education shall each receive as compensation for their services the sum of one dollar and fifty cents per day, to be paid in like manner as the salary of the clerk of the board of education: *provided*, that no member shall receive pay for more than seven days' service in any one year, one day of which shall be spent in attending a teachers' institute.

(House Bill No. 19.)

CHAPTER 70.

AN ACT to amend and re-enact section 33 of chapter 45 of the code of West Virginia, relating to school houses, etc.

[Passed February 14, 1905. In effect 90 days from passage. Approved February 18, 1905.]

SEC.

33. President of the board of education to examine school house property annually; general war-

SEC.

rantly deed to be obtained, when practicable.

Be it enacted by the Legislature of West Virginia:

1. That section thirty-three of chapter forty-five of the code be amended and re-enacted so as to read as follows:

Sec. 33. The president of the board of education of every district shall, at least once a year, examine all the school houses now constructed or in process of construction, and school house sites in the district, and report the condition of the same to the board; and such as are, in the judgment of the board, properly located and are sufficient, or can with reasonable expense be rendered so, shall be retained for the use of public schools; and the remainder, with the consent of the county superintendent, shall be sold at public auction or otherwise by the board of education, and on such terms of sale as the board may order, and the proceeds be added to the building fund. The president of the board shall be paid for the actual time required to visit said school houses and school house sites, not to exceed three

days, in addition to and in the same manner as provided in section six of this chapter. The board of education shall hereafter, whenever practicable, obtain a general warranty deed for all school house-sites.

(House Bill No. 203.)

CHAPTER 71.

AN ACT to require the various boards of state institutions using fresh meats, to have the same furnished by contract under certain regulations.

[Passed February 24, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 1. Concerning fresh meats and bread stuffs used in state institutions.

Be it enacted by the Legislature of West Virginia:

Sec. 1. The various boards of the state institutions using fresh meats and bread stuffs shall let the same by contract to the lowest bidder therefor, by publishing a notice in one or more newspapers in the county in which such institution is located, and one at the state capital, for four successive weeks prior to the time of receiving such bids, and post the same in at least ten conspicuous places near said institution. The bids shall be sealed and accompanied by a good and sufficient bond. The stock from which the meat is to be furnished shall be cattle, sheep and hogs of good quality and well fattened, and shall be inspected on foot within one mile of the institution by the superintendent in charge of said institution or his authorized agent immediately before they are slaughtered, and the meat inspected when delivered to said institution. The cattle slaughtered for the use of said institutions shall be steers weighing not less than seven hundred and fifty pounds gross, and heifers weighing not less than six hundred and fifty pounds gross, but there shall be no cows, stags, bulls or oxen slaughtered for the use of said institutions; and the boards of said institutions shall have the right to reject any and all bids, and no contract shall be for a longer period than one year at a time, and any violation on the part of either party shall render said contract void: *provided*, that this act shall not prevent the various boards of the state institutions to raise or buy

said stock and have the same slaughtered at the said institutions, but in this event, the said stock shall be of the same kind and quality and be inspected in the same manner as provided for by contract.

(House Bill No. 22.)

CHAPTER 72.

AN ACT to empower and authorize any county in the state of West Virginia to unite with any city located in said county to erect, manage and maintain a workhouse for the joint use of such county and city.

[Passed February 16, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

Sec.

1. County and city workhouse authorized: to be ratified by voters.
2. Management, where vested.
3. Directors, how appointed.
4. President and other officers.
5. Contracts.
6. Superintendents and other officers, their compensation.
7. Power of board as to control.
8. Records to be kept.
9. Statements to be made.
10. Accounts to be closed, and reports made.
11. Duties of superintendent and his
12. responsibility.
13. Deputy superintendent.
14. Officers may be removed.

SEC.

15. Costs, how borne.
16. When offender is over 16 years of age.
17. Who shall be received.
18. May receive from other counties; compensation of officers.
19. When convicted from another county, procedure and costs; duties of officers where tried.
20. Circuit clerk's duties.
21. Fines and costs may be paid in money.
22. Power to improve buildings, shops, etc., from surplus.
23. Fees, how paid.
24. Prisoners may be paroled; conditions.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the commissioners of any county may unite with any city, located in said county, in the erection, management and maintenance of a workhouse for the joint use of such county and city; and the commissioners are authorized to levy and collect the necessary funds therefor from the taxable property of the county: *provided*, that the commissioners shall not collect and expend a greater amount than shall be collected and expended by such city for the same purpose; and *provided, further*, that the question of erecting such workhouse shall first be submitted to a vote of the people of the city and county desiring the same, and shall be ratified by three-fifths of all votes for and against the question, at an election to be held for that purpose; and also, *provided, further*, that the aggregate of all indebtedness including the amount for said workhouse

shall not exceed five per centum of the assessed valuation of the real estate of the city and county erecting the same.

Sec. 2. The direction, management and control of any such joint workhouse, and the maintenance and care of the convicts therein, shall be vested in a board of five directors, who shall be called "The Board of Joint City and County Workhouse Directors," and such directors shall be freehold electors of such county, and shall serve without compensation, and not more than three members of the board of joint city and county workhouse directors shall be of the same political party faith.

Sec. 3. The directors shall be appointed by the mayor, and the county court or other tribunal acting in lieu thereof, of such city and county having such joint workhouse, with the approval of the council of such city and county commissioners, and shall hold their office for five years, except that at the first appointment one director shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one shall be appointed annually, but all appointments shall be made in conformity with section two.

Sec. 4. The board of such joint city and county workhouse directors shall elect annually, at its first regular meeting in May, one of its members as president and at the same meeting appoint a secretary and clerk, who shall make a complete record of all its proceedings, and the said board may appoint such other officers as may be necessary, and fix the compensation of all officers for their services.

Sec. 5. Contracts may be made by or on behalf of the board, but it shall be essential to the validity of every such contract that the same be assented to at a regular meeting by a majority of all members, and minute thereof entered on the journal of its proceedings.

Sec. 6. The board shall have power to appoint a superintendent, deputy superintendent and such subordinate officers, guards and employees as may be necessary; fix their compensation and prescribe their duties, and to make all such regulations for their management and government as it may deem expedient.

Sec. 7. The board shall have power to make, establish and enforce rules and regulations for its own government, and the government and control of the institution, its officers and inmates, and make contracts for supplies and the labor of its inmates either within the corporate limits of said municipality or within the limits of the county in which said workhouse is located as said board shall direct.

Sec. 8. The books of the institution shall be so kept as to clearly exhibit the time, state and condition of the inmates, the number received and discharged, and by what court, and for what cause committed, the length of the time of commitment of each person, the number of days' labor performed by each convict, and the nature and value of such labor to such institution, and the relative costs and expenses incurred by the institution in managing and taking care of each convict, and the number employed in each branch of industry carried on, and the receipts from and expenditures for and on account of each department of business.

Sec. 9. The board shall cause quarterly statements to be made, specifying minutely all receipts and expenditures, from whom and for what purpose received, and to whom and for what purpose paid, with proper voucher for each item, and submit such statement properly certified to the council of such city and the commissioners of such county, for their examination and approval.

Sec. 10. The accounts of the institution shall be annually closed and balanced on the first Monday of January in each year. And full reports of the preceding year shall then be made and submitted to the city council and county commissioners which shall be published in some newspaper of such city of general circulation in the county, or in such other forms as the board of directors may determine; and the city council and county commissioners, or either of such bodies, may require such other reports and exhibits of the condition and management of such institution as they may deem proper.

Sec. 11. The superintendent of such workhouse shall have the control and management of its affairs, subject to the laws of the state and the ordinance of the corporation and the rules and regulations adopted by the board for its government. And it shall be his duty to obey all written orders and instructions of the board not inconsistent with the laws, rules and regulations relating to the government of the institution.

Sec. 12. The superintendent shall be responsible for the manner in which the institution is managed and conducted, shall reside at the same, devote his time and attention to the proper business thereof, and visit and examine into the condition of every department thereof, and of each person confined therein, daily, or as often as good order or necessity may require, and he shall exercise a general supervision and direction in regard to all matters of discipline, police regulation and business of the institution.

Sec. 13. In the absence or inability of the superintendent, the deputy superintendent of the institution shall, so far as relates to the discipline thereof, perform the duties of the superintendent.

Sec. 14. The board, for misconduct or wilful neglect of duty and upon sufficient proof thereof, may remove any officer or employee of the institution, except the superintendent thereof, who shall be removed for cause and in the manner provided for the removal of city officers; and any employee of the superintendent may be discharged at his discretion, but no officer shall be removed by the board until he has had an opportunity to be heard in his defence.

Sec. 15. The costs of maintaining such joint city and county workhouse, over and above the proceeds arising from the sale of the products thereof, shall be borne by such city and county jointly, and such expenses shall be paid quarterly by such city and county out of the respective treasuries thereof, upon the certificate of the secretary of such joint city and county workhouse on the approval of the council of such city, and the commissioners of such county. And the county court of any county having such joint city and county workhouse is hereby authorized and required to levy upon all the real and personal property, outside of the corporate limits of such city, such sum as may be necessary, and the city council of such city is hereby authorized and required to levy upon all the real and personal property, inside of the corporate limits of such city, such sum as may be necessary for the maintenance aforesaid; and the board of such joint city and county workhouse directors, the city council of such city and the county commissioners of such county, in ascertaining and determining at the end of each quarter the amount to be paid to such board to meet any deficiency in the products of such joint workhouse to maintain the same, shall take into account and be governed by the number of convicts furnished by such city and county, the number of days' labor performed by the convicts from each, the value of such labor, and the relative costs and expenses of taking care of, managing and disciplining the convicts of each, and give to such city and county each full credit for the value of the products of such workhouse produced by the labor, skill and diligence of the convicts from each, and charge to the account of each (city and county) the cost to such institution of working, managing, maintaining, taking care of, and disciplining its convicts, and make assessments upon such city and county for the maintenance of such institution accordingly.

Sec. 16. When a person over sixteen years of age is convicted of an offence, under the law of the state or an ordinance of a municipal corporation, and the tribunal before which the conviction is had is directed by law to commit the offender to the county jail, or corporation prison, the court, mayor or justice of the peace, as the case may be, shall sentence the offender to the workhouse, if there is such house in the county: *provided*, that when a commitment is made from a city, village or township in the county, other than in the municipality containing such workhouse, the council of such city or village, or the trustees of such township, shall transmit with the mittimus a sum of money equal to forty cents per day for the time of such commitment, to be placed in the hands of the superintendent of such workhouse, for the care and maintenance of such prisoner.

Sec. 17. Any city and county or county having or that may hereafter erect a joint city and county workhouse, or county workhouse, may receive as inmates of such joint city and county workhouse, or county workhouse, persons sentenced thereto as provided by law, from counties and municipal corporations having no workhouse, upon such terms and for such length of time as may be agreed upon by the commissioners of such county or the council of such municipal corporation, and the board of such joint city and county workhouse directors, or county workhouse directors: *provided*, that such convicts so received shall, in all respects, be and remain under control of the directors of such workhouse, and subject to the rules, regulations and discipline of such workhouse the same as other convicts therein detained.

Sec. 18. The commissioners of any county, or the council of any municipal corporation, wherein there is no workhouse, may agree with the council of any municipal corporation or other authority having control of the workhouse of any other city, or with the directors of any district or joint city and county workhouse, or county workhouse, upon terms and conditions upon which persons convicted of misdemeanors or of the violation of any ordinance of such municipal corporation by any court or magistrate of such county or municipal corporation, having no workhouse, may be received into such workhouse under sentence of such court or magistrate; and the county commissioners of such county, and the council of any such municipal corporation, are authorized to pay the expenses incurred under such agreement out of the general fund of such county, or of the municipal corporation, upon the certificate of the proper officer

of such workhouse; and the sheriff or other officer transporting any person to such workhouse shall have the following fees therefor: Six cents per mile for himself, going and returning, and five cents per mile for transporting such convict, and five cents per mile going and coming for the service of each guard, to be allowed as in penitentiary cases; the number of miles to be computed by the usual routes of travel, to be paid in state cases out of the general fund of the county, on the allowance of the county commissioners, and in cases for the violation of the ordinances of any municipal corporation by such municipal corporation on the order of the council thereof.

Sec. 19. When any person has been convicted of a misdemeanor or of the violation of any ordinance of a municipal corporation, by any court or magistrate of the state, or of such municipal corporation, in a county or municipal corporation having no workhouse, and the commissioners of such county or council of such municipal corporation have made provisions as allowed by law for receiving persons so convicted into the workhouse of a city in any other county or district, or a joint city and county workhouse, or county workhouse in this state, it shall be competent for such court or magistrate, in its discretion, where imprisonment in the county or municipal jail may by law or ordinance be imposed in punishment of such offence, to sentence such person to such workhouse for a period not exceeding the maximum period of confinement in the county or municipal jail allowed by statute or ordinance for such offence; and in all such cases such court or magistrate may further order that such person stand committed to such workhouse until the costs of prosecution are paid, or he be discharged, as herein provided; and in all cases where a fine may be imposed in whole or in part punishment of an offence, or for violation of an ordinance of any municipal corporation, and such court or magistrate could order that such person stand committed to the jail of the county or municipal corporation until such fine and costs of prosecution are paid, such court or magistrate may order that such person stand committed to such workhouse until such fine and the costs of prosecution are paid, or until he be discharged therefrom by allowing a credit of sixty cents per day on such fine and costs for each day of confinement in such workhouse, or be otherwise legally discharged.

Sec. 20. When a person is sentenced to such workhouse by the circuit or criminal courts, the clerk thereof shall make and deliver to the sheriff a certified copy of the docket and journal entries,

showing the crime charged and the sentence of the court, which shall be delivered by the sheriff to the proper officer in charge of such workhouse, which shall be his warrant for detaining such person in custody therein; in case of such convictions by any court or magistrate, such court or magistrate shall make a certified transcript of the docket in such case, which shall in like manner be delivered to the marshal or constable or sheriff by such court or magistrate, which shall be delivered by such officer to the proper officer in charge of such workhouse, which shall be his warrant for detaining such person in custody therein; in all cases of sentences to a workhouse, the person so sentenced may be confined in the jail of the county or corporation prison for such period as may be reasonably necessary for the officer to procure the papers and make arrangements to transport him to such workhouse.

Sec. 21. When a person is committed to such workhouse under sentence that he stand committed to such workhouse until the fine and costs of prosecution assessed against him are paid, as provided in section eighteen, such person may pay in money, in whole or in part, to the board of workhouse directors, such fine and costs assessed against him, and the said board shall receive and turn the same, quarterly, into the treasury of the county from which such person was committed: *provided*, that such person was so committed for the violation of any law of the state; and when any person so committed for the violation of an ordinance of a municipal corporation shall make such payment to such board, it shall be its duty to receive and quarterly turn the same into the treasury of the municipal corporation from which such person was committed.

Sec. 22. The board of joint city and county workhouse directors, or county workhouse directors, may enlarge or improve the buildings, shops or grounds from any surplus that may arise from the income of such workhouse, or from the levy from such maintenance made by such county and city, or county; but no levy for maintenance shall be made when it has not been necessary to use more than one-half of the avails of the levy of the year preceding; and any surplus arising from the carrying on of such joint workhouse shall be returned to the general fund of such city and county in the proportion that such surplus may have been produced by the labor of the convicts of each, and any surplus arising from the carrying on of such county workhouse shall be returned to the general fund of the county.

Sec. 23. In all cases of sentence and commitment to such joint city and county workhouse all officers shall be paid the same fees therefor allowed by law for similar services in other cases; such fees, in cases of misdemeanor, shall be paid out of the county treasury of the county from which such commitment was made, and when such sentence is for violation of an ordinance, such fees shall be paid out of the treasury of the municipal corporation from which commitment was made: *provided*, that such fees shall only be paid out of the costs paid by convicted persons, sentenced under the provisions of this act.

Sec. 24. The foregoing board of joint city and county workhouse directors shall have power to establish rules and regulations under which, and specify the conditions on which, any prisoner may be allowed to go upon parole outside of the buildings and enclosures, but to remain while on parole in the legal custody and under the control of the board and subject at any time to be taken back within the enclosure of said institution; and full power to enforce such rules and regulations and conditions, and to retake and reimprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant, for all officers named therein, to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; and said board may employ or authorize any person or persons to see that the conditions of said paroles are not violated, and in case of such violation to return any such prisoner so violating said parole to said workhouse, and the time between the violation of the conditions of such parole or conditional release, (by whatever name), as entered by order of the board in the record of its meetings, and the reimprisonment or return of such prisoner shall not be counted as any part or portion of time served under any sentence; and any prisoner at large upon such parole who fails to return to the custody of said workhouse as may be specified as one of the conditions of his parole, or commits a fresh crime and is convicted thereof, shall be, on the order of said board, treated as an escaped prisoner and subject to the penalties named in the code of West Virginia concerning escapes from prison.

(House Bill No. 75.)

CHAPTER 73.

AN ACT in relation to the inmates of all state benevolent, penal and reform institutions, providing penalties for abducting the inmates or enticing them to escape, trespassing upon the grounds of such institutions, or for obtaining property from inmates, and providing for the return of escaped inmates.

[Passed February 14, 1905. In effect 90 days from passage. Approved February 22, 1905.]

SEC.

1. Abduction of inmates of institutions; penalty therefor.
 2 } Misdemeanor to induce, entice or
 to } conceal inmates; loitering on
 4 } grounds; to communicate by
 writing or otherwise, etc.

SEC.

5. How fugitives to be returned to institutions.

Be it enacted by the Legislature of West Virginia:

Sec. 1. Whoever abducts any person who is an inmate of any of the state benevolent, penal or reformatory institutions shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

Sec. 2. Whoever persuades, induces or entices, or attempts to persuade, induce or entice any person who is an inmate of any of the state benevolent, penal or reformatory institutions to escape therefrom, or whoever conceals or harbors any such person, knowing him or her to have run away from any such institution, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition thereto, in the discretion of the court, may be imprisoned in the county jail not less than one month nor more than six months.

Sec. 3. Whoever trespasses, idles, lounges or loiters upon the grounds of any of the state benevolent, penal or reformatory institutions, or communicates or attempts to communicate by signals, signs, writings or otherwise with any inmate of any such institution, or conveys or assists in any way in establishing communication between an inmate of such institution and any person or persons outside thereof, except as authorized by the rules and regulations of its board of directors, managers or trustees, shall be fined not less than five nor more than twenty dollars, or imprisoned not less than ten nor more than thirty days in the county jail, or both, in the

discretion of the court or justice of the peace. Justices of the peace shall have jurisdiction of offences created by this and the following section.

Sec. 4. Whoever, with intent to defraud, purchases, accepts from as a gift or secures by barter or trade, or in any other manner, any article of clothing from an inmate of any of the state benevolent, penal or reformatory institutions issued to him or her, by any officer of such institution, for his or her use, or with such intent secures any other article or articles belonging to any inmate of such institution or to such institution from an inmate thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than double the value of such articles, except that in no case shall the fine be less than twenty-five dollars.

Sec. 5. Any fugitive from any of the state benevolent, penal or reformatory institutions may, on the order of the superintendent or other officer of such institution, be arrested and returned to such institution, or to any officer or agent thereof, by any sheriff, constable or police officer, or other person, and may also be arrested and returned by any officer or agent of such institution.

(House Bill No. 129.)

CHAPTER 74.

AN ACT to amend and re-enact section 14 of chapter 144 of the code, relating to offences against the person.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

SEC. 14. Taking or secreting child under fourteen years for certain purposes; penalty.

Be it enacted by the Legislature of West Virginia:

Sec. 14. If any person seize, take or secrete a child under fourteen years of age from the person having lawful charge of such child, with intent to extort money or other pecuniary benefit, he shall be confined in the penitentiary not less than two nor more than ten years. Or if any person, other than the father or the mother, illegally or for any unlawful, improper or immoral purpose seize, take or secrete a child under fourteen years of age, from the person having

lawful charge of such child, he shall be confined in the penitentiary not less than one nor more than five years, or, at the discretion of the court, in the common jail not exceeding one year and be fined not exceeding one thousand dollars.

(House Bill No. 81.)

CHAPTER 75.

AN ACT to amend and re-enact section 1, chapter 11, of the acts of 1887, entitled "Employment of Children."

[Passed February 23, 1905. In effect 90 days from passage. Approved February 25, 1905.]

Sec.

1. Minors under twelve not to be employed in mines, factories, etc.; under fourteen not to be employed during school term; exceptions; duties of superintendents, etc.

Sec.

2. Managers, etc., to prevent violation of this act.
3. Duties of prosecuting attorney and commissioner of labor.
4. Fines collected to be paid into the common school fund.

Be it enacted by the Legislature of West Virginia:

1. That section one, chapter eleven of the acts of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

Sec. 1. That no minor, male or female, under the age of twelve years shall be employed for wages or otherwise in any mine, factory, workshop, mercantile or manufacturing establishment where goods or wares are made or sold, and no such minor under the age of fourteen years shall be employed during the free school term of the district in which such child resides: *provided, however*, that this section shall not be construed to apply if such employment will not interfere with the regular attendance at the school of such minor. And in all cases of minors applying for work it shall be the duty of the manager, superintendent, foreman or operator, to see that the provisions of this section are complied with.

Sec. 2. Any manager, superintendent, foreman or operator in any mine, factory, workshop, mercantile or manufacturing establishment, and parents and guardians, allowing any child to work in violation of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty dollars for each and every offence.

Sec. 3. It shall be the duty of the prosecuting attorney to enforce

the provisions of this act, and to prosecute the violations of the same before any magistrate or court of competent jurisdiction in this state, and it shall be the duty of the commissioner of labor to report all violations of this act to the prosecuting attorney.

Sec. 4. All fines collected for violations of this act shall be paid into the common school fund of the county in which the offence was committed.

(House Bill No. 82.)

CHAPTER 76.

AN ACT relating to fire escapes on buildings where labor is employed.

[Passed February 24, 1905. In effect 90 days from passage. Approved February 25, 1905.]

SEC.
 1. } Metallic fire escapes or ladders re-
 2. } quired on certain buildings; by
 3. } whom and how erected.
 3. Duties of certain officers to enforce
 this act; annual inspection; to
 provide fire escapes within cer-
 tain time.

SEC.
 4. Penalty for violating the provisions
 of this act; each week of failure
 deemed a separate offence; addi-
 tional penalty; jurisdiction of
 justice.
 5. Fines collected to be paid into
 common school fund.

Be it enacted by the Legislature of West Virginia:

Sec. 1. Every building or structure in this state of three or more stories in height, used as a factory or workshop, and in which ten or more persons are employed above the first story, or any hotel three or more stories in height, or any other building of more than three stories in height occupied or used as a tenement house, shall be provided with one or more suitable and substantial metallic fire escapes or ladders, reaching from the top of the first story to the cornice, and placed on the outside of the building. At each story above the first there shall be one or more metallic balconies substantially attached to the building and to the fire escape. Such fire escapes and balconies shall be in number, size, capacity, design and location as shall be necessary to furnish reasonable means of escape to all persons employed in the building in case of fire.

Sec. 2. It shall be the duty of the owner of every such building to equip the same as hereinbefore provided, within six months after the passage of this act. And thereafter no building as is described in the first section shall be used as a factory or workshop in which ten or more persons are employed above the first story, or a hotel

three or more stories in height, until the same is so equipped. The word "owner" as used in this section shall include the person in whom is vested the legal title to the building.

Sec. 3. It shall be the duty of the mayor, the sergeant or chief of police, and the fire marshal of every city, town or village, annually to inspect every such building therein as described in the first section. They shall make inspection of any such building at any other time that they deem proper, and shall promptly make inspection of any such building whenever complaint thereof may be made to them in writing by any person. They shall serve written notice upon the owner, or his agent, of every such building not so provided with adequate fire escapes to provide the same within thirty days thereafter. It shall be the duty of the owner of such building to comply with such notice and to provide such adequate fire escapes within thirty days thereafter.

Sec. 4. Any such owner violating any of the provisions of this act shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than two hundred dollars, (\$200.00), which may be recovered before any justice or court having jurisdiction. Each week of failure to comply with the notice mentioned in section three shall be deemed a separate and distinct offence. And in addition, if any such owner shall fail for the space of sixty days after the receipt of such notice to provide adequate fire escapes, the building may be declared a nuisance in the manner prescribed in section twenty-eight of chapter forty-seven of the code of West Virginia. If any officer shall fail to perform any duty required of him by this act, or shall violate any of its provisions, he shall be fined not less than twenty-five dollars, (\$25.00), nor more than fifty dollars, (\$50.00), to be recovered before any justice or court having jurisdiction.

Sec. 5. All fines collected for violations of this act shall be paid into the common school fund of the county in which the offence was committed.

(House Bill No. 86.)

CHAPTER 77.

AN ACT authorizing the county court of Barbour county to issue

its present orders for the purpose of completing the court house and jail now in course of erection.

[Passed January 27, 1905. In effect from passage. Approved February 3, 1905.]

SEC. 1. County court to issue orders; amount; interest; when and how payable.	}	SEC. 2. Election to authorize the issuing of orders; how conducted; resolution of county court to contain certain facts and to be published in newspaper. 4. }
--	---	--

Be it enacted by the Legislature of West Virginia:

Sec. 1. That for the purpose alone of completing the court house and jail, now in course of erection at the county seat of Barbour county, the county court of Barbour county be and is hereby authorized to issue its county orders, bearing interest, payable in one, two and three years from the date of issue, for a sum not to exceed sixty thousand dollars, notwithstanding any existing law to the contrary; and said orders shall constitute a valid indebtedness against said county, payable out of levies of said county for county purposes in equal amounts for each respective year, and according to the terms of said orders.

Sec. 2. Before such orders are issued and said indebtedness incurred the same shall be authorized by a three-fifths vote of the voters of said county to be ascertained by a special election to be called and held in said county.

Sec. 3. The county court of Barbour county shall by a resolution entered of record, specify the particular purpose or purposes, and amount for which said orders are to be issued and the rate of interest said orders shall bear, not exceeding six per centum per annum. Said resolution shall appoint a day on which the election shall be held by the qualified voters of said county, to decide whether or not said orders shall be issued. Such resolution shall be published in two newspapers of opposite political parties, if such be published in said county, if not, then in some newspaper of general circulation in said county, for at least four weeks prior to said election.

Sec. 4. Such election shall be provided for, conducted and the result ascertained and declared as provided by law for holding and ascertaining and declaring the result of general elections, and the ballots to be voted at such election, after containing a statement of the amount and kind of orders to be issued and the purpose or purposes for which they are to be used, shall contain the words, "For the orders," and the words, "Against the orders."

(House Bill No. 166.)

CHAPTER 78.

AN ACT to amend and re-enact section 4 of chapter 28 of the acts of 1893, fixing the salary of the judge of the criminal court of Cabell county.

[Passed February 24, 1905. In effect January 1, 1907. Approved February 25, 1905.]

SEC. 4. Salary of judge of criminal court of Cabell county; how paid; when act takes effect.

Be it enacted by the Legislature of West Virginia:

1. That section four of chapter twenty-eight of the acts of one thousand eight hundred and ninety-three be amended and re-enacted so as to read as follows:

Sec. 4. The judge of said criminal court shall receive for his services, beginning July first, one thousand nine hundred and five, eighteen hundred dollars per annum to be paid out of the treasury of Cabell county.

2. This act shall take effect January 1, 1907.

(House Bill No. 99.)

CHAPTER 79.

AN ACT changing the time of holding the criminal court of Cabell county, West Virginia.

[Passed February 6, 1905. In effect from passage. Approved February 11, 1905.]

SEC. 8. Times for holding terms of criminal court of Cabell county.

Be it enacted by the Legislature of West Virginia:

1. That section eight of chapter twenty-eight of the acts of one thousand eight hundred and ninety-three, as amended and re-enacted by chapter fifty-five of the acts of one thousand nine hundred and three, be amended and re-enacted so as to read as follows:

Sec. 8. There shall be held four terms of said court each year, commencing on the fourth Monday in January, the fourth Monday in April, the first Monday in July, and the fourth Monday in October. The terms of said court shall be held at the county seat of said county, at the court house thereof.

(Senate Bill No. 97.)

CHAPTER 80.

AN ACT to amend and re-enact section 11 of chapter 33 of the acts of 1893, relating to the criminal court of Wood county.

[Passed February 23, 1905. In effect from passage. Approved February 25, 1905.]

SEC. 11. Terms of criminal court of Wood county; special terms, how called.

Be it enacted by the Legislature of West Virginia:

1. That section eleven of chapter thirty-three of the acts of eighteen hundred and ninety-three be amended and re-enacted so as to read as follows:

Sec. 11. There shall be three terms of said court held in each year, commencing on the fourth Monday in January, the first Monday in May, and the first Monday in September. Special terms of said court may be called and held as provided for special terms of a circuit court.

(House Bill No. 96.)

CHAPTER 81.

AN ACT to amend and re-enact sections 4 and 8 of chapter 36 of the acts of 1893, concerning the salary of the judge of the criminal court of McDowell county, and the time of holding the terms of said court.

[Passed February 17, 1905. In effect July 1, 1905. Approved February 21, 1905.]

SEC. 4. Salary of judge, and how paid.	SEC. 8. Terms of court, when held.
---	---------------------------------------

Be it enacted by the Legislature of West Virginia:

1. That sections four and eight of chapter thirty-six of the acts of 1893 be amended and re-enacted so as to read as follows:

Sec. 4. The said criminal judge shall for his services receive two thousand one hundred dollars per annum, to be paid out of the county treasury.

Sec. 8. There shall be held four terms of court each year, commencing on the first Monday in February, the first Monday in May,

the first Monday in August, and the first Monday in November.

The terms of said court shall be held at the court house of said county.

2. This act shall not take effect until July 1, 1905.

(House Bill No. 145.)

CHAPTER 82.

AN ACT to amend and re-enact section 6 of chapter 86 of the acts of 1891, concerning the salary of the judge of the criminal court of Fayette county.

[Passed February 23, 1905. In effect July 1, 1905. Became a law without the approval of the Governor.]

Sec. 6. Salary of Judge of criminal court of Fayette county.

Be it enacted by the Legislature of West Virginia:

1. That section six of chapter eighty-six of the acts of eighteen hundred and ninety-one be amended and re-enacted so as to read as follows:

Sec. 6. The said criminal judge shall for his services receive not less than one thousand five hundred dollars nor more than two thousand five hundred dollars per annum, to be paid out of the county treasury.

2. This act shall not take effect until July 1, 1905.

(House Bill No. 201.)

CHAPTER 83.

AN ACT to authorize and empower the judge of the circuit court of the third judicial circuit, of West Virginia, to employ an official court reporter and providing the manner of payment therefor.

[Passed February 16, 1905. In effect from passage. Approved February 21, 1905.]

Sec. 1. Court reporter for the third judicial circuit authorized; his compensation; how paid.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the judge of the circuit court of the third judicial

circuit of West Virginia, comprising the counties of Pleasants, Ritchie and Gilmer, is hereby authorized and empowered to, at his discretion, employ a competent stenographer to report the proceedings had and testimony taken in any civil or misdemeanor proceeding, or in any other proceeding had in the courts of said circuit, or before the aforesaid judge. Said appointment and employment may be made by the said judge by order entered in the circuit court of any county of said circuit, and the stenographer so appointed shall be known as the official reporter of said court and may be a resident of any county in West Virginia.

Said official court reporter, when so employed, shall receive such compensation as the judge of said circuit court shall in his discretion determine, in addition to his actual expenses while attending such courts, which shall be certified by said circuit court to the county court of the county in which such services are rendered, and the same shall be by the county court of such county paid out of the county treasury.

(House Bill No. 223.)

CHAPTER 84.

AN ACT amending and re-enacting sections 2, 8, 11, 12, 15, 18 and 19 of chapter 22 of the acts of the legislature of West Virginia, passed February 26, 1903, entitled "An act fixing the time for holding the circuit courts in each county of the several judicial circuits of the state."

[Passed January 30, 1905. In effect from passage. Approved January 31, 1905.]

SEC.

1. Certain sections of act of 1903 relating to terms of circuit courts, amended.
2. Beginning of terms in the 1st circuit.
8. In the 7th circuit.

SEC.

11. In the 10th circuit.
12. In the 11th circuit.
14. In the 13th circuit.
15. In the 14th circuit.
18. In the 17th circuit.
19. In the 18th circuit.

Be it enacted by the Legislature of West Virginia:

1. That sections two, eight, eleven, twelve, fifteen, eighteen and nineteen of chapter twenty-two of the acts of the legislature of one thousand nine hundred and three entitled "An act fixing the time for holding the circuit courts in each county of the several judicial cir-

cuits of the state" be amended and re-enacted so as to read as follows:

First Circuit.

Sec. 2. For the county of Hancock, on the second Monday in March, the third Monday in June and the first Monday in November.

For the county of Brooke, on the third Monday in February, the first Monday in June and the second Monday in October.

For the county of Ohio, on the last Monday in March, the first Monday in September and the fourth Monday in November.

For the county of Marshall, on the second Tuesday in February, the last Tuesday in May and the second Tuesday in October.

Seventh Circuit.

Sec. 8. For the county of Boone, on the second Monday in January, second Monday in April, second Monday in July and the second Monday in October.

For the county of Logan, on the fourth Monday in January, fourth Monday in April, fourth Monday in July and the fourth Monday in October.

For the county of Wayne, on the second Monday in February, second Monday in May, second Monday in August and second Monday in November.

For the county of Mingo, on the first Monday in January, first Monday in April, first Monday in July and first Monday in October.

Tenth Circuit.

Sec. 11. For the county of Clay, on the first Monday in January, first Monday in April, third Monday in June and the second Monday in October.

For the county of Kanawha, on the second Monday in February, second Monday in May, second Monday in September and the fourth Monday in November.

Eleventh Circuit.

Sec. 12. For the county of Pocahontas, on the second Tuesday in January, first Tuesday in April, third Tuesday in June and the second Tuesday in October.

For the county of Greenbrier, on the first Tuesday in February, third Tuesday in April, first Tuesday in July and the fourth Tuesday in October.

For the county of Fayette, on the first Tuesday in March, first Tuesday in May, first Tuesday in September and the first Tuesday in December.

Thirteenth Circuit.

Sec. 14. For the county of Lewis, on the first Monday in February, second Monday in May, second Monday in August and the first Monday in November.

For the county of Harrison, on the second Tuesday in March, second Tuesday in June, second Tuesday in September and the second Tuesday in December.

Fourteenth Circuit.

Sec. 15. For the county of Monongalia, on the first day of February, first day of May, first day of September and the first day of November.

For the county of Marion, on the first day of March, first day of June, first day of October and the first day of December.

Provided, however, that when the day upon which any term of said court would commence, under the provision of this section, happens to be on Friday, Saturday or Sunday, the following Monday shall be deemed to be the day intended.

Seventeenth Circuit.

Sec. 18. For the county of Hampshire, on the first Tuesday in January, third Tuesday in March, first Tuesday in July and third Tuesday in September.

For the county of Hardy, on the second Tuesday in January, second Tuesday in April, third Tuesday in July and third Tuesday in October.

For the county of Pendleton, on the Wednesday after the third Tuesday in February, Wednesday after the third Tuesday in May, Wednesday after the third Tuesday in August and Wednesday after the third Tuesday in November.

Eighteenth Circuit.

Sec. 19. For the county of Morgan, on the first Tuesday in January, first Tuesday in April, third Tuesday in July and first Tuesday in October.

For the county of Berkeley, on the third Tuesday in January, third Tuesday in April, third Tuesday in August and the third Tuesday in November.

For the county of Jefferson, on the second Tuesday in February, third Tuesday in May and the third Tuesday in October.

(House Bill No. 354.)

CHAPTER 85.

AN ACT to amend and re-enact section 7 of chapter 11 of the code of West Virginia of 1899, as amended and re-enacted by chapter 23 of the acts of 1903.

[Passed February 22, 1905. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 7. Mileage of judges of supreme and circuit courts.

Be it enacted by the Legislature of West Virginia:

1. That section seven of chapter eleven of the code of West Virginia of one thousand eight hundred and ninety-nine, as amended and re-enacted by chapter twenty-three of the acts of one thousand nine hundred and three, be amended and re-enacted so as to read as follows:

Sec. 7. The judges of the supreme court of appeals and circuit courts shall be entitled to mileage for traveling to and from their respective courts at the rate of ten cents for every mile, to be computed according to the nearest practicable route. No judge of the circuit court shall be entitled to be paid mileage for attending more than six terms of court in any county in any one year, including adjourned and special terms.

(Senate Bill No. 47.)

CHAPTER 86.

AN ACT to amend and re-enact section 1 of chapter 157 of the code of West Virginia, relating to grand juries.

[Passed February 22, 1905. In effect from passage. Approved February 25, 1905.]

SEC.

1. Grand jury at each term of circuit court, exceptions; court may order grand jury at special or reg-

SEC.

ular term; may consider offences committed before preceding term, etc.

Be it enacted by the Legislature of West Virginia:

1. That section one of chapter one hundred and fifty-seven of the code be amended and re-enacted so as to read as follows:

Sec. 1. There shall be a grand jury at each term of a circuit court, except that the circuit court of any county by an order entered of record, or the judge thereof in vacation by written order to the clerk at least twenty days before the term, may dispense with the grand jury for one or two of the terms required by law to be held in said county annually, and the circuit court of any county in which there may be a criminal court whose jurisdiction includes the trial of felony cases, by an order entered of record, may dispense with the grand jury for all the terms required by law to be held in said county annually; and in such case no grand jury shall be drawn by the court or by the judge in vacation. Any circuit court may at a special or regular term thereof, whenever it shall be proper to do so, order a grand jury to be drawn and to attend such term. A grand jury summoned to attend a special or regular term may consider any offences against the laws, whether the same shall have been committed before the next preceding term of the court or not, and whether the accused shall have been held for trial or not prior to the next preceding regular term.

(House Bill No. 46.)

CHAPTER 87.

AN ACT amending and re-enacting chapter 8 of the acts of the legislature of West Virginia, passed February 12, 1890, entitled "An act establishing a criminal court for the county of Kanawha."

[Passed February 6, 1905. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Court of limited jurisdiction established; name of court.
2. Jurisdiction concurrent with circuit court; in what cases and proceedings.
3. Judge now in office; successor, when to be elected; qualification; term of office and when to begin; subject to what laws.
4. What powers and jurisdiction conferred on court, etc.; powers of judge in vacation as to felonies, etc.
5. Facts authorizing jurisdiction need not be set forth upon record; jurisdiction presumed, unless, etc.
6. Powers to punish for contempt.
7. Books and stationery for court, county court to provide; also a seal; faith and credit given to records of court and to certificate of judge or clerk.
8. Clerk of criminal court, who to be; his fees; to what statutes liable; to sign all process, etc., and direct the same; who to execute such process, etc.
9. Salary of judge; how paid.
10. Salary of clerk in addition to fees, and how paid.
11. Terms of court and when to begin; adjourned and special terms.
12. Where terms of court to be held.
13. Duties of sheriff of Kanawha county and sheriffs of other counties as to process of court; other duties and services to be performed by the sheriff of Kanawha county; powers and rights of officers executing process, etc.
14. Grand jury for each term; special grand juries; what offences grand jury may consider; provisions of law applicable; how jurors chosen and impaneled; compensation.
15. When judge cannot preside he may certify cause to circuit court; proceedings; recognizances in such cases; special judge, when;

SEC.

- how selected; per diem and how paid; change of venue.
16. Indictments found or pending in circuit court may be certified to criminal court; recognizances in such cases.
17. Appeals and writs of supersedeas, in what cases allowed or awarded by circuit court.
18. Appeal, writ of error, etc., how obtained; what law to govern proceedings; no appeal in certain cases, unless, etc.
19. Appeal, writ of error, etc., to be docketed in circuit court; how proceeded in.
20. In case the circuit court deems the judgment, etc., plainly right and rejects the appeal, etc., on that ground, what then.
21. Proceedings in circuit court on appeals, writs of error, etc., duty of clerk of court.
22. Appeals allowed to the criminal court concurrent with the circuit court, in what cases; provisions of law governing proceedings thereon.
23. If office of judge be contested, how heard and determined.
24. Vacancy in office, how filled.
25. Judge may be removed from office; how.
26. Taxation of costs.
27. Certain general provisions of law applicable to a circuit court to
28. } apply to this court.
29. Writ of habeas corpus, power to grant concurrent with that of supreme or circuit court; provisions of law governing.
30. Prosecuting attorney or his assistant to attend terms of court; what duties to perform, and for what compensation.
31. Certain sections of chapter forty-one of code made applicable.
32. Books to be delivered to judge—the West Virginia reports and acts of the legislature.

Be it enacted by the Legislature of West Virginia:

1. That chapter eight of the acts of the legislature of one thousand eight hundred and ninety, entitled "An act establishing a criminal court for the county of Kanawha," be amended and re-enacted so as to read as follows:

Sec. 1. That a court of limited jurisdiction is hereby established in and for the county of Kanawha, to be held and presided over by a judge to be appointed or elected as provided by this act, which court shall be named and designated, "The Criminal Court of Kanawha County."

Sec. 2. The said criminal court shall have jurisdiction within the

county of Kanawha, concurrent with the circuit court, of all felonies, misdemeanors and offences committed within the said county, and also for the trial of all cases, concurrent with the circuit court, for the maintenance of illegitimate children, as provided by chapter eighty of the code of West Virginia. Said court shall also have jurisdiction, concurrent with the circuit court of said county, as to the supervision and control of all criminal proceedings before justices of said county, or the mayor of any incorporated city, town or village in said county, by appeals, *mandamus*, prohibition and *certiorari*.

Sec. 3. The judge of said court elected at the general election held in this state on the Tuesday after the first Monday in November, one thousand nine hundred and two, shall hold his office for the term of six years, and until his successor is duly elected and qualified; and there shall at the general election in this state to be held on Tuesday after the first Monday in November, nineteen hundred and eight, and every six years thereafter, be elected, by the legal voters of said county, a judge of the criminal court of Kanawha county, who shall be a resident member of the bar of said county, who shall preside over the said court for the term of six years, from the first day of January succeeding said election, and shall be, except as to his term of office and jurisdiction, subject to the laws in force governing circuit judges.

Sec. 4. The power and jurisdiction conferred by law upon the circuit courts in the trial of criminal cases and proceedings, and modes and procedures authorized therein, within the county of Kanawha, are hereby conferred upon and shall be exercised by said criminal court of Kanawha county. And the judge of said criminal court shall have the same power in vacation as to felonies, misdemeanors and other offences, committed in said county of Kanawha, that are now or may be hereafter conferred upon the judge of the circuit court of Kanawha county.

Sec. 5. It shall not be necessary in any case or proceeding in said criminal court that the facts authorizing it to take jurisdiction of the case or proceeding shall be set forth upon the record, but jurisdiction shall be presumed unless the contrary plainly appears from the record.

Sec. 6. The said criminal court shall have the same powers to punish for contempt as are conferred upon the circuit court by law.

Sec. 7. The county court, or tribunal acting in lieu thereof in Kanawha county, shall provide all record books and other books and stationery that may be necessary, and likewise a seal, for said criminal

court. Full faith and credit shall be given to the records of said court and to the certificates of its judge or clerk, whether the seal of the court be affixed thereto or not, in like manner and with like effect as if the same were records of the circuit court or certificates of the judge or clerk of the circuit court similarly authenticated.

Sec. 8. The clerk of the circuit court of Kanawha county shall be *ex-officio* clerk of said criminal court and perform the duties thereof, and shall receive the same fees as are allowed by law, for similar services, to the clerk of the circuit court; and, in the discharge of his duties as clerk of the criminal court, he shall be subject to all statutes relating to the clerk of the circuit court. All process, rules and orders of said court in the exercise of its jurisdiction shall be signed by the clerk thereof, and be directed to the sheriffs of the proper counties, wherein the same are to be executed, and they shall be executed in like manner and with the same effect as process issuing from the circuit court of said county.

Sec. 9. The said judge shall for his services receive twenty-four hundred dollars per annum to be paid out of the state treasury until the first day of July, 1905, and thereafter out of the county treasury of said county of Kanawha.

Sec. 10. The clerk of said court shall in addition to the fees of his office be paid out of the county treasury the sum of six hundred dollars per annum.

Sec. 11. There shall be four terms of said court held in each year, commencing on the first Monday in January, the first Monday in April, the second Monday in June, and the second Monday in October. Adjourned and special terms of said court may be called and held as provided for special and adjourned terms of the circuit court.

Sec. 12. The said terms of said court shall be held in Charleston in said county of Kanawha at the court house thereof.

Sec. 13. The sheriff of Kanawha county and the sheriffs of the several counties of the state shall by themselves or their deputies execute all process of said court, or issued by the clerk thereof, directed to them respectively, and all process emanating from said criminal court, or issued by the clerk thereof, shall be directed to and executed by them in the same manner as is provided by law as to process issuing from the circuit court or its clerk; and the sheriff of Kanawha county shall perform the same duties and services for the criminal court of Kanawha county as he now by law is required to perform for the circuit court of said county. And in the execution of the

process, rules and orders of said court the said officers shall have the same power and rights, be subject to the same liabilities, govern themselves by the same rules and principles of law and the statutes of the state, and be entitled to the same fees as though the process issued from the circuit court of said county.

Sec. 14. The said criminal court shall impanel a grand jury at each term thereof, and said court, or the judge thereof, may, in his discretion, order a grand jury to be drawn or summoned to attend at any special or adjourned term of said court, or at any other time when in his opinion it is proper to do so. Such grand jury may consider any offence against the laws committed within said county of Kanawha, whether the same shall have been committed before the next preceding term of the court or not, and whether the accused shall have been held for trial or not prior to the next preceding regular term, and all the provisions of chapter one hundred and fifty-seven of the code of West Virginia, in regard to grand juries in the circuit court, shall apply, so far as applicable, to grand juries in said criminal court. The grand and petit juries serving in said court shall be chosen and impaneled in the same manner as they are chosen and impaneled by law in the circuit court, and shall receive the same compensation as said jurors in the circuit court.

Sec. 15. If the judge of said criminal court in his judgment cannot properly preside at the hearing of any cause pending therein, said cause may be, in his discretion, certified to, and the original papers together with a copy of the orders of the court filed in, the circuit court of said county, and the cause shall be docketed therein and proceeded with, as though the cause had originally been brought and the prior proceedings had in the circuit court to which it was transferred. And the said criminal court may in its discretion take such recognizances from the defendants in a bailable case, and from the witnesses for the state, as he may deem proper, for their appearance before said court. Or when for any cause the judge of said criminal court is incapable of acting, or is absent, a special judge may be elected in the same manner as a special judge of the circuit court, and governed in all respects, as far as applicable, to the said special judge of the circuit court, and shall be allowed five dollars a day, to be paid out of the state treasury until July 1, 1905, thereafter out of the county treasury. And a change of venue of any case pending in said court may be ordered as provided in chapter one hundred and fifty-nine of the code of West Virginia.

Sec. 16. The circuit court of said county may in its discretion certify to said criminal court for trial all indictments and prosecutions for felonies, misdemeanors and offences, now pending in said circuit court, and all which may hereafter be found by the grand juries impaneled in the circuit court, and may in its discretion take such recognizances from the defendants inailable cases and also from the witnesses for the state, as he may deem proper, for their appearance before said criminal court, or as he may order.

Sec. 17. Appeals may be allowed and writs of *supersedeas* awarded to the judgments, rules and orders of said court by the circuit court of said county, or the judge thereof in vacation, in cases involving the freedom of a person, or the constitutionality of a law, and when judgment is rendered against a defendant in case of felony or misdemeanor. And in cases relating to the public revenue, the right of appeal shall belong to the state as well as to the defendant.

Sec. 18. Any person who is a party to any such controversy wishing to obtain an appeal, writ of error or *supersedeas*, in the cases named in the seventeenth section of this act, may present to the circuit court of Kanawha county, or the judge thereof in vacation, a petition therefor, and chapter one hundred and thirty-five of the code of West Virginia concerning appeals to the supreme court of appeals shall, so far as applicable, govern the proceedings on such appeal, writ of error or *supersedeas*, as to the duties of the petitioner, the said court and clerk thereof: *provided, however*, no such appeal, writ of error or *supersedeas* shall be allowed to the judgment or order of said criminal court rendered in a case upon appeal from the judgment of a justice of said county, or judgment of the mayor of any incorporated city, town or village in said county, in a criminal case or proceeding had before them unless the petition therefor be presented in one year from the date of such judgment or order.

Sec. 19. Every appeal, writ of error or *supersedeas* from said criminal court shall be docketed in the circuit court of Kanawha county, and shall be proceeded in in the same manner as appeals, writs of error or *supersedeas* are proceeded in, heard and determined in the supreme court of appeals.

Sec. 20. In a case wherein the appeal, writ of error or *supersedeas* is to the circuit court and the court or judge thereof deems the judgment or order plainly right, and rejects it on this ground, if the order of rejection so state, no further petition shall afterwards be presented for the same purpose, but the petition and order of rejec-

tion with the transcript of the record may be presented to the supreme court of appeals, or judge thereof in vacation, for an appeal from said order of rejection, and, if allowed, the same proceeding may be had thereon as if the same was a petition originally from the circuit court of said county to the supreme court of appeals.

Sec. 21. The said circuit court, where an appeal, writ of error *supersedeas* has been allowed by the said court or the judge thereof in vacation shall, upon the hearing thereof, affirm said judgment or order if there be no error therein prejudicial to the appellant, or reverse the same in whole or in part if erroneous, and the circuit court may retain the case for trial or remand the same back to said criminal court to be further proceeded in and finally determined. And the clerk of said circuit court shall, as soon as practicable, transmit the decision of said circuit court to the clerk of said criminal court.

Sec. 22. Every person sentenced to imprisonment by the judgment of a justice, or the judgment of the mayor of any incorporated city, town or village, in said county, or to the payment of a fine of ten dollars or more, shall be allowed an appeal, as provided in section two hundred and thirty of chapter fifty of the code of West Virginia, to the criminal court of said county, concurrent with the circuit court of said county, and all the provisions of said section shall apply to said appeal and govern the proceedings thereon, and the same shall be proceeded in, heard and determined, and with the like effect, as is provided in said section two hundred and thirty of chapter fifty of the code.

Sec. 23. If the office of judge of said criminal court be contested the contest shall be heard and determined in the same manner as the election of judges of the circuit courts are determined.

Sec. 24. If from any cause the office of judge of said criminal court shall become vacant, the vacancy shall be filled in the same manner as in the case of a vacancy in the office of judge of the circuit court.

Sec. 25. The judge of said criminal court may be removed from office for the same reasons and in the same manner as judges of the circuit courts.

Sec. 26. In the taxation of costs in said court the clerk and court shall be governed by the same rules and provisions of law as are provided in the circuit court.

Sec. 27. Chapter one hundred and fourteen of the code of West Virginia shall apply to the criminal court of Kanawha county, in the

same manner and to the same extent that it does to the circuit courts of the state.

Sec. 28. Chapter one hundred and fifty-six of the code of West Virginia shall apply to the criminal court of Kanawha county, and to the judge thereof in vacation, in the same manner and to the same extent that it does to the circuit court of Kanawha county, or the judge thereof in vacation, and the same powers may be exercised within the county of Kanawha by said criminal court, and judge thereof in vacation, concurrent with the circuit court of said county, as provided for in said chapter. All examinations, recognizances, warrants of commitment and certificates or other proceedings, made returnable to the circuit court of Kanawha county, under the provisions of said chapter one hundred and fifty-six, may be made returnable likewise to said criminal court of Kanawha county, concurrent with the circuit court of said county.

Sec. 29. The criminal court of Kanawha county and the judge thereof in vacation shall, concurrent with the supreme court of appeals, the circuit court of said county, or any judge of either of said courts in vacation, grant the writ of *habeas corpus ad subjiciendum*, as provided in chapter one hundred and eleven of the code of West Virginia, and all the provisions of said chapter shall be applicable thereto, and the same shall be governed as herein provided.

Sec. 30. The prosecuting attorney of Kanawha county shall attend the terms of said criminal court, either by himself or his assistant, and perform the duties of his office as required by section six of chapter one hundred and twenty of the code, and for the compensation therein stated and provided.

Sec. 31. Sections forty-one, forty-two and forty-three of chapter forty-one of the code of West Virginia shall apply to the criminal court of Kanawha county and the judge thereof, in the same manner and to the same extent as they do to the circuit court of Kanawha county and the judge thereof.

Sec. 32. The West Virginia reports and bound acts of the legislature are to be delivered to the said judge of the criminal court in the same manner as they are required to be delivered to the circuit courts of the state.

(H. J. R. No. 3.)

JOINT RESOLUTION NO. 1.

[Adopted January 17, 1905.]

Authorizing the auditor to draw his warrant upon the treasurer for the per diem and mileage of the members of the legislature and the per diem of the officers and attaches of the senate and house of delegates.

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer for such amounts as are or may become due to the several members, officers and attaches of the senate and house of delegates for their per diem, upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house respectively, and the said auditor is further authorized to issue his warrants for the mileage of the members of the two houses as soon as said mileage is ascertained and fixed, upon the proper requisition being presented to him therefor.

(H. J. R. No. 5.)

JOINT RESOLUTION NO. 2.

[Adopted January 19, 1905.]

Instructing our senators and requesting our representatives in the congress of the United States to resist any change in the present tariff laws.

WHEREAS, The state of West Virginia has increased in wealth and population in the last few years beyond the expectation of the most enthusiastic; and

WHEREAS, The development of our forests, coal, oil, gas and lumber has brought millions of dollars into our state; and

WHEREAS, There is a movement now on foot by some of the leading statesmen of the country to change or alter the existing tariff laws; and

WHEREAS, Any change of the present law would be very hurtful,

not only to West Virginia but the agitation of the change would hurt the business of the entire country; therefor be it

Resolved by the Legislature of West Virginia:

That our senators in the congress of the United States be instructed, and our representatives in said congress be requested, to resist any effort to change the present existing tariff laws.

(H. J. R. No. 7.)

JOINT RESOLUTION NO. 3.

[Adopted January 20, 1905.]

Relating to the Virginia debt.

Resolved by the Legislature of West Virginia:

That it is the sense of this legislature that the state of West Virginia does not owe any part of the so-called Virginia debt, and that this legislature is opposed to any negotiations whatsoever on that subject.

(S. J. R. No. 9.)

JOINT RESOLUTION NO. 4.

[Adopted January 23, 1905.]

Authorizing and directing the secretary of state to furnish the various judges of the circuit courts, who may not already be supplied, one set of the reports of the supreme court of appeals of West Virginia.

Resolved by the Legislature of West Virginia:

That the secretary of state be and is hereby authorized and directed to furnish to the various judges of the circuit courts, who may not be already supplied one set, for each, of the reports of the supreme court of appeals of West Virginia, and furnish additional volumes as the same are published; said reports to be and remain the property of the state and turned over by each judge to his successor.

(S. J. R. No. 11.)

JOINT RESOLUTION NO. 5.

[Adopted January 24, 1905.]

Requesting U. S. senators and members of the house of representatives of West Virginia, to introduce and endeavor to secure the passage of an act of congress amending the interstate commerce laws so far as the same relate to the transportation of intoxicating liquors.

WHEREAS, The laws prohibiting the sale of intoxicating liquors in certain states and counties are rendered practically ineffective on account of the facility with which such liquors can be shipped into such state and counties from parts without the same; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States senators and members of the house of representatives from West Virginia are hereby requested to introduce in the congress of the United States and urge the passage of an act so amending the present laws relating to inter-state commerce as to prevent railroad companies, express companies and all other common carriers from delivering intoxicating liquors in any state, county, magisterial district or municipal corporation where the sale of such liquor is prohibited by law, if such a bill be deemed constitutional; and that the clerk of the senate be directed to transmit a copy of this resolution to the senators and representatives of this state in congress.

(H. J. R. No. 10.)

JOINT RESOLUTION NO. 6.

[Adopted January 26, 1905.]

Fixing the per diem to be paid assistant janitors of the capitol building during the session of the legislature.

Resolved by the Legislature of West Virginia:

That S. B. Stephenson, E. F. Smith, Zack Gainer, Bascom Smith, P. S. Forth, W. H. Hemmings, T. H. Newhouse, C. Blount, S. M. Davis and W. L. Alderson, be allowed three dollars per diem from the time they were respectively employed by the janitor to assist him in

preparing the capitol building for the meeting of the legislature to the end of this session and two days thereafter, one-half of which shall be paid out of the contingent fund of the senate and one-half out of the contingent fund of the house, upon the approval of the accounts by the janitor and the clerks of the senate and house respectively.

(S. J. R. No. 18.)

JOINT RESOLUTION NO. 7.

[Adopted January 30, 1905.]

Raising a Joint Investigating Committee.

WHEREAS, There has appeared in the public prints what purports to be a letter from Chas. D. Elliott, secret agent for the Standard Oil Company, to John Worthington, of Pittsburg, Pennsylvania, an official of said company, in which the motives and actions of a number of members of the senate and house of delegates are impugned and certain members and state officials are alleged to be in a conspiracy with the said Elliott and the Standard Oil Company to defeat certain legislation; and

WHEREAS, If the charges and insinuations contained in said letter are true, the members and persons in such conspiracy should be exposed and punished, and if said charges and alleged information are not true, then the members and persons to whom such reference is made should be vindicated and exonerated; therefore be it

Resolved by the Legislature of West Virginia:

That a special joint committee of the two houses of the legislature be raised, to consist of three members of the house, to be appointed by the speaker thereof, and two from the senate, to be appointed by its president, who shall investigate fully all the charges contained in said letter and all the circumstances connected therewith. Said committee, when so appointed, shall make a full and complete investigation of the charges and statements contained therein and as promptly as practicable make its report to the legislature. Said committee is empowered to summon before it and compel the attendance of witnesses and persons, including members of both branches of this body,

and to examine them under oath; to employ a stenographer, or other clerical assistance, and they shall, in addition to their findings, submit to the legislature, for its information, the evidence adduced before the said committee.

(H. J. R. No. 32.)

JOINT RESOLUTION NO. 8.

[Adopted February 14, 1905.]

Authorizing the payment of the per diem and expenses of the Capon Springs Commission.

Resolved, That F. M. Reynolds and C. M. Wetzel members on the part of the house, and John J. Cornwell on the part of the senate, members of the commission appointed to investigate the Capon Springs property, be allowed their *per diem* of four days each, at four dollars per day, and expenses, a statement of which is herewith attached, aggregating as follows:

F. M. Reynolds	Expenses	\$25.00	Per diem	\$16.00	Total	\$41.00
C. M. Wetzel	Expenses	25.00	Per diem	16.00	Total	41.00
John J. Cornwell	Expenses	20.00	Per diem	16.00	Total	36.00;

and that the auditor is directed to pay the same out of the contingent fund of the two houses upon the proper warrant from the officers of the respective houses of this body.

(S. J. R. No. 13.)

JOINT RESOLUTION NO. 9.

[Adopted February 21, 1905.]

Permitting the use of the third floor of the capitol annex by the society of colonial dames and for the inaugural ball.

Resolved by the Legislature of West Virginia:

That permission is hereby granted for the use of the third floor of the capitol annex on the nights of February 22 and March 3, 1905, for the purposes of giving a ball by the society of the colonial dames, and for the inaugural ball, respectively.

(H. J. R. No. 18.)

JOINT RESOLUTION NO. 10.

[Adopted February 22, 1905.]

For the relief of George Goad, of Braxton county.

WHEREAS, The county court of Braxton on the 15th day of May, 1902, granted to C. E. Marshall and to S. R. Evans a license to sell spirituous liquors, for which a fee of \$335.42 each was charged; and to Roberts and Wade a license to carry on the business of druggist, for which a license of \$10.00 was charged; and to E. B. Lambert and J. H. Gillispie a license to conduct a hotel, for which a license fee of \$3.00 each was charged; and it appearing to the said court that none of the parties conducted the business for which a license was granted; and

WHEREAS, None of said licenses were collected; and it further appearing to said court that the said parties were insolvent and that the sheriff could not collect said licenses; the court therefore exonerated the sheriff from collecting said licenses and paying over said sums of money; and

WHEREAS, The auditor in his settlement with said sheriff charged said amounts to said sheriff; therefore, be it

Resolved, That the auditor be and is hereby directed to refund to said George Goad, sheriff, \$753.87, said amounts with interest from date of settlement.

(S. J. R. No. 33.)

JOINT RESOLUTION NO. 11.

[Adopted February 23, 1905.]

Providing for colors for the coat of arms of West Virginia.

WHEREAS, The state of West Virginia has adopted in proper manner and form a coat of arms, but doing so without restricting the same to or naming any particular colors therefor; and

WHEREAS, It is often expected, and it is proper for us to use and have in colors our coat of arms; and

WHEREAS, We are not able to do so, as it has not been reduced to colors as many of our sister states have done for theirs; and

WHEREAS, Miss Helen L. Shrewsbury, of Charleston, West Virginia, has reduced and put in colors our coat of arms and tendered the same free of all charge to the state of West Virginia; therefore

Resolved by the Legislature of West Virginia:

That our coat of arms as put in colors by Miss Helen L. Shrewsbury, of Charleston, West Virginia, and as now exhibited by her, be and the same is hereby made and adopted as the proper and only colors for our coat of arms.

(H. J. R. No. 23.)

JOINT RESOLUTION NO. 12.

[Adopted February 23, 1905.]

Requesting our senators and representatives in congress to secure the location in this state of a branch home for soldiers, sailors and marines of the United States service.

Resolved by the Legislature of West Virginia:

That we request our senators and representatives in congress to secure the location of a branch home for disabled volunteer soldiers, sailors and marines of the United States service, at some suitable place in the state of West Virginia, hereafter to be provided for.

Resolved, That the Governor is hereby authorized to appoint three citizens of the state who shall constitute a commission to receive propositions from individuals or corporations wishing to donate not less than fifty acres of land at some suitable place in the state for the location of said branch home for disabled soldiers and sailors; said commission to report its action in choosing said location to the governor, who shall communicate the same to our senators and representatives.

The sum of one hundred dollars is hereby appropriated to pay the necessary expenses of said commission.

(S. J. R. No. 32.)

JOINT RESOLUTION NO. 13.

[Adopted February 23, 1905.]

Granting permission to the daughters of the confederacy to erect a monument in the capitol grounds.

WHEREAS, At a regular meeting of the Charleston chapter No. 151, united daughters of the confederacy, held on the 7th day of February, 1905, the following resolution was unanimously adopted:

Resolved: That the legislature of the state of West Virginia is hereby respectfully requested to give to this chapter and its associates permission to erect in the capitol grounds, in the city of Charleston, a monument to the confederate soldiers of the period 1861-1865; the whole expense of the work to be borne by the chapter and its associates, the state to be at no expense whatever.

And that a copy of this resolution attested by the president and secretary be presented to the legislature.

A copy from the minutes.

MRS. S. S. GREEN,
President,

Charleston Chapter 151 U. D. C.

Mrs C. P. Snyder,
Secretary,
Charleston Chapter 151 U. D. C.

Therefore be it

Resolved by the Legislature of West Virginia:

That Charleston chapter No. 151 united daughters of the confederacy and its associates be and it is hereby given permission to erect in the capitol grounds in the city of Charleston a monument to the memory of the confederate soldiers of the period of 1861-1865; the whole expense of the erection, repairs and maintenance thereafter to be borne by the chapter and its associates, the state to be at no expense whatever; the site for said monument in the capitol grounds to be designated by the state board of public works. The design of any such monument erected together with any inscription or inscriptions thereon shall be subject to the approval of the board of public works.

(H. J. R. No. 16.)

JOINT RESOLUTION NO. 14.

[Adopted February 24, 1905.]

Authorizing the appointment of a select committee to investigate each state institution, and report thereon.

Resolved by the Legislature of West Virginia:

That pursuant to the recommendation of the governor, in his annual message to this legislature, a legislative committee of five be appointed and selected to investigate and report upon each of the various state institutions. This committee shall be composed of five members, two to be selected and appointed from the senate by the president thereof, and three to be selected from the house of delegates by the speaker thereof, and not more than three of whom shall be selected from the same political party. It shall be the duty of this committee during the recess of the legislature to visit the several state institutions, receive reports, hold hearings and receive conclusions, and make reports and recommendations regarding the conduct and management of each of the said state institutions to the next ensuing session of the legislature; said committee shall also report any needed legislation deemed advisable by them. This committee shall have power and authority to administer oaths, summon witnesses and compel the production of documents and all kinds and manner of evidence, and it shall submit to the governor a report covering said investigation and file a copy of the same in the office of the secretary of state.

(S. J. R. No. 19.)

JOINT RESOLUTION NO. 15.

[Adopted February 24, 1905.]

Providing for the fifth edition of the Code of West Virginia:

WHEREAS, The present, or fourth, edition of the code is very unsatisfactory in that it is without annotations and has a very incomplete index; and

WHEREAS, The present edition of the code is almost exhausted and

it is necessary to provide for a new or fifth edition of the said code; and

WHEREAS, A large part of each edition of the code is sold at a considerable advance above cost, so that a new edition is prepared and published at a small expense to the state; and

WHEREAS, Since the last edition of the code was published there has been a great deal of important legislation all of which should be collected and systematically arranged; therefore

Resolved by the Legislature of West Virginia:

1. That on the 15th day of March, 1905, or as soon thereafter as practicable, the governor shall enter into contract with some capable attorney for the purchase of five thousand copies of a fifth edition of the code of West Virginia at the price of four dollars and twenty cents per copy, making in the aggregate twenty-one thousand dollars, which shall be in full of all costs and expenses attending the compilation, annotation, publication, and delivery of the said five thousand copies, which delivery shall be made within thirty months after the adjournment of the present session of the legislature, or as soon thereafter as possible.

2. Such fifth edition of the code shall be printed in one volume, if possible, and shall be substantially bound in law calf, not inferior in material and workmanship and in general appearance to the current reports of the supreme court of the United States. It shall contain all the statute laws of the state of a general nature, including the acts of the next session of the legislature, arranged under appropriate titles and chapters and divided into sections numbered consecutively from one to the end: *provided, however,* that the present chapter and section numbers shall be clearly indicated. It shall contain also the declaration of independence, the constitution of the United States, the constitution of this state, and the laws of the United States concerning naturalization and concerning the election of United States senators, with reference to prior laws, and full and complete annotations of all applicable West Virginia decisions, together with a table of contents and a full and complete index.

3. When such fifth edition of the code is compiled and is ready to be printed it shall be submitted to the governor for his approval, and when the stipulated number of copies has been printed, bound and delivered to the secretary of state, and been finally approved by the

governor, it shall be the duty of the governor to cause the same to be paid for out of an appropriation to be made for that purpose in the appropriations for the year ending September 30, 1906. The said fifth edition of the code shall thereafter have the same force and effect as the laws and acts from which it is compiled.

4. The said fifth edition of the code may be sold by the secretary of state for cash, at the price of seven dollars per copy, and the proceeds of such sale shall be accounted for by him in the same manner he now accounts for the proceeds of session acts sold by him pursuant to law.

5. The secretary of state shall make one distribution of such fifth edition of the code as the acts of the legislature are distributed, except that members of the present session of the legislature shall receive but two copies each, and all other officers, to whom said acts are now distributed by law, shall receive but one copy each.

(H. J. R. No. 34.)

JOINT RESOLUTION NO. 16.

[Adopted February 24, 1905.]

Adopting a state flag for the state of West Virginia.

WHEREAS, It is shown by the report of the West Virginia commission to the Louisiana purchase exhibition held at St. Louis during the year 1904, it became and was necessary to adopt a state flag and special ensign to designate the state of West Virginia among the other states of the Union represented at said exposition; and,

WHEREAS, The state of West Virginia to the present time has adopted no state flag or ensign of its individual entity as a sovereign state; and,

WHEREAS, Said commission for the purposes stated in said report did adopt and use a state flag at the West Virginia building on the exposition grounds the design of which said flag is a "sprig of mountain laurel upon an immaculate white field with a pale blue border;" and,

WHEREAS, Said commission did, by said report, recommend the adoption of said design as a state flag; therefore be it

Resolved by the Legislature of West Virginia:

That the legislature of West Virginia hereby adopts a state flag of the following design and proportion, to-wit: Said state flag shall be in length and breadth in the proportion of nine to thirteen, this being the same as the flag of the great American Republic of which West Virginia forms a part; the field thereof shall be pure white, upon the center of which shall be a sprig of the *rhododendron maximum* or "big laurel," having flowers and leaves; and on the reverse side shall be the state coat-of-arms and the motto; the field of pure white shall be bordered by a band or strip of blue, and this in turn shall be bordered by a strip of fringe of carmine red; and said flag shall be regarded and used as the West Virginia state flag on all occasions where a special display of the state's individuality shall become necessary, or be regarded as appropriate.

HOUSE CONCURRENT RESOLUTION NO. 1.

[Adopted January 11, 1905.]

Resolved by the house of delegates, the senate concurring therein:

That the joint rules of the senate and house of delegates adopted at the regular session of 1903, and printed in the manual of the legislature of 1903, and reprinted in the manual of 1905, be and the same are hereby adopted as the joint rules governing the two houses during the present session of the legislature.

HOUSE CONCURRENT RESOLUTION NO. 2.

[Adopted January 11, 1905.]

The house of delegates respectfully propose, with the concurrence of the senate, that the two houses meet in joint assembly in the hall of the house of delegates at 3 o'clock p. m., this the 11th day of January, 1905, for the purpose of opening and publishing the returns of election for state officers held on the 8th day of November, 1904, in conformity with the requirements of section 3 of article VII of the constitution. And that joint rule No. 15. and the rules of the house of delegates so far as applicable, shall govern such assembly.

HOUSE CONCURRENT RESOLUTION NO. 3.

[Adopted January 12, 1905.]

Resolved, That the two houses concur in the appointment of a select committee of five, composed of two members of the senate appointed by the president and three members of the house of delegates appointed by the speaker, to jointly wait upon the governor and inform him that the legislature is organized with a quorum of each house present, and is prepared to receive any communication he may be pleased to make.

ACTS
AND
JOINT RESOLUTIONS
EXTRAORDINARY SESSION
1905.

PROCLAMATION.

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT.

I, Albert B. White, Governor of the State of West Virginia, under and by virtue of section seven of Article VII of the Constitution of said State, which provides that "the Governor may on extraordinary occasions convene, at his own instance, the Legislature; but when so convened it shall enter upon no business except that stated in the proclamation by which it was called together," do issue this my proclamation to convene the Legislature of said State, at the seat of government, at Charleston, on this the twenty-fifth day of February, A. D. 1905, at twelve o'clock M., to consider and act upon the following subjects of legislative business, to-wit:

1. To make appropriations of public money to pay general charges upon the treasury.

2. To make appropriations of public money to pay members of the Legislature, and for salaries of the officers of the government, in pursuance of the forty-second section of Article VI of the Constitution.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State, at Charleston, this twenty-fifth day of February, A. D. 1905, and of the State the forty-second.

ALBERT B. WHITE.

By the Governor:

WM. M. O. DAWSON,
Secretary of State.

ACTS OF 1905

EXTRA SESSION

(House Bill No. 1.)

CHAPTER 1.

AN ACT making appropriations of public money to pay general charges upon the treasury.

[Passed March 1, 1905. In effect from passage. Approved March 2, 1905.]

SEC.

1. Appropriations to pay general charges upon the state treasury for the fiscal year beginning October 1, 1904, and ending September 30, 1905, including sundry individual claims.
2. Appropriations to pay general charges for the fiscal year beginning October 1, 1905, and ending September 30, 1906.
3. How appropriations for public institutions drawn.
4. Allowance to regents and directors.
5. Printing, etc., for the free school department, and for certain boards, officers or institutions, how paid for; proviso as to certain annual or biennial reports; when such reports to be made to the governor.

SEC.

6. No money paid beyond appropriations, unless, etc.; what payments may be made after expiration of fiscal year (Sept. 30), 1906.
7. Disposing of arrears for taxes, licenses and fines due from sheriffs, and for what years; duty of auditor as to such arrears.
8. Auditing and examining of accounts, books, etc., by auditor of public institutions, boards, etc.; appropriation for expenses.
9. } Duties required of superintendents, directors and regents of public institutions, respecting the disbursing of, and the drawing of requisitions upon the auditor for, moneys appropriated for such institutions.
10. }
11. Duties of clerks of senate and house.

Be it enacted by the Legislature of West Virginia:

Sec. 1. There shall be and are hereby appropriated out of the state fund for the fiscal year ending September 30th, 1905, the following sums for the purposes as follows:

Penitentiary.

For erecting and installing fire extinguisher or sprinkling apparatus in all the five work shops or factories, the dining hall, kitchen and storage building, the hospital for female quarters, the sum of ten thousand dollars out of the appropriation of one thousand nine hundred and five.

The said ten thousand dollars hereby appropriated, to be returned to the state treasury out of the surplus earnings of the penitentiary as rapidly as possible, within the biennial period, ending September thirtieth, nineteen hundred and six.

Criminal Charges.

For criminal charges, one hundred thousand dollars.

For extradition of criminals, two thousand dollars.

Lunatics in Jail.

For support of lunatics in jail, twelve thousand five hundred dollars.

Normal Schools.

For the support of the state normal school and its branches, to be paid according to the provisions of sections ninety-six and ninety-seven of chapter forty-five of the code as amended by the act of the legislature of one thousand eight hundred and ninety-nine, thirty thousand dollars.

For additional expenses for the support of the state normal school and its branches, sixteen thousand dollars.

For traveling expenses of the board of regents, eighteen hundred dollars.

For salary of secretary, two hundred dollars.

For the education and normal school training of colored teachers to be paid according to the provisions of section ninety-six, of chapter forty-five of the code, two thousand dollars.

For reimbursing the incidental fund from which the money was taken to complete Shepherd college building, the sum of six thousand dollars.

Marshall College.

For library and apparatus, one thousand dollars.

For furniture, six hundred dollars.

For contingent expenses, eight hundred dollars.

For repairs, five hundred dollars.

For fuel, water and light, fifteen hundred dollars.

For janitor, eight hundred dollars.

For physical apparatus, two hundred and fifty dollars.

For sewer and grading, five hundred dollars.

For piano, two hundred and fifty dollars.

For boys' closet, two hundred and fifty dollars.

For gymnasium, three hundred dollars.

For fencing, two hundred and fifty dollars.

For remodeling rooms, two hundred and twenty-five dollars.

For new building, including plumbing and heating and lighting apparatus, twenty thousand dollars. The plans and specifications for the building to be approved by the board of public works, as also the contract for erecting same, when let.

West Liberty Normal School.

For library and apparatus, five hundred dollars.

For furniture, one hundred dollars.

For fuel and light, five hundred dollars.

For janitor, four hundred dollars.

For repairs, five hundred dollars.

For contingent expenses, five hundred dollars.

For pavement, one hundred and fifty dollars.

Cases for physical apparatus, fifty dollars.

For pump, two hundred dollars.

Concord Normal School.

For library and apparatus, five hundred dollars.

For repairs, five hundred dollars.

For contingent expenses, five hundred dollars.

For fuel and lights, one thousand dollars.

For furniture, three hundred dollars.

For janitor, four hundred dollars.

For lighting dormitory, furnace and fire escapes, three hundred dollars.

For piano, two hundred dollars.

Shepherd College Normal School.

For repairs, one hundred and fifty dollars.

For library and apparatus, five hundred dollars.

For contingent expenses, four hundred dollars.

For janitor, six hundred dollars.

For fuel and lights, seven hundred dollars.

For gymnasium, two hundred dollars.

For piano, two hundred dollars.

For furniture, three hundred and fifty dollars.

For seating auditorium, five hundred dollars.

- For electric fixtures, one hundred dollars.
- Drain pipes and pump house, two hundred dollars.

Fairmont Normal School.

- For furniture, three hundred dollars.
- For library and apparatus, five hundred dollars.
- For repairs, five hundred dollars.
- For contingent expenses, five hundred dollars.
- For janitor, seven hundred dollars.
- For fuel, water and lights, eight hundred dollars.
- For gymnasium, two hundred dollars.
- For piano, two hundred dollars.
- For walks and walls, two hundred and fifty dollars.
- For physical apparatus, two hundred dollars.

Glenville Normal School.

- For repairs, two hundred dollars.
- For contingent expenses, five hundred dollars.
- For library and apparatus, five hundred dollars.
- For janitor, four hundred dollars.
- For fuel and lights, four hundred dollars.
- For water, three hundred and seventy-five dollars.
- For balance due on plumbing contract, eight hundred and ninety-three dollars and twelve cents.
- For balance due on water and light fund, eighty-seven dollars and fifty cents.

West Virginia Schools for the Deaf and Blind.

- For current expenses, forty-five thousand dollars.
- For traveling expenses, twenty-five hundred dollars.
- For contingent expenses, six hundred dollars.
- For fund for colored pupils, one thousand dollars.

The University.

- For salary of teachers, fifty-five thousand dollars.
- For school of music, three thousand dollars.
- For school of fine arts, two thousand five hundred dollars.
- For school of agriculture, five thousand dollars.
- For college of medicine, four thousand dollars.
- For regents' expenses, twelve hundred dollars.

-
- For cadet supplies, three thousand five hundred dollars.
 - For cadet books, two thousand dollars.
 - For advertising, one thousand dollars.
 - For university printing, twenty-five hundred dollars.
 - For repairs to buildings, twenty-five hundred dollars.
 - For fire protection, three hundred dollars.
 - For janitors, four thousand dollars.
 - For night watchmen, fourteen hundred dollars.
 - For gardening, one thousand dollars.
 - For library, twenty-five hundred dollars.
 - For law library, one thousand dollars.
 - For gymnasium, fifteen hundred dollars.
 - For current and contingent expenses, four thousand five hundred dollars.
 - For apparatus, fifteen hundred dollars.
 - For blackboards, desks, etc., five hundred dollars.
 - For stone wall, fifteen hundred dollars.
 - For furniture, one thousand dollars.
 - For improving grounds, roads and pavements, two thousand dollars.
 - For heat, water and light, three thousand dollars.
 - For furniture for president's house and executive office, fifteen hundred dollars.
 - For heating repairs, one thousand dollars.
 - For engineering equipment, twelve thousand dollars.
 - For land purchase, four thousand and eighty-seven dollars and fifty cents.
 - For library building, five thousand dollars.
 - For armory, fifteen hundred dollars.
 - For mechanical hall, twelve hundred and fifty dollars.
 - For fencing, two hundred and fifty dollars.
 - For athletics, one thousand dollars.

Preparatory Branch of the West Virginia University at Montgomery.

- For library and apparatus, three hundred dollars.
- For furniture and fixtures, six hundred dollars.
- For fuel, light and telephone, one thousand dollars.
- For repairs, three hundred dollars.
- For contingent expenses, two hundred and fifty dollars.
- For regents' expenses, two hundred and fifty dollars.

For janitor, six hundred dollars.

For teachers' fund, forty-five hundred dollars.

For deficit of construction of wing, to contractors, one hundred and sixty-one dollars and eighty cents.

For deficit of construction of wing, to architect, four hundred and twenty-four dollars.

For steam boiler for new wing, one hundred and ten dollars.

Preparatory Branch of the West Virginia University at Keyser.

For grading grounds and walks, one thousand dollars.

For building retaining wall, one thousand five hundred dollars.

For physical and chemical laboratories, two hundred dollars.

For gymnasium, one hundred dollars.

For furniture for two literary halls, two hundred dollars.

For additional furniture and equipment for recitation and demonstration rooms, three hundred dollars.

For music department, four hundred dollars.

For library and reading room, five hundred dollars.

For salary of janitor, five hundred and forty dollars.

For contingent expenses, five hundred dollars.

For fuel and light, six hundred dollars.

For salary of secretary and treasurer of the board of regents, and for per diem and expenses of the board, seven hundred and fifty dollars.

For repairs to building, etc., two hundred and fifty dollars.

For salaries of teachers, six thousand dollars.

West Virginia Colored Institute.

For current expenses, eighteen hundred dollars.

For expenses of board of regents, seven hundred and fifty dollars.

For salaries of janitors, five hundred dollars.

For fuel, sixteen hundred dollars.

For school and dormitory furniture, seven hundred dollars.

For teachers' salaries, twelve thousand dollars.

For grading grounds and building walks, two hundred and fifty dollars.

For salary for engineer, six hundred dollars.

For repairs for building and furniture, six hundred dollars.

For kitchen and dining room equipments, one hundred and fifty dollars.

- For cadet uniforms, nine hundred dollars.
For night watchman, four hundred dollars.
For agricultural department, five hundred dollars.
For domestic science, five hundred dollars.
For cadet books and stationery, five hundred dollars.
For printing department, two hundred and fifty dollars.
For library and reading rooms, two hundred dollars.
For mechanical department, two hundred and fifty dollars.
For carpets, rugs, etc., three hundred dollars.
For girls' domestic science building, five thousand dollars.
For repairs to fences, one hundred dollars.
For band instructor, two hundred and fifty dollars.
For sewer connection, new building, one hundred and **twenty-five** dollars.
For new pump and repairs to tank, two hundred and fifty dollars.
For student labor, five hundred dollars.
For electric lights and fixtures, two hundred dollars.
For changing heating system to main building, one hundred **and fifty** dollars.
For deficiency for fuel, fifteen hundred and eight dollars and **forty-one** cents.

Bluefield Colored Institute.

- For completion of addition to Mahood hall, seven hundred **and fifty** dollars.
For completing the furnishing of girls' dormitory, two hundred **and fifty** dollars.
For repairs to furnishings, one hundred dollars.
For heating Mahood hall, six hundred and twenty-five dollars.
For repairing heating apparatus in old buildings, two hundred **and fifty** dollars.
For bath tubs and toilet fixtures in girls' dormitory, one hundred **and fifty** dollars.
For range and attachments for girls' kitchen, **seventy-five** dollars.
For additions to girls' laundry, one hundred and fifty dollars.
For teachers' fund, forty-eight hundred dollars.
For janitors, five hundred dollars.
For fuel and light, nine hundred dollars.
For repairs to buildings, five hundred dollars.

For engineer, three hundred dollars.
For water rent, one hundred and fifty dollars.
For piano, two hundred dollars.
For library, chemical and physical apparatus, eight hundred dollars.
For expense of board of regents, six hundred dollars.
For contingent expenses, eight hundred dollars.
For fruit culture and gardening, two hundred and fifty dollars.
For girls' industrial work, five hundred dollars.
For construction of cisterns, one hundred and fifty dollars.
For painting boys' dormitory, one hundred and twenty-five dollars.
For completing and equipping buildings and for purchasing additional land, such net amount as may be recovered from the N. & W. R. R. Co., after payment of attorneys and stenographer has been made from said collection.

West Virginia Colored Orphans' Home and Industrial School.

For payment of teachers' salaries, fifteen hundred dollars. The above item to be paid out on requisition of the state superintendent of free schools.

Storer College.

For tuition, room rent, etc., one thousand dollars.
For industrial department, fifteen hundred dollars.

West Virginia Reform School.

For current expenses, thirty-two thousand dollars.
For officers' salaries, eighteen thousand dollars.
For expense board of directors, eight hundred dollars.
For transportation of inmates, fifteen hundred dollars.
For new laundry, five hundred dollars.
For remodeling, painting, repairs and building, twenty-five hundred dollars.
For contingent expenses, eight hundred dollars.
For library and school furniture, two hundred and fifty dollars.
For sanitary closets, five hundred dollars.
For carpentry, blacksmith shops and equipments, two thousand dollars.
For additional water system, one thousand dollars.
For furniture, seven hundred and fifty dollars.
For ministerial service and lectures, two hundred and fifty dollars.

For completion central dining hall, cold storage and bakery, four thousand dollars.

For deficiency, four thousand seven hundred and thirty-three dollars and thirteen cents.

West Virginia Industrial Home for Girls.

For current expenses, seventeen thousand dollars.

For Jones cottage, twelve hundred and fifty dollars.

For school house, twelve hundred and fifty dollars.

For Lincoln cottage, twenty-two hundred and fifty dollars.

For farm, one thousand dollars.

For transportation, six hundred dollars.

For board of directors, seven hundred dollars.

For borrowed money, fifteen hundred dollars.

West Virginia Asylum.

For current expenses, fifty thousand dollars.

For enlarging old building for colored insane, six thousand dollars.

For drugs, seven hundred and fifty dollars.

For transportation, five hundred dollars.

For painting and repairs, fifteen hundred dollars.

For furnishing fund, two thousand dollars.

For wells and water supply, one thousand dollars.

For additional machinery for laundry, six hundred and seventy-five dollars.

For deficiency for building constructed, six thousand six hundred and nine dollars and thirty cents, with interest.

Weston Hospital for the Insane.

For current expenses, including salaries, one hundred and forty-eight thousand dollars.

For drugs, two thousand dollars.

For transportation of patients, three thousand dollars.

For painting and repairs, ten thousand dollars.

For water supply, drilling wells, etc., twenty-five hundred dollars.

For purchase of fancy articles for female patients to work with, one hundred and fifty dollars.

For new carpets, furniture, etc., five hundred dollars.

For new water tank and equipment for fire protection, twelve hundred and fifty dollars.

For utilizing condensed steam, completing plant, seven thousand dollars.

For surveying lands of hospital, and abstracting title to same, one thousand three hundred and five dollars.

Second Hospital for the Insane.

For current expenses, sixty thousand dollars.

For transportation fund, thirty-two hundred dollars,

For painting and repair fund, thirty-five hundred dollars.

For drugs and instruments, fifteen hundred dollars.

For farm fund, one thousand dollars,

For new furniture for wards, one thousand dollars,

For completing new dining hall, kitchen, bakery, heating building and deficiency in new dining hall fund, five thousand dollars.

For deficiency in transportation fund, nine hundred and forty-three dollars and fifty cents.

For deficiency in painting and repair fund, one hundred and thirty-nine dollars and eighty-one cents.

Miners' Hospital No. 1.

For maintenance fund, seventeen thousand five hundred dollars.

For improvements and betterments, three thousand dollars.

Miners' Hospital No. 2.

For maintenance fund, seventeen thousand five hundred dollars.

For repairs and improvements, three thousand dollars.

For deficiency (borrowed money), fifteen hundred dollars.

Miners' Hospital No. 3.

For maintenance fund, seventeen thousand five hundred dollars.

For repairs and improvements, three thousand dollars.

Bureau of Labor.

For salary as commissioner of labor, fifteen hundred dollars.

For salary of assistant commissioner of labor, one thousand dollars.

For contingent expenses, twelve hundred dollars.

For expenses of free employment bureau, eight hundred dollars.

State Board of Agriculture.

For total expense including salaries of officers, fifteen thousand dollars, which shall include salary of twelve hundred dollars to the secretary.

For carrying into effect the provisions of chapter nine, acts of

one thousand eight hundred and ninety-seven, for destruction of diseased animals, four thousand dollars.

For deficiency, diseased animals, one thousand nine hundred and four, two thousand four hundred and twenty-five dollars.

San Jose Scale.

For carrying out the provisions of chapter thirty-three of the acts of the legislature, nineteen hundred and one, as amended by chapter forty-nine of the acts of nineteen hundred and three, one thousand dollars.

The last mentioned appropriation to be paid out on accounts approved by the auditor.

Commissioner of Banking.

For salary of commissioner, fifteen hundred dollars.

For salary of assistant, seven hundred dollars.

For traveling expenses, six hundred dollars.

For traveling expenses of assistant, one hundred and seventy-five dollars.

For contingent expenses, five hundred dollars.

Inspector of Mines.

For chief mine inspector, eighteen hundred dollars.

For seven district mine inspectors at the rate of twelve hundred dollars per year, each.

For traveling expenses, four thousand dollars.

For contingent expenses, six hundred dollars.

For clerk hire, nine hundred dollars.

For testing and examining of oil, two hundred and fifty dollars.

State Board of Health.

For expenses of state board of health, two thousand dollars.

For contingent expenses, one hundred dollars.

And so much as shall be paid into the treasury by said board as fees for examination, to be paid by the auditor upon the order of the board under provisions of section seventeen, chapter seven of the acts of one thousand eight hundred and ninety-five.

Commissioners of Pharmacy.

For commissioners and secretary and other expenses, to be paid by

the auditor upon the order of the said commissioners, five hundred dollars.

Vaccine Agents.

For salary of vaccine agents, to be paid on the order of the governor, one hundred and fifty dollars.

For purchase of vaccine matter, one hundred and fifty dollars.

Each agent shall annually report to the governor the amount expended for the purchase of vaccine matter.

Institute Instructors.

For compensation of institute instructors, provided for in section thirty of chapter twenty-five of the acts of one thousand nine hundred and three, six thousand dollars out of the general school fund.

Uniform Examinations.

For expenses, provided for in section three of chapter twenty-seven of the acts of one thousand nine hundred and three, three thousand five hundred dollars out of the general school fund.

Erroneous Assessments.

For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund, into which the taxes were paid, such amount as may be necessary for such purpose.

Insurance.

For premiums on insurance of public buildings, to be drawn and paid out on the order of the board of public works, ten thousand dollars.

Every board in control of any of the public buildings of the state shall cause the buildings under their control respectively to be insured and kept insured, and the premiums to be paid out of said fund.

Before any insurance is taken, the board in control of the building shall report the amount of insurance proposed to be taken and the rate of insurance, and the same shall be approved by the board of public works before the insurance is written. Each board shall report biennially to the governor insurance carried and the name of each company in which insurance is carried, and the time the same will expire. The insurance on the penitentiary shall be paid out of the money under the control of the board of directors thereof.

Emergency Fund.

For state emergency fund, ten thousand dollars. No part of this fund shall be expended except on the unanimous vote of all the members of the board of public works.

For Pay of State Agents.

For compensation of state agents, such amount is hereby appropriated as may be necessary to pay commission of state agents, payable out of the fund collected: *provided*, that in no case shall the amount exceed ten per centum of the funds collected and paid into the treasury.

For the payment of expenses of state agents for special services under authority and directions of the auditor in and about the collection of claims due the state, one thousand dollars.

State Library.

For purchasing and binding books for the state library, two thousand dollars, to be drawn on the order of the supreme court of appeals and expended under the direction of the said court; and all books furnished or purchased by this appropriation shall be the property of the state.

Erroneous Payments into the Treasury.

For refunding moneys erroneously paid into the treasury, such sum is hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.

For the Distribution of General School Fund.

For the distribution of the general school fund, such amount is hereby appropriated as may be duly apportioned by the state superintendent of free schools to each county, payable out of the general school fund.

For the payment of the county superintendents of schools, to be paid out of the general school fund, according to the provisions of section fifty-three of chapter forty-five of the code, twenty-five thousand five hundred dollars.

For Refunding County, District and Municipal Taxes.

For refunding to counties, districts and municipal corporations, county, district and municipal taxes, paid into the treasury for redemp-

tion of lands, such amount is hereby appropriated as will be necessary to refund to the counties, districts and municipal corporations, entitled thereto, the taxes so paid into the treasury.

For refunding county, district and municipal taxes, paid into the treasury by railroad companies, such sum is hereby appropriated as will be necessary to refund to each county, district and municipal corporation the amount of such taxes as may be paid into the treasury to the credit of such county, district or municipal corporation.

Overpaid Taxes.

For refunding overpayments made at the treasury, on the account of taxes, licenses, fines and commissions to be paid out of the fund into which they were paid, such amount as may be necessary for such purpose.

Delinquent Taxes.

The auditor shall credit all delinquent taxes due the state to the fund to which they belong, and the cost of certification and publication of sale shall be paid out of the fund to which they are credited, and so much as may be necessary is hereby appropriated for the payment of the same.

Game and Fish Warden.

For the salary of game and fish warden, one thousand dollars.

For contingent expenses, three hundred dollars.

West Virginia Pardon Board.

To pay expenses of said board up to March 1, 1905, one thousand dollars.

Said board is hereby discontinued after said date, and chapter eight of the acts of one thousand nine hundred and one is hereby repealed.

To pay salary of pardon attorney, eight hundred and seventy-five dollars.

To pay expenses of pardon attorney, two hundred dollars.

West Virginia Humane Society.

For current expenses, seven thousand five hundred dollars.

State Geological and Economic Survey.

For geological survey in co-operation with the United States geological survey, fifteen thousand dollars.

For salaries for the geological staff, five thousand dollars.

For preparation and publication of reports, five thousand dollars.

For assistants and other expenditures, two thousand dollars.

The Militia.

To carry into effect the provisions of chapter sixty-one of the acts of one thousand eight hundred and ninety-seven, as amended by the act of 1905, relating to the militia, fifty thousand dollars, which amount shall cover all expenditures for the militia for the fiscal year: *provided*, that the sum shall be disbursed under the direction of the governor, adjutant general and paymaster general upon requisition made upon the auditor.

For salary of keeper of the armory, one thousand dollars.

Printing, Binding and Stationery.

For public printing, binding and stationery, including militia, thirty-six thousand dollars.

For printing, binding and stationery for the office of the state superintendent of free schools, to be paid out of the general school fund, nine thousand dollars.

Capitol Building and Grounds.

For water, one thousand dollars.

For lighting and heating, three thousand dollars.

For repairs and contingent expenses, four thousand dollars.

Governor's Mansion and Grounds.

For general repairs to mansion, iron fencing, filling and grading lot, walks, refitting, new chimney, out buildings and improving grounds, five thousand dollars.

For furniture, the state's monogram to be placed on each article, two thousand dollars.

Civil Contingent Fund.

For civil contingent fund for the governor, nine thousand dollars.

Contingent Fund, Executive Department.

For contingent expenses of the auditor's office, two thousand two hundred dollars.

For contingent expenses of the treasurer's office, seven hundred and seventy-five dollars.

For contingent expenses of the attorney general's office, one thousand dollars.

For purchase of library and books, fifteen hundred dollars.

For contingent expenses of the state superintendent of free schools' office, to be paid out of the general school fund, fifteen hundred dollars.

For purchase of books for the office of state superintendent of free schools, to be paid out of the general school fund, fifty dollars.

For expenses to be incurred under the provisions of article 12, section two of the constitution, five hundred dollars, or so much thereof as may be necessary, to be paid out of the general school fund.

For contingent expenses of secretary of state's office, seventeen hundred dollars.

For contingent expenses of adjutant general's office, seven hundred and fifty dollars.

For contingent expenses of state librarian's office, eight hundred dollars.

For distribution of the acts and journals to the members of the legislature, three hundred dollars, to be paid upon the order of the secretary of state.

For contingent expenses for inaugural ceremonies, twelve hundred dollars, to be paid on order of board of public works.

Contingent Legislative Expenses.

For contingent expenses of the senate, ten thousand dollars.

For contingent expenses of the house of delegates, fifteen thousand dollars.

Salaries of Clerks.

For salary of governor's private secretary, twenty-five hundred dollars.

For other clerk hire and stenographers, twenty-two hundred and seventy-five dollars.

For salary of chief clerk of secretary of state, seventeen hundred and ninety-one dollars.

For salary of clerk to secretary of board of public works, seven hundred dollars.

For other clerks in office of secretary of state, five thousand one hundred and seventy-three dollars.

For salary of stenographer of secretary of state's office, nine hundred dollars.

For salary of chief clerk in treasurer's office, thirteen hundred and seventy-five dollars.

For salary of assistant clerk in treasurer's office, eleven hundred dollars.

For salary of stenographer of treasurer, five hundred and twenty-five dollars.

For salary of chief clerk in the auditor's office, seventeen hundred and ninety-one dollars.

For salary of other clerks in the auditor's office, ten thousand five hundred dollars.

For salary of stenographer for auditor, nine hundred dollars.

For salary of assistant in attorney general's office, one thousand six hundred and seventy-five dollars.

For salary of stenographer for attorney general, nine hundred dollars.

For one clerk in attorney general's office, six hundred dollars.

For one clerk in attorney general's office, who shall be a printer of two years experience, six hundred dollars.

For salary of chief clerk in office of state superintendent of free schools, to be paid out of the general school fund, sixteen hundred and seventy-five dollars.

For salaries of other clerks in the office of state superintendent of free schools, to be paid out of the general school fund, two thousand and twenty-five dollars.

For salary of stenographer of state superintendent of free schools, to be paid out of the general school fund, nine hundred dollars.

For salaries of assistant clerks of the supreme court of appeals, twenty-three hundred and thirty-six dollars.

The head of each department for which clerk hire is allowed shall make a report biennially to the governor, for the information of the legislature, of the names of all clerks employed during the biennial period and the amount paid each of said clerks by the month or otherwise.

Tax Commissioner.

For salary of tax commissioner's clerks and other assistants and expenses of office, eight thousand dollars, payable to the persons entitled thereto, upon contracts and accounts approved and allowed by the board of public works and upon warrants drawn by the auditor by direction of said board.

Judicial Department.

For contingent expenses of supreme court of appeals, to be expended upon the order of the court, fifteen hundred dollars.

For law clerks or stenographers of judges of the supreme court of appeals, four thousand three hundred and sixty-three dollars, to be paid to said clerks or stenographers on the order of the respective judges of said court.

For printing and binding supreme court reports, five thousand dollars.

To pay criers, messenger and janitors of the supreme court fifteen hundred dollars.

For stenographer and typewriter for the clerk of supreme court, nine hundred dollars.

State House Labor Fund.

For salary of engineer, twelve hundred dollars.

For salary of electrician, nine hundred dollars.

For night watchman, nine hundred dollars.

For night fireman, eight hundred and fifty dollars.

For day fireman, seven hundred and eighty dollars.

For six sweepers, seven hundred and twenty dollars, each.

For one messenger, three hundred and sixty dollars.

Salaries of Annex Employees.

For salary of assistant janitor for annex, nine hundred dollars.

For salaries of three sweepers, seven hundred and twenty dollars, each.

For salary of night watchman, nine hundred dollars.

All of the above to be paid upon the order of the governor.

Reprinting Supreme Court Reports.

For reprinting supreme court reports, to be designated by the board of public works, three thousand dollars. The board of public works shall let the contract by competitive bids.

Louisiana Purchase Exposition.

To pay the Louisiana purchase exposition board the sum of five thousand three hundred and eighty-eight dollars and eighty-one cents, for deficiency. The said sum to be paid upon the order of said board.

To Repay Moneys Borrowed or Owed.

For publishing proclamations as to writs of election in sixty-six newspapers, one hundred and sixty-five dollars.

For publishing delinquent corporations in five newspapers, for the year one thousand nine hundred and three, three hundred and twelve dollars and fifty cents.

For publishing delinquent corporations, for the year one thousand nine hundred and four, two hundred and fifty dollars.

To Parsons and McComas, for legal services rendered in the case of James Dudley from Mingo county, one hundred and fifty dollars.

To pay John T. Graham for legal services rendered in the Cumberland Fry case from Wayne county, one hundred dollars.

To pay Citizens National Bank, for amount borrowed and used for the national guard, the sum of one thousand five hundred and eighty-six dollars and thirty-five cents.

To pay Kanawha National Bank, for amount borrowed and used for the national guard, the sum of five hundred and sixty-one dollars and seventy-seven cents.

To pay Daily Mail Publishing Company for publishing election returns of the state officers, fifty-two dollars and sixty cents.

The above to be paid out to the person entitled thereto upon the order of the governor.

Reassessment of Lands.

To carry out the provisions of chapter fifteen of the acts of one thousand nine hundred and four, payable upon the approval of the board of public works, one hundred thousand dollars.

Destruction and Classification of Records.

For classifying and filing old vouchers, five hundred dollars.

Miscellaneous Appropriations.

The following appropriations are made to be paid upon the order or requisition of the person or persons to whom they are allowed:

To pay J. C. Gilmer, for services rendered as assistant librarian of the senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay David A. Dwyer, ex-sheriff of Greenbrier county for license issued to Henry H. Burr, not collected, eighty dollars.

To pay Miss Helen Shrewsbury for four copies of the coat of arms of the state, as adopted by the present session of the legislature,

which shall be forty by sixty inches in size, done in oil, and properly framed, to be placed in the executive offices of the state, four hundred dollars.

To pay Willie Paul for services rendered house of delegates, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay Addison G. Clay, assignee of George B. Gillespie, Steptoe Tinsley, Daniel Gerguson, Patrick Cobb, and George Burford, for services rendered house of delegates, session of one thousand nine hundred and three, four hundred and five dollars.

To pay S. S. Brown, for services rendered house of delegates, session of one thousand nine hundred and three, one hundred and thirty-four dollars and forty cents.

To pay David Hill, for services rendered the senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay H. W. Laughorn, assignee of Patrick Knee, for services rendered house of delegates, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay M. S. Hodges for services rendered the house of delegates, session of one thousand nine hundred and three, one hundred dollars and eighty cents.

To pay R. W. McGuire, assignee of J. H. Blount, R. G. Cotton, Elvin Whittington, C. W. Angel and Joel Taylor, for services rendered house of delegates, session of one thousand nine hundred and three, four hundred and five dollars.

To pay Lamar C. Powell, assignee, French McCray, for services rendered senate, session of one thousand nine hundred and three, one hundred dollars and eighty cents.

To pay William Truslow, for services rendered house of delegates, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay W. J. Kerns, for services rendered senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay M. S. Melrose, for services rendered house of delegates, session of one thousand nine hundred and three, eighty-one dollars.

To pay E. A. Reid, assignee of Roy Ruthorford, for services rendered house of delegates, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay Raymond Saunders, for services rendered senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay John Wallace, for services rendered senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay W. D. Harmon, assignee of Earl Hunt, for services rendered senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To A. W. Mann, for services rendered senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay Schwabe and May, assignee of Milton W. Young, for services rendered house of delegates, session of one thousand nine hundred and three, one hundred and twenty-three dollars and twenty cents.

To pay W. B. Parkhurst, for services rendered house of delegates, session of one thousand nine hundred and three, one hundred dollars and eighty cents.

To pay J. H. Meek, assignee of B. B. Watts, for services rendered senate session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay F. A. McGrew, for services rendered house of delegates, session of one thousand nine hundred and three, three hundred and fifty-two dollars and eighty cents.

To pay J. F. Maynard, assignee of Claud Fleming, for services rendered house of delegates, session of one thousand nine hundred and three, thirty-three dollars and sixty cents.

To pay Wood county Bank, assignee of John T. Harris, for services rendered senate, session extraordinary of one thousand nine hundred and four, three hundred and ninety-six dollars.

To pay H. B. Lewis, assignee of Phil Waters, Jennie Cantley, Alfred Snyder, Clark Colerider, for services rendered senate and house, session of one thousand nine hundred and three, two hundred and thirty-five dollars and thirty cents.

To pay Lewis Largent for services rendered senate, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay Neal Fraser for eight days work, packing and shipping acts, one thousand nine hundred and three, ten dollars.

To pay F. M. Reynolds for per diem and expenses pursuant to house joint resolution No. 32, forty-one dollars.

To pay C. M. Wetzal for per diem and expenses pursuant to house joint resolution No. 32, forty-one dollars.

To pay John J. Cornwell for per diem and expenses pursuant to house joint resolution No. 32, thirty-six dollars.

To pay John A. Fleming, ex-sheriff of Harrison county, for overpaid license tax, eighty-seven dollars and fifty cents.

To Mrs. John Laughlin, widow of John Laughlin, for services as clerk of the board of pardons, two hundred and fifty dollars.

To Moundville Fair Association, rebate on licenses, one hundred and seven dollars and thirty-four cents, acts 1901, ch. 67.

To Charleston Daily Mail Publishing Company, for order of publication, State of West Virginia vs. Accidents Claims Co. and others, under chapter four, acts of one thousand nine hundred and three, section three, and publishing list of delinquent corporations, one thousand seven hundred and six dollars and eighty-seven cents.

To Reginald C. Hewes, for rent of typewriter, three dollars.

To West Virginia Heating and Plumbing Company, for supplies, thirty-three dollars and twenty-six cents.

To Charleston Electric Supply Company, for supplies, four hundred and twenty-two dollars and fifty-one cents.

To Charleston Lumber Company, for tables, etc., fifty-six dollars.

To Tribune Printing Company, for binding acts and joint resolutions, twenty-six dollars.

Lowenstein & Sens for castors, etc., twenty-three dollars and eight cents.

To Southern Bell Telephone and Telegraph Co., for messages, and telephone rental, thirty-one dollars and fifteen cents.

To West Virginia Heating and Plumbing Company for gas stoves and frosted glass, one hundred and thirty-nine dollars and ninety-six cents.

To J. F. Hudson, for repairing locks and keys, fifty-six dollars.

To Mead Bros. & Co., for typewriters, stands, desks, etc., six hundred and five dollars, and seventy-five cents.

To F. J. Daniels and Co., for twenty-five rugs, in the house and same in the senate, seventy-five dollars.

To P. A. Donavan, for mantels and globes, nine dollars and seventy-five cents.

To Prindle Furniture Co., for wash stands, eight dollars and fifty cents.

To W. P. Hardway, for repairing locks and making keys, repairing desks, etc., forty-seven dollars and ten cents.

To Morgan and Co., for covering tables, four dollars.

To Sterrett Bros., for one hundred and thirty-four and one-half

yards of matting, and zinc end for cloth covered tables, eighty-eight dollars and forty-eight cents.

To pay mileage for sergeant-at-arms of the house of delegates, sixty-five dollars and thirty cents, pursuant to house resolution adopted.

To pay S. Spencer Moore, flag and supplies, twenty-seven dollars and ninety-five cents.

To Rudesill and Mead, for gas fixtures, etc., thirty-three dollars and ten cents.

To Dawley Furniture Co., for supplies, forty-one dollars and fifty cents.

To Richardson Book Store, for paper weights, two dollars and ten cents.

To Eskew, Smith and Cannon, one dozen dust pans and other supplies, two dollars and fifty cents.

To the Charleston Telephone Co., for phone in speaker's room this term, ten dollars.

To Mrs. Jennie Cantrell, for washing towels, twenty-five dollars.

To Noyes, Thomas and Co., for supplies, eleven dollars and eighty three cents.

To N. S. Burlew, for supplies, five dollars and fifty cents.

To Grand Rapids Furniture Co., for supplies, twenty-three dollars and sixty-five cents.

To W. S. Barrar, for supplies, forty-two dollars and sixty-one cents.

To Underwood Typewriter Co., for five engrossing and enrolling machines and one half dozen typewriter ribbons, five hundred and sixty-seven dollars.

To M. W. Grossman, for supplies, one hundred and sixty-three dollars and forty-five cents.

To Lewis, Hubbard and Co., for supplies, twenty-two dollars and eighty-eight cents.

To Huntington Herald, for advertising for bids, thirteen dollars and eighty-six cents.

To Charleston Daily Mail, for advertising for bids, thirteen dollars and eighty-six cents.

To Wheeling Intelligencer, for advertising for bids, thirteen dollars and eighty-six cents.

To Parkersburg News, for advertising for bids, thirteen dollars and eighty-six cents.

To pay James A. Lenhart, elector at large, per diem and mileage seventy-five dollars and seventy cents.

To pay Watson W. Monroe, elector at large, per diem and mileage, forty dollars and eighty cents.

To pay George Wise, elector first district, per diem and mileage, fifty-nine dollars and sixty cents.

To pay Tracy L. Jeffords, elector second district, per diem and mileage, one hundred and nine dollars and forty cents.

To pay Jacob W. Heavener, elector third district, per diem and mileage, sixty-nine dollars and twenty cents.

To pay W. F. Morrison, elector fourth district, per diem and mileage, thirty-one dollars and sixty cents.

To pay George P. Daniels, elector fifth district, per diem and mileage, thirty-six dollars and sixty cents.

To pay C. C. Bowyer, as member of board of trustees of the Point Pleasant Battle Monument, one hundred and seventy-four dollars and fifty-five cents.

For money advanced by C. C. Bowyer for improving grounds of the Point Pleasant Battle Monument, one hundred and nineteen dollars and nine cents.

To pay Leo Woods for services rendered house of delegates, session of one thousand nine hundred and three, fifty dollars and forty cents.

To pay John P. Austin, as member of board of trustees of the Point Pleasant Battle Monument, one hundred and seventy-two dollars and seventy-five cents.

To pay Virgil A. Lewis, as member of the board of trustees of the Point Pleasant Battle Monument, one hundred and fifty-nine dollars and sixty-five cents.

To pay Romeo H. Freer, for legal services for the cases of state vs. Lang and Hurt, and Morenci Copper Co., vs. Romeo H. Freer, attorney general, five hundred dollars.

To reimburse Judge John A. Campbell for money improperly paid, one hundred dollars.

To pay M. L. Conrad, for rent of typewriter, fifteen dollars.

To pay C. C. Stone, for rent of typewriter, fifteen dollars.

To pay H. L. Kauffman, for rent of typewriter, fifteen dollars.

To pay Louis E. Schrader, for rent of typewriters, fifteen dollars.

To pay C. A. Potterfield for thermometers, brush, comb, soap, four dollars and ninety cents.

To pay Banner Agency for rent of typewriter, five dollars.

To pay W. M. Puckett for combs, brushes, soaps, etc., four hun-

dred and twenty-two dollars and twenty cents.

To pay J. D. Billmeyer, sheriff, for guarding and transferring George Williams, five hundred and fifty-four dollars and one cent.

To pay Jas. M. Mason for services rendered in case of State vs. Williams, one hundred and twenty-three dollars and sixty-two cents.

To pay N. O. Sowers, agent of Children's Home Society of West Virginia, assignee of S. V. Leech, for services rendered during session of the legislature of one thousand nine hundred and three, six dollars.

To pay Cleon Moore, for services as attorney in defending George Williams, one hundred dollars.

To pay A. D. Gates for rent of typewriter, session of one thousand nine hundred and five, ten dollars.

To pay D. H. Stuckey for services as guard, transferring Geo. Williams, a criminal, from Martinsburg to Moundsville, sixteen dollars and forty cents.

To pay W. M. O Dawson, amount for extra clerk hire, five hundred and eighty-one dollars and fifty cents.

To pay Harrison Allbright, for balance due, two hundred and sixty-two dollars and fifty cents in full of everything.

To pay S. O. Kegley, for rent of typewriters and stand, twenty-five dollars.

To pay Stephen G. Pyle for overpaid taxes, eight hundred and seventy-six dollars.

To pay J. W. Griffiths, janitor, for services during session of the legislature pursuant to chapter 23, acts of nineteen hundred and three, one hundred and thirty-five dollars.

To pay George Goad, sheriff, for over-paid license tax, pursuant to house joint resolution No. 18, seven hundred and sixty-nine dollars and twenty-six cents.

To pay M. V. Hudnall, for rent of typewriter, fifteen dollars.

To E. E. Van Vleck for one Oliver typewriter, pursuant to senate resolution, eighty-seven dollars and seventy-five cents.

Sec. 2. There shall be and are hereby appropriated out of the state fund for the fiscal year ending September thirtieth, one thousand nine hundred and six, the following sums of money, for the purposes as follows: \

Criminal Charges.

For criminal charges, one hundred thousand dollars.

For extradition of criminals, two thousand dollars.

Lunatics in Jail.

For support of lunatics in jail, six thousand dollars.

Normal Schools.

For the support of state normal school and its branches, according to the provisions of section ninety-six and ninety-seven of chapter forty-five of the code, as amended by the acts of the legislature of one thousand eight hundred and ninety-nine, thirty thousand dollars.

For additional expense for the support of the state normal school and its branches, sixteen thousand dollars.

For traveling expenses of the board of regents, one thousand eight hundred dollars.

For salary of secretary, two hundred dollars.

For the education and normal school training of colored teachers, to be paid according to the provisions of section ninety-six, of chapter forty-five of the code, two thousand dollars.

Marshall College.

For library and apparatus, one thousand dollars.

For furniture, seven hundred dollars.

For contingent expenses, seven hundred dollars.

For repairs, five hundred dollars.

For fuel, water and lights, fifteen hundred dollars.

For janitor, one thousand dollars.

For physical apparatus, two hundred and fifty dollars.

For sewer and grading, five hundred dollars.

For piano, three hundred dollars.

For boys' closet, two hundred and fifty dollars.

For gymnasium, three hundred dollars.

For fencing, five hundred dollars.

For remodeling rooms, two hundred and fifty dollars.

For new building, including plumbing and heating and lighting apparatus, twenty thousand dollars. The plans and specifications for the building to be approved by the board of public works, as also the contract for erecting same, when let.

West Liberty Normal School.

For library and apparatus, five hundred dollars.

- For repairs, five hundred dollars.
- For pump, two hundred dollars.
- For furniture, one hundred dollars.
- For contingent expenses, five hundred dollars.
- For fuel and lights, five hundred dollars.
- For janitor, four hundred dollars.
- For pavement, one hundred and fifty dollars.
- For cases for physical apparatus, fifty dollars.

Concord Normal School.

- For library and apparatus, five hundred dollars.
- For repairs, four hundred dollars.
- For contingent expenses, five hundred dollars.
- For fuel and light, one thousand dollars.
- For furniture, three hundred dollars.
- For janitor, four hundred dollars.
- For lighting dormitory, furnace and fire escape, three hundred dollars.
- For piano, two hundred dollars.

Shepherd College Normal School.

- For repairs, one hundred and fifty dollars.
- For library and apparatus, five hundred dollars.
- For contingent expenses, four hundred dollars.
- For janitor, six hundred dollars.
- For fuel and lights, seven hundred dollars.
- For gymnasium, two hundred dollars.
- For piano, two hundred dollars.
- For furniture, three hundred and fifty dollars.
- For seating auditorium, five hundred dollars.
- For electric fixtures, one hundred dollars.
- For drain pipes and pump house, two hundred dollars.

Fairmont Normal School.

- For furniture, two hundred dollars.
- For library and apparatus, five hundred dollars.
- For repairs, five hundred dollars.
- For contingent expenses, five hundred dollars.
- For janitor, seven hundred dollars.
- For fuel, water and lights, eight hundred dollars.

For gymnasium, two hundred dollars.

For piano, two hundred dollars.

For walk and walls, two hundred and fifty dollars.

For physical apparatus, two hundred dollars.

For dormitory, including plumbing and heating and lighting apparatus and furnishing, seventeen thousand five hundred dollars. The plans and specifications for the building to be approved by the board of public works, and also the contract for erecting the same, when let.

Glenville Normal School.

For repairs, two hundred dollars.

For contingent expenses, five hundred dollars.

For library and apparatus, five hundred dollars.

For janitor, five hundred dollars.

For fuel and lights, four hundred dollars.

For water, three hundred and seventy-five dollars.

West Virginia Schools for the Deaf and Blind.

For current expenses, forty-five thousand dollars.

For traveling expenses, twenty-five hundred dollars.

For contingent expenses, six hundred dollars.

For fund for colored pupils, one thousand dollars.

For fund for water works, two thousand dollars.

The University.

For salary of teachers, fifty-five thousand dollars.

For school of music, three thousand dollars.

For school of fine arts, two thousand five hundred dollars.

For college of agriculture, five thousand dollars.

For college of medicine, four thousand dollars.

For regents' expenses, twelve hundred dollars.

For cadet books, two thousand dollars.

For advertising, one thousand dollars.

For university printing, two thousand five hundred dollars.

For repairs to buildings, two thousand five hundred dollars.

For fire protection, three hundred dollars.

For janitors, four thousand dollars.

For night watchman, fourteen hundred dollars.

For gardeners, one thousand dollars.

For library, two thousand five hundred dollars.

For law library, one thousand dollars.

For gymnasium, fifteen hundred dollars.

For current and contingent expenses, four thousand five hundred dollars.

For apparatus, fifteen hundred dollars.

For blackboards, desks, etc., five hundred dollars.

For stone walls, one thousand five hundred dollars.

For furniture, one thousand dollars.

For improving grounds, roads and pavements, two thousand dollars.

For heat, water and lights, three thousand dollars.

For furniture for president's house and executive office, fifteen hundred dollars.

For heating, repairs, one thousand dollars.

For engineering equipment, twelve thousand dollars.

For land purchase, four thousand and eighty-seven dollars and fifty cents.

For library building, five thousand dollars.

For armory, one thousand five hundred dollars.

For mechanical hall, one thousand two hundred and fifty dollars.

For fencing, two hundred and fifty dollars.

For athletics, one thousand dollars.

Preparatory Branch of the West Virginia University at Montgomery.

For library and apparatus, three hundred dollars.

For furniture and fixtures, six hundred dollars.

For fuel, light and telephone, one thousand dollars.

For repairs, three hundred dollars.

For contingent expenses, two hundred and fifty dollars.

For regents' expenses, two hundred and fifty dollars.

For janitor, six hundred dollars.

For teachers' fund, four thousand five hundred dollars.

Preparatory Branch of the West Virginia University at Keyser.

For grading grounds and walks, one thousand dollars.

For building retaining wall, one thousand five hundred dollars.

For physical and chemical laboratories, one hundred dollars.

For gymnasium, one hundred dollars.

For furniture for two literary halls, two hundred dollars.

For additional furniture and equipment for recitation and demonstration room, three hundred dollars.

For music department, four hundred dollars.

For library and reading room, five hundred dollars.

For salary of janitor, five hundred and forty dollars.

For contingent expenses, five hundred dollars.

For fuel and light, six hundred dollars.

For salary of secretary and treasurer of the board of regents and for per diem and expenses of the board, seven hundred and fifty dollars.

For repairs to building, etc., two hundred and fifty dollars.

For salaries of teachers, six thousand dollars.

West Virginia Colored Institute.

For current expenses, one thousand eight hundred dollars.

For expense of board of regents, seven hundred and fifty dollars.

For janitors, five hundred dollars.

For fuel, one thousand six hundred dollars.

For school and dormitory furniture, six hundred and fifty dollars.

For teachers' salaries, twelve thousand dollars.

For grading grounds and building walks, two hundred and fifty dollars.

For engineer, six hundred dollars.

For repairs to building and furniture, six hundred dollars.

For kitchen and dining room equipments, one hundred and fifty dollars.

For night watchman, four hundred dollars.

For agriculture, five hundred dollars.

For domestic science, five hundred dollars.

For cover books and stationery, five hundred dollars.

For printing department, two hundred and fifty dollars.

For mechanical department, two hundred and fifty dollars.

For library and reading room, two hundred dollars.

For carpets, rugs, etc., three hundred dollars.

For girls' domestic science building, five thousand dollars.

For repairs to fences, one hundred dollars.

For band instructor, two hundred and fifty dollars.

For sewerage connection, new building, one hundred and twenty-five dollars.

For student labor, five hundred dollars.

For electric light and fixtures, two hundred and fifty dollars.

For changing heating system to main building, one hundred and fifty dollars.

For improving river landing, five hundred dollars.

Bluefield Colored Institute.

For completion of addition to Mahood hall, seven hundred and fifty dollars.

For completing the furnishing of girls' dormitory, two hundred and fifty dollars.

For repairs to furnishing, one hundred dollars.

For heating Mahood hall, six hundred and twenty-five dollars.

For repairing heating apparatus in old buildings, two hundred and fifty dollars.

For bath tub and toilet fixtures for girls' dormitory, one hundred and fifty dollars.

For range and attachments for girls' kitchen, seventy-five dollars.

For additions to girls' laundry, one hundred and fifty dollars.

For teachers' fund, four thousand eight hundred dollars.

For janitor's fund, five hundred dollars.

For fuel and light, nine hundred dollars.

For fund for repairs to buildings, five hundred dollars.

For engineer's fund, three hundred dollars.

For water rent fund, one hundred and fifty dollars.

For piano, two hundred dollars.

For library, chemical and physical apparatus, eight hundred dollars.

For expenses of board of regents, six hundred dollars.

For contingent expenses, eight hundred dollars.

For fruit culture and practical gardening, two hundred and fifty dollars.

For girls' industrial work fund, five hundred dollars.

For construction of cisterns, one hundred and fifty dollars.

For painting boys' dormitory, one hundred and twenty-five dollars

West Virginia Colored Orphans' Home and Industrial School.

For payment of teachers' salaries, fifteen hundred dollars.

The above item to be paid out on requisition of the state superintendent of free schools.

Storer College.

For tuition, room rent, and use of books, for fifty or more pupils from this state, in the normal department of said college, one thousand dollars.

For instruction for fifty or more pupils from this state in the industrial department of said college, fifteen hundred dollars.

Both of the above items to be paid out upon requisition of the state superintendent of free schools.

West Virginia Reform School.

For current expenses, thirty-two thousand dollars.

For officers' salaries, eighteen thousand dollars.

For expense, board of directors, eight hundred dollars.

For transportation of inmates, fifteen hundred dollars.

For new laundry, five hundred dollars.

For remodeling, painting, repairs and buildings, twenty-five hundred dollars.

For contingent expenses, eight hundred dollars.

For library and school furniture, two hundred and fifty dollars.

For sanitary closets, five hundred dollars.

For hospital, five thousand dollars.

For carpenter and blacksmith shops and equipments, two thousand dollars.

For additional water system, one thousand dollars.

For furniture, seven hundred and fifty dollars.

For ministerial services and lectures, two hundred and fifty dollars.

For brickyard, seven hundred and fifty dollars.

For completion central dining hall, cold storage and bakery, four thousand dollars.

For central heating plant, for heating Davison hall and central dining hall, five thousand dollars.

West Virginia Industrial Home for Girls.

For current expenses, seventeen thousand dollars.

For board of directors, seven hundred dollars.

For Lincoln cottage, two thousand two hundred and fifty dollars.

For transportation, one thousand dollars.

For farm, one thousand dollars.

For Jones cottage, one thousand two hundred and fifty dollars.

For school house, one thousand two hundred and fifty dollars.

West Virginia Asylum.

For current expenses, fifty-two thousand dollars.

For enlarging old building for colored insane, six thousand dollars.

- For roads and walks, one thousand five hundred dollars.
- For drugs, seven hundred and fifty dollars.
- For transportation, five hundred dollars.
- For safe, two hundred and fifty dollars.
- For painting and repairs, fifteen hundred dollars.
- For furnishing fund, two thousand dollars.
- For wells and water supply, one thousand dollars.
- For additional machinery for laundry, six hundred and seventy-five dollars.

Weston Hospital for the Insane.

- For current expenses, including salaries, one hundred and fifty thousand dollars.
- For drugs, two thousand dollars.
- For transportation of patients, three thousand dollars.
- For painting and repairs, eight thousand dollars.
- For wells and water supplies, two thousand five hundred dollars.
- For purchasing fancy articles for female patients to work with, one hundred and fifty dollars.
- For new carpets, furniture, etc., five hundred dollars.
- For water tank and equipment for fire protection, one thousand two hundred and fifty dollars.
- For farm and garden, four hundred dollars.

Second Hospital for the Insane.

- For current expenses, sixty thousand dollars.
- For transportation fund, three thousand two hundred dollars.
- For repairs and paint fund, three thousand five hundred dollars.
- For new furniture for wards, one thousand five hundred dollars.
- For drug fund, one thousand dollars.
- For farm fund, one thousand dollars.
- For machinery for laundry and alteration of old kitchen, five thousand dollars.

Miners' Hospital No. 1.

- For maintenance fund, seventeen thousand five hundred dollars.
- For improvements and betterments, three thousand dollars.

Miners' Hospital No. 2.

- For maintenance fund, seventeen thousand five hundred dollars.
- For repairs and improvements, three thousand dollars.

Miners' Hospital No. 3.

For maintenance fund, seventeen thousand five hundred dollars.

For repairs and improvements, three thousand dollars.

Bureau of Labor.

For salary of commissioner of labor, fifteen hundred dollars.

For salary of assistant commissioner of labor, one thousand dollars.

For contingent expenses, twelve hundred dollars.

For expenses of free employment bureau, eight hundred dollars.

State Board of Agriculture.

For total expense, including salaries of officers, fifteen thousand dollars, which shall include salary of twelve hundred dollars to the secretary.

For carrying into effect the provisions of chapter nine, acts of one thousand eight hundred and ninety-seven, for destruction of diseased animals, four thousand dollars.

San Jose Scale.

For carrying out the provisions of chapter thirty-three of the acts of the legislature of nineteen hundred and one, as amended by chapter forty-nine of the acts of nineteen hundred and three, two thousand dollars.

The last mentioned appropriation to be paid out on accounts approved by the auditor.

Commissioner of Banking.

For salary of commissioner, one thousand five hundred dollars.

For salary of assistant, twelve hundred dollars.

For traveling expenses, six hundred dollars.

For traveling expenses of assistant, three hundred dollars.

For contingent expenses, five hundred dollars.

Inspector of Mines.

For chief mine inspector, eighteen hundred dollars.

For seven assistant mine inspectors, twelve hundred dollars a year, each.

For traveling expenses, four thousand dollars.

For contingent expenses, six hundred dollars.

For clerk hire, nine hundred dollars.

For testing and examining of oil, two hundred and fifty dollars.

State Board of Health.

For expenses of state board of health, two thousand dollars.

For contingent expenses, one hundred dollars.

And so much as shall be paid into the treasury by said board as fees for examination, to be paid by the auditor upon the order of the board under provisions of section seventeen, chapter seven, of the acts of one thousand eight hundred and ninety-five.

Commissioners of Pharmacy.

For commissioners and secretary and other expenses, to be paid by the auditor upon the order of the said commissioners, five hundred dollars.

Vaccine Agents.

For salary of vaccine agents, to be paid on the order of the governor, one hundred and fifty dollars.

For purchase of vaccine matter, one hundred and fifty dollars.

Each agent shall annually report to the governor the amount expended for the purchase of vaccine matter.

Institute Instructors.

For compensation of institute instructors, provided for in section thirty of chapter twenty-five of the acts of one thousand nine hundred and three, six thousand dollars, out of the general school fund.

Uniform Examinations.

For expenses, provided for in section three of chapter twenty-seven of the acts of one thousand nine hundred and three, three thousand five hundred dollars, out of the general school fund.

Insurance.

For premiums on insurance of public building to be drawn and paid out on the order of the board of public works, ten thousand dollars.

Every board in control of any of the public buildings of the state shall cause the buildings under their control, respectively, to be insured and kept insured, and the premiums to be paid out of said fund.

Before any insurance is taken the board in control of the building shall report the amount of insurance proposed to be taken and the

rate of insurance, and the same shall be approved by the board of public works before the insurance is written.

Each board shall report biennially to the governor insurance carried and the name of each company in which insurance is carried, and the time the same will expire.

The insurance on the penitentiary shall be paid out of the money under the control of the board of directors thereof.

Emergency Fund.

For state emergency fund, ten thousand dollars. No part of this fund shall be expended except on the unanimous vote of all the members of the board of public works.

For Pay of State Agents.

For compensation of state agents, such amount is hereby appropriated as may be necessary to pay commission of state agents payable out of the funds collected: *provided*, that in no case shall the amount exceed ten per centum of the funds collected and paid into the treasury.

For payment of the expense of state agents for special services under authority and directions by the auditor in and about the collection of claims due the state, one thousand dollars.

State Library.

For purchasing and binding books for the state library, two thousand dollars, to be drawn on the order of the supreme court of appeals and expended under the direction of the said court; and all books furnished or purchased by this appropriation shall be the property of the state.

Battle Monument at Point Pleasant.

For aiding in the erection of a battle monument at Point Pleasant, West Virginia, to be drawn from the treasury and expended by the trustees of the Point Pleasant Battle Monument, five thousand dollars.

For the Distribution of the General School Fund.

For the distribution of the general school fund, such amount is hereby appropriated as may be duly apportioned by the state superintendent of free schools to each county, payable out of the general school fund.

For the pay of the county superintendents of schools, to be paid out of the general school fund, according to the provisions of section fifty-three of chapter forty-five of the code, twenty-five thousand five hundred dollars.

For Refunding County, District and Municipal Taxes.

For refunding county, district and municipal taxes, paid into the county, district and municipal taxes, paid into the treasury for redemption of lands, such amount is hereby appropriated as will be necessary to refund to the counties, districts and municipal corporations, entitled thereto, the taxes so paid into the treasury.

For refunding county, district and municipal taxes, paid into the treasury by railroad companies, such sum is hereby appropriated as will be necessary to refund to each county, district and municipal corporation the amount of such taxes as may be paid into the treasury to the credit of such county, district or municipal corporation.

Overpaid Taxes.

For refunding over-payments made at the treasury, on the account of taxes, licenses, fines and commissions to be paid out of the fund into which they were paid, such amount as may be necessary for such purpose.

Erroneous Assessments.

For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund into which the taxes were paid, such amount as may be necessary for such purpose.

Erroneous Payments Into the Treasury.

For refunding moneys erroneously paid into the treasury, such sum is hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.

Delinquent Taxes.

The auditor shall credit all delinquent taxes due the state to the fund to which they belong, and the costs of certification and publication of sale shall be paid out of the fund to which they are credited, and so much as may be necessary is hereby appropriated for the payment of the same.

Game and Fish Warden.

For the salary of game and fish warden, one thousand dollars.

For contingent expenses, three hundred dollars.

Pardon Attorney.

To pay salary of pardon attorney, fifteen hundred dollars.

To pay expenses of pardon attorney, three hundred dollars.

James Rumsey Memorial.

The sum of seventeen hundred and fifty dollars is hereby appropriated for the purpose of erecting a suitable memorial, whether in the form of a statute or other monument, to James Rumsey, the inventor of the steamboat, to be erected on the banks of the Potomac river, in the town of Shepherdstown, in the county of Jefferson, on a site or location to be designated by the governor of the state.

The governor is authorized and empowered to permit the erection of said memorial under the auspices of any corporation chartered for the purpose under the laws of West Virginia, which shall likewise have authority under the direction of the governor to receive, by purchase or gift, a suitable lot, for the location of said memorial, at or near the spot above described; said corporation shall likewise have power, under the direction of the governor, to receive by private subscriptions such donations as may be tendered for the purpose herein indicated.

West Virginia Humane Society.

For current expenses, seven thousand five hundred dollars.

State Geological and Economic Survey.

For geological survey in co-operation with the United States geological survey, fifteen thousand dollars.

For salaries for geological staff, five thousand dollars.

For preparation and publication of report, five thousand dollars.

For assistants and other expenditures, two thousand dollars.

The Militia.

To carry into effect the provisions of chapter sixty-one of the acts of one thousand eight hundred and ninety-seven, as amended by the acts of one thousand nine hundred and five, relating to the militia, fifty thousand dollars, which amount shall cover all expenditures for the militia for the fiscal year: provided, that the sum shall be disbursed un-

der the direction of the governor, adjutant general and paymaster general upon requisition made upon the auditor.

For salary of keeper of the armory, one thousand dollars.

Printing, Binding and Stationery.

For public printing, binding and stationery, including militia, twenty-six thousand dollars.

For printing, binding and stationery for the office of the state superintendent of free schools, to be paid out of the general school fund, nine thousand dollars.

There is hereby appropriated out of the revenues of the year beginning September fifteenth, nineteen hundred and six, to pay assistant superintendent of public printing in editing, preparing and reading proof on the biennial reports and other matter required to be printed for the legislature, and to assist during the session of the legislature of nineteen hundred and seven, such assistant to begin work September fifteenth, nineteen hundred and six, and to continue not longer than March fifteenth, nineteen hundred and seven, to be paid on orders of the superintendent of public printing, the sum of five hundred dollars.

Capitol Building and Grounds.

For water, one thousand dollars.

For lighting and heating, three thousand dollars.

For repairs and contingent expenses, four thousand dollars.

Governor's Mansion and Grounds.

For repairs and maintenance, twelve hundred and fifty dollars.

Civil Contingent Fund.

For civil contingent fund for the governor, nine thousand dollars.

Contingent Fund, Executive Department.

For contingent expenses of the auditor's office, two thousand two hundred dollars.

For contingent expenses of the treasurer's office, four hundred dollars.

For contingent expenses of the attorney general's office, one thousand dollars.

For purchase of library, one thousand five hundred dollars.

For contingent expenses of the state superintendent of free schools' office, to be paid out of the general school fund, fifteen hundred dollars.

For purchase of books for the office of the state superintendent of free schools, to be paid out of the general school fund, fifty dollars.

For expenses to be incurred under the provisions of article twelve, section two of the constitution, five hundred dollars, or so much thereof as may be necessary, to be paid out of the general school fund.

For contingent expenses of secretary of state's office, seventeen hundred dollars.

For contingent expenses of adjutant general's office, seven hundred and fifty dollars.

For contingent expenses of the state librarian's office, eight hundred dollars.

Salaries of Clerks.

For salary of governor's private secretary, two thousand five hundred dollars.

For other clerk hire and stenographers, thirty-nine hundred dollars.

For salary of chief clerk of secretary of state, two thousand dollars.

For salary of clerk to the secretary of board of public works, one thousand two hundred dollars.

For other clerks in office of secretary of state, five thousand eight hundred dollars.

For salary of stenographer of secretary of state, nine hundred dollars.

For salary of chief clerk in the treasurer's office, fifteen hundred dollars.

For salary of assistant clerk in the treasurer's office, eleven hundred dollars.

For salary of stenographer of treasurer, nine hundred dollars.

For salary of chief clerk in the auditor's office, two thousand dollars.

For salary of other clerks in the auditor's office, ten thousand nine hundred dollars.

For additional clerk hire, two thousand four hundred dollars.

For salary of stenographer for auditor, nine hundred dollars.

For salary of assistant in attorney general's office, eighteen hundred dollars.

For salary of stenographer for attorney general, nine hundred dollars.

For one clerk in attorney general's office, twelve hundred dollars.

For one clerk in attorney general's office, who shall be a printer of two years' experience, seven hundred dollars.

For salary of chief clerk in office of state superintendent of schools, to be paid out of the general school fund, eighteen hundred dollars.

For salaries of other clerks in the office of the state superintendent of free schools, to be paid out of the general school fund, two thousand two hundred dollars.

For salary of stenographer for state superintendent of free schools, to be paid out of the general school fund, nine hundred dollars.

For salaries of assistant clerks of the supreme court of appeals, two thousand four hundred dollars.

The head of each department for which clerk hire is allowed shall make a report biennially to the governor, for the information of the Legislature, of the names of all clerks employed during the biennial period and the amount paid each of said clerks by the month or otherwise.

Tax Commissioner.

For salary of tax commissioner's clerks and other assistants and expenses of office, eight thousand dollars, payable to the persons entitled thereto, upon contracts and accounts approved and allowed by the board of public works and upon warrants drawn by the auditor by direction of said board.

Judicial Department.

For contingent expenses of supreme court of appeals, to be expended upon the order of the court, fifteen hundred dollars.

For law clerks or stenographers of judges of the supreme court of appeals, five thousand dollars, to be paid to said law clerks or stenographers on the order of the respective judges of said court.

For printing and binding supreme court reports, five thousand dollars.

To pay criers, messenger and janitors of the supreme court, fifteen hundred dollars.

For stenographer and typewriter for the clerk of the supreme court, nine hundred dollars.

State House Labor Fund.

For salary of engineer, twelve hundred dollars.

For salary of electrician, nine hundred dollars.

For night watchman, nine hundred dollars.

For day fireman, seven hundred and eighty dollars.

For night fireman, eight hundred and forty dollars.

For six sweepers, seven hundred and twenty dollars each.

For one messenger, three hundred and sixty dollars.

Salaries of Annex Employees.

For salary of assistant janitor for annex, nine hundred dollars.

For salaries for three sweepers, seven hundred and twenty dollars each.

For salary of night watchman, nine hundred dollars.

All of the above to be paid upon the order of the governor.

Be it further enacted by the Legislature of West Virginia:

Sec. 3. The appropriations here made to the state penitentiary, the normal school and its branches, the West Virginia schools for the deaf and blind, the West Virginia university, the preparatory branch of the university at Montgomery, the preparatory branch of the university at Keyser, the hospital for the insane at Weston, the second hospital for the insane at Spencer, the West Virginia reform school, the West Virginia colored institute, the Bluefield colored institute, the West Virginia industrial home for girls, the West Virginia asylum, shall be drawn from the treasury upon the requisitions of the boards of directors and boards of regents of such institutions made upon the auditor, at such times and in such amounts as may be necessary for the purposes of such institutions: *provided*, that all requisitions for new buildings and substantial betterments shall be accompanied by the architect's estimate that the amounts named in said requisition are needed for immediate use; and *provided, further*, that large appropriations for current expenses, or so much thereof as may be necessary, shall be disbursed by the auditor in equal monthly instalments.

Sec. 4. The regents and directors of the following institutions, *viz*: The penitentiary, the state normal schools, West Virginia schools for the deaf and blind, the university, the preparatory branch of the university at Montgomery, hospital for the insane at Weston, second hospital for the insane at Spencer, West Virginia reform school, West Virginia colored institute, Bluefield colored institute, West Virginia industrial home for girls, West Virginia asylum, shall only be allowed the necessary expenses incurred by them in discharging their duties as such, and four dollars per diem for each day they may be employed as such, and an itemized account shall be made a part of their report to the governor; and no mileage shall be allowed or paid.

Sec. 5. All printing, binding and printing paper and stationery for the state superintendent of free schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions shall be paid for out of the appropriation for public printing, public binding, or for supplying printing paper or stationery, but shall be paid for out of the appropriations therefor herein made, or out of the expense fund or contingent expense fund thereof, namely:

Board of dental examiners, commissioners of pharmacy, state board of examiners, state board of health, state board of agriculture, state board of embalmers, inspectors of mines, bureau of labor, miners' hospitals, West Virginia humane society, penitentiary, normal schools, schools for the deaf and blind, the university and all its departments and branches (including the experiment station), the hospitals for the insane, reform school, the colored institutes, the industrial home for girls and the West Virginia asylum. Such boards, officers and institutions, except the state superintendent of free schools, that are herein required to pay for their own printing, stationery and printing paper and binding, have authority to procure the same, or have the same done, on requisitions on the superintendent of public printing; or may buy such printing paper and stationery, or have such printing and binding done, on competitive bids, under such rules as may be made by the commissioners of public printing. When stationery or printing paper is procured from the superintendent of public printing or printing and binding is done on requisition on his office, by any such boards, officers and institutions, the superintendent of public printing as to such printing, binding, stationery and printing paper shall certify the cost thereof to the auditor, stating to what officer, board or institution the same was furnished, and the auditor shall charge against the proper fund or appropriation of such officer, institution or board the amount thereof, and credit such amount to the appropriation made by this act for public printing, binding, stationery and printing paper: *provided*, that the annual or biennial reports required by law to be made to the governor by such boards, officers and institutions, shall be printed and paid for out of the appropriation for public printing, public binding and for supplying printing paper and stationery, but all such reports shall be typewritten, or prepared in such a manner that the same shall be plainly legible and suitable for printer's copy; and only so much of any such reports shall be

printed as may be ordered by the governor and the superintendent of public printing; and no such reports shall be printed by the public printer, except on the requisition therefor, signed by the governor and the state superintendent of public printing, which requisition shall state the number to be printed and how the same are to be bound. Such officers, boards and institutions, as are required by law to make report to the governor, shall place the same in his hands within thirty days after the close of the period which they are to cover.

Sec. 6. No sum of money shall be paid out of the treasury, during the fiscal year ending September thirtieth, one thousand nine hundred and five, and one thousand nine hundred and six, beyond the amount hereby appropriated, unless the same be provided for by the constitution or some general law; but, in addition to the sums hereby appropriated for each of said fiscal years, the auditor may, after the expiration of the fiscal year, ending the thirtieth day of September, one thousand nine hundred and six, and during the first six months of the fiscal year beginning the first day of October, one thousand nine hundred and six, make payment to the following institutions, officers and persons, upon proper vouchers, of sums of money, not exceeding in the aggregate one-half of the amount appropriated for the same purpose for the fiscal year ending September thirtieth, one thousand nine hundred and six, for charges, salaries of officers, and running expenses, other than items for buildings and betterments, that is to say: For criminal charges; for the support of lunatics in jails; for the pay of teachers, officers and other employees and for running expenses, other than items for buildings and betterments, of the university and its branches; for the pay of teachers at the normal school and its branches; for the current expenses of the schools for the deaf and blind; for the militia; for the current expenses of the hospitals for the insane; for the current expenses and pay of teachers of the reform school; for the contingent expenses of the several executive officers; for water, light and heat and contingent expenses of capitol building, etc.; for the contingent expenses of the judges and clerks of the supreme court and of the librarian and adjutant general's office; for the current expenses and pay of teachers of the West Virginia colored institute; for the current expenses and pay of instructors of the West Virginia industrial home for girls; for the current expenses and pay of teachers of the Bluefield colored institute; for the current expenses of the West Virginia asylum; for the miners' hospitals; for the salaries, traveling expenses and current expenses of mine inspectors; for the

salary and expenses of the commissioner of banking; for the bureau of labor; for the state board of agriculture; for the state board of health; for the commissioners of pharmacy; for the office of librarian; for the office of adjutant general; for clerks in the executive offices; for printing and binding supreme court reports; for refunding over-paid taxes and erroneous assessments; for public printing, binding and stationery; for refunding to counties and districts, taxes for county and district purposes, upon lands redeemed at the auditor's office; and also taxes assessed against railroads, for county and district purposes; and there are hereby appropriated out of the fiscal year ending the thirtieth day of September, one thousand nine hundred and seven, sums sufficient to make the payments authorized by this section.

Sec. 7. The auditor is hereby authorized to make the necessary entries upon the books of his office disposing of the arrears for taxes, licenses and fines due from sheriffs, for the year one thousand eight hundred and sixty-one, to and including the year one thousand nine hundred, and to allow such compensation as he may think reasonable to the state agents for the collection thereof; such compensation to be paid out of the money so collected, upon the approval of the attorney general.

Sec. 8. The auditor shall cause the accounts including receipts and disbursements and all books, vouchers, checks, accounts and papers of all the boards in control of any or all the public institutions, and objects for which appropriations are made in this act, to be audited and examined at least once every year, or oftener if deemed necessary, by himself or some one or more of the clerical force in his office having experience as a bookkeeper and accountant, for the purpose of ascertaining whether all the money paid out or disbursed, under the authority of any of such boards of control, has been paid out and disbursed for legitimate and proper purposes and for what it is appropriated.

And it shall be the duty of every treasurer, secretary, superintendent, clerk, bookkeeper or other officer having control of any of the books, receipts, vouchers, checks, accounts and papers relating to the receipts and disbursements of any of said moneys to exhibit and furnish the same to the auditor, or any clerk authorized by him, upon proper demand for such auditing, checking and examination; and the auditor shall include in his biennial report to the governor and legislature such facts that are found to exist in relation to such exam-

ination and auditing of said books and accounts as may be proper to be known by the governor or the legislature, and the sum of five hundred dollars for each of the years nineteen hundred and five and nineteen hundred and six to pay the traveling expenses of the auditor and clerks in making the examination, is hereby appropriated.

Sec. 9. The superintendents of the several public institutions of the state shall furnish to the board of directors or regents of the respective institutions, itemized accounts of all the moneys paid out on account of appropriations for contingent expenses and repairs, and when audited and allowed, the directors or regents, respectively, shall include such itemized accounts in their reports as are directed by law to be made. Every warrant or requisition upon the auditor for any part of the moneys herein or hereby appropriated for the penitentiary, the university, the hospitals for the insane, the schools for the deaf and blind, and the reform school, and other institutions shall be accompanied by a statement of the treasurer, or other financial officer of such institution, showing how much money is in their hands to the credit of such institution on the day such draft or requisition is forwarded for payment; and the disbursing officers of the various contingent funds are hereby required to furnish the succeeding legislature an itemized account of the distribution of said funds.

Sec. 10. All boards of regents, boards of directors, or other boards or officers, authorized by this act to issue orders or requisitions upon the auditor for the payment of money out of the state treasury shall, before any such money is paid out of the state treasury, certify to the auditor that the money for which such order or requisition is made is needed for present use, for the purpose for which it was appropriated, and the auditor shall not issue his warrant to pay any money out of the state treasury unless the same is needed for present use for such purposes.

Sec. 11. Upon the adjournment of the legislature, the clerk of the house and clerk of the senate shall jointly make up and furnish the auditor without delay a certified copy of this and of all other acts carrying appropriations.

(Senate Bill No. 1.)

CHAPTER 2.

AN ACT making appropriations of public money to pay members of the legislature, for the regular session of 1905, and for salaries of the officers of the government, in pursuance of the forty-second section of the sixth article of the constitution.

[Passed March 1, 1905. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. } Appropriations to pay members, officers, etc., of the legislature for the regular session; also to pay officers of the government for the fiscal years ending, respectively, September 30, 1905, and 1906.

Sec.

3. Directions to auditor as to payments; he may pay salary in advance of appropriations therefor, when and to what extent.

Be it enacted by the Legislature of West Virginia:

Sec. 1. There shall be and are hereby appropriated for the fiscal year ending September thirtieth, one thousand nine hundred and five, the following sums of money for the pay of the members and officers of the legislature and for the salaries of the officers of the government:

Legislative Department.—Senate.

To pay mileage of J. T. Harris, clerk of the senate, thirty-four dollars.

To pay mileage of thirty members, one thousand two hundred and forty dollars and forty cents.

To pay the per diem of twenty-nine members, five thousand two hundred and twenty dollars.

To pay mileage and thirty-nine days per diem for M. F. Matheny, contestant, declared not elected to his seat, from the eleventh day of January to the eighteenth day of February, one thousand nine hundred and five, inclusive, one hundred and seventy-three dollars and forty cents.

To pay the per diem of the president of the senate, two hundred and seventy dollars.

To pay the per diem compensation of the officers, assistant clerks, committee clerks, pages, et cetera, that is to say:

To pay the per diem of the clerk of the senate, five hundred and fifty dollars.

To pay the per diem of the sergeant-at-arms, two hundred and twenty-five dollars.

To pay the per diem of the assistant sergeant-at-arms, two hundred and twenty-five dollars.

To pay the per diem of the doorkeeper, one hundred and eighty dollars.

To pay the per diem of the assistant doorkeeper, one hundred and eighty dollars.

To pay the per diem of one gallery doorkeeper, one hundred and eighty dollars.

To pay the per diem of one librarian, one hundred and eighty dollars.

To pay the per diem of three cloak room keepers, two hundred and seventy dollars.

To pay the per diem of one night watchman, one hundred and eighty dollars.

To pay the per diem of one private secretary to the president, two hundred and seventy dollars.

To pay the per diem of one bill clerk, two hundred and seventy dollars.

To pay the per diem of five stenographers, thirteen hundred and fifty dollars.

To pay the per diem of sixteen assistant clerks, four thousand three hundred and twenty dollars.

To pay the per diem of one assistant librarian, one hundred and eighty dollars.

To pay the per diem of one judiciary committee clerk, two hundred and seventy dollars.

To pay the per diem of one finance committee clerk, two hundred and seventy dollars.

To pay the per diem of twenty-two committee clerks, three thousand six hundred dollars.

To pay the per diem of one bank and mailing clerk, one hundred and thirty-five dollars.

To pay the per diem of one assistant bank and mailing clerk, one hundred and thirty-five dollars.

To pay the per diem of two journal clerks, two hundred and seventy dollars each.

To pay the per diem of two journal pages, one hundred and thirty-five dollars each.

To pay the per diem of ten pages, nine hundred dollars.

To pay D. G. Thompson, for swearing in members and officers, nine dollars and fifty cents.

House of Delegates.

To pay the mileage of eighty-six members of the house, three thousand four hundred and fifty-seven dollars and fifty cents.

To pay mileage of Harry Shaw, clerk of the house of delegates, fifty-seven dollars and fifty cents.

To pay the per diem of eighty-five members of the house of delegates, fifteen thousand three hundred dollars.

To pay the per diem of the speaker of the house of delegates, two hundred and seventy dollars.

To pay the per diem compensation of the officers, assistant clerks, committee clerks, pages, et cetera, that is to say:

To pay the per diem of one chief clerk, five hundred and fifty dollars.

To pay the per diem of two printing clerks, five hundred and forty dollars.

To pay the per diem of twenty assistant clerks, five thousand four hundred dollars.

To pay the per diem of one librarian, two hundred and seventy dollars.

To pay the per diem of five stenographers, thirteen hundred and fifty dollars.

To pay the per diem of one sergeant-at-arms, two hundred and twenty-five dollars.

To pay the per diem of one assistant sergeant-at-arms, two hundred and twenty-five dollars.

To pay the per diem of one doorkeeper, one hundred and eighty dollars.

To pay the per diem of two assistant doorkeepers, three hundred and sixty dollars.

To pay the per diem of one gallery doorkeeper, one hundred and eighty dollars.

To pay the per diem of one day watchman, one hundred and eighty dollars.

To pay the per diem of one night watchman, one hundred and eighty dollars.

To pay the per diem of one assistant librarian, one hundred and eighty dollars.

To pay the per diem of eighteen committee clerks, three thousand two hundred and forty dollars.

To pay the per diem of one assistant gallery doorkeeper, one hundred and eighty dollars.

To pay the per diem of two cloak room keepers, three hundred and sixty dollars.

To pay the per diem of five journal pages, six hundred and seventy-five dollars.

To pay the per diem of one mail and banking page, one hundred and thirty-five dollars.

To pay the per diem of fourteen floor pages, twelve hundred and sixty dollars.

To pay Harvey M. Scott, for swearing in members and officers, forty-five dollars.

Executive Department.

To pay the salary of the governor, four thousand and forty-one dollars and sixty-six cents.

To pay the salary of the auditor, three thousand four hundred and fifty-eight dollars and thirty-four cents.

To pay the salary of treasurer, two thousand and forty-one dollars and sixty-six cents.

To pay the salary of the attorney general, two thousand dollars.

To pay the salary of the superintendent of free schools, to be paid out of the general school fund, two thousand three hundred and seventy-five dollars.

To pay the salary of the secretary of state, two thousand seven hundred and fifty dollars.

To pay the salary of the adjutant general, one thousand three hundred and seventy-five dollars.

To pay the salary of the state librarian, one thousand dollars.

To pay the salary of the tax commissioner, two thousand three hundred and thirty-three dollars and thirty-three cents.

To pay the salary of the janitor, one thousand one hundred and sixteen dollars and sixty-six cents.

Keeper of the Rolls.

To pay the salary of the keeper of the rolls, three hundred dollars.

Judicial Department.

To pay the salaries of the judges of the supreme court, twenty-two thousand five hundred dollars.

To pay the salaries of the judges of the circuit courts, fifty-nine thousand four hundred dollars.

To pay the salaries of judges of criminal and intermediate courts, ten thousand dollars.

To pay the compensation of special judges of circuit courts, two thousand dollars.

To pay the compensation of special judges, criminal and intermediate courts, three hundred dollars.

To pay the mileage of judges of the supreme court, sixteen hundred dollars.

To pay the mileage of judges of circuit courts, three thousand five hundred dollars.

To pay the salary of the clerk of the supreme court, one thousand five hundred dollars.

Be it enacted by the Legislature of West Virginia:

Sec. 2. That there shall be and are hereby appropriated, for the fiscal year ending September thirtieth, one thousand nine hundred and six, the following sums for salaries of officers of the government:

Executive Department.

To pay the salary of the governor, five thousand dollars.

To pay the salary of the auditor, four thousand five hundred dollars.

To pay the salary of the treasurer, two thousand five hundred dollars.

To pay the salary of the attorney general, two thousand five hundred dollars.

To pay the salary of the superintendent of free schools, to be paid out of the general school fund, three thousand dollars.

To pay the salary of the secretary of state, four thousand dollars.

To pay the salary of the adjutant general, and ex-officio superintendent of weights and measures, one thousand five hundred dollars.

To pay the salary of the state librarian, one thousand dollars.

To pay the salary of the tax commissioner, four thousand dollars.

To pay the salary of the janitor, one thousand two hundred dollars.

Keeper of the Rolls.

To pay the salary of the keeper of the rolls, three hundred dollars.

Judicial Department.

To pay the salaries of the judges of the supreme court, twenty-two thousand five hundred dollars.

To pay the salaries of the judges of the circuit courts, fifty-nine thousand four hundred dollars.

To pay the compensation of special judges of circuit courts, two thousand dollars.

To pay the mileage of judges of the supreme court, one thousand six hundred dollars.

To pay the mileage of judges of circuit courts, three thousand five hundred dollars.

To pay the salary of the clerk of the supreme court, one thousand five hundred dollars.

Sec. 3. The auditor is hereby authorized and directed, when properly demanded, to issue his warrant upon the treasury in the same manner as he would be required to if each item of the expenditure were directed to be paid to a creditor by name, and no money shall be drawn from the treasury for the purposes herein named during the fiscal year one thousand nine hundred and five, and one thousand nine hundred and six, respectively, beyond the amount hereby appropriated, unless the same is authorized by the constitution, or some general law.

But the auditor may draw his warrant upon the treasury in favor of the several officers, whose salaries and compensations are provided for by this act, for services actually rendered by them during the first six months of the fiscal year beginning on the first day of October, one thousand nine hundred and six, for an amount not exceeding in the aggregate one-half of the sum appropriated for the salary or compensation of such officers, respectively, for the year ending September thirtieth, one thousand nine hundred and six.

(House Bill No. 2.)

CHAPTER 3.

AN ACT making appropriations of public money to pay members of the legislature, in pursuance of the forty-second section of the sixth article of the constitution of West Virginia.

[Passed March 1, 1905. In effect from passage. Approved March 2, 1905.]

<p>Sec. 1. Appropriations to pay the per diem of members, officers, etc., of the</p>		<p>SEC. legislature for the extraordinary session for the year 1905.</p>
--	--	--

Be it enacted by the Legislature of West Virginia:

Sec. 1. There shall be and are hereby appropriated for the fiscal year ending September thirtieth, nineteen hundred and five, the following sums of money for the payment of the members and the officers of the legislature, for the extraordinary session for the year nineteen hundred and five:

Legislative Department.—Senate.

To pay the per diem of twenty-nine members, five hundred and eighty dollars.

To pay the per diem of the president of the senate, thirty dollars.

To pay the per diem compensation of officers, clerks, pages, etc., that is to say:

To pay the per diem of the clerk of the senate, one hundred and fifty dollars.

To pay the per diem of the sergeant-at-arms, twenty-five dollars.

To pay the per diem of the doorkeeper, twenty dollars.

To pay the per diem of the cloak room keeper, ten dollars.

To pay the per diem of the eight assistant clerks, two hundred and forty dollars.

To pay the per diem of night watchman, twenty dollars.

To pay the per diem of four pages, forty dollars.

To pay the per diem of three stenographers, ninety dollars.

To pay the per diem of one finance committee clerk, twenty dollars.

To pay the per diem of one judiciary committee clerk, twenty dollars.

To pay the per diem of S. B. Stephenson, E. F. Smith, Zack Gainer and S. Smith, sixty dollars.

For contingent expenses of the senate, one thousand five hundred dollars.

House of Delegates.

To pay the per diem of eighty-five members, one thousand seven hundred dollars.

To pay the per diem of the speaker of the house of delegates, thirty dollars.

To pay the per diem compensation of clerks, assistant clerks, pages, etc., that is to say:

To pay the per diem of the chief clerk of the house, one hundred and fifty dollars.

To pay the per diem of twelve assistant clerks, three hundred and sixty dollars.

To pay the per diem of the secretary of the speaker, thirty dollars.

To pay the per diem of two committee clerks, forty dollars.

To pay the per diem of four stenographers, one hundred and twenty dollars.

To pay the per diem of Holly Peden and for five days' extension, forty dollars.

To pay the per diem of five pages, fifty dollars.

To pay the per diem of the sergeant-at-arms, twenty-five dollars.

To pay the per diem of the assistant sergeant-at-arms, twenty-five dollars.

To pay the per diem of doorkeeper, twenty dollars.

To pay the per diem of librarian, thirty dollars.

To pay the per diem of William Alderson, S. M. Davis and C. Blount, janitors for this session, forty-five dollars.

To pay the per diem of watchman, twenty dollars.

To pay the per diem of two cloak room keepers, twenty dollars.

To pay J. W. Griffith, janitor for services during present session, fifteen dollars.

For contingent expenses, house of delegates, three thousand five hundred dollars.

Sec. 2. The auditor is hereby authorized to issue his warrants upon the treasury for such amounts as are, or may become, due to the several members, officers and attaches, of the senate and house of delegates for their per diem, upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house of delegates, respectively.

(H. J. R. No. 1.)

JOINT RESOLUTION NO. 1.

[Adopted March 1, 1905.]

Authorizing the auditor to draw his warrant upon the treasurer for the *per diem* and mileage of the members of the legislature and the *per diem* of the officers and attaches of the house of delegates and senate.

Resolved by the Legislature of West Virginia:

1. That the auditor is hereby authorized to issue his warrants upon the treasurer for such amounts as are, or may become due, to the several members, officers and attaches of the senate and house of delegates for their *per diem* upon the proper requisitions of the clerk of the senate and the sergeant-at-arms of the house respectively; and the auditor is further authorized to issue his warrants for mileage of the members of the two houses, including the sergeant-at-arms, the chief clerks and door-keepers of both houses ascertained and allowed at the regular session of the legislature, which ended February 24, 1905, upon the proper requisition being presented to him therefor.

(H. J. R. No. 3.)

JOINT RESOLUTION NO. 2.

[Adopted March 1, 1905.]

Concerning clerks' offices and care of typewriter machines.

Resolved by the Legislature of West Virginia:

That the five Underwood typewriters purchased at this session for the use of the enrolling and engrossing clerks, two for the use of the senate and three for the use of the house, shall be and remain the exclusive property of the house and senate, respectively, and after the work of the clerks of the respective houses shall have been completed, the said clerks shall deliver the said machines to the janitor of the state house and take his receipts therefor. The said janitor shall care for said machines, and shall not permit the same to be used by any person, and shall deliver them again to the clerks of the house and senate at the next session of the legislature.

And the two rooms now used as the offices of the clerk of the house of delegates and the two rooms used by the clerk of the senate shall be set apart for the exclusive use of said officers and shall not be occupied for any other purposes.

(H. J. R. No. 5.)

JOINT RESOLUTION NO. 3.

[Adopted March 1, 1905.]

Providing for the printing and distribution of advance copies of the acts and journals of this session.

Resolved by the Legislature of West Virginia:

That the chief clerks of the two houses be directed to cause to be printed by the public printer one thousand advance copies of the acts of this session, with full table of contents and index, in pamphlet form for distribution among the members of the legislature and public officials. Said public printer shall print and deliver said advance copies to the said clerks within forty days after the adjournment of this session. Upon receipt of the same the clerks shall, without delay, forward by mail to each member of the legislature at least four copies thereof; and the sum of seventy-five dollars out of the contingent fund of the house of delegates, and the sum of fifty dollars out of the contingent fund of the senate is hereby appropriated, and is directed to be paid upon the warrant of the proper officials of the respective houses, to pay the postage thereon. Said clerks are authorized to have the acts, passed at this session, bound in the same volume with the acts passed at the last regular session. Said clerks are also directed to have the journal of this session bound with the journal of the last regular session; and also to include therein the legislative manual.

For the work provided for in this resolution said clerks shall be allowed fifteen days; the per diem to be paid out of the contingent fund of the senate and house, respectively, upon proper warrants to be drawn therefor, and the auditor is authorized and directed to pay the same.

HOUSE CONCURRENT RESOLUTION NO. 1.

[Adopted February 25, 1905.]

Resolved by the House of Delegates, the Senate concurring therein:

That a committee of three be appointed on the part of the house of delegates, to be appointed by the speaker, and two on the part of the senate, to be appointed by the president of the senate, to jointly wait upon the governor and inform him that the two houses have assembled in their respective halls, pursuant to his proclamation, dated February 25, 1905, with a quorum of each house present, and that the legislature is ready to receive any communication he may be pleased to make.

HOUSE CONCURRENT RESOLUTION NO. 2.

[Adopted February 25, 1905.]

Resolved by the House of Delegates, the Senate concurring therein:

That the printed rules of the last regular session of the legislature, governing the senate and house of delegates, be adopted as the joint rules governing this special session, until otherwise ordered.

HOUSE CONCURRENT RESOLUTION NO. 3.

[Adopted March 1, 1905.]

Resolved by the House of Delegates, the Senate concurring therein:

That a committee be appointed, consisting of two members on the part of the senate and three on the part of the house, to wait jointly upon the governor and inform him that the legislature having completed the work for which it was called in extraordinary session is ready to adjourn *sine die*, and ask if he has any further communication to make.

LIST OF COMMISSIONERS.

Appointed by the Executive of West Virginia to take Acknowledgments of Deeds and other Writings in other States. Term of Office Four Years.

STATE.	COMMISSIONER.	RESIDENCE.	TERM EXPIRES.
New York.....	Geo. H. Correy.....	56 Wall St. N. Y.....	July 29, 1905
Dist. of Columbia.....	D. W. Gall.....	Washington.....	July 12, 1905.
Maryland.....	T. Howard Embert.....	Baltimore & St. Paul, Balt.....	Aug. 8, 1905.
Maryland.....	U. G. C. Carl.....	Cumberland.....	Oct. 3, 1905
Ohio.....	Joseph T. Harrison.....	5th & Main Sts. Cincinnati.....	Dec. 11, 1905.
Virginia.....	G. B. Mountcastle.....	Richmond.....	Dec. 13, 1905.
Dist. of Columbia.....	John E. Mitchell.....	Washington.....	Jan. 22, 1906.
Maryland.....	Chas. O. Hall.....	Baltimore.....	Mar. 22, 1906.
Maryland.....	W. H. H. Raleigh.....	Baltimore.....	Mar. 31, 1906..
Pennsylvania.....	John S. Wurts.....	1037 Real Estate Trust Bldg. Phila.....	May 12, 1906..
Maryland.....	Harry C. Mathews.....	Lexington & St. Paul, Balt.....	Aug. 28, 1906.
New York.....	Henry Ballantyne.....	224 Church St. N. Y.....	June 11, 1906.
Pennsylvania.....	Frederick M. Leonard.....	119 So. 4th St., Philadelphia.....	Feb. 21, 1907..
Missouri.....	Harold Johnson.....	401 Roe Bldg., StLouis.....	Mar. 16, 1907.
New York.....	Jos. B. Braman.....	120 Broadway.....	Apr. 15, 1907.
New York.....	Alfred Mackay.....	45 Cedar St.....	Nov. 4, 1907.
Maryland.....	Murray Hanson.....	St. Paul & Fayette. Balto.....	July 14, 1907.
Pennsylvania.....	Walter Morris.....	218. 4th Ave., Pittsburg, Pa.....	Aug. 15, 1907.
Ohio.....	Walter B. Hill.....	East Liverpool.....	Nov. 4, 1907.
New York.....	Edwin F. Correy.....	56 Wall Street, New York.....	Jan. 22, 1908.
Missouri.....	John A. Peck.....	St. Louis.....	May 12, 1908.
Maryland.....	Abraham H. Fisher.....	Baltimore.....	Nov. 23, 1908.
Pennsylvania.....	Thomas J. Hunt.....	623 Walnut St., Philadelphia.....	Apr. 21, 1909..

APPENDIX A.
OFFICIAL DIRECTORY.

STATE GOVERNMENT.

STATE CAPITAL, CHARLESTON, KANAWHA COUNTY.

OFFICE	NAME.	RESIDENCE.	COUNTY.
Governor.....	Wm. M. O. Dawson...	Charleston.....	Kanawha.
Secretary of State.....	C. W. Swisher.....	Fairmont.....	Marion.
State Superintendent of Free Schools...	Thomas C. Miller.....	Fairmont.....	Marion.
State Auditor.....	Arnold C. Scherr.....	Keyser.....	Mineral.
State Treasurer.....	Newton Ogdin.....	St. Marys.....	Pleasants.
Attorney General.....	Clarke W. May.....	Hamlin.....	Lincoln.
Adjutant General.....	S. B. Baker.....	Huntington.....	Cabell.
Assistant Adjutant General.....	A. S. Hutson.....	Charleston.....	Kanawha.
State Tax Commissioner.....	C. W. Dillon.....	Fayetteville.....	Fayette.
Commissioner of Banking.....	Samuel V. Matthews.	Charleston.....	Kanawha.
Assistant Commissioner of Banking.....	S. Preston Smith.....	Charleston.....	Kanawha.
Commissioner of Labor.....	I. V. Barton.....	Wheeling.....	Ohio.
Assistant Commissioner of Labor.....	John R. Foster.....	Charleston.....	Kanawha.
Chief Mine Inspector.....	J. W. Paul.....	Davis.....	Tucker.
State Historian and Archivist.....	Virgil A. Lewis.....	Mason City.....	Mason
State Librarian.....	S. W. Starks.....	Charleston.....	Kanawha.
Game and Fish Warden.....	James H. Marcum.....	Huntington.....	Cabell.

UNITED STATES SENATORS.

	POSTOFFICE.	COUNTY.	TERM EXPIRES.
Stephen B. Elkins.....	Elkins.....	Randolph...	March 4, 1907.
Nathan B. Scott.....	Wheeling.....	Ohio.....	March 4, 1911.

REPRESENTATIVES IN CONGRESS.

Terms begin March 4, 1905.

DISTRICT	NAME.	POSTOFFICE.	COUNTY.	TERM EXPIRES.
First.....	B. R. Dovener.....	Wheeling.....	Ohio.....	March 4, 1907.
*Second.....				
Third.....	Joseph H. Gaines.....	Charleston.....	Kanawha...	March 4, 1907.
Fourth.....	James H. Hughes.....	Huntington.....	Cabell.....	March 4, 1907.
Fifth.....	Harry C. Woolyard.....	Spencer.....	Roane.....	March 4, 1907.

*Vacancy to be filled by special election June 6, 1905.

THE JUDICIARY.
UNITED STATES CIRCUIT COURT.

FOR THE
DISTRICTS OF WEST VIRGINIA.

FOURTH CIRCUIT.

JUDGES—MELVILLE W. FULLER, *Chief Justice of the United States*
NATHAN GOFF,
JETER C. PRITCHARD, } *U. S. Circuit Judges.*
BENJAMIN F. KELLER, }
A. G. DAYTON, } *U. S. District Judges.*

CLERKS OF CIRCUIT COURTS—L. B. DELLICKER, *Parkersburg, Wood County.*
EDWIN M. KEATLEY, *Charleston, Kanawha County.*

UNITED STATES DISTRICT COURTS.

THE SOUTHERN DISTRICT.

JUDGE—BENJAMIN F. KELLER, *Bramwell.*
CLERK—EDWIN M. KEATLEY, *Charleston.*
DISTRICT ATTORNEY—ELLIOTT NORTHCOTT, *Huntington.*
ASS'T DIST. ATT'YS—I. C. HERNDON, *Welch.*
H. D. RUMMELL, *Charleston.*
U. S. MARSHAL—JOHN K. THOMPSON, *Charleston.*

TERMS OF THE CIRCUIT AND DISTRICT COURTS—Charleston, first Tuesday in June, and third Tuesday in November; Huntington, first Tuesday in April, and the first Tuesday after the third Monday in September; Bluefield, first Tuesday in May, and third Tuesday in October; Lewisburg, third Tuesday in July; term of the district court held at Addison, first Tuesday in September.

THE NORTHERN DISTRICT.

JUDGE—A. G. DAYTON, *Philippi.*
CLERK—JASPER Y. MOORE, *Clarksburg.*
DISTRICT ATTORNEY—REESE BLIZZARD, *Parkersburg.*
ASS'T DIST. ATT'Y—E. M. SHOWALTER, *Fairmont.*
U. S. MARSHAL—CHARLES D. ELLIOTT, *Parkersburg.*

TERMS OF THE CIRCUIT AND DISTRICT COURTS—Wheeling, first Tuesday in April, and third Tuesday in September; Clarksburg, third Tuesday in April, and first Tuesday in October; Martinsburg, third Tuesday in October; Parkersburg, second Tuesday in January, and second Tuesday in June.

STATE COURTS.
SUPREME COURT OF APPEALS.

JUDGES.	RESIDENCE.	COUNTY.	TERM EXPIRES.
Henry Brannon, President	Weston	Lewis	Dec. 31, 1912
Henry C. McWhorter	Charleston	Kanawha	Dec. 31, 1908
George Poffenbarger	Pt. Pleasant	Mason	Dec. 31, 1912
Frank Cox	Morgantown	Monongalia	Dec. 31, 1916
Joseph M. Sanders	Bluefield	Mercer	Dec. 31, 1916

ATTORNEY-GENERAL AND EX-OFFICIO REPORTER.

CLARKE W. MAY.....*Charleston, Kanawha County.*
FRANK LIVELY, Assistant Reporter.....*Charleston, Kanawha County.*
WM. B. MATTHEWS, Clerk of Court.....*Charleston, Kanawha County.*

REGULAR TERMS OF COURT BEGIN—At Charleston, second Wednesday in January; at Wheeling, first Wednesday in June; at Charles Town, first Wednesday in September. Usually two special terms are designated by the court, one in the fall and one in the spring, at Charleston.

CIRCUIT COURTS.
(State)

FIRST JUDICIAL CIRCUIT—THAYER MELVIN, Wheeling, and H. C. HERVEY, Wellsburg, Judges.

Countries. Commencement of Terms.
Brooke.....Third Monday in February, first Monday in June, and second Monday in October.
Hancock.....Second Monday in March, third Monday in June, and first Monday in November.
Marshall.....Second Tuesday in February, last Tuesday in May, and second Tuesday in October.
Ohio.....Last Monday in March, first Monday in September, and fourth Monday in November.

SECOND JUDICIAL CIRCUIT—M. H. WILLIS, Judge, West Union.

Countries. Commencement of Terms.
Doddridge.....Fourth Tuesday in February, second Tuesday in May, first Tuesday in September, and fourth Tuesday in November.
Tyler.....First Tuesday in February, third Tuesday in April, first Tuesday in July, and first Tuesday in November.
Wetzel.....First Tuesday in January, third Tuesday in March, first Tuesday in June, and first Tuesday in October.

THIRD JUDICIAL CIRCUIT—HOMER B. WOODS, Judge, Harrisville.

Countries. Commencement of Terms.
Gilmer.....Second Tuesday in March, fourth Tuesday in May, second Tuesday in September, and first Tuesday in December.
Pleasants.....Second Tuesday in February, second Tuesday in May, second Tuesday in July, and second Tuesday in November.
Ritchie.....Second Tuesday in January, second Tuesday in April, second Tuesday in June, and first Tuesday in October.

FOURTH JUDICIAL CIRCUIT—HUNTER H. MOSS, Jr., *Judge, Parkersburg.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Wirt.....	First Monday in February, first Monday in May, first Monday in August, and first Monday in November.
Wood.....	First Monday in March, first Monday in June, third Monday in September, and first Monday in December.

FIFTH JUDICIAL CIRCUIT—W. A. PARSONS, *Judge, Ripley.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Calhoun.....	Third Tuesday in January, third Tuesday in April, third Tuesday in July, and third Tuesday in October.
Jackson.....	First Tuesday in February, first Tuesday in May, first Tuesday in August, and first Tuesday in November.
Mason.....	First Tuesday in March, first Tuesday in June, first Tuesday in September, and first Tuesday in December.
Roane.....	First Tuesday in January, first Tuesday in April, first Tuesday in July, and first Tuesday in October.

SIXTH JUDICIAL CIRCUIT—E. S. DOOLITTLE, *Judge, Huntington.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Cabell.....	First Monday in January, first Monday in April, first Monday in July, and first Monday in October.
Lincoln.....	First Monday in March, first Monday in June, first Monday in September, and first Monday in December.
Putnam.....	Second Monday in February, second Monday in May, second Monday in August, and second Monday in November.

SEVENTH JUDICIAL CIRCUIT—JOHN B. WILKINSON, *Judge, Logan.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Boone.....	Second Monday in January, second Monday in April, second Monday in July, and second Monday in October.
Logan.....	Fourth Monday in January, fourth Monday in April, fourth Monday in July, and fourth Monday in October.
Mingo.....	First Monday in January, first Monday in April, first Monday in July, and first Monday in October.
Wayne.....	Second Monday in February, second Monday in May, second Monday in August, and second Monday in November.

EIGHTH JUDICIAL CIRCUIT—L. L. CHAMBERS, *Judge, Welch.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
McDowell.....	First Monday in March, first Monday in June, first Monday in September, and first Monday in December.
Mercer.....	First Monday in February, first Monday in May, first Monday in August, and first Monday in November.
Monroe.....	First Monday in January, first Monday in April, first Monday in July, and first Monday in October.

NINTH JUDICIAL CIRCUIT—JAMES H. MILLER, *Judge, Hinton.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Raleigh.....	First Monday in April, second Monday in July, first Monday in September, and second Monday in December.
Summers.....	First Monday in January, second Monday in March, second Monday in June, and first Monday in October.
Wyoming.....	Third Monday in April, fourth Monday in June, third Monday in September, and fourth Monday in January.

TENTH JUDICIAL CIRCUIT—S. C. BURDETT, *Judge, Charleston.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Clay.....	First Monday in January, first Monday in April, third Monday in June, and second Monday in October.
Kanawha.....	Second Monday in February, second Monday in May, second Monday in September, and fourth Monday in November.

ELEVENTH JUDICIAL CIRCUIT—W. R. BENNETT, *Judge, Montgomery.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Fayette.....	First Monday in March, first Tuesday in May, first Tuesday in September, and first Tuesday in December.
Greenbrier.....	First Tuesday in February, third Tuesday in April, first Tuesday in July, and fourth Tuesday in October.
Pocahontas.....	Second Tuesday in January, first Tuesday in April, third Tuesday in June, and second Tuesday in October.

TWELFTH JUDICIAL CIRCUIT—J. C. McWHORTER, *Judge, Buckhannon.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Braxton.....	Fourth Monday in February, third Monday in May, second Monday in September, and fourth Monday in November.
Nicholas.....	Fourth Tuesday in January, fourth Tuesday in April, second Tuesday in August, and third Tuesday in October.
Upshur.....	Second Monday in February, first Monday in May, fourth Monday in August, and second Monday in November.
Webster.....	Second Tuesday in January, first Tuesday in April, third Tuesday in July, and first Tuesday in October.

THIRTEENTH JUDICIAL CIRCUIT—CHARLES W. LYNCH, *Judge, Clarksburg.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Harrison.....	Second Tuesday in March, second Tuesday in June, second Tuesday in September, and second Tuesday in December.
Lewis.....	First Monday in February, second Monday in May, second Monday in August, and first Monday in November.

FOURTEENTH JUDICIAL CIRCUIT—JOHN W. MASON, *Judge, Fairmont.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Marion.....	First day of March, first day of June, first day of October, and first day of December.
Monongalia.....	First day of February, first day of May, first day of September, and first day of November.

(If the day on which any term of said court would commence happens to be "Friday," "Saturday" or "Sunday," then the following "Monday" is deemed the day intended—see proviso, section 15, chapter 84, Acts 1905.)

FIFTEENTH JUDICIAL CIRCUIT—JOHN HOMER HOLT, *Judge, Grafton.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Barbour.....	Twelfth day of February, second day of May, twenty-second day of September, and first day of December.
Preston.....	Second day of March, twenty-second day of May, twelfth day of October, and fifteenth day of December.
Randolph.....	Twenty-second day of January, twelfth day of April, first day of September, and sixteenth day of November.
Taylor.....	Second day of January, twenty-second day of March, twelfth day of June, and second day of November.

SIXTEENTH JUDICIAL CIRCUIT—F. M. REYNOLDS, *Judge, Keyser.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Grant.,.....	First Tuesday in February, first Tuesday in May, first Tuesday in August, and first Tuesday in November.
Mineral.....	Second Tuesday in January, second Tuesday in April, second Tuesday in July, and second Tuesday in October.
Tucker.....	First Tuesday in March, first Tuesday in June, third Tuesday in September, and first Tuesday in December.

SEVENTEENTH JUDICIAL CIRCUIT—R. W. DAILEY, JR., *Judge, Romncy.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Hampshire.....	First Tuesday in January, third Tuesday in March, first Tuesday in July, and third Tuesday in September.
Hardy.....	Second Tuesday in January, second Tuesday in April, third Tuesday in July, and third Tuesday in October.
Pendleton.....	Wednesday after the third Tuesday in February, Wednesday after the third Tuesday in May, Wednesday after the third Tuesday in August, and Wednesday after the third Tuesday in November.

EIGHTEENTH JUDICIAL CIRCUIT—E. BOYD FAULKNER, *Judge, Martinsburg.*

<i>Counties.</i>	<i>Commencement of Terms.</i>
Berkeley.....	Third Tuesday in January, third Tuesday in April, third Tuesday in August, and third Tuesday in November.
Jefferson.....	Second Tuesday in February, third Tuesday in May, and third Tuesday in October.
Morgan.....	First Tuesday in January, first Tuesday in April, third Tuesday in July, and first Tuesday in October.

CRIMINAL AND INTERMEDIATE COURTS.

CRIMINAL COURT OF CABELL COUNTY.

AT HUNTINGTON.

DAVID E. MATTHEWS, *Judge, Huntington.*

Established February 24, 1893. Terms begin: Fourth Monday in January, fourth Monday in April, first Monday in July, and fourth Monday in October.

CRIMINAL COURT OF FAYETTE COUNTY.

AT FAYETTEVILLE.

J. W. EARY, *Judge, Fayetteville.*

Established March 10, 1891. Terms begin: Second Monday in January, April, July and October.

CRIMINAL COURT OF KANAWHA COUNTY.

AT CHARLESTON.

HENRY K. BLACK, *Judge, Charleston.*

Established February 12, 1890. Terms begin: First Monday in January, first Monday in April, second Monday in June, and second Monday in October.

CRIMINAL COURT OF McDOWELL COUNTY.

AT WELCH.

JAMES FRENCH STROTHER, *Judge, Welch.*

Established February 24, 1893. Terms begin: First Monday in February, first Monday in May, first Monday in August, and first Monday in November.

(Act takes effect July 1, 1905. Acts 1905, chapter 81.)

CRIMINAL COURT OF MERCER COUNTY.

AT PRINCETON.

HUGH G. WOODS, *Judge, Princeton.*

Established February 23, 1893. Terms begin: First Monday in January, April, July and October.

CRIMINAL COURT OF OHIO COUNTY.
AT WHEELING.

T. J. HUGUS, *Judge, Wheeling.*

Established February 16, 1893. Terms begin: First Monday in January, March, May, July, September and November.

CRIMINAL COURT OF WOOD COUNTY.
AT PARKERSBURG.

CHARLES M. SHOWALTER, *Judge, Parkersburg.*

Established in 1891. Terms begin: Fourth Monday in January, first Monday in May, and first Monday in September.

CRIMINAL AND INTERMEDIATE COURT OF MARION COUNTY.
AT FAIRMONT.

U. S. KENDALL, *Judge, Fairmont.*

Established February 16, 1893. Terms begin: Third Tuesday in January, first Tuesday in May, third Tuesday in August and October.

SHERIFFS OF WEST VIRGINIA.

For the Term of Four Years, beginning January 1, 1905.

COUNTIES.	NAME.	ADDRESSES.
Barbour.....	E. R. Dyror.....	Philippi.
Berkeley.....	E. D. Gardner.....	Martinsburg.
Boone.....	Julian Hill.....	Hill.
Braxton.....	John Adams.....	Sutton.
Brook.....	O. R. Carman.....	Wellsburg.
Cabell.....	W. S. Spencer.....	Huntington.
Calloun.....	E. W. Gainer.....	White Pine.
Clay.....	D. H. Stephenson.....	Bomont.
Doddridge.....	W. B. Allen.....	West Union.
Fayette.....	E. B. Hankins.....	Fayetteville.
Gilmer.....	J. R. Garrett.....	Stout's Mills.
Grant.....	Isaac Lewis.....	Falls.
Greenbrier.....	A. P. McClung.....	Lewisburg.
Hampshire.....	G. H. Johnson.....	Romney.
Hancock.....	A. F. Wilkin.....	New Cumberland.
Hardy.....	C. D. Bowman.....	Moorefield.
Harrison.....	J. M. Flunigan.....	Clarksburg.
Jackson.....	R. P. Shinn.....	Ripley.
Jefferson.....	J. W. Gardner.....	Shepherdstown.
Kanawha.....	J. J. Melton.....	Charleston.
Lewis.....	Thos. Smith.....	Weston.
Lincoln.....	H. H. Baker.....	Hamlin.
Logan.....	J. M. Moore.....	Logan.
Marion.....	H. R. Furco.....	Fairmont.
Marshall.....	M. A. Dowler.....	McMechen.
Mason.....	J. O. McDermitt.....	Pt. Pleasant.
Mercer.....	L. B. Farley.....	Spanishburg.
Mineral.....	C. E. Nothers.....	Elk Garden.
Mingo.....	E. E. Musick.....	Varney.
Monongalia.....	T. W. Barker.....	Morgantown.
Monroe.....	N. W. Loudermilk.....	Willow Bend.
Morgan.....	G. W. Biser.....	Berkeley Springs.
McDowell.....	E. C. Bralley.....	Welch.
Nicholas.....	A. W. Bobbitt.....	Persinger.
Ohio.....	Dr. D. H. Taylor.....	Wheeling.
Pendleton.....	O. J. Manzy.....	Circleville.
Pleasants.....	M. O. Swallow.....	Belmont.
Pocahontas.....	J. S. McNeil.....	Academy.
Preston.....	Wm. M. Shaffer.....	Kingwood.
Putnam.....	R. V. Dorsey.....	Hurricane.
Raleigh.....	W. R. Campbell.....	Beckley.
Randolph.....	Floyd McDonald.....	Elkins.
Ritchie.....	O. E. Nutter.....	Pullman.
Roune.....	H. F. Goll.....	Spencer.
Summers.....	A. J. Keatley.....	Indian Mills.
Taylor.....	G. E. N. Means.....	Grafton.
Tucker.....	A. L. Helmick.....	Thomas.
Tyler.....	H. B. Shriver.....	Middlebourne.
Upshur.....	H. F. Ours.....	Buckhannon.
Wayne.....	J. L. Billups.....	Fort Gay.
Webster.....	Levi Skidmore, Jr.....	Webster Springs.
Wetzel.....	Ingram Myers.....	New Martinsville.
Wirt.....	J. L. McGee.....	Elizabeth.
Wood.....	W. H. Carter.....	Parkersburg.
Wyoming.....	P. L. Cook.....	Oceana.

PROSECUTING ATTORNEYS.

FOR THE TERM OF FOUR YEARS, BEGINNING JANUARY 1, 1905.

COUNTIES.	NAMES.	ADDRESSES.
Barbour.....	W. B. Kittle.....	Philippi.
Berkeley.....	Allen B. Noll.....	Martinsburg.
Boone.....	Liburn Fulton.....	Danville.
Braxton.....	E. C. Rider.....	Sutton.
Brooke.....	G. W. McCleary.....	Wellsburg.
Cabell.....	G. S. Wallace.....	Huntington.
Calhoun.....	A. C. Mathews.....	Grantsville.
Clay.....	J. E. Spingston.....	Clay.
Doddridge.....	J. Ramsey.....	West Union.
Fayette.....	E. C. Pierson.....	Fayetteville.
Gilmer.....	L. H. Barnett.....	Glenville.
Grant.....	A. J. Welton.....	Petersburg.
Greenbrier.....	J. S. McWhorter.....	Lewisburg.
Hampshire.....	J. S. Zimmerman.....	Romney.
Hancock.....	R. M. Brown.....	New Cumberland.
Hardy.....	G. W. McCauley.....	Moorefield.
Harrison.....	W. E. Morris.....	Clarksburg.
Jackson.....	J. M. Baker.....	Ripley.
Jefferson.....	J. M. Mason, Jr.....	Charles Town.
Kanawha.....	S. B. Avis.....	Charleston.
Lewis.....	W. J. Smith.....	Weston.
Lincoln.....	J. G. Evans.....	Hanlin.
Logan.....	John Clabin.....	Logan.
Marion.....	S. C. Lowe.....	Fairmont.
Marshall.....	A. L. Hooton.....	Moundsville.
Mason.....	L. S. Echols.....	Point Pleasant.
Mercer.....	J. Frank Maynard.....	Bluefield.
Mineral.....	O. A. Horn.....	Keyser.
Mingo.....	Jno. A. Sheppard.....	Williamson.
Monongalia.....	C. W. Cramer.....	Morgantown.
Monroe.....	Morris Gilchrist.....	Gap Mills.
Morgan.....	H. W. Buyer.....	Berkeley Springs.
McDowell.....	R. R. Smith.....	Welch.
Nicholas.....	W. G. Brown.....	Summersville.
Ohio.....	C. J. Schuck.....	Wheeling.
Pendleton.....	H. M. Calhoun.....	Franklin.
Pleasants.....	M. S. Barron.....	St. Marys.
Pocahontas.....	G. D. McNeil.....	Marlinton.
Preston.....	C. C. Pierce.....	Kingwood.
Putnam.....	C. C. Knapp.....	Liberty.
Raleigh.....	A. A. Lilly.....	Becklep.
Randolph.....	C. W. Harding.....	Elkins.
Ritchie.....	S. M. Hoff.....	Harrisville.
Roane.....	W. H. Bishop.....	Spencer.
Summers.....	R. F. Dunlap.....	Hinton.
Taylor.....	G. H. A. Kunst.....	Grafton.
Tucker.....	C. D. Smith.....	Parsons.
Tyler.....	I. M. Underwood.....	Middlebourne.
Upshur.....	Roy Waugh.....	Buckhannon.
Wayne.....	William Fry.....	Wayne.
Webster.....	W. L. Wooddell.....	Webster Springs.
Wetzel.....	E. L. Robinson.....	New Martinsville.
Wirt.....	D. E. Casto, Jr.....	Elizabeth.
Wood.....	J. F. Laird.....	Parkersburg.
Wyoming.....	Powell Lane.....	Oceana.

CLERKS OF CIRCUIT COURTS.

COUNTIES.	NAMES.	ADDRESSES.
Barbour.....	C. W. Brandon.....	Philippi.
Berkeley.....	L. DeW. Gerhardt.....	Mertinsburg.
Boone.....	V. W. Smoot.....	Danville.
Braxton.....	C. H. Bland.....	Sutton.
Brooke.....	W. R. Glass.....	Wellsburg.
Cabell.....	R. W. McWilliams.....	Huntington.
Callhoun.....	C. C. Starcher.....	Grantsville.
Clay.....	H. M. Young.....	Clay.
Doddridge.....	J. O. Wilcox.....	West Union.
Fayette.....	J. C. Farr.....	Fayetteville.
Gilmer.....	I. N. Hardman.....	Glenville.
Grant.....	D. P. Hendrickson.....	Petersburg.
Greenbrier.....	J. Mays.....	Lewisburg.
Hampshire.....	V. M. Poling.....	Romney.
Hancock.....	Frank E. Bradley.....	New Cumberland.
Hardy.....	C. B. Welton.....	Moorefield.
Harrison.....	H. W. Williams.....	Clarksburg.
Jackson.....	M. C. Archer.....	Ripley.
Jefferson.....	J. M. Daniel.....	Charles Town.
Kanawha.....	D. M. Shirkey.....	Charleston.
Lewis.....	Geo. Woofter.....	Weston.
Lincoln.....	Fulton Cummings.....	Hamlin.
Logan.....	Scott Justice.....	Logan.
Marion.....	R. B. Parrish.....	Fairmont.
Marshall.....	C. W. Connor.....	Moundsville.
Mason.....	A. L. Boggess.....	Pt. Pleasant.
Mercer.....	W. B. Honaker.....	Princeton.
Mineral.....	J. V. Bell.....	Keyser.
Mingo.....	C. H. Bronson.....	Williamson.
Monongalia.....	John Shriver.....	Morgantown.
Monroe.....	J. D. Beckett.....	Union.
Morgan.....	Lewis Allen, Jr.....	Berkeley Springs.
McDowell.....	W. B. Payne.....	Welch.
Nicholas.....	W. M. Crookshanks.....	Persinger.
Ohio.....	C. H. Hemming.....	Wheeling.
Pendleton.....	I. E. Rolton.....	Franklin.
Pleasants.....	R. A. Flesher.....	St. Marys.
Pocahontas.....	J. H. Patterson.....	Marlinton.
Preston.....	J. W. Watson.....	Kingwood.
Putnam.....	J. H. Henly.....	Winfield.
Raleigh.....	Jackson Smith.....	Beckley.
Randolph.....	G. N. Wilson.....	Elkins.
Ritchie.....	H. E. McGinnis.....	Harrisville.
Roane.....	S. A. Simmons.....	Spencer.
Summers.....	W. H. Bonds.....	Hinton.
Taylor.....	J. F. Wilson.....	Grafton.
Tucker.....	W. K. Pritt.....	Parsons.
Tyler.....	J. G. Mayfield.....	Middlebourne.
Upshur.....	A. J. Zickfoosa.....	Buckhannon.
Wayne.....	C. E. Walker.....	Wayne.
Webster.....	B. C. Conrad.....	Webster Springs.
Wetzel.....	W. J. Postalthwalte.....	New Martinsville.
Wirt.....	Walter Hoffman.....	Elizabeth.
Wood.....	J. G. Hogan.....	Parkersburg.
Wyoming.....	E. M. Senter.....	Oceana.

CLERKS OF COUNTY COURTS.

COUNTIES.	NAMES.	ADDRESSES.
Barbour.....	E. H. Compton.....	Philippi.
Berkley.....	I. L. Bender.....	Martinsburg.
Boone.....	J. M. Hopkins.....	Madison.
Braxton.....	E. W. Hefner.....	Sutton.
Brooke.....	G. W. McCord.....	Wellsbnrg.
Cabell.....	T. F. McCullough.....	Huntington.
Calhoun.....	S. W. McClung.....	Grantsville.
Clay.....	James Reed.....	Clay.
Doddridge.....	U. G. Summers.....	West Union.
Fayette.....	Wm. Grafton.....	Fayetteville.
Gilmer.....	J. H. Arbuckle.....	Glenrillo.
Grant.....	D. P. Hendrickson.....	Petersburg.
Greenbrier.....	C. B. Buster.....	Lewisburg.
Hampshire.....	C. W. Haines.....	Romney.
Hancock.....	Armour S. Cooper.....	New Cumberland.
Hardy.....	C. B. Welton.....	Moorefield.
Harrison.....	C. F. Holden.....	Clarksburg.
Jackson.....	G. B. Crow.....	Ripley.
Jefferson.....	W. T. Alexander.....	Charles Town.
Kanawha.....	John Moulton.....	Charleston.
Lewis.....	H. W. Lightburn.....	Weston.
Lincoln.....	Robert Hager.....	Hamlin.
Logan.....	J. R. Henderson.....	Logan.
Marion.....	G. M. Jacobs.....	Fairmont.
Marshall.....	J. K. Chase.....	Moundsville.
Mason.....	J. P. R. B. Smith.....	Point Pleasant.
Mercer.....	Estill Bailey.....	Princeton.
Mineral.....	J. V. Bell.....	Keyser.
Mingo.....	James Damron.....	Williamson.
Monongalia.....	Jno. M. Gregg.....	Morgantown.
Monroe.....	J. C. McClaugherty.....	Union.
Morgan.....	M. S. Harmison.....	Berkeley Springs.
McDowell.....	R. B. Bernheim.....	Welch.
Nicholas.....	J. A. Alderson.....	Summersville.
Ohio.....	R. Roberts.....	Wheeling.
Pendleton.....	I. E. Bolton.....	Franklin.
Pleasants.....	W. C. Dotson.....	St. Marys.
Pocahontas.....	S. L. Brown.....	Marlinton.
Preston.....	G. A. Walls.....	Kingwood.
Putnam.....	R. A. Salmons.....	Winfield.
Raleigh.....	Isadore Meadows.....	Beckley.
Randolph.....	Lee Crouch.....	Elkins.
Ritchie.....	W. R. Meservie.....	Harrisville.
Roane.....	A. W. Summers.....	Spencer.
Summers.....	J. M. Meador.....	Inton.
Taylor.....	L. Kitzmiller.....	Grafton.
Tucker.....	G. O. Billings.....	Parsons.
Tyler.....	J. W. Duty.....	Middlebourne.
Upshur.....	Eugene Brown.....	Buckhannon.
Wayne.....	J. G. Lambert.....	Wayne.
Webster.....	P. M. McElwain.....	Webster Springs.
Wetzel.....	J. D. Morgan.....	New Martinsville.
Wirt.....	J. W. Martin.....	Elizabeth.
Wood.....	W. E. Stout.....	Parkersburg.
Wyoming.....	A. M. Stewart.....	Oceana.

INDEX.

	Page.
ABDUCTION:	
felony to take or secrete a child under fourteen with intent to extort money, etc., chapter 74.....	490
felony to take or secrete a child under fourteen for immoral purposes	490
of inmates of certain state institutions made a felony, chapter 73..	489
ACTS AMENDED:	
charter of Benwood.....	25
charter of Bluefield.....	44
charter of Elkins.....	108
charter of Huntington.....	116, 121, 206
charter of Mannington.....	124
charter of Morgantown.....	129
state board of embalmers, chapter 44.....	416
relating to mine inspection, chapter 46.....	426
prohibiting expenditure of public moneys, chapter 56.....	453
relating to sale of fruit trees, etc., chapter 61.....	459
time for certain sheriffs to make distraint extended, chapter 62 and 63.....	461, 462
relating to Capon Springs property, chapter 65.....	465
relating to West Virginia asylum, chapter 66.....	468
relating to reform school, chapter 68.....	472
employment of children, chapter 75.....	488
salary of judge of criminal court of Cabell county, chapter 78....	492
terms criminal court of Cabell county chapter 79.....	492
terms criminal court of Wood county, chapter 80.....	493
criminal court of McDowell county, chapter 81.....	493
salary judge criminal court of Fayette county, chapter 82.....	494
time for holding circuit courts. chapter 84.....	495
relating to criminal court of Kanawha county, chapter 87.....	499
ACTS AND JOURNALS:	
appropriation to pay for distribution to members of legislature....	542
ADJUTANT GENERAL:	
to approve muster and pay rolls for attendance at drills, parades, etc., section 7.....	432
such muster and pay rolls to be forwarded to, by commanding officer of each company, when, section 7.....	432
to make regulations and require bonds and reports respecting public property issued to enlisted men, section 7.....	432
he and his assistant required to perform active military duty, section 17.....	436
to be chief of general staff; to perform certain duties by virtue of offices held by him ex-officio, section 17.....	436
the assistant may perform the duties of his chief, when, section 17	436
enlistment papers to be forwarded to, section 34.....	437
to contract annually with railroads, etc., for transportation of national guard, section 44.....	441

	Page.
ADJUTANT GENERAL—Continued.	
pay and allowance of assistant adjutant general, section 45.....	441
salary of assistant adjutant general of a brigade, section 45.....	441
the assistant adjutant general to be a member of the army commission provided for in the military code; duties and authority of such commission, section 100a.....	443 to 445
copies of contracts and agreements for repairs, etc., to arsenals, armories, quarters, camp grounds, etc., to be filed in the office of, section 100a.....	444
appropriations to pay salary of.....	576, 577
appropriations to pay contingent expenses.....	542, 566
AGENTS:	
selling fruit trees, vines and shrubbery, to be licensed, chapter 61	462
penalty for acting without license.....	463
penalty for acting without employers' certificate.....	464
penalty for misrepresentation.....	464
(See "Real Estate Agents"; "Lightning Rods"; "Sewing Machines"; "Stoves or Ranges"; "Organs"; "Musical Instruments.")	
AGRICULTURE, STATE BOARD OF:	
appropriations for.....	536, 560
ALDERSON, INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	207 to 215
boundary lines, section 1.....	208
board of education; authority of; term and pay of members, section 2.....	208
vacancies in board, section 3.....	208
president and secretary of board, section 4.....	209
meetings and quorum of board, section 5.....	209
corporate name, powers and liabilities, section 6.....	210
text books and attendance of pupils, section 7.....	210
high school provided for, section 8.....	210
school for colored children, section 9.....	210
admission to schools, section 10.....	211
superintendent, appointment and duties of, section 11.....	211
teachers, appointment and qualification of, section 12.....	211
provision as to old district moneys, section 13.....	212
levy, section 14.....	212
bonds, how and for what purpose issued, section 15.....	213
how bonds to be paid, section 16.....	213
polling places, section 17.....	213
election to ratify this act, how held and conducted, section 18....	213, 214
ballots for election; proclamation of president of board of education, section 19.....	214
assessments; levies to whom paid and how accounted for, section 20	214
sheriffs of Monroe and Greenbrier counties, duties of, section 21...	215
first election after ratification, how held, section 22.....	215
inconsistent acts repealed, section 23.....	215
ALDERSON, WM.:	
appropriation to pay.....	580
ALLBRIGHT, HARRISON:	
appropriation to pay.....	551
ALE OR BEER:	
state license for sale of, required; also for any drink of like nature, section 1.....	352

	Page.
ALE OR BEER—Continued.	
also, to solicit or receive orders for, section 1.....	352
penalty for selling, etc., without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 358
evidence of character required, section 19.....	362
certain required conditions must be complied with, section 20.....	362
penalties and liabilities for illegal sales, section 86.....	381
bond required to sell; penalty and conditions of such bond, section 28.....	364
when license may be revoked, section 34.....	367
to what place license confined, section 35.....	367
transfer of license to another place; assignment to another person, sections 36, 37.....	367, 368
for what time license granted, section 39.....	369
posting of license to sell, and where; penalty for failure, section 43	370
tax on license to sell, at retail, section 87.....	381
tax on license to sell, at wholesale, section 88.....	381
what deemed a sale without license, sections 85, 89, 90.....	381
ALCOHOL:	
sale of, by druggists, sections 4 to 6.....	354 to 356
ANNEX EMPLOYEES, SALARIES OF:	
appropriations for.....	544, 568
APPEALS:	
from decision of clerk of county court, respecting licenses, to tax commissioner; when, section 42.....	369
any tax-payer who applied for relief as provided in section 18 of the assessment act and is dissatisfied with decision rendered may apply for relief to the county court; when and how, sections 18, 129.....	292, 348
from the assessment and valuation made by board of public works when and by whom, sections 93, 94.....	334, 335
duty of court on such appeal; notice to be given to prosecuting attorney and tax commissioner, section 94.....	335
in cases where county court refuses to correct erroneous assessments, section 129.....	348
APPLE BRANDY:	
distillers of, required to obtain license, section 1.....	352
tax on license to distill and sell, section 65.....	376
tax made from fruit grown in this state, section 65.....	376
sale of, by distiller, how and in what quantity, section 74.....	378
(See "Distillers.")	
APPLICATION:	
for license to be filed with clerk county court; what to contain; section 12.....	358
APPROPRIATIONS:	
to print and distribute chief mine inspector's report, section 3....	429
to prevent pollution of New and Great Kanawha rivers, chapter 59	460
to carry into effect the act creating state bureau of state archives and history, section 5.....	468
<i>To Pay General Charges.</i>	
for the penitentiary.....	527
for criminal charges.....	528, 551
for lunatics.....	528, 552
for support of state normal school and branches.....	528, 552
for Marshall college.....	528, 552

APPROPRIATIONS—Continued.	Page.
for West Liberty normal school.....	529, 552
for Concord normal school.....	529, 553
for Shepherd college normal school.....	529, 553
for Fairmont normal school.....	530, 553
for Glenville normal school.....	530, 554
for West Virginia schools for deaf and blind.....	530, 554
for the university.....	530, 554
for the preparatory branch of the West Virginia university at Montgomery	531, 555
for the preparatory branch of the West Virginia university at Keyser	532, 555
for the West Virginia colored institute.....	532, 556
for the Bluefield colored institute.....	533, 557
for the West Virginia colored orphans' home and industrial school	534, 557
for Storer college.....	534, 557
for the West Virginia reform school.....	534, 558
for the West Virginia industrial home for girls.....	535, 558
for the West Virginia asylum.....	535, 558
for the Weston hospital for the insane.....	535, 559
for the second hospital for the insane.....	536, 559
for the miners' hospital No. 1.....	536, 559
for the miners' hospital No. 2.....	536, 559
for the miners' hospital No. 3.....	536, 560
for the bureau of labor.....	536, 560
for the state board of agriculture.....	536, 560
for extermination of San Jose scale and other insects, etc.....	537, 560
for commissioner of banking, (salary, etc.).....	537, 560
for inspector of mines, (salary, etc.).....	537, 560
for state board of health (expenses).....	537, 561
for commissioners of pharmacy.....	537, 561
for vaccine agents.....	538, 561
for institute instructors.....	538, 561
for uniform examinations.....	538, 561
for erroneous assessments.....	538, 563
for insurance.....	538, 561
for pay of state agents.....	539, 562
for state library.....	539, 562
for refunding moneys erroneously paid into treasury.....	539, 563
for distribution of general school fund.....	539, 562
for refunding county, district and municipal taxes.....	539, 563
for emergency fund.....	539, 562
for over paid taxes.....	540, 563
for delinquent taxes.....	540, 563
for game and fish warden, (salary, etc.).....	540, 564
for West Virginia pardon board.....	540, 564
for West Virginia pardon attorney.....	540, 564
for the state geological and economic survey.....	540, 564
for the militia.....	541, 564
for printing, binding and stationery.....	541, 565
for the capitol building and grounds.....	541, 565
for governor's mansion and grounds.....	541, 565
for civil contingent fund.....	541, 565
for contingent fund, executive department.....	541, 565
for contingent legislative expenses.....	542
for salary of governor's private secretary.....	542, 566
for other clerk hire and stenographers.....	542, 566
for salary of chief clerk of secretary of state.....	542, 566
for salary of clerk to secretary of board of public works.....	542, 566

INDEX TO ACTS.

v

APPROPRIATIONS—Continued.

	Page.
for salary of stenographer of secretary of state's office.....	542, 566
for salary of chief clerk in treasurer's office.....	543, 566
for salary of assistant clerk in treasurer's office.....	543, 566
for salary of stenographer of treasurer.....	543, 566
for salary of chief clerk in auditor's office.....	543, 566
for salary of other clerks in the auditor's office.....	543, 566
for salary of stenographer for auditor.....	543, 566
for salary of assistant in attorney general's office.....	543, 566
for salary of stenographer attorney general's office.....	543, 566
for one clerk in attorney general's office.....	543, 566
for one clerk in attorney general's office, who shall be a printer of two years' experience.....	543, 567
for salary of clerks in office of state superintendent of free schools	543, 567
for salary of stenographer of state superintendent of free schools..	543, 567
for salaries of assistant clerks of the supreme court of appeals....	543, 567
biennial report to be made to governor by head of department for which clerk hire is allowed.....	543, 567
for tax commissioner's clerks, etc.....	543, 567
for contingent expenses of supreme court.....	544, 567
for law clerks or stenographers of judges of supreme court.....	544, 567
for printing and binding supreme court reports.....	544, 567
to pay criers, messengers and janitors of supreme court.....	544, 567
for salary of engineer at state house.....	544, 567
for salary of electrician at state house.....	544, 567
for salary of night watchman at state house.....	544, 567
for salary of night fireman at state house.....	544, 568
for day fireman at state house.....	544, 568
for six sweepers at state house.....	544, 568
for one messenger at state house.....	544, 568
for salary of assistant janitor for annex.....	544, 568
for salaries of three sweepers for annex.....	544, 568
for salary of night watchman at annex.....	544, 568
for reprinting supreme court reports.....	544
to pay deficiency of Louisiana purchase exposition board.....	544
to repay monéys borrowed or owed, (sundry claims).....	545
for reassessment of lands under chapter 15 of the acts of 1904....	545
for destruction and classification of records.....	545
for payment of sundry individual claims.....	545
for battle monument at Point Pleasant.....	562
for James Rumsey memorial.....	564

ARCHIVES AND HISTORY:

state bureau established; to be a department of the state govern- ment, chapter 61.....	466
what to be collected and preserved therein, section 1.....	466
board of public works to establish by-laws, etc., for, section 2....	467
battle flags, and all property held in trust by the West Virginia historical and antiquarian society, to be part of collection, section 2.....	467
state historian and archivist to be appointed by the governor, sec- tion 3.....	467
his term of office; powers, duties and compensation.....	467
duty of secretary of state as to annual reports of state historian, section 4.....	468
appropriation for bureau, section 5.....	468

ARMORY COMMISSIONS:

arsenals, armories, or other quarters of the militia owned by the
state, to be under the charge of an armory commission, section

ARMORY COMMISSIONS—Continued.		Page.
100a		443
when such property is devoted to the use of the national guard, who to constitute such commission, section 100a.....		443
duties and authority of such commission, section 100a.....		443, 441
provisions relating to repairs to armories, arsenals, quarters, camp grounds, etc., section 100a.....		444
copies of contracts and agreement for such repairs, where filed, section 100a.....		444
real property taken for purpose of erecting a state armory thereon, how buildings on such property may be disposed of, section 100a		444, 445
how proceedings arising therefrom may be used, section 100a....		445
real property may be acquired for military purposes by condemna- tion, when, section 100a.....		445
state to pay cost of property so taken, including damages and ex- penses incurred, section 100a.....		445
words "armory commission," how construed, section 100a.....		445
ARMORIES, ARSENALS, ETC.:		
provisions relating to, section 100a.....		443 to 445
ARMS, EQUIPMENTS, ETC.:		
responsibility of enlisted men for, issued to them, section 7.....		432
for military forces of state, regulations respecting, section 40.....		439
responsibility of officers for military property, section 41.....		439
penalty on any officer for neglect or refusal to account for such property, section 41.....		439
transfer of military property, provisions relating to, section 41...		439
unlawful conversion of such property, penalty, section 42.....		439, 440
unlawful wearing of uniforms and devices indicating rank, penalty, section 43.....		440
ASSESSMENT DISTRICTS:		
each county to constitute one district, section 6.....		287
to elect one assessor for each district, section 6.....		287
assessor's term of office; ineligible to re-election until when, sec- tion 6.....		287
assessor must be a resident of the county and a freeholder, section 6		287
number of assistant assessors to be appointed in each county; qualifications, section 7.....		287
how such assistants appointed, section 8.....		287
ASSESSMENT OF LICENSE TAX:		
(See "Licenses.")		
ASSESSMENT OF TAXES:		
assessment districts; one assessor elected in each district, and when; his term of office; provision as to assessors now in office, section 6.....		287
assistant assessors; number to be appointed, and when; qualifica- tions; how appointed and removed; term and oath of office; vacancies, sections 7 and 8.....		287
assessor to apportion work among assistants; no magisterial dis- trict to be divided; change in the apportionment of work, section 9.....		287
compensation of assessors and assistants; how fixed and paid, section 10.....		288
authority and duty of assessor restricted to the limits of his dis- trict, section 11.....		288
assessments to have reference to first day of April; basis of as-		

ASSESSMENT OF TAXES—Continued.	Page.
assessment value for 1905, and after the year 1905; annual assessment of real estate and personal property to begin with year 1909, section 12.....	288
taxpayers to be furnished with blanks; when, how and by whom; proviso as to failure to receive such blanks, section 13.....	289
assessors must call upon every person liable to assessment, when; taxpayers to furnish list of property owned or controlled by them to assessor, and when; duty of assessor as to such list; proviso as to list and value of real estate and personal property, section 14.....	289
assessor empowered to administer oaths; form of oath made by owner of property and appended to list, section 15.....	290
assessor to revise and correct list, section 16.....	291
assessor and assistants to hold meetings, when and where; for what purposes held; what notice to be given; duty of assessor at such meetings; clerk of county court to sit as advisory member, when, sections 17 and 18.....	291, 292
tax commissioner to report misconduct or neglect of official duty of certain officers; to whom; duty of court; penalty, section 19	293
state tax commissioner to furnish forms, etc., to assessors; also to furnish instructions; penalty on any assessor failing to obey such instructions, section 20.....	293
assessor to apply for books and papers of his predecessor; penalty for failure to deliver same; substitutes, how obtained, sections 21 and 22.....	293
land books, who to make out; what to govern; corrections to be made; compensation to clerk of county court; omitted taxes to be entered; omitted tracts to be also entered, when; penalty for failure, sections 23 to 25.....	294
change of ownership of land, general rules respecting; duty of clerk of every circuit and municipal court as to judgments and decrees respecting lands; duty of clerk of county court as to wills recorded in his office devising lands lying in another county; duty of such officers as to lists made out by them; duty of state auditor as to land grants issued by the state, sections 26 to 30.....	295
county court clerk to furnish assessor certified list of all transfers of title to land in his county; when and for what period; what such list to show, section 31.....	296
penalty on officer failing to perform certain duties, section 32.....	296
certified copy of any deed, etc., may be delivered to assessor by person interested; examination of original deed and records by assessor, section 33.....	296
change of ownership, how entered in land book, and by whom; penalty for failure; provisions relating to real estate purchased by the state—duties of the auditor and the officer who makes out the land book, sections 34 to 37.....	296, 297
certified statement to be furnished town or city clerks and secretaries of boards of education, by whom, when and what to show; such statement to be taken as the proper valuation of property liable for taxation for municipal purposes; duty of such clerks, section 38.....	297
minerals and timber, how assessed, section 39.....	298
lands of deceased persons, how assessed, section 40.....	299
old and new buildings, how assessed, section 41.....	299
no new building to be assessed until fit for use, section 42.....	300
buildings or structures with machinery and fixtures attached thereto, how assessed, section 43.....	300
tract of land lying in more than one county or district, how entered	

ASSESSMENT OF TAXES— <i>Continued.</i>	Page.
and assessed, sections 44 to 46.....	300, 301
additional annual duties of assessors when listing and assessing real and personal property after the year 1908; penalty for failure, section 47.....	301
form of land books; tables of tracts of land; town lots, sections 48 and 49.....	302, 303
contiguous tracts may be charged as one, how; penalty for failure, section 50.....	303
town lots, how entered, described and assessed, section 51.....	304
assessor and assistants to begin annually on first day of April to ascertain the persons and personal property subject to taxation; after the year 1908 to annually ascertain at same time all real property subject to taxation; who to pay taxes assessed, section 52.....	304
duty of assessor and assistants to see every person in his county liable to taxation; statement to be obtained; capitation tax, assessor to collect, provisions relating to, section 53.....	305
who deemed owner of property for purposes of taxation, section 54	306
by whom property listed for taxation, section 55.....	306
persons required by law to list property for another, how listed, section 56.....	307
property exempt from taxation, section 57.....	307
land taken for public road or railroad may be released from taxation, how, section 58.....	308
capitation tax, what persons to be listed to pay. (How such tax collected, see section 53.), section 59.....	308
definition of certain words, sections 60 to 62.....	309
what personal property to be listed for taxation, section 63.....	310
in what district personal property to be listed, section 64.....	310
valuation of credits and investments, how estimated or rated for taxation; what may be deducted therefrom; duty of assessor, and his authority to administer oaths; penalty for false statement, etc., sections 65 to 67.....	311
listing property; duties of assessors—general provisions relating to; duties of persons having property to list for taxation; forms of oaths to be appended to such lists, penalty for refusing to verify list, sections 68 to 72.....	312, 313, 314
penalty for failure to list property correctly, section 73.....	315
failure to furnish proper list, duty of assessor; penalty for refusal to permit examination of property, section 74.....	317
as to list of household and kitchen furniture, section 75.....	317
toll bridges and ferries, assessment of, section 76.....	317
certain incorporated companies, how assessed; form of oath to be attached to statement; proviso as to real estate and value of personal property; duty of assessor after receiving verified report, sections 77 to 78.....	317, 318, 319
banks and trust companies, how assessed, section 79.....	320
capital of merchants and other individuals or firms, used in trade or business, how assessed; form of oath to be subscribed to; proviso as to value of real estate and personal property; person or firm commencing business after April 1 in any year, sections 80 to 81.....	321, 322, 323
transient persons, how assessed, section 82.....	324
receivers, commissioners and clerks of courts, section 83.....	326
assessment of railroads, railroad toll bridges, car lines, express companies, telegraph and telephone lines and pipe lines; when sections to go into operation, sections 84 to 107a.....	326 to 340
personal property books, how made up, sections 108 and 109.....	340, 431
rules applicable to both land and personal property books, section	

ASSESSMENT OF TAXES—Continued.	Page.
110	341
property of assessor and his assistants, how assessed; penalty, sections 111 and 112.....	342
how land and personal property books may be supplied, section 113	342
how assessment made in case the assessor is prevented from performing his duties by reason of war, riot, imminent danger, etc., section 114.....	342
assessment valuation, evidence in certain cases, section 115.....	343
proceedings of the assessor after the books are made out, sections 116 to 120.....	343 to 346
penalty on clerk, assessor or prosecuting attorney for failure to perform his duty, sections 121 to 123.....	346
collection of fees of clerks of county courts; subject to what penalties, section 124.....	346
certain expenses of assessors provided for, section 125.....	346
allowance to assessors by county court; provisions relating to, sections 126 and 127.....	346, 347
alteration of land or personal property book prohibited, after when, section 128.....	347
relief against taxes erroneously assessed, etc., sections 129 to 132	347 to 349
duty of assessor, prosecuting attorney and grand jury respecting violations of revenue laws, section 133.....	349
certain words defined, section 134.....	349
all taxes levied only upon the value of property ascertained under this chapter, section 135.....	350
ASSESSMENTS, ERRONEOUS:	
Appropriation for refunding.....	538, 563
ASSESSOR:	
each county to constitute one assessment district, and to elect one assessor, section 6.....	287
his term of office; his qualifications; ineligible to re-election, until when, section 6.....	287
number of assistant assessors appointed in each county; qualifications, section 7.....	287
how assistants appointed; requirement as to magisterial districts, section 8.....	287
term of office of assistants; how removed; oath of office; how vacancies filled, section 8.....	287
apportionment of work of assessing property for taxation among assessor and assistants, when and how, section 9.....	287
no change of apportionment after labor of assessing has begun, until when, section 9.....	288
compensation of assessor and assistants, and how paid, section 10	288
authority and duty of assessor extend to limits of his county, section 11.....	288
assessment of real and personal property for taxation by, to be as of the first day of April of each year, except, etc., section 12	288
to assess such property at its true and actual value, section 12....	288
meaning of words "true and actual value," section 12.....	288
to furnish each taxpayer with proper blanks for listing his property; when and how, section 13.....	289
failure of taxpayer to receive such blanks. what then, section 13..	289
he or his assistant must call upon every taxpayer in territory apportioned him, when, section 14.....	289
duty of taxpayer when called on, section 14.....	289
proviso as to when taxpayer shall furnish list required of him, section 14.....	289

ASSESSOR—Continued.

	Page-
may administer oaths in all matters relating to his official duties,	
section 15.....	290
form of oath each taxpayer required to make, section 15.....	290
assessor to direct and advise his assistants, section 16.....	291
duty of, as to revising and correcting lists, section 16.....	291
meetings of, and his assistants; when and for what, sections 17, 18	291, 292
notice of such meetings, when and how, section 18.....	292
any misconduct or neglect of official duty by, to be reported to	
circuit court and prosecuting attorney; by whom; court to	
investigate, section 19.....	293
penalty, if such charges be true, section 19.....	293
state tax commissioner to furnish forms to, of land and personal	
property books, and lists of taxable subjects, section 20.....	293
tax commissioner to give instructions to; penalty for failure to	
obey such instructions, section 20.....	293
books and papers of assessor's predecessor, sections 21, 22.....	293
to make out land books after 1908; by what governed, section 23..	294
his duties as to errors and mistakes in such books, section 23.....	294
his duty as to mistakes in original land books, or books of any	
previous year, section 24.....	294
his duty as to taxes omitted from land book for any former year	
section 24.....	294
his duty as to lands omitted from land books for a period less	
than five years; penalties for failure; section 25.....	294
penalty for failure to make the entry required, section 25.....	295
his duty as to change of ownership in land; general rules re-	
specting, sections 26 to 30.....	295
clerk of county court to deliver to, a certified list of all the trans-	
fers of title to land; when and what to show, section 31.....	296
duty of, as to such list, section 31.....	296
penalty for failure to perform certain duties, section 32.....	296
may examine original deeds or records, for what, section 33.....	296
how change of ownership to be noted by, in land books, sections 34	
to 37.....	296, 297
what statement assessor must furnish to boards of education and	
town or city clerks, section 38.....	297
minerals and timber, how assessed by, section 39.....	298
how lands of deceased persons assessed, section 40.....	299
how old and new buildings to be assessed, sections 41, 42.....	299, 300
machinery and fixtures, how assessed, section 43.....	300
assessment of land by, lying in more than one county, sections	
44 to 46.....	300, 301
additional duties of assessors after year 1908, section 47.....	301
form of land books; how tracts of land and town lots entered	
therein, sections 48, 49, 51.....	302, 303, 304
to enter several contiguous tracts as one in land book; when and	
how; penalty for failure, section 50.....	303
when to begin his assessment, section 52.....	304
his duty to see every person liable to taxation upon property or	
capitation and for what, section 53.....	305
his duty as to collecting capitation taxes; his powers of levy and	
sale, section 53.....	305
capitations collected by, when and to whom paid, section 53.....	305
assessor's commission and fees for collecting such taxes, section 53	
his report to the county court, when and what to show; such	
report must be verified by affidavit, section 53.....	305
assessor's additional bond, section 53.....	306
who to be listed by, for capitation tax, section 59.....	308

ASSESSOR—Continued.

	Page
duty of, as to land taken for public road or right-of-way for rail-road, section 58.....	308
definition of certain words, sections 60 to 62.....	309, 310
definition of "property" for purposes of assessment, section 46.....	400
property list to be furnished upon application of, section 55.....	306
who deemed owner of property for purposes of taxation, section 54	306
property exempt from taxation, to be entered on assessor's books, section 57.....	307
word "assessor" what to endorse respecting assessment of taxes, section 60.....	309
duty of, as to listing personal property for taxation, sections 63, 64	310
duty of, as to listing the valuation of credits and investments, sections 65 to 67.....	311, 312
lists of personal and real property subject to taxation, when to be called for by assessor, section 68.....	312
assessor's duty as to such lists, sections 68 to 75.....	312 to 317
penalty on assessor for receiving any list without being verified, section 72.....	315-
duty of, as to assessing toll bridges and ferries, section 76....	317
duty of, as to assessing certain incorporated companies for taxation, sections 77, 78.....	317 to 319
banks and trust companies, how assessed by, section 79.....	320
capital used in trade of business by merchants and other individuals, how assessed for taxation, sections 80, 81.....	321 to 324
transient persons, how assessed for taxation, section 82.....	324
assessor to collect such taxes, section 82.....	324
duty of, to ascertain from commissioners and receivers of courts what money, bonds, etc., are under their control, etc., section 83	326
and from clerks of courts the amount of money deposited to the credit of suits, section 83.....	326
assessor to make up the personal property books, and how, section 108	340
duty of, as to taxes omitted from such books, section 109.....	341
rules to be observed by, with respect to both land and personal property book, section 110.....	341
assistant assessors must report their own property, sworn to, for taxation to the assessor, penalty for failure; duty of the assessor, as to such report, section 111.....	342
the assessor must report his own property, under oath, to clerk of county court; how he must enter and assess his own property; penalty for failure, section 112.....	342
duty of, in any case where no land or personal property book is made out for any year, section 113.....	342
duty of, where he is interrupted by reason of war, forcible resistance or imminent danger, etc., section 114.....	342
proceedings and duty of assessor after the land and personal property books are made out, sections 116 to 119.....	343 to 345
may require from officers written acknowledgement of receipt of copies of books delivered or transmitted to them, section 120	345
penalty on assessor for making false entry, etc., in land or personal property book, section 121.....	346
penalties for failure to perform certain duties, sections 122, 123..	346
what expenses of, auditor to pay out of his contingent fund, section 125	346
county court may refuse assessor any compensation or reduce his commission, when, section 126.....	346
when and how compensation of assessor may be apportioned, where services performed in part by different assessors, section 127.	347
when assessor appointed to fill vacancy entitled to whole compensa-	

ASSESSOR—Continued.	Page.
tion, section 127	347
no alteration shall be made in books, after when, section 128..	347
when any assessment is corrected by county court, or by circuit court on appeal, certified copy of the order of such court to be furnished assessor; his duty thereon, section 129.....	347
order made by county or circuit court granting relief to any appli- cant against taxes; effect of such order as a restraining or compelling order, sections 130, 131, 132.....	348, 349
duty of, to furnish prosecuting attorney a list of violations of reve- nue laws, section 133.....	349
circuit court to charge grand juries to inquire into all violations of such laws by assessor, section 133.....	349
coal, oil and gas, etc., to be assessed by, section 39.....	298
assessor to provide himself and assistants with copy of land book; penalty, section 47	302
duty as to consolidation of contiguous tracts of land, section 50..	303
to deliver to taxpayers blank forms, section 70	313
if taxpayer is absent forms to be left with member of his family, section 70	313
to value property when owner refuses to value same, section 72..	314
supplement to personal property book, section 82.....	325
to furnish auditor and county clerk certificates of valuation in such supplement, section 82	325
to give receipt for taxes paid to him; what receipt to show; receipt to be signed by assessor and county clerk, section 82.....	325
to report to county clerk all taxes collected by him, section 82....	325
duty of clerk to charge same against him in said supplement, sec- tion 82	325
to apportion taxes collected by him to the county, district, etc.; sec- tion 82	325
penalty for failure, section 82.....	325
duty to inspect state license, section 43.....	371
may examine books of licensee, sections 71, 82.....	378, 380
shall furnish certain information at request of auditor, sections 72, 83	378, 380
duty of, to register or list qualified voters.....	411
to be furnished books and blanks by clerk county court.....	412
ASSIGNMENT.	
trustee in any, by insolvent debtor to give bond, etc., chapter 55..	455
ASSUMPSIT, ACTION OF:	
may be brought to recover what taxes and in what courts, section 105	339
ASYLUM, WEST VIRGINIA:	
appropriations for.....	535, 558
acts relating to amended, chapter 66.....	471
(see "West Virginia Asylum.")	
ATTORNEY GENERAL:	
duty of to institute proceedings to have certain charters declared forfeited, section 127	390
duty respecting delinquent corporations, section 136.....	396
to collect delinquent license tax, section 136.....	396
may apply for injunction against such corporation, section 136..	396
duty as to certain publications, section 137.....	397
to acquire by condemnation proceedings real property for military purposes; when, section 100a.....	445
appropriation to pay salary of.....	576, 577
appropriation to pay contingent expenses.....	542, 565
appropriation to purchase library and books.....	542, 565
appropriation for salaries of assistant clerks and stenographer....	543, 566

AUCTIONEER :	Page..
license required to act as, section 2.....	352
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39.....	368, 369
inspection of license and by whom; penalty for refusing to produce license for inspection, section 43.....	370
tax on license to act as, section 111.....	384
AUDITOR, STATE :	
list of all state licenses to be transmitted to, by clerk of county court; when, section 48.....	372
such list must be verified by affidavit, section 48.....	372
what fact must be stated in list, section 48.....	372
if no certificate for license issued, what fact must also be reported, section 48.....	372
instructions by, to clerks of county courts and other officers, section 50.....	373
duty of, as to enforcing payments of state taxes on licenses against sheriff or collector, sections 55 to 57.....	373, 374
to make out abstract of all grants issued by the state; when and to whom forwarded, section 30.....	295
penalty for failure, section 32.....	296
what the assessor to certify to, as to firms, etc., commencing business after April first, section 81.....	323
what certificates assessor to furnish to, respecting transient persons doing business, section 82.....	324
assessment and valuation of railroads, etc., to be certified to, by whom, section 93.....	334
value fixed by court on appeal, from the assessment and valuation made by board of public works, to be certified to, section 94.....	335
to certify the value of property assessed by the board of public works to the county court of each county in which any part of such property lies; when, section 95.....	335
clerk of county court of such county to certify to auditor the apportionment made and amount of county levy, etc.; when, section 96.....	335
secretary of board of education of district in which any part of the property lies to certify to auditor the levy for free school purposes; when, section 96.....	335
recorder or clerk of municipal corporation in which any part of the property lies to certify to auditor the levy for city purposes; when, section 96.....	335
penalty on such officers for failure, section 97.....	336
failure to make such certificates, how auditor may obtain the rate of taxation, section 97.....	336
to assess and charge property of every such owner or operator with the taxes properly chargeable thereon, and for what purposes; when, section 98.....	336
to certify to sheriff levies and taxes for collection; when; what per cent. added to amount, section 100.....	337
to transmit to owner or operator a statement of all taxes and levies charged; when, section 100.....	337
to settle with sheriff for county levies, when and for what, section 103.....	338
to certify to county court and county superintendent of free schools, when and what, section 104.....	338
to report to city or town council, when and what, section 104.....	338
duty of, if the person required fail to certify to him the levies or apportionment within the time prescribed, section 104.....	339

AUDITOR STATE—Continued.	Page.
assessor to transmit to, one copy of each of the land and personal property books, and when, section 119.....	345
what certificate must be attached thereto, section 119.....	345
such copies to be a guide for the auditor in settling with sheriff or collector, section 119.....	345
and admitted as evidence in legal proceedings against, sheriff or collector, section 119.....	345
what expenses of assessor the auditor is authorized to pay out of his contingent fund, and when, section 125.....	346
certified copy of order of court correcting any assessment to be transmitted to, section 129.....	348
when to draw warrant refunding erroneous taxes paid into treasury, section 132.....	349
to keep register of lands purchased by the state, section 36.....	297
list to be certified to person making out land book, section 36.....	297
reports of breweries or distilleries, except, etc., to be made to, section 67.....	377
when to report to auditor, section 68.....	377
when report to be filed with auditor, section 69.....	377
may examine applicant for license as to production, section 70....	377
may examine person making report, section 71.....	377
may examine books of licensee as to production, section 71.....	378
may increase amount of production reported and require payment of additional tax, section 72.....	378
assessor and prosecuting attorney to furnish information to, section 72.....	378
application for relief from decision of, may be made to board of public works, section 72.....	378
assignee of license subject to tax assessed by auditor, section 73....	378
wholesaler required to report to, amount of annual sales, section 78	379
other provisions respecting such report, sections 79 to 83.....	379, 380
corporations aggrieved at assessment of tax by auditor may apply to board of public works for relief; section 125.....	388
certified copy of order of board respecting the same to be delivered to, section 125.....	388
duties of respecting false affidavits, section 127.....	390
to collect corporation tax, when, section 129.....	391
to pay such tax into state treasury, section 129.....	391
foreign corporations doing business in this state to report annually to; what report to show, section 130.....	391
to collect tax on foreign corporations; when, section 131.....	393
to pay such tax into state treasury, section 131.....	393
duty of to notify corporations of time of payment of tax and amount thereof, section 133.....	393
how such notice given, section 133.....	393
mistake of as to amount, how corrected, section 133.....	394
statements of corporations to be delivered to, when; what to contain, section 133.....	394
license tax, lien on corporate property, section 133.....	394
certain taxes collected by secretary of state to be reported to, section 133.....	394
certain taxes collected by auditor to be reported to secretary of state, section 133.....	394
to publish list of delinquent corporations, when; section 134.....	394
what such list to show; how cost of publication paid; supplemental notice to be sent such corporations by, section 134.....	395
may with approval of governor appoint agents for collecting license tax., etc.; compensation of agents, section 135.....	395
to certify to governor and secretary of state list of delinquent	

INDEX TO ACTS.

XV

	Page.
AUDITOR STATE—Continued.	
corporations, section 136.....	395
may collect judgments and decrees for delinquent tax on corporations, in what manner, section 136.....	398
secretary of, state to report to, number of charters granted to corporations, section 139.....	398
other matters to be included in such report, section 139.....	398
duty of to report to governor, section 139.....	398
automobile license to be granted by, section 44.....	371
may retain money in his hands or in state treasury due sheriff to pay amount due from such sheriff to the state, section 55....	374
to be attorney in fact for foreign and non-resident corporations, section 1.....	401
duty of such corporations to appoint, section 1.....	401
duty of such corporations to make certain declarations, section 1..	401
to be paid fee of ten dollars by such corporations, as such attorney, section 2.....	401
fee not required to be paid to former attorney in fact, section 2...	402
attorney fee collected by, to be property of the state and to be paid into treasury, section 2.....	402
to keep accurate account of collection of such fees, section 2....	402
postoffice address of such corporation to be filed with auditor, section 3.....	402
duty of, as to service of process upon certain corporations, section 3	402
such corporations may designate any other person in this state as attorney in fact; and process served upon him to have same effect as if served upon the auditor, section 4.....	402
penalties upon corporations for failure to pay attorney's fee to auditor, section 5.....	402
penalty for failure to comply with requirements of act, section 6..	402
duty of, as to pay of enlisted men for attendance at drills, parades, etc., section 7.....	432
duty of, as to pay of officers and soldiers when called into active service, etc., sections 44, 47.....	440 to 442
appropriation to pay salary of.....	576, 577
appropriation for salaries of clerks and stenographers in office of..	543, 566
contingent expenses of.....	541, 565
AUSTIN, JOHN P.:	
appropriation to pay	550
AUTOMOBILES:	
license, required to operate, section 2.....	353
granted by auditor; scope of, section 44.....	371
"metal tags" to be furnished owner, section 44.....	371
penalty for operating without such tag, section 44.....	371
respecting identity of, section 44.....	371
license invalid if issued to other than owner, section 44.....	371
license tax on, section 104.....	383
AUTOMATIC DEVICES:	
what to be licensed and what not to be licensed, section 2.....	353
penalty for operating without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license made, and by whom; penalty, section 43.....	370
tax on license to maintain, section 103.....	383
BACK TAXES:	
may be collected for period of five years; suits to enforce collection, section 42.....	370
BAGATELLE TABLES:	
to be licensed, section 1.....	352

	Page-
BAGATELLE TABLES—Continued.	
penalty for keeping, or any table of like kind, for public use, without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 358
when license may be revoked; place to which license is confined, sections 34, 35.....	367
transfer or assignment of license, sections 36, 37.....	367, 368
for what time license granted, section 39.....	369
posting of license and penalty for failure, section 43.....	370
tax on license to keep, section 49.....	382
provision respecting public watering places, sections 40, 110.....	369, 384
character of applicant; certain conditions required, sections 19, 20	362
BAND, NATIONAL GUARD:	
composition and strength of, for a regiment, section 12.....	434
BANKER, PRIVATE:	
license required to practice the business of, section 2.....	353
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 10, 11.....	357, 353
assignment of license; for what time granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to carry on the business of, section 107.....	383
BANKS:	
shares in, the capital of which is not assessed under section 78, by whom listed for taxation, section 55.....	306
how assessed for taxation and taxes paid, section 79.....	320
liability in default of payment, section 79.....	320
list of what moneys cashiers of all banks required to furnish the assessor, section 83.....	326
incorporated, not required to have license of broker, section 4....	355
BANKS, TRUST COMPANIES AND BUILDING ASSOCIATIONS:	
what powers banks may exercise; unlawful to use the term "bank" or "trust company" in connection with any banking business without a charter, etc.; penalty, section 78.....	421
increase or reduction of capital stock; when and how.....	421
forty per cent. of capital stock must be paid in and a certificate secured from the bank commissioner before authorized to do business.....	422
stockholders cannot borrow from their bank upon stock certificate alone.....	422
stockholders in banks shall be personally liable to creditors, over and above amount of their stock to an amount equal to their respective shares, for all liabilities accruing while they are such stockholders.....	422
no stockholder shall borrow more than twenty per cent. of the capital stock of the bank.....	423
board of directors; power of; what is required of each director; where oath filed.....	423
savings banks, co-operative banking associations and trust companies, subject to what laws.....	423
building and loan associations, etc., subject to state supervision..	423
required to obtain what certificate of authority to begin business; duty of commissioner of banking.....	423
amendments to charter, etc.....	424
penalty for violation of section 78, chapter 45.....	424
statement to be filed with commissioner of banking; printing and circulation of such statement; penalty for false statement..	424

BANKS, TRUST COMPANIES AND BUILDING ASSOCIATIONS—Continued.	
examination by commissioner of banking; his duty.....	424
fee for making examination.....	425
what required of foreign building and loan associations, mutual investment companies and trust companies before transacting business; renewal of statements and certificates; penalty.....	425, 426
assistant commissioner of banking provided for	426
penalty for violating any of the provisions of this act.....	426
BANNER AGENCY:	
appropriation to pay.....	550
BARBOUR COUNTY COURT HOUSE:	
act authorizing county court to issue orders for the purpose of completing; also jail, chapter 77.....	493
amount of such orders; interest; when and how payable, section 1	494
question of issuing such orders to be submitted to vote, section 2..	494
duty of county court as to resolution concerning such orders;	
notice of election, section 3.....	494
how such election conducted, section 4.....	494
BARRAR, W. S.:	
appropriation to pay.....	549
BASE BALL EXCHANGE:	
license required to carry on business of, section 1.....	352
penalty for acting without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 358
when the business is carried on in an incorporated city, etc., section 14	361
certificate to constitute license, when, section 16.....	361
how clerks of county court may obtain such license, section 17....	361
evidence of character required, section 19.....	362
certain conditions required, section 20.....	362
revocation of license, section 34.....	367
place to which license confined, section 35.....	367
transfer of license, sections 36, 37.....	367, 368
how transfer made; fee therefor, section 37.....	368
time for which license is granted, section 39.....	369
production of license, section 43.....	370
clerks list of licenses, duty of licensee, section 45.....	372
collection of tax, sections 52, 53.....	373
license tax on, section 92.....	381
clerks county court to issue certificate of license, section 16.....	361
fees of clerks for alteration or assignment of license, section 38...	369
BATTALION:	
strength and composition of, section 11.....	434
maximum strength, section 11.....	434
when it is impracticable to assign three battalions to a regiment, what then, section 12.....	435
when four companies cannot be assigned to a battalion, what then, section 12.....	435
officers of staff of commander of, how appointed, commissioned and removed, section 21.....	436, 437
allowance for clerical service to each battalion headquarters, section 45.....	441
BATTLE MONUMENT AT POINT PLEASANT:	
appropriations for.....	562

BEER OR ALE:	Page.
state license for sale of, required; also, for any drink of like nature, section 1.....	352
also to solicit or receive orders for, section 1.....	352
penalty for selling without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 358
evidence of character required, section 19.....	362
certain required conditions must be complied with, section 20.....	362
bond required to sell; penalty and conditions of such bond, section 28.....	364
when license may be revoked, section 34.....	367
to what place license confined, section 35.....	367
transfer of license to another place; assignment to another person, sections 36, 37.....	367, 368
for what time license granted, section 39.....	369
posting of license to sell, and where; penalty for failure, section 43	370
penalties and liabilities for illegal sales, section 86.....	381
tax on license to sell, at retail, section 87.....	381
tax on license to sell, wholesale, section 88.....	381
what deemed a sale without license, sections 85, 89, 90.....	381
BELINGTON, CITY OF:	
the city of Belington created; rights and powers, section 1.....	1
corporate limits and boundaries, section 2.....	2
wards of city, how established, section 3.....	3
municipal authorities, of whom to consist, section 4.....	4
corporate powers, how exercised, section 5.....	5
subordinate officers, how appointed, section 6.....	5
eligibility of officers, section 7.....	5
mayor and recorder, election and term of, section 8.....	5
councilmen, election and qualification of, section 9.....	5
election precincts, section 9.....	6
qualification of voters, section 9.....	6
additional qualifications of voters, section 10.....	6
elections, how governed and conducted, section 11.....	6
tie vote decided by council, section 12.....	7
contested elections heard by council, section 13.....	7
vacancy in office filled by council, section 14.....	7
additional officers provided for; their duties and compensation, section 15.....	7
bonds to be made payable to city, section 16.....	9
oath required of officers, section 17.....	9
term of office to begin April first, after election, section 18.....	9
council may declare office vacant for ineligibility or failure to qualify, section 19.....	9
mayor, his powers and duties, section 20.....	10
recorder, duties of, section 21.....	11
quorum, majority of council to constitute, section 22.....	11
minutes and ordinances, record of to be kept; effect of copy of, section 23.....	11
minutes to be read and corrected, section 24.....	12
ayes and noes may be called for by any member, section 24.....	12
mayor and recorder to vote in council, section 25.....	12
presiding officer to cast deciding vote in case of a tie, section 25.....	12
meetings of council, section 26.....	12
members of council may be compelled to attend meetings, section 26	12
all city moneys to be paid to collector and treasurer, section 27....	12
how moneys of the city to be paid out, section 27.....	12
duties and powers of council, section 28.....	13
mayor's docket, section 29.....	17

BELINGTON, CITY OF—Continued.

Page.

annual levy; estimate of amount of revenues necessary to be made by council, section 30.....	17
tax on dogs and other animals, section 30.....	18
statement of receipts and expenditures to be published by council, section 30.....	18
annual assessment; assessor, his powers and duties, section 31..	18
assessor's books, section 32.....	19
lien for taxes on real estate, section 33.....	19
lien against real estate for fines and penalties assessed against the owner, section 33.....	19
provision as to delinquent real estate, section 33.....	19
taxes and licenses, how and by whom collected, section 34.....	19
licenses, how applied for and granted, section 35.....	21
licenses, when to expire, section 36.....	21
condemnation of land for city purposes, section 37.....	21
provision for bonding city, section 38.....	21
no debt to be created for current expenses; liability of members of council, section 39.....	22
streets, roads and bridges within said city, section 40.....	22
existing ordinances to remain in force until repealed, section 41 ..	22
city to be liable for debts, etc., of the town of Belington, section 41	22
officers first elected, when to assume duties, section 42.....	23
council may require abutting land owners to make and maintain sidewalks, streets, etc., section 43.....	23
council of the town of Belington to appoint officers for first election, section 44.....	24
charter of the town of Belington annulled, section 45.....	24
inconsistent ordinances and acts repealed, section 46.....	24

BENWOOD, CITY OF:

charter of, amended.....	25 to 43
corporate name, rights and powers, section 1.....	25
corporate limits and boundaries, section 2.....	26
officers, how elected; their qualification, section 3.....	26
municipal authorities to consist of mayor and councilmen, section 4	27
elections, how held; who entitled to vote, section 5.....	27
contested elections, how heard and determined, section 5.....	27
tie vote to be decided by council, section 5.....	27
mayor, his powers and duties; salary; to vote only in case of a tie; bond required of, section 6.....	28
proceedings to enforce ordinances, section 7.....	28
mayor to have power of a justice in certain cases, section 7.....	29
mayor's docket, section 8.....	29
appeals from judgments of mayor, section 9.....	29
duty of mayor and clerk of court when appeal is taken, section 10	30
recorder, duties of, section 11.....	30
collector, duties of; salary; bond required of, sections 12 and 13..	30
chief of police, duties of; salary; not eligible for more than two terms, section 14.....	31
street commissioner, duty and compensation of, section 15.....	32
health officer, duty and compensation of, section 16.....	32
city solicitor, duty and compensation of, section 17.....	32
city surveyor, duty and compensation of, section 18.....	32
city assessor, duty and compensation of, section 19.....	32
city treasurer, duty and compensation of, section 20.....	33
wards, how established, section 21.....	34
meetings of council, section 22.....	34
quorum of council, section 23.....	34
record of proceedings; ayes and noes may be demanded by any	

	Page-
BENWOOD, CITY OF—Continued.	
member, section 24.....	34
appropriations, how made, section 25.....	35
council may provide ordinance for weighing hay, etc., offered for sale in city, section 26.....	35
council may establish wharves and docks, section 27.....	35
stagnant water, how removed, section 28.....	35
crime and punishment, additional powers of council, section 29....	36
licenses, council to have exclusive authority to grant, sections 31 and 32.....	36, 37
streets and alleys, section 33.....	37
condemnation of lands by city council, section 34.....	37
sidewalks, section 35.....	38
taxes, how levied and collected, section 36.....	38
additional general authority of council, section 37.....	39
removal of officers, section 38.....	39
franchises, provisions relating to, section 39.....	39
fiscal year to begin April first, section 40.....	40
property subject to taxation, section 41.....	41
capitation tax, section 42.....	41
assessments; duty of assessor; duty of council, section 43.....	41
taxes, when due; when to bear interest, section 44.....	41
taxes distraint for, section 45.....	41
taxes, lien on real estate; suit before justice authorized to recover, section 46.....	42
gas works, electric light works, etc., may be erected or prohibited by council, section 47.....	42
city prohibited from creating debt, section 48.....	42
present officers to continue during their term, section 49.....	43
old ordinances to remain in force until repealed; vacancies in office to be filled by council, section 49.....	43
inconsistent acts repealed, section 50.....	43
BILLIARD TABLES:	
to be licensed, section 1.....	352
penalty for keeping, or any table of like kind, for public use, with- out license, section 3.....	354
how license obtained, sections 10, 11.....	357, 358
character of applicant; certain conditions must be complied with, sections 19, 20.....	362
when license may be revoked; place to which license is confined, sections 34, 35.....	367
transfer or assignment of license, sections 36, 37.....	367, 368
for what time license granted, section 39.....	369
posting of license and penalty for failure, section 43.....	370
tax on license to keep, section 99.....	382
provision respecting public watering places, section 40, 110.....	369, 384
BILLIES:	
license required to sell, section 2.....	353
penalty for selling without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to sell, section 106.....	383
BILLMEYER, J. D.:	
appropriation to pay.....	551
BINDING, PRINTING AND STATIONERY:	
appropriations for.....	541, 565

	Page.
BLOUNT, C. :	
appropriation to pay.....	580
BLUEFIELD COLORED INSTITUTE:	
appropriations for.....	533, 557
BLUEFIELD CITY OF:	
charter of, amended	44 to 85
corporate name, rights and powers, section 1.....	45
corporate limits and boundaries, section 2.....	45
property heretofore conveyed to or held in trust by said city, to be its property, section 3.....	46
ward limits and boundaries, section 4.....	46
voters, qualification of, section 5.....	47
elections, how held and conducted, section 6.....	47
mayor, recorder and treasurer; election of, section 7.....	48
councilmen election and term of, section 8.....	48
supervisors, election of board of, section 9.....	49
mayor, supervisors and councilmen; qualifications and oath of, section 10.....	49
vacancies in office and removal of officers, section 11.....	50
council and board of supervisors each to appoint its own officers; to be sole judge of election and qualification of its members; quorum; may adopt rules, section 12.....	51
council and board of supervisors each to keep journal of proceed- ings; yeas and nays to be entered on journal at request of any member, section 13.....	52
mayor, supervisors and councilmen not to hold other office, section 14	52
meetings of council and board of supervisors, section 15.....	52
councilmen and supervisors; salary of, section 16.....	52
ordinances, style of; those now in force to remain until repealed, section 17.....	53
ordinances, general provisions concerning, section 18.....	53
ordinances, how passed and recorded, section 19.....	53
ordinances, how concurred in by board of supervisors, section 20..	53
certificate of concurrence of board of supervisors, section 21.....	54
corporate powers vested in council and board of supervisors, section 22	54
appropriation of city moneys. how made, section 23.....	54
council to pass and enforce ordinances, section 24.....	55
official bonds, section 25.....	57
taxes, levying and collection of, section 26.....	57
licenses, section 27.....	58
assessments, how made; duty of assessors, section 28.....	59
taxes, interest on; distraint for, section 29.....	60
taxes, lien on real estate, section 30.....	61
delinquent real estate; how sold for taxes, section 30.....	61
road or street, change of location of, section 31.....	62
streets, maintenance of, section 32.....	62
lands for public purposes, how acquired, section 33.....	62
public buildings, how erected and maintained, section 34.....	63
markets, how established, section 35.....	64
council to regulate burial of the dead and to preserve peace in cemeteries, section 36.....	64
condemnation of land for public purposes, section 37.....	64
sidewalks to be constructed and maintained by abutting property owners, section 38.....	65
paving and sewers, provisions concerning, section 39.....	65
levy for paving and sewers, section 40.....	68
paving and sewer fund to be used for no other purpose, section 41	68

BLUEFIELD, CITY OF—Continued.	Page.
estimate of expenses to be made by board of supervisors, section 42	68
fire limits; council may establish, section 43.....	69
public health, provisions respecting, section 44.....	69
weighing hay, animals, etc., offered for sale in city, section 45.....	70
fireworks and fast driving may be prohibited, section 46.....	70
stagnant water, etc., how removed, section 47.....	71
powers of council respecting offences, section 48.....	71
conduct of licensed business; Sunday selling; police department, section 49.....	72
licenses, how issued and paid for, section 50.....	72
taxes, fines, etc., to be paid into treasury; how paid out; annual statement to be published, section 51.....	72
accounts to be audited, section 52.....	73
certificates of records, effect of, section 53.....	73
officers appointed by council, section 54.....	73
officers appointed by board of supervisors, section 55.....	74
bonds of officers, section 56.....	74
removal of appointive officers, section 57.....	74
mayor, how removed, section 58.....	74
officers, qualification of, section 59.....	74
no officer or employee to be interested in any municipal contract..	75
witnesses compelled to attend trial, when, section 61.....	75
member of board of supervisors disqualified, when, section 62.....	75
mayor to act as member of board, when, section 62.....	75
money claimants to file oath, when, section 63.....	76
recorder, salary and duties of; president of board to act as such recorder, when, section 64.....	76
mayor, duties and salary of, section 65.....	76
treasurer, duties and compensation of, section 66.....	77
city attorney, duties and compensation of, section 67.....	77
city engineer, duties and compensation of, section 68.....	78
street commissioner, duties and salary of, section 69.....	78
chief of police, duties and compensation of, section 70.....	78
health officer, duties and compensation of, section 71.....	78
auditor, duties and compensation of, section 72.....	79
overseer of the poor, duties and compensation of, section 73.....	79
fire department established; firemen how appointed and removed; compensation and number of, how determined, section 74....	80
board of supervisors, duties of, section 75.....	80
board to submit certain estimates to council, section 76.....	80
how contracts executed by city, section 77.....	81
contracts to be let by board, section 78.....	81
changes in contracts, how made, section 79.....	81
police and fire departments, board to supervise, section 80.....	82
franchises, provisions respecting, section 81.....	82
policemen, how appointed and removed, section 82.....	83
sinking fund, how created; for what purpose used; penalty for violation of this section, section 83.....	83
salaries to be fixed by council and board, section 84.....	84
penalty for violating any provision of this act, section 85.....	84
special election provided for, section 86.....	84
inconsistent acts repealed, section 87.....	85.
 BOARD OF AGRICULTURE:	
appropriations for.....	536, 560
 BOARD OF HEALTH:	
appropriations for.....	537, 561

	Page.
BOARD OF DIRECTORS:	
of state institutions, or any officer or person, prohibited from expending public moneys and incurring obligations upon the state without proper authority, chapter 56.....	456
BOARD OF EDUCATION:	
president of, to examine school house property annually; certain property authorized to be sold; how sale made; compensation of president; board to secure general warranty deeds for school property, when, chapter 70.....	479
what certified statement to be furnished by assessor or clerk of county court to the secretary of; when and what to show, section 38.....	297
secretaries of certain boards of education, what to certify to auditor, and when, section 96.....	336
penalty for failure, section 97.....	336
prohibited from compromising taxes with certain owners and operators; penalty, section 102.....	338
remedy to enforce collection of such taxes, section 105.....	339
upon what value of property taxes for district or independent school district to be levied, section 135.....	350
annual levy by, for building and teachers' fund limited, chapter 67	473
meeting of, to fix number and salaries of teachers; minimum salary for each grade; trustees not to change salaries; quorum and compensation of board, chapter 69.....	473
(See "Education.")	
BOARD OF PUBLIC WORKS:	
written and verified returns to be made to, by owners or operators of railroads, car lines, telegraph and telephone lines, pipe lines, etc., for taxation purposes, sections 84 to 89.....	326 to 332
forms for such returns may be furnished by board, section 90.....	333
returns made by such owners or operators must be according to instructions given by board, section 90.....	333
duty of, as to returns that are satisfactory, section 91.....	333
duty of, as to returns that are not satisfactory, or if no returns be made, section 91.....	333
power of, to send for persons and papers and compel the attendance of witnesses and production of papers, section 91.....	333
expenses in such cases, how paid, section 91.....	333
penalty for failure to appear or testify or to produce any paper, when required, section 92.....	334
when the board must proceed to assess and fix the true and actual value of all property required to be returned by such owners or operators, and how, section 93.....	334
the assessment and valuation when made to be entered of record, and certified by the secretary to the auditor, section 93.....	334
what part of a railroad, telegraph, telephone or pipe line not to be assessed, until, etc., section 93.....	334
who, the secretary of board, to notify when assessment is made; of what and how, section 93.....	334
assessment and valuation by board final, unless appeal—within what time, section 93.....	334
value fixed by court on appeal to be certified to auditor and secretary of board of public works, section 94.....	335
what buildings and real estate to be included in assessment made by board, section 108.....	339
no railroad company or corporation exempt from taxation, section 107.....	339
may be applied to for relief against ruling of auditor, sections 72, 83	378, 380

	Page.
BOARD OF PUBLIC WORKS—Continued.	
corporation aggrieved at decision of auditor may apply to for relief, section 125.....	388
may reduce and fix levy, section 62.....	376
such act of board to be certified to clerk of county court and sheriffs, when, section 62.....	376
to have control and management of state bureau of state archives and history, section 2.....	467
to fix salary of state historian and archivist.....	468
to confirm any lease or sale of Capon Springs property, section 6..	470
to disburse the emergency fund.....	539, 562
BOARDS OF STATE INSTITUTIONS:	
penalty for expending public moneys or incurring obligations with- out proper authority	456
act relating to contracts by, for fresh meats and bread stuffs to be used at state institutions, chapter 71.....	480
contracts to be let to lowest bidder; published notice to be given; bids to be accompanied with bond.....	480
quality and kind of stock to be furnished.....	480
same to be inspected on foot within one mile of institution.....	480
meat also to be inspected when delivered to institution.....	480
contracts to be for one year only.....	480
act not to prevent such boards from raising or buying said stock and have same slaughtered at institutions.....	480
BOARDS OF REGENTS:	
of state institutions, or any officer or person, prohibited from ex- pending public moneys and incurring obligations upon the state without proper authority; penalty, chapter 56.....	456
BOARDING HOUSES:	
license for keeping, when not required, section 4.....	354
BOARDING SCHOOLS:	
license for keeping, when not required, section 4.....	354
BOND, OFFICIAL:	
how surety on such bond may be relieved, chapter 54.....	454
petition to be filed before the court, etc., by whom such bond was approved	454
notice to be given principal.....	454
new bond may be required.....	455
office to become vacant upon failure to give new bond within the time required.....	455
BOUNDARY LINE, STATE:	
penalty on person who shall, upon or along any river forming any part of the boundary line of this state, violate section 1 of chapter 36, section 5.....	355
BOWIE KNIVES:	
license required to sell, section 2.....	353
penalty for selling without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license and by whom; penalty, section 43.....	370
tax on license to sell, section 106.....	383
BOWLING ALLEYS:	
to be licensed, section 1.....	352
penalty for conducting for public use, without license, section 3...	364

BOWLING ALLEYS—Continued.	Page.
how license obtained, sections 10, 11.....	357, 358
character of applicant; certain required conditions must be com- plied with, sections 19, 20.....	362
when license may be revoked, section 34.....	367
place to which license is confined, section 35.....	367
transfer or assignment of license, sections 36, 37.....	367, 368
for what time license granted; posting of license, and penalty for failure, sections 39, 43.....	369, 370
tax on license to keep, section 98.....	382
provisions respecting at public watering places, section 40, 110....	369, 384
BOWYER, C. C.:	
appropriation to pay.....	550
BRANDY:	
(See "Apple Brandy"; "Peach Brandy"; "Intoxicating Liquors.")	
BREAD STUFFS:	
act relating to contracts for, by state institutions, chapter 71.....	480
BREWERIES:	
brewers must have state license for brewing, section 1.....	352
also, to sell, offer or expose for sale, or solicit or receive orders for, beer, ale, or any drink of like nature, section 1.....	352
penalty for acting without license, section 3.....	354
certain conditions must be complied with, section 20.....	362
tax on license for brewing, sections 66, 67.....	376
certain reports to be made by brewers, sections 67 to 73.....	376, 378
assignee of brewers license, section 73.....	378
annual tax based on production, section 67.....	377
when such tax to be paid, section 67.....	377
record of production to be kept by brewer, section 68.....	377
report of production to be filed with auditor, section 69.....	377
examinations by auditor or state tax commissioner, sections 70, 71	377
authority of auditor to increase amount of production reported, section 72.....	378
appeal from auditor to board of public works, section 72.....	378
municipality to impose no tax on unless, etc., section 74.....	379
penalty for violations, sections 75, 76.....	379
reports, by whom to be made, section 76.....	379
license to carry on brewery authorizes holder to sell at wholesale in all counties, cities, etc., in this state except where no li- cense is granted by county court or city council, section 74..	378
BRIDGES AND FERRIES, TOLL:	
duty of assessor as to, section 76.....	317
BRIGADE:	
what to consist of, section 12.....	435
officers of staff of the commander of, how appointed, commissioned and removed, section 21.....	436, 437
who eligible to such appointment, section 21.....	436
BRIGADE COMMANDER:	
his rank, section 12.....	435
his staff, section 12.....	435
how officers of his staff appointed, commissioned and removed, section 21.....	436, 437
who eligible to appointment as staff officer, section 21.....	436
may authorize inspecting officer to inspect and condemn worn-out	

BRIGADE COMMANDER—Continued.	Page.
and worthless property, section 41.....	439
salary, except for active service and camp duty, of assistant adjutant appointed by, section 45.....	441
to be a member of the armory commission provided for in the military code; duties and authority of such commission, section 100a	443 to 445
(See "Military Code.")	
BROKERS :	
who buy or sell for others, on commission, etc., must be licensed, section 2.....	352
also, for practicing such business by carrying on what is known as a "bucket shop," section 2.....	352
also, for practicing the business of money broker or pawn broker, section 2.....	352
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
other provisions relating to such license, sections 37, 39, 43.....	368, 369, 370
tax on license to practice the business of, section 95.....	382
BROWN, S. S. :	
appropriation to pay.....	546
BUCKET SHOP :	
must be licensed, section 2.....	352
penalty for carrying on a, without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370, 371
tax on license to carry on a bucket shop, or engage in other transactions specified in clause "f" of section 2, of chapter 36, section 95.....	382
BUCKHANNON, INDEPENDENT SCHOOL DISTRICT OF :	
act creating, amended.....	216 to 222
certain sections added, section 1.....	216
board of education; vacancies, how filled, section 2.....	216
powers of board as to levies and separate schools, section 4.....	217
president to have one vote only, section 5.....	217
secretary, how appointed; his duties and compensation, section 6..	217
meetings of board; quorum, section 7.....	218
board to make rules and have control of schools, section 8.....	218
high schools provided for, section 9.....	218
schools free to children of district; provision for non-resident, section 10.....	218
schools for colored children, section 11.....	219
superintendent of schools; salary and duties of, section 12.....	219
teachers, how appointed; salaries of, section 13.....	219
superintendent and teachers, how removed, section 14.....	219
money necessary to run schools to be ascertained, section 15.....	220
bonds authorized for school buildings, section 16.....	220
amount of indebtedness limited, section 17.....	220
payment of bonds and interest, section 18.....	220
proclamation of president concerning election to issue bonds, section 19.....	221
how such election held, section 20.....	221
ballots for such election, section 21.....	221
collecting officer, who to be; his compensation, section 22.....	221
how funds to be paid out, section 23.....	221

	Page.
BUILDING AND LOAN ASSOCIATIONS:	
subject to state supervision.....	423 to 426
BUILDINGS:	
to be assessed for taxation separately from land, section 41.....	299
provisions relating to old building omitted from land book; addition or improvement; building newly erected; building reduced in value, sections 41, 42.....	299, 300
machinery and fixtures attached to, how assessed for taxation, section 43.....	300
how buildings assessed when situated outside of county, but on a tract assessed within such county, section 44.....	300
where intoxicating liquors are sold unlawfully deemed public nuisances; how abated, section 24.....	363
owner of such building may be indicted, when, section 25.....	363
where labor is employed required to have fire escapes, chapter 76.. (See "Fire Escapes.")	492
BUREAU OF LABOR:	
appropriations for.....	536, 560
BURLEW, N. S.:	
appropriation to pay.....	549
BURNSVILLE. INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	222 to 224
boundary lines defined, section 1.....	222
district to be confined within corporate limits of Burnsville, section 2	222
board of education, election of, section 3.....	222
corporate name, powers and liabilities, section 4.....	223
polling places, section 5.....	223
president and secretary of board, how elected, section 6.....	223
board to prescribe books to be used; provision for free books, section 7.....	223
board to fix length of school term, section 8.....	223
levies for teachers' and building fund, section 9.....	223
election for ratification, how held, section 10.....	224
CABELL COUNTY CRIMINAL COURT:	
act relating to the salary of the judge of, chapter 78.....	495
act changing the time of holding the terms of, chapter 79.....	495
CAMPBELL, JUDGE JOHN A.:	
appropriation to pay.....	550
CAMP GROUNDS:	
and other quarters; provision relating to, section 100a.....	443 to 445
CANTRELL, JENNIE C.:	
appropriation to pay.....	549
CAPITOL BUILDING AND GROUNDS:	
appropriations for.....	541, 565
CAPITAL OF MERCHANTS OR FIRMS:	
not incorporated; how assessed, sections 80, 81.....	321, 324
report to be made by, section 80.....	322
duty of assessor upon receipt of report, section 80.....	322

	Page.
CAPITAL OR STOCK:	
when assessed for taxation to company, whether incorporated or not, individual share-holder, or the owner of any portion or interest, not to be assessed, section 66.....	311
CAPITATION TAX:	
assessor to collect, and when, section 53.....	305
assessor's power to levy and sell to compel payment of, section 53	305
when he must pay capitations collected to sheriff; his commission, section 53.....	305
assessor's report to county court, when; what such report to show, section 53	305
duty of court as to such report, section 53.....	305
duty of sheriff as to uncollected capitations; his commissions; his liability, section 53.....	305
what per cent. of sheriff's commission the assessor is required to pay for collecting unpaid capitations, section 53.....	305
what delinquents to be charged to assessor, and what credited with, section 53	305
additional bond required of assessor, section 53.....	306
what persons assessor required to list for, and when, section 59..	308, 309
but persons who pay in one county exonerated from paying in another for same year, section 59.....	308
names of persons assessed with, to be entered in personal property book, and how, section 108.....	340
rate of capitation tax, section 63.....	376
CAPON SPRINGS COMMISSION:	
act creating, chapter 65.....	468
present board of trustees directed to surrender said property, etc., upon request of said commission; board of trustees discontinued, section 2.....	469
said commission to succeed to all the rights, etc., of said board of trustees, section 3.....	469
authorized to lease or sell springs property; what to do with proceeds, section 4	469
conditions of such sale or lease, section 5.....	470
such lease or sale must be submitted to board of public works, section 6	470
commission to consist of three members; may be removed by governor; oath of office, section 7.....	470
governor to execute deed in case of sale, section 8.....	470
commission made a corporation, section 9.....	470
powers and liabilities of, section 9.....	471
expenses of commission, how paid, section 9.....	471
inconsistent acts repealed, section 10.....	471
resolution authorizing payment of per diem and expenses of special investigating committee.....	514
CAR LINES:	
assessment of, other than railroad companies, for taxation, sections 84, 87	326 to 329
a return in writing to be made by the owner or operator of, to the board of public works; when; to whom delivered; for what period, section 84	326
such return by whom signed and sworn to, section 84.....	328
what return must show, section 87.....	329
other and further information may be required by such board, section 87	329

CAR LINES—Continued.

	Page.
such returns to conform to the requirements or instruction of the board of public works, section 90.....	333
Penalty for failing to make the return required, section 90.....	333
when taxes assessed on, to be paid into state treasury; per cent. added for failure, section 100.....	337
other provisions relating to the assessment and taxation of, and the payment of taxes by, section 91 to 107.....	333 to 339

CARNIVAL, STREET:

license required to exhibit, or any other carnival or public show, section 2	352
exception, section 2	352
penalty for exhibiting without license, section 3.....	354
how license obtained, section 11.....	358
production of license for inspection; when and to whom, section 43	370
tax for every exhibition, section 120.....	386

CENTRAL CITY, CITY OF:

act incorporating	86 to 106
corporate name, rights and powers, section 1.....	86
corporate limits and boundaries, section 2.....	86
wards, when to be created, section 3.....	87
municipal authorities; of whom to consist; their compensation, section 4	87
corporate powers to be exercised by council, section 5.....	87
mayor, city clerk and councilmen, qualification of, section 6....	87
mayor, term of office, section 7.....	87
elections, when held, section 8.....	87
voters, qualifications of, section 9.....	88
elections, how held and conducted, section 10.....	88
tie vote, how decided, section 11.....	88
contested elections, how heard and decided, section 12.....	88
vacancies in office, how filled, section 13.....	89
elective and appointive officers, section 14.....	89
council to define duties of officers and fix compensation, section 15..	89
bonds required of certain officers, section 16.....	89
bonds to be payable to city, section 17.....	90
mayor, city clerk, city assessor, and all appointive officers, how removed, section 18.....	90
present officers to continue in office until next regular election; compensation of present officers, section 19.....	90
oath of office, section 20.....	90
elected or appointed officers, when deemed to have qualified, section 21	91
when new council to enter upon its duties, section 22.....	91
when new mayor and other officers to enter upon their duties, section 23	91
when office of mayor, councilman, assessor or clerk declared vacant, section 24	91
mayor, duties of, section 25.....	91
city clerk, duties of, section 26.....	93
city assessor, duties of, section 27.....	93
chief of police, duties of, section 28.....	94
chief of police to be <i>ex-officio</i> treasurer, constable, etc., section 29	95
chief of police, to be <i>ex-officio</i> commissioner of streets, section 30	95
city solicitor, duties of, section 31.....	95
city physician, duties of, section 32.....	96
city engineer and other officers, duties of to be prescribed by coun-	

	Page.
CENTRAL CITY, CITY OF—Continued.	
cll, section 33	96
mayor to preside over council, section 34.....	96
quorum of council, section 35.....	96
record of proceedings, ordinances, etc., section 36.....	96
reading of minutes; ayes and noes, when taken, section 37.....	96
mayor to have second vote in case of tie, section 38.....	96
general powers of council, section 39.....	96
provisions as to appropriations of money and letting contracts on behalf of city, section 40.....	99
estimate of annual expense; apportionment of same; annual state- ment to be published, section 41.....	99
taxes, levying and collection of, section 42.....	99
taxes, interest on when chargeable; distraint for, section 43..	100
taxes, distraint of personal property to pay, section 44.....	100
taxes, lien on real estate; delinquent real estate; how sold, sec- tion 45	101
no taxes to be levied on city property to be used outside of city limits, section 46	101
licenses, section 47.....	102
sidewalks to be constructed and maintained at the expense of abutting property owners, section 48.....	102
capitation tax; how disbursed; street commissioner, additional powers of, section 49.....	103
bonds, issue of authorized; provisions as to, section 50.....	103
present ordinances to remain in force until repealed, section 51...	104
council authorized to grade and pave avenues, streets and alleys; how such work paid for, section 52.....	105
assessment against abutting property to be a lien on same, section 53	105
certain provisions when paving is to be paid for in instalments; lien on such property for same, section 54.....	105
inconsistent acts repealed, section 55.....	106
CHARLESTON, CITY OF:	
bond issue for building a bridge across Elk river in, authorized, section 1	107
rate of interest not to exceed 6 per cent, section 1.....	107
interest, when and where payable, section 2.....	107
principal, payable when, section 3.....	107
proceeds of bonds, how applied, section 4.....	107
payment of bonds, how provided for, section 5.....	107
provision for selling bonds, section 6.....	107
bonds exempt from municipal taxes, section 6.....	107
provision for submission of ordinance, relating to bonds, to vote; election provided for, section 7.....	107
CHARLESTON DAILY MAIL:	
appropriation to pay.....	549
CHARLESTON DAILY MAIL PUBLISHING COMPANY:	
appropriation to pay.....	548
CHARLESTON ELECTRICAL SUPPLY COMPANY:	
appropriation to pay.....	548
CHARLESTON LUMBER COMPANY:	
appropriation to pay.....	548
CHARLESTON TELEPHONE COMPANY:	
appropriation to pay.....	549

CHALLENGERS:	Page.
election challengers to be selected, appointed and paid in the same manner as election commissioners, section 93.....	412
CHARTERS OF CITIES:	
Bellington, chapter 1.....	1
Benwood, chapter 2.....	25
Bluefield, chapter 3.....	44
Central City, chapter 4.....	86
Charleston—bond issue, chapter 5.....	107
Elkins, chapter 6.....	108
Fairmont—bond issue, chapter 7.....	113
Huntington, chapter 8.....	116
Huntington—paving streets, chapter 9.....	121
Huntington—city officials, chapter 16.....	206
Mannington, chapter 10.....	124
Morgantown, chapter 11.....	129
McMechen, chapter 12.....	131
Philippi, chapter 13.....	152
Salem, chapter 14.....	172
Williamson, chapter 15	189
CHIEF OF ORDNANCE:	
adjutant general to be, by virtue of his office, section 17.....	436
CHIEF OF POLICE:	
of every city, town or village to make annual inspection of buildings with reference to fire escapes, section 3.....	493
CHILD:	
felony to abduct with intent to extort money or for immoral purposes, chapter 74	490
CHILDREN, EMPLOYMENT OF	
minor under twelve not to be employed in mines, factories, etc; under fourteen not to be employed during school term; exceptions; duty of superintendent, foreman, etc., chapter 75.....	491
managers, superintendents, etc., not to permit child to work in violation of this act, section 2.....	491
duty of prosecuting attorney and commissioner of labor, section 3..	491
finer collected under this act, where to go, section 4.....	492
CIGARETTES:	
license required for person engaged in the selling of, at retail, section 2.....	353
also, for sale of any other preparation of tobacco, section 2.....	353
penalty for failure to obtain license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
posting of license and where; penalty for failure, section 43....	370
tax on license to sell, at retail, section 96.....	382
CIGARETTE PAPERS OR WRAPPERS:	
license required for sale of, at retail, section 2.....	353
also, for sale of cigarette wrappers, section 2.....	353
tax on license to sell, at retail, section 96.....	382
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
tax on license to sell, at retail, section 96.....	382

CIGARETTE PAPERS OR WRAPPERS—Continued.	Page.
what deemed a sale of such papers or wrappers, section 96.....	382
CIGARS:	
license tax required of person engaged in selling of, at retail, section 2.....	353
penalty for failure to obtain license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license.....	370
for what time license granted, sections 37, 39.....	368, 369
posting of license, and where; penalty for failure, section 43.....	370
tax on license to sell, at retail, section 96.....	382
CIRCUIT COURTS:	
to charge grand juries as to certain matters, section 133, 99.....	349, 416
duty to give certain provisions in charge to grand jury, section 5..	355
proceedings where person aggrieved by judgment entered by clerk of, against sheriff or collector for failure to pay state taxes on licenses as required by law, section 56.....	374
forfeitures and penalties provided for in chapter 36 may be recovered and enforced by indictment and prosecution in; when such indictment must be tried, section 59.....	375
duty of, as to charges of misconduct or neglect of official duty on the part of certain officers reported by tax commissioner, section 19.....	293
appeals to, in cases where the county court, upon application to correct an assessment, refuse to make the correction asked for, sections 129, 130.....	347, 348
to specially charge grand jury to inquire into violations of revenue laws by assessor, section 133.....	349
duty of attorney general to institute suits in, against delinquent corporations, section 136.....	396
times for holding in certain counties, chapter 84.....	498
first circuit	499
seventh circuit.....	499
tenth circuit	499
eleventh circuit.....	499
thirteenth circuit.....	500
fourteenth circuit	500
seventeenth circuit	500
eighteenth circuit	501
judges of, allowed mileage for only six terms in any county in any one year, chapter 85.....	501
when grand jury may be dispensed with; special grand juries, chapter 86	502
judges to be furnished supreme court reports.....	511
may compel corporations, etc., holding franchises, etc., to comply with all duties and obligations lawfully required of them by <i>mandamus</i> , section 1.....	447
at whose instance writ awarded, section 2.....	448
duty of, as to condemnation proceedings by railroad companies to take wood, gravel, earth, water, etc., section 14.....	404
duty of respecting proceedings for the sale of lands for the school fund	407, 408, 409, 410
duty of, to charge grand jury concerning elections, section 99.....	416
appropriation to pay judges.....	557, 578
appropriation to pay special judges.....	577, 578
appropriation to pay mileage of judges.....	577, 578
(for commencing of terms of circuit courts see "Appendix A.")	

CIRCUS OR MENAGERIE:	Page
to be licensed, section 2.....	352
penalty for exhibiting without license, section 3.....	354
how license obtained, section 11.....	358
certain conditions required to be complied with, section 20.....	362
state tax to be for every exhibition, section 120.....	386
production of license for inspection, when and to whom, section 43	371
penalty for failure, section 43.....	371
CITIES, TOWNS AND VILLAGES:	
what certified statement assessor to furnish to recorder or clerk of, and when, section 38.....	297
what such statement to show; to be taken as the true and actual valuation of all property liable to taxation for municipal purposes, section 38.....	297
rate of tax to be certified to assessor by recorder or clerk, sec- tion 38.....	297
recorders or clerks of certain cities, towns, etc., what to certify to auditor, and when; penalty for failure, sections 96, 97....	335, 336
municipal taxes collected by sheriff, how paid, section 101.....	337
municipal authorities of, prohibited from compromising taxes with certain owners or operators; penalty, section 102.....	338
payment of railroad, etc., taxes collected by auditor to; when and to whom; auditor's report, section 104.....	339
remedy to enforce collection of such taxes, section 105.....	339
upon what value of property taxes for municipal purposes to be levied, section 135.....	350
provisions of state law regulating the issuing of state licenses in, sections 10, 12, 14, 15, 18, 28.....	357, 359, 360, 361, 364
clerk of to furnish copy of order to applicants for license, sec- tion 12.....	359
limitation on as to license for brewery, section 74.....	379
power of, to impose taxes limited.....	448
amount of indebtedness of, limited.....	449
to publish annual financial statements.....	450
general powers of, code amended.....	451
appeals to circuit or criminal courts in what cases, section 49a..	453
not to impose greater tax on license to sell at wholesale, beer, ale, etc., than two hundred and fifty dollars, section 18.....	362
may apply to circuit court for mandamus to compel corporations, etc., holding franchises to comply with their duties and obli- gations lawfully required of them.....	445
(See "License"; "Council, City or Town"; and "Municipal Authorities.")	
CITY CHARTERS	
(See "Charters of Cities".)	
CITIZENS NATIONAL BANK:	
appropriation to pay	545
CITY WORKHOUSE:	
city may join with county in the erection, etc., of joint workhouse, chapter 72.....	481
(See "Workhouse".)	
CIVIL CONTINGENT FUND:	
appropriations for.....	541, 565

CLARKSBURG, INDEPENDENT SCHOOL DISTRICT:		Page:
authorized to issue bonds for school building.....		224
amount of bonds, section 1.....		224
when bonds payable; rate of interest, section 2.....		224
amount of indebtedness limited, section 22.....		224
election for ratification, how held, section 3.....		225
 CLAY, ADDISON G.:		
appropriation to pay.....		546
 CLERK OF CIRCUIT COURT:		
to whom, may issue certificates for state license; his duty, etc., as to such certificate, section 17.....		361
what office judgment, authorized to enter up against sberiff or collector delinquent for non-payment of state taxes on licenses, and when, section 55.....		373
what auditor to certify to, in such cases, section 55.....		374
person aggrieved by such judgment of clerk may apply to the court, section 56.....		374
money deposited to the credit of any suit to be listed by, for taxation, section 55.....		307
what information, to furnish assessor respecting money deposited to credit of any suit, section 83.....		326
duty of, if court, on appeal, grant relief against taxes erroneously assessed, section 129.....		347
duty to record report of commissioner of school lands, where, section 6.....		406
affidavits taken by election commissioner, etc., from persons desiring to be registered, to be delivered to clerk circuit court and by him to grand jury, section 98.....		415, 416
(for list of clerks see "Appendix A.")		
 CLERK OF COUNTY COURT:		
duty of, as to state tax on license to keep a hotel or tavern, section 9.....		357
duty of, respecting the result of proceedings against any corporation, section 137.....		397, 398
application must be made to, for certificate to obtain a state license, section 11.....		358
duty of, thereon; publication to be made by, section 12.....		358
how clerk of county court may obtain a certificate for a state license, section 17.....		361
duty of, as to transfers or assignments of licenses, sections 36, 37.....		367, 368
reports to be made to, in such cases, and by whom, section 37..		368
his fees for certain duties respecting state licenses, section 38....		369
appeals from, respecting state licenses; when and how, section 42..		369
duty of, as to lists of state licenses; what such lists to specify; when and to whom delivered or transmitted; what facts to be noted; how verified, sections 45 to 49.....		372
if no certificate for license be issued, clerk must also report that fact to auditor, section 48.....		372
instructions of auditor to, section 50.....		373
pnalty for neglect of any duty, section 51.....		373
to sit as an advisory member with assessor and assistants, when and for what, sections 17, 18.....		291, 292
tax commissioner required to report to circuit court and prosecuting attorney any misconduct or neglect of official duty on the part of, and court to investigate; penalty if such charges be true, section 19.....		293
to make out lists of certain lands devised by wills recorded		

CLERK OF COUNTY COURT— <i>Continued.</i>	Page
in his office, when; to whom sent or delivered and when, sections 28, 29.....	295
to make out certified list of all transfers of title to land, for what period; when and what such list to show; to deliver such list to assessor, section 31.....	296
penalty for failure to perform certain duties, section 32.....	296
what assessor to certify to, as to firms, etc., commencing business after the first day of April, section 81.....	323
what certificates assessor to furnish to, as to transient persons offering or furnishing goods, etc., for sale at auction or otherwise, section 82.....	324
what taxes collected by assessor to be reported to, section 82....	324
clerks of certain county courts, what to certify to officer, and when, section 96.....	335
penalty for failure, section 97.....	336
particular report to be made to, by the assessor and his assistants of the listing of their own property for taxation; penalty, section 112.....	342
land and personal property books, with lists, to be presented to, by assessor; clerk's duty thereon, section 116.....	343
certificate of, to be appended to each book, section 116.....	343
after being corrected and certified, assessor to deliver one copy of each book to such clerk; when, his duty as to such copies, section 118.....	344
duty of, as to lists delivered to him by the prosecuting attorney, section 118.....	344
penalty on, for making a false entry, etc., in land and personal property books, section 121.....	346
penalties on, for failure to perform certain duties, sections 122, 123 may make out tickets for fees, section 124.....	346
how such fees collected and accounted for, section 124.....	346
penalty for issuing fee bills wrongfully, section 124.....	346
to furnish auditor and assessor with certified copy of order of court correcting taxes erroneously assessed, section 129.....	348
compensation of clerk for making out land books, section 23....	294
duty in making out land books to correct mistakes he may discover, sections 24 and 25.....	294
duty of such clerk as to land books, sections 34, 35, 36, 37, 38, 44, 45, 46.....	296, 297
duty of, as to land taken for road, etc., section 58.....	308
additional duties of, section 60.....	309
to attest receipt of assessor for certain taxes, section 82.....	325
distillers of apple and peach brandy from fruit grown in this state to make report to, section 67.....	377
may examine applicant for license touching production, sections 70, 81.....	377, 380
wholesaler to report to, amount of annual sales, section 78.....	379
what petition to be filed by applicant for license with, section 12..	358
to issue certificate of license when county court grants same, section 16.....	361
form of such certificate, section 16.....	361
to turn such certificate over to sheriff, etc, section 16.....	361
duty of, as to levy fixed by board of public works, section 62....	376
duty of, as to registration of voters; and to furnish assessor with books and blanks.....	412
duty of, as to recording embalmers license, etc.....	419
duty of, as to consolidation of contiguous tracts of land, section 50 (For list of county clerks see "Appendix A.")	303

	Page
CLERKS OF COURTS :	
to give what information to assessor respecting money deposited to credit of any suit, section 83.....	326
report of judgments, etc., to be made by annually, section 28.....	295
duty to notify secretary of state of proceedings resulting in forfeiture of corporation charter, section 137	397
CLERKS OF THE HOUSE AND SENATE :	
duties of, respecting the printing and distribution of advance copies of the acts.....	582
duties of, respecting the printing and binding of the acts, and printing and binding the journals of the two houses.....	582
CLERK OR RECORDER OF CITIES, ETC. :	
to be furnished statement by person making out land books showing aggregate value of real estate and personal property in city or town, section 38.....	297
duty of clerk or recorder on receipt of such statement, section 38..	298
duty of council as to such statement, section 38.....	298
penalty for failure to perform duties, section 97.....	336
applicant for license to procure from, copy of order of council to file with application to county court, section 12.....	359
auditor to furnish instructions to respecting license laws, section 50	373
CLERKS' SALARIES :	
appropriations for	542, 566
COAL, OIL AND GAS :	
how assessed, section 39.....	298
COAT OF ARMS :	
resolution providing colors for.....	515
CODE :	
resolution providing for fifth edition.....	518
CODE AMENDED :	
relating to assessment of taxes, chapter 35.....	285
relating to license laws, chapter 36.....	350
definition of "property," etc., chapter 38.....	400
authorizing railroad companies to take wood, stone, water, etc., from lands, chapter 41.....	403
sales of land for school fund, chapter 42.....	406
registrations of voters, chapter 43.....	411
relating to banks, trust companies, etc., chapter 45.....	420
military code, chapter 47.....	430
county levies, chapter 48.....	442
powers of city councils, chapter 53.....	448
relief of surety on official bond, chapter 54.....	451
for protection of sheep against dogs, chapter 57.....	454
relating to vaccination, chapter 58.....	455
relating to education, chapter 67.....	470
relating to salaries of teachers, chapter 69.....	475
relating to school houses, chapter 70.....	476
abduction, chapter 73.....	487
mileage of judges, chapter 85.....	498
relating to grand juries, chapter 86.....	499
COLORED ORPHANS' HOME :	
appropriations for.....	534, 557

	Page
COLLECTING AGENCY:	
license required to engage in business of, section 2.....	354
penalty for failure to obtain, section 3.....	354
how license obtained, section 11.....	358
how license revoked, section 34.....	367
production of license, section 43.....	370
license tax, section 113.....	384
license tax not required of attorneys unless separate department maintained, section 113.....	384
COLPORTEUR:	
no license required of, section 4.....	355
COMMANDER IN CHIEF:	
(See "Governor" and "Military Code.")	
COMMANDERS OF COMPANIES:	
reports to be made by, and how disposed of, section 7.....	432
(See "Military Code.")	
COMMISSARY GENERAL:	
adjutant general to be ex-officio such officer, section 17.....	436
COMMISSIONED OFFICERS:	
of the military; by whom commissioned, section 19.....	436
by whom assigned, section 19.....	436
staff officers, how appointed, commissioned and removed, section 21 (See "Officers, National Guard.")	436, 437
COMMISSIONERS:	
list appointed by governors in other states	585
COMMISSIONERS OF COURTS:	
no license required of, or of officers, to sell property under the order decree, execution or process of any court, section 5...	355
COMMISSIONER OF LABOR:	
duty to report violations of law relating to employment of children, to prosecuting attorney, section 3.....	492
COMMISSIONER OF SCHOOL LANDS:	
duty of as to proceedings for the sale of lands for the benefit of the school fund.....	409
COMMISSIONER OF BANKING:	
section 78, chapters 54 of the code relating to banks, trust companies, etc., amended	421, 426
appropriations for.....	537, 560
COMMISSIONERS OF PHARMACY:	
appropriations for.....	537, 561
COMMISSIONS:	
for collecting licenses taxes, section 58.....	375
for collecting capitations, section 53.....	305
COMPANY:	
property of, whether incorporated or not, by whom listed for taxa- tion, section 55.....	308
when individual shareholders in such company not to be assessed, section 66.....	311

COMPANIES, MILITARY:	Page
commanding officer of each company to call the roll and keep record of members present and of absentees, when, section 7..	432
to make in triplicate muster and pay rolls, when; to whom forwarded, section 7.....	432
strength and composition of each company, section 10.....	432, 433
minimum strength, section 10.....	433
allowance to each company and corps for clerical service, section 45	441, 442
CONCERT, MUSICAL:	
no license required for, section 4.....	355
CONCURRENT RESOLUTIONS:	
(See "Resolutions.")	
CONCORD NORMAL SCHOOL:	
appropriations for.....	529, 553
CONDEMNATION PROCEEDINGS:	
to take or damage property, real or personal for public use, or in any proceeding wherein the value of such property may come in question, what assessment of such property admitted, with other evidence, to ascertain its value, section 115.....	343
to take wood, stone, gravel, earth, and water from lands, by railroad companies, chapter 41.....	403
to take real property for certain military purposes, section 100a	445
CONRAD, M. L.:	
appropriation to pay.....	550
CONSTABLE:	
what he or other officer may do when charged with the execution of a warrant, if the sale of intoxicating liquors be carried on clandestinely, etc., section 32.....	365
tax commissioner to report to circuit court and prosecuting attorney any misconduct or neglect of official duty on the part of, and court to investigate same; penalty if charges be true, section 19.....	293
CONTINGENT FUND EXECUTIVE DEPARTMENT:	
appropriations for.....	541, 565
CONTINGENT LEGISLATIVE EXPENSES.	
appropriations for.....	542, 580
CONTRIBUTING MEMBERS:	
officers commanding companies and signal corps may enlist contributing members; provisions relating to, section 85.....	443
COOPERATIVE BANKING ASSOCIATIONS:	
subject to state supervision.....	421, 420
CORNWELL, JOHN J.:	
appropriation to pay.....	547
CORPORATIONS:	
to be licensed to do business, section 2.....	353
no license legalizes any act which otherwise may be in violation of law, section 2.....	354
penalty for doing business without license, section 3.....	354
shares of stock owned by residents in corporations located in	

CORPORATIONS—Continued.	Page
other states not required to be listed for taxation, section 63..	310
report for assessment of taxes to be made by certain, when, section 77.....	317
to what assessor report to be made, section 77.....	317
what report to show, section 77.....	318
what to be included in report if it is desired to have indebtedness deducted, etc., section 77.....	318
forfeiture for failure to make report, section 77.....	318
oath to be appended to report, section 77.....	318
assessor to assess property of such; when, section 78.....	319
how to be entered in land and personal property books, section 78	319
branches of company; where and how assessed, section 78.....	319
locks and dams; where and how assessed; section 78.....	319
individual share holders, to be assessed and taxed; when, section 78	820
no list of real estate shall be required of until 1909, section 77....	319
foreign and non-resident corporations required to appoint auditor attorney in fact; also to make certain declarations concerning service of process, section 1.....	401
such corporation required to pay to auditor attorney's fee of ten dollars per annum, section 2.....	401
not required to pay any fee to former attorney in fact, section 2....	402
post office address of corporation to be filed with auditor, section 3	402
provision as to service of process, section 3.....	402
such corporation may designate any other person to act as attorney in fact also, section 4.....	402
penalty for failure to pay auditor attorney's fee, section 5.....	402
penalty for failing to comply with provisions of this act, section 6	402
suits brought against certain corporations to forfeit their charters, dismissed, section 1.....	403
act authorizing attorney general to bring suits against corporations to forfeit charters for being delinquent in payment of license tax or failing to comply with provisions of state law, repealed, section 1.....	403
receiver may be appointed for delinquent corporation, by circuit court, section 136.....	396
(See "Incorporated Companies.")	
CORPORATIONS:	
chartered in other states, etc.; license required of to do business in this state, section 2.....	354
rate of tax on, sections 126, 128.....	388, 390, 392
penalties, sections 130, 136, 137.....	392, 395
CORPORATIONS:	
holding over ten thousand acres of land; license tax required of, section 2.....	354
amount of such tax, section 123.....	887
COUNCIL, CITY OR TOWN:	
provisions of state law governing, with respect to licenses, sections 10, 12, 14, 15, 18, 28.....	357, 359, 360, 361, 864
if license of person be revoked for illegal sale of intoxicating liquors, etc., no license shall afterwards be granted by, to such person, section 21.....	363
no transfer of license allowed while person holding such license is under indictment, section 22.....	363
revocation of licenses by, and when, section 34.....	367
of the place to which license is confined, section 35.....	367
duty of, as to transfers and assignments of licenses, sections 36, 37	367, 368

COUNCIL, CITY OR TOWN—Continued.		Page
duty of clerk or recorder of, as to transfers and assignments, sections 36, 37.....		367, 368
his fees in such cases, section 38.....		369
what certified statement assessor to furnish to clerk or recorder of, when, and what to show, section 38.....		297
such statement to be taken by, as the true and actual valuation of all property liable to taxation for municipal purposes, section 38.....		297
rate of tax to be certified to assessor by recorder or clerk, section 38		297
recorders or clerks of certain municipal corporations, what to certify to auditor, and when; penalty for failure, sections 96, 97.....		336
municipal taxes collected by sheriff, to whom paid, section 101...		337
prohibited from compromising taxes with certain owners or operators; penalty, section 102.....		338
railroad, etc., taxes collected by auditor for, when and how paid; auditors' report, section 104.....		339
remedy to enforce collection of such taxes, section 105.....		339
upon what value of property taxes for municipal purposes to be levied, section 135.....		350
may apply to circuit court for mandamus to compel corporations, etc., to comply with terms of their franchises, etc.,.....		447
act limiting power of municipal corporation to impose taxes, chapter 50		448
act limiting amount of indebtedness of cities and municipal corporations, ch 51		449
publish annual statements of their financial condition, ch 52.....		450
section 28 of chapter 47 of the code relating to the general powers of city council, amended, ch 53.....		451
appeals from, to circuit or criminal court, in what cases, section 49a		453, 454
act authorizing a county and city workhouse, ch 72.....		481
COUNTY, DISTRICT AND MUNICIPAL TAX:		
appropriations for refunding.....		539, 563
COUNTY WORKHOUSE:		
county may join with city in the erection, etc., of joint workhouse, chapter 72.....		481
(See "Workhouse.")		
COUNTY COURT:		
duty of, as to the issuing of state licenses, section 10.....		357
to sit as license court, when, section 13.....		359
must require evidence of character in certain cases before a license is issued, sections 13, 19.....		359, 362
to hear remonstrances against applicants for license, section 13...		359
duty of the court in such cases, section 13.....		359
certain conditions required to be complied with before carrying on business under a license granted by, section 20.....		362
if license of person be revoked for unlawful sale of any intoxicating liquors, no license shall afterwards be granted to such person, section 21.....		363
no assignment of license allowed while person holding such license is under indictment, section 22.....		363
revocation of licenses by, and when, sections 13, 34.....		359, 367
what certificate issued by, must specify in certain cases, section 35		367
duty of, as to transferring and assigning licenses, sections 36, 37..		368

COUNTY COURT—Continued.

	Page
report to be made to, by assessor respecting capitations; when; what such report to show; duty of the court, section 53.....	305
duty of, as to taxation on land taken for a public road or a railroad, section 58.....	308-
words "county court" what to include, respecting assessment of taxes, section 60.....	309
auditor to certify to certain county courts the value of property as valued and assessed for taxation by board of public works; when, section 95.....	335
duty of such court on receipt of such certificate, section 95.....	335-
prohibited from compromising taxes with certain owners and operators; penalty, section 102.....	338
auditor to certify to, the amount of county levy settled with sheriff; when, section 104.....	338
remedy to enforce the collection of taxes due county by railroads, car lines, telegraph, telephone and pipe lines, section 105....	339
copies of the land and personal property books delivered to the clerk, to serve for laying the county levy, section 118.....	344
when the county court may refuse assessor his compensation or reduce his commission or allowance, section 126.....	346
relief against taxes erroneously assessed; duty of county court on hearing application for such relief, section 129.....	347
when and by whom such application may be made; notice to prosecuting attorney, section 129.....	347
if relief be granted, what order court to make and enter, sections 129, 130.....	347, 348
clerk to certify copy of order making the corrections, to whom, section 129.....	347
appeal from, to the circuit court, when and how, section 129.....	347
effect of order granting relief as a restraining or compelling order, etc., section 131.....	349
if erroneous taxes have been paid into state treasury, what to be done, section 132.....	349
what value of property taxes for county purposes to be levied upon, section 135.....	350-
assistant assessors to be appointed with the advice and consent of, section 8.....	287
assistant assessors may be removed by, section 8.....	287
vacancies in office of assistant assessor, how filled, section 8.....	287
compensation of assessor and assistants to be fixed by, after 1908, section 10.....	288-
compensation of assessors now in office not changed, section 10....	288
as to consolidating contiguous tracts of land, section 50.....	303
may apply to circuit court for mandamus to compel corporations, etc., to comply with terms or their franchises, etc.....	447
indebtedness of counties limited.....	449, 450
may pass an order adopting compulsory vaccination in their county, chapter 58.....	458
may appoint physicians; and to enforce act generally.....	459

COUNTY LEVIES:

county court to make estimate and lay levy; when, how and for what, section 29.....	445-
proviso limiting rate of levy for certain years; word "taxes" defined; special election to increase rate of levy, when; certain counties excluded from limit of proviso first.....	446
proviso limiting aggregate assessment after 1907, exceptions.....	446, 447

	Page
COURT REPORTER :	
authorized for the third judicial circuit; his compensation and how paid, chapter 83.....	497
COUNTY SUPERINTENDENT OF SCHOOLS :	
auditor to certify the amount of certain levies to, due each district; when, section 104.....	339
CREDITS :	
by whom listed for taxation, when under the charge of a receiver or commissioner, section 55.....	307
words "credits" and "investments" what to include for the purpose of taxation, section 62.....	310
in what district and by whom listed for taxation, section 64.....	310
how value of, estimated for taxation, section 65.....	311
what deducted in listing, for taxation; when and how, section 67..	311
penalty for giving fictitious debts to be deducted, section 67.....	312
CRIMINAL CHARGES :	
appropriations for.....	528, 551
CRIMINAL AND INTERMEDIATE COURTS :	
appropriation to pay salary of judges.....	577
appropriation to pay special judges.....	577
CRIMINAL COURT OF CABELL COUNTY :	
act relating to the salary of the judge of, chapter 78.....	495
act changing the time of holding the terms of, chapter 79.....	495
CRIMINAL COURT FOR COUNTY OF KANAWHA :	
court limited jurisdiction established; name of court, section 1...	503
jurisdiction concurrent with circuit court; in what cases and proceedings, section 2.....	503
judge now in office; successor, when to be elected; qualification; term of office and when to begin; subject to what laws, section 3	504
what powers and jurisdiction conferred on court, etc., powers of judge in vacation as to felonies, etc., section 4.....	504
facts authorizing jurisdiction need not be set forth upon record; jurisdiction presumed, unless, etc., section 5.....	504
powers to punish for contempt, section 6.....	504
books and stationery for court, county court to provide; also a seal; faith and credit given to records of court and to certificate of judge or clerk, section 7.....	504
clerk of criminal court, who to be; his fees; to what statutes liable; to sign all process, etc., and direct the same; who to execute such process, etc., section 8.....	505
salary of judge; how paid, section 9.....	505
salary of clerk in addition to fees, and how paid, section 10.....	505
terms of court and when to begin; adjourned and special terms, section 11.....	505
where terms of court to be held, section 12.....	505
duties of sheriff of Kanawha county and sheriff of other counties as to process of court; other duties and services to be performed by sheriff of Kanawha county; powers and rights of officers executing process, etc., section 13.....	505
grand jury for each term; special grand juries; what offences grand jury may consider; provisions of law applicable; how jurors chosen and impaneled, compensation, section 14.....	506
when judge cannot preside he may certify cause to circuit court; proceedings; recognizances in such cases; special judge,	

	Page
CRIMINAL COURT FOR COUNTY OF KANAWHA— <i>Continued.</i>	
when; how selected; per diem and how paid; change of venue, section 15.....	506
indictments found or pending in circuit court may be certified to criminal court; recognizances in such cases, section 16....	507
appeals and writs of supersedeas, in what cases allowed or awarded by circuit court, section 17.....	507
appeal, writ of error, etc., how obtained; what law to govern proceedings; no appeal in certain cases, unless, etc, section 18	507
appeal, writ of error, etc., to be docketed in circuit court; how proceeded in, section 19.....	507
in case the circuit court deems the judgment, etc., plainly right and rejects the appeal, etc., on that ground, what then, section 20	507
proceedings in circuit court on appeals, writs of error, etc., duty of clerk of court, section 21.....	508
appeals allowed to the criminal court concurrent with the circuit court, in what cases; provisions of law governing proceedings thereon, section 22.....	508
if office of judge be contested, how heard and determined, section 23	508
vacancy in office, how filled, section 24.....	508
judge may be removed from office; how, section 25.....	508
taxation of costs, section 26.....	508
certain general provisions of law applicable to a circuit court to apply to this court, sections 27 and 28.....	508, 509
writ of habeas corpus, power to grant concurrent with that of supreme or circuit court; provisions of law governing, section 29.....	509
prosecuting attorney or his assistant to attend terms of court; what duties to perform, and for what compensation, section 30	509
certain sections of chapter forty-one of code made applicable, section 31.....	509
books to be delivered to judge—the West Virginia reports and acts of the legislature, section 32.....	509
CRIMINAL COURT OF WOOD COUNTY:	
act changing the time of holding the terms of, chapter 80.....	496
CRIMINAL COURT OF McDOWELL COUNTY:	
act fixing the salary of the judge, and changing the times for holding the terms thereof, chapter 81.....	496
CRIMINAL COURT OF FAYETTE COUNTY:	
act relating to the salary of the judge of, chapter 82.....	497
DAMS AND LOCKS:	
how assessed, section 78.....	319
DANIELS AND COMPANY:	
appropriation to pay.....	548
DANIELS, GEORGE P.:	
appropriation to pay.....	550
DAWSON, W. M. O.:	
appropriation to pay.....	551
DAWLEY FURNITURE COMPANY:	
appropriation to pay.....	549
DAILY MAIL PUBLISHING COMPANY:	
appropriation to pay.....	545

DAVIS, S. M.:	
appropriation 'to pay.....	Page 580
DEADLY WEAPONS:	
license to sell, section 106.....	383
DEBTS:	
in listing money, credits or investments for taxation, what indebtedness may be deducted; when and how, section 67.....	311
verification of statement listing debts to be deducted, section 67... such statement exempt from publicity, except when; penalty, section 67.....	211
duty of assessor as to such statement, section 67.....	311
penalty on person making false statement or stating fictitious debts, section 67.....	311
the incurring of a debt upon the state or any county or district without proper authority, prohibited, chapter 56.....	456
personal liability of violators, section 4.....	457
action may be maintained against any officer or person so violating, section 4.....	457
no liability upon the state, county or district, on account of any debt, obligation or contract made without proper authority, section 4.....	457
DECEASED PERSONS:	
lands of, how entered on land book and taxes paid on, section 40..	299
personal property of, by whom listed for taxation, section 55....	306
discrepancy between the assessment lists and the appraisements of the estates of, provisions in relation to, section 73.....	316
DEFINITION:	
of certain words for the purpose of taxation, sections 60, 61, 62, 84, 134.....	309, 326, 349
DELINQUENT TAXES:	
appropriations to pay cost of certification and publication of sale..	540, 563
DESTRUCTION AND CLASSIFICATION OF RECORDS:	
appropriation to pay	545
DIRECTORS, BOARD OF:	
of state institutions, or any officer or person prohibited from expending public moneys and incurring obligations upon the state without proper authority; penalty, chapter 56.....	458
DIRKS:	
license required for selling of. section 2.....	353
penalty for selling without license, section 3.....	354
how license obtained; how revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to sell, section 106.....	383
DISBURSING OFFICERS:	
of national guard; required to give bond before receiving funds for disbursements, section 44.....	441
DISFRANCHISEMENT:	
of voter, when and for what length of time, section 100.....	416

	Page
DISTILLERIES :	
state license required of distillers, section 1.....	352
penalty for distilling without license, section 3.....	354
certain conditions must be complied with, section 20.....	362
tax on license for distilling, section 67.....	376
distillers must also have license to sell at wholesale whisky or brandy in this state, for sales made other than at distillery, section 74	378
to what counties such license not to extend, section 74.....	378
when and how proper license obtained to sell at wholesale the manufactured product in this state, sections 67 to 74.....	376 to 378
tax on license to distill and sell apple and peach brandy, section 65	376
certain reports of production to be made by, sections 67 to 73..	376, 378
annual tax based on production, section 67.....	377
when such tax to be paid, section 67.....	377
record of production to be kept, section 68.....	377
report of production, when to be filed with auditor, section 69..	377
examinations by auditor or state tax commissioner, section 70, 71	377
scope of distiller's license, section 74.....	378
must have wholesalers' license at each place from which he makes shipments, section 74	378
 DISTRAINT FOR TAXES :	
time extended for certain sheriffs to make, chapters 62 and 63.... (See "Taxes.")	464, 465
 DISTRIBUTION OF GENERAL SCHOOL FUND :	
appropriations for	539, 562
 DISTRICT, COUNTY AND MUNICIPAL TAXES :	
appropriations to refund	539, 563
 DOGS :	
chasing or killing sheep; provision to have such dog killed.....	457
if owner refuses to kill such dog, proceedings may be had before a justice for the purpose.....	457
costs of such proceeding.....	458
owner of such dog also liable to owner of such sheep in damages..	458
 DONOVAN, P. A. :	
appropriation to pay.....	548
 DRILLS AND PARADES :	
governor may direct that enlisted men be paid for attendance at, section 7.....	432
how such payments to be made, section 7.....	432
 DRUGGISTS :	
license required of, section 1.....	352
penalty for acting without license, section 2.....	354
for what purposes may sell spirituous liquors, wines or alcohol without license therefor, section 4.....	354
penalty on, for selling intoxicating liquors contrary to law, section 5	355
on indictment for unlawful sale of liquors, alcohol or wine, if sale be proven, what presumption arises, section 6.....	356
druggists may sell liquors, etc., upon physician's prescription, section 6	356
what such prescription must specify, section 6.....	356
effect of such prescription when produced at trial of indictment	

DRUGGISTS—Continued.		Page
against druggist, section 6.....		356
such prescription to be preserved; who entitled to inspect the same, section 7.....		356
penalty on druggist, etc., for refusing to produce prescriptions for inspection, when, section 7.....		356
how license to carry on the business of a druggist obtained, sections 10, 11.....		357, 358
revocation of license, and when, section 34.....		367
place to which license is confined, section 35.....		367
transfer or assignment of license, sections 36, 37.....		367, 368
for what time license granted, section 39.....		369
posting of license by, and where; penalty for failure, section 43..		370
tax on license to carry on the business of, section 97.....		382
(See "Pharmacists.")		
DWYER, DAVID A.:		
appropriation to pay		545
EATING HOUSES:		
(See "Restaurant.")		
EDUCATION:		
act limiting amount of indebtedness of school district, chapter 51..		449
liability of for expenditure of public moneys without proper authority, ch 56		456
annual levy for building fund limited for the years 1905, 1906, 1907, section 38		474
levy may be increased by vote of the people.....		474
estimate to be made by the board.....		474
estimate to be published with notice of election		474
proviso as to erection of new school building.....		474
no school apparatus to be purchased without consent of county superintendent, section 38.....		475
annual levy for teacher's fund limited to fifty cents on every one hundred dollars valuation, section 40.....		475
teachers' fund to be used for no other purpose than payment of teachers' salaries		475
board may be compelled to lay levy by <i>mandamus</i>		475
in case levy of fifty cents is not sufficient to run schools five months board may increase levy not to exceed twenty-five cents....		475
salaries of teachers to be fixed by board of, chapter 69.....		478
meeting of board for that purpose.....		478
minimum salary for each grade.....		478
trustees not to change salary fixed by the board of.....		478
quorum of board; transaction of official business; compensation of board		479
president of board of, to examine school houses; general warranty deed to be obtained for, chapter 70.....		479
how certain school property may be sold.....		479
ELKINS, CITY OF:		
charter amended		108 to 113
powers of council as to streets, markets, nuisances, loitering, annual assessment, ordinances, licenses, etc., section 28.....		108 to 112
sewers, sidewalks, etc., how constructed and by whom paid for, sub-section-a		112
council may require property owners to connect sewers; in case of refusal council may have connection made at property owner's expense, sub-section-b.....		113
EMBEZZLEMENT:		
when assessor guilty of, and how punished, section 82.....		325

	Page
EMERGENCY FUND:	
appropriations for	539, 562
EMPLOYMENT OF CHILDREN:	
act relating to, chapter 75	491
(See "Children, Employment of.")	
ENCAMPMENTS:	
portions of hospital corps may be detailed for duty at, section 15..	436
national guard to perform at least five consecutive days of camp duty, section 50.....	442
ENLISTED MEN:	
pay for attendance at drills, parades, etc., section 7.....	432
responsibility of, in the organized militia of the state, for public property issued to them, section 7.....	432
charges against, for loss to quartermaster's property, ordnance, etc., section 7	432, 433
enlistment papers must be signed by recruits, section 34.....	437
oath to be taken and before whom, section 34.....	437, 438
what questions recruits must answer and subscribe to before en- listment, section 34.....	438
pay and allowance to enlisted men when called into active service, and how payments made, section 44.....	440, 441
pay and care when injured or disabled when on duty, etc., section 47.....	442
widow and children of every enlisted man killed while in the ser- vice of the state to be suitably provided for, section 47....	442
ERRONEOUS ASSESSMENT:	
how person aggrieved by entry in land or personal property book or assessment of license tax, may obtain redress, section 129..	347
within what time application must be made, section 129.....	347
what notice must be given to prosecuting attorney before such application is heard, section 129.....	347
duty of prosecuting attorney, section 129.....	348
duty of county court on such application, section 129.....	348
what order to be made by such court if applicant is erroneously charged, etc., section 129	348
assessor to be furnished with copy of such order; his duty there- on, section 129	348
copy, also, to be certified to auditor, and when, section 129....	348
such application to court to have preference over all other busi- ness, section 129.....	348
order entered must show prosecuting attorney was present, sec- tion 129	348
effect of order correcting assessment, etc., section 129.....	348
if county court refuse to make correction, appeal may be taken to circuit court; how, section 129.....	348
preference of such appeal, section 129	348
if assessment is corrected by court, to whom order making cor- rections to be certified, section 129.....	348
assessor to correct land book for next year according to such order, section 129	348
if county or circuit court grant relief to any applicant against taxes, or any part of them, assessed against him, what order to be made, section 130.....	348
the effect of such order as a restraining or compelling order, when delivered to assessor, sheriff or other collecting officer, section 131	349

	Page
ERRONEOUS ASSESSMENT—Continued.	
its sufficiency as a voucher when endorsed by the person exonerated, section 131.....	349
when erroneous taxes paid into state treasury, what to be done, section 132	349
ERRONEOUS ASSESSMENTS:	
appropriations to refund	538, 563
ERRONEOUS PAYMENTS INTO THE TREASURY:	
appropriations to refund	539, 563
ESKEW, SMITH AND CANNON:	
appropriation to pay	549
ESTATES, APPRAISEMENTS OF:	
when list of appraisers shows greater amount in value than last assessment list, prima facie evidence of what, section 73.....	316
EXECUTIVE DEPARTMENT CONTINGENT FUND:	
appropriations for	541, 565
EXHIBITIONS:	
to be licensed, section 2	352
penalty for exhibiting without license, section 3.....	354
no license required in certain cases, section 4.....	355
EXHIBITIONS, SCHOOL:	
no license required for, section 4.....	355
EXPENDITURE OF PUBLIC MONEYS:	
personal and criminal liability of certain officers or persons who shall expend, etc., public moneys without proper authority, ch 56	456
action may be maintained against any officer or person violating the provisions of this act, section 4.....	457
no liability upon the state, county or district, or the funds thereof, on account of any debt, obligation or contract, unlawfully made, section 4	457
EXPRESS COMPANIES:	
return in writing to be made by, to board of public works; return to be delivered to state tax commissioner, section 84.....	326
what such report to show, section 88a	351
such return must conform to requirements of board of public works, section 90	333
penalty for failure to make such return, section 90.....	333
when taxes to be paid into treasury by; per cent added for failure section 100.....	337
other provisions relating to assesment and taxation of, and payment of taxes by, sections 91 to 107.....	333 to 340
(See "Assessment of Taxes.")	
FACTORIES:	
act relating to employment of children in, chapter 75.....	401
FAIRMONT, CITY OF:	
council authorized to issue bonds for city water works; rate of interest not to exceed six per cent, section 1.....	113
interest on such bonds, when and where payable, section 2.....	114
principal, when payable, section 3.....	114
proceeds of bonds, how applied, section 4.....	114

	Page
FAIRMONT, CITY OF—Continued.	
council to provide sinking fund for payment of bonds, section 5....	114
deed of trust on said water works to be executed to secure payment of bonds; authority of trustee thereunder, section 5.....	114
bonds not to be sold for less than par; exempt from municipal taxes; council to prescribe manner of selling bonds, section 6..	115
bond issue to be approved by voters; election for that purpose; how held, section 7.....	115
FAIRMONT, INDEPENDENT SCHOOL DISTRICT OF:	
act creating	225 to 232
boundary lines defined, section 1.....	226
board of education, section 2.....	226
president and secretary, section 3.....	227
corporate name, powers and liabilities, section 4.....	227
manual training school and public library authorized, section 4..	228
admission to schools, section 5.....	228
school for colored persons, section 6.....	228
superintendent, salary and duties of, section 7.....	228
examining committee, duty of, section 8.....	229
teachers, appointment and removal of, section 9.....	229
annual estimate and tax levy, section 10.....	229
funds authorized, section 11.....	229
election to authorize bond issue, section 12.....	230
Palatine school district abolished, section 13.....	231
inconsistent acts repealed, section 14.....	232
FAIRMONT NORMAL SCHOOL:	
appropriations for.....	530, 553
FALSE KNUCKLES:	
license required to sell, or weapons of like kind, section 2.....	353
penalty for selling without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39,	368, 369
tax on license to sell, at wholesale or retail, section 106.....	383
FARMERS:	
may furnish meals to travelers without license, section 4.....	355
FAYETTE COUNTY CRIMINAL COURT:	
act relating to the salary of the judge of.....	497
FEES:	
of clerk of county court for services respecting state licenses, section 38.....	369
FELONY:	
what conviction for a violation of the license law deemed a felony, section 3,	354
no license for certain purposes to be granted to person convicted of, section 19.....	362
deemed a felony to make false affidavit to report of production of breweries, etc., section 76.....	379
what violations of the registration law deemed a felony, section 98	415
for any person to make false statement or entry upon any building and loan association book; or to exhibit same with intent to deceive; or to publish false statement of its financial condition	424
abducting an intimate of any state benevolent, penal or reformatory institution, section 1.....	489
taking or secreting a child under 14 years of age for certain purposes, section 14.....	490, 491

	Page
FEMALE OR MINOR:	
misdemeanors for either to loiter in or about saloon; penalty, section 21.....	363
FERRIES AND TOLL BRIDGES:	
duty of assessor as to, section 76.....	317
FIRE CLAY:	
how assessed, section 39.....	298
FIRE ESCAPES:	
act relating to, on buildings where labor is employed, chapter 76..	492
buildings of three or more stories where certain amount of labor is employed, or any hotel, or tenement house of three or more stories, must be provided with metallic fire escapes, section 1.....	492
duty of owner of any such building to comply with provisions of this act within six months from its passage, section 2.....	492
word "owner" defined, section 2.....	493
duties of certain officers to enforce this act; inspection to be made annually; duty of owner upon receiving notice from such officer, section 3.....	493
penalty for violation of this act; justice to have jurisdiction, section 4.....	493
fines collected under this act, where to go, section 5.....	493
FIXTURES AND MACHINERY:	
how assessed, section 43.....	300
FLAG, STATE:	
resolution adopting.....	520
FLEMING, JOHN A.:	
appropriation to pay.....	543
FRASER, NEAL:	
appropriation to pay.....	547
FREER, ROMEO H.:	
appropriation to pay.....	550
FRUIT TREES, VINES AND SHRUBBERY:	
traveling agents selling, to be licensed, section 1.....	463
license fee ten dollars per year, section 1.....	463
every dealer required to file list of his agents with county clerk, section 1.....	463
agents not to act until provisions of section one have been com- plied with, penalty for violation, section 2.....	463
every agent to have certificate from employer, section 2.....	463
must exhibit such certificate to any one who demands to see it, section 2.....	464
penalty for failure to produce such employer's certificate, section 2	464
penalty on dealer for false label on trees, etc., section 3.....	464
penalty on dealer for substituting other nursery stock for the nursery stock represented to purchaser, section 3.....	464
dealer to be precluded from doing business in this state, when, section 3.....	464
penalty on agent for filling orders from stock of a different nursery from that for which he took orders from purchaser, section 4.....	464
FUGITIVES:	
from state institutions, how arrested and returned, section 5....	490

INDEX TO ACTS.

li

	Page
GAINER, ZACK:	
appropriation to pay.....	579
GAME AND FISH WARDEN:	
appropriations to pay.....	540, 564
GAS:	
how assessed, section 39.....	298
GATES, A. D.:	
appropriation to pay.....	551
GENERAL SCHOOL FUND, DISTRIBUTION OF:	
appropriations for.....	539, 562
GEOLOGICAL AND ECONOMIC SURVEY, STATE:	
appropriations for.....	540, 564
GILMER, J. C.:	
appropriation to pay.....	545
GLENVILLE NORMAL SCHOOL:	
appropriations for.....	530, 554
GOAD, GEORGE:	
resolution for the relief of.....	515
appropriation to pay.....	551
GOVERNOR:	
certain agents to be appointed, upon approval of, section 135.....	395
list of delinquent corporations to be certified to by auditor; his proclamation concerning, section 136.....	395
penalty on corporation for exercising powers after such procla- mation, section 136.....	396
to appoint members of state board of embalmers, when, section 1..	417
duty of such board to make annual report to governor.....	420
mine inspectors to be appointed by.....	427, 428
chief mine inspector to make annual report to.....	429
to appoint state historian and archivist, section 3.....	467
to appoint Capon Springs commission, section 7.....	470
to execute deed in case of sale of Capon Springs property, section 8	470
to approve expense certificates of Capon Springs commission before paid by auditor.....	471
may transfer patents from Spencer or Weston hospitals to West Virginia asylum, when.....	472
authorized to prevent pollution of the New and Great Kanawha rivers, chapter 59.....	460
appropriation therefor.....	460
may turn over the organized militia of the state into the service of the United States, when and for what period, section 6.....	431
his power as to the active and reserve militia, when called forth under the constitution and laws of the United States, section 6	431
may direct that enlisted men be paid for attendance at drills, parades, etc., section 7.....	431, 432
power to alter, reorganize, etc., the military organizations of the national guard, section 9.....	433
power to increase the military force, beyond the maximum, when, section 9.....	433
on what occasions or exigencies he may attach to a brigade such organizations or special troops, deemed advisable, which at other times would report to the commanding officer, sec- tion 13.....	435

GOVERNOR—Continued:	Page
authorized to increase the number of enlisted men in the hospital corps, section 15.....	436
may detail portions of such corps for duty at encampments, etc., section 15.....	436
active duty not required of the members of the staff of, unless, etc., section 17.....	436
exception as to the adjutant general and his assistant, section 17	436
his chief of staff; duties as such chief, section 17.....	436
to commission all officers, and assign them, sections 19, 21.....	436
to approve the appointment or removal of staff officers, section 21	436, 437
to prescribe form of enlistment paper, section 34.....	437
may order transfer of property from one company, etc., to another, section 41	439
may order the inspection of worn-out and worthless property, section 41.....	439
to approve voucher for payment of officers and soldiers, section 44.	441
to approve bond of disbursing officer, section 44.....	441
may require a new or additional bond of such officer, section 44...	441
to approve findings of board respecting the pay and expenses for care of a member of the national guard injured or disabled when on duty, etc., section 47.....	442
may return such findings for revision and for further testimony, section 47	442
to cause national guard to perform at least five consecutive days of camp duty, section 50.....	442:
to be a member of the armory commission provided for in the military code; duties and authority of such commission, section 100a	443 to 445
to appoint board of directors of the West Virginia asylum.....	471 to 473
to appoint board of directors of the West Virginia reform school..	475 to 478
to appoint a commission respecting a branch home in this state for soldiers, sailors and marines of the U. S. service.....	516
to appoint committee to investigate state institutions.....	518
to contract for five thousand copies of a fifth edition of the code of West Virginia.....	518 to 520
proclamation convening legislature in extraordinary session.....	525
appropriations to pay salary of.....	576, 577
appropriations for contingent expenses.....	542, 565
appropriations to pay private secretary, clerks and stenographers.	542, 566
 GOVERNOR'S MANSION AND GROUNDS:	
appropriations for.....	541, 565
 GRAHAM, JOHN T.:	
appropriation to pay.....	545
 GRAND ARMY OF THE REPUBLIC:	
given permission to, together with the associates of such organiza- tion, to erect a monument in the capitol grounds to the mem- ory of the union soldiers of the civil war.....	522
expenses, by whom to be borne.....	522
who to designate the location of such monument.....	522
 GRAND JURY:	
to inquire into violations of revenue laws, section 133.....	349
assessor to furnish prosecuting attorney list of violations, section 133	349
duty of prosecuting attorney to deliver list to foreman of grand jury, section 133.....	349
duty of foreman, as to such list, section 133.....	349

GRAND JURY—Continued.	Page
duty to investigate violations of registration laws, section 98.....	416
act relating to, chapter 86.....	502
to be at each term of circuit court; exception.....	502
circuit court may dispense with, in county where there is a criminal court.....	502
circuit court may order special grand jury, when.....	502
what such grand jury may consider.....	502
GRAND RAPIDS FURNITURE COMPANY:	
appropriation to pay	549
GRANTSVILLE, INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	232 to 234
boundary lines, section 1.....	233
board of education, section 2.....	233
corporate name, powers and liabilities, section 3.....	234
polling places, section 4.....	234
president, when elected; his compensation, section 5.....	234
text books, section 6.....	234
school term, section 7.....	234
election for ratification of this act, section 8.....	234
GREAT KANAWHA RIVER:	
governor authorized to prevent pollution of, chapter 59.....	460
appropriation therefor.....	460
GRIFFITHS, J. W.:	
appropriation to pay.....	551, 580
GROSSMAN, M. W.:	
appropriation to pay.....	549
HARDWAY, W. P.:	
appropriation to pay.....	548
HARMON, W. D.:	
appropriation to pay.....	547
HARRIS, JOHN T.:	
appropriation to pay.....	578
HAWKER OR PEDLER:	
license required to act as, section 2.....	352
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
HEAVENER, JACOB W.:	
appropriation to pay.....	550
HENRY, INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	235 to 237
boundary lines, section 1.....	235
board of education, section 2.....	235
corporate name and powers, section 3.....	236
polling places, section 4.....	236
president and clerk; when elected; their compensation, section 5..	236
text books, section 6.....	236

	Page
HENRY, INDEPENDENT SCHOOL DISTRICT OF—Continued.	
general powers and duties of board, section 7.....	236
appointment of teachers; their salaries, section 8.....	237
election for ratification of act, section 9.....	237
election officers to be appointed by county court, section 10.....	237
subsequent elections, how held, section 11.....	237
HEWS, REGINALD:	
appropriation to pay.....	543
HIGH SCHOOLS:	
established; in Ritchie county, chapter 28.....	257
in Tyler county, chapter 31.....	270
HILL, DAVID:	
appropriation to pay.....	546
HODGES, M. S.:	
appropriation to pay.....	546
HOME FOR INCURABLES:	
(See "West Virginia Asylum.")	
HOME FOR SOLDIERS, SAILORS, ETC.:	
resolution concerning location of branch of, in this state.....	516
HOUSES AND BUILDINGS:	
where intoxicating liquors are sold unlawfully, deemed public nuisances; how abated, section 24.....	363
owners of any such building may be indicted, when, section 25....	363
HOSPITAL CORPS:	
composition and strength of, for a regiment, section 12.....	434, 435
of the national guard, what to consist of, section 15.....	435, 436
increase of such corps, section 15.....	436
detail of, for duty at encampments, field maneuvers or in cam- paign, section 15.....	436
appointment of first-class sergeants and sergeants of, section 26..	437
HOSPITAL FOR INSANE, WESTON:	
appropriations for.....	534, 559
HOSPITAL FOR INSANE, SECOND:	
appropriations for.....	536, 559
HOTELS:	
required to have fire escapes, if three or more stories high, chapter 76	492
(See "Fire Escapes.")	
HOTEL OR TAVERN:	
to be licensed, section 1.....	352
penalty for doing business without license, section 3.....	354
what deemed a hotel or tavern, section 8.....	357
what keeper of, must provide, section 8.....	357
when license to keep, to be revoked, section 8.....	357
tax to be paid, how determined, section 9.....	357
license for, how obtained, sections 10, 11.....	357, 358
evidence of character required, section 19.....	362
certain conditions required, section 20.....	362

	Page
HOTEL OR TAVERN—Continued.	
revocation of license, and when, sections 8, 38.....	357, 367
to what place license confined, section 35.....	367
transfer or assignment of license, sections 36, 37.....	367, 368
for what time license granted, sections 39, 40.....	369
posting of such license, and where; penalty for failure, section 43	370
rate of tax on license to keep, section 64.....	376
HOUSE-BOATS, TRADING:	
license required to maintain or occupy any trading house-boat, or like structure or vessel, where, section 2.....	353
penalty for maintaining or occupying such boat without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to maintain or occupy, or like structure or vessel, section 102.....	383
HUDNALL, M. V.:	
appropriation to pay.....	551
HUDSON, J. F.:	
appropriation to pay.....	548
HUMANE SOCIETY:	
appropriations for.....	540, 564
HUNTINGTON, CITY OF:	
charter of, amended.....	116 to 121
mayor, treasurer, city clerk and city assessor, how removed from office, section 19.....	118
appointive officers and police officers, how suspended and removed; how reinstated, section 19.....	116
circuit clerk, duties of, section 27.....	117
police judge, authority and duties of, section 30.....	117
chief of police, duties of, section 31.....	119
taxes, council authorized to levy and collect, section 44.....	119
license, how granted, section 49.....	119
section 53 of chapter 150 of the acts 1901 repealed, section 2.....	120
claims against city, how and where presented; no officer to become interested in any claim or contract against or with the city, section 53.....	120
inconsistent acts repealed, section 4.....	121
charter further amended.....	206
city officials, how removed, section 19.....	206
appointive officers, how removed, section 19.....	206
mayor may suspend police officers, section 19.....	207
how such suspended officer reinstated, section 19.....	207
provision concerning pay of suspended officer, section 19.....	207
HUNTINGTON, PAVING STREETS OF:	
council of city authorized to grade and pave avenues, streets and alleys; cost of, how paid, section 1.....	121
assessment against property owners to be lien on real estate; how such lien enforced, section 2.....	122
provisions for paying for paving, etc., in instalments, sections 3...	122
such instalment also lien against property, section 3.....	123
how abutting property owners may have street paved; cost of such paving; lien of property, section 4.....	124

	Page
HUNTINGTON HERALD:	
appropriation to pay.....	549
INAUGURAL CEREMONIES:	
appropriation for.....	542
INCORPORATED COMPANIES:	
written and verified report for assessment of taxes to be made by each of certain incorporated companies; when, section 77....	317
to what assessor such report to be made, section 77.....	317
what such report to show, section 77.....	318
what must be included in its report, if such company desire to have its indebtedness deducted from its money, credits and investments, section 77.....	318
forfeiture for failure to make the report required, section 77....	318
form of oath to be appended to report, section 77.....	318
assessor to assess the value of all property of such corporations liable to taxation, when, section 78.....	319
how such property so assessed to be entered in land and personal property books, section 78.....	319
if a company have branches, where and how assessed, section 78..	319
locks and dams of navigation companies, where and how assessed and taxed, section 78.....	319
no individual shareholder in an incorporated company to be assessed and taxed, when, section 78.....	320
no list of value of real estate shall be required of until 1909, section 77.....	319
corporations chartered under the laws of another state; license required to do business in this state, section 2.....	354
license tax on land held by, in excess of ten thousand acres, section 123.....	387
duty of secretary of state, section 123.....	387
penalty if corporation fail to comply with provision of section 123	387
classification of corporations for taxation, section 124.....	388
domestic and foreign corporation defined; domestic corporations sub-divided into resident and non-resident; each defined, section 124.....	388
aggrieved corporation; how relief obtained, section 125.....	388
license tax on charters of resident corporations, section 126.....	388
form of affidavit in making application for certificate of incorporation when it is proposed to pay the rate for resident corporations; penalty, section 127.....	389
duties of certain state officers, section 127.....	390
license tax on charters of non-resident corporations, section 128..	390
who to assess and collect license tax; when and for what time, section 129.....	391
annual report to be made to auditor by every foreign corporation for taxation purposes; what such report to contain; duties of the auditor; when such corporation to pay license tax into state treasury; penalty for failure, section 130.....	391, 392
application of foreign corporation for certificate to hold property and transact business, what preliminary report such corporation must file; duty of secretary of state and auditor as to assessing and collecting its license tax, section 131.....	392
how a foreign corporation not desiring longer to hold property and transact business in this state may be released from paying charter tax, section 132.....	393
auditor to notify corporations, when, of what and how; mistake in amount of tax, what then; statement by domestic corporations; license taxes due, a lien on all property, etc., taxes due on excess over 10,000 acres, section 133.....	393, 394

INCORPORATED COMPANIES—Continued.	Page
publication of list of delinquent corporations failing to pay license tax; any delinquent corporation may pay such tax, when; supplemental notice, with statement, by auditor and when, section 134.....	394, 395
special agents to investigate violations and collect taxes from delinquent corporations, section 135.....	395
auditor to certify list of delinquent corporations to governor and secretary of state; what is <i>prima facie</i> evidence of such delinquency; proclamation by governor; proceedings to collect license taxes due from such corporations, and penalties and fines; what plea cannot be interposed; what decree or judgment court may enter, collection of amount of judgment, etc.; may appoint receiver or grant injunction; penalty for exercising charter privileges after issuance of proclamation; words "license tax" what to include; apportionment of cost, when, section 136.....	395, 396
how service may be had on any defendant corporation; form of order of publication; duty of clerk of court and secretary of state; penalty on clerk for failure to make required report, section 137.....	397
what corporations exempt from paying license tax; what statement such corporations required to make to auditor, and when, section 138.....	398
report of secretary of state to the auditor, when and what to set forth; auditor to report failure to governor, section 139.....	398
the new license provided for not to be required before May 1, 1905, section 139a.....	398
 INDEPENDENT SCHOOL DISTRICTS:	
Alderson, chapter 17.....	207
Buckhannon, chapter 18.....	216
Burnsville, chapter 19.....	222
Clarksburg chapter 20.....	224
Fairmont, chapter 21.....	225
Grantsville, chapter 22.....	232
Henry, chapter 23.....	235
Keyser, chapter 24.....	238
Marlinton, chapter 25.....	242
Morgantown, chapter 26.....	252
Ravenswood, chapter 27.....	254
Ritchie county high school, chapter 28.....	257
Ripley, chapter 29.....	259
Sistersville, chapter 30.....	260
Tyler county high school, chapter 31.....	270
Wheeling, chapter 32.....	272
Williamson, chapter 33.....	275
Winfield, chapter 34.....	283
 INDICTMENTS:	
under license laws, when tried, section 60.....	375
 INDUSTRIAL SCHOOL FOR GIRLS:	
appropriations for	535, 558
 INJUNCTIONS:	
buildings or places where intoxicating liquors are sold contrary to law, deemed public nuisance, and may be abated by injunction, section 24.....	363

INJUNCTIONS—Continued.	Page
no injunction shall be awarded to restrain the collection of taxes assessed upon the property of owners or operators of railroads, car lines, telegraph, telephone, pipe lines, or express companies, except, etc., section 99.....	337
 INJURIES:	
resulting from illegal sale of intoxicating liquors; remedy therefor, section 26.....	364
 INMATES OF CERTAIN STATE INSTITUTIONS:	
act relating to abduction of; enticing such to escape; or for obtaining property from, chapter 73.....	489
felony to abduct, section 1.....	489
penalty for aiding such to escape, section 2.....	489
penalty for trespassing upon the grounds of such institutions; or communicating with the inmates thereof, section 3.....	489
penalty for securing articles of clothing or other property from such inmates, section 4.....	490
how fugitives from such institutions may be arrested and returned, section 5.....	490
 INSPECTOR GENERAL:	
his power to condemn worn-out and worthless property, and to authorize that it be dropped from the returns, when, section 41	439
 INSPECTOR OF MINES:	
appropriations for.....	537, 560
 INSTITUTE INSTRUCTORS':	
appropriations to pay.....	538, 561
 INSURANCE:	
appropriations to pay.....	538, 561
 INSURANCE COMPANIES:	
other than life or fire; such companies organized under the laws of this state, and having their principal office within this state, must have paid up capital of at least ten thousand dollars, section 1.....	399
also to have same invested in securities, section 1.....	399
also to keep on hand reserve fund equal to unearned premiums on policies written in this state, section 1.....	399
not authorized to do business in this state until certain provisions are complied with, section 1.....	399
to be otherwise governed by the same statute applicable to fire insurance companies, section 1.....	399
penalty for violation of section 1.....	399
such companies organized under the laws of other states or countries, and having their principal office outside of this state shall be governed by the laws of this state regulating admission of foreign insurance companies, section 2.....	399
penalty for violation of section 2.....	399
act not to apply to fraternal beneficiary societies, etc., section 3...	399
inconsistent acts repealed, section 4.....	399
 INSURANCE ASSOCIATIONS:	
(See "Insurance Companies.")	
 INTEMPERATE HABITS:	
no license for certain purposes to be granted to persons of, section 19.....	362

INTOXICATING LIQUORS:	Page
license for sale of required, section 1.....	352
also, for drinks of like nature, section 1.....	352
also, to solicit or receive orders for, section 1.....	352
Penalty for selling, etc., without license, section 3.....	354
how druggists may sell, sections 5, 6, 7.....	355, 356
penalty on druggists for violations, sections 5 to 7.....	355, 356
how state license to sell, obtained, sections 10, 11.....	357, 358
if business is to be carried on in an incorporated city or town, or within two miles of the limits, what to be done, sections 12, 14, 15.....	359, 360
provisions as to annual license tax to sell, in incorporated cities or towns, etc., section 18.....	361
certificate of character required, section 12.....	359
penalty for selling or giving, to certain persons; also for per- mitting one to drink to intoxication; also for selling or giving any intoxicating drink on Sunday, section 21.....	362
court may also revoke license, when, section 21.....	362
effect of such revocation, section 21.....	362
no transfer of license allowed while an indictment is pending, section 22.....	363
a sale by one person for another deemed a sale by both, section 23	363
buildings or places where liquors are sold illegally deemed nui- sances and may be abated as such, section 21.....	363
owner of building where law is violated, or other person therein engaged in such unlawful sale, how proceeded against; pen- alty, section 25.....	363
actions for damages may be maintained for any injury sustained by reason of the illegal sale or giving away of; who may bring such actions and who liable, section 26.....	364
damages recovered by minor, to whom paid, section 26.....	364
what forfeiture any violation shall work, section 26.....	364
what remedy landlord may have by reason of the unlawful acts of his tenant, section 26.....	364
provision relating to property belonging to married woman, infant or insane person, section 26.....	364
where sale of, is carried on clandestinely, what officer having warrant of arrest may do, section 32.....	366
bond to be given; penalty and conditions of such bond, section 28	364
liability of applicant and his sureties in such bond, section 28...	364
in what cases and how justice may issue warrant for the arrest and examination of persons charged with unlawful selling; and the seizing and holding of what, section 29.....	365
what deemed <i>prima facie</i> evidence of unlawful sale in such cases, section 29.....	365
seized liquors destroyed, and fixtures, etc., sold, when and how, section 29.....	365
revocation of license, and when, section 34.....	367
place to which license for sale of, is confined, sections 35, 36.....	367
transfer of such license to another, place, when and how, sec- tion 36.....	367
assignment of license to another person, when and how, section 37	368
time for which license granted, sections 39, 40, 41.....	369
license for sale of, to be posted and where; penalty for failure, section 43.....	370
tax on license to sell, at retail, section 87.....	381
tax on license to sell, at wholesale, section 88.....	381
selling of more than five gallons by retailer at one time deemed a violation, section 89.....	381
selling of less than five gallons by wholesale dealer at one time deemed a violation, section 90.....	381

INTOXICATING LIQUORS— <i>Continued.</i>	Page
tax on license to furnish, at public theatre, section 93.....	381
tax on transfer or assignment of liquor license, section 91.....	381
tax on apple and peach brandy, from fruit grown in this state, when sold by distiller, section 94.....	381
resolution relating to transportation of.....	512
INVESTMENTS:	
by whom listed for taxation, when under the charge of a receiver or commissioner, section 55.....	307
words "investments" and "credits" what to include for the purpose of taxation, section 62.....	310
in what district and by whom listed for taxation, section 64.....	310
how rated for taxation, section 65.....	311
what deducted in listing for taxation; when and how, section 67..	311
penalty for giving fictitious debts to be deducted, section 67.....	312
INVESTIGATING COMMITTEES, JOINT:	
resolution raising.....	513, 518
JAMES RUMSEY MEMORIAL:	
appropriation for.....	564
JANITORS:	
resolution fixing <i>per diem</i> of.....	512
appropriations to pay salaries of.....	576, 577
JEFFORDS, TRACY L.:	
appropriation to pay.....	550
JOINT RESOLUTIONS:	
(See "Resolutions, Joint.")	
JUDGES:	
act relating to mileage of, chapter 85.....	501
rate for judges of supreme and circuit courts fixed at ten cents per mile.....	501
circuit judges, allowed mileage for only six terms in any county in any one year.....	501
of circuit courts, to be furnished supreme court reports.....	511
JUDGMENT:	
recovered for forfeitures against defaulting taxpayer under assess- ment law to be a lien on property of such taxpayer, section 73	316
from what time; its priority, section 73.....	316
JUDICIAL CIRCUITS:	
act fixing the time for holding the terms in certain circuits, chap- ter 84.....	498
first circuit, section 2.....	499
seventh circuit, section 8.....	499
tenth circuit, section 11.....	499
eleventh circuit, section 12.....	499
thirteenth circuit, section 14.....	500
fourteenth circuit, section 15.....	500
seventeenth circuit, section 18.....	500
eighteenth circuit, section 19.....	501
for commencement of terms in the several judicial circuits see "Appendix A."	

JUDICIAL DEPARTMENT:		Page-
appropriations for.....	544, 567, 577,	578
contingent expenses of supreme court appropriations for.....		544
law clerks or stenographers of supreme judges.....		544
printing, etc., supreme court reports.....		544
criers, messengers and janitors.....		544
stenographer for clerk supreme court.....		544
JUNK DEALERS:		
license required to carry on the business of, section 2.....		353
penalty for failure to obtain license, section 3.....		354
how license obtained; when revoked, sections 11, 34.....	358, 367	
assignment of license; for what time license granted, sections 37, 39	368, 369	
inspection of license, and by whom; penalty, section 43.....		370
tax on license to carry on the business of, section 100.....		383
JUSTICES:		
tax commissioner to report to circuit court and prosecuting attorney any misconduct or neglect of official duty on the part of, and court to investigate same; penalty if charges be true, section 19.....		293
jurisdiction of, over certain violations relating to the sale of intoxicating liquors, etc., sections 29 to 33.....	365 to 367	
what officer having warrant of arrest may do to apprehend offender, sections 29, 32.....	365, 366	
inspection of licenses by, section 43.....		371
bond may be required of accused not to violate liquor laws until when, section 30.....		366
finding of liquors in building <i>prima facie</i> evidence of unlawful sale, section 31.....		366
liquors so seized, how disposed of, section 31.....		366
what to be done with proceeds, section 31.....		366
clandestine selling of liquors, section 32.....		366
sections 29 and 30 of chapter 36 not to apply to persons holding state license, when, section 33.....		367
to have jurisdiction where any sheep has been killed by dogs.....		457
proceedings before, to commit minors to the reform school, section 6	476, 477	
KANAWHA COUNTY CRIMINAL COURT:		
act relating to, chapter 87.....		503
(See "Criminal Court for," etc.)		
KANAWHA NATIONAL BANK:		
appropriation to pay.....		545
KANAWHA NAVIGATION COMPANY STOCK:		
counties of Wood and Wirt and city of Parkersburg authorized to donate stock to U. S. government.....		460
how donations to be made; election provided for.....		461
how election to be held; ballot therefor.....		462
county court or council may make donation if no election shall have been petitioned for.....		462
KAUFFMAN, H. L.:		
appropriation to pay.....		550
KEEPER OF THE ROLLS:		
appropriation to pay.....	576, 578	
KEGLEY, S. O.:		
appropriation to pay.....		551

KERNS, W. J.:		Page
appropriation to pay.....		546
KEYSER, THE SCHOOL DISTRICT OF:		
act creating amended	238 to	241
boundary lines, section 1.....		238
board of education, section 2.....		238
election of board, section 3.....		238
vacancies in board, how filled, section 4.....		239
president and secretary; how and when elected; vote of president, section 5.....		239
secretary, duties and compensation of, section 6.....		239
meetings of board; quorum; their compensation, section 7.....		240
admission to schools, section 9.....		240
school for colored children, section 10.....		240
board to adopt rules; removal of teachers and pupils, section 11...		240
levy and how collected, section 12.....		241
limit of levy, section 13.....		241
term of members of board; oath of, section 14.....		241
report required to be published, section 15.....		241
KEYSER PREPARATORY BRANCH OF THE WEST VIRGINIA UNIVERSITY:		
appropriations for.....	532,	555
KNUCKLES:		
(See "False Knuckles.")		
LABOR BUREAU:		
appropriations for.....	536,	560
LABOR FUND OF STATE HOUSE:		
appropriations for.....	544,	567
LAND REASSESSMENT:		
appropriations for.....		545
LAND OR LANDS:		
definition of, for purposes of assessment, section 46.....		400
LAND:		
<i>Assessment of for taxes.</i>		
to be assessed for taxation as of the first of April of each year, and at its true and actual value, section 12.....		288
duty of taxpayer as to listing land owned in his own right, or held, possessed or controlled as executor, administrator, guar- dian or in any representative or fiduciary character, section 14		289
duty of assessor as to lands omitted from land books, section 25..	294,	295
change of ownership of, and transferring of same on land book, section 26.....		295
when several deeds for same tract, how charged with taxes, section 27		295
clerk of county court to make list of, lying in another county devised by wills recorded in his office; when and how; to whom and when such list delivered or transmitted, sections 28, 29.....		295
an abstract of grants issued by state for land, auditor to make out; when and to whom forwarded, section 30.....		295
clerk of county court to furnish assessor certified list of all transfers of title to land, when; what such list to show, sec- tion 31.....		296

LAND—Continued.	Page
what assessor or other person may do to ascertain to whom any parcel of land is properly chargeable for taxes, section 33...	296
changes of ownership of, how entered by assessor, sections 34, 35...	296
purchase for state at tax sale to be kept on land book, section 36...	297
purchased by an individual at tax sale, what then, section 36....	297
lands specified in certain lists to be transferred in the land books to the owners thereof, section 37.....	297
duty of assessor when tract of land becomes the property of different persons in several parcels, section 39.....	298
duty of assessor when tract divided into surface land and minerals, section 39.....	298
of deceased persons, how entered on land book, and taxes paid thereon, section 40.....	299
how buildings or structures on, to be assessed, section 41.....	299
to be valued by the acre, except town lots, section 41.....	299
provisions relating to old buildings omitted, or any addition or improvement to a building, or building newly erected on, sections 41, 42	299, 300
assessment of, for taxes lying in more than one county, section 44	300
conveyance of land, lying in more than one county, in the county where it is not assessed; duty of assessor in such case, section 45.....	301
same, where land lies in more than one district, section 46.....	301
inquiries to be made of land owners and their agents, section 47..	301
owners of contiguous tracts may have them consolidated and charged as one; how, section 50.....	303
when assessor to begin to ascertain all land subject to taxation, section 52.....	304
who to pay taxes on, for each year, section 52.....	304
who deemed owner of real property for purposes of taxation, section 54.....	306
what, exempt from taxation, section 57.....	307
but land so exempt must be entered on assessor's books with its true and actual value, section 57.....	307
land taken for public road or railroad how released from taxation, section 58.....	308
land of assessor and his assistants, how assessed for taxation; penalty, sections 111, 112.....	342
duty of assessor, as to assessing land, where he is interrupted by war, forcible resistance, imminent danger, etc., section 114...	342
in any proceeding to take or damage land for public use, or in any proceeding wherein the value of such land may come in question, what certified assessment shall be admissible, with other evidence, to ascertain its value, section 115.....	343
table of tracts, how entered, section 49.....	303
table of town lots, how entered, section 51.....	304
"land" or "lands," definition of, section 61.....	309
condemnation of by railroad companies for certain purposes, chapter 41.....	403
 LAND BOOKS:	
official books and papers of predecessor, how assessor to obtain, sections 21, 22.....	293
assessor to make out land books, and how, sections 21, 48.....	294, 302
corrections of mistakes, sections 23, 24.....	294
lands omitted on former book to be entered by assessor in, when, section 25.....	294
change of ownership of land, when not to be transferred on, section 26.....	295

LAND BOOKS—Continued.

	Page
how several parcels conveyed to same person entered on, section 27	295
change of ownership of land on books and when, sections 31, 34, 37	296, 297
assessor to enter on, all lands appearing by abstract of auditor to	
have been granted and not previously entered, section 35.....	296
land purchased by state to be kept on, section 36.....	297
purchased by an individual at tax sale, what then, section 36.....	297
person making out, to furnish statement to clerk of city council	
and secretary of board of education, section 38.....	297
land and buildings to be entered on land books separately, section 41	299
how omitted and new buildings entered, section 41.....	299
how lands lying in more than one county entered, section 44.....	300, 301
transfer on land books of such land when owner conveys that	
portion outside of the county whereit it is assessed, section 45	301
what part of land book of previous year assessor and each assist-	
ant must carry with him, section 47.....	302
form of, and entries therein how made, sections 48, 49.....	302, 303
owners of contiguous tracts may have them charged as one, sec-	
tion 50.....	303
town lots; how entered, section 51.....	304
assessor to make proper entry in, of real property subject to	
taxation, with the value thereof and name of person to whom	
it ought to be assessed; when, section 68.....	312
how assessed real property of certain incorporated companies	
entered in, section 78.....	319
how real estate of merchants and other individuals or firms en-	
tered in, section 80.....	322
rules applicable to the making up of, by assessor, section 110....	341
assessor to make three fair copies of, section 116.....	343
duties of assessor and clerk of county court in relation to,	
section 116.....	343
certificate to be appended to by such clerk, section 116.....	343
oath of assessor at foot of each book, section 117.....	344
copies of, how disposed of and when, sections 118, 119.....	344, 345
copy of book delivered to county court to serve for laying the	
county levy, section 118.....	344
copy of book delivered to sheriff to be his guide in collecting	
taxes, section 119.....	345
copy of book delivered to auditor to be a guide in settling with	
sheriff, section 119.....	345
and admitted as evidence in legal proceedings against sheriff or	
collector, section 119.....	345
assessor may require of officer written acknowledgment of receipt	
of such books, section 120.....	345
penalty on clerk or assessor for making a false entry, etc., in,	
section 121.....	346
penalties on clerk, assessor or prosecuting attorney for failure to	
perform their duties, sections 122, 123.....	346
when no alterations shall be made in, affecting taxes of that year,	
section 128.....	347
 LANDS, SALE OF FOR SCHOOL FUND:	
recording of report of commissioner of school lands, section 6.....	406
suit to be brought upon report, section 6.....	406
all tracts mentioned in such report, not exceeding one thousand	
acres, may be included in one suit; but separate suit may be	
instituted for each tract exceeding one thousand acres, section 6	407
former owner and all persons claiming title to be made defendants,	
section 6.....	407

LANDS, SALE OF FOR SCHOOL FUND—Continued.	Page
any person claiming an interest may have himself made defendant, section 6.....	407
where such claimant may file his petition, section 6.....	407
any such lands heretofore sold under decree of court, since 1872, shall not again be proceeded against or sold in any suit now pending or hereafter brought, unless, etc., section 6.....	407
circuit court shall not have jurisdiction to sell any such tract, or to permit same to be redeemed in any suit now pending or hereafter brought, unless the state alleges, etc., section 6...	407
in the absence of certain allegations and proof, circuit court to have no jurisdiction, section 6.....	408
suit to be dismissed upon filing of certain title papers, when.....	408
effect of production and filing in any such suit letters patent issued by Virginia or West Virginia granting or purporting to grant lands in controversy.....	408
effect of certain certificates of auditor or clerk county court.....	408
effect of actual continuous possession, under color or claim of title, for ten years, and payment of taxes for five years.....	409
effect of actual continuous possession under color of title for any five successive years after 1865, and payment of all taxes for same period.....	409
duty of commissioner of school lands, when satisfied that such land is not liable to sale for the school fund.....	409
duty of court as to report of commissioner of school lands.....	409
all suits brought for sale of such lands between March 12, 1891 and February 23, 1893, dismissed, section 19.....	409
irregularities in certain proceedings cured.....	410
copy of conveyance to be evidence of such proceeding.....	410
in absence of proof to contrary, it shall be presumed that such lands were entered upon the land books, and has not become forfeited, etc.,	410
effect of payment of taxes for five years in certain cases.....	410
duty of court as to its orders, etc., as to making such sales effective	410
LANDLORD AND TENANT:	
when landlord may be indicted for permitting liquors to be sold unlawfully on leased premises; penalty, section 25.....	363
liability of landlord in damages to any person injured by reason of unlawful sales of liquors on leased premises, section 26...	364
his remedy, against tenant in such cases, section 26.....	364
unlawful sale, etc., by tenant shall work forfeiture of his lease, section 27.....	364
LARGENT, LEWIS:	
appropriation to pay.....	547
LAUGHLIN, MRS. JOHN:	
appropriation to pay.....	548
LAUGHORN, H. W.:	
appropriation to pay.....	546
LECTURE:	
no license required for literary or scientific, section 4.....	355
LEGISLATIVE APPROPRIATIONS:	
for house of delegates.....	575, 580
for senate.....	573, 579

	Page
LEGISLATIVE CONTINGENT EXPENSES:	
appropriations for	542, 580
LENHART JAMES A.:	
appropriation to pay.....	549
LEVY:	
for teachers and building funds limited, chapter 67.....	473
(See "Education.")	
LEWIS, HUBBARD AND COMPANY:	
appropriation to pay.....	549
LEWIS, VIRGIL A.:	
appropriation to pay.....	550
LEWIS, H. B.:	
appropriation to pay.....	547
LIBRARY:	
appropriations for.....	539, 562
LICENSE TAX:	
assessment of, sections 92 to 118, 120, 122, 123, 126, 127, 128....	381 to 391
how person aggrieved by assessment of license tax may obtain redress, section 129 to 132.....	347 to 349
LICENSE TAXES, COLLECTION OF:	
distrain for and when; notice to sell, section 52, 53.....	373
return of person insolvent, and when, section 53.....	373
at what times state taxes on licenses to be paid into state treas- ury, section 54.....	373
how payment enforced against sheriff or collector, sections 55 to 57	373 to 375
person aggrieved may apply to circuit court for relief; how and in what cases, section 55.....	374
officer failing to pay as required by law to be charged with in- terest; rate of such interest, section 55.....	374
commissions for collecting, section 58.....	375
duty of prosecuting attorney as to prosecutions for offences and suits upon bonds, under law regulating licenses, sections 59, 60	375
LICENSES:	
for what a state license required, sections 1, 2.....	351 to 354
no license legalizes any act which otherwise may be in violation of law, nor exempt any person from any penalty, for such vio- lation, section 2	354
penalty for acting without a license, section 3.....	354
in what cases license not required, section 4.....	354
sales by druggists, sections 5, 6.....	355, 350
penalty for violating license law upon or along certain rivers, sec- tion 5.....	355, 356
penalty on physicians for aiding druggists in violation of license laws, section 7	356
certain provisions respecting hotel license, section 8.....	357
how state tax on license to keep a hotel or tavern determined, sec- tion 9	357
how state license are obtained, sections 10 to 12.....	357, 358
certificate of character required in certain cases, sections 12, 19..	359, 362
power of municipal authorities not to be impaired, proviso, section 18	361

LICENSES—Continued.	Page
when the business is to be carried on in an incorporated city, etc., section 14.....	360
when license is granted, clerk county court to issue certificate, section 16	361
how clerk of county court may obtain license, section 17.....	361
certain conditions to be complied with before carrying on any business for which license is required, section 20.....	362
penalties and liabilities for illegal sales, etc., of intoxicating liquors, section 21	362
municipal corporations not to impose greater license tax on sale of beer, etc., at wholesale, than, section 18.....	362
certain license not to be granted to person convicted of felony, intemperate habits; or second time convicted of selling on Sunday, or to minor, to person of unsound mind, or to person who is intoxicated, etc., or giving intoxicating drinks on Sunday, section 21.....	362
no transfer of license allowed while indictment is pending against licensee, section 22.....	363
sale of liquors by one for another, deemed sale by both, section 23	363
houses and places where liquors are sold contrary to law, deemed nuisances and may be abated, section 24.....	363
when owner of such houses or places may be indicted, section 25..	363
certain persons to have right of action for injuries against the person who may have sold the liquor that caused intoxication, section 26	364
when owner of building may be held jointly or severally liable, with the person who sold, etc., the liquor for all damages, section 26	364
clandestine selling of liquors, power of officers in such cases, section 32	366
bond required in certain cases; conditions of such bond, section 28	364
jurisdiction of justices over certain violations, section 29.....	365
revocation of licenses, when, section 34.....	367
place to which the license is confined, sections 35, 36.....	367
transfer of license to another place, section 36.....	367
assignment of license to other persons, section 37.....	368
fees for licenses, alterations and assignments, section 38.....	369
time for which license shall be granted, sections 39, 40, 41.....	369
appeal from clerk of county court. when and how, section 42.....	369
posting and production of license, section 43.....	370
clerks' list of licenses, sections 45 to 49.....	372
instructions by auditor to clerk of county court, section 50.....	373
penalty on officers for neglect of duty, section 51.....	373
collection of license taxes; power to distrain; delinquents, sections 52, 53	373
time license tax to be paid into the treasury, section 54.....	373
how payments enforced against sheriffs and collectors, sections 55 to 57.....	373 to 375
commissions for collecting taxes, section 58	375
duties of prosecuting attorney, section 59.....	375
<i>Tax on licenses.</i>	
to keep hotel or tavern, section 64.....	376
on distilleries and breweries, sections 65, 66.....	376
to sell at wholesale and retail spirituous liquors, wines, etc., section 87.....	381
on stock and other brokers, section 95.....	382
on tobacco, cigars, cigarettes, etc., section 96.....	382
on druggists, section 97.....	382
on bowling alleys, section 98.....	382

LICENSES—Continued.	Page
on billiard tables, etc., section 99.....	382
on junk dealers, section 100.....	383
to sell trading stamps, premium stamps, etc., section 101.....	383
on house-boats, etc., section 102.....	383
on slot machines or other automatic devices, section 103.....	383
on roller coaster, merry-go-round, etc., section 105.....	383
to sell pistols, dirks, slung-shots, bowie-knives, etc., section 106.....	383
on money brokers or private bankers, section 107.....	383
on bagatelle tables, etc., section 108.....	383
on roller skating-rink, section 109.....	384
provisions respecting public watering places, section 110.....	384
on auctioneers, section 111.....	384
on pawn brokers, section 112.....	384
on patent rights, section 113.....	384
license granted before this act takes effect to continue in force until expiration thereof, section 121.....	386
how corporation aggrieved by assessment of license tax may obtain redress, section 125.....	388
automobile license, how granted, section 44.....	371
penalty for operating automobile without a license, section 44..	371
an assignment or transfer of license, section 91.....	381
on turf or base ball exchange, section 92.....	381
on license to furnish intoxicating drinks, etc., at theater, section 93.....	381
on apple and peach brandy, section 94.....	381
on real estate agents, section 95.....	382
on pool tables, section 99.....	382
on automobiles, section 104.....	383
on collecting agency, section 113.....	384
on hawkers and pedlers, section 114.....	385
on sewing machines, section 115.....	385
on lightning rods, section 115.....	385
on musical instruments, section 115.....	385
on shooting galleries, section 116.....	385
on theaters, opera houses, etc., section 117.....	385
on circus, menagerie, etc., section 120.....	386
on state seal, section 122.....	387
on holding more than ten thousand acres of land, section 123....	387
on resident corporations, section 126.....	388
on non-resident corporations, section 128.....	390
secretary of state to assess and collect tax, when, section 129....	391
auditor to collect corporation tax, when, section 129.....	391
assessment and collection of foreign corporation tax; duty of secretary of state and auditor, section 131.....	392
no license tax required of corporations chartered for educational, religious, etc., purposes, section 138.....	398
new license not required until May 1, 1905, section 139a.....	398
retail license tax, section 87.....	381
wholesale license tax, section 88.....	381
capitation tax, section 63.....	376-
attorney general to institute suits against delinquent corporations, in circuit court, section 136.....	396
definition of words, "license tax," section 136.....	396
 LICENSE COURT:	
county court to act as, when, section 13.....	359
council of certain incorporated cities to act as, when, section 14..	360

LIGHTNING RODS:	Page
license required of agents selling, section 2.....	353
penalty for acting without, section 3.....	354
how license obtained, when revoked, section 11.....	358
assignment of license, for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
license tax on agents, section 115.....	385
LIMESTONE:	
how assessed, section 39.....	298
LIQUORS, SPIRITUOUS:	
license required to sell, section 1.....	352
what deemed, section 1.....	352
penalty for selling without license, section 3.....	354
sale by druggists, sections 5, 6, 7.....	355, 356
license for sale of, how obtained, sections 10, 11.....	357, 358
penalties and liabilities for illegal sales of, sections 21 to 27.....	362 to 364
bond required to sell; penalty and conditions, section 28.....	364
jurisdiction of justices over certain violations, section 29.....	365
revocation of license to sell, and when, section 34.....	367
to what place license to sell confined, section 35.....	367
transfer of license to another place; assignment to another person, sections 36, 37.....	367, 368
for what time license to sell granted, sections 39 to 41.....	369
posting of such license, and where; penalty for failure, section 43 (See "Intoxicating Liquors"; "Licenses.")	370
LISTING PROPERTY:	
for taxation; proper blanks for, to be furnished each taxpayer; when and by whom, section 13.....	289
by whom property to be listed, section 55.....	306
property of one person listed by another, how, section 56.....	307
lists to be called for by assessor, and when, sections 68, 69.....	312
penalty for failure, section 69.....	312
duty of assessor as to furnishing proper forms, for listing property, to taxpayers not previously supplied, section 70.....	313
duty of person called upon to return to assessor list of property within ten days, section 71.....	313
what such list to contain, section 71.....	313
form of oath to be appended to such statement, section 71.....	313
person listing his property may refuse to value the same; what then, section 72.....	314
penalty on assessor for receiving list without verification, section 72	315
also, on taxpayer who shall refuse to verify, section 72.....	315
penalty for failure to list property for taxation as required by law, section 73.....	315
additional forfeiture if person fail to give a true list of all his property, section 73.....	315
limitation of suit to enforce such forfeiture, section 73.....	315
each failure to make a true list constitutes a separate offence, sec- tion 73.....	316
proceedings to recover such forfeiture from such defaulting tax- payer, section 73.....	316
amount recovered how disposed of, section 73.....	316
return of assessor <i>prima facie</i> evidence of what, section 73.....	316
provision relating to the discrepancy between the assessment list and the appraisement of the estate of a deceased person, sec- tion 73.....	316

LISTING PROPERTY—Continued.	Page
judgment recovered to be a lien on property of such defaulting taxpayer; for what time; its priority, section 73.....	318
duty of assessor if person fail to furnish proper list, or if list furnished be incomplete or erroneous, section 74.....	317
duty of person having possession of personal property to produce same to assessor, if required; penalty for failure, section 74..	317
household and kitchen furniture not to be listed, except those specified in section 108 of this chapter, section 75:.....	317
of certain incorporated companies for taxation, section 77.....	317
of banks, trust companies and national banking associations, section 79.....	320
of capital used in trade or business by merchants and other individuals or firms, section 80.....	321
of property of assessor and his assistants, sections 111, 112.....	342
listing of tangible personal property and of intangible property belonging to estates of deceased persons, section 12.....	342
 LOCKS AND DAMS:	
how assessed, section 78.....	319
 LOITERING:	
unlawful for minor or female to loiter in or about saloon, section 21.....	363
 LOUISIANA PURCHASE EXPOSITION:	
appropriation for.....	544
 LOEWENSTEIN AND SONS:	
appropriation to pay.....	548
 LUNATICS IN JAIL:	
appropriations for.....	528, 552
 MACHINERY AND FIXTURES:	
how assessed, section 43.....	300
 MANDAMUS:	
circuit courts given power to compel by, corporations, etc., holding franchises, etc., to comply with all the duties and obligations lawfully required or undertaken, section 1.....	447
may be awarded at instance of county, city, etc., in its corporate name; other remedies not to be affected by this act, section 2..	448
 MANN, A. W.:	
appropriation to pay.....	547
 MANNINGTON, CITY OF:	
charter amended:.....	124, 128
voting to be by ballot; election, how held and conducted, section 11.....	124
office of mayor, councilman, etc., when declared to be vacant; how vacancy filled; how officials removed, section 19.....	124
general powers of council, section 33.....	125
 MANUFACTURING ESTABLISHMENT:	
act relating to employment of children in.....	491

MARRIED WOMAN:	Page
to have same rights to bring and control suits as <i>feme sole</i> ; in what cases, section 26.....	364
may maintain damage suit against illegal seller of intoxicating liquors, section 26.....	364
may also maintain action against owner of building where same are sold, section 26.....	364
MARLINTON, INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	242, 252
boundary lines defined, section 1.....	242
election to determine establishment of district; how held, section 2	243
board composed of three commissioners, section 3.....	244
election of board; polling places; appointment of election officers, section 4.....	244
proclamation of president concerning elections, section 5.....	244
election; how conducted; oath of office, section 6.....	244
vacancies in board; how filled, section 7.....	245
president and secretary, duties of, section 8.....	245
additional duties of secretary, section 9.....	245
meetings of board; quorum; members of board to serve without pay, section 10.....	246
corporate name and powers, section 11.....	246
board to have control of schools; make rules and regulations; prescribe text books; establish other departments, section 12.....	246
high school open to pupils of Edray district, section 13.....	247
admission to schools, section 14.....	247
school for colored children, section 15.....	247
superintendent, appointment, salary and duties of, section 16.....	247
teachers, how removed, section 17.....	248
teachers, appointment of; certificate required, section 18.....	248
Edray and Marlinton district school moneys, how distributed, section 19.....	248
levy for school purposes, section 20.....	248
for what purposes levy to be made; limit of levy, section 21.....	249
Edray district board to exercise powers conferred by this act until election of new board, section 22.....	250
bonds authorized, section 23.....	250
limit of indebtedness; question of issuing bonds submitted to vote, section 24.....	250
provision for payment of bonds; notice of election to be given, section 26.....	251
election, how held, section 27.....	251
ballots for such election; board to purchase real estate, etc., section 28.....	251
assessment, how levied and collected; expenses limited, section 29.	251
sheriff to make annual settlement; his commission, section 30.....	252
how sheriff authorized to pay out district funds, section 31.....	252
MARSHALL COLLEGE:	
appropriations for.....	528, 552
MASON, JAMES M.:	
appropriation to pay.....	551
MATHENEY, M. F.:	
appropriation to pay.....	573
MAYNARD, J. F.:	
appropriation to pay.....	547

	Page
MAYOR :	
of every city, town or village, to inspect annually buildings therein as to compliance with fire escape law, section 3.....	493
MCCOMAS AND PARSONS :	
appropriation to pay.....	545
MCDOWELL COUNTY CRIMINAL COURT :	
act fixing the salary of the judge, and changing the time for hold- ing the terms thereof.....	496
MCGREW, F. A. :	
appropriation to pay.....	547
MCGUIRE, R. W. :	
appropriation to pay.....	546
McMECHEN, CITY OF :	
act incorporating.....	131 to 151
corporate name, rights and powers, section 1.....	131
corporate limits and boundaries defined, section 2.....	132
wards, provisions relating to, section 3.....	133
officers; how elected; qualifications of, section 4.....	134
voters, qualification of, section 5.....	134
elections, when held; contest and tie vote; how decided, section 6..	134
elective and appointive officers, term of; what officers not eligible to re-election or appointment, section 7.....	135
oath of office, section 8.....	135
corporate powers to be exercised by council, section 9.....	135
certain officers required to give bond, section 10.....	135
council shall prescribe powers and duties of officers, section 10..	136
officers, how removed; vacancies, how filled, section 11.....	136
mayor, recorder and councilmen ineligible to any other office or employment under said city, section 12.....	138
meetings of council; who to preside; presiding officer to have only one vote; quorum; no member to vote when interested, section 13	138
minutes and record of ordinances; yeas and nays, recorded when; copy of ordinances; effect of, section 14.....	137
ordinance appropriating money, how passed, section 15.....	137
general powers of council, section 16.....	137
additional powers of council respecting offences, section 17.....	140
process, how issued and served, section 18.....	140
mayor, duties of, section 19.....	141
city may use county jail, when, section 20.....	141
docket to be kept by mayor, section 21.....	142
appeals from judgment of mayor, section 22.....	142
duty of mayor and clerk of court when appeal taken, section 23..	142
costs of appeal, by whom paid, section 24.....	142
recorder, duties of; his salary, section 25.....	143
assessor, duties and compensation of, section 26.....	143
estimate of annual expenses to be made by council; provision respecting levy; publication of financial condition of city, sec- tion 27.....	144
collector and treasurer, to give bond; authority of collector and treasurer to distrain for taxes, section 28.....	144
recorder to make out tax books, section 29.....	145
collector and treasurer, provision as to collection of taxes, section 49	145

	Page
McMECHEN, CITY OF—Continued.	
collector and treasurer to render an account to council; how collector and treasurer may pay out city moneys; his compensation, section 30.....	145
how moneys recovered from collector and treasurer, section 31....	146
taxes, lien on real estate; delinquent real estate, how sold, section 32	146
chief of police, duties and salary of, section 33.....	146
violation of ordinance in presence of police officer, section 34...	147
granting of liquor license, when submitted to a vote, section 35....	147
tax on such license, if granted, to be fixed by council; council may revoke such license, when, section 35.....	148
licenses; council to have power to grant, section 86.....	148
licenses; how applied for and granted, section 37.....	149
licenses; certain provisions of law deemed applicable to the granting of, section 38.....	149
licenses; when to expire, section 38.....	149
condemnation of land, when authorized, section 39.....	149
when council may require property owners to pave sidewalks, section 40.....	149
how abutting property owners may have street paved; how such work paid for, section 41.....	150
present officers of town of McMechen to continue in office until successors are elected, etc., section 42.....	151
ordinances of said town to remain in force until repealed, section 42	151
certificate of incorporation of town of McMechen annulled, section 43	151
 MEAD BROTHERS AND COMPANY:	
appropriation to pay.....	548
 MEATS:	
act relating to contract for, by state institutions, chapter 71....	480
 MEDICAL DEPARTMENT:	
of the national guard; what to consist of, section 16.....	436
chief surgeon to prescribe questions in writing as to physical condition of applicant before enlistment, section 34.....	437
applicant must answer and subscribe to such questions, section 34	437
such questions and answers must accompany papers and be approved by such surgeon, section 34.....	437
 MEEK, J. H.:	
appropriation to pay.....	547
 MELROSE, M. S.:	
appropriation to pay.....	546
 MENAGERIE OR CIRCUS:	
(See "Circus.")	
 MERCANTILE ESTABLISHMENT:	
act relating to employment of children in, chapter 75.....	491
 MERCHANDISE BROKER:	
(see "Broker"; "Stock Broker.")	
 MERCHANTS:	
how assessed for taxation, sections 80, 81.....	321
commencing business after first day of April, how assessed, section 81.....	321

MERCHANTS— <i>Continued.</i>	Page
when property so assessed, owner not required to list it otherwise, nor shall it be otherwise assessed, section 81.....	321
report to be made by, section 80.....	322
duty of assessor upon receipt of report, section 80.....	322
property of, not so assessed to be assessed as other like property, section 81.....	324
MERRY-GO-ROUND :	
license required to run or operate, section 2.....	352
penalty for operating without license, section 3.....	354
how license obtained, section 11.....	358
certain conditions required, section 20.....	362
when license may be revoked; assignment of license, sections 34, 37.....	367, 368
for what time, license granted, section 39.....	369
inspection of such license and by whom, section 43.....	370
penalty for failure to produce license for inspection, section 43..	370
tax on license to operate, section 105.....	383
METALLIC OR OTHER FALSE KNUCKLES :	
license required to sell, or weapons of like kind, section 2.....	353
penalty for selling without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to sell, section 106.....	383
MILITIA :	
appropriations for.....	541, 564
MILITARY CODE :	
certain sections of chapter 18 of code amended.....	430 to 445
<i>National guard.</i>	
the organized militia shall constitute and be known as the "West Virginia National Guard", section 6.....	431
liable to be ordered into active service at all times, section 6....	431
may on requisition of the president be turned over to the service of the United States, for what period, section 6.....	431
when so called forth under constitution and laws of the United States, power of the governor as to the active and reserve militia, section 6.....	431
organizations when absent in the service of the United States, their designations shall not be given to new organizations, section 6.....	431
<i>Pay for attendance at drills, parades, etc.</i>	
governor may for the purpose of encouraging a more efficient national guard, direct that regularly enlisted men in the organized militia be paid for attendance at drills, parades or target practice; amount of such pay and how paid, section 7.....	431, 432
limit to the number of drills, etc in one year, section 7....	432
roll call at such drills and parades or target practice, and record of members present and absentees, section 7.....	432
muster and pay rolls, when to be made and how disposed of, sec- tion 7.....	432
morning report to be kept by company commanders, section 7....	432
a true copy of such report to be furnished to whom, section 7....	432

MILITARY CODE—Continued.

Page

Responsibility for public property.

responsibility of enlisted man for public property issued to him ; duty of the adjutant general to enforce this provision, section 7.....	432.
charges against enlisted men for loss to quartermaster's property or ordnance, etc., to be entered on pay rolls, section 7.....	432.
what statement to accompany quarterly return of property and stores, section 7.....	432, 433
quartermaster's and ordnance property to be kept separate, section 7.....	433.
what drafts must accompany the "statement of charges," section 7	433.

Composition and strength.

military organizations of the national guard, what to consist of, section 9.....	433.
power of the governor to alter and reorganize, section 9.....	433
power of governor to increase the military strength beyond the maximum, and when, section 9.....	433.
who given preference for commissions in new organizations, section 9.....	433.

Military units of the national guard.

company of infantry, what to consist of, section 10.....	433, 434.
minimum strength of such company, section 10.....	434.
battalion of infantry, what to consist of, section 11.....	434.
maximum strength of such battalion, section 11.....	434.
regiment of infantry, what to consist of, section 12.....	434.
band and hospital corps of such regiment, section 12.....	434.
maximum strength of such regiment, section 12.....	435.
provision when it is impracticable to assign three battalions to a regiment, section 12.....	435.
provision when four companies cannot be assigned to a battalion, section 12.....	435.
brigade, what to consist of, section 12.....	435.
commander of a brigade, his rank, section 12.....	435.
brigade staff, what to consist of, section 12.....	435
governor may assign to a brigade other organizations or special troops, when, section 13.....	435.
signal corps, a company of, what to consist of, section 14.....	435
minimum strength of such company, section 14.....	435.
hospital corps, what to consist of, section 15.....	435, 436.
governor authorized to increase number of enlisted men in such corps, section 15.....	436.
details from such corps for duty at encampment, field maneuvers or in campaign, section 15.....	436
medical department, what to consist of, section 16.....	436

Governor's staff.

active military duty not required of members of the governor's staff, unless, etc., section 17.....	436.
exception as to the adjutant general and his assistant, section 17..	436.
chief of governor's staff, his duties, section 17.....	436
assistant adjutant general may perform the duties of his chief, when, section 17.....	436.

Commissions—assignments—staff officers.

commissions and assignments of officers, section 19.....	436.
eligibility required to receive a commission, section 19.....	436.
appointed staff officers by brigade, regimental and battalion com- manders, section 21.....	436.
required examination for such appointments, section 21.....	436
who to commission staff officers, section 21.....	436.
required eligibility for such appointments, section 21.....	436.

MILITARY CODE—Continued.	Page
exception as to aides-de-camp, section 21.....	438
removal of such officers, section 21.....	436, 437
<i>Promotions.</i>	
promotion from the line to the staff, not to prejudice right of promotion in the line, section 21.....	437
promotions to and in the grade of field officers, how made, section 22.....	437
examination required in such cases, section 22.....	437
waiving right to promotion after satisfactorily passing an examination, what then, section 22.....	437
officer failing to pass given another opportunity; effect of second failure, section 22.....	437
effect of failure of officer to appear before examining board when ordered, section 22.....	437
<i>Appointment of hospital sergeants.</i>	
first-class sergeant and sergeants of hospital corps, how appointed, section 26.....	437
eligibility required for appointment of such first-class sergeant, section 26.....	437
<i>Recruits.</i>	
enlistment papers to be signed by recruits, section 34.....	437
to whom such papers sent, section 34.....	437
oath to be taken and before whom, section 34.....	437, 438
examination of applicant before enlistment, section 34.....	438
<i>Supernumerary officers.</i>	
commissioned officers shall be withdrawn from active service and placed upon the supernumerary list, when, section 35.....	438
officers rendered surplus, having less than three years service, may be honorably discharged, section 35.....	438
supernumerary officers removed from line of promotion while on such list, section 35.....	438
governor may detail such officers for active duty, when; effect of such detail, section 35.....	438
<i>Non-commissioned officers.</i>	
how and when a non-commissioned officer may be reduced to the ranks, section 39.....	438
such officer may be discharged, when, section 39.....	438
such officer may be summarily reduced, or reduced to the ranks, when, right of appeal in such case, section 39.....	438
<i>Dropping from the rolls.</i>	
how and for what enlisted men may be dropped, section 39.....	438
enlisted men dropped on account of removal may be restored to membership, when and how, section 39.....	438
non-commissioned officers dropped vacate their positions, section 39.....	439
<i>Uniforms, arms and equipments, etc.</i>	
of the national guard, shall be similar to those prescribed for the army of the United States, section 40.....	439
commissioned officers to provide themselves with uniforms, arms, etc.; annual allowance to aid in procuring same, section 40....	439
all property issued to organizations of the national guard to remain the property of state, and accounted for, section 40.....	439
responsibility of officers for military property, section 41.....	439
bond must be given before issuance of such property, section 41....	439
transfer of such property, section 41.....	439
condemnation of military property, when and by whom, section 41.....	439
penalty on officer who shall neglect or refuse to properly account for military property, section 41.....	439
unlawful conversion of military property; penalty, section 42....	439, 440
unlawful wearing of uniforms and devices indicating rank; pen-	

MILITARY CODE—Continued.	Page
alty, section 43.....	440
penalty on members of national guard for wearing uniforms, etc., when not on duty without proper permission, section 43.....	440
<i>Pay and allowances.</i>	
duty pay and allowances received by officers and soldiers of the national guard when called into actual service, section 44...	440
received by officers for duty at encampment, section 44.....	440
pay and rations of soldiers for encampment duty, section 44.....	440
pay and subsistence of officers serving on military courts, section 44	440
transportation, how furnished, section 44.....	440
all payments required, except for active service, out of what fund paid, section 44.....	440
expenses incurred in active service, out of what fund paid, section 44	440, 441
how and by whom such payments made, section 44.....	441
vouchers to be recorded, and what to certify, section 44.....	441
how money drawn from the state treasury and disbursed, section 44	441
disbursing officers to give bond and security, section 44.....	441
commander in chief to approve such bond, section 44.....	441
new or additional bond may be required, when, section 4.....	441
railroads required to furnish transportation and when; to receive compensation therefor from the state, section 44.....	441
rates to be contracted for annually by quartermaster general, section 44.....	441
pay of assistant adjutant general appointed by the governor, section 45.....	441
annual salary of assistant adjutant general appointed by the brigade commander, section 45.....	441
allowance to each regimental headquarters for clerical service, section 45.....	441
allowance to each battalion headquarters for clerical service, section 45.....	441
allowance to each company and corps for like services, section 45..	441, 442
pay and care of member of national guard when injured or disabled in service, in case of riot, breach of the peace, insurrection, etc., or when called in aid of the civil authorities, section 47.....	442
board to inquire into all claims arising under this section, and when, section 47.....	442
who to constitute such board, and who to appoint, section 47.....	442
power of such board as to taking evidence, compelling the attendance of witnesses, etc., section 47.....	442
finding of such board, subject to whose approval, section 47.....	442
either reviewing officer may return the proceedings for revision and further testimony, section 47.....	442
amount found due such incapacitated member, how paid, section 47	442
legislature to provide for widow and children of officer or soldier killed while in service, section 47.....	442
<i>Camp duty.</i>	
national guard to perform at least five consecutive days of camp duty annually, section 50.....	442
<i>Summary courts.</i>	
oath to be taken by members of, and before whom, section 76.....	442, 443
jurisdiction of such courts, section 76.....	443
<i>Contributing members.</i>	
officers commanding companies and signal corps may enlist contributing members, when and what number, section 85.....	443
contributions, dues and services of such members, section 85.....	443
number of active and contributing members belonging to the active militia in any county not to exceed what per cent., section 85.....	443

MILITARY CODE—Continued.	Page
<i>Armory commissions.</i>	
what military property owned by the state to be under the charge of an armory commission, section 100a.....	443
when such property belongs to the national guard, of whom such commission to consist, section 100a.....	443
duties and powers of such commission as to erecting, completing and keeping in good repair arsenals, armories, quarters, camp grounds, etc.; also as to the expenditure of moneys appropriated therefor, section 100a.....	443
authority to appoint and discharge its own architects and inspectors, section 100a.....	443, 444
provisions as to contracts for repairs, section 100a.....	444
inspection of work the expenditures for which will exceed \$500, section 100a.....	444
payment for such repairs to be made only upon the certificate of the inspector; what such certificate must show, section 100a	444
payment for repairs not exceeding \$500, to be made only upon the certificate of the officers in charge of the building, etc., section 100a	444
verification of bills for work done, exceeding \$10.00, section 100a	444
military or civil officers attesting oaths required, to do so without fee, section 100a.....	444
copies of contracts and agreements for repairs, etc., to armories, etc., where filed, section 100a.....	444
sale of buildings, etc., on real property taken for armory, how proceeds disposed of, section 100a.....	444, 445
condemnation proceedings to acquire real property for military purposes, when, section 100a.....	445
state to pay cost of real property so taken, including damages and expenses, section 100a.....	445
words "armory commission" how construed, section 100a.....	445
 MINERS' HOSPITAL NO. 1:	
appropriations for.....	536, 559
 MINERS' HOSPITAL NO. 2:	
appropriations for.....	536, 559
 MINERS' HOSPITAL NO. 3:	
appropriations for.....	536, 560
 MINERALS AND TIMBER:	
how assessed for taxation, section 39.....	298
 MINES:	
department of, created; duties of chief mine inspector; authority and qualifications of; records of his office; penalties for violations; his appointment, salary and term of office, section 1	426, 427
district inspectors; appointment, term, salary, qualifications, and removal of, section 2.....	427, 428
monthly reports by and other duties; penalty on inspector for failure to comply with requirements of this act; oath of office; vacancies, section 2.....	428, 429
annual reports to be made by district mine inspectors to chief; and by chief mine inspector to the governor; what such reports to show; appropriation to print and distribute report, section 3.....	429
division of state into seven mining districts; by whom made, section 4.....	429

<i>MINES—Continued.</i>	Page
section 1 of chapter 106 acts of 1901 and section 4 of chapter 9 acts of 1890 repealed, section 5.....	430
act relating to employment of children in, chapter 75.....	491
MINOR OR FEMALE:	
misdemeanor for minor or female to loiter in or about saloon; penalty, section 21.....	363
penalty for selling intoxicating liquors to minor, section 21.....	362
MINORS:	
act relating to the employment of..... (See "Children, employment of.")	491
MISCELLANEOUS APPROPRIATIONS:	
to pay sundry individual claims.....	545
MISDEMEANORS:	
physicians aiding druggists or other person in the unlawful sale of liquors; penalty, section 7.....	356
druggists or other person refusing to produce physician's pre- scription for inspection, when; penalty, section 7.....	356
illegal sales of spirituous liquors, etc.; penalty, section 21.....	362
failure of assessor to comply promptly with his duties relating to the consolidation of several tracts for taxation; penalty, sec- tion 50.....	303
violations of assessment act relating to transient persons; penalty, section 82.....	325
failure to make required returns for taxation purposes by owners or operators of railroads, express companies, car lines, tele- graph and telephone lines, pipe lines, etc., penalty, section 80	333
refusing to appear or to testify before the board of public works under assessment law, or to produce any paper required; penalty, section 92.....	334
failure of clerk of county court, secretary of board of education, recorder or clerk of municipal corporation, to perform any of the duties required of him under assessment law; penalty, section 97.....	336
voting by certain persons to compromise, or otherwise remit or release any portion of certain taxes; penalty, section 102.....	333
for owner of building for permitting illegal selling of liquors, sec- tion 25.....	363
for minor or female to loiter in or about saloon, section 21.....	363
for violations of provisions of sections 67, 68, 69, 70, 71, 72, 73, 74 of chapter 36, section 75.....	379
for violation of provisions of sections 78, 79, 80, 81, 82, 83, 84, 85 of chapter 36, section 86.....	381
for accepting or soliciting bribe in election, section 100.....	416
for failure of embalmer to perform certain duties.....	420
for violation of section 78, of chapter 45, relating to banking laws, 421, 424, 426	427
for chief mine inspector to violate any provisions of chapter 46...	427
for any mine inspector failing to comply with requirements of chapter 46.....	429
unlawful conversion of military property; penalty, section 42.....	439, 440
unlawful wearing of uniforms and devices indicating rank; pen- alty, section 43.....	440
for municipal authorities to fail to publish annual statement.....	451
for expending public money without lawful authority.....	457
for physician to give false certificate of vaccination.....	459
for violation of chapter 68.....	459

	Page
MISDEMEANORS—Continued.	
for violating law relating to sale of fruit trees, etc., chapter 61..	463, 464
for fraudulently obtaining clothing, etc., from inmates of state institutions, section 4.....	490
for abducting child under fourteen, section 14.....	490
for violation of child labor law, section 2.....	491
(See "Offences.")	
MONEY :	
in the hands or control of a receiver or commissioner, by whom listed for taxation, section 55.....	307
deposited to the credit of a suit, by whom listed for taxation, section 55.....	367
what the word "money" includes for the purpose of taxation, section 62.....	309
loaned out of the state to be listed for taxation, section 63.....	310
in what district money and other intangible property to be listed for taxation, section 64.....	310
what to be deducted in listing, for taxation; and when and how, section 67.....	311
penalty for giving fictitious debts to be deducted, section 67.....	311
MONEYS BORROWED OR OWED :	
appropriation to pay.....	545
MONEY BROKER :	
license required to practice the business of, section 2.....	353
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to carry on the business of, section 107.....	383
MONTGOMERY PREPARATORY BRANCH OF THE WEST VIRGINIA UNIVERSITY :	
appropriations for.....	531, 555
MONROE, WATSON W. :	
appropriation to pay.....	550
MONUMENTS :	
monument to the memory of the union soldiers of the civil war authorized to be erected in the capitol grounds.....	522
to the memory of the confederate soldiers of the civil war author- ized to be erected in the capitol grounds; provisions relating to	517
appropriation for Point Pleasant monument.....	562
appropriations for the James Rumsey memorial.....	564
MOORE, CLEON :	
appropriation to pay.....	551
MOORE, S. SPENCER :	
appropriation to pay.....	549
MORGAN AND COMPANY :	
appropriation to pay.....	543
MORRISON, W. F. :	
appropriation to pay.....	550

MORGANTOWN, CITY OF:	
charter amended.....	Page 129 to 130
term of officers, section 8.....	129
when mayor to vote; when member of council disqualified to vote; ycas and nays, when recorded, section 16.....	130
inconsistent acts repealed, section 2.....	130
MORGANTOWN, INDEPENDENT SCHOOL DISTRICT OF:	
act creating amended.....	252 to 254
superintendent, appointment, salary and duties of, section 12....	252
examining committee, how constituted; duty of and compensation of, section 13.....	253
teachers, appointment of, section 14.....	253
salaries of teachers, how fixed, section 14.....	253
board authorized to issue bonds for certain purposes, section 18..	253
MUNICIPAL AUTHORITIES:	
provisions of law relating to the issuing of licenses, sections 10, 12, 14, 15, 18, 28.....	357, 359, 360, 361, 364
if license of person be revoked for unlawful sale of intoxicating liquors, no license shall afterwards be granted by, to such person, section 21.....	363
no transfer of license allowed while person holding such license is under indictment, section 22.....	363
revocation of licenses by, and when, section 34.....	367
of the place to which license is confined, section 35.....	367
duty of, as to transfers or assignments of licenses, sections 36, 37 duty and fees of clerk or recorder of council in such cases, sec- tion 38.....	367, 368
what certified statement assessor to furnish to, when, and what to show, section 38.....	369
such statement to be taken by, as the true and actual valuation of all property liable to taxation, section 38.....	297
rate of tax to be certified to assessor by recorder or clerk, section 38 recorders or clerks of certain municipal corporations, what to cer- tify to auditor, and when; penalty for failure, sections 96, 97	298
municipal taxes collected by sheriff, to whom paid, section 101....	335, 336
prohibited from compromising taxes with certain owners or oper- ators; penalty, section 102.....	337
payment of railroad, etc., taxes collected by auditor to, when and how; auditor's report, section 104.....	338
remedy to enforce collection of such taxes, section 105.....	338
upon what value of property taxes for municipal purposes to be levied, section 135.....	339
not to impose greater license tax than two hundred and fifty dollars on sale of beer, etc., at wholesale, section 18.....	350
limitation on as to license for brewery, section 74.....	362
no council of any city, town or village, after the year 1905, in any one year shall assess or levy taxes upon property in excess of one-half the maximum rate fixed by laws hereto- fore enacted.....	379
rate for the year 1905 shall not exceed by more than five per cent. the aggregate amount levied by such council for 1904...	448, 449
rate for year 1906 shall not exceed by more than seven per cent. the amount levied for 1904.....	449
rate for year 1907 shall not exceed by more than nine per cent. the amount levied for 1904.....	449
proviso, as to how the rate of levy may be increased by submis- sion of the question to a vote.....	449

MUNICIPAL AUTHORITIES—Continued.	Page
no county, city, school district or municipal corporation, shall become indebted, for any purpose, including existing indebtedness, in the aggregate, exceeding two and one-half per cent of the taxable value of the property therein, chapter 51.....	449
how such taxable value ascertained.....	450
provision must also be made for collection of annual tax, sufficient to pay annually, the interest thereon and the principal within thirty-four years.....	450
all questions connected with the matter of contracting such indebtedness to be first submitted to a vote of the people.....	450
majority vote required.....	450
all municipal corporations to publish annual statement of financial condition, chapter 52.....	450
what such statement to contain.....	450
statement to be published in pamphlet form where there is no newspaper.....	451
copy of such statement to be delivered to judge circuit court, county clerk, circuit clerk, etc.....	451
statement must be sworn to by mayor and two members of council members of any such council failing to comply with the provisions of this chapter guilty of misdemeanor, penalty.....	451
duty of prosecuting attorney to prosecute violations of chapter....	451
general powers of city councils enlarged, chapter 53.....	451
person sentenced to imprisonment, or to a fine of ten dollars or more, shall have right of appeal to the circuit court, etc., section 49a.....	453
appeal bond.....	454
court to hear case upon appeal, as upon indictment, etc., and render judgment.....	454
costs in such case.....	454
MUNICIPAL, COUNTY AND DISTRICT TAXES:	
appropriations to refund.....	539, 563
MUSICAL CONCERT:	
no license required for, section 4.....	355
MUSICAL INSTRUMENTS:	
license required of traveling agents, salesmen or canvassers engaged in the selling of, section 2.....	353
penalty on such persons for selling, etc., without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
license tax on agents for, section 115.....	385
MUTUAL INVESTMENT ASSOCIATIONS:	
subject to state supervision.....	423 to 426
NATIONAL GUARD, WEST VIRGINIA:	
the organized militia shall be known as the "West Virginia National Guard;" may be called into active service; may be called into service of United States, when and how; state designations not to be given to new organizations, when, section 6.....	431
drills, parades or target practice, provision relating to; duty of commanding officer of each company or band; loss of or damage to equipments issued to any enlisted man; duty of adjutant general; duty of company commanders as to reports; pay-rolls; "statement of charges" for loss to quartermaster's stores, etc., section 7.....	431

NATIONAL GUARD, WEST VIRGINIA— <i>Continued.</i>	Page
military organizations of the national guard, its composition and strength; increase of military force beyond the maximum, when; who given preference for commissions in new organization, section 9.....	433
composition and strength of a company, section 10.....	433
composition and strength of a battalion, section 11.....	434
composition and strength of a regiment; provision where it is impracticable to assign three battalions to a regiment; number of infantry regiments to a brigade; staff of a brigadier general, section 12.....	434
when the governor may assign to a brigade other organizations or special troops, section 13.....	435
composition and strength of a company of the signal corps, section 14	435
of the hospital corps; increase of and details from such corps, section 15.....	435
of the medical department, section 16.....	436
governor's staff, active military duty not required of, unless, etc., except the adjutant general and his assistant; chief of staff department; what duties such chief to perform in time of peace; assistant adjutant general, what duties he may perform, and when, section 17.....	436
governor to commission all officers; required qualification, section 19	436
staff officers of commanders of brigades, regiments and battalions; who to appoint; who to commission; required eligibility; how removed; promotion from the line, etc., section 21.....	436
promotions in field and company officers; examination; waiving right to promotion and failure to pass examination; failure of officer to appear for examination, section 22.....	437
sergeants of the hospital corps, how appointed; first-class sergeant of such corps, section 26.....	437
recruits for national guard; enlistment papers, section 34.....	437
surplus commissioned officers; provisos; further provisions relating to officers on the superannuary list, section 35.....	436
non-commissioned officers may be reduced in rank or to the ranks, or discharged, when and by whom; proviso; enlisted man may be dropped, how and for what; further provisions, section 39.....	438
uniforms, arms, equipment, etc.; annual allowance for maintenance to officers; all military property issued to organizations to remain the property of the state, section 40.....	439
provisions relating to the issuing and transferring of military property; responsibility of officers; worn-out and worthless property; penalty on officer for neglect, etc., section 41.....	439
unlawful conversion of military property; penalty, section 42.....	439
unlawful wearing of uniforms and devices indicating rank; penalty, section 43.....	440
pay and allowance to officers and men in actual service of the state; for duty at camps; for officers serving on military courts; transportation; payments how paid; bond of disbursing officer; duty of quartermaster general as to transportation, section 44.....	440
pay and allowance to assistant adjutant general appointed by the governor; pay of such officer appointed by brigade commander; allowance for certain clerical service, section 45.....	441
pay and care when injured or disabled in service; how claims for such injury, etc., inquired into, ascertained and paid; widow and children of officer or soldier killed while in the service of the state to be provided for, section 47.....	442
annual camp duty, section 50.....	442

	Page
NATIONAL GUARD, WEST VIRGINIA—Continued.	
summary courts; oath of office and before whom taken; jurisdiction of such courts, section 76.....	442
contributing members of companies and signal corps; annual dues of such members; number, section 85.....	443
armory commission; who to compose such commission; powers and duties; provisions relating to repairs; verification of accounts; military or civil officers attesting oaths, to do so without fee; contracts, etc., where filed; sale of buildings, etc., on land taken for armory; condemnation proceedings to acquire real property; state to pay; words "armory commission" how construed, section 100a.....	443
(See "Military Code.")	
NEW RIVER:	
governor authorized to prevent pollution of, chapter 59.....	460
appropriation therefor.....	460
NON-COMMISSIONED OFFICERS:	
of the national guard; provisions relating to, section 39.....	438, 439
NORMAL SCHOOLS:	
appropriations for.....	528, 552
NORMAL SCHOOL AT CONCORD:	
appropriations for.....	529, 553
NORMAL SCHOOL AT FAIRMONT:	
appropriations for.....	530, 553
NORMAL SCHOOL AT GLENVILLE:	
appropriations for.....	530, 554
NORMAL SCHOOL AT SHEPHERDSTOWN:	
appropriations for.....	529, 553
NORMAL SCHOOL AT WEST LIBERTY:	
appropriations for.....	529, 552
NOYES, THOMAS AND COMPANY:	
appropriation to pay.....	540
NUISANCES:	
buildings where intoxicating liquors are sold contrary to law held and deemed a common and public nuisance; may be abated by injunction, section 24.....	363
NURSERY STOCK:	
agents for dealer in, must be licensed; penalty for acting without, chapter 61.....	462
agents to have certificate of employer.....	464
dealer to file list of agents with county clerk.....	463
penalty on dealer for labeling trees, etc., with false name, section 3.....	464
penalty on dealer for substituting stock from nursery other than the one represented to purchaser, section 3.....	464
when dealer precluded from doing business in this state, section 3.....	464
penalty on agent for giving orders to one nursery when taken for another, section 4.....	464

OATHS:	Page
form of oath of person listing property owned by him for taxation, section 15.....	290
form of oath of person to statement of debts to be deducted from the value of money, credits and investments, listed for taxation, section 67.....	312
form of oath of person listing property for another for taxation, section 71.....	313
form of oath by person refusing to value property listed by him for taxation, section 72.....	314
form of oath of certain incorporated companies to written report made to assessor of property for taxation, section 77.....	318
form of oath of merchants and other individuals or firms making report of capital, used in trade or business, for taxation, section 80.....	323
form of oath to be appended to each land and personal property book by clerk of county court, section 116.....	343
form of oath of assessor to each of such books, section 117.....	344
oath required of person recruited for enlistment in the national guard, section 34.....	437, 438
oaths required under the military code to be attested without fee, section 100a.....	444
OFFENCES:	
misconduct or neglect of official duties by certain officers under assessment act; penalty, section 19.....	293
failure of assessors to obey instructions of state tax commissioner; penalty, section 20.....	293
failure of predecessor to deliver books and papers to the assessor succeeding him; penalty, section 21.....	293
failure of clerk or assessor to make entry of omitted land, liable to taxation, in proper land book; penalty, section 25.....	294, 295
failure by any officer to perform any duty required of him by sections 27 to 31 inclusive of the assessment act; penalty, section 32.....	296
failure of officer to enter and assess any grant appearing by the abstract of the auditor to have been granted; penalty, section 35.....	296
failure of owners of land or their agents to answer certain inquiries of assessor, when listing property; penalty, section 47	302
failure of any assessor or assistant to comply with the provisions of section 47, chapter 35; penalty, section 47.....	302
failure of assessor to consolidate and charge contiguous tracts of land as one tract, when; penalty, section 50.....	303, 304
false statement of valuation of credits and investments, or of fictitious debts, to assessor; penalty, section 67.....	311, 312
failure of owner or operator of a railroad, car line, express company, telegraph and telephone lines and pipe lines, etc., to make the return required for assessment of taxes; penalty, section 90.....	333
failure to testify, etcetera, before board of public works respecting the assessment of railroads, etc.; penalty, 92.....	334
failure of clerk of county court, secretary of board of education or clerk of municipal corporations, to perform any of the duties required by the act relating to the assessment of taxes; penalty, section 97.....	336
member of county court, board of education or council voting to remit or release or compromise taxes on railroads, etc.; penalty, section 102.....	338
failure of assessor and assistants to properly list their property for taxation; penalty, section 112.....	342

OFFENCES—Continued.	Page
clerk or assessor knowingly making a false entry, addition or recapitulation in personal property or land book; penalty, section 21.....	346
failure of clerk or assessor to perform any duty required of him by sections 116, 117 and 118 of chapter 35 of the assessment act; penalty, section 122.....	346
failure of the prosecuting attorney to perform the duty required of him by section 118 of such chapter; penalty, section 122..	346
failure of clerk, assessor or prosecuting attorney to perform any duty required of him by law; penalty, if there be no other penalty imposed by law for such failure, section 123.....	346
making out fee bills wrongfully by clerk of county court; penalty, section 124.....	346
grand juries to enquire into violations of the revenue laws, section 133.....	349
acting without a state license when such license is required; penalty, section 3.....	354
unlawful sale of spirituous liquors, etc., by druggist; penalty, section 5.....	355
physicians aiding such sale by prescriptions and false statements; penalty, section 7.....	356
failure to produce such prescriptions and statements for inspection when properly demanded; penalty, section 7.....	356
failure to declare on oath the yearly rental value of hotel property by proprietor or lessee for taxation; penalty, section 9.....	357
illegal sales by person having a state license to sell liquors, etc.; penalty, section 21.....	362, 363
minor or female loitering in or about a saloon or place where liquor is sold; penalty, section 21.....	363
selling or vending liquors contrary to law in any house, building or place; penalty, section 25.....	363, 364
liability of applicant and his sureties in liquor bond for any offence which is a violation of any of the conditions of such bond, section 28.....	364, 365
jurisdiction of justices over certain violations respecting the sale of intoxicating liquors, etc., sections 29 to 33.....	365 to 367
failure to post certain licenses, or to produce any license for inspection when required; penalty, section 43.....	370, 371
defacing or destroying tag or plate on licensed automobile; penalty, section 44.....	371
maintaining or operating an automobile without license tag or plate being attached thereto, or having a different number than that of the license issued therefor; penalty, section 44..	371
failure to pay license tax after issuance of license; penalty, section 45.....	372
failure of any clerk or municipal or other officer to perform any duty required of him under chapter 36, or to obey instructions of the auditor, section 51.....	373
provision relating to indictments or presentments for violations of the revenue laws, sections 59, 60.....	375
violating any of the provisions, by any person, of sections 67 to 74 inclusive of chapter 36, relating to breweries and distilleries; penalty, section 75.....	376 to 379
swearing falsely to any report of actual production or sale required of brewers or distillers, deemed a felony; penalty, section 76.....	379
violating any of the provisions, by any person, of sections 78 to 85 inclusive of chapter 36, relating to the selling at wholesale of porter, ale, beer or drinks of like nature; penalty, section 86	381

OFFENCES—Continued.

	Page
violating any of the provisions relating to the sale of patent rights or carrying on the business of a collection agency, section 113	384, 385
failure of any corporation to comply with the provisions relating to the holding of land; penalty, section 123.....	387, 388
falsely making the affidavit required to application for certificate of incorporation, where it is proposed to pay the rate of license tax prescribed for resident corporations, deemed perjury; penalty, section 127.....	390
failure to pay, by any corporation, the license tax and the penalties and fines assessed against it; penalty, section 136.....	396
exercising or attempting to exercise any powers under the charter of any corporation declared delinquent by the governor's proclamation; penalty, section 136.....	390
failure of the clerk of any court in which any proceedings are had which result in the forfeiture of the charter of any corporation, or result its dissolution or extinction, to notify the secretary of state of the same; penalty, section 137.....	397, 398
under chapter 37, regulating the operations of insurance companies other than life or fire; penalties, sections 1, 2.....	399
failure to pay the attorney's fee to statutory attorney by corporation required to pay such fee; penalty, section 5.....	402
failure by such corporation to appoint the auditor its attorney; penalty, section 6.....	402
violating the registration law; what violation deemed perjury, what deemed a felony; penalties, section 98.....	415
receiving bribe, etcetera, by voter; penalty, section 100.....	416
failure of any embalmer to comply with the requirements as to performing his duties; penalty, section 6.....	420
unlawful to use in connection with any business the term "bank" or "trust company" without due authority of law; penalty, section 73.....	421
what violations of the law relating to banks, trust companies and building associations, deemed misdemeanors; penalties, section 78 and sub-sections v and vii.....	421, 424, 426
what violation of such law deemed a felony; penalty, sub-section v	424
violations by chief mine inspector and district inspectors of the provisions of chapter 46 creating the "department of mines," penalties, sections 1, 2.....	427 to 429
under the military code, what deemed misdemeanors, penalties, sections 41, 42, 43.....	439, 440
municipal corporations failing to make and publish annual statements of financial condition; penalty, section 1.....	451
violating the provisions of law prohibiting the expenditure of public moneys and incurring of obligations by public officials without proper authority; penalty, section 4.....	456, 457
violations of act relating to vaccination and quarantine; penalty, section 21.....	459
failure to take out license for the sale of fruit trees, vines and shrubbery; penalty, section 2.....	463
failure of agent to exhibit certificate of agency for the sale of such trees, etcetera; penalty, section 2.....	463, 464
what acts of person, firm or corporation, or their agent, respecting the labelling and selling of such trees, etcetera, deemed misdemeanors; penalties, sections 3, 4.....	464
abducting an inmate of any state benevolent, penal or reformatory institution, deemed a felony; penalty, section 1.....	489
what acts respecting the inmates and grounds of such institutions deemed misdemeanors; penalties, sections 2, 3, 4.....	489, 490

OFFENCES—Continued.

	Page
taking or secreting a child under fourteen years of age for certain purposes; penalties, section 14.....	490, 491
violating act relating to the employment of children; penalty, section 2.....	491
violations of provisions of act relating to fire escapes on buildings; penalty, section 4.....	493
(See "Misdemeanors"; "Penalties.")	

OFFICERS, NATIONAL GUARD:

commanding officer of each company to call the roll of his company, and keep a record of members present and of absentees, when, section 7.....	432
duty of company commanders as to morning reports, section 7...	432
muster and pay rolls to be made out by such officers, when, section 7	432
such rolls to be certified and forwarded to the adjutant general, section 7.....	432
governor to commission and assign all officers; eligibility required, section 19.....	436
staffs of brigades, regimental and battalion commanders; who to appoint and commission; who eligible to such appointments; how removed, section 21.....	436, 437
promotions, sections 21, 22.....	436, 437
what officer to appoint and warrant sergeants of the hospital corps, section 26.....	437
supernumerary officers, provisions relating to, section 35.....	438
non-commissioned officers, provisions relating to, section 39.....	438, 439
uniforms, arms and equipments of; annual allowance to aid in procuring same, section 40.....	439
responsibility of, for military property, section 41.....	439
transfer of public property, section 41.....	439
penalty on any officer who refuses or neglects to properly account for any military property received by him, section 41.....	439
unlawful conversion of such property by, penalty, section 42.....	439, 440
unlawful wearing of uniforms and devices by, indicating rank, penalty, section 43.....	440
duty, pay and allowances to, when called into active service, section 44.....	440
pay and actual necessary expenses for care and medical attendance when injured or disabled in service; provisions relating to, section 47.....	442
widow and children of officer killed while in service of the state to be provided for, section 47.....	442
officers commanding companies and signal corps may enlist contributing members, and when; provisions relating to, section 85	443
what officer to be a member of the armory commission provided for in the military code; duties and authority of such commission, section 100a.....	443 to 445

OFFICIAL COURT REPORTER:

act authorizing the judge of the third judicial circuit to employ; his compensation and how paid.....	497
---	-----

OFFICIALS, PUBLIC:

personal and criminal liability of, for violation of law prohibiting expenditure of public moneys, and incurring obligations without authority; penalties.....	456
--	-----

OIL:

how assessed, section 39.....	298
-------------------------------	-----

INDEX TO ACTS.

lxxxix

	Page
ORE:	
how assessed, section 39.....	298
ORGANS:	
license required of traveling agents, canvassers or salesmen engaged in the selling of, section 2.....	353
penalty on such person for failure to obtain, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
license tax on agents for, section 115.....	385
ORPHANS' HOME, WEST VIRGINIA COLORED:	
appropriations for.....	534, 557
OVERPAID TAXES:	
appropriations for.....	540, 563
OWNER OR OPERATOR:	
what the words "owner or operator," when applied to railroads for the purpose of taxation, to include, section 84.....	326
PADEN, HOLLEY:	
appropriation to pay.....	580
PARADES AND ENCAMPMENTS:	
see "Military Code".....	431 to 445
PARDON ATTORNEY:	
appropriations for.....	540, 564
PARDON BOARD:	
appropriation for.....	540
PARKERSBURG, CITY OF:	
authorized to donate Little Kanawha navigation company stock to U. S. government.....	460
PARKERSBURG NEWS:	
appropriation to pay.....	549
PARKHURST, W. B.:	
appropriation to pay.....	547
PARSONS AND McCOMAS:	
appropriation to pay.....	545
PATENT MEDICINES:	
deemed spirituous liquors, when, section 1.....	352
PATENT RIGHTS:	
license required of person engaged in selling, section 2.....	353
penalty for selling or offering, without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to sell, section 113.....	384
PAUL, WILLIE:	
appropriation to pay.....	546

	Page
PAWN BROKER :	
license required of, section 2.....	353
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
taxes on license to practice the business of, section 112.....	384
PAY AND ALLOWANCES :	
governor may direct that enlisted men be paid for attendance at drills, parades, etc., section 7.....	431, 432
to officers and soldiers, and how paid, sections 44, 45, 47.....	440 to 442
out of what funds payments made, section 44.....	440, 441
PEACH BRANDY :	
distillers of, required to obtain license, section 1.....	352
tax on license to distill and sell, section 65.....	376
how distiller of, may sell, section 74.....	378
tax on, made from fruit grown in this state, section 65.....	376
(See "Distilleries.")	
PEDLER OR HAWKER :	
license required to act as, section, 2.....	352
penalty for acting as, without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
PENALTIES :	
for doing business without a state license, when such license is required, section 3.....	354
for illegal sales, etc., of intoxicating liquors, section 21.....	362
for transacting business without having paid the license tax, sec- tion 45.....	372
on any clerk or other officer for neglect of any duty required under license law, section 51.....	373
for misconduct or neglect of official duty on the part of certain county officers respecting the assessment of taxes, section 19..	293
on assessor failing to obey instructions of tax commissioner, sec- tion 20.....	293
also for failure to make entry of omitted lands on land book, and assess the same, section 25.....	294
on clerk of county court and auditor for failure to deliver or trans- mit certain lists to assessor, section 32.....	296
on assessor for failure of duty as to change of ownership, of land, section 32.....	296
also for failure to enter and assess any grant mentioned in audi- tors' abstract, section 35.....	296
on owner or agent of land for failure to answer on oath inquiries of assessor, section 47.....	301
on assessor or assistant for failure of duty as to listing land for taxation, section 47.....	301
also for failure of duty as to contiguous tracts, section 50.....	303
on person making false statement of valuation of credits and investments, or state fictitious debts, to assessor, section 67..	311
on assessor or assistant for failure to call on person for list of property and administer oath, section 69.....	312
also for receiving list not verified by oath of person required to make the same, section 72.....	314
on person for failure to list property correctly, or refuse to answer questions, etc., section 73.....	315

PENALTIES—Continued.

	Page
on any officer, state, county or district, for refusing to give proper information to assessor, section 74.....	317
on any person having control, etc., of personal property for failure to permit assessor to examine same, section 74.....	317
on person violating any of the provisions of section 82 relating to taxation of transient persons, section 82.....	324
on assessor for failure of duty under same section, section 82...	324
when assessor guilty of embezzlement, section 82.....	324
penalty on owner or operator of any railroad, etc., for failure to make return of property for taxation as required by law, section 90.....	333
on person for failure to testify, etc., before board of public works respecting the assessment of railroads, etc., section 92.....	334
on clerk of county court, secretary of board of education, recorder or clerk of municipal corporation, and for what, section 97	338
on any member of county court, board of education or council, voting to remit or release taxes on railroads, etc., section 102..	338
on assessor and assistants for failure to properly list their property for taxation, section 112.....	342
additional penalties on any clerk, assessor or prosecuting attorney for failure to perform his duty, sections 121, 122, 123.....	346
penalty on county clerk for issuing fee bills wrongfully, section 124	346
penalty for violating section 1 of chapter 36, upon or along any river which forms boundary line of this state, section 5.....	355
on owner of building where liquor is sold unlawfully, section 25..	363
on minor or female for loitering in or about saloon, section 21..	363
for violation of provisions of section 43 of chapter 36.....	371
for violation of provisions of sections 67, 68, 69, 70, 71, 72, 73, 74, of chapter 36, section 75.....	379
for violations of provisions of sections 78, 79, 80, 81, 82, 83, 84, 85 of chapter 36, section 86.....	381
for violation of provisions of section 1, chapter 37.....	399
for violation of provisions of section 2, chapter 37.....	399
on corporations for failure to comply with provisions of chapter 39, section 6.....	402
for violations of registration laws, section 98.....	415
for receiving or soliciting bribe in election, section 100.....	416
for embalmers for failure to comply with certain requirements of law.....	420
for violation of section 78 of chapter 45, relating to banks, etc....	421, 424, 426
for violation of provisions of chapter 46, relating to inspection of mines	427
upon mine inspector for failure to comply with requirements of chapter 46.....	429
upon municipal authorities for failure to publish annual statement, etc.....	451
upon public officers for expending public money without lawful authority	457
upon physician for false certificate of vaccination.....	459
upon any person for violation of chapter 58	459
upon violators of law relating to sale of fruit trees, etc.....	463, 464
upon persons fraudulently obtaining clothing, etc., from inmates of state institutions, section 4.....	490
for abducting child under fourteen, section 14.....	490
for violating child labor law, section 2.....	491
on owner of certain buildings for not providing same with fire escapes, section 4.....	493

(See "Offences"; "Misdemeanors.")

PENITENTIARY:		Page
appropriation for.....		527
PERJURY:		
falsely making the affidavit required to application for certificate of incorporation, where it is proposed to pay the rate of license tax prescribed for resident corporations; penalty, section 127.....		389, 390
what violations of the registration law deemed perjury; penalty, section 98.....		415
PERSON:		
what the word "person" includes for the purpose of taxation, section 60.....		309
transient persons desiring to sell goods, etc., not assessed must pay taxes before selling, section 82.....		324
PERSONAL PROPERTY:		
rate of tax on, for general state purposes and for support of free schools, sections 61, 62.....		375
to be assessed as of the first day of April of each year at its true and actual value, except, etc., section 12.....		288
meaning of words "true and actual value," section 12.....		288
assessor required to begin annually on the first day of April to ascertain all, subject to taxation, section 52.....		304
who to pay taxes on, for each year, section 52.....		304
sworn statement of, to be made by owner for assessment, section 53		305
personal property mortgaged or pledged, for purposes of taxation, deemed the property of party who has possession, section 54..		306
of deceased person, by whom listed for taxation, section 55.....		306
what, exempt from taxation, section 57.....		307
but personal property so exempt must be entered on assessor's books with its true and actual value, section 57.....		307
words "personal property" what to include for the purpose of taxation, section 61.....		309
what to be listed for taxation and how, section 63.....		310
what not to be listed, section 63.....		310
in what district both tangible and intangible personal property to be listed for taxation, section 64.....		310
valuation of credits and investments, how fixed or estimated for taxation, section 65.....		311
in listing money, credits or investments for taxation what credit may be given, when and how, section 67.....		311
what personal property, and the value thereof, to be entered in personal property book for taxation; and how, section 108...		340
duty of assessor as to taxes on, omitted in any former year, section 109.....		341
personal property of assessor and his assistants, how listed for taxation, sections 111, 112.....		342
duty of assessor, as to assessing personal property, where he is interrupted by war, forcible resistance, imminent danger, etc., section 114.....		342
in what proceedings the assessment of, last certificate before the beginning of such proceedings, admitted, with other evidence, to determine the value of the property in controversy, section 115		343
PERSONAL PROPERTY:		
definition of, for purposes of assessment, section 46.....		400

PERSONAL PROPERTY BOOKS :	Page
total valuation of money, credits and investments listed for taxation to be entered on, by assessor; how, section 67.....	311
also, total amount of indebtedness to be deducted from such valuation to be entered, how, section 67.....	311
assessor to make proper entry in, of personal property subject to taxation, with the value thereof and name of person to whom it ought to be assessed, section 68.....	312
how assessed property of certain incorporated companies entered in, section 78.....	319
entry in, of capital stock of banks, trust companies, etc., section 79	320
how personal property of merchants, and other individuals or firms entered in, sections 80, 81.....	321, 323
assessor to make up; what to be entered therein and how, section 108	340
duty of assessor as to taxes on personal property omitted in any former year, section 109.....	341
rules applicable to personal property books, section 110.....	341
assessor to make three fair copies of, section 116.....	343
duties of the assessor and clerk of county court in relation to, section 116.....	343
certificate to be appended to each book by such clerk, section 116..	343
oath of assessor at foot of each book, section 117.....	344
copies of, how disposed of, and when, sections 118, 119.....	344, 345
copies of, delivered to county clerk to serve for laying the county levy, section 118.....	344
copy of, delivered to sheriff, to be his guide in collecting taxes, section 119.....	345
copy of, delivered to auditor to be a guide in settling with sheriff, section 119.....	345
and admitted as evidence in legal proceedings against sheriff or collector, section 119.....	345
assessor may require of officers written acknowledgement of receipt of such books, section 120.....	345
penalty on assessor or clerk for making false entry, etc., in, section 121.....	346
penalties on clerk, assessor or prosecuting attorney for failure to perform their duties, sections 122, 123.....	346
when no alterations shall be made in, affecting taxes of that year, section 128.....	347
PETITION :	
to be filed by applicant for license with clerk county court, section 12	358
PHARMACIST, REGISTERED :	
license of, may be revoked upon second conviction for illegal selling of liquors, section 5.....	355
no license to be granted such person or any one in his employ, after such revocation, section 5.....	355
(See "Druggists.")	
PHILIPPI, CITY OF :	
act incorporating.....	152 to 171
corporate rights and powers, section 1.....	152
corporate limits and boundaries, section 2.....	153
wards, limits of defined, section 3.....	153
officers; number and qualification of, section 4.....	154
municipal authorities, of whom to consist, section 5.....	154
first election; how held and conducted; who entitled to vote; tie vote, how decided, section 6.....	154

PHILIPPI, CITY OF—Continued.

	Page
term of office; clerk cannot succeed himself, except when, section 7	154
oath of office, section 8.....	155
council to define duties and fix compensation of officers, section 9	155
bonds required of certain officers, section 10.....	155
officers, how removed; vacancy, how filled, section 11.....	156
member of council; vote of mayor; quorum, section 12.....	156
member of council not to vote when interested, section 12.....	156
record of minutes and ordinances, section 13.....	156
reading of minutes; yeas and nays, when recorded, section 14....	156
ordinance appropriating money, provision as to, section 15.....	157
general powers of council, section 16.....	157
powers of council to pass ordinances against offences, section 17...	160
salary of mayor, section 18.....	160
mayor, duties of, section 19.....	160
process issued by mayor, section 20.....	161
additional powers of mayor, section 21.....	161
duty of jailer of Barbour county, section 22.....	162
mayor's docket, section 23.....	162
appeals from judgment of mayor, section 24.....	162
duty of mayor and clerk of court when appeal taken, section 25..	163
costs in appeal cases, by whom paid, section 26.....	163
appeals allowed as before a justice, exception, section 27.....	163
city clerk, duties of, section 28.....	163
assessor, duties of, section 29.....	164
annual estimate, to be made by council, section 30.....	165
levy, provision as to, section 30.....	165
statement of financial condition to be published, section 30.....	165
city clerk, additional duties of; bond required of, section 31.....	165
city clerk to make out tax books, section 32.....	165
city clerk to collect taxes, section 32.....	165
city clerk to render statement of account, section 33.....	166
how moneys paid out by clerk, section 33.....	166
compensation of clerk, section 33.....	166
solicitor, duties of, section 34.....	167
taxes, lien on real estate, section 35.....	167
chief of police, duties of, section 36.....	167
salary of chief of police, section 36.....	167
violation of ordinances, section 37.....	168
city licenses, section 38.....	168
how licenses applied for and granted, section 39.....	168
certain provisions of law applicable to licenses, section 40.....	168
license for keeping dogs, section 40.....	168
condemnation of lands, section 41.....	169
sidewalks, when property owners required to build, section 42....	169
streets, etc., how paved; how paid for, section 43.....	169
bonded indebtedness, provisions respecting, section 44.....	170
council to succeed to all the rights, etc., of the town of Philippi, section 45.....	171
present ordinances to remain in force until repealed, section 45..	171
inconsistent acts repealed, section 46.....	171

PHYSICIANS:

prescriptions by, to druggists for spirituous liquors, etc., what to specify, section 6.....	356
penalty on, for aiding druggists in unlawful sale of liquors, etc., by giving false prescriptions, section 7.....	356
provisions for filing and inspection of prescriptions for liquor, etc., section 7.....	356
effect of production of prescription of, in court, section 6.....	356

INDEX TO ACTS.

xcv

PIPE LINES:	Page
assessment of, for taxation, sections 84, 88.....	326 to 330
return in writing to be made to board of public works; when, by whom; to whom delivered; for what period, section 84.....	326
who to sign and swear to such return, section 84.....	326
such return must show, what, section 88.....	330
other and further information may be required by such board, section 88.....	330
what must be conformed to in making such return, section 90.....	333
penalty for failing to make the return required, section 90.....	333
when taxes assessed on, to be paid into state treasury; <i>per cent.</i> added for failure, section 100.....	337
other provisions relating to the assessment and taxation of, and the payment of taxes by, sections 91 to 107.....	833 to 339
(See "Assessment of Taxes.")	
PISTOLS:	
license required for selling, section 2.....	353
penalty for failure to obtain license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to sell, section 106.....	383
POINT PLEASANT BATTLE MONUMENT:	
appropriation for.....	562
POLL-TAX:	
rate of, and who to pay, section 63.....	376
duty of assessor as to assessing and collecting, section 53.....	305
assessor's report to county court; when made and what to show, section 53.....	305
duty of court as to such report; sheriff to collect delinquent capitations, section 53.....	305
provisions relating to collecting by sheriff, section 53.....	305
POOL TABLES:	
to be licensed, section 1.....	352
penalty for keeping, or any table of like kind for public use, without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 353
when license may be revoked, section 34.....	367
place to which license confined, section 35.....	367
transfer or assignment of license, sections 36, 37.....	367, 368
for what time license granted, section 39.....	369
posting of license and penalty for failure, section 43.....	370
tax on license to keep, section 99.....	382
provision respecting public watering places, section 40, 110.....	369, 384
character of applicant; certain conditions required, sections 19, 20	362
PORTER OR WINE:	
state license for sale of required; also, for any drink of like nature, section 1.....	352
also, to solicit or receive orders for, section 1.....	352
penalty for selling, etc., without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 353
evidence of character required, section 19.....	362
certain required conditions to be complied with, section 20.....	362
penalties and liabilities for illegal sales, section 86.....	381

	Page
PORTER OR WINE—Continued.	
bond required to sell; penalty and conditions of such bond, section 28.....	364
when license may be revoked, section 34.....	367
to what place license confined, section 35.....	367
transfer of license to another place; assignment to another person, sections 36, 37.....	367, 368
for what time license granted, section 39.....	369
posting of license to sell, and where; penalty for failure, section 43	370
tax on license to sell, at retail, section 57.....	381
tax on license to sell, at wholesale, section 88.....	381
what deemed a sale without license, sections 85, 89, 90.....	381
 PORTERFIELD, C. A.:	
appropriation to pay.....	550
 POWELL, LAMAR C.:	
appropriation to pay... ..	546
 PREMIUM STAMPS:	
(See "Trading Stamps.")	
 PRESCRIPTIONS:	
necessary to authorize sale of liquor by druggist, sections 6 and 7.	356
(See "Physicians.")	
 PRINDLE FURNITURE COMPANY:	
appropriation to pay.....	548
 PRINTING, BINDING AND STATIONERY:	
appropriations for.....	541, 565
 PRIVATE BANKER:	
license required to practice the business of, section 2.....	353
penalty for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to carry on the business of, section 107.....	383
 PROMOTIONS:	
provisions as to the promotion of officers in the national guard, sections 21, 22.....	436, 437
 PROPERTY:	
definition of, for purposes of assessment, section 46.....	400
 PROSECUTING ATTORNEY:	
prescriptions of physicians upon which sales of spirituous liquors are made by druggists subject to the inspection of, section 7..	356
inspection of licenses by, section 43.....	371
duty of, as to prosecutions for offences, and suits upon bonds, under the law regulating licenses, section 59.....	375
tax commissioner to report to circuit court any misconduct or neglect of official duty on the part of, and court to investigate same; penalty if charges be true, section 19.....	293
duty of, as to enforcing collection of forfeitures of defaulting taxpayers under assessment act, section 73.....	316
his compensation, section 73.....	316
notice to be given to, in appeals from assessment and valuation made by the board of public works, section 94.....	235

PROSECUTING ATTORNEY—Continued.	Page
duty of, when clerk and assessor cannot agree as to what corrections to be made in land and personal property books, section 116.....	343
duty of as to lists delivered to him by the assessor; when such lists to be delivered, section 118.....	345
penalties for failures to perform his duty, sections 122, 123.....	346
notice to be given to, if application for relief against taxes erroneously assessed is made to the county court; his duty, section 129.....	347
duty of, to assist tax commissioner in certain proceedings, section 19	293
to defend interest of state in appeals from assessments made by tax commissioner; notice to be given, section 129.....	347
notice of application for reduction of amount of land taken for roads, etc., to be given to, section 5S.....	308
may examine books of licensee, sections 71, 82.....	378, 380
to furnish information at request of auditor, sections 72, 83.....	378, 380
duty to prosecute violators of chapter 52.....	451
duty to enforce law relating to the employment of children, section 3	491
 PUBLIC MONEYS:	
any public officer who violates provisions of chapter 16 of the acts of 1904, prohibiting the expenditure of public money, to be personally liable therefor.....	456
action may be maintained against such officer to recover amount expended in violation thereof.....	457
such official also guilty of a misdemeanor; penalty.....	457
no liability to rest upon the state, county, district, etc., by reason of any such debt or contract.....	457
also to forfeit his office.....	457
 PUCKETT, W. M.:	
appropriation to pay.....	550
 PYLE, STEPHEN G.:	
appropriation to pay.....	551
 QUARANTINE:	
in case of smallpox, where person refuses to be vaccinated, chapter 58	458
(See "Vaccination.")	
 QUARTERMASTER GENERAL:	
returns to be made to, for loss to quartermaster's property, etc.; how and when, section 7.....	432, 433
the adjutant general to perform the duties of, in time of peace, unless otherwise ordered by the governor, section 17.....	436
 RAILROAD BRIDGES:	
assessment of, for taxation upon which a separate toll or fare is charged, section 84, 86.....	326, 329
return in writing to be made to board of public works; when, by whom; to whom delivered, section 84.....	323
such return by whom signed and sworn to, section 84.....	326
what such return must show, section 86.....	326
such return must conform to the requirements of instructions of board of public works, section 90.....	333
penalty for failing to make the return required, section 90.....	333

RAILROAD BRIDGES—Continued.		Page
when taxes assessed on, to be paid into state treasury; <i>per cent.</i>		
added for failure, section 100.....		337
other provisions relating to the assessment and taxation of, etc.,		
sections 91 to 107.....		333 to 339
 RAILROADS:		
provisions relating to assessment of land taken by, for right-of-		
way, section 58.....		308
assessment of, for taxation, sections 84, 85.....		326 to 329
a return in writing to be made to the board of public works; when;		
by whom; to whom delivered, section 84.....		326
words "owner or operator," as applied to railroads, what to in-		
clude for the purpose of assessment, section 84.....		326
word "railroad," what to include for assessment purposes, sec-		
tion 84.....		326
such return by whom signed and sworn to, section 84.....		327
what such return must show for every owner or operator, sec-		
tion 85.....		327
return made by owner or operator of railroad bridge, upon which		
a separate toll or fare is charged, what to show, section 86..		329
car lines, other than railroad companies, making their return,		
what such return must show, section 87.....		329
such return must conform to the requirements or instructions of		
the board of public works, section 90.....		333
penalty for failing to make such return, section 90.....		333
when taxes to be paid into treasury by; <i>per cent.</i> added for fail-		
ure, section 100.....		337
other provisions relating to the assessment and taxation of, and		
payment of taxes by, sections 91 to 107.....		333 to 340
license tax on for holding more than ten thousand acres of land,		
section 123.....		387
(See "Assessment of Taxes.")		
 RAILROAD COMPANIES:		
may enter upon lands and obtain therefrom wood, stone, gravel,		
or earth necessary for construction of its works; may take and		
consume water; condemn land for location and construction of		
reservoirs, pumps, etc., section 14.....		404
prohibited from cutting or taking any fruit trees or trees reserved		
for farming purposes, or trees preserved for shade or orna-		
ment, or any part of any building, section 14.....		404
before taking any such property, unless by agreement with the		
owner, such railroad company must apply to circuit court to		
appoint commissioners to value same, section 14.....		404
notice of such proceeding to be given owner, section 14.....		404
provision when company desires to condemn water, section 14....		404
notice must be given all riparian owners likely to be affected,		
section 14.....		404
report of commissioners in such case, what to show, section 14...		405
exceptions to report, section 14.....		405
question of compensation may be tried by jury upon demand of		
either party, section 14.....		405
when other commissioners may be appointed by the court, section 14		405
confirmation of commissioner's report, section 14.....		405
railroad company may proceed, without the report being confirmed,		
by payment into court of the sums therein ascertained, sec-		
tion 14.....		405
what to be done when new report is made in the case, section 14..		405

RAILROAD COMPANIES—Continued.	Page
rights of company to cut, take away, use and consume, etc., shall be suspended until judgment against it is satisfied, section 14	405
what notice to be published when rights of certain riparian owners, having lands below the point at which water is to be taken, are likely to be affected, section 14.....	405
any person interested may become a party to the proceeding, section 14.....	405
proviso for protecting land owners from being deprived of water necessary for use of land, section 14.....	406
section not to be construed to authorize railroad companies to take water from any well, spring or pond, which is used for domestic purposes or for watering animals, section 14.....	406
RANGES OR STOVES:	
license required of traveling agents, canvassers or salesmen engaged in the selling of, section 2.....	353
penalty on such persons for failure to obtain license, section 3...	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
license tax on agents for, section 115.....	385
RATE OF TAXATION:	
on real and personal property for general state purposes and for support of free schools, sections 61, 62.....	375
on capitation, section 63.....	376
on licenses, sections 64 to 128.....	376 to 390
RAVENSWOOD, INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	254 to 256
boundary lines, section 1.....	254
board of education to consist of three commissioners, section 1...	254
board of education authorized to sell certain school property, section 2.....	254
corporate name and powers, section 3.....	255
election of board, section 4.....	255
elections after 1906, section 5.....	255
vacancies in board, section 5.....	255
president and secretary, duties of.....	255
board to have control of schools, section 7.....	256
levy, how made and collected, section 8.....	256
limit of taxes to be levied; for what purposes to be used, section 9	256
inconsistent acts repealed.....	256
REAL ESTATE:	
rate of tax on, for general state purposes and for the support of free schools, section 62.....	375
to be assessed for taxation as of the first day of April at its true and actual value, section 12.....	268
in any suit wherein the value of real estate may come in question, what certified assessment of such property admissible, with other evidences, to ascertain its value, section 115.....	343
"real estate" and "real property" defined, section 61.....	809
certain, to be entered on land books by assessor, section 80.....	322
REAL ESTATE AGENT:	
license required of, section 2.....	352
penalty for acting without license, section 3.....	854
how license obtained, section 11.....	358

	Page
REAL ESTATE AGENT—Continued.	
when revoked, section 34.....	367
assignment of license, section 37.....	368
for what time license granted, section 39.....	369
production of license; penalty, section 43.....	370
license tax on, section 95.....	382
REAL PROPERTY:	
definition of, for purposes of assessment, section 46.....	400
REASSESSMENT OF LANDS:	
appropriation for.....	545
RECEIVER:	
circuit court may apoint, for delinquent corporations, section 136..	390
RECRUITS:	
for the national guard; provisions relating to, section 34.....	437, 438
REFRESHMENTS:	
state license tax required to furnish, at public theatre, section 1..	352
penalty for furnishing without license, section 3.....	351
no license required to furnish, at any public dinner, fair, festival or celebration, section 4.....	355
how license obtained, sections 10, 11.....	357, 358
tax on license to furnish, section 93.....	381
REFORM SCHOOL:	
appropriations for.....	534, 558
acts relating to amended, chapter 68.....	475
(See "West Virginia Reform School.")	
REFUNDING COUNTY, DISTRICT AND MUNICIPAL TAXES:	
appropriations for.....	539, 563
REGENTS, BOARD OF:	
of state institutions; personal and criminal liability of, for ex- pending public moneys and incurring obligations upon the state without proper authority, chapter 56.....	450
REGIMENTS:	
composition and strength of each regiment of infantry, section 12	434, 435
maximum strength, section 12.....	435
how staff officers of commander of, appointed, commissioned and removed, section 21.....	436, 437
who eligible as staff officer, section 21.....	436
allowance for clerical service to each regimental headquarters, section 45.....	441
REID, E. A.:	
appropriation for.....	546
REPRINTING SUPREME COURT REPORTS:	
appropriation for.....	544
REPORTER:	
official, authorized for the third judicial circuit; his compensation and how paid, chapter 83.....	497

INDEX TO ACTS.

ci

	Page
RESIDENT OF THIS STATE:	
not required to have license to exhibit products of his own invention or skill, section 4.....	355
RESOLUTIONS, JOINT:	
authorizing payment of per diem, etc., of members and attaches in advance of appropriation, No. 1.....	510
relating to the tariff laws, No. 2.....	510
relating to the Virginia debt, No. 3.....	511
authorizing secretary of state to furnish certain circuit judges with reports, No. 4.....	511
relating to transportation of intoxicating liquors, No. 5.....	512
fixing per diem of janitors during session of legislature, No. 6...	512
raising joint investigating committee, No. 7.....	513
authorizing payment of per diem, etc., of Capon Springs commission, No. 8.....	514
permitting use of third floor of capitol annex by society of colonial dames, No. 9.....	514
for relief of George Goad, sheriff of Braxton county, No. 10.....	515
providing colors for state coat of arms, No. 11.....	515
concerning location in this state of national home for soldiers, sailors, etc., No. 12.....	516
granting permission to daughters of confederacy to erect monument in capitol grounds, No. 13.....	517
authorizing appointment of committee to investigate state institutions, No. 14.....	518
providing for fifth edition of the code, No. 15.....	518
adopting state flag, No. 16.....	520
permitting the erection in the capitol grounds of a monument to the memory of the union soldiers of the civil war, No. 17.....	522
RESOLUTIONS, JOINT, (EXTRA SESSION):	
authorizing payment of per diem and mileage to members, etc., No. 1	581
concerning the use and occupancy of the clerks' offices and care of typewriters, No. 2.....	581
concerning advance copies of acts, No. 3.....	582
RESOLUTIONS, HOUSE CONCURRENT:	
adopting joint rules, No. 1.....	521
concerning meeting of house and senate to canvass returns of election for state officers, No. 2.....	521
authorizing a joint committee to wait upon the governor, No. 3...	522
RESOLUTIONS, HOUSE CONCURRENT, (EXTRA SESSION):	
authorizing appointment of a committee to wait upon the governor, No. 1.....	583
adopting joint rules, No. 2.....	583
authorizing appointment of a committee to wait upon the governor, No. 3.....	583
RESTAURANT OR EATING HOUSE:	
license to keep, required, section 1.....	352
penalty for failure to obtain license, section 3.....	354
evidence of character required; certain required conditions, sections 19, 20.....	362
when license may be revoked, section 34.....	367
assignment of license to another person, section 37.....	368
for what time license granted, sections 39, 40.....	369
posting of license, where; penalty for failure, section 43.....	370
rate of tax on license to keep, and how estimated, section 64.....	376

	Page
RETAIL DEALER :	
of spirituous liquors, wine, porter, ale and beer, or drinks of like nature; license tax to be paid by, section 87.....	381
selling of over five gallons at a time deemed a sale without license, section 89.....	381
tax on license to sell at retail certain weapons, section 106.....	383
REVOCAION OF LICENSES:	
when and how, section 34.....	367
REVOLVERS:	
license required for selling, section 2.....	353
penalty for selling without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
inspection of license and by whom; penalty, section 43.....	370
tax on license to sell, section 106.....	383
REYNOLDS, F. M.:	
appropriation to pay.....	547
RICHARDSON BOOK STORE:	
appropriation to pay.....	549
RITCHIE COUNTY, GENERAL THOMAS M. HARRIS HIGH SCHOOL OF:	
act creating.....	257 to 258
name of school, section 1.....	257
site for school donated by General Thomas M. Harris, section 1...	257
board of directors, of whom to consist, section 2.....	257
county superintendent to be <i>ex-officio</i> president, section 2.....	257
powers of board of directors, section 3.....	257
board made a body corporate, powers and liabilities, section 4...	258
levies to be made by county court, section 5.....	258
admissions to school, section 6.....	258
sheriff to collect and disburse school moneys, section 7.....	258
compensation of members of board, section 8.....	258
act to be submitted to vote for ratification, section 9.....	258
RIPLEY, INDEPENDENT SCHOOL DISTRICT OF:	
bond issue authorized.....	259
when and for what purpose issued, section 1.....	259
denomination, when payable, rate of interest, section 2.....	259
limit of indebtedness, section 2.....	259
direct annual tax to pay bonds and interest, section 2.....	259
no debt to be contracted unless submitted to a vote; notice of election, section 3.....	259
RIVERS:	
penalty on person who shall, upon or along any river forming any part of the boundary line of this state, violate section 1 of chapter 36, section 5.....	355
ROLLER COASTER :	
license required to run or operate, section 2.....	352
penalty for operating without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39.....	368, 370
inspection of license and by whom; penalty, section 43.....	370
tax on license to operate, section 105.....	383
certain conditions required, section 20.....	362

	Page
RUDESILL AND MEAD:	
appropriation to pay.....	549
RUMSEY, JAMES:	
appropriation for memorial to	564
SALARIES OF CLERKS:	
appropriations for.....	542, 566
SALEM, CITY OF:	
act incorporating.....	172 to 188
corporate name, rights and powers, section 1.....	172
corporate limits and boundaries defined, section 2.....	172
wards, section 3.....	173
municipal authorities and their compensation, section 4.....	173
corporate authority vested in council, section 5.....	173
elective officers and their qualification, section 6.....	173
election of officers, section 7.....	173
election precincts, section 8.....	174
councilmen to be elected by wards, section 8.....	174
voters, qualification of, section 9.....	174
elections, how held and conducted, section 10.....	175
tie vote to be decided by council, section 11.....	175
contested elections, section 12.....	175
vacancies in office, how filled, section 13.....	175
appointive officers, section 14.....	175
tax collector, duties of, section 14.....	175
chief of police, duties of, section 14.....	175
oath of office, section 15.....	176
elective officers, when to enter upon their duties, section 16.....	176
when office declared vacant, section 17.....	177
how such vacancy filled, section 17.....	177
mayor, duties and powers of, section 18.....	177
recorder, duties of, section 19.....	178
quorum of council, section 20.....	178
record of proceedings and ordinances, section 21.....	178
reading of minutes, section 22.....	178
ayes and noes, when recorded, section 22.....	178
mayor to have two votes in case of tie, section 23.....	179
meetings of council, section 24.....	179
city moneys: to whom paid; how paid out, section 25.....	179
general powers of council, section 26.....	179
power of council to pass ordinances relating to offences, section 27.....	181
concerning water works, section 27.....	181
licenses, power of council as to, section 27.....	181
license bonds and suits thereon, section 27.....	182
when license granted, section 27.....	182
question of granting liquor license to be submitted to vote at each election, section 27.....	182
taxes; levying and collecting of, section 28.....	183
streets, paving of, section 28.....	183
debt, provision as to, section 28.....	183
franchises, provision as to, section 28.....	183
assessor, duties of, section 28.....	184
taxes, lien on real estate, section 28.....	184
delinquent real estate, how sold, section 28.....	185
tax collector, duties of, section 29.....	185
condemnation of land, section 30.....	186
what persons required to work upon streets; how same may be commuted, section 31.....	187

	Page
SALEM, CITY OF—Continued.	
board of health, section 32.....	187
street and water commissioner, duties of, section 33.....	187
present council to provide for first election, section 34.....	187
present ordinances to remain in force until repealed, section 34....	187
council to have powers conferred by general laws, section 35.....	188
inconsistent acts repealed, section 35.....	188
act in effect from passage, unless, etc., section 36.....	188
SALE OF LAND :	
for benefit of the school fund, code amended.....	406
SAN JOSE SCALE :	
appropriations for.....	537, 560
SAUNDERS, RAYMOND :	
appropriation to pay.....	546
SAVINGS BANKS :	
not required to obtain license as brokers or private bankers, section 4.....	355
same as to savings institutions, incorporated, section 4.....	355
subject to the provisions of the state banking law.....	421 to 426
SCENIC RAILWAY :	
license required to run or operate, or any like device, section 2....	352
penalty for operating without license, section 3.....	354
how license obtained, when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to operate, section 105.....	383
certain conditions required, section 20.....	362
SCHRADER, LOUIS E. :	
appropriation to pay.....	550
SCHWABE AND MAY :	
appropriation to pay.....	547
SCHOOLS FOR THE DEAF AND THE BLIND :	
appropriations for.....	530, 554
SCHOOL DISTRICTS. INDEPENDENT :	
Alderson, chapter 17.....	207
Buckhannon, chapter 18.....	216
Burnsville, chapter 19.....	222
Clarksburg, chapter 20.....	224
Fairmont, chapter 21.....	225
Grantsville, chapter 22.....	232
Henry, chapter 23.....	235
Keyser, chapter 24.....	238
Marlinton, chapter 25.....	242
Morgantown, chapter 26.....	252
Ravenswood, chapter 27.....	254
Ritchie county high school, chapter 28.....	257
Ripley, chapter 29.....	259
Sistersville, chapter 30.....	260
Tyler county high school, chapter 31.....	270
Wheeling, chapter 32.....	272
Williamson, chapter 33.....	275
Winfield, chapter 34.....	283

INDEX TO ACTS.

CV

	Page
SCHOOL EXHIBITIONS:	
no license required for, section 4.....	355
SCHOOL LANDS:	
relating to the sale of, for the school fund, code amended, chapter 42.....	406
SCHOOL LEVIES:	
for teachers' and building funds, limited, chapter 67.....	473
SCHOOL TAXES:	
secretaries of boards of education of certain districts, what to certify to auditor, and when, section 96.....	336
assessed on railroads, express companies, car lines, telegraph, telephone and pipe lines, etc.; who to collect and how paid to each district and independent school district, sections 100, 101, 103	337, 338
boards of education prohibited from compromising such taxes, penalty, section 102.....	338
auditor to certify to the county superintendent the amount of such taxes due each district; when, section 104.....	338
remedy to enforce collection of such taxes, section 105.....	339
taxes for school purposes to be levied upon what values of property, section 135.....	350
SCHOOL PROPERTY:	
to be examined annually by president of board of education; provision for making sale of, deeds for, chapter 70.....	479
SCHOOLS:	
(See "Education.")	
SCOTT, HARVEY M.:	
appropriation to pay.....	576
SECOND HOSPITAL FOR THE INSANE:	
appropriations for.....	536, 539
SECRETARY OF STATE:	
tax on state seal to be paid to, section 122.....	387
on moneys received by, under section 123 of chapter 36, to be reported to auditor and paid into state treasury.....	388
duty of, when application is made for charter for resident corporation, section 127.....	389
duty of, as to false affidavits accompanying such application, section 128.....	390
additional duty when application is made for charter, section 129..	391
to assess and collect certain taxes; to pay same into state treasury, section 129.....	391
foreign corporation to file report with, when, section 131.....	392
duty of, to assess and collect tax on such corporation, section 131..	392
to pay same into state treasury, section 131.....	393
duty of, to furnish certificate to corporation desiring to withdraw from this state; application for such certificate to be filed in office of, section 132.....	393
corporation holding more than ten thousand acres of land to pay tax to, section 133.....	394
to preserve in his office list of delinquent corporations; copy of governor's proclamation concerning such corporations to be filed in office of, section 136.....	395

	Page
SECRETARY OF STATE—Continued.	
duty of clerk of court to notify, of forfeiture of corporation charter; such report to be recorded in office of, section 137.....	397, 398
to require proof of character of corporation claiming exemption from license tax, section 138.....	398
to report to auditor, when; what report to show, section 139.....	398
duty of as to distribution of biennial reports of state officials, section 4.....	468
appropriation to pay salary of.....	576, 577
appropriation to pay contingent expenses.....	542, 566
appropriation to pay salary of clerks and stenographers.....	542, 566
SERGEANT-AT-ARMS:	
house of delegates; appropriation to pay.....	549
SEWING MACHINES:	
license required of traveling agents, canvassers or selesmen engaged in the selling of, section 2.....	353
penalty on such persons for selling without license, section 3...	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
license tax on agents for, section 45.....	385
SHAW, HARRY:	
appropriation to pay mileage.....	575
SHEEP:	
proceedings for having dog killed which is known to have killed or wounded, etc., any sheep.....	457
information to owner of such dog must be under oath.....	457
proceedings before a justice to compel such dog to be killed, when owner thereof refuses.....	457
costs of such proceedings.....	458
owner of such dog also to be liable to the owner of such sheep in damages.....	458
SHEPHERD COLLEGE NORMAL SCHOOL:	
appropriations for.....	529, 553
SHERIFF:	
what he may do when charged with the execution of a warrant, if the sale of intoxicating liquors is carried on clandestinely, etc., section 32.....	366
inspection of licenses by, section 43.....	370
list of licenses issued to be delivered to, or collector, by clerk of county court, and when, section 47.....	372
effect of such list as evidence, section 49.....	372
instructions by auditor to, section 50.....	373
penalty for neglect of any duty, section 51.....	373
authorized to distrain for license taxes, and when, section 51....	373
what notice required to sell, section 51.....	373
uncollected license taxes, what return may be made thereon and when, section 52.....	373
at what time sheriffs or collector to pay state taxes on licenses into the state treasury, section 54.....	373
how such payments enforced, sections 55 to 57.....	373, 374
persons aggrieved may apply to circuit court for relief; how and in what cases, section 56.....	374

SHERIFF—Continued.	Page
rate of interest to be paid by, who falls to pay state taxes on licenses as required by law, section 57.....	374
commissions for collecting such taxes, section 58.....	375
tax commissioner to report to circuit court and prosecuting attorney any misconduct or neglect of official duty on the part of, and court to investigate same; penalty if the charges be true, section 19.....	293
when unpaid capitations turned over to him for collection; his duty; his commission, section 53.....	305
duty of, as to forfeitures collected of defaulting taxpayers under assessment act, section 73.....	316
duty of, as to taxes and levies certified to him by auditor for collection, sections 100, 101, 102.....	337, 338
when taxes of railroads, express companies, car lines, telegraph, telephone and pipe lines are paid into the treasury auditor to settle with sheriff for county levies; his duty thereon, section 103	338
assessor to deliver one copy each of the land and personal property books to, when, section 119.....	345
such copies to be sheriff's guide in collecting taxes; and to be preserved and turned over to his successor, section 119.....	345
order of court correcting erroneous assessment to be delivered to; effect of such order, section 131.....	349
duty of, as to levy fixed by board of public works, section 62.....	376
 SHOOTING GALLERY:	
to be licensed, section 1.....	352
penalty for keeping, without license, section 3.....	354
how license obtained, sections 10, 11.....	357, 358
when license may be revoked, section 34.....	367
of the place to which license is confined, section 35.....	367
assignment of license, sections 36, 37.....	367, 368
posting of license, and penalty for failure, section 43.....	370
time for which license granted, section 39.....	369
character of applicant; certain conditions required, sections 19, 20	362
tax on license to keep, section 116.....	355
 SHOW, PUBLIC:	
(See "Circus.")	
 SHREWSBURY, MISS HELEN:	
appropriation to pay.....	545
 SHRUBBERY:	
agents for, to be licensed.....	462
(See "Fruit Trees, Vines and Shrubery.")	
 SIGNAL CORPS:	
composition and strength of a company, section 14.....	435
minimum strength of such company, section 14.....	435
 SISTERSVILLE, INDEPENDENT SCHOOL DISTRICT OF:	
act creating.....	260 to 269
boundary lines defined, section 1.....	260
election for ratification of acts; ballots; expense, section 2.....	261
superintendent to appoint commissioners and to designate term of each, section 1.....	262
said commissioners to constitute board of education, section 3....	262
provision for electing commissioners, section 4.....	262
notice of election, section 5.....	262

.SISTERSVILLE, INDEPENDENT SCHOOL DISTRICT OF—Continued.		Page
how such election conducted; oath of office, section 6.....		263
vacancies in board, how filled, section 7.....		263
president and secretary, election and duties of, section 8.....		263
vote of president, section 8.....		264
secretary, other duties of, section 9.....		264
compensation of secretary, section 9.....		264
meetings of board; quorum; members to receive no pay, section 10		264
board made a corporation; powers and liabilities, section 11.....		264
board to control schools; make rules; prescribe text books; estab-		
lish other departments, section 12.....		264
board may establish high school; admission to high school, sec-		
tion 13.....		265
admission to schools, section 14.....		265
school for colored children, section 15.....		265
superintendent, appointment, removal and duties of, section 16....		265
teachers, how removed, section 17.....		266
teachers, appointment and salary of, section 18.....		266
unexpended fund of Lincoln district, how divided; boards to make		
settlement, section 19.....		266
annual levy; how made and collected, section 20.....		267
limit of levy, section 21.....		267
board now in office to be governed by this act until successors are		
elected, section 22.....		267
bonds authorized, section 23.....		267
indebtedness limited, section 24.....		267
annual tax for payment of bonds, section 24.....		267
when bonds to be paid; sinking fund, section 25.....		268
notice of election to issue bonds, section 26.....		268
how such election held, section 27.....		268
ballots for such election, section 28.....		269
board authorized to buy and sell certain real estate, section 28....		269
levies to be collected by sheriff, section 29.....		269
expenses limited to available funds, section 29.....		269
settlement with sheriff; his commission, section 30.....		269
how sheriff to pay out district money, section 31.....		269
 .SKATING RINK:		
to be licensed, section 1.....		352
penalty for keeping, without license, section 3.....		354
how license obtained, sections 10, 11.....	357,	358
when license may be revoked, section 34.....		367
assignment of license, sections 36, 37.....	367,	368
posting of license; penalty for failure, section 43.....		370
tax on license to keep, section 109.....		384
provision respecting public watering places, sections 40, 110.....	369,	384
character of applicant; certain conditions required, sections 19, 20		363
time for which license granted, section 39.....		369
 .SLUNG SHOTS:		
license required to sell, section 2.....		353
penalty for selling without license, section 3.....		354
how license obtained; when revoked, sections 11, 34.....	358,	367
assignment of license; for what time license granted, sections		
37, 39.....	368,	369
inspection of license, and by whom; penalty, section 43.....		370
tax on license to sell, section 106.....		383
 .SLOT MACHINES:		
license required to maintain certain, or certain other automatic		

SLOT MACHINES—Continued.	Page
devices, section 2.....	353
penalty for maintaining such machines without license, section 3..	354
but no slot machine or other automatic device with respect to its operation, service or supplies there is any element of chance shall be licensed or protected by a license, section 2..	353
how licensed obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
Inspection of license, and by whom; penalty, section 43.....	370
tax on license to maintain, or other automatic device which is not a gambling device, section 103.....	383
SMITH, E. F.:	
appropriation to pay.....	579
SMITH, S.:	
appropriation to pay.....	579
SNUFF:	
license required of person engaged in the selling of, at retail, sec- tion 2.....	353
also, for sale of any other preparation of tobacco, section 2.....	353
penalty for failure to obtain license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
posting of license, and where; penalty for failure, section 43.....	370
tax on license to sell, at retail, section 96.....	382
SOLDIERS:	
of civil war exempt from payment of pedler's license, section 114	385
of the state national guard; pay for attendance at drills, parades, etc., section 7.....	432
responsibility of, in the organized militia, for public property issued to them, section 7.....	432
pay and allowance to, when called into active service, section 44..	440, 441
pay and actual necessary expenses for care and medical attend- ance when injured or disabled when on duty, etc., section 47..	442
widow and children of every soldier killed when in the service of the state to be suitably provided for, section 47.....	442
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY:	
appropriation to pay.....	548
SOWERS, N. O.:	
appropriation to pay.....	551
SPIRITUOUS LIQUORS:	
all mixtures, preparations, etc., whether patented or not, which pro- duce intoxication deemed spirituous liquors, section 1.....	352
(See "Intoxicating Liquors," "Licenses," "Druggists.")	
STAFF OFFICERS:	
of a brigadier general, section 12.....	435
how staff officer appointed, commissioned, and removed, section 21	436, 437
who eligible to appointment, section 21.....	436
promotion of an officer from the line to the staff not to prejudice his promotion in the line, section 21.....	437
STAMPS:	
(See "Trading Stamps.")	

	Page
STATE AGENTS, PAY OF:	
appropriations for.....	539, 562
STATE BOARD OF HEALTH:	
appropriations for.....	537, 561
STATE BOARD OF AGRICULTURE:	
appropriations for.....	536, 560
STATE BOARD OF EMBALMERS:	
members of board; qualification and appointment of; term and vacancies, section 1.....	417
compensation of board and secretary, section 2.....	417
meeting of board, section 3.....	417
what experience necessary before engaging in the business of embalming; embalmers to be registered and licensed; qualifications necessary to obtain license, section 6.....	418
fee for license; proviso as to non-residents; license to employees; renewal of license; transfer from one county to another, section 6.....	418, 419
revocation of license; license to be recorded in county clerk's office; duty of secretary of board and clerk county court; license to be displayed; duty of embalmers; penalty for neglect, section 6.....	419, 420
annual report of board to governor, section 10.....	420
STATE FLAG:	
resolution adopting.....	520
STATE GEOLOGICAL AND ECONOMIC SURVEY:	
appropriations for.....	540, 564
STATE HOUSE LABOR FUND:	
appropriations for.....	544, 567
STATE INSTITUTIONS:	
personal and criminal liability of violators of provisions of act prohibiting the expenditure of public moneys and incurring obligations without proper authority, section 4.....	456, 457
act relating to contract by, for fresh meats and bread stuffs to be used at, chapter 71.....	480
act relating to inmates of benevolent, penal or reform, chapter 73	489
auditing and examination of the financial transactions, etc., of public institutions, section 8.....	571
(See "Inmates of certain State Institutions.")	
STATE LIBRARIAN:	
appropriations to pay.....	576, 577
appropriations to pay contingent expenses.....	542, 566
STATE LIBRARY:	
appropriations for.....	539, 562
STATE MILITIA:	
appropriations for.....	541, 564
(See "Military Code.")	
STATE OFFICERS:	
(For list of see "Appendix A.")	

INDEX TO ACTS.

cxii

STATE SUPERINTENDENT OF FREE SCHOOLS :		Page
appropriations to pay salary of.....		576, 577
appropriations to pay contingent expenses.....		542, 565
appropriations to pay clerks and stenographers.....		543, 567
appropriations to purchase books.....		542, 566
appropriations for expenses under section 2, article 12 constitution		542, 566
STATE TREASURER :		
appropriations to pay salary of.....		576, 577
appropriations to pay contingent expenses.....		541, 565
appropriations to pay clerks and stenographer.....		543, 566
STATE TAX COMMISSIONER :		
to report to circuit court and prosecuting attorney any misconduct or neglect of official duty of any assessor, and certain other officers, section 19.....		293
to furnish forms for land and personal property books and lists of taxable property, section 20.....		293
to give instructions to assessor; how, section 20.....		293
duty of, if assessor cannot obtain official books and papers of predecessor, section 22.....		293
returns for taxation of railroads, express companies, car lines, telegraph and telephone lines, pipe lines, etc., to be delivered to, section 84.....		326
may review decision of clerk of county court respecting state licenses; when and how, section 42.....		369
his duty in such cases, section 42.....		370
his duty where person has not paid the full amount of license tax required by law, section 42.....		370
may revoke license awarded, when, section 42.....		370
inspection of licenses by, section 43.....		371
auditor to confer with, as to instructions to clerks of county courts and other officers respecting license taxes, section 50.....		373
duty of, as to such returns, section 91.....		333
duty of, if owner or operator fail to make the return required, section 91.....		333
notice to be given to, in appeals from the assessment and valuation made by the board of public works, section 94.....		335
to furnish assessor with printed form, section 70.....		313
may examine certain applicants for license, section 70, 81.....		377, 380
may examine persons making certain reports, section 82.....		380
to furnish forms and blanks for such licenses to clerks of county court, section 16.....		361
appropriations for office of.....		543, 567
appropriations to pay salary of.....		576, 577
STATIONERY, PRINTING AND BINDING :		
appropriations for.....		541, 565
STEPHENSON, S. B. :		
appropriation to pay.....		579
STERRETT BROTHERS :		
appropriation to pay.....		548
STOCK BROKER :		
license required to practice the business of, section 2.....		352
penalty for acting without license, section 3.....		354
how license obtained; when revoked, sections 11, 34.....		358, 367
assignment of license; for what time granted, sections 37, 39.....		368, 369
inspection of license, and by whom; penalty, section 43.....		370
tax on license to practice the business of, section 95.....		382

	Page
STONE C. C.:	
appropriation to pay.....	550
STORER COLLEGE:	
appropriations for.....	534, 557
STOVES OR RANGES:	
license required of traveling agents, canvassers or salesmen, engaged in the selling of, section 2.....	353
penalty on such persons for acting without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
production of license, section 43.....	370
license tax on agents for, section 115.....	385
STREET CARNIVAL:	
license required to exhibit, or any other carnival or public show, section 2.....	352
exception, section 2.....	352
penalty for exhibiting without license, section 3.....	354
how license obtained, section 11.....	358
certain conditions must be complied with, section 20.....	362
production of license for inspection, when and to whom, section 43.....	370
penalty for failure, section 43.....	370
state tax for every exhibition, section 120.....	386
STUCKEY, D. H.:	
appropriation to pay.....	551
SUITS:	
in any suit wherein the value of real or personal property may come in question, what certified assessment of such property admissible, with other evidence, to ascertain its value, section 115.....	343
SUMMARY COURTS:	
of national guard; oath of members of, and before whom taken, section 76.....	442, 443
jurisdiction of such courts, section 76.....	443
SUMMER RESORTS:	
license at, for what time granted, and how taxed, section 40.....	369
SUNDAY SELLING:	
no license for certain purposes to be granted to person convicted of, section 19.....	362
penalty for selling liquor on Sunday, Section 21.....	362
SUPERNUMERARY OFFICERS:	
of the national guard; provisions relating to, section 35.....	438
SUPREME COURT OF APPEALS:	
act relating to mileage of the judges of, chapter 35.....	501
reports of, to be furnished certain judges.....	511
appropriations to pay assistant clerks of.....	543, 567
appropriations to pay salary and mileage of judges of.....	577, 578
appropriations to pay salary of clerk of.....	577, 578
SUPERINTENDENT OF FREE SCHOOLS, COUNTY:	
auditor to certify to, amount of levies due each district in his county, section 104.....	338

	Page
SURETIES:	
on official bonds, how relieved, chapter 54.....	451
TARIFF:	
resolution relating to.....	510
TARGET PRACTICE:	
pay of enlisted men for attendance at, section 7.....	432
TAVERN OR HOTEL:	
(See "Hotel.")	
TAX COMMISSIONER:	
appropriations for office of.....	543, 567
appropriations to pay salary of.....	576, 577
(See "State Tax Commissioner.")	
TAXES, COUNTY, DISTRICT AND MUNICIPAL:	
appropriations to refund.....	539, 563
TAXES DELINQUENT:	
appropriations to pay cost of certification and publication of sale for	540, 563
TAXES OVERPAID:	
appropriations to refund.....	540, 563.
TAXPAYERS:	
assessor to furnish each taxpayer proper blanks on which his prop-	
erty shall be listed, and when, section 13.....	289
the mailing of such blanks, addressed to the taxpayer at his	
nearest post office, deemed a sufficient compliance, section 13	289
proviso if taxpayer fail to receive such blanks, section 13.....	289
taxpayer to furnish assessor a full and correct description of all	
real and personal property owned in his own right, and the	
true and actual value of each item, section 14.....	289
also, of all real and personal property held, or controlled as	
executor, administrator, guardian, or in any representative	
or fiduciary character, section 14.....	289
form of oath or affirmation to be taken by taxpayer and appended	
to list, section 15.....	290
relief of taxpayer against erroneous assessment of taxes, sections	
18, 129, 130, 131, 132.....	293, 347, 348, 349
penalty on, for failure to list property correctly, section 73.....	315
proceedings against, defaulting taxpayer under assessment act,	
section 73.....	316
effect of judgment against such taxpayer, section 73.....	316
relief against taxes erroneously paid by, sections 129, 130, 131, 132	347 to 349
notice of assessors meeting to be given by publication, section 18..	292
to be furnished with printed forms by assessor, section 70.....	313
list to be delivered to assessor or clerks within 10 days, section 71	313
may refuse to value property, in which case assessor to value	
same, section 72.....	314
improper or erroneous list of, may be corrected by assessor, sec-	
tion 74.....	317
not required to list household and kitchen furniture by items,	
section 75.....	317
TAXES:	
<i>Rate of tax.</i>	
on real and personal property, for state and state school purposes,	
sections 61, 62.....	375

TAXES—Continued.

	Page
on capitations, section 63.....	376
<i>License Tax.</i>	
on hotels, taverns, eating houses, restaurants, section 64.....	376
on distilleries and breweries, sections 65, 66.....	396
on wholesale and retail liquor, etc., dealers, section 87.....	381
to furnish intoxicating drinks, etc., at a public theater, section 93..	381
for distilling and selling apple and peach brandy, section 94.....	381
on stock and other brokers, section 95.....	382
to sell at retail tobacco, cigars, cigarettes, cigarette paper, etc., section 96.....	382
to sell patent rights, section 113.....	384
on druggists, section 97.....	382
on bowling alleys, section 98.....	382
on billiard tables, pool tables, etc., section 99.....	382
on junk dealers, section 100.....	383
to sell trading stamps, premium stamps, or stamps or certificates of like nature, section 101.....	383
to maintain or occupy a house-boat, or like structure or vessel, sec- tion 102.....	383
to maintain a slot machine or other automatic device, which is not a gambling device, section 103.....	383
on merry-go-round, roller coaster, scenic railway or like device, section 105.....	383
to sell revolvers, pistols, dirks, slung-shots, billies, bowie-knives, false knuckles, etc., section 106.....	383
on money brokers or private bankers, section 107.....	383
on bagatelle tables or tables of like kind, section 108.....	383
on roller skating rinks, section 109.....	384
provision respecting public watering places, section 110.....	384
on auctioneers, section 111.....	384
on pawnbrokers, section 112.....	384
on assignment of license, section 91.....	381
on turf or baseball exchange, section 92.....	381
on real estate agents, section 95.....	382
on automobiles, section 104.....	383
on collecting agency, section 113.....	384
on hawkers and pedlers, section 114.....	385
on sewing machine agents, section 115.....	385
on lightning rods, section 115.....	385
on musical instruments, section 115.....	385
on shooting galleries, section 116.....	385
on theaters, etc., section 117.....	385
on circus, etc., section 120.....	386
on state seal, section 122.....	387
on holding more than ten thousand acres of land, section 123.....	387
on resident corporations, section 126.....	388
on non-resident corporations, section 128.....	390
on real estate and personal property, sections 61, 62.....	375
on retail license, section 87.....	381
on wholesale license, section 88.....	381
on capitation, section 63.....	376
collection of back taxes for period of five years authorized; suits to enforce, section 42.....	370
time in which sheriffs whose terms expired on the 31st day of De- cember, 1896 and 1900, respectively, may make distraint for taxes not returned delinquent, extended until December 31, 1905, section 62.....	464
collection of such tax where person has removed from the county, section 1.....	465

INDEX TO ACTS.

CXV

TAXES—Continued.	Page
such taxes may also be collected by suit, etc.; power of personal representative or assignee of such sheriff to collect, section 2, time in which sheriffs whose terms expired on 31st day of December, 1904, may make distraint for taxes not returned delinquent, extended until the 31st day of December, 1909, chapter 63.....	465
collection of such tax where person has removed from the county..	466
(See "Assessment of Taxes.")	
TEACHERS:	
relating to salaries of, chapter 69.....	478
meeting of board of education to determine number and fix salaries of teachers, section 6.....	478
minimum salary for each grade, section 6.....	478
trustees not to change salary fixed by the board, section 6.....	478
quorum of the board, who to act in absence of president; when only to transact official business; exception; compensation of board, section 6.....	479
TELEGRAPH LINES:	
assessment of, for taxation, sections 84, 89.....	326 to 332
a return in writing to be made to board of public works; when; by whom; to whom delivered; for what period, section 84...	326
such return by whom signed and sworn to, section 84.....	326
what such return must show, section 89.....	332
other and further information may be required by such board, section 89.....	332
what must be conformed to in making such return, section 90.....	333
penalty for failing to make the return required, section 90.....	333
other provisions relating to the assessment and taxation of, and the payment of taxes by, sections 91 to 107.....	333 to 339
when taxes assessed on, to be paid into state treasury; <i>per cent</i> , added for failure, section 100.....	337
(See "Assessment of Taxes.")	
TELEPHONE LINES:	
assessment of, for taxation, sections 84, 89.....	326 to 332
a return in writing to be made to board of public works, when; by whom; to whom delivered; for what period, section 84...	326
such return by whom signed and sworn to, section 84.....	326
what such return must show, section 89.....	332
board of public works may require further information, section 89	332
what must be conformed to in making such return, section 90.....	333
penalty for failing to make the return required, section 90.....	333
when taxes assessed on, to be paid into state treasury; <i>per cent</i> , added for failure, section 100.....	337
other provisions relating to the assessment and taxation of, and the payment of taxes by, sections 91 to 107.....	333 to 339
(See "Assessment of Taxes.")	
TENANTS:	
unlawful sale of intoxicating liquors by, to forfeit lease, section 27	364
TENEMENT HOUSE:	
of three or more stories high, required to have fire escapes, chapter 76	492
(See "Fire Escapes.")	

	Page
TERMS OF COURT:	
(for commencement of terms of circuit and other courts, see "Appendix A.")	
THEATERS, PUBLIC:	
state license required to furnish intoxicating drinks or refreshments at, section 1.....	352
state license also required for theatrical performances at, section 2.....	352
penalty for failure to obtain license, section 3.....	354
how license obtained to furnish drinks or refreshments at, sections 10, 11.....	357, 358
what required in such cases, section 20.....	362
penalties and liabilities for illegal sales under license to furnish drinks or refreshments at, section 21.....	362
bond required; penalty and conditions, section 28.....	364
when such license may be revoked, section 34.....	367
THOMPSON, D. G.:	
appropriation to pay.....	575
TIMBER AND MINERALS:	
how assessed for taxation, section 39.....	298
TOBACCO, MANUFACTURED:	
license required to sell, section 2.....	353
also for sale of any other preparation of, section 2.....	353
penalty for failure to obtain license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time granted, sections 37, 39.....	368, 369
posting of license; penalty for failure, section 43.....	370
tax on license to sell at retail, section 96.....	382
giving away of cigarette paper, etc., deemed sale of, section 96.....	382
TOLL BRIDGES AND FERRIES:	
how value of, for purpose of taxation to be ascertained, section 76.....	317
provisions relating to railroad bridge upon which a separate toll or fare is charged, sections 84, 86.....	326, 329
TOWN LOTS:	
how entered and described by assessor for taxation, sections 48, 51.....	304
TRADING STAMPS:	
license required for persons selling or offering for sale, or stamps or certificates of like nature, section 2.....	353
penalty for selling or offering, without license, section 3.....	354
how license obtained; when revoked, sections 1, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39.....	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax on license to sell, section 101.....	383
TRANSFERS:	
of land on land books, and when, section 26.....	295
TRANSIENT PERSONS:	
who offer or furnish for sale at auction or otherwise goods or merchandise, not assessed for taxation, how assessed, section 82..	324
duty of assessor, section 82.....	324
penalty, section 82.....	324
TREASURY, ERRONEOUS PAYMENTS INTO:	
appropriations to refund.....	539, 563

TRIBUNE PRINTING COMPANY:		Page
appropriation to pay.....		548
TRUSLOW, WILLIAM:		
appropriation to pay.....		548
TRUST COMPANY:		
not required to obtain license as broker or private banker, section 4 share in, the capital of which is not assessed under section 78, by whom listed for taxation, section 55.....		355 306
how assessed for taxation and taxes paid, section 79.....		320
liability in default of payment, section 79.....		320
list of what moneys cashiers of, required to furnish assessor, section 83		328
subject to the provisions of the state banking law.....		421 to 426
TRUSTEE:		
not required to have license to sell trust property, section 4.....		355
TRUSTEE OF INSOLVENT DEBTOR:		
must qualify and give bond before the clerk of the county court, before he shall have the authority of such trustee, chapter 55.		454
if such trustee falls or refuses to give such bond, the county court shall appoint a trustee upon the application of any person interested		455
oath of such trustee		455
provisions for appraisers		456
such trustee required to settle his accounts before a commission- er of accounts.....		456
in vacation of court, the clerk may act in the matter of appoint- ment of trustee, appraisers, etc., section 2.....		456
TRUST PROPERTY:		
by whom listed for taxation, section 55.....		306
TURF EXCHANGE:		
license required to carry on business of, section 1.....		352
penalty for acting without license, section 3.....		354
how license obtained, sections 10, 11.....		357, 358
when the business is to be carried on in an incorporated city, etc., section 14.....		360
clerk county court to issue certificate of license, section 16.....		361
certificate to constitute license, when, section 16.....		361
how clerk of county court may obtain such license, section 17....		361
evidence of character required, section 19.....		362
certain conditions required, section 20.....		362
revocation of license, section 34.....		367
place to which license confined, section 35.....		367
transfer of license, sections 36, 37.....		367, 368
how transfer made; fee therefor, section 37.....		368
fees of clerk for alteration or assignment of license, section 38....		369
time for which license is granted, section 39.....		369
production of license, section 43.....		370
clerk's list of licenses; duty of licensee, section 45.....		372
collection of tax, sections 52, 53.....		373
license tax on, section 92.....		381
TYLER COUNTY HIGH SCHOOL:		
act establishing		270 to 271
board of directors, of whom to consist; term of members of board, section 1		270

TYLER COUNTY HIGH SCHOOL—Continued.		Page
duties of board, section 2.....		270
board made a body corporate; powers and liabilities of, section 3.....		270
levy for maintenance of school, section 4.....		271
admission to school, section 5.....		271
levies to be collected and disbursed by sheriff, section 6.....		271
compensation of members of board, section 7.....		271
election for ratification of act, section 8.....		271
 UNDERWOOD TYPEWRITER COMPANY:		
appropriation to pay.....		549
 UNIFORM EXAMINATIONS:		
of teachers: appropriations for.....		358, 561
 UNIFORMS, ARMS AND EQUIPMENTS:		
responsibility of enlisted men for, issued to them, section 7.....		432
for military forces of the state, regulations respecting, section 40.....		439
responsibility of officers for military property, section 41.....		439
penalty on any officer for refusal or neglect to properly account for such property, section 4.....		439
unlawful conversion of such property, penalty, section 42.....		439, 440
unlawful wearing of uniforms and devices indicating rank, without proper authority, penalty, section 43.....		440
 UNIVERSITY:		
appropriations for		530, 554
 UNION SOLDIERS:		
permission given to certain organizations to erect a monument in the capitol grounds to the memory of, of the civil war.....		522
 VACCINATION:		
county court to direct and enforce, in case of smallpox epidemic..		458
petition of one hundred voters requisite to such action by county court		458
may be enforced in the county and in any city, town or village therein		458
penalty for refusing to be vaccinated.....		458
such person to be quarantined.....		458
in case of epidemic, no child shall be received into public schools who cannot produce certificate of, etc.,.....		458
duty of trustees and other school officers.....		459
physicians to be appointed; their duties and compensation.....		459
penalty on physician for giving false certificates.....		459
expenses to be paid by the county.....		459
provision as to person having smallpox who goes into another county within three months of said time.....		459
penalty for violations of act.....		459
act to apply in a county only after the county court thereof has passed an order adopting it.....		459
 VACCINE AGENTS:		
appropriations for		538, 561
 VAN VLECK, E. E.:		
appropriation to pay.....		551
 VINES:		
agents for, to be licensed, chapter 61.....		462
(See "Fruit trees, vines and shrubbery.")		

VIRGINIA DEBT:	Page
resolution relating to	511
VOTERS, REGISTRATION OF:	
assessor to be called officer of registration; his duty to make true list of every qualified voter in each precinct, in alphabetical order; to be allowed two cents for each name entered, section 91	411
list of each precinct and what it shall contain, section 92.....	411
duty of clerk of county court to furnish assessor with books and blanks; to furnish certified copy of the list for each voting precinct, section 93.....	412
challengers of election to be appointed by county court, how.....	412
challengers to be paid same as commissioners of election.....	412
duty of clerk to make certain authorized additions to registration list	412
how voters may be registered, section 94.....	413
oath to be taken and questions to be answered before registering, section 95	413, 414
persons refusing to answer questions or to make oath not to be listed; how afterward listed and permitted to vote, section 96	414
what constitutes evidence; rules as to residence, etc., section 97...	415
penalties for violating registration laws, section 98.....	415
penalty for receiving bribe in an election; also for asking or soliciting money from a candidate, section 100.....	416
voter to be disfranchised, when, section 100.....	416
duty of judge to give instructions concerning elections in charge to grand jury, section 99.....	416
WALLACE, JOHN:	
appropriation to pay.....	547
WATERING PLACES, PUBLIC:	
license for selling spirituous liquors at; for keeping billiard tables, or bowling alleys at; for what time granted, and how taxed, section 40.....	369
WEAPONS:	
license required to sell certain, section 2.....	352
penalty for selling such weapons without license, section 3.....	354
how license obtained; when revoked, sections 11, 34.....	358, 367
assignment of license; for what time license granted, sections 37, 39	368, 369
inspection of license, and by whom; penalty, section 43.....	370
tax to sell, section 106.....	383
WEST LIBERTY NORMAL SCHOOL:	
appropriations for.....	529, 552
WESTON HOSPITAL FOR THE INSANE:	
appropriations for	534, 559
WEST VIRGINIA ASYLUM:	
acts relating to, amended, chapter 66.....	471
board of directors, corporate name, section 2.....	471
what class of persons admitted, section 8.....	472
governor may transfer patients, section 8.....	472
provision for each county to have its <i>pro rata</i> number of patients, section 8.....	472
provision as to admission of insane, section 8.....	472
how persons committed to, section 10.....	473
appropriations for	535, 558

	Page
WEST VIRGINIA COLORED INSTITUTE:	
appropriations for	532, 556
WEST VIRGINIA COLORED ORPHANS' HOME:	
appropriations for	534, 557
WEST VIRGINIA HEATING AND PLUMBING COMPANY:	
appropriation to pay.....	548
WEST VIRGINIA HUMANE SOCIETY	
appropriations for	540, 564
WEST VIRGINIA INDUSTRIAL HOME FOR GIRLS:	
appropriations for	535, 558
WEST VIRGINIA PARDON BOARD:	
appropriation for.....	540
WEST VIRGINIA PREPARATORY SCHOOL AT KEYSER:	
appropriations for	532, 555
WEST VIRGINIA PREPARATORY SCHOOL AT MONTGOMERY:	
appropriations for	531, 555
WEST VIRGINIA REFORM SCHOOL:	
acts relating to, amended, chapter 68.....	475
board of directors, how and by whom and for what time appointed, section 22.....	476
what persons may be committed; how and for what; notice to su- perintendent, sections 6, 7.....	476, 477
county court to pay fifty dollars per year for each person received, section 17.....	477
when and how county may be reimbursed, section 17.....	477
appropriations for	534, 558
WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND:	
appropriations for	530, 554
WEST VIRGINIA UNIVERSITY:	
appropriations for	530, 554
WETZEL, C. M.:	
appropriation to pay	547
WHEELING INTELLIGENCER:	
appropriation to pay.....	549
WHEELING, SCHOOL DISTRICT OF:	
relating to compulsory attendance.....	272 to 275
children between ages of seven and fourteen required to attend school, section 32.....	272
penalty for violation, section 32.....	272
attendance officer; his duty, section 32.....	272
duty of principal and teachers, section 32.....	274
penalty on school officers for failure to make reports, section 32...	274
act in effect September 1, 1905, section 32.....	275
WHISKY:	
(See "Intoxicating Liquors.")	

WHOLESALE DEALER :	Page
tax on, to sell at wholesale spirituous liquors, wine, porter, beer or ale, etc., other than brewed liquors, section 88.....	381
not to sell less than five gallons at a time, section 90.....	381
tax on, to sell at wholesale porter, ale, beer, etc., other than spirituous or distilled liquors, section 77.....	379
other provisions relating to, sections 78 to 86.....	379 to 381
tax on license to sell certain weapons, section 106.....	383

WILLIAMSON, CITY OF :	
act incorporating.....	189 to 206
corporate name, rights and powers, section 1.....	189
corporate limits and boundaries defined, section 2.....	189
wards, section 3.....	190
municipal authorities, section 4.....	191
council to exercise corporate powers, section 5.....	191
appointive officers, section 6.....	191
eligibility of officers, section 7.....	191
powers, duties and compensation of officers, section 8.....	191
vacancies in office to be filled by council, section 9.....	192
voters, qualifications of, section 10.....	192
elections, how held and conducted, section 11.....	192
officers, qualifications of, section 12.....	193
appointive officers, powers and duties of, section 13.....	193
removal of officers, section 14.....	193
meetings of council, section 15.....	193
vote of members of council, section 16.....	194
bond required of certain officers, section 17.....	194
records of proceedings of council, section 18.....	194
general powers of council, section 19.....	195
ordinances to enforce powers, section 20.....	197
annual estimate upon which to base levy, section 21.....	198
annual levy, section 22.....	198
taxes, fines, etc., to be paid into treasury; how paid out; annual statement to be published, section 23.....	198
liquor license, to be controlled by council, section 24.....	199
no liquor license granted without consent of the county court, section 24.....	199
how licenses revoked, section 25.....	199
other licenses, section 26.....	200
sidewalks, street paving, etc., section 27.....	200
liens for taxes, assessments, etc., section 28.....	201
city collector, duties of, section 29.....	201
city assessor, duties of, section 30.....	202
exemption from district poor and road levies, section 31.....	203
mayor, powers and duties of, section 32.....	203
recorder, powers and duties of, section 33.....	204
city attorney, duties of, section 34.....	204
city treasurer, duties of, section 35.....	204
chief of police and special police, duties of, section 36.....	205
condemnation of lands, section 37.....	205
inconsistent acts repealed, section 38.....	205
rights and liabilities of city, section 39.....	206
present ordinances to remain in force until repealed, section 40...	206

WILLIAMSON, INDEPENDENT SCHOOL DISTRICT OF :	
act creating.....	275 to 283
boundary lines defined, section 1.....	275
election of commissioners, section 2.....	276
vacancy in office of commissioner to be filled by board, section 3..	276

	Page
WILLIAMSON, INDEPENDENT SCHOOL DISTRICT OF—Continued.	
president and secretary; appointment and duties of; vote of president, section 4.....	276
further duties of secretary; his compensation, section 5.....	277
meetings of board; quorum; compensation, section 6.....	277
board made a corporation, powers and liabilities, section 7.....	277
board to control schools; make rules; regulate admission of pupils, section 8.....	277
text books, section 8.....	278
board may establish other schools; compel attendance; regulate admission to high school, section 9.....	278
admission to the various schools, section 10.....	278
schools for colored children, section 11.....	278
how sheriff to disburse district fund, section 12.....	278
settlement with sheriff; his commission, section 13.....	279
sheriff to furnish statement of receipts and disbursements, section 14.....	279
penalty on sheriff for failure; duty of secretary, section 15.....	279
superintendent; appointment, salary, removal and duties of, section 16.....	279
examining committee; duties of; meetings of; compensation of, section 17.....	280
teachers; how removed, section 18.....	280
teachers; how appointed; their salaries, section 19.....	280
further duties of the board; levy authorized, section 20.....	281
additional levy authorized, section 21.....	281
how levy collected; expenses limited, section 22.....	281
penalty for injury to school property, section 23.....	282
parent or guardian liable for injury done school property by minor, section 24.....	282
election for ratification of this act; ballots; notice of election, section 25.....	282
first election after ratification; how held, section 25.....	282
inconsistent acts repealed, section 26.....	283
WINFIELD, SCHOOL DISTRICT OF:	
bond issue authorized.....	283, 284
to erect school building, section 1.....	283
indebtedness limited, section 2.....	283
annual tax provided for, section 2.....	283
proposed debt first to be submitted to vote, section 2.....	284
notice of election, majority required, section 2.....	284
WINE OR PORTER:	
(See "Ale.")	
WIRT COUNTY:	
authorized to donate Little Kanawha navigation company stock to U. S. government, chapter 60.....	460
WISE, GEORGE:	
appropriation to pay.....	550
WOOD COUNTY:	
authorized to donate Little Kanawha navigation company stock to U. S. government, chapter 60.....	460
WOOD COUNTY BANK:	
appropriation to pay.....	547

	Page
WOOD COUNTY CRIMINAL COURT:	
act changing the time for holding the terms of, chapter 80.....	496
WOODS, LEO:	
appropriation to pay.....	550
WORKHOUSE:	
county and city may erect and maintain joint workhouse; to be ratified by voters, chapter 72.....	481
aggregate indebtedness of such county or city not to exceed five per cent. of the assessed valuation of real estate therein, section 1.....	481
management of such workhouse to be in the hands of a joint board, section 2.....	482
how the directors thereof appointed, section 3.....	482
election of president and other officers, section 4.....	482
contracts by such board, section 5.....	482
superintendent and other officers; their duties and compensation, section 6.....	482
power of board as to government and control of workhouse, section 7	482
records to be kept, section 8.....	483
quarterly statements to be made by board, section 9.....	483
accounts to be closed and reports made; publication of such reports, section 10.....	483
duties and responsibilities of the superintendent, sections 11 and 12	483
deputy superintendent, section 13.....	484
how and for what, officers may be removed, section 14.....	484
costs of such workhouse, how borne, section 15.....	484
persons over sixteen years of age, convicted of certain offences to be committed to, section 16.....	485
who received into such workhouse, section 17.....	485
persons from other counties may be received, section 18.....	485
when convict from another county is sentenced to such workhouse; procedure and costs; duty of officers where convict tried, section 19.....	486
duty of clerk of court when person is sentenced to, section 20.....	486
when person committed for non-payment of fine and costs; what to be done with the money if convict pays same, section 21..	487
power of board to improve buildings, shops, etc., from surplus, section 22.....	487
officer's fees; how paid, section 23.....	488
prisoners may be paroled; conditions, section 24.....	488
WORKSHOP:	
act relating to employment of children in.....	491