

## ERRATA.

On page 53, section 10, line 6, the word "defensible" should read "indefensible."  
On page 90, line 16 from top, "section eleven" should read "section ten."

ACTS  
OF THE  
LEGISLATURE  
OF  
WEST VIRGINIA

---

THIRTIETH REGULAR SESSION  
1911.

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UNION PUBLISHING COMPANY,  
Charleston, W. Va.



# List of Members and Officers of the Legislature of West Virginia.

REGULAR SESSION, 1911.

## SENATE

President—H. D. HATFIELD, Eckman.  
 Clerk—JOHN T. HARRIS, Parkersburg.  
 Chief Assistant—HOMER GRAY, Wheeling.  
 Sergeant-at-Arms—JAMES R. MEHEN, Parkersburg.  
 Door-Keeper—W. C. THURMAN, Beckley.

District.	Name.	Postoffice.
First.....	*Julian G. Hearne (R.)..... Henry Zilliken (D.).....	Wheeling, Ohio County. Wellsburg, Brooke County.
Second.....	*G. B. Stemaker (D.)..... W. C. Grimes (R.).....	Sistersville, Tyler County. Cameron, Marshall County.
Third.....	*W. G. Peterkin (D.)..... C. P. Craig (R.).....	Parkersburg, Wood County. St. Marys, Pleasants County.
Fourth.....	*B. A. Smith (R.)..... J. O. Shinn (R.).....	Vicars, Roane County. Point Pleasant, Mason County.
Fifth.....	*R. A. Salmons (D.)..... D. B. Smith (R.).....	Winfield, Putnam County. Huntington, Cabell County.
Sixth.....	*M. Z. White (R.)..... H. D. Hatfield (R.).....	Williamson, Mingo County. Eckman, McDowell County.
Seventh.....	*D. E. French (D.)..... Joe L. Smith (D.).....	Bluefield, Mercer County. Beckley, Raleigh County.
Eighth.....	*William A. MacCorkle (D.)..... E. T. England (R.).....	Charleston, Kanawha County. Logan, Logan County.
Ninth.....	*John A. Preston (D.)..... W. S. Johnson (R.).....	Lewisburg, Greenbrier County. Mt. Hope, Fayette County.
Tenth.....	*R. F. Kidd (D.)..... Jake Fisher (D.).....	Glenville, Gilmer County. Sutton, Braxton County.
Eleventh.....	*A. Hood Phillips (D.)..... W. S. Meredith (R.).....	Grafton, Taylor County. Fairmont, Marion County.
Twelfth.....	*George W. Bland (D.)..... Charles G. Coffman (R.).....	West Union, Doddridge County. Clarksburg, Harrison County.
Thirteenth.....	*Samuel V. Woods (D.)..... Howard Sutherland (R.).....	Philippi, Barbour County. Elkins, Randolph County.
Fourteenth.....	*O. A. Hood (R.)..... J. W. Flynn (R.).....	Koeyer, Mineral County. Kingwood, Preston County.
Fifteenth.....	*Gray Silver (D.)..... A. C. McIntire (D.).....	Inwood, Berkeley County. Berkeley Springs, Morgan County.

R..... Republican.  
 D..... Democrat.  
 \*Hold-over Senators.

## Standing Committees of the Senate

---

### ON PRIVILEGES AND ELECTIONS.

Messrs. Coffman (*Chairman*), Hood, Flynn, Johnson, Meredith, Zilliken, Peterkin, Smith (Raleigh), Preston, Woods.

### ON JUDICIARY.

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### ON EDUCATION.

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### ON BANKS AND CORPORATIONS.

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## ON MILITIA.

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## ON MEDICINE AND SANITATION.

Messrs. Smith (Roane) (*Chairman*), Shinn, England, Sutherland, Hood, Silver, Zilliken, Salmons, Slemaker, McIntire.

## ON LABOR.

Messrs. Preston (*Chairman*), Kidd, Phillips, Smith (Raleigh), McIntire, Grimes, Smith (Cabell), Coffman, Sutherland, White.

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 Clerk—M. M. NEELY, Fairmont.  
 Chief Assistant—WILL A. STRICKLER, Ellenboro.  
 Sergeant-at-Arms—E. L. WOOD, Charleston.  
 Door-Keeper—JAMES H. LEMON, Beckley.

The figure preceding the name of the county indicates the number of delegates the county is entitled to.

County.	Name	Postoffice	Occupation
1. Barbour....	W. T. Ice (D.).....	Philippi.....	Lawyer.
2. Berkeley....	C. M. Seibert (D.).....	Martinsburg.....	Lawyer.
	J. W. Sprow (D.).....	Martinsburg.....	Farmer.
1. Boone.....	B. M. Hager (D.).....	Hewett.....	Farmer.
2. Braxton ...	F. H. Kidd (D.).....	Burnsville.....	Traveling Salesman
	L. J. Shock (D.).....	Falls Mills.....	Farmer.
1. Brooke.....	D. F. Henry (R.).....	Wellsburg.....	Merchant.
3. Cabell.....	C. W. Campbell (D.).....	Huntington.....	Lawyer.
	P. C. Buffington (D.).....	Huntington.....	Insurance Agent.
	S. J. Kane (D.).....	Milton.....	Retired.
1. Calhoun....	G. Warren Hays (D.).....	Arnoldsburg.....	Lawyer.
1. Clay.....	A. J. Tugh (D.).....	Odessa.....	Teacher.
1. Doddridge .	Joseph L. Walton (D.).....	New Milton.....	Lawyer.
3. Fayette....	H. C. Skaggs (I. R.).....	Kaymoor.....	Physician.
	John Nuttall (I. R.).....	Nuttallburg.....	Land Agent.
	Richmond Morton (I. R.).....	Macdonald.....	Mine Foreman.
1. Gilmer.....	C. W. Marsh (D.).....	Glenville.....	Editor.
1. Grant.....	Geo. S. VanMeter (R.).....	Corner.....	Farmer.
2. Greenbrier .	E. D. Smoot (D.).....	Smoot.....	Farmer.
	John Dice (D.).....	Lewisburg.....	Insurance Agent.
1. Hampshire..	H. B. Gilkeson (D.).....	Romney.....	Lawyer.
1. Hancock....	John Porter (R.).....	Congo.....	Manufacturer.
1. Hardy.....	G. W. McCauley (D.).....	Moorefield.....	Lawyer.
2. Harrison....	James W. Robinson (D.).....	Clarksburg.....	Lawyer.
	Jesse D. Kennedy (D.).....	Lost Creek.....	Farmer.
2. Jackson....	Warren Miller (R.).....	Ripley.....	Lawyer.
	H. W. Huey (R.).....	Ravenswood.....	Farmer.
1. Jefferson....	C. M. Wetzel (D.).....	Charles Town.....	Lawyer.
5. Kanawha...-	R. M. Hudnall (D.).....	Cedar Grove.....	Physician.
	A. M. Belcher (D.).....	Charleston.....	Lawyer.
	F. N. Carr (D.).....	Charleston.....	Lawyer.
	Peter Carroll (D.).....	Charleston.....	Lumberman.
	Henry D. Currie (D.).....	Clendenin.....	Oil & Gas Contractor
1. Lewis.....	E. A. Brannon (D.).....	Weston.....	Lawyer.
1. Lincoln....	M. D. Goode (D.).....	Griffithsville.....	Farmer.
1. Logan.....	R. E. Vickers (D.).....	Chapmansville.....	Farmer.
3. Marion....	W. B. Ice, Jr. (D.).....	Barrackville.....	Stone Contractor.
	C. L. Shaver (D.).....	Fairmont.....	Lawyer.
	E. L. Thomas (D.).....	Mannington.....	Farmer.



2. Marshall	Everett F. Moore (R.) C. A. Barlow (R.)	Moundsville Benwood	Lawyer. Physician
2. Mason	C. S. P. Edwards (D.) A. A. Parsons (D.)	Mason City Leon	Traveling Salesman Traveling Salesman
2. Mercer	B. W. Pendleton (D.) F. M. Steele (R.)	Princeton Elgood	Lawyer. Physician.
1. Mineral	James C. Liller (R.)	Keyser	Contractor.
1. Mingo	Wells Goodykoontz (R.)	Williamson	Lawyer.
2. Monongalia	David H. Courtney (R.) Simon L. Wildman (R.)	Morgantown Morgantown	Physician. Farmer.
1. Monroe	Clarence Symms (D.)	Peterstown	Farmer.
1. Morgan	V. E. Johnson (R.)	Berkeley Springs	Banker.
2. McDowell	James A. Strother (R.) G. T. Epling (R.)	Welch Keystone	Lawyer. Dentist.
1. Nicholas	F. N. Alderson (D.)	Richwood	Lawyer.
4. Ohio	Harry Hubbard (D.) N. C. Hubbard (D.) C. G. Whitham (D.) Thos. L. Padden (D.)	Wheeling Wheeling Wheeling Wheeling	Physician. Lawyer. Farmer. Streetcar Conductor
1. Pendleton	John D. Keister (D.)	Brandywine	Farmer.
1. Pleasants	Robert L. Pemberton (D.)	St. Marys	Editor.
1. Pocahontas	John A. McLaughlin (D.)	Marlinton	Traveling Salesman
2. Preston	S. L. Cobun (R.) E. S. Felton (R.)	Masontown Whetsell	Banker. Farmer.
1. Putnam	B. F. Morris (D.)	Winfield	Farmer.
1. Raleigh	G. W. Williams (D.)	Beckley	Lawyer.
1. Randolph	John T. Davis (D.)	Elkins	Capitalist.
2. Ritchie	J. C. Lacy (D.) Newton Law (R.)	Ellenboro Cairo	Traveling Salesman Farmer.
2. Roane	W. W. Ogden (D.) H. D. Wells (D.)	Newton Spencer	Farmer. Furniture Dealer.
1. Summers	A. P. Pence (D.)	Pence Springs	Farmer.
1. Taylor	Thos. P. Kenny (D.)	Grafton	Machinist.
1. Tucker	R. J. Clifford (D.)	Hambleton	Lumberman.
2. Tyler	W. R. McIntyre (D.) A. A. Meredith (D.)	Alvy Sistersville	Farmer. Dentist.
1. Upshur	H. F. Ours (R.)	Buckhannon	Business man.
2. Wayne	W. W. Marcum (D.) F. N. Terrell (D.)	Ceredo Wayne	Lawyer. Railroader.
1. Webster	W. S. Wyaong (D.)	Webster Springs	Lawyer.
2. Wetzel	Septimius Hall (D.) J. F. Throckmorton (D.)	New Martinsville Hundred	Retired. Lawyer.
1. Wirt	W. T. Owens (D.)	Ivan	Lumber Operator.
3. Wood	J. E. Carle (D.) J. K. Jolly (R.) L. H. Jeffers (D.)	Parkersburg Parkersburg Mineral Wells	Farmer. Farmer. Farmer.
1. Wyoming	H. W. Sanders (D.)	Oceana	Farmer.
	Democrats		63
	Republicans		23
	Democratic Majority		40

## Standing Committees of the House of Delegates

### ON PRIVILEGES AND ELECTIONS.

Messrs. Robinson (*Chairman*), Brannon, Buffington, Dice, Hager, Shaver, Williams, Barlow, Moore, Ours, Strother and VanMeter.

### ON FEDERAL RELATIONS.

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### ON JUDICIARY.

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### ON EDUCATION.

Messrs. Edwards (*Chairman*), Carr, Dice, Ice (W. T.), Hubbard (Dr.), Kenny, Kidd, McIntire, Owens, Pugh, Shock, Throckmorton, Ours, Steele, VanMeter and Morton.

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## ON ROADS AND INTERNAL NAVIGATION.

Messrs. Ice (W. B.) (*Chairman*), Carroll, Dice, Carle, Edwards, Kane, Whitham, Morris, McIntire, Parsons, Shock, Symns, Sperow, Felton, Ours, Wildman and Huey.

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Messrs. Carroll (*Chairman*), Shaver, Davis, Clifford, Sperow, Kidd, Carr Terrill, McLaughlin, Hays, Strother, Moore, Goodykoontz and Courtney.

## ON LABOR.

Messrs. Padden (*Chairman*), Brannon, Davis, Hager, Hudnall, Kane, Perry, Meredith, Sanders, Williams, Felton, Liller, Steele and Huey.

## ON MEDICINE AND SANITATION.

Messrs. Shaver (*Chairman*), Williams, Marsh, Meredith, Owens, Seibert, Smoot, Sperow, Terrill, Epling, Barlow, Skaggs and Morton.

## ON GAME AND FISH.

Messrs. Dice (*Chairman*), Carle, Buffington, Hall, Kennedy, Henry, Morris, Davis, Shock, Sperow, Law, Felton, Nuttall and VanMeter.

## ON INSURANCE.

Messrs. Hubbard (Dr.) (*Chairman*), Goode, McLaughlin, Meredith, Morris, McCauley, Kidd, Robinson, Seibert, Wells, Courtney, Johnson, Barlow and Jolly.

## ON RULES.

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## JOINT COMMITTEE ON ENROLLED BILLS.

Messrs. Williams (*Chairman*), Pemberton, Edwards, Throckmorton and Johnson.



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# ACTS OF 1911

(House Bill No. 348.)

## CHAPTER 1.

AN ACT making appropriations of public money for salaries of the officers of the government, in pursuance of the forty-second section of the sixth article of the constitution.

[Passed February 24, 1911. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Appropriations for fiscal years ending September 30, 1911, and September 30, 1912.  
Salaries of governor and other state officers, adjutant general, state librarian and tax commissioner.  
Salaries of judges of supreme court and circuit judges.  
Salaries of keeper of the rolls, janitors, commissioner of banking,

SEC.

- department of mines, bureau of labor, forestry, game and fish warden, board of control and state board of regents.
2. When fiscal years begin and end.
3. Auditor authorized and directed to issue warrants upon the treasurer; provisions for 1912.

*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 eleven, and September thirtieth, one thousand nine hundred and twelve, respectively, the following sums of money to pay the salaries of the officers of the government:

### *Executive Department.*

	1911	1912
To pay the salary of the governor.....	\$5,000.00	\$5,000.00
To pay the salary of the auditor.....	4,500.00	4,500.00
To pay the salary of the treasurer.....	2,500.00	2,500.00
To pay the salary of the attorney general..	4,000.00	4,000.00
To pay the salary of the superintendent of free schools .....	3,000.00	3,000.00
To pay the salary of the secretary of state.	4,000.00	4,000.00
To pay the salary of the adjutant general..	3,600.00	3,600.00
To pay the salary of the state librarian...	1,200.00	1,200.00
To pay the salary of the state tax commis- sioner ... ..	4,000.00	4,000.00

*Judicial Department.*

	1911	1912
To pay the salaries of the judges of the supreme court .....	\$27,500.00	27,500.00
To pay the salaries of the judges of the circuit court .....	69,300.00	69,300.00

*Keeper of Rolls.*

To pay the salary of the keeper of the rolls	300.00	300.00
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*Janitors.*

To pay the salary of the janitor.....	1,500.00	1,500.00
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*Commissioner of Banking.*

To pay the salary of the commissioner of banking ... ..	2,500.00	2,500.00
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*Department of Mines.*

To pay the salary of the chief of the department of mines.....	3,000.00	3,000.00
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*Bureau of Labor.*

To pay the salary of the commissioner of labor ... ..	1,800.00	1,800.00
To pay the salary of forestry, game and fish warden .....	1,800.00	1,800.00

*Board of Control.*

To pay the salaries of the members of the state board of control.....	15,000.00	15,000.00
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*State Board of Regents.*

To pay the salaries of four members thereof ... ..	4,000.00	4,000.00
Sec. 2. When the year one thousand nine hundred and eleven		

is used in this bill it shall be deemed to mean the fiscal year beginning October first, one thousand nine hundred and ten and ending September thirtieth, one thousand nine hundred and eleven; and whenever the year one thousand nine hundred and twelve is used in this bill it shall be deemed to mean the fiscal year beginning October first, one thousand nine hundred and eleven and ending September thirtieth, one thousand nine hundred and twelve.

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 the creditor by name, and no money shall be drawn from the treasury for the purpose herein named during the fiscal years one thousand nine hundred and eleven and one thousand nine hundred and twelve, respectively, beyond the amount hereby appropriated, unless the same is authorized by 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 the 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 twelve, for an amount not exceeding in the aggregate one-half the sum appropriated for the salary or compensation of such officers, respectively, for the year ending September thirtieth, one thousand nine hundred and eleven.

(Senate Substitute for House Bill No. 349.)

## CHAPTER 2.

AN ACT making appropriations of public money to pay general charges upon the treasury.

[Passed February 24, 1911. In effect from passage. Became a law without the Governor's approval.]

### SEC.

1. Appropriations to pay general charges upon the treasury for fiscal years ending September 30, 1911, and September 30, 1912.
2. Criminal charges.
3. Lunatics in jail.
4. Education of colored teachers.
5. Storer college.

### SEC.

6. Kings Daughters' and city hospitals.
7. State board of agriculture.
8. San Jose scale.
9. Horticulture and floriculture.
10. Commissioner of banking.
11. Department of mines.
12. State board of health and commissioners of pharmacy.

SEC.	SEC.
13. Bureau of labor.	58. Fairmont normal school.
14. State law library.	59. Costs suit Maryland vs. West Virginia.
15. Forestry, game and fish.	60. All money received by state board of control to be paid into state treasury.
16. Berkeley Springs board.	61. Compensation of institute instructors.
17. West Virginia humane society.	62. Distribution of general school fund.
18. State geological and economic survey.	63. Payment of county superintendents of free schools.
19. The militia.	64. Supplemental aid to schools.
20. Maintenance of law and order.	65. Printing, etc., for free school department.
21. Department of archives and history.	66. Clerks and contingent expenses for office of state superintendent of free schools.
22. Printing, binding and stationery.	67. Uniform examinations.
23. Capitol buildings and grounds.	68. Erroneous assessments.
24. Governor's mansion and grounds.	69. Erroneous payments into the treasury.
25. Purchase state property.	70. Re-printing and binding supreme court reports.
26. Governor's office.	71. For pay of state agents.
27. Clerks and contingent expenses, judicial department.	72. Maryland-West Virginia boundary suit. Miscellaneous appropriations.
28. State tax commissioner.	73. Refunding county, district and municipal taxes.
29. Colored orphans' home and industrial school.	74. Overpaid taxes.
29a. West Virginia industrial school, seminary and college.	75. Delinquent taxes.
29b. The Florence Crittenden home.	76. When fiscal years begin and end.
30. Labor fund capitol building.	77. How appropriations for public institutions are to be drawn.
31. The Rumseyan society.	78. Allowance, to state boards, boards of regents and directors.
32. Contingent legislative expenses.	79. All officers, employes, head of department or of an institution, or board, to make report to the governor biennially as to clerk hire, etc. how state board of control shall report.
33. Salaries of clerks.	80. Printing, etc., used for the free school department and for certain boards, officers or institutions; how paid for.
34. Contingent expenses of various offices.	81. No moneys to be paid beyond appropriations, except as provided by constitution or some general law or as provided for in this section; what payments may be made after expiration of fiscal year ending September 30, 1912.
35. State board of regents.	82. As to duties of clerks of house and senate upon the adjournment of the legislature as to certification of this act.
36. Board of control.	
37. Virginia debt.	
38. West Virginia hospital for insane.	
39. Second hospital for insane.	
40. West Virginia asylum (at Huntington.)	
41. Miners' hospital No. 1.	
42. Miners' hospital No. 2.	
43. Miners' hospital No. 3.	
44. West Virginia reform school.	
45. West Virginia industrial home for girls.	
46. West Liberty normal school.	
47. Glenville normal school.	
48. Shepherd college.	
49. Concord normal school.	
50. West Virginia colored institute.	
51. Bluefield colored institute.	
52. Insurance on public buildings.	
53. West Virginia schools for the deaf and blind.	
54. West Virginia university.	
55. Preparatory branch of university at Montgomery.	
56. Preparatory branch of university at Keyser.	
57. Marshall college.	

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. There shall be and are hereby appropriated out of the state funds for the fiscal year ending September thirtieth, one thousand nine hundred and eleven, and the fiscal year ending September thirtieth, one thousand nine hundred and twelve, respectively, the following sums of money for the following purposes:

*Criminal Charges.*

	1911	1912
Sec. 2. For criminal charges.....	\$ 60,000	\$ 60,000

	1911	1912
For extradition of criminals.....	1,500	1,500

*Lunatics in Jail.*

Sec. 3. For the support of lunatics in jail	2,500	2,500
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*Education of Colored Teachers.*

Sec. 4. For the education and normal training of colored teachers, to be paid according to the provisions of section ninety-six of chapter forty-five of the code, to be expended at the discretion and upon the approval of the state board of control.....

	\$	1,000
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*Storer College.*

Sec. 5. For salaries of teachers.....	\$ 1,500	\$ 1,500
For industrial department .....	1,000	1,000

To be expended at the discretion and upon the approval of the state board of control, in the manner provided by chapter fifty-eight, of the acts of one thousand nine hundred and nine.

*Kings Daughters' and City Hospitals.*

Sec. 6. For King's daughters and city hospitals, for the treatment of laborers and others who may become a public charge, said amount to be paid upon the approval of the state board of control.....	\$ 10,000	\$ 10,000
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*State Board of Agriculture.*

Sec. 7. For total expenses, including salary of officers, out of which the secretary-treasurer shall be paid the sum of \$1,800 per annum...\$	15,000	\$ 15,000
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For carrying into effect the provisions of chapter thirty-three of the acts of one thousand eight hundred and ninety-seven, for the control of diseased animals, including the inspection of dairies and breeding herds.....

	5,000	5,000
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To be expended at the discretion and upon the approval of the state board of control, in the manner provided by chapter fifty-eight of the acts of one thousand nine hundred and nine.

*San Jose Scale.*

	1911	1912
Sec. 8. For carrying out the provisions of chapter thirty-three of the acts of one thousand nine hundred and one, as amended by chapter forty-five of the acts of one thousand nine hundred and three .....	\$ 7,500	\$ 7,500

*Horticulture and Floriculture.*

Sec. 9. For promoting the horticultural and trucking industry, under the direction of the director of the agricultural experiment station .....	\$ 4,000	\$ 4,000
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*Commissioner of Banking.*

Sec. 10. For traveling expenses of commissioner of banking and assistant.....	\$ 1,200	\$ 1,200
For contingent expenses.....	1,000	1,000
For salary of assistant commissioner of banking	1,800	1,800
For salary of stenographer.....	900	900

*Department of Mines.*

Sec. 11. For salaries of twelve inspectors at \$150 per month, for the balance of the current fiscal year, and at \$175 per month for the fiscal year of one thousand nine hundred and twelve ...	\$ 21,600	\$ 25,200
For traveling expenses of chief and twelve mine inspectors .....	7,500	7,500
For contingent expenses and distribution of reports .....	500	500
For stenographer and clerk hire.....	2,600	2,600
To pay for purchase of oxygen apparatus for		

	1911	1912
use in case of accidents in mines.....	801	
For examination of oils.....	500	500

*State Board of Health.*

Sec. 12. For expenses of the state board... \$ 2,500    \$ 2,500

*Commissioners of Pharmacy.*

For salaries .....	300	300
For salary of secretary.....	400	400
For traveling expenses of secretary.....	50	50
For per diem and traveling expenses of four members .....	400	400
For holding examinations and sundry expenses	300	300
For inspecting stores of state.....	250	250

*Bureau of Labor.*

Sec. 13. For salary of clerks and contingent expenses .....	\$ 1,600	\$ 1,600
For salary of assistant commissioner.....	1,000	1,000
For expenses of free public employment bureau	1,200	1,200

*State Law Library.*

Sec. 14. For the purchase and binding of books for the library at the state capitol.....	\$ 2,500	\$ 2,500
For the purchase of and binding of books for the state library at Charles Town.....	1,250	1,250
Both of above items to be paid only upon the order of the president of the supreme court of appeals.		

*Forestry, Game and Fish.*

Sec. 15. For mileage and traveling expenses of warden .....	\$ 250	\$ 250
For incidental expenses, and contingent fund..	1,150	1,150
For salary of two chief deputy wardens.....	1,800	1,800
For postage and contingent expenses for two deputies .....	500	500
For mileage and traveling expenses for two		



	1911	1912
chief deputies .....	400	400

*Berkeley Springs Board.*

Sec. 16. For contingent expenses of board and improvements .....	\$ 400	\$ 400
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*West Virginia Humane Society.*

Sec. 17. For current expenses.....	\$ 12,000	\$ 12,000
For repairs and improvements.....	5,000	

The above appropriations to be expended upon the orders of and under the direction of the state board of control.

*State Geological and Economic Survey.*

Sec. 18. For co-operation with United States Geological Survey in topographic mapping...	\$ 12,000	\$ 12,000
For publication and preparation of two reports per annum .....	5,000	5,000
For field and other expenses.....	2,500	2,500
For salaries of geological staff.....	10,400	10,400

All the appropriations made in this section to be expended at the discretion and upon the approval of the state board of control in the manner provided by chapter fifty-eight of the acts of one thousand nine hundred and nine.

*The Militia.*

Sec. 19. To carry into effect the provisions of chapter forty-one of the acts of one thousand eight hundred and ninety-seven, as amended by the acts of one thousand nine hundred and nine, relating to the militia.....	\$ 50,000	\$ 50,000
For the bands of the two regiments.....	1,000	1,000

*Maintenance of Law and Order.*

Sec. 20. To pay expenses incurred by militia in maintenance of law and order, when ordered into service by the governor during recent civil disturbances.....	\$ 7,874.24	
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*Department of Archives and History.*

	1911	1912
Sec. 21. For salary of state historian and archivist, stenographer, clerks, purchase of books and records, binding books, for furniture, shelves, and contingent expenses.....	\$ 15,000	\$ 15,000

*Printing, Binding and Stationery.*

Sec. 22. For printing, binding and stationery, not otherwise appropriated for, out of which shall be paid all bills for printing and binding and stationery for the house of delegates and senate, and for all other state departments and institutions, except for the use of the state department of free schools, and such other departments and institutions as have special printing appropriations .....	\$ 44,500	\$ 34,500
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*Capitol Buildings and Grounds.*

Sec. 23. For water, light, heat, repairs, and contingent expenses for capitol building, annex and grounds, to be expended only upon the order of the board of public works.....	\$ 10,000	\$ 10,000
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*Governor's Mansion and Grounds.*

Sec. 24. For repairs, betterments, additions, furniture, furnishings, fencing, and incidental charges ...	\$ 1,500	\$ 2,000
For maintenance .....	1,250	1,250
The above items to be expended upon order of the governor.		

*Purchase of State Property.*

Sec. 25. To pay balance due on last payment on the purchase of the property from Calderwood Bros., including interest on last payment .....	\$ 5,600	
To pay balance due on last payment on the purchase of the property from Burdette heirs, in-		

	1911	1912
cluding interest on the last payment.....	11,200	

*Governor's Office.*

Sec. 26. For civil contingent fund, to be expended upon the order of the governor, no part of which, however, to be used for clerk hire in any of the state offices or institutions, other than the governor's office.....

.....\$	15,000	\$ 15,000
For salary of private secretary to governor...	4,000	4,000
For salaries of stenographers and clerk.....	2,500	2,500
For salary of pardon attorney.....	3,000	3,000
For salary of stenographer to pardon attorney	900	900
For contingent expenses of pardon attorney...	250	250

*Clerks and Contingent Expenses—Judicial Department.*

Sec. 27. To pay compensation of special judges of circuit courts.....

.....\$	1,500	\$ 1,500
To pay mileage of judges of supreme court....	1,000	1,000
To pay mileage of circuit judges.....	3,000	3,000
To pay salary of clerk of supreme court.....	1,500	1,500
For contingent expenses supreme court.....	1,200	1,200
For law clerks or stenographers of judges of supreme court, to be paid on the order of their respective judges of said court.....	6,750	7,500
For printing and binding supreme court reports, to be done under supervision of attorney general .....	4,000	4,000
For salaries of criers and messengers of supreme court .....	1,500	1,500
For stenographer and typewriter for clerk....	1,200	1,200
For salaries of assistant clerks of supreme court	2,800	2,800

*State Tax Commissioner.*

Sec. 28. For expenses state tax commissioner's office, including compensation of assistants, clerks, stenographers and all other expenses .....

.....\$	19,000	\$ 19,000
For expenses of uniform system of accounting..	6,000	6,000

*Colored Orphans' Home and Industrial School.*

	1911	1912
Sec. 29. For salaries and teachers, and for current expenses, to be expended at the discretion and upon the approval of the state board of control .....	\$ 3,000	\$ 3,000
For maintenance, to be expended in like manner	2,000	2,000
For the purchase of 190 acres of land in Cabell county, now owned by the colored orphans' home and industrial school, and all buildings and personal property thereon and mentioned in House Bill No. 17; <i>provided</i> , said purchase of said property be authorized by law and such purchase be in fact made; otherwise said appropriation shall not be available	10,000	

*West Virginia Industrial School, Seminary and College.*

Sec. 29a. For salaries of teachers and for current expenses, to be expended at the discretion and upon the approval of the state board of control .....	1,000	1,000
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*The Florence Crittenden Home.*

Sec. 29b. For the Florence Crittenden home at Wheeling .....	\$ 1,000	\$ 1,000
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*Labor Fund Capitol Building.*

Sec. 30. For chief engineer.....	\$ 1,350	\$ 1,350
For one night engineer.....	990	990
For two night watchmen, one at capitol and one at the annex.....	1,980	1,980
For one night fireman.....	980	980
For one day fireman.....	980	980
To pay six sweepers at \$60 per month.....	5,805	4,320
To pay janitor and messenger to board of control ... ..	780	780
For one messenger .....	810	810
For two charwomen.....	860	860
For elevator boy.....	360	360

*The Rumseyan Society, Inc.*

	1911	1912
Sec. 31. To aid in the completion of a monument to the memory of James Rumsey, the inventor of the steamboat.....	\$ 2,500	\$ 2,500

*Contingent Legislative Expenses.*

Sec. 32. For contingent expenses of the house of delegates .....	\$ 4,000	\$.....
For contingent expenses of the senate.....	4,000	.....

The last two items being in addition to the amounts heretofore appropriated.

*Salaries of Clerks.*

Sec. 33. For salary of two assistant attorneys general .....	\$ 5,000	\$ 5,000
For salary of stenographers for attorney general	2,100	2,100
For salary printing clerk to attorney general..	1,200	1,200
For additional clerk hire, purchase of books, office furniture, and fixtures, and for other contingent expenses, in office of attorney general	3,500	3,500
For salary of chief clerk for secretary of state..	2,000	2,000
For salary of other clerks in office of secretary of state .....	8,100	8,100
For salary of stenographer in office of secretary of state .....	1,200	1,200
For salary of chief clerk, treasurer's office....	1,800	1,800
For salary of assistant clerk in treasurer's office	1,500	1,500
For salary of stenographer and for other clerk hire in treasurer's office.....	1,200	1,200
For salary of chief clerk in auditor's office....	2,000	2,000
For salary of stenographer in auditor's office..	1,200	1,200
For salary of other clerks in auditor's office... 18,000	18,000	18,000
For paying expenses of publishing list of delinquent corporations, to be paid out upon order of the state auditor.....	200	200
For additional expenses in auditor's office occasioned by the extra work made necessary by the acts of the legislature upon the subject of		

	1911	1912
insurance, not to exceed the sum of.....	6,500	6,500

*Contingent Expenses of Various Offices.*

Sec. 34. For contingent expenses of state auditor's office .....	2,500	2,500
For contingent expenses treasurer's office.....	500	500
For contingent expenses secretary of state's office .....	2,300	2,300
For contingent expenses and clerk hire in office of state librarian.....	1,450	1,450
For distribution of acts and journals to members of the legislature by the secretary of state...	500	

*State Board of Regents.*

Sec. 35. For salary of secretary.....\$	200	\$ 200
For contingent and traveling expenses of the board .....	1,000	1,000

*Board of Control.*

Sec. 36. For salaries of clerical force.....	11,300	11,300
For traveling expenses .....	2,500	2,500
For contingent expenses .....	2,500	2,500

*Virginia Debt.*

Sec. 37. To further carry out the provisions of chapter forty-five of the acts of one thousand nine hundred and seven, the following sums, or so much thereof as may be necessary, are hereby appropriated, the same to be paid out as provided in said acts .....	25,000	25,000
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*West Virginia Hospital for Insane.*

Sec. 38. For current expenses.....	\$150,000	\$150,000
For repairs and improvements .....	10,000	10,000
For buildings and land .....	5,000	5,000

*Second Hospital for Insane.*

	1911	1912
Sec. 39. For current expenses.....	\$ 78,000	78,000
For repairs and improvements .....	10,000	10,000

*West Virginia Asylum (at Huntington.)*

Sec. 40. For current expenses .....	\$ 70,000	\$ 78,000
For repairs and improvements.....	9,000	9,000

*Miners' Hospital No. 1.*

Sec. 41. For current expenses.....	\$ 34,000	\$ 34,000
For repairs and improvements.....	2,000	2,000
For buildings and land .....	5,000	5,000

*Miners' Hospital No. 2,*

Sec. 42. For current expenses .....	\$ 17,000	\$ 17,000
For repairs and improvements .....	2,000	2,000

*Miners' Hospital No. 3.*

Sec. 43. For current expenses .....	\$ 18,000	\$ 18,000
For repairs and improvements .....	500	500

*West Virginia Reform School.*

Sec. 44. For current expenses .....	\$ 47,000	\$ 47,000
For repairs and improvements.....	5,000	5,000

*West Virginia Industrial Home for Girls.*

Sec. 45. For current expenses .....	\$ 16,000	\$ 16,000
For repairs and improvements .....	1,000	1,000
For buildings and land .....	10,000	10,000

*West Liberty Normal School.*

Sec. 46. For current expenses.....	\$ 2,000	\$ 2,000
For repairs and improvements .....	1,000	1,000
For salaries of officers, teachers and employes..	9,500	9,500

*Glenville Normal School.*

	1911	1912
Sec. 47. For current expenses.....	\$ 2,500	\$ 2,500
For repairs and improvements .....	2,500	2,500
For salaries of teachers, officers and employes..	11,200	11,200
For buildings and land .....	7,200	7,200

*Shepherd College.*

Sec. 48. For current expenses .....	\$ 3,000	\$ 3,000
For repairs and improvements .....	1,000	1,000
For salaries of officers, teachers and employes..	10,600	10,600

*Concord Normal School.*

Sec. 49. For current expenses .....	\$ 4,500	\$ 4,500
For repairs and improvements.....	1,500	1,500
For salaries of officers, teachers and employes..	12,500	12,500

*West Virginia Colored Institute.*

Sec. 50. For current expenses .....	\$ 7,500	\$ 7,500
For repairs and improvements .....	7,500	3,000
For salaries of officers, teachers and employes..	17,500	17,500
For buildings and land.....	1,050	.....

*Bluefield Colored Institute.*

Sec. 51. For current expenses .....	\$ 2,500	\$ 2,500
For repairs and improvements .....	1,000	1,000
For salaries of officers, teachers and employes..	6,000	6,000

*Insurance on Public Buildings.*

Sec. 52. For insurance on public buildings to be expended by the state board of control .....	\$ 5,000	\$ 5,000
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In lieu of the provisions of section sixteen of chapter fifty-eight of the acts of one thousand nine hundred and nine, the state board of control shall insure only such buildings and property of the state as it shall deem most likely to be damaged or destroyed by fire, and within the limits of the amounts hereby appropriated. If



any building is destroyed by fire, there is hereby appropriated out of any money in the treasury, not otherwise appropriated, such sum as may be necessary to replace such building, but the amount thereof shall not exceed the value of the building destroyed, less the amount of insurance, if any, collected thereon.

*West Virginia Schools for the Deaf and Blind.*

	1911	1912
Sec. 53. For current expenses .....	\$46,000	\$ 46,000
For repairs and improvements .....	7,000	7,000

*West Virginia University.*

Sec. 54. For current expenses .....	\$36,000	\$ 37,500
For repairs and improvements .....	6,000	7,500
For salaries of teachers, officers and employes..	89,000	95,000
For horticultural extension work.....	5,000	5,000

*Preparatory Branch of University at Montgomery.*

Sec. 55. For current expenses .....	\$ 2,500	\$ 2,500
For repairs and improvements .....	1,500	1,500
For salaries of teachers, officers and employes..	7,000	7,000

*Preparatory Branch of the University at Keyser.*

Sec. 56. For current expenses .....	\$ 2,500	\$ 2,500
For repairs and improvements .....	1,500	1,500
For salaries of officers, teachers and employes..	8,000	8,000

*Marshall College.*

Sec. 57. For current expenses .....	\$ 6,000	\$ 6,000
For repairs and improvements .....	3,000	3,000
For salaries of officers, teachers and employes..	24,770	24,770

*Fairmont Normal School.*

Sec. 58. For current expenses .....	\$ 3,500	\$ 3,500
For repairs and improvements .....	1,500	1,500
For salaries of officers, teachers and employes..	19,780	19,780

*Costs Suit Maryland vs. West Virginia.*

Sec. 59. To pay the state of Maryland the balance of costs decreed against West Vir-

	1911	1912
ginia, by the supreme court of the United States, in the case of Maryland vs. West Virginia, to be paid upon the requisition of the governor .....	\$ 5,393.03	

Sec. 60. All money received by the state board of control from any source, on account of institutions under its control, shall be paid into the state treasury at least once each month to the credit of the institution and fund for which received, and shall remain in the treasury until expended on order of the state board of control or otherwise disposed of by law. There is hereby appropriated so much of the moneys mentioned in this section as may be necessary for the purposes of any of the institutions for which such moneys are received. But no moneys received on account of one institution or fund shall be used for any other institution or fund.

Sec. 61. For compensation of institute instructors, provided for in section one hundred and eight of chapter forty-five of the code as amended by the acts of one thousand nine hundred and eight, to be paid out of the general school fund .....	\$ 7,000	\$ 7,000
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Sec. 62. For the distribution of the general school fund such an 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.

Sec. 63. For the payment of the county superintendent of free schools, to be paid out of the general school fund, according to the provisions of sections one hundred and eighteen and one hundred and nineteen of chapter forty-five of the code.....	\$ 45,750	\$ 54,000
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*Supplemental Aid to Schools.*

Sec. 64. For supplemental aid for teachers' fund .....	\$ 75,000	\$ 75,000
For supplemental aid for building fund.....	15,000	15,000

Both items in this section to be paid out of the general school fund.

*Printing, etc., for Free School Department.*

	1911	1912
Sec. 65. For printing, binding and stationery for the office of the state superintendent of free schools, to be paid out of the general school fund .....	\$ 9,000	\$ 9,000

*Clerks and Contingent Expenses for Office of State Superintendent of Free Schools.*

Sec. 66. For salary of chief clerk in the office of state superintendent of free schools...\$	1,800	\$ 1,800
For salaries of other clerks in the office of the state superintendent of free schools.....	5,540	5,540
For salary of stenographer for office of state superintendent of free schools .....	1,200	1,200
For contingent expenses of office of state superintendent of free schools.....	2,500	2,500
For the purchase of books for office of state superintendent of free schools.....	50	50
For the per diem and expenses of the state board of education.....	1,000	1,000
For expenses to be incurred by the state superintendent of free schools under the provisions of article twelve, section two, of the constitution, or so much thereof as may be necessary for said purpose .....	500	500

All the appropriations provided for in this section to be paid out of the general school fund.

*Uniform Examinations.*

Sec. 67. For expenses of conducting the uniform examinations, as provided for in section eighty-one of chapter forty-five of the code, as amended by chapter twenty-seven of the acts of one thousand nine hundred and eight, to be paid out of the general school fund.....\$	7,600	\$ 7,600
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*Erroneous Assessments.*

Sec. 68. For refunding taxes assessed, collected and paid into the treasury, to be paid out of the funds into which the taxes were paid, such an amount as may be necessary for such purpose.

*Erroneous Payments into the Treasury.*

Sec. 69. 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.

*Re-Printing and Binding Supreme Court Reports.*

	1911	1912
Sec. 70. For re-printing and binding old volumes of the reports of the supreme court of appeals, where edition is exhausted, the work to be done under the direction and supervision of the attorney general.....	\$ 4,000	\$ 4,000

*For Pay of State Agents.*

Sec. 71. 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 so paid exceed ten per centum of the funds collected and paid into the treasury by any such agent.

*Maryland-West Virginia Boundary Suit.*

Sec. 72. To pay West Virginia's portion of the cost of locating and permanently marking the true boundary line between the state of Maryland and the state of West Virginia, directed by the decree of the supreme court of the United States, or so much thereof as may be necessary, payable on the order of the board of public works.....

	\$ 10,000	.....
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*Miscellaneous Appropriations.*

Sec. 73. Charleston Electrical Supply Co., supplies for electric lights.....

	\$ 71.00
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	1911
Noyes, Thomas & Co., toweling, etc.....	45.19
Elijah Steen, laying carpets and putting up shades.....	49.40
Eskew, Smith & Cannon, carpet sweepers, brooms, baskets and supplies .....	18.15
Grossman & Co., glazing .....	4.75
West Publishing Company, codes for use of legislature..	1,125.00
H. M. Scott, swearing in members of house.....	21.50
F. H. Maize, compensation for horses killed by order of board of agriculture, to be paid out of the appropriation for carrying into effect the provisions of chapter thirty-three, Acts of one thousand eight hundred and ninety-seven .....	287.00
To pay the city of Charleston all paving and sewer assessments in full to date including interest.....	1,258.80
Price, Smith, Spilman & Clay, amount due for legal services in connection with purchase of Burdette and Calderwood properties .....	150.00
John P. Austin, expenses as member board of trustees Point Pleasant monument association.....	97.65
C. C. Bowyer, balance due on expenses as member board of trustees, Point Pleasant monument association....	116.50
Virgil A. Lewis, balance due on account of expenses as member Point Pleasant monument association.....	81.35
Underwood Typewriter Co., balance due account exchange of typewriters for clerk's office of senate.....	51.13
Geo. J. McComas, fees for services in cases brought by state against various railroad companies, under employment of Governor W. M. O. Dawson and Tax Commissioner Charles Dillon .....	5,000.00
To reimburse the estate of C. A. Wade, deceased, late sheriff of Wood county, for refunding sundry bills paid by him during his lifetime.....	60.40
To pay H. C. Thurmond, attorney, for collecting \$801.00 from C. N. Conrad, late assessor.....	100.00
For the semi-centennial of the formation of West Virginia, to be expended as ordered by the board of control, upon requisition of the commission appointed by the governor, to celebrate said centennial .....	\$ 5,000 \$ 5,000

For the purpose of paying the state's proportion of the cost of constructing a sewer for the use of the state penitentiary, in connection with the proposed sewer system of the city of Moundsville, to be expended only under the orders and at the discretion of the state board of control, provided the city will enter into contract to maintain said sewer and keep same in repair so long as used by the state, and shall also assume the cost of the disposition of the sewage flowing through the said sewer whenever required by any ordinance or law to dispose of said sewage in any other manner than by drainage into the river, the sum of fifteen thousand dollars is hereby appropriated one-half payable out of the revenues of one thousand nine hundred and eleven and one-half out of the revenues of one thousand nine hundred and twelve.

For balance in full of expenses and per diem of municipal code commission, consisting of the following items:

W. H. Bishop .....	\$ 176.60
Geo. I. Neal .....	195.00
E. E. Hood .....	244.30
E. R. Kingsley .....	194.60
Underwood Typewriter Company, for purchase and rental of typewriters for house of delegates.....	261.04
Remington Typewriter Company, for purchase of typewriters for house of delegates.....	81.00
Southern Bell Telephone & Telegraph Company, for telephone service, clerk and speaker, house of delegates...	23.20

*Refunding County, District and Municipal Taxes.*

Sec 74. For refunding to counties, districts and municipal corporations, county, district and municipal taxes paid into the treasury for the redemption of lands, such an 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 and other 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 and municipal corporation.

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*Overpaid Taxes.*

Sec. 75. For refunding overpayment made into the treasury on account of taxes, licenses, fines and commissions, to be paid out of the fund into which they were paid, such an amount as may be necessary for such purpose is hereby appropriated.

*Delinquent Taxes.*

Sec. 76. 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.

Sec. 77. Wherever the year one thousand nine hundred and eleven is used in this act, it shall be deemed to mean the fiscal year beginning October first, one thousand nine hundred and ten, and ending September thirtieth, one thousand nine hundred and eleven; and wherever the year one thousand nine hundred and twelve is used in this act it shall be deemed to mean the fiscal year beginning October first, one thousand nine hundred and eleven, and ending September thirtieth, one thousand nine hundred and twelve.

*Be it further enacted by the Legislature of West Virginia:*

Sec. 78. The appropriations herein made to or for any state board or institution shall be drawn from the treasury upon the requisition of the proper officers thereof made upon the auditor at such times and in such amounts as may be necessary for the purposes for which such appropriations are made; and the auditor shall pay the amount named in any such requisition at such times and in such installments as shall be necessary for which any such appropriation is made. But all requisitions for appropriations for new buildings and substantial betterments, except such as are under control of the board of control, shall be accompanied by the architects' estimate that the amount named in such requisition is needed for immediate use. All large appropriations for current expenses for institutions shall be disbursed by the auditor in equal monthly installments, if the same are so needed; and the auditor shall not issue his warrants to pay any money out of the state treasury unless the same is needed for present use.

Sec. 79. The members of all state boards, and of boards of

regents or of directors of state institutions, unless a different rate of compensation is provided by law, shall be allowed \$4.00 per day for each day necessarily employed as such (including the time spent in going to and returning from the place of meeting) and the actual and necessary expenses incurred by them in the discharge of their duties, and no mileage shall be paid. But before payment to any such member of any such compensation or expenses, he shall make up in duplicate and certify to its correctness an itemized statement of the number of days spent (giving dates) and of the expenses, which statement shall be filed with the secretary or clerk of the institution, the original whereof the secretary or clerk shall file or preserve in his office, and the duplicate he shall at once forward to the auditor. If any such member shall wilfully make a greater charge for such services or expenses than the truth justifies, he shall be guilty of embezzlement and punished accordingly.

Sec. 80. Every officer, employe, head of department or of an institution or of a board to which appropriation or allowance is made for clerk hire, pay of assistants or of stenographers, shall, in their biennial report to the governor for transmission to the legislature, give the name of each of such clerks, assistants, or stenographers employed by them during such period, the amount paid to each and (except where temporarily employed) the rate per month of such payment. And every officer, employe, head of a department or of an institution or of a board authorized to draw money from the treasury, or to expend any appropriation, shall, in their biennial report to the governor for transmission to the legislature, make a fully itemized statement of every expenditure made by each of them, to whom paid and for what purpose. If any officer, employe, head of a department or of an institution or of a board is not required by law to make a report to the governor, he or it shall nevertheless make a report as required by this section, except that the state board of control shall only be required to report as provided by chapter fifty-eight of the acts of one thousand nine hundred and nine.

Sec. 81. 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 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, state vaccine agents, commissioners of pharmacy, state board of examiners, state board of agriculture, state board of embalmers, bureau of labor, miners' hospitals, West Virginia humane society, normal schools, schools for the deaf and the blind, the university and all its departments and branches (including the experiment station) the hospitals for the insane, reform school, the colored institute, 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 requisition of 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 board, 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 officers, institution or board the amount thereof, and credit such amount to the proper 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 board, 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 printers' copy, and only so much of any such reports shall be printed as may be ordered by the governor; and no such reports shall be printed by the public printer, except on requisition thereof, signed by the governor, 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. 82. No sum of money shall be paid out of the treasury during the fiscal years ending September thirtieth, one thousand nine hundred and eleven and one thousand nine hundred and twelve, beyond the amounts 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 twelve, and during the first six months of the fiscal year beginning the first day of October, one thousand nine hundred and twelve, make payment for the following institutions, officers and persons, upon the 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 twelve, for charges, salaries of officers, and current 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 employes and for current expenses (other than items for buildings and betterments) of the state normal school and its branches; the schools for the deaf and the blind; the university; the preparatory branch of the university at Keyser; the preparatory branch of the university at Montgomery; the West Virginia colored institute; the Bluefield colored institute; the reform school and the industrial home for girls; for the current expenses for the West Virginia asylum; the West Virginia hospital for the insane, and the second hospital for the insane; for the current expense fund of the three miners' hospitals; for the current expenses of the state tuberculosis sanitarium; for the current expenses of the colored orphans' home and industrial school; for the current expenses of the state board of agriculture, and expenses of inspection of dairies and destruction of diseased animals; for the destruction of the San Jose scale; for salaries and traveling and contingent expenses of the commissioner and assistant commissioner of banking and salary of their stenographer; for salaries, traveling expenses, current expenses and clerk hire of the state board of control, the state board of regents and the department of mines; for expenses and contingent expenses of the state board of

health; for salaries and expenses of the commissioners of pharmacy and their secretary; for the expenses of the West Virginia humane society; for salaries and contingent expenses of employment of the bureau of labor; for uniform examinations; for the governor's civil contingent fund; for maintenance fund of governor's mansion; the contingent fund of the various executive offices; the contingent expenses of the judges and the clerks of the supreme court; the contingent expenses and salaries of the clerks of the state librarian's office; the contingent expenses and salaries of clerks of the adjutant general's office; for water, light, heat and contingent expenses of the capitol buildings; for salaries of clerks in the various executive offices, and the supreme court; for salary and expenses of the pardon attorney; for salary and contingent expenses of the game and fish warden; for salaries of the state house and annex employes; for the appropriation made for support of the West Virginia national guard; for salary of state historian and archivist and clerks and expenses; for salaries of law clerks, criers and messengers of the supreme court; for printing and binding supreme court reports; for salaries, traveling and contingent expenses of office of public roads; for salaries, clerk hire and expenses of the tax commissioner's office; for refunding overpaid taxes and erroneous assessments; for refunding counties, districts and municipal corporations taxes for county, district and municipal purposes upon lands redeemed at the auditor's office, and also taxes assessed against railroads and other companies for county, district and municipal purposes. And there are hereby appropriated out of the revenues for the fiscal year ending the thirtieth day of September, one thousand nine hundred and thirteen, sums sufficient to make the payments authorized by this section

Sec. 83. Upon the adjournment of this session of the legislature, the clerk of the house and the clerk of the senate shall jointly make up and furnish the auditor, without delay, a certified copy of this and all other acts carrying appropriations.

(Senate Bill No. 17.)

**CHAPTER 3.**

AN ACT making appropriations of public money to pay the per diem and mileage of the members of the legislature for the regular session of one thousand nine hundred and eleven, and for salaries of the officers and attaches thereof.

[Passed February 11, 1911. In effect from passage. Approved by the Governor February 11, 1911.]

**Sec.**

1. Per diem and mileage of senators.
- Per diem and compensation of officers, assistant clerks and other employes of the senate.
- Per diem and mileage of delegates.
- Per diem and compensation of officers of the house, assistant clerks and other employes.

**Sec.**

- Extension of time to clerks and assistants for indexing journals.
- Per diem of janitor, assistants and charwomen during session.
2. Authorizing auditor to issue warrants.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That there be and are hereby appropriated out of the public treasury, for the payment of the mileage and per diem of the members of the legislature for the session of one thousand nine hundred and eleven, and the per diem of the officers and attaches thereof, the following sums of money.

*Senate.*

To pay the per diem of the members, five thousand seven hundred dollars (\$5,700.)

To pay the mileage of the members, one thousand three hundred dollars (\$1,300.)

To pay the per diem of the chief clerk, five hundred and fifty dollars (\$550.)

To pay the per diem of the sergeant-at-arms, two hundred and twenty-five dollars (\$225.)

To pay the per diem of the doorkeeper, one hundred and eighty dollars (\$180.)

To pay the per diem of two assistant clerks, at the desk of the clerk, at six dollars per day, five hundred and forty dollars (\$540.)

To pay the per diem of nine other assistants to the clerk, at five dollars per day, two thousand and twenty-five dollars (\$2,025.)

To pay the per diem of three expert stenographers, to be at the disposal of the senators, at five dollars per day, six hundred and seventy-five dollars (\$675.)

To pay the per diem of two assistant printing clerks at five dollars each per day, four hundred and fifty dollars (\$450.)

To pay the per diem of six committee clerks at five dollars each per day, one thousand three hundred and fifty dollars (\$1,350.)

To pay the per diem of the mailing and banking page at three dollars per day, one hundred and thirty-five dollars (\$135.00.)

To pay the per diem of three journal and bill pages at three dollars each per day, four hundred and five dollars (\$405.)

To pay the per diem of four floor pages at two dollars each per day, two hundred and twenty-five dollars (\$225.)

To pay the per diem of two cloak room keepers at two dollars and fifty cents each per day, two hundred and twenty-five dollars (\$225.)

To pay the per diem of one night watchman at two dollars and fifty cents per day, one hundred and twelve dollars and fifty cents (\$112.50.)

To pay the per diem of the clerk of the senate finance committee at six dollars per day, two hundred and seventy dollars (\$270.)

To pay the per diem of the clerk of the senate judiciary committee at six dollars per day, two hundred and seventy dollars (\$270.)

To pay ten days' extra per diem to the president of the senate for remaining at the capitol to sign up the corrected journal, sixty dollars (\$60.)

To pay forty-five days' extension of time to the clerk of the senate for getting out and indexing the bound copies of the journal and bills of the senate, four hundred and fifty dollars (\$450.)

To pay forty-five days' extension of time to two assistant clerks, to be selected by the clerk of the senate, at six dollars per day, five hundred and forty dollars (\$540.)

To pay forty-five days' extension for one printing clerk at five dollars per day, two hundred and twenty-five dollars (\$225.)

#### *House of Delegates.*

To pay the per diem of the members of the house of delegates, fifteen thousand five hundred and seventy dollars (\$15,570.)

To pay the mileage of the members of the house of delegates, three thousand four hundred dollars (\$3,400.)

To pay the per diem of the clerk of the house of delegates, five hundred and fifty dollars (\$550.)

To pay the per diem of the sergeant-at-arms, two hundred and twenty-five dollars (\$225.)

To pay the per diem of the doorkeeper, one hundred and eighty dollars (\$180.)

To pay the per diem of three assistant clerks at the desk of the clerk, at six dollars per day each, eight hundred and ten dollars (\$810.)

To pay the per diem of nine other assistants to the clerk, at five dollars per day each, two thousand and twenty-five dollars (\$2,025.)

To pay the per diem of the clerk to the house committee on finance, at six dollars per day, two hundred and seventy dollars (\$270.)

To pay the per diem of the clerk of the house judiciary committee, at six dollars per day, two hundred and seventy dollars (\$270.)

To pay the per diem of six committee clerks at five dollars per day each, thirteen hundred and fifty dollars (\$1,350.)

To pay the per diem of four journal pages at three dollars per day each, five hundred and forty dollars (\$540.)

To pay the per diem of four floor pages at two dollars per day each, three hundred and sixty dollars (\$360.)

To pay the per diem of the mailing and banking page, one hundred and thirty-five dollars (\$135.)

To pay the per diem of two cloak-room keepers at two dollars and fifty cents each per day, two hundred and twenty-five dollars (\$225.)

To pay the per diem of night watchman, one hundred and twelve dollars and fifty cents (\$112.50.)

To pay ten days' extension of time to the speaker of the House for the purpose of returning to sign up the corrected journal, sixty dollars (\$60.)

To pay forty-five days extension of time to the clerk of the house, four hundred and fifty dollars (\$450.)

To pay forty-five days' extension of time to each of two assistant clerks, to be designated by the clerk, at six dollars each per day, five hundred and forty dollars (\$540.)

To pay forty-five days' extension of time to the printing clerk, to be designated by the clerk of the house, and who shall perform such duties as may be designated by the clerk, two hundred and twenty-five dollars (\$225.)

To pay thirty (30) days' extension of time to the clerk of the

house, to carry out the provisions of concurrent resolution No. — relating to the printing and distribution of the acts of the present session of the legislature, three hundred dollars (\$300.)

*Janitors and Assistants.*

To pay the per diem of the janitor, extra compensation during the session of the legislature, as provided by section one, chapter eleven of the code, at three dollars per day, one hundred and thirty five dollars (\$135.)

To pay the per diem of eight assistants to the janitor during the session of the legislature, as provided in section one, chapter eleven of the code, at three dollars per day, one thousand and eighty dollars (\$1,080.)

To pay the per diem of two charwomen during the session of the legislature, at two dollars per day, one hundred and eighty dollars (\$180.)

The last three items to be paid one-half out of the senate contingent fund and one-half out of the house contingent fund.

Sec. 2. The auditor of this state is hereby authorized and directed 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, upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house of delegates, respectively.

(Senate Bill No. 18.)

## CHAPTER 4.

AN ACT making appropriations of public money on account of the contingent expenses of the legislature of one thousand nine hundred and eleven.

[Passed February 7, 1911. In effect from passage.]

<p>SEC. 1. Appropriation for contingent expenses of the senate and house of delegates.</p>	<p>SEC. 2. Supplies, now purchased. 3. Auditor authorized to issue warrants upon the treasurer.</p>
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That there is hereby appropriated out of the public

treasury the following sums of money on account of the contingent expenses of the present session of the legislature:

For contingent expenses of the senate, one thousand five hundred dollars, or so much thereof as may be necessary, for said purpose.

For contingent expenses of the house of delegates, two thousand dollars, or so much thereof as may be necessary for said purpose.

Sec. 2. No supplies shall be purchased for either house except by resolution, or upon an order signed by the president of the senate and the clerk thereof, or by the speaker of the house and the clerk thereof.

Sec. 3. The auditor is hereby authorized and directed to issue his warrants upon the treasurer for such amounts as may be necessary and may be authorized or directed by the resolution of either house to be paid.

(House Bill No. 159.)

## CHAPTER 5.

AN ACT making an appropriation for replacing the main buildings of the branch State Normal School at Concord (now Athens), in Mercer county.

[Passed February 17, 1911. In effect from passage. Approved by the Governor February 20, 1911.]

SEC.

1. Appropriation of moneys for rebuilding main buildings; *provided*, certain real estate is conveyed to the state in fee within sixty days from passage of this act.

SEC.

2. Appropriations made to be expended under direction of state board of control; plenary powers given board for construction of buildings and selection of site.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That there is hereby appropriated for the purpose of rebuilding the main buildings of the branch state normal school at Concord (now Athens), in Mercer county, the sum of fourteen thousand dollars, now in the hands of the state board of control and received from the insurance on the main buildings of said schools which were destroyed by fire November 22, 1910; the sum of eighteen thousand dollars out of the state funds for the fiscal year ending September thirtieth, one thousand nine hundred and eleven, and the sum of eighteen thousand dollars out of the state funds for the fiscal year ending September thirtieth, one thousand nine hundred and twelve.



*Provided*, that the citizens of Athens shall, within sixty days from the passage of this act, cause to be conveyed to the state in fee by the holders of the legal title thereof, by proper deed with general warranty of title and without expense to the state, a tract of twenty-six and four-tenths acres of land adjoining said town of Athens, known as the "Vermillion tract," a blue print with description being on file in the office of the state board of control, which board is hereby authorized to receive and accept the deed for said land.

Sec. 2. The appropriations hereby made shall be expended under the direction of the state board of control, which board is hereby given plenary powers for the construction of the said buildings, and may rebuild the same upon the site of the buildings destroyed by fire or upon the twenty-six and four-tenths acres tract to be conveyed to the state as above provided.

(House Bill No. 202.)

## CHAPTER 6.

AN ACT to establish the state tuberculosis sanitarium and to provide for its control and maintenance.

[Passed February 11, 1911. In effect from passage. Approved by the Governor February 18, 1911.]

### Sec.

1. Establishment of sanitarium as a state institution; how to be classed, managed and controlled; superintendent the chief executive officer; must be a legally qualified physician; to be appointed by the governor.
2. Suitable site to be selected and plans for buildings provided by state board of control and state board of health; how institution is to be

### SEC.

- governed; appropriations for construction, equipment and maintenance.
3. Residents of state to be admitted; classification of patients; expenses of poor persons, how to be paid; regulations to be made as to persons able to pay part of expenses only; schedule of rates to be made by state board of control.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. There is hereby established for the care and treatment of persons afflicted with tuberculosis, or consumption, a state institution to be known as the state tuberculosis sanitarium. It shall belong to that class of institutions mentioned in section three of chapter fifty-eight of the acts of one thousand nine hundred and nine, and shall be managed and controlled as provided in said act, all the provisions whereof shall be as applicable to said sanitarium as if the same were named in said section three of said act. The chief executive officer thereof shall be the superintendent, who

shall be a legally qualified physician of at least six years' experience in the practice of his profession and shall be a person of good executive ability, and shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. The state board of control and the state board of health shall jointly select a suitable site for such sanitarium and provide plans for the necessary buildings; and thereafter all the provisions of said chapter fifty-eight of the acts of one thousand nine hundred and nine shall govern herein as far as applicable. For the purposes of this act there is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, the following sums, namely: For the year ending September thirtieth, one thousand nine hundred and eleven, for land, buildings and shelters, fifteen thousand dollars; and for the year ending September thirtieth, one thousand nine hundred and twelve, for land, buildings and shelters, fifteen thousand dollars; and for furniture, equipment and current expenses, ten thousand dollars.

Sec. 3. There shall be admitted into said sanitarium residents of this state who may be suffering with tuberculosis, which persons shall be divided into two classes, namely: First, those unable to pay the expenses of their care and treatment. Second, those who are able to pay and shall pay the same. The reasonable expenses of poor persons admitted at the request of the authorities of any municipal corporation or county shall be paid by such municipal corporation or county. Regulations may be made to receive persons who are able to pay part but not able to pay all of the expenses of their care and treatment. Schedules of rates to be paid by patients shall be made by the state board of control.

(House Bill No. 351.)

## CHAPTER 7.

AN ACT creating the nineteenth judicial circuit, fixing the time for holding terms of circuit courts in the counties thereof, providing for the appointment and election of a judge thereof, and continuing the judge of the fifteenth judicial circuit in office until the expiration of his term, and defining the duties and emoluments thereof.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

## SEC.

1. The nineteenth judicial circuit created.
2. The number and time for terms of court to be held; special terms may be held.
3. The governor shall appoint a judge;

## SEC.

- compensation of the judge; term of service of appointed judge, duties, etc.
4. The counties remaining shall constitute the fifteenth circuit.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That a judicial circuit be, and it is hereby created, to be known and designated as the nineteenth judicial circuit, consisting of the counties of Barbour and Randolph.

Sec. 2. There shall be held in each year at least three terms of the circuit court in and for each of the counties in the said judicial circuit hereby created, and the terms of the several courts for the counties aforesaid shall commence and be held as follows:

For the county of Barbour, beginning on the second Tuesday of January, the second Tuesday of April and the second Tuesday of September of each year.

For the county of Randolph, beginning on the second Tuesday of February, the second Tuesday of May and the second Tuesday of October of each year.

Special terms of said courts may be called and held as provided by general law.

Sec. 3. The governor, as soon as this act takes effect, shall appoint a qualified person as judge of the judicial circuit hereby created, who shall serve until his successor is elected at the general election to be held in November of the year one thousand nine hundred and twelve, and qualified; which judge so appointed shall perform all the duties, have all the authorities and powers, and receive the compensation and emoluments prescribed by the constitution and general laws relating to circuit judges, and at said general election the voters of the judicial circuit hereby created shall elect a judge thereof for the term of eight years, beginning on the first day of January, one thousand nine hundred and thirteen, but the judge so elected shall also serve from his qualification to said first day of January, one thousand nine hundred and thirteen, and shall perform all the duties, have all the authorities and powers and receive the compensation and emoluments prescribed by the constitution and general laws relating to circuit judges.

Sec. 4. The counties of the fifteenth judicial circuit, other than the counties of Barbour and Randolph, as said fifteenth judicial circuit was constituted before this act, shall constitute and remain the fifteenth circuit, and the judge thereof, now serving, shall con-

tinue as judge thereof for his unexpired term with the authority, powers, duties, compensation and emoluments of said office, as provided by the constitution and general laws relating to circuit judges.

Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 352.)

## CHAPTER 8.

AN ACT creating the twentieth judicial circuit, fixing the time for holding terms of circuit courts in the counties thereof, providing for the appointment and election of a judge thereof, and continuing the judge of the eleventh judicial circuit in office until the expiration of his term and defining the duties and emoluments thereof.

[Passed February 20, 1911. In effect from passage. Approved by the Governor February 20, 1911.]

Sec.

1. The twentieth judicial circuit created.
2. The number of and time for holding terms of court.
3. The governor to appoint a judge to serve until a successor is elected

Sec.

- and qualified; duties and compensation of appointed judge.
4. The remaining county of the eleventh judicial circuit shall constitute the eleventh circuit.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That a judicial circuit be, and it is hereby created, to be known and designated as the twentieth judicial circuit, consisting of the counties of Greenbrier and Pocahontas.

Sec. 2. There shall be held in each year at least three terms of the circuit court in and for each of the counties in the said judicial circuit hereby created, and the terms of the several courts for the counties aforesaid shall commence and be held as follows:

For the county of Greenbrier, beginning on the third Tuesday of April, the fourth Tuesday of June and the second Tuesday of November in each year.

For the county of Pocahontas, beginning on the third Tuesday of January, the first Tuesday of June and the first Tuesday of October of each year.

Special terms of said courts may be called and held as provided by general law.

Sec. 3 The governor, as soon as this act takes effect, shall appoint a qualified person as judge of the judicial circuit hereby created, who shall serve until his successor is elected at the general election to be held in November of the year one thousand nine hundred and twelve, and qualifies; and at said general election the voters of the judicial circuit hereby created shall elect a judge thereof for the term of eight years, beginning the first day of January, one thousand nine hundred and thirteen. Such judge so appointed shall perform all the duties, have all the authorities and powers and receive the compensation and emoluments prescribed by the constitution and general laws relating to circuit judges.

Sec. 4. The remaining county of the eleventh judicial circuit, being the county other than the counties of Greenbrier and Pocahontas, as said eleventh judicial circuit was constituted before this act, shall constitute and remain the eleventh judicial circuit, and the judge thereof, now serving, shall continue as judge thereof for his unexpired term with the authority, powers, duties, compensation and emoluments of said office as provided by the constitution and general laws relating to circuit judges.

Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 374.)

## CHAPTER 9.

AN ACT creating the twenty-first judicial circuit, and fixing the time for holding the circuit courts in the counties thereof.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 21, 1911.]

<p>SEC.</p> <p>1. Twenty-first judicial circuit created.</p> <p>2. The number of, and time for holding terms of court.</p> <p>3. After the election and qualification of a judge the twelfth judicial cir-</p>		<p>SEC.</p> <p>cuit shall be composed of Webster and Upshur counties.</p> <p>4. At general election in one thousand nine hundred and twelve the judge for this circuit shall be elected.</p>
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That a judicial circuit be, and the same is hereby created, to be known as the twenty-first judicial circuit, and designated as such, consisting of the counties of Braxton and Nicholas.

Sec. 2. There shall be held in each year at least three terms of the circuit court in and for each of the counties in the said judicial

circuit so hereby created, and the terms of the circuit court for the counties aforesaid shall commence and be held as follows:

For the county of Braxton on the second Monday of January, the second Monday of June and the second Monday in October.

For the county of Nicholas on the first Monday in April, the first Monday in August and the fourth Monday in November.

Sec. 3. On and after the election and qualification of the judge hereinafter provided for, the twelfth judicial circuit shall remain composed of the counties of Webster and Upshur, until which time the said circuit shall remain as at present constituted.

Sec. 4. At the general election to be held on the Tuesday following the first Monday in November, one thousand nine hundred and twelve, a judge shall be elected therefor to serve as provided by law as to other judicial circuits.

(House Bill No. 373.)

## CHAPTER 10.

AN ACT creating the twenty-second judicial circuit, fixing the time for holding terms of circuit court in the counties thereof, providing for the election of a judge thereof, and defining his duties and emoluments.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 23, 1911.]

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Twenty-second judicial circuit created.</li> <li>2. Terms of court to be held; time for holding court; special terms may be held.</li> <li>3. Providing for the election of a judge; powers and duties of judge.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>4. Remaining counties in seventh and ninth circuits shall remain and constitute the seventh and ninth circuits, respectively.</li> <li>5. This act to take effect January 1, 1913, except.</li> </ol> |
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That a judicial circuit be and is hereby created to be known and designated as the twenty-second judicial circuit, consisting of the counties of Mingo and Wyoming.

Sec. 2. There shall be held in each year in the county of Mingo at least four terms of the circuit court, and in the county of Wyoming at least three terms of the circuit court, and the terms of the several courts for the counties aforesaid shall commence and be held as follows:

For the county of Mingo, on the first Monday in February, May, August and November of each year.

For the county of Wyoming, on the first Monday in April, July and October of each year.

Special terms of said court may be called and held as provided by the general law.

Sec. 3. At the general election to be held in the year one thousand nine hundred and twelve, the voters of the judicial circuit hereby created shall elect the judge thereof for the term of eight years, beginning the first day of January, one thousand nine hundred and thirteen. The powers, duties, compensation and emoluments of the judge so elected shall be the same as now provided for judges of the circuit courts.

Sec. 4. The remaining counties in the seventh and ninth judicial circuits, being the counties other than the counties of Mingo and Wyoming, shall constitute and remain the seventh and ninth judicial circuits, respectively, until changed by law.

Sec. 5. This act shall take effect January first, one thousand nine hundred and thirteen, except that the said judge for said circuit shall be elected as herein provided.

Sec. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 200.)

## CHAPTER 11.

AN ACT creating the twenty-third judicial circuit, fixing the time for holding terms of circuit court thereof, providing for the election of a judge thereof, and continuing the judge of the fourteenth judicial circuit in office until the expiration of his term, and defining the duties and emoluments thereof; and providing that Marion county shall constitute and remain the fourteenth judicial circuit.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

<p>SEC.</p> <p>1. Twenty-third judicial circuit created.</p> <p>2. Terms of court to be held.</p> <p>3. Time for holding court.</p>		<p>SEC.</p> <p>4. Election of judge.</p> <p>5. Marion county to remain fourteenth circuit.</p>
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That a judicial circuit be, and it is hereby created, to be

known and designated as the twenty-third judicial circuit, consisting of the county of Monongalia.

Sec. 2. There shall be held in each year at least four terms of the circuit court in and for said county in the said judicial circuit hereby created, and the terms of the several courts for said county shall commence and be held as follows:

On Thursday after the first Monday in January, April, July and October of each year. Special terms of said court may be called and held as provided by general law.

Sec. 3. At the general election to be held in November of the year one thousand nine hundred and twelve, the voters of the judicial circuit hereby created shall elect a judge thereof for the term of eight years, beginning the first day of January one thousand nine hundred and thirteen, who shall perform all the duties, have all the authorities and powers and receive the compensation and emoluments prescribed by the constitution and general laws relating to circuit judges.

Sec. 4. The county of Marion shall constitute and remain the fourteenth judicial circuit, and the judge thereof, now serving, shall continue as judge of both of said circuits for his unexpired term with the authority, powers, duties, compensation and emoluments of said office, as provided by the constitution and general laws relating to circuit judges.

Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 367.)

## CHAPTER 12.

AN ACT to abolish the criminal court of Mingo county from and after the thirty-first day of December, in the year one thousand nine hundred and twelve.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 23, 1911.]

SEC.

1. Criminal court of Mingo county abolished, to take effect December 31, 1912.
2. All indictments, suits, actions and proceedings, with all records, pro-

SEC.

cess and papers pertaining to said criminal court proceedings to be transmitted to clerk of the circuit court, etc.; proceedings to be had in said circuit court.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That the criminal court of Mingo county, created by



chapter six of the acts of the extra session of one thousand nine hundred and eight of the legislature, entitled "An act to create a criminal court of limited jurisdiction in the county of Mingo; to provide officers therefor and fix the compensation," be and the same is hereby abolished from and after the thirty-first day of December, in the year one thousand nine hundred and twelve.

Sec. 2. All indictments, suits, actions and proceedings of every kind pending in said criminal court on the day last aforesaid, together with all records, process and papers pertaining thereto, as well as all records, process and papers pertaining to all trials, indictments, actions, suits and proceedings theretofore had or pending in said court, and all bonds and recognizances taken in said court, shall on and after the day last aforesaid be certified and transmitted by the clerk of said court to, and filed and deposited in, the office of the clerk of the circuit court of said county of Mingo; and all subpoenas, summonses, and notices, executions, writs, and process of every kind, and recognizances outstanding on the day last aforesaid, shall be returned to the office of the clerk of said circuit court, if returnable to the office of the clerk of said criminal court, or to the first day of the next ensuing regular term of said circuit court, if returnable to said criminal court in term time, the same as if originally made returnable to the said circuit clerk's office or the first day of the said term of said circuit court; and said clerk of said circuit court shall, after the day last aforesaid have the same powers and perform the same duties in relation to such records, suits, actions, notices, writs, process, papers and proceedings, including the issuing of executions and other writs upon judgments, decrees or orders of said criminal court, and the certifying of copies from the records of said criminal court, as were vested in and required of the clerk of said criminal court. All indictments, actions, suits and proceedings pending in said criminal court on the day last aforesaid, and in all cases, indictments, actions, suits and proceedings which theretofore had been in said criminal court and shall on the day last aforesaid be pending in the circuit court of said county or in the supreme court of appeals of West Virginia upon appeal or writ of error, shall, when decided upon such appeal or writ of error, be docketed and proceeded in and tried and determined, and such further proceedings as may be proper, had therein by the said circuit court in all respects as if the same had

been found or originated in said circuit court and had been taken thence on such appeal or writ of error.

Sec. 3. All acts and parts of acts in conflict herewith shall from and after the day last aforesaid be deemed repealed.

(Senate Bill No. 91.)

### CHAPTER 13.

AN ACT authorizing county courts, or tribunals created in lieu thereof, to offer rewards for the apprehension of criminals.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.]

SEC.

1. Who may offer rewards.

SEC.

2. How reward is paid.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. The county court of any county, or any tribunal acting in lieu thereof, together with the circuit court, or judge thereof in vacation, may, within their discretion, offer rewards for the apprehension of persons charged with crime.

Sec. 2. Such reward shall be paid out of the county fund in the same manner as other county expenses are paid.

(Senate Bill No. 54.)

### CHAPTER 14.

AN ACT authorizing the county court of Braxton county to issue its orders for the purpose of building and completing a bridge and the approaches thereto across Elk river, at the town of Gassaway, in Otter district.

[Passed February 17, 1911. In effect ninety days from passage. Approved by the Governor February 20, 1911.]

SEC.

1. Braxton county may issue interest-bearing orders to build bridge at Gassaway.

2. A vote must be taken for authority to issue.

3. County court must by resolution of

SEC.

record appoint day for election and publish resolution.

4. How election shall be conducted.

5. Result of election; court to provide direct tax to pay interest, etc.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That for the purpose of building and completing a new

and substantial permanent bridge and the approaches thereto across Elk river, at the town of Gassaway, in Otter district, at such point as the county court of Braxton county may select, said county court of Braxton county be, and it is hereby authorized to issue its county orders, bearing interest at the rate of six *per centum* per annum, payable at the option of the county court on or before one, two, three, four and five years from the date of issue, for a sum not to exceed fifteen thousand dollars (\$15,000.00), notwithstanding any existing law to the contrary; and said orders shall constitute a valid indebtedness against the 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 or general election to be called and held in said county.

Sec. 3 The county court of Braxton 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; said resolution shall appoint a day upon which the election shall be held by the qualified voters of said county to decide whether or not said order 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."

Sec. 5. If at such election not less than three-fifths of all the votes cast for and against the said orders shall be cast for said orders, the said county court shall have authority to issue the same as hereinbefore provided; but said court shall, at the same time, provide for the collection of a direct annual tax sufficient to pay annually the interest on said orders and the principal thereof as the same becomes due and payable as aforesaid, notwithstanding any

law limiting the power of the county court in laying the county and district levies.

(House Bill No. 297.)

## CHAPTER 15.

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state of West Virginia, as follows: Amending section forty-six of article six.

[Passed February 21, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

### Sec.

1. The question of ratification or rejection of an amendment to the constitution shall be submitted to the voters of the state at the general election in one thousand nine hundred and twelve. Proposed amendment: On and after the first day of July one thousand nine hundred and fourteen the manufacture, sale and keeping for sale of malt, vinous or spirituous liquors, wine, ale, porter, beer or any intoxicating drink, mixture or preparation of like nature, except as provided, shall be prohibited.
2. Convenience in referring to the proposed amendment in preparation of ballot.

### Sec.

3. Ballot commissioners of each county required to place upon and at the foot of the official ballot the ballot on the amendment; how election shall be conducted.
4. How the result of the election shall be certified.
5. When the certificates shall be laid before the governor, who shall declare the same by proclamation; if ratified, when it shall be in force and effect.
6. The governor shall cause the proposed amendment, with proper designation, to be published in some newspaper in every county in which a newspaper is printed.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provision of section two of article fourteen of said constitution, shall be submitted to the voters of the state at the next general election, to be held in the year one thousand nine hundred and twelve, which proposed amendment is as follows:

### *Proposed Amendment.*

That section forty-six of article six of said constitution as it now is be stricken out and the following inserted in lieu thereof:

Sec. 46. On and after the first day of July, one thousand nine hundred and fourteen, the manufacture, sale and keeping for sale of malt, vinous or spirituous liquors, wine, ale, porter, beer, or any intoxicating drink, mixture or preparation of like nature, except as hereinafter provided, are hereby prohibited in this state.

*Provided, however,* that the manufacture and sale and keeping for sale of such liquors for medicinal, pharmaceutical, mechanical, sacramental, and scientific purposes, and the manufacture and sale of denatured alcohol for industrial purposes may be permitted under such regulations as the legislature may prescribe. The legislature shall, without delay, enact such laws, with regulations, conditions, securities and penalties as may be necessary to carry into effect the provisions of this section.

Sec. 2. For convenience in referring to the said proposed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: To be known as "Prohibition Amendment."

Sec. 3. For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution, at the said general election to be held in the year one thousand nine hundred and twelve, the board of ballot commissioners of each county are hereby required to place upon and at the foot of the official ballots to be voted at said election, the following:

BALLOT ON CONSTITUTIONAL PROHIBITION AMENDMENT.

Amending section forty-six of Article six.

For ratification of prohibition amendment.

Against ratification of prohibition amendment

The said election on the proposed amendment at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertained, by the same officers and in the same manner as the election of officers to be voted for at said election; and all of the provisions of the law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, or a majority of them, and the canvassers (if there be any) or a majority of them, at each place of voting, shall make out and sign two certificates thereof in the following form or to the following effect: "We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at \_\_\_\_\_, in district of \_\_\_\_\_, in the county of \_\_\_\_\_, on the

\_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and twelve, upon the question of the ratification or rejection of the proposed constitutional amendment to section forty-six of article six, do hereby certify that the result of said election is as follows:

Amending section forty-six of article six:

For ratification of prohibition amendment \_\_\_\_\_ votes.

Against ratification of prohibition amendment \_\_\_\_\_ votes.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and twelve.”

The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said questions. The said commissioners, or any one of them, (or said canvassers or one of them, as the case may be), shall within four days, excluding Sundays, after that on which said election was held, deliver one of said certificates to the clerk of the county court of his county, together with the ballots, and the other to the clerk of the circuit court of the county.

The said certificates, together with the ballot cast on the question of said proposed amendment, shall be laid before the commissioners of the county court at the court house at the same time the ballots, poll books and the certificates of the election for the members of the legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners, as a board of canvassers, in the form or to the following effect:

“We, the board of canvassers of the county of \_\_\_\_\_ having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the \_\_\_\_\_ day of November, one thousand nine hundred and twelve, do certify that the result of the election in said county, on the question of the ratification or rejection of the proposed amendment to section forty-six of article six is as follows:

For ratification of prohibition amendment \_\_\_\_\_ votes.

Against ratification of prohibition amendment \_\_\_\_\_ votes.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and twelve.”

One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary

of state who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, or as soon thereafter as practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation published in one or more newspapers printed at the seat of government. If a majority of the votes cast at said election upon said question be for the ratification of the said amendment, the proposed amendment so ratified shall be of force and effect from and after the first day of July, one thousand nine hundred and fourteen, as part of the constitution of the state.

Sec. 6. The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published at least three months before such election in some newspaper in every county in which a newspaper is printed, at a price to be agreed upon, in advance, in writing, and the cost of such advertising shall in the first instance, if found necessary by him, be paid out of the governor's contingent fund and be afterwards repaid to such fund by appropriation of the legislature.

(House Bill No. 149.)

## CHAPTER 16.

AN ACT to prohibit the sale or giving away or otherwise dispensing cocaine, alpha or beta eucaine, or any mixture of either, except on the prescription of a licensed physician in good standing in his profession and not of intemperate habits or addicted to the use of any drug, and prescribing the penalty therefor.

[Passed February 20, 1911. In effect ninety days from passage. Approved by the Governor February 20, 1911.]

### SEC.

1. No person shall sell or give away or dispense cocaine, alpha or beta eucaine, or mixtures of either, except on prescription of licensed physician in good standing. Any person violating the provision of this section shall be guilty of a felony, and upon conviction be confined in the penitentiary not less than one nor more than ten years. A provision for licensed manufacturing pharmacist and others therein named.
2. If any person, not excepted in this section, have in his possession

### SEC.

- cocaine or alpha or beta eucaine, or mixtures of either, with intent to sell or give away, shall be guilty of a felony; the possession of cocaine or mixtures shall be *prima facie* evidence of an intent to sell or give away.
3. Every prescription for cocaine, alpha or beta eucaine, or mixtures of either, shall be signed by physician in good standing and give name and address of patient and shall be filed only once and filed; penalty for violation of provisions of this act.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That no person shall sell, give away or otherwise dispense cocaine, alpha or beta eucaine, or any mixture of either, except on the prescription of a licensed physician in good standing in his profession, not of intemperate habits or addicted to the use of any drug, and any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary of this state not less than one nor more than ten years for each offense. *Provided*, that nothing herein contained shall be construed to prohibit the sale of cocaine or alpha or beta eucaine by any licensed manufacturing pharmacist or chemist or wholesale or retail druggist to other licensed manufacturing pharmacist or chemist or wholesale or retail pharmacist or druggist, or to hospitals, colleges and scientific or public institutions, or to licensed physicians, dentists or veterinary surgeons; nor to the use of cocaine or alpha or beta eucaine by any licensed physician, dentist or veterinary surgeon in the regular course of his practice.

Sec. 2. If any person, except a licensed physician, dentist or veterinary surgeon, manufacturing pharmacist or chemist, or wholesale or retail pharmacist or druggist, have in his possession cocaine or alpha or beta eucaine or any mixture of either with intent to sell, give away or otherwise dispense the same, he shall be deemed guilty of a felony and punished by confinement in the penitentiary of this state not less than one nor more than ten years; and possession of cocaine or alpha or beta eucaine or any mixture of either, except by a licensed physician, dentist, veterinary surgeon, manufacturing chemist, pharmacist, wholesale or retail pharmacist or druggist or on the prescription of a licensed physician in good standing in his profession, not of intemperate habits or addicted to the use of any drug, shall be *prima facie* evidence of an intent to sell, give away or otherwise dispense the same. *Provided*, that nothing herein contained shall be construed to apply to any hospital, college or scientific or public institution.

Sec. 3. Every prescription for the use of cocaine, alpha or beta eucaine or any mixture containing any of the foregoing drugs or substances, must be signed by a licensed physician in good standing in his profession, not of intemperate habits, nor addicted to the use of any drug, giving the name and address of the patient for whom the same shall be prescribed, which shall be written plainly



upon the prescription; also the amount and quantity of said substance prescribed shall be plainly set forth in said prescription; and said prescription shall be filed only once, and said prescription shall be filed by the druggists who filled the same in the same manner that prescriptions for spirituous liquors are filed, and shall at all times be open to the inspection of the prosecuting attorney, the county court and the grand jury of the county in which said prescription was filed, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five nor more than two hundred dollars and may in the discretion of the court be confined in the county jail in addition to said fine for a period not exceeding six months.

Sec. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 26.)

## CHAPTER 17.

AN ACT authorizing sales, leases and mining leases, whenever there is, either in law or in equity, in any land, or in any oil, gas, coal or other minerals, any contingent remainder, or any vested remainder which is liable to open and let in after-born children or to open and let in members of any class, or any executory interests or executory devise, or any base, qualified, conditional or limited fee, or any other qualified, conditional, limited or determinable estate or interest; providing for the jurisdiction and procedure of circuit courts in suits for such purposes; and repealing section twenty of chapter seventy-one of the code of West Virginia of the year one thousand nine hundred and six.

[Passed February 20, 1911. In effect ninety days from passage. Became a law without the Governor's approval.]

### SEC.

1. It shall be lawful for the circuit court of a county in which land, oil, gas, coal or other minerals are situate to decree a sale, lease or mining lease of any such oil, gas, coal or minerals, when there is any contingent or vested remainder.
2. Such bill may be filed by
  - (a) Any person who alone or with

### SEC.

- others has any vested freehold estate in the land or other interests.
- (b) Any person in whom a contingent remainder would vest.
  - (c) Remaindermen in being at the time of the commencement of the suit; a vested remainder liable to open.
  - (d) A person or others who has a base, qualified conditional or lim-

## Sec.

- ited fee or freehold estate.
- (e) Any trustee whose estate or interest is such that he might have filed such bill had he held.
- (f) Any purchaser or assignee from person or any estate, etc., which would entitle the assignor to sue.
- (g) A married woman, as if she were a *four sole*, if.
- (h) The guardian of an infant, committee of insane person, or convict, if.
8. Who shall be made parties.
4. Orders of publication may be entered and executed; summons may be served in like manner as in other cases.
5. Guardian *ad litem* shall be appointed for infant or insane persons, if known.
6. Bill shall describe land, oil, gas, coal or mineral with reasonable certainty and shall be verified by oath.
7. Evidence, how taken.
8. If it be clearly shown, the court may sell or lease in such manner and

## SEC.

- under such terms as deemed most beneficial to all persons interested.
9. If a sale or lease shall be decreed, the court shall appoint a special commissioner to make same; no shall give bond and sell or lease as directed, retaining a lien to secure unpaid purchase money.
10. The title of all purchases shall be an estate in fee simple, absolute indefensible; the court may ascertain and fix priority of liens, assign dower and curtesy.
11. The proceeds of sale, rents, royalties, etc., and incomes shall be under the direction of the court.
12. This act and the rights and remedies provided for shall be cumulative and in addition to chapter eighty-three of the code of West Virginia of one thousand nine hundred and six, and neither said chapter nor any other rights or remedies therein provided for are repealed.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That whenever there is either at law or in equity, in any land, or in any oil, gas, coal or other minerals, any contingent remainder, or any vested remainder, which is liable to open and let in after-born children or to open and let in members of any class, or any executory interest, or executory devise, or any base, qualified, conditional or limited fee, or any other qualified, conditional, limited or determinable estate, or interest, it shall be lawful for the circuit court of the county in which the land, oil, gas, coal or other minerals, or any part thereof, to be sold or leased, are situate, upon a bill filed by any of the persons specified in section two of this act, to decree a sale, lease, or mining lease of such land, or of any such oil, gas, coal and other minerals, or of any one or more of them, as hereinafter provided.

Sec. 2. Such bill may be filed by any of the following persons:

(a) Any person who alone or with others has, either at law or in equity, any vested freehold estate, whether in possession, remainder or otherwise, in said land, or in said oil, gas, coal or other minerals to be sold or leased.

(b) Any person in whom alone or with others a contingent remainder would vest, either at law or in equity, if the contingency or event upon which the remainder is to vest, or determining who the remainderman or remaindermen are, should happen at the time of the commencement of the suit.

(c) Any one or more of the remaindermen in being at the time

of commencement of the suit, when there is, either at law or in equity, a vested remainder liable to open and let in after-born children, or to open and let in members of any class.

(d) Any person who alone or with others has, either at law or in equity, a base, qualified, conditional or limited fee, or any other qualified, limited or determinable freehold estate, or any freehold estate which is subject or liable to be terminated or defeated by the vesting or any executory interest or executory devise or by the happening or non-happening of any condition, limitation or event, or to whom an executory interest or executory devise of a freehold estate is granted or devised.

(e) Any trustee whose estate or interest is such that he might have filed such bill had he held such estate or interest in his own right; and also any beneficiary of any such trust. And any beneficiary of any such trust whose estate or interest is such that he might have filed such bill, if such estate or interest were a legal estate or interest; and also the trustee of any such trust.

(f) Any purchaser or assignee, at law or in equity, from any person or any estate or interest which would entitle such latter person to file such bill had he not sold or assigned such estate or interest.

(g) A married woman, as if she were *feme sole*, if otherwise entitled to file such bill.

(h) The guardian of any infant, or the committee of any insane person, or convict if such infant or insane person or convict would, but for such infancy, insanity or conviction be entitled to file such bill.

Sec. 3. All persons in being who have any vested, contingent or expectant estate or interest, either at law or in equity, in said land, or in the oil, gas, coal or other minerals to be sold or leased, shall be made parties, and where the bill is filed by the guardian of an infant, or the committee of an insane person, such infant or insane person shall be made defendant. *Provided, however,* that the joinder of any person having only a contingent or expectant estate or interest may be dispensed with where the person not joined is virtually represented by any other party or parties to the suit; and where such virtual representation existed, no order or decree or sale or lease made thereunder shall be deemed erroneous or void because of such non-joinder.

Sec. 4. Order of publication may be entered and executed, and

against non-resident defendants summons may be served in like manner and with like force and effect as in other cases. And where the names of any persons interested or unknown, on affidavit of the fact that such names are unknown, such persons may be made defendants by the general description of parties unknown, and an order of publication entered and proceedings had thereon as in other cases. And where the bill states that it is not known whether there are any other persons interested, and makes such persons, if any, defendants by the general description of parties unknown, on affidavit of that fact an order of publication may be entered and proceedings had as in other cases of parties unknown.

Sec. 5. When a defendant is an infant or an insane person, the guardian *ad litem* shall be appointed as provided by section thirteen of chapter one hundred and twenty-five of the code of West Virginia of the year one thousand nine hundred and six, and shall be governed by the provisions of said section: *provided*, that no guardian *ad litem* need be appointed for parties unknown, though infant, insane, or convict.

Sec. 6. The bill shall describe the land, oil, gas, coal or other minerals to be sold or leased, with reasonable certainty, and set forth the names of all persons interested in said property, together with their respective estates or interests, whether vested, contingent or expectant, so far as is known by the plaintiff, and the facts which, in the opinion of the plaintiff, would justify the sale or lease. And the bill shall be verified by the oath of the plaintiff or one of the plaintiffs.

Sec. 7. Evidence may be taken as in other suits in chancery, or the court may hear the evidence in open court. And if heard in open court, the court may, and on the motion of any party shall require the evidence to be taken down in short-hand by a stenographer and transcribed, and certify said evidence and make the same part of the record in the cause, in the same manner and within the same time as bills of exceptions are now certified and made part of the record. *Provided, however*, that no exceptions need be taken to any ruling of the court.

Sec. 8. If it be clearly shown by the pleadings and proofs that the interests of all persons having any vested, contingent or expectant estates or interests in said property will be promoted by the sale, lease or mining lease of the land, oil, gas, coal or other minerals to be sold or leased, and the court shall be of the opinion that

the rights of no person interested will be materially injured or prejudiced, the court may, with the consent of all persons in being having any vested estate or vested interest in said land, oil, gas, coal or other minerals to be sold or leased, decree the sale, lease, or mining lease of such land, oil, gas, coal or other minerals in such manner and on such terms and in such parcels as may be deemed most beneficial to all persons interested. *Provided*, that where any party having a vested estate or vested interest is an infant or insane, the guardian of such infant, whether testamentary or appointed by a county court or the clerk thereof, or the committee of the insane person, may consent for such infant or insane person, as the case may be; and where any party having a vested estate or vested interest is a married woman, and such vested estate or vested interest is her separate estate, she may consent as if a *feme sole*, and without the consent of her husband. *Provided, further*, that if the property to be sold or leased is oil, gas or other volatile or fugitive substance, and it shall clearly appear that such oil, gas, or other volatile or fugitive substance is being, or in danger of being, withdrawn or drained away through other lands and so wasted and lost, to the injury of any person who has a vested contingent or expectant interest in said oil or gas, or other volatile or fugitive substance, then, although any person having a vested estate or vested interest in said oil, gas or other volatile or fugitive substance, or the land containing the same, does not consent as aforesaid, the court may decree the sale or mining lease of said oil, gas or other volatile or fugitive substance. *Provided, further*, that nothing in this act contained shall authorize the divestiture of any mining lease of such oil, gas, or other volatile or fugitive substance without the consent of the holder of such lease, if such lease was made by the holder of an estate in fee simple absolute, prior to the grant or devise of any of the estates or interests mentioned in section one of this act; and *provided, further*, that the consent of no holder of any lien or encumbrance hereafter created, shall be necessary to any sale, lease or mining lease, or any decree therefor under this act.

Sec. 9. If such sale, lease or mining lease shall be decreed, the court shall appoint a special commissioner or special commissioners to make the same; the special commissioner or commissioners, before making any such sale, lease or mining lease, shall in open court enter into bond, with approved security in such penalty as the court shall prescribe, conditioned for the faithful application of

the proceeds of the sale, lease or mining lease, which may come into his or their hands, which bond shall be payable to the state, and the court may thereafter order a new bond, with other security, to be given, if deemed necessary. Such sale, lease or mining lease may be decreed to be made upon such terms as the court shall direct, and at either public or private sale or leasing, and shall be subject to confirmation by the court and be reported for such confirmation. If any sale shall be made on credit, a lien shall be retained on the property sold and such other security as the court may direct shall be taken to secure the deferred purchase money.

Sec. 10. The title of all purchases under all sales shall be an estate in fee simple absolute indefeasible by any person having a vested estate or vested interest, who is a party to the suit, or by any person having any contingent or expectant estate or interest in the property sold. And the title of lessees under all leases and mining leases shall be defeasible by any person having a vested estate or vested interest, who is a party to the suit, or by any person having any contingent or expectant estate or interest in the property leased. And if a sale, lease or mining lease made under decree as aforesaid shall be confirmed, though such decree be afterwards reversed or set aside, the title of the purchaser or lessee shall not be affected thereby; but all subsequent orders and decrees shall affect only the proceeds of sale, or the reversion subject to such lease or mining lease, together with the proceeds, rents and royalties of the lease or mining lease. All sales, leases and mining leases shall be free and acquit of all liens, encumbrances, inchoate dower and inchoate curtesy, held by any party to the suit; but such lien and encumbrances, and consummate dower and curtesy, when they shall vest, shall attach to the estate or interest of any persons in the proceeds of sale, or in the reversion subject to any such lease or mining lease, together with the proceeds, rents and royalties accruing from such lease or mining lease, to the same extent that such liens, encumbrances, dower and curtesy attached or would have attached to his estate or interest in the property if no sale, lease or mining lease had been made. And after the confirmation of any such sale, lease or mining lease, the court, with or without an order of reference, may ascertain and fix the priority of any such liens and encumbrances, and assign consummate dower and curtesy when the same shall vest.

Sec. 11. The proceeds of sale, and the reversion subject to any

such lease or mining lease, together with the proceeds, rents, and royalties accruing from any such lease or mining lease, shall, in all respects, be substituted for and stand in the place of the property sold or leased as regards the ownership and enjoyment thereof, and all persons shall have the same estates or interests vested, contingent or expectant, in such proceeds of sale, or in the reversion subject to any such lease or mining lease, together with the proceeds, rents and royalties accruing from any such lease or mining lease, as they had or would have had in the property sold or leased. And the proceeds of sale shall be invested and the proceeds, rentals and royalties accruing from such lease or mining lease shall be invested or applied, and the principal and income of any such investment shall be applied under the direction of the court, for the use and benefit of the persons having any such estate or interest vested, contingent or expectant, in accordance with, and to the extent to which they are entitled by virtue of their respective estates and interests, vested, contingent or expectant. From any one in whose hands the proceeds of sale, or the proceeds, rents and royalties accruing from any such lease or mining lease shall be placed or come, the court shall take ample security, and from time to time require additional security, if necessary; and the court shall make all proper orders and decrees for the faithful application of the funds and for the management and preservation of any property or securities in which the same may be invested, for the protection of the rights of all persons having any estate or interest, whether vested, contingent or expectant.

Sec. 12. This act and the rights and remedies therein provided for shall be cumulative and in addition to chapter eighty-three of the code of West Virginia of the year one thousand nine hundred and six, and neither said chapter nor any other rights or remedies therein provided for are repealed. Section twenty of chapter seventy-one of the code of West Virginia of the year one thousand nine hundred and six is hereby repealed.

(House Bill No. 88.)

**CHAPTER 18.**

**AN ACT** providing for the appointment of police matrons and prescribing their powers and duties.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

**Sec.**

1. In cities of five thousand population a police matron may be appointed; she must be recommended by twenty women in good standing and residents of the city.
2. Each police matron to have charge of women under arrest.
3. When a woman is arrested matron

**Sec.**

- shall be summoned; and the matron shall hold herself in readiness to answer calls.
4. Police matron shall attend police court and shall have charge of all women awaiting trial or transfer to another place of detention

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. In each of the several cities of this state having a population of five thousand or more, as ascertained by the last census, the mayor thereof may appoint a reputable woman who shall be known as police matron. No woman shall be appointed as such police matron unless recommended for such position in writing by at least twenty women in good standing and residents of the city in which said appointment is made. Upon the death, resignation or removal of the police matron, her successor shall be appointed in the manner hereinbefore provided as soon as may be. Said appointment shall be made and term of office fixed under such regulations as the council may prescribe, not inconsistent with the provisions of this act.

Sec. 2. Each police matron shall have, subject to the general control of the head of the police department, the entire care and control of all women under arrest in and at the police station for which she serves, and she may, at any time, call upon any police officer connected with such police station for assistance.

Sec. 3. Whenever a woman is arrested and taken to the police station to which a matron is attached, and when such matron is not present, it shall be the duty of the officer in charge of such police station to cause such matron to be immediately summoned, and it shall be the duty of the police matron to hold herself in readiness at all hours of the day and night to answer any and all calls from said police station whenever and so long as any woman is, or remains confined therein.

Sec. 4. The police matron herein provided for shall attend all sessions of the police court, at any and all times, when any woman



is to be arraigned before such court, and such police matron shall have charge of all women there in attendance awaiting trial or awaiting transfer to any other place of detention.

Sec. 5. In every station to which a police matron is attached, sufficient and proper accommodations shall be provided by those having charge of the police and fiscal affairs of the city thereof, for all women confined therein, or thereat, under arrest, and in case such accommodations shall be insufficient and improper, such matron shall notify the mayor, and it shall be the duty of the mayor to promptly lay the matter before the council, or other body having control of the police and fiscal affairs of such city, and it shall be the duty of such council, or municipal authority aforesaid, to provide, at the expense of such city, all such sufficient and proper accommodation.

Sec. 6. In this chapter the expression "woman" shall include any person of the female sex.

Sec. 7. The salary of police matron in each city shall be fixed by the council, or other municipal authority, having charge of the fiscal affairs thereof.

(Senate Bill No. 86.)

## CHAPTER 19.

AN ACT to establish a board for the examination of accountants, to provide for the granting of certificates to the same and to provide a punishment for the violation of this act.

[Passed February 14, 1911. In effect ninety days from passage. Approved by the Governor February 15, 1911.]

### SEC.

1. Who may be appointed.  
Who is a public accountant and may use title.
2. Governor shall appoint board; who shall constitute board; term; to elect officers; examinations, when and where; fee of applicant; per

### SEC.

- diem of board; certificate to applicant.
3. The governor may revoke certificate.
4. May waive examination, when.
5. Penalty for misrepresentation.
6. The board shall make report to governor; statement in detail.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That any citizen of the state of West Virginia, or any citizen of any other state having an office in this state, being over the age of twenty-one years and of good moral character, and who shall have received from the governor of the state of West Virginia

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a certificate to practice as a public expert accountant as hereafter provided, shall be designated and known as a certified public accountant; and every person holding such certificate and every co-partnership of accountants, every member of which shall hold such certificate, may assume and use the title of certified public accountant, or the abbreviation thereof, C. P. A.

Sec. 2. The governor of the state of West Virginia shall appoint a board of three examiners for the examination of persons applying for certification under this act. Two of said examiners shall be public accountants who have been in practice for at least five years, one of whom shall be appointed for the term of two years and one for the term of three years, and upon the expiration of each of said terms an examiner shall be appointed for the term of three years, and said two examiners shall be certified as public accountants by the governor upon their appointment. The other examiner shall be a practicing attorney in good standing in any of the courts of the state of West Virginia, who shall be appointed for the term of two years, and upon the expiration of said term a successor shall be appointed for the term of three years. Said board shall elect from their own members a chairman, a secretary and a treasurer, and shall require the treasurer to enter into a bond, payable to the state of West Virginia, in such penalty and with such surety as the board may approve, which said bond when so executed shall be filed with the secretary of state. The examination for certificates shall be based upon an examination in theory of accounts, practical accounting, auditing, commercial arithmetic, bookkeeping and commercial law. Said examinations shall take place twice a year, in the city of Charleston during the months of May and November of each year, under such rules and regulations as may be adopted by the board. Each applicant for such certificate shall pay a fee of twenty-five dollars to the treasurer of the examining board, from which shall be paid the expenses incident to such examination, clerk hire, stationery and traveling expenses of the examining board; also a fee of ten dollars per day to each member of the board for the actual time spent by each in making such examinations. The residue of such fees received shall be paid to the state treasurer before the thirtieth day of September of each year, by the treasurer of said board. There shall be no appropriations whatsoever made to maintain this board. The result of all examinations shall be certified by the board to the governor and filed in the office of the secre-

tary of state and kept for reference and inspection for a period of not less than five years, and the applicant upon passing the examination provided by the board shall receive a certificate of his qualification as such certified public accountant by the governor.

Sec. 3. The governor of the state of West Virginia may revoke any such certificate, for sufficient cause, upon the recommendation of the board of examiners, who, before making such recommendation, shall give written notice to the holder thereof and give him the right to appear for a hearing thereon.

Sec. 4. The board of examiners may, in its discretion, waive the examination of any person who shall show by satisfactory evidence to said board that he has been for the term of three years next preceding the passage of this act practicing in the state of West Virginia, or a sister state as a public accountant, and who shall apply in writing for a certificate within three months after the passage of this act.

Sec. 5. Any person who shall hold himself out as having received the certificate provided for in this act, or who shall assume to practice thereunder as a certified public accountant, or use the initials C. P. A., or C. A., without having received the certificate provided for in this act, or after the same shall have been revoked, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be sentenced to pay a fine not exceeding five hundred dollars. *Provided*, that the provisions of this act shall not apply to any duty required to be performed under the provisions of chapter thirty-three of the acts of the special session of the legislature of one thousand nine hundred and eight.

Sec. 6. It shall be the duty of the said board of examiners, 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 fees received and sums expended, and the balance remaining on hand at the end of the fiscal year after the payment of the necessary expenses as provided in this act.

(House Bill No. 243.)

**CHAPTER 20.**

**AN ACT** to enable counties, magisterial districts, cities and towns to appropriate money or to issue bonds in aid of the construction by public authority and control of canals or waterways suitable for steamships, steamboats, barges or other vessels, and providing for the procedure in such cases.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

**Sec.**

1. When canal or waterway or substantially definite route shall be authorized under management of the United States, separately or jointly in co-operation with any state, or under authority, management or control of any state adjoining this state, which canal or waterway shall be suitable for steamships or other vessels, it shall be lawful for any county, district, city or town situated on the route to give aid by the appropriation of money or the issue of bonds.
2. One hundred or more taxpayers and voters of any county, district, city or town to submit a petition to the county court, or council to issue negotiable bonds and request that an election may be held and a vote be taken on the question of the issuing of such bonds; a hearing shall be had on the request and notice given of the hearing.
3. Requiring bond to be given conditioned to pay the expenses incurred in the event the election should be adverse to the prayer of the petition.
4. Any person in interest may be heard;

**Sec.**

- if the petition shall be regular and the constitutional limit will not be exceeded, an election shall be ordered; the manner of election provided for and set out; who shall pay the expenses; in case the election be in favor of the issue, then the bonds are to be executed, sold or realized upon and proceeds expended under such authority as therein stated.
5. Section eight of article ten of the constitution of West Virginia shall be complied with.
  6. The respective county courts or councils are authorized to enter into proper arrangements and agreements with the secretary of war or with any other authority empowered to act in the premises.
  7. In case requisite subscriptions are not completed, then none of the contributions shall be available and all bonds and obligations created by them shall be null and void.
  8. No subscription or grant by one county, district, city or town shall in any way interfere with another to proceed in like manner.

*Be it enacted by the Legislature of West Virginia:*

**Sec. 1.** That whenever a canal or waterway of substantially definite route shall be authorized to be constructed by or under the authority, management and control of the government of the United States, either separately or jointly in co-operation with any state or states, or under the authority, management and control of any state adjoining this state, either separately, jointly or in co-operation with any other state or states, to connect the great lakes with navigable waters of this state, directly or indirectly, by means of the navigable waters of any other state or states, which canal or waterway shall be suitable for steamships, steamboats, barges or other vessels, it shall be lawful for any county, magisterial district, city or town, situated on the route thereof, or connected therewith by navigable waters, railroads or other highways of com-

merce in such manner that the construction of such canal or waterway will be for the general public benefit of the community of said county, magisterial district, city or town, to give aid to such public enterprise by the appropriation of money or the issue of bonds as hereinafter set forth. *Provided*, that such canal or waterway shall be and remain exclusively under public management, control and operation, and free from the private management or possession in anywise of any individual, company, corporation, association or institution; and, *provided, further*, that of any surplus of tolls, rates and charges accruing from the operation of such canal or waterway, or from the sale of water or water power, or from other income remaining after payment of the cost of operation, maintenance and improvement, such county, magisterial district, city or town shall receive such proportionate part as its contribution shall bear to the total net amount invested in said canal or waterway.

Sec. 2. It shall be lawful for one hundred or more resident taxpayers and qualified voters of any county, magisterial district, city or town in this state, to submit a petition to the county court of such county or of the county in which such magisterial district is contained, or to the council of such city or town, as the case may be, which petition shall set forth that the construction of the canal or waterway to connect the great lakes with the navigable waters of this state by a substantially definite route has been authorized by law and shall describe such route in a general way; and shall show that the county, magisterial district, city or town, as the case may be, of the petitioners, is situated on the said route, or is connected therewith by navigable waters, or by a railroad or other highway of commerce, as in such petition shall be set forth; and shall aver that in the judgment of the petitioners the construction of such canal or waterway will be for the general public benefit of such county, magisterial district, city or town of the petitioners; and that it is desirable that the credit of the county, magisterial district, city or town, as the case may be, be loaned, to an amount fixed in such petition, for the purpose of aiding the construction and completion, in such manner as may be provided by law, of such canal or waterway, upon condition that such canal or waterway should remain free from the private management or possession in anywise of any individual, company, corporation, association, or institution; and shall further aver that for the purpose aforesaid it is desirable that the county, magisterial district, city or town, as

the case may be, of the petitioner, shall issue its negotiable bonds to the amount stated in such petition, bearing interest at the rate stated in such petition, not exceeding six per cent per annum, and shall also state the total amount of subscriptions, contributions, or money proposed to be made or raised from all sources for the construction of said canal and waterway, or in connection therewith; and which petition shall pray the court or council, as the case may be, to order an election to be held in said county, magisterial district, city or town, as the case may be, upon the question of the issue of such bonds to an amount and for the purpose stated; and such petition shall be verified by the affidavit of at least five of the petitioners, and if the same, when presented, shall appear to be in proper form, it shall be filed; and thereupon the court or council, as the case may be, shall fix the time for a hearing of the same, not more than sixty days thereafter, and shall direct that public notice of such hearing be given by advertisement and publication in one or more newspapers published in the county, in such issues thereof as the court or council, as the case may be, may direct.

Sec. 3. Before publishing such notice the petitioners, or some one for them, shall give bond before the clerk of such court or council, in a penal sum fixed by such court or council, with surety approved by such clerk, which bond shall be conditioned for the payment of all expenses and obligations to be incurred by such county, magisterial district, city or town, in connection with such petition and the election therein prayed for, in case the result of such election should be adverse to the prayer of the petition.

Sec. 4. Any person interested may file exceptions to such petition, at or before the hearing thereof, and on such hearing any person in interest may be heard, and the court or council, as the case may be, shall decide upon the truth of any matter set forth in the petition in case the same shall be disputed, save as to the matters set forth upon the judgment of the petitioners concerning the public benefit involved, and concerning the desirability of the issue of bonds, which matters shall be deemed to depend upon the result of the election prayed for. And if the council, or court, as the case may be, shall find that such petition and proceedings are regular, and in conformity with this act, and that the construction of a canal or waterway to connect with the great lakes any navigable water of this state by any substantially definite route, has been legally authorized, and that the county, magisterial district,

city or town is situated on such route, or is connected therewith by navigable waters, or railroads, or other highway of commerce, as set forth, and that by the issuance of said bonds the constitutional limit of the indebtedness of said county, magisterial district, city or town will not be exceeded, it shall order an election to be held in the county, magisterial district, city or town, as the case may be, after due notice of such election shall have been given by publication thereof once a week for four weeks preceding the date of said election, in some newspaper or newspapers published in the county. If such order shall be made by a county court more than thirty days and less than ninety days before a general election for state and county officers, or a school election, or by a city or town council more than thirty days and less than ninety days before an election for municipal officers, the election so ordered shall be held at such general, school or municipal election; but if not, then a special election shall be ordered to be held after notice, as aforesaid. If such election be held at a general, school or municipal election, the ballots to be voted at such election shall contain a statement of the amount, rate of interest and kind of bonds to be issued and the purpose for which they are to be issued, followed by the words "For the bonds" and the words "Against the bonds," or words of like effect, and such bond election shall be conducted and the result thereof ascertained and declared in the same manner as the result of the general, school or municipal election at which it is held. Any such special election ordered by a county court shall be held by commissioners appointed for the purpose at the time the election is ordered, and the same shall be held and the result shall be ascertained and declared in the same manner provided by law for holding general elections and for ascertaining and declaring the result thereof.

Any such special election ordered by the council of a city or town shall be held by commissioners appointed for the purpose at the time the election is ordered, and the same shall be held and the result ascertained and declared in the same manner provided by law for holding elections in such city or town for municipal officers. and for ascertaining and declaring the result thereof. The ballots to be voted at any such special election shall contain the same statement as to the bonds and the same words to enable the voter to indicate his will which are hereinbefore provided for ballots when the question is to be voted upon at a general, school or mu-

nicipal election. The expense of any such election shall be borne by the county, magisterial district, city or town, as the case may be, if such bond issue shall be authorized; otherwise such expenses shall be paid by said petitioner, or by the obligors in the bond above mentioned. If it shall appear, when the result of such election is ascertained and declared as aforesaid, that not less than three-fifths of the vote cast for and against the proposed bond issue are in favor of such issue, then the county court governing such county or magisterial district, or the council of such city or town, as the case may be, shall by an order or resolution, duly entered of record, authorize and cause the president or mayor of such county court or council, as the case may be, to execute and deliver the bonds authorized by such election to the proper state or federal authority which shall be constructing, or shall have constructed, such canal or waterway. Thereupon such bonds may be sold or realized upon, and the proceeds thereof may be expended, under such authority, in the construction and completion of such canal or waterway. Such president of the county court, or mayor, when so authorized, shall execute and deliver such bonds as aforesaid, and shall take from the proper authority to whom such bonds are delivered a receipt showing that said bonds are received and credited to such county, magisterial district, city or town, at their full par value, as so much cash, and shall also take and hold, subject to the control of such county court or council, any bonds, stock or other securities to which such county, magisterial district, city or town may have become entitled by reason of the premises.

Sec. 5. Any county court or council acting hereunder shall in all respects comply with section eight of article ten of the constitution of West Virginia, and within the limits prescribed by said section shall fix the time of payment of said bonds and shall provide for a direct annual tax sufficient to pay annually the interest on such bonds, and the principal thereof within thirty-four years.

Sec. 6. This act contemplates, among other things, the construction of canals or waterways by means of funds contributed by counties, magisterial districts, cities and towns interested or benefited, or intended so to be, whether of this state or in co-operation with the counties, magisterial districts, cities and towns of other states, or with other public authorities. And for the purposes of co-operation and of safeguarding the respective interests of the several contributors in the proportion of their respective contribu-



tions, the respective county courts or councils, as the case may be, are hereby authorized to enter into appropriate arrangements and agreements with the secretary of war, or with any other authority empowered to act in the premises under any act of congress or the legislature of this or any other state, and also with counties, magisterial districts, cities, towns and villages, either of this or other states with a view to harmonious and efficient action and duly proportionate contributions.

Sec. 7. But in case the requisite subscriptions of money, bonds or credit to aid the canals and waterways mentioned in this act as proposed in such petition are not completed, then none of the contributions which may have been voted by any county, magisterial district, city or town, pursuant to this act, shall be available, and all bonds so issued and all obligations so created by them, or any of them, shall be null and void.

Sec. 8. No subscription, grant or credit, issuance of bonds, or other act done in pursuance hereof by any county, magisterial district, city or town, shall in any way conflict or interfere with the independent and additional right which is hereby given to any and every other magisterial district, city or town within such county to proceed in like manner, pursuant to the powers, provisions and conditions above set forth.

(House Bill No. 130.)

## CHAPTER 21.

AN ACT to prevent the detention, by debt or otherwise, of female persons in houses of prostitution or other places where prostitution is practiced or allowed, and providing for the punishment thereof.

[Passed February 6, 1911. \* In effect ninety days from passage. Approved by the Governor February 11, 1911.]

### SEC.

1. Whoever shall, by any means, keep, hold, or detain against her will, a female person in a house of prostitution or place where prostitution is allowed, or detain or attempt to keep or hold at such

### SEC.

place to pay or cancel a debt, shall upon conviction for first offense be confined in jail and fined; for subsequent offenses be imprisoned in the penitentiary.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That whoever shall by any means keep, hold, detain against her will or restrain any female person in a house of prosti-

tution or other place where prostitution is practiced or allowed; or whoever shall, directly or indirectly, keep, hold, detain or restrain, or attempt to keep, hold, detain or restrain in any house of prostitution or other place where prostitution is practiced or allowed, any female person, by any means, for the purpose of compelling such female person, directly or indirectly, to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such female person, shall, upon conviction for the first offense under this act, be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, and by a fine of not less than one hundred dollars and not to exceed five hundred dollars, and upon conviction for any subsequent offense under this act shall be punished by imprisonment in the penitentiary for not less than one year nor more than three years.

(House Bill No. 132.)

## CHAPTER 22.

AN ACT in relation to pandering; to define and prohibit the same; to provide for the punishment thereof; for the competency of certain evidence at the trial therefor and providing what shall not be a defense.

[Passed February 6, 1911. In effect ninety days from passage. Approved by the Governor February 14, 1911.]

<p>SEC. 1. Any person who shall procure a female inmate for a house of prostitution, or attempt to do so, shall be guilty of pandering, and upon a first conviction therefor shall be</p>	<p>SEC. imprisoned in county jail and fined; upon conviction for subsequent offense shall be imprisoned in the penitentiary.</p>
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. Any person who shall procure a female inmate for a house of prostitution or who, by promises, threats, violence, or by any device or scheme shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution or shall procure a place as inmate in a house of prostitution for a female person; or any person who shall, by promises, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or any person who shall, by fraud or artifice, or by

duress of person or goods, or by abuse of any position of confidence or authority procure any female person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purposes of prostitution, or who shall procure any female person who has not previously practiced prostitution to become an inmate of a house of ill fame within this state, or to come into this state or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become an inmate of a house of ill fame within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of pandering, and upon a first conviction for an offense under this act shall be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, and by a fine of not less than one hundred dollars and not to exceed five hundred dollars, and upon conviction for any subsequent offense under this act shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years.

Sec. 2. It shall not be a defense to prosecution for any of the acts prohibited in the foregoing section that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution was intended to be practiced, or in which the offense was consummated, or any overt act in furtherance of the offense should have been committed.

Sec. 3. Any such female person referred to in the foregoing sections shall be a competent witness in any prosecution under this act, to testify for or against the accused as to any transaction or as to conversation with the accused, or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act whether called as a witness during the existence of the marriage or after its dissolution.

Sec. 4. The act or state of marriage shall not be a defense to any violation of this act.

(House Bill No. 133.)

**CHAPTER 23.**

AN ACT relating to pimping; defining and prohibiting the same; and providing for the punishment thereof and for the competency of certain evidence at the trial therefor.

[Passed February 6, 1911. In effect ninety days from passage. Approved by the Governor February 11, 1911.]

Sec.

1. Any male person who shall in whole or in part derive support from the prostitution of a female or shall receive compensation for touting for such prostitution shall be guilty of pimping; on conviction shall be confined in county

Sec.

jail and fined for first offense; upon conviction for subsequent offenses be imprisoned in the penitentiary.

2. Such female person a competent witness to testify in the case.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That any male person who, knowing a female person to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from money loaned or advanced to or charged against such prostitution by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or shall tout or receive compensation for touting for such prostitution, shall be guilty of pimping and upon a first conviction for an offense under this act shall be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, and by a fine of not less than one hundred dollars and not to exceed five hundred dollars, and upon conviction for any subsequent offense under this act shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than three years.

Sec. 2. Any such female person referred to in the foregoing section shall be a competent witness in any prosecution under this act to testify for or against the accused as to any transaction or, as to any conversation with the accused, or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution.

(House Bill No. 17.)

**CHAPTER 24.**

AN ACT to establish the West Virginia colored orphans' home, near Huntington, county of Cabell, and to provide for the management thereof, and authorizing the board of control of the state to purchase the farm and buildings now used by the West Virginia normal industrial school for colored orphans.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

**SEC.**

1. The West Virginia normal industrial school established; located near Huntington, in Cabell county; under management of state board of control.
2. Said board shall purchase land and other property; deed to be recorded in Cabell county, and filed in office of secretary of state.

**SEC.**

3. Board to make rules and regulations relative to management and disposition of children, fix salaries and prescribe duties of employes.
4. Board to admit children under sixteen years old under conditions stated.

*Be it enacted by the Legislature of West Virginia :*

Sec. 1. A state institution to be called the West Virginia colored orphans' home is hereby established and shall be carried on in a building or buildings suitable for the purpose to be provided by the state at the present site of the West Virginia normal industrial school for colored orphans, near Huntington, county of Cabell. This institution shall be under the management, direction, control and government of the state board of control.

Sec. 2. The state board of control shall purchase one hundred and ninety acres, more or less, now used and occupied by the West Virginia normal industrial school for colored orphans together with all the buildings, building material, furniture and live stock, at a price not to exceed ten thousand dollars, but before making said purchase said board of control shall cause the title to said property to be carefully abstracted through the office of the attorney general. The deed to said property shall be taken to the state as grantee and shall be recorded in Cabell county and filed in the office of the secretary of state and shall be recorded in the record book of the board of public works.

Sec. 3. The said board of control shall make such rules and regulations relative to the management, government, instruction, discipline, employment and disposition of the children in said home, not contrary to law, as said board may deem proper and shall appoint and fix the salaries of such officers, agents and servants as it

may deem necessary to transact the business and carry on the operation of said home and prescribe the duties of each person so employed.

Sec. 4. Said board of control shall admit to the care and custody of said home orphan colored children under sixteen years of age and such other colored children of like age that shall be surrendered by their father and mother in case the latter are invalids, or such children as may be surrendered to said home by authorized agents of the humane society of West Virginia, or the overseer of the poor of any city or town, or county court of any county, within this state, and they shall be kept and maintained and educated therein until said children can be placed in suitable homes elsewhere.

(Senate Bill No. 176.)

## CHAPTER 25.

AN ACT to establish a county high school in the county of Clay upon a site to be selected by the board of directors, and authorizing the levying of taxes in Clay county to aid in erecting and equipping a suitable building for said high school.

[Passed February 18, 1911. In effect from passage. Approved by the Governor February 23, 1911.]

- SEC.
1. High school established near town of Henry; how board shall be constituted.
  2. Power of the board.
  3. Board to be a body corporate.
  4. Board may lay levy for purposes therein.

- SEC.
5. Qualifications for admission to school.
  6. Revenue to be collected and disbursed by sheriff.
  7. Compensation of members of board.
  8. A vote to be taken to make this act effective; notice of and how election shall be held.

*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 Clay, state of West Virginia, in or near the town of Henry, in said county, which shall be known as the Clay county high school, the site for which is to be selected by the board of directors of said school, which said board of directors shall consist of one member to be elected at the next general election and every four years thereafter, and whose term of office shall commence on the first day of July following said election and be for four years and until his successor is elected and qualified; and the president and the commissioners of the county court of said Clay county and

the county superintendent of free schools of said county of Clay shall be *ex-officio* members of said board of directors, and the county superintendent of free schools of said county shall be *ex-officio* president of said board of directors. The *ex-officio* members of said board of directors shall constitute said board of directors of said Clay county high school until the elective member of said board of directors shall have been elected and qualified.

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 proper or 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 prescribe the duties and compensation of same.

Sec. 3. Said 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 belonging to said high school, and shall be liable for all claims which may legally exist against it.

Sec. 4. For the purpose of procuring proper grounds and for erecting and equipping suitable buildings thereon for said high school, said board of directors may lay a levy of not exceeding twenty-five cents on the one hundred dollars valuation for taxable purposes for the year one thousand nine hundred and eleven and the year one thousand nine hundred and twelve, and not to exceed five cents on the one hundred dollars valuation for such purposes for subsequent years, and for maintaining said school said board of directors may lay a levy not to exceed ten cents on the one hundred dollars valuation for any year.

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 Clay in the manner provided by general law.

Sec. 7. The members of 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 Clay county at a special election ordered by the county court of said Clay county, general notice of which election shall be given by publication of said notice in two newspapers of opposite politics and general circulation in said county of Clay, for four weeks preceding said election, if there be two such newspapers that will publish the same at the legal rate for such publications; but if there be not such newspapers that will publish such notice at such rate, then said notice may be posted at three of the most public places in each magisterial district in said county for a like period. Said county court shall provide a ballot bearing thereon the words, "For county high school" and "Against county high school," and if a majority of the votes cast at said election 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. 183.)

## CHAPTER 26.

AN ACT to establish a county high school in the county of Nicholas upon a site to be selected by the board of directors and to provide for the laying of levies for the erection of a building for said high school and for the maintenance thereof.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

### SEC.

1. High school established: the board to select site; who shall constitute the board.
2. Power of the board.
3. Board to be a body corporate.
4. Board may lay levy for purposes therein.

### SEC.

5. Qualification for admission to school.
6. Revenue to be collected and disbursed by sheriff.
7. Compensation to members of board.
8. A vote to be taken to make this act effective; notice of and how election shall be held.

*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 Nicholas, state of West Virginia, in or near the town of Summersville, which shall be known as the Nicholas county high school, the site for which is to be selected by the board of directors of said school, which said board of directors shall consist of



one member to be elected at the next general election and every four years thereafter, and whose term of office shall commence on the first day of July following said election and be for four years and until his successor is elected and qualified; and the president and commissioners of the county court of said Nicholas county and the county superintendent of schools of said county of Nicholas shall be *ex-officio* members of said board of directors, and the county superintendent of schools of said county shall be *ex-officio* president of said board of directors. The *ex-officio* members of said board of directors shall constitute said board of directors of said Nicholas county high school until the elective member of said board of directors shall have been elected and qualified.

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 proper and 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 prescribe the duties and compensation of the same.

Sec. 3. Said 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 belonging to said high school, and shall be liable for all claims which may legally exist against it.

Sec. 4. For the purpose of procuring proper grounds, and for erecting and equipping suitable buildings thereon for said high school, said board of directors may lay a levy of not exceeding twelve cents on the one hundred dollars valuation for taxable purposes for the year one thousand nine hundred and eleven and the year one thousand nine hundred and twelve, and not to exceed two cents on the one hundred dollars valuation for such purposes for subsequent years, and for maintaining said school said board of directors may lay a levy not to exceed five cents on the one hundred dollars valuation for any year.

Sec. 5. The qualifications for admission to 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 Nicholas in the manner provided by general law.

Sec. 7. The members of 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 Nicholas county at a special election ordered by the county court of said Nicholas county, general notice of which election shall be given by publication of said notice in two newspapers of opposite politics and general circulation in the said county of Nicholas for four weeks preceding said election, if there be two such newspapers that will publish the same at the legal rate for such publication; but if there be not such newspapers that will publish such notice at such rate, then said notice may be posted at three of the most public places in each magisterial district in said county for a like period. Said county court shall provide a ballot bearing thereon the words, "For county high school" and "Against county high school," and if a majority of the votes cast at said election 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. 139.)

## CHAPTER 27.

AN ACT providing for the granting of teachers' emergency certificates, the same to be section ninety-two and one-half of chapter forty-five of the code.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

Sec.  
92½. Provision for issuing emergency certificates to teachers; not to be issued more than once to same

Sec.

person; grade to be determined by state superintendent.

*Be it enacted by the Legislature of West Virginia:*

Sec. 92½. Upon the request of the county superintendent of schools of any county the state superintendent of schools may issue

emergency certificates, under such regulations as shall be prescribed by the state board of education, to persons who were unable to take any of the regular examinations for reasons that shall be fully explained under oath to the state superintendent of schools. For such emergency certificates a fee of one dollar and fifty cents shall be paid to the county superintendent of schools who shall deposit the same with the auditor to be credited to the general school fund. Such certificates shall not be issued more than once to the same person and shall be valid only in the county designated in the certificate and shall not be valid after June thirtieth following the issuance of the certificate. The grade of such certificates shall be determined by the state superintendent of schools and shall be indicated on the face of the certificate.

(House Bill No. 208.)

## CHAPTER 28.

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 23, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

Sec. 1. The board of education of the district of Winfield, in the county of Putnam, authorized to borrow money and issue bonds therefor for the purpose of erecting school building; bonds to bear interest and payable in not less than fif-

Sec. 2. No indebtedness of said district shall exceed lawful per centum of the value of taxable property in said district; *provided*, that no debt shall be contracted without a vote thereon.

*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 centum* 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 of the value of the taxable property of said district, 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 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. 300.)

## CHAPTER 29.

AN ACT creating the independent school district of Milton, in Grant district, Cabell county, West Virginia.

[Passed February 24, 1911. In effect from passage. Approved by the Governor February 27, 1911.]

### SEC.

1. Establishing independent school district of Milton if ratified by a vote to be taken; boundary.
2. Board of education; powers; election, etc.
3. Organization of board.
4. Power of the board.
5. Vacancies, how filled.
6. Sheriff to collect and disburse.
7. Principal of school, his duties.

### SEC.

8. Teachers, how employed.
9. Board of education duty as to.
10. Levy taxes for teachers' fund.
11. Assessment, how collected.
12. Division of money in Grant district.
13. Manner of election to establish district.
14. School laws not inconsistent with this act to remain in force.

*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 eleven, in Grant district, Cabell county, West Virginia, be in favor thereof, the following described territory, in the county of Cabell, after the result of such election is ascertained and declared, shall be the independent school district of Milton, to-wit: Beginning at a stone on the north side of Mud river, opposite T. A. Oxley's corner; thence with the meanders of said river in a westerly direction to a stone corner at high water mark and

on the south side line on the old C. & O. Railway, near the crossing of the said river by the said C. & O. on the old right of way; thence with the south side line of the old right of way and with H. J. Baumgardner's land, in an easterly direction about eighteen hundred feet to a stone corner on said line between the said old right of way and the said H. J. Baumgardner; thence crossing the C. & O. old right of way and with the said H. J. Baumgardner line and in a westerly direction to a stone corner between J. I. Arthur and H. J. Baumgardner; thence in an easterly direction with the line separating the H. J. Baumgardner and the J. I. Arthur farm to a stone corner on the line of J. E. Ball's land; thence with the line of J. E. Ball's land in an easterly direction to a stone on the line of W. L. White's land; thence with said line in a north direction and with the line of the said W. L. White to the county road; thence with said road in a south direction to a point opposite the corner of Henry Harshbarger and the Milton corporation line; thence crossing said county road to said corner in an easterly direction and with the Henry Harshbarger and W. J. Roberts line to the A. D. Neal estate; thence with the said A. D. Neal estate line to a corner on the A. S. Thomas line; thence in a southerly direction to the county road, crossing said county road to the land of Jeff Sturm; thence with said southwest line of Jeff Sturm's land to a stone corner to the J. H. Harshbarger land; thence with said line of J. H. Harshbarger land in a southerly direction to the old right of way of the C. & O. Railway company; thence crossing the said old right of way and county road with the line of the J. N. Blackwood estate in a southerly direction to the north bank of Kilgore creek; thence with the meanders of said creek to its mouth; thence with the meanders and down Mud river at the high water mark on the north bank, to a point opposite the corner to the line separating the J. H. Gerlach and G. H. Harshbarger farm; thence crossing the said Mud river and with the said line in a southerly direction crossing the county road and also the C. & O. Railway, continuing with said line to top of ridge; thence in a northerly direction and with the line of G. W. Harshbarger, C. & O. company farm, E. L. Hodges and the S. Workman farm, and down said ridge to the C. & O. Railway; thence crossing the said C. & O. Railway in a northerly direction and continuing the same direction, crossing the county road and Mud river to the beginning.

Sec. 2. The board of education of said district shall consist of three members who shall be elected by the qualified voters residing therein, and shall be vested with the same rights and exercise the same powers and perform the same duties and be governed by the same laws as boards of education elsewhere in the county, outside of independent districts, except in so far as changed by the provisions of this act; and in the event of the establishment of Milton independent school district, a board of education in said district shall be elected on the third Tuesday in June, one thousand nine hundred and eleven, one member for one year, one member for two years and one member for three years, and their term of office shall begin on the first day of July following their election, and serve their respective terms until their successors are duly elected and qualified; and after the said first election, one member shall be elected annually on the third Tuesday in June. After the first election all subsequent elections shall be held in said district at such place or places as may be designated by the board of such district. Two weeks' notice of said election must be given by either having notice published in all the newspapers published in the district or by posting said notice in three conspicuous places in said district; said election to be held by officers appointed by the board of education of said district and all elections to be non-partisan. The ballots at any and all elections shall contain no political party or parties; only the names of the candidates as non-partisan shall be printed on said ballots; the election to be held on the first Tuesday in May, and the third Tuesday in June, one thousand nine hundred and eleven, shall be conducted by commissioners to be appointed by the county court of Cabell county, and shall be at the usual voting places in the territory wherein such election is required to be held.

Sec. 3. At the first meeting of the board, which is hereby required to be held in July of each year, or as soon thereafter as practicable, the board shall organize by electing one of their number president; and shall also elect a secretary, who may or may not be a member of the board, who shall perform the same duties and shall be allowed the same compensation as secretaries of other boards of education.

Sec. 4. The said board shall have exclusive control of all schools within said 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 a uniform list of school books for the use of the schools in the district, but such list shall conform to those provided by general law; they may furnish all necessary apparatus for the use of the schools and incur all other necessary expense 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. 5. Any vacancy that may occur in the board of education from any cause, 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 the board of education, when a member of said board of education shall be elected to fill the unexpired term.

Sec. 6. The sheriff, in the collection and disbursement of the funds raised by the said district for school purposes, shall receive the same commission, make the same settlements and require the same vouchers in making disbursements of funds, as required by the general law in dealing with other boards of education in same matters.

Sec. 7. Annually, on the first Monday of July, or as soon thereafter as circumstances will allow, the board shall appoint a principal of the school for the district and fix his salary. And such principal, in addition to the general supervision over the schools of the district, shall perform such other duties as required by this act, and shall also be required by the board to teach at least one room of one of the schools of the district. He shall be liable to removal by the board for any of the causes and in the same manner as provided by general law for the removal of teachers employed to teach in the public schools of this state; and in the event of his removal the board shall fill the vacancy for the unexpired term. It shall be the duty of the principal 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 principal shall not receive directly or indirectly any gift, emolument or reward for his influence or recommending the use of any book, apparatus or furniture of any kind whatever in the schools of the district. For

any violation of this provision he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Sec. 8. On the first Monday in August, or as soon thereafter as practicable in each year, the said board of education shall meet and employ the necessary number of teachers for the different schools and rooms in the district, including an assistant principal, which assistant principal shall aid the principal in his duties and shall also teach a room in one of the schools in the district, and shall hold a number one certificate or its equivalent, and shall be paid a salary as fixed by the said board of education. All other teachers in the different rooms and schools of the district shall be paid in accordance with the grade of certificate held by them, and all teachers employed may be removed by the board for the same causes and in the same manner as provided for removal of teachers by general law. All contracts with teachers shall be in writing and said contracts shall be filed with the secretary of the board of education.

Sec. 9. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building or otherwise, schoolhouses and grounds, furniture, fixtures and appendages, and keep the same in good order and repair, and to supply the school houses with fuel, lights and other things necessary for their comfort and convenience; to pay all the necessary expenses incurred in the district in connection with the schools, not chargeable to the teachers' fund. For the purpose mentioned in this section the board of education in said district shall annually levy a tax on the property taxable in said district not to exceed in any one year twelve and one-half cents on every one hundred dollars' valuation thereof, according to the latest assessment of the same for county and state purposes. 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. 10. In addition to the levy named in the preceding section, the board of education shall, for the purpose of the schools of the district, annually levy such tax on the taxable property of the district as will, from the money received from the state for the support of free schools, be sufficient to keep the schools in operation



not less than six months nor more than nine months in the year. *Provided*, that the said tax shall not exceed in any one year the rate of twenty-five cents on each hundred dollars' valuation, according to the latest available assessment for county and state purposes. 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 principal and assistant.

Sec. 11. The assessment made under the provisions of this act shall be collected as now provided by law. The board of education shall not, during any year, incur any expense that shall exceed the amount of the available funds received for school purposes during the year.

Sec. 12. All moneys, whether belonging to the teachers' or building fund of the district of Grant, Cabell county, which may be unexpended when the provisions of this act take effect, shall be divided between the said district and the said independent district in proportion to the amount of taxes paid by each of them for the year one thousand nine hundred and ten. It shall be the duty of the board of education of the said district to make a settlement as set out in this section as soon as practicable after the election and qualification of the members of the board of education of said independent school district.

Sec. 13. The election to be held on the question of establishing the independent school district of Milton shall be by ballot, and those voting in favor of the establishment of the independent district shall have written or printed on their tickets the words, "For independent district," and those voting against the independent district shall have written or printed on their tickets, "Against independent district." The election shall be superintended, conducted and the result thereof ascertained and declared by the officers hereinbefore provided for, and after notice published for two successive weeks in the newspapers in the district, next prior to the time of holding the election, and such notice to be published by the secretary of the board of education of Grant district, Cabell county. All elections held in pursuance of this act shall be held in compliance with the general election laws of this state, except as herein otherwise provided.

Sec. 14. All the provisions of the general school law of this state,

and all laws existing at the time of the passage of this act 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. 103.)

**CHAPTER 30.**

**AN ACT to provide for a vote on the school levy in Cooper district, Mason county, and in other districts.**

[Passed February 22, 1911. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. A special election shall be held in Cooper district, in Mason county, on the third Tuesday in May, 1911, to decide question of school levy. An election may be held in all other districts in the state which failed to vote the school

SEC.

levy at the last general election. Voting places and plan of holding election.

2. Provision for determining the number of months the school may continue.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That a special election on the question of the school levy shall be held on the third Tuesday in May, one thousand nine hundred and eleven, in Cooper district, Mason county, and in all other districts of the state which failed to vote the school levy at the general election in November, one thousand nine hundred and ten. The voting at said election shall be by ballot, at the several places of voting therein for state officers and members of the legislature; and it shall be the duty of the board of education of each district to give at least ten days' notice of such election by posting the same at each place of voting and such other places as they may deem necessary. Books for said election shall be prepared by the board of education of each district for the several places of voting therein and delivered to the commissioners, or some of them, appointed to superintend the election at each place of voting, before seven o'clock a. m. of the day on which the election is held.

The ballots used at said election shall have written or printed thereon the words "For school levy" or "Against school levy," as the voters may choose, and if a majority of the ballots cast upon that question in a district have written or printed thereon

“For school levy,” it shall be the duty of the board of education to make the levies required by the fortieth section of chapter forty-three of the acts of the legislature of West Virginia for the year one thousand eight hundred and ninety-five, and the levy voted for at such election shall continue for two years; but if a majority of the ballots cast in a district have written or printed thereon “Against school levy,” no levy shall be made by said board for the next year succeeding. But it shall be the duty of said board to cause a special election to be held on the same day in the following year, at which the question of levy or no levy shall in like manner again be submitted to the people for their decision, and if a majority of the ballots cast at such special election be “For school levy,” such levy shall be made as hereinbefore required. Of every such special election the secretary of the board of education of the district shall give notice by posting the same at each place of voting in the district at least ten days before the day on which the same is to be held.

Sec. 2. If the board of education of Cooper district in said Mason county, or any other district voting under authority of this act, agree that the schools of their district should be continued more than six months in the year, or if twenty or more voters in the district ask it in writing, they shall submit the question to the voters thereof at the special election herein called, which order shall state also the length of time for which it is proposed to continue the schools. Ballots may be used for voting on the question, on which may be written or printed “For ——— months’ school,” for those who are in favor of more than six months’ school. Those who oppose a longer term than six months may vote with a ballot having written or printed on it, “Against more than six months’ school.” And if the proposition for a longer term than six months have a majority of all the votes cast for and against, then the board shall order the levy accordingly; *provided*, that in any district where a poll is held for a purpose herein specified, notices of such election shall be posted by the board of education in at least three public places in the district, at least ten days before the day of voting, and the notices shall explicitly state the term of time for the school which is to be voted for, and only two terms of time shall be voted for at any one election, and the time of the term voted for at such election shall continue for two years.

The poll shall be held and the election conducted and the official records returned and the result ascertained in accordance with the provisions of section one hundred and sixty of chapter forty-five of the code as amended and re-enacted by the legislature of one thousand nine hundred and eight.

(House Bill No. 77.)

## CHAPTER 31.

AN ACT to establish medical inspection in public schools.

[Passed February 18, 1911. In effect ninety days from passage. Approved by the Governor February 23, 1911.]

Sec.

1. Board of education shall and may appoint medical inspectors, fix salary and furnish supplies.
2. Duty of medical inspector.
3. Pupils to be examined; what to be done, when.

Sec.

4. To examine pupils absent for five days.
5. To inspect and furnish information, when.
6. Records to be kept, forms for.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That the board of education of each independent school district in this state shall, and other boards of education may, within ninety days from the passage hereof, and thereafter on the first day of January of each year, appoint one or more legally qualified practicing physicians in said school district to be known as medical inspectors of schools, fix their salaries and define their duties as hereinafter provided, and furnish the necessary stationery and printing for records and reports.

Sec. 2. It shall be the duty of the medical inspector of schools to separately and carefully test each pupil in his school once during each school year to ascertain if the pupil is suffering from any defect or disability that would prevent the pupil receiving the full benefit of the school work, or if some modification of the school work should be made that the pupil might receive the best educational results.

Sec. 3. The medical inspector shall also, at the request of the superintendent of the school, carefully examine any pupil for evidence of infectious or contagious disease or any other condition which might prove harmful to other pupils. Whenever any pupil shows symptoms of smallpox, chickenpox, measles, scarlet fever, tuberculosis, diphtheria, influenza, whooping cough, tonsilitis, mumps, scabies, syphilis and other venereal diseases, trachoma, or

any other contagious disease, the pupil must be sent home and the boards of health and education notified in writing by the medical inspector of schools. Any pupil with any of the said diseases shall not attend school.

Sec. 4. The medical inspector of schools also shall carefully examine each pupil who has been absent from school for five consecutive days for contagious or infectious disease, unless the pupil shall present to the superintendent of the school a written or printed statement, in the form hereinafter given, showing that the pupil and the house from which the pupil comes is free from infectious or contagious disease, signed by the attending physician and endorsed by the medical inspector of schools.

Sec. 5. The medical inspector of schools shall also, when requested by the board of education, conduct investigations, furnish information and advice and assist to formulate rules of procedure on matters pertaining to the lighting, heating, ventilating and sanitation of the school building; the hours of study, recesses, exercises and any other matter pertaining to the health, vitality and development of the pupils. And, if deemed necessary, the board of education may employ a teacher nurse to investigate the sanitary conditions of the pupil and home.

Sec. 6. The medical inspector shall also keep an accurate and complete record of each pupil tested and examined in the following form:

Date ....., 19...  
 Pupil .....Age.....  
 Grade ..... School .....  
 Parent or guardian .....  
 Heart .....  
 Lungs .....  
 Eyes .....  
 Ears .....  
 Throat .....  
 Teeth .....  
 Contagious or infectious disease .....  
 Skin disease .....  
 Special note .....  
 .....  
 Recommendation .....  
 Signed ....., M. D.

Medical Inspector of ..... School.

And when any condition is found, which, in the opinion of the medical inspector, would prevent the pupil receiving the full benefit of the school work or would be a symptom of infectious or contagious disease, the medical inspector shall notify the parent or guardian and the superintendent of the school attended, using the following form:

.....,19..  
The parent or guardian of .....  
attending ..... School  
is hereby notified that examination of this pupil  
shows abnormal condition of .....

Take the pupil to your family physician for treatment and advice and take this card with you.

.....,M. D.  
Medical Inspector ..... School.

And on the reverse side shall be printed

I have this day examined .....  
of the ..... Grade ..... School  
and find the following condition .....  
.....  
and have advised as follows .....

Signed ..... , M. D.  
Dated ..... Physician.

The physician signing will return the card to the pupil who will return it to the superintendent of the school attended.

And when any pupil shall have been absent from school for five consecutive days, statement must be made to the superintendent of the school attended, in the following form:

Dated ..... 19..  
I have this day examined .....  
of the ..... School,  
and find this pupil and the house from which the  
pupil comes to be free from infectious or contagious  
disease.

Signed ..... , M. D.  
Approved: ..... M. D.  
Medical Inspector ..... School.

(Senate Bill No. 144.)

## CHAPTER 32

AN ACT regulating the use of public highways by motor vehicles and requiring chauffeurs to be registered.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

SEC.	SEC.
1. "Motor vehicles," "highways," "local authorities" and "chauffeur" construed.	11. Not to prevent civil action for damages.
2. Fixing rate of speed.	12. Chauffeur shall file statement and pay registration fee.
3. When vehicle shall be under control.	13. The auditor shall register chauffeurs.
4. Warning to be given and precaution to be used; when.	14. Auditor shall furnish chauffeur with badge which shall be worn when operating a motor vehicle on public highway.
5. Stop vehicle on signal.	15. Chauffeur shall not lend or borrow badge.
6. In case of accident, what to do.	16. Chauffeur shall comply with law.
7. Local authorities may allow speed test.	17. Penalty for violation of this act.
8. On meeting person turn to right; passing person turn to left.	18. In case owner of vehicle is taken in custody is entitled to immediate hearing, or security for appearance provided for.
9. What motor vehicles, while in use, shall be provided with.	19. Justice of peace or other officer may assess cost of \$2 and provision for disposition of fine.
10. Local authorities may make and maintain rules regulating speed; also may exclude motor vehicles from any cemetery.	

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. For the purposes of this act, unless the same be contrary to and inconsistent with the context, the words and phrases used in this act shall be construed as follows:

"Motor vehicle" shall include all vehicles propelled by any other power other than muscular power, excepting such motor vehicles as run only upon rails or tracks; *provided*, that nothing herein contained shall, except as provided by section five, apply to motor cycles, motor bicycles, track engines or road rollers. "Public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in any city, village or town. "Closely built up" shall mean (a) the territory of a city, village or town contiguous to a public highway which is at that point built up with structures devoted to business; (b) the territory of a city, village or town contiguous to a public highway not devoted to business, where, for not less than one quarter of a mile, the dwelling houses on each highway average less than one hundred feet apart; and, also (c) the territory outside of a city or village contiguous to a public highway within a distance of one-half mile from any post office. *Provided*, that for a distance of at least one quarter of a mile within such limits the

dwelling houses on such highway average less than one hundred feet apart; and, *provided, further*, that the local authorities having charge of such highways shall have placed conspicuously thereon signs of a sufficient size to be easily readable by a person using the highway, bearing the words "slow down," and also an arrow pointing in the direction where the speed should be reduced. "Local authorities" shall include all officers of counties, cities, villages or towns, as well as all boards, committees, and other public officials of such counties, cities, villages or towns. "Chauffeur" shall mean any person operating a motor vehicle as mechanic, employe or for hire.

Sec. 2. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, so as not to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than ten miles per hour; or elsewhere in a city or village at a greater rate than fifteen miles per hour; or elsewhere outside of a city or village at a greater rate than twenty miles an hour; *subject, however*, to the other provisions of this act.

Sec. 3. Upon approaching a bridge, dam, sharp curve or steep descent, and also in traversing such bridge, dam, curve, or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding five miles per hour, and upon approaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Sec. 4. Upon approaching a person walking in the roadway or a horse or horses, or other draught animals, being ridden, led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach and use every reasonable precaution to insure safety of such person or animal, and, in the case of horses or other draught animals, to prevent frightening the same.

Sec. 5. A person operating a motor vehicle or motor or motor cycle or motor bicycle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses or other draught animals, bring such motor vehicle,



cycle or bicycle immediately to a stop, and, if driving in the opposite direction, remain stationary so long as may be reasonable to allow such horse or other animal to pass, and, if driving in the same direction, use reasonable caution in thereafter passing such horse or animal; *provided*, that in case such horse or animal appears badly frightened, or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle, cycle or bicycle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

Sec. 6. In case of accident to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, in addition thereto, the name and address of the owner and the names and address of all persons in such car at the time of such accident.

Sec. 7. Local authorities may, notwithstanding the other provisions of the last five sections, set aside for a given time a specified public highway for speed test or races, to be conducted under proper restrictions for the safety of the public.

Sec. 8. Whenever a person operating a motor vehicle is met on a public highway by any other person riding or driving a horse, horses or other draught animals, or any other vehicle, the person operating such motor vehicle shall reasonably turn the same to the right of the center of such highway, so as to pass without interference. Any such person so operating a motor vehicle, shall, on overtaking any such horse, draught animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draught animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle, shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right at such intersections when turning to the left. Nothing in this section shall, however, be construed as limiting the meaning or effect of the provisions of section two to section seven, both inclusive, of this act.

Sec. 9. Every motor vehicle while in use on a public highway shall be provided with good and sufficient brakes and speedometer, and also with a suitable bell, horn or other signal and be so con-

structed as to exhibit during a period from one hour after sunset to one hour before sunrise two lanterns showing white lights, visible within a reasonable distance in the direction toward which such vehicle is proceeding, showing the registered number of such vehicle in separate Arabic numerals, not less than one inch in height and each stroke to be not less than one-fourth of an inch in width, and also a red light visible in the reverse direction.

Sec. 10. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public highway, parks or parkways within a city, town or village, but in that event, must, by signs at each entrance of such park and along such parkway and on each main public highway where the city, town or village line crosses the same, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

Sec. 11. Nothing in this act shall be construed to curtail or prevent the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from the negligent use of the highways by a motor vehicle, or its owner or employe or agent.

Sec. 12. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the auditor, on a blank to be supplied by such auditor, a statement which shall include his name and address and the trade name and motor power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars.

Sec. 13. The auditor shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Sec. 14. The auditor shall further, upon each registration and without other fee, issue and deliver to such chauffeur a badge of aluminum, or other suitable metal, which shall be oval in form, and the diameter of which shall be more than two inches, and such badge shall have stamped thereon the words, "Registered Chauffeur, No. \_\_\_\_\_, West Virginia Motor Vehicle Law," with the registration number inserted thereon; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle on

public highways. If the operator or chauffeur has previously been registered at the office of the auditor, the certificate heretofore issued to him shall be returned to such auditor, who shall issue to said operator or chauffeur, in lieu thereof, a chauffeur's badge, upon the payment of a fee of one dollar.

Sec. 15. No chauffeur, having registered as hereinbefore provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Sec. 16. No person shall operate a motor vehicle as a chauffeur upon the public highways, unless such person have complied in all respects with the requirements of the four preceding sections.

Sec. 17. The violation of any of the provisions of sections two to seven, inclusive, and sections twelve to sixteen, both inclusive, of this act, or of any ordinance, rule or regulation adopted by local authorities in pursuance of section eleven of this act, shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine of not less than fifty dollars or more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense. The violation of any other provisions of this act shall be punished by a fine not exceeding twenty-five dollars for the first offense, a fine of not less than twenty-five dollars nor more than fifty dollars for a second offense, and a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding ten days, or both, for a third or subsequent offense.

Sec. 18. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before an accessible police court judge, mayor or any justice of the peace, and be entitled to immediate hearing; and if such hearing cannot then be had, to be released from custody on giving bond or other undertaking, said bond or undertaking to be in an amount not exceeding a maximum fine for the offense with which the owner is charged, and to be conditioned upon the owner's appearance in answer for such violation at such time and place as shall then be indicated; or on giving his personal undertaking to appear and answer for such violation at such time and place as

shall then be indicated, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, in lieu thereof, by leaving the motor vehicle being operated by such person, with such officer; or in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which said arrest is made, or in lieu thereof, by leaving the motor vehicle being operated by such person with such officer; *provided*, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security shall be deposited, as in this section provided, it shall be returned to the person depositing, forthwith, on such person giving a bond or other undertaking as in this section provided and the return of any receipt or other voucher given at the time of such deposit. In case such bond or other undertaking be not given, or such deposit shall not be made by an owner so taken into custody, the provisions of the code relating to giving bail shall apply.

Sec. 19. The police court judge, mayor or justice of the peace, before whom any person arrested under the provisions of this act is taken, may assess two dollars against such person as costs, and any fine collected under the provisions of this act shall be paid by said justice of the peace into the state treasury as other fines are paid, and if assessed by a police court, judge or mayor, then such fine shall be paid into the town or city treasury.

(Senate Bill No. 102.)

### CHAPTER 33.

AN ACT providing for the regulation of certain persons, associations and corporations engaged in the business of soliciting or receiving deposits or payments on annuity contracts, certificates or annuity bonds

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

<p><b>SEC.</b> 1. Prohibiting persons from receiving deposits or payments on annuity</p>		<p><b>SEC.</b> contracts; excepting certain persons and association.</p>
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## Sec.

2. Contracts, certificates, etc., not to be sold in this state without license.
3. Before a permit is issued, a deposit of bond and security shall be made; term of permit and fee therefor.
4. A failure to make additional deposit shall revoke permit; commissioner

## SEC.

- of insurance may suspend permit, when.
5. Insurance commissioner shall examine and certify result and require annual report, etc.
6. Penalty for violation of the provisions of this act.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. No person, association or corporation shall engage in the business of soliciting or receiving deposits or payments on any annuity contract or certificate or annuity bond in fixed and stipulated installments, within this state, without first having obtained from the insurance commissioner a permit to do business in this state. *Provided, however,* that this act shall not be construed as applying to persons, associations or corporations engaged in selling merchandise in installments, insurance companies, foreign or domestic, duly authorized to do business in this state, building and loan associations, national banks and banks or trust companies organized and authorized to do business under the laws of this state, fraternal insurance companies, mutual investment associations or surety companies doing business under the laws of this state.

Sec. 2. No person, association or corporation shall sell or offer for sale or deliver within this state any contract, certificate or bond of any person, association or corporation required by this act to obtain a license from the insurance commissioner to transact business in this state until such license has been issued by said insurance commissioner.

Sec. 3. Before a permit to transact business in this state shall be issued by the insurance commissioner to any person, association or corporation within the purview of section one of this act the insurance commissioner shall require said applicant to deposit with the insurance commissioner, in trust, for the benefit of its contract holders, bonds and securities approved by said insurance commissioner to the amount of ten thousand dollars, and whensoever the liability of said person, association or corporation on all outstanding contracts in this state shall exceed the sum of ten thousand dollars, said person, association or corporation shall deposit with the insurance commissioner additional bonds and securities approved by said insurance commissioner to an amount equal to one hundred *per cent* of the liability on all outstanding contracts in this state in excess of said ten thousand dollars hereinbefore provided for. Said

permit shall be issued for one year, or the fractional part of a year, and for issuing same a fee of ten dollars shall be charged.

Sec. 4. On the failure of such person, association or corporation to deposit such additional bonds and securities with the insurance commissioner when so required by said insurance commissioner, the permit to do business in this state shall be revoked by said insurance commissioner. Whenever the said insurance commissioner, upon an examination of the affairs of any such person, association or corporation, finds the liabilities of such person, association or corporation exceed the assets thereof, the insurance commissioner shall suspend the permit of such person, association or corporation until he is satisfied that the assets of such person, association or corporation are increased to exceed said liabilities.

Sec. 5. The insurance commissioner shall annually examine the affairs of all persons, associations and corporations, coming within the purview of this act, at the expense of such persons, associations and corporations, and shall certify to such person, association or corporation so examined the result of such examination, and shall require an annual report of the financial condition of all such persons, associations and corporations as of the thirty-first day of December of each year, and said report shall be returned to said insurance commissioner on or before the thirty-first day of January next ensuing.

Sec. 6. The violation of any of the provisions of this act shall be deemed a misdemeanor and shall subject the person, association or corporation, upon conviction, to a fine of not less than fifty dollars and not more than five hundred dollars.

(House Bill No. 10.)

## CHAPTER 34.

AN ACT relating to a special levy, for the period of three years, in any county where the court house or jail, or both, have been, or may be, destroyed by fire or other casualty, to enable such county to re-build.

[Passed February 14, 1911. In effect ninety days from passage. Approved by the Governor February 22, 1911.]

SEC.

1. County court of county may lay special levy to rebuild court house or

SEC.

jail destroyed by fire or other casualty.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That the county court of any county in this state in which the court house or jail, or both, have been destroyed by fire or other casualty, and which county owes no bonded or funded debt, and which does not lay a levy for county and district purposes in excess of thirty cents on the one hundred dollars valuation on all taxable property therein as prescribed by chapter sixty-six of the acts of the legislature of one thousand nine hundred and nine, may, for any three consecutive years, for the sole purpose of creating a fund to re-build and furnish a new court house or jail, or both, as the case may be, lay a special building levy not exceeding twenty cents on the one hundred dollars' valuation on taxable property in such county.

Sec. 2. All acts and parts of acts coming within the purview of this act and inconsistent therewith are hereby repealed.

(House Bill No. 108.)

## CHAPTER 35

AN ACT creating the office of commissioner of agriculture, prescribing his duties and appropriating money for the maintenance of the office.

[Passed February 24, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.]

Szo.

1. Department of agriculture created.
2. Chief officer commissioner of agriculture, elective officer; office at seat of government.
3. Shall be a practical farmer.
4. Take oath of office.

Szo.

5. Term of office. Vacancies, how filled.
6. A member of board of public works.
7. Salary; shall give bond, may employ clerks.
8. Duties of commissioner of agriculture.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. There is hereby created and established a department of the state government to be hereafter known as the department of agriculture, which shall be constituted as provided in this act and shall have the powers and perform the duties as are herein set forth and such other powers and duties as may hereafter be prescribed by law.

Sec. 2. The chief officer of said department shall be denominated the commissioner of agriculture. He shall be elected by the quali-

fied voters of the state at the general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and twelve, and every four years thereafter, on the same ballot, on the same day and in the same manner as other state officials are elected, and he shall be provided with an office at the seat of government.

Sec. 3. He shall be a practical farmer and learned in the science of agriculture, having made agriculture his chief business for a term of ten years immediately preceding his election to said office.

Sec. 4. He shall take and subscribe to the oath of office prescribed by section five of article four of the constitution of this state, and such oath shall be certified by the person who administers the same and shall be filed in the office of secretary of state.

Sec. 5. His term of office shall begin on the fourth day of March, one thousand nine hundred and thirteen, and continue for a term of four years or until his successor is elected and qualified. Vacancies in the office of commissioner of agriculture shall be filled by appointment by the governor, such appointee to hold office for the unexpired term, or until his successor is elected and qualified.

Sec. 6. He shall be a member of the board of public works, and shall have all the powers and perform all the duties as are now, or may hereafter be, prescribed by law for members of said board.

Sec. 7. His salary shall be four thousand dollars per annum, and it shall be paid out of the appropriations made for the payment of salaries of state officials. He shall give bond with good security to be approved by the attorney general, in the penalty of five thousand dollars, for the faithful performance of the duties of his office as they are, or may from time to time be prescribed by law.

He shall at the expiration of each month pay to the state treasurer all the moneys received by him that month and shall at the same time transmit to the treasurer and auditor of the state, an itemized statement of all moneys so received by him during that month, which statement shall be duly verified by his affidavit.

He may employ such clerks, stenographers, chemists, analysts, institute instructors, pomologist, entomologist, and veterinarians, and such other employes as may be necessary, in carrying out the duties of his office, as may from time to time be prescribed by law.



It shall be the duty of the auditor of the state, upon the presentation of properly certified accounts by said commissioner, to draw his warrants for the payment thereof upon the treasurer of the state, not to exceed any amount appropriated by the legislature for this department.

Sec. 8. It shall be the duty of the commissioner of agriculture to look after and devise means of advancing the agricultural interests of the state and to promote and encourage, as far as practicable, the organization of such societies and associations as may be organized for the purpose of improving or developing the agricultural, horticultural and kindred interests of the state. He shall prescribe rules and regulations whereby the college of agriculture shall hold, from time to time, farmers' institutes, at such times and places as are likely to be of benefit and use.

He shall publish and distribute throughout the state, such reports, handbooks and bulletins concerning agriculture, horticulture and kindred subjects as in his judgment may be of value and interest to the farmers of the state. And it shall be the duty of the state printer to print the same in such numbers and in such manner as shall be prescribed by said commissioner, and the cost of said printing shall be paid out of the general printing fund of the state.

He shall be charged with the inducement of capital and immigration by the dissemination of knowledge relating to the advantages of soil, climate, healthfulness and markets of the state, and to the resources and industrial opportunities offered in the state.

He shall investigate and report upon the conditions, kinds and extent of mineral products in the state, and as far as possible ascertain their value. He shall have charge of the museum of the department of agriculture, and may cause to be collected, preserved and exhibited therein, specimens of agricultural, horticultural and kindred products, and forest products and minerals, flora and fauna of this state.

He shall have authority to call upon the officials of any department or office of the state government, or any county official, and it is hereby made the duty of the state and county officials to assist in every possible way and co-operate with the commissioner of agriculture upon his request, to the end that the interests and welfare of agriculture may be promoted.

He shall from time to time, as conditions may demand, publish

a hand-book giving the resources of the several counties of the state, including the varieties of soil and products, both mineral and vegetable, and the adaptability of the different sections of the state to the different branches of agriculture, horticulture and kindred interests.

He shall submit a biennial report to the governor and to the legislature on or before the first day of December of each biennial period. The biennial report shall contain the names and compensation of each and every person that has been employed by the office, the time employed and the whole amounts of the expenses of the department during the interim, not previously reported. The report shall contain the operations of the department and such other information on practical agriculture and horticulture and kindred subjects as may be helpful in the development of the agricultural resources of the state.

Sec. 9. All acts or parts of acts in conflict with this act are hereby repealed.

(Senate Bill No. 37.)

## CHAPTER 36.

AN ACT to amend and re-enact sections fifty-seven, fifty-eight and sixty of chapter fifty-four of the code of West Virginia of one thousand nine hundred and six, relating to subscriptions in aid of railroad corporations; to provide for subscriptions to the capital stock and bonds of such corporations by counties, districts, cities, towns and villages, and the manner of payment of such subscriptions; and to validate and confirm proceedings heretofore had for subscriptions to such bonds by counties or districts and to provide for such subscription, and the manner of payment thereof.

(Passed February 18, 1911. In effect from passage. Approved by the Governor February 21, 1911.)

SEC.  
57. Railroads, how subscriptions may be made, by county, district or incorporated city, town or village; subscriptions shall be void, when.  
58. How subscriptions shall be paid; how bonds shall be executed and delivered; subscriptions heretofore made by districts in Tyler

SEC.  
county are vacated, in other cases vote and election validated.  
60. The right to the stock or bonds of such company so subscribed for shall vest in the county, district, city, town or village making the same.

*Be it enacted by the Legislature of West Virginia:*

That sections fifty-seven, fifty-eight and sixty of chapter fifty-four of the code of West Virginia of the year one thousand nine hundred and six, be amended and re-enacted to read as follows:

Sec. 57. Subscriptions to the capital stock or bonds of any such corporation may be made by any county, or any district therein, or any incorporated city, town or village, through, by or near which said railroad is located, in the manner prescribed by section twenty-four of chapter thirty-nine of this code, and all the provisions of said section shall be applicable to such subscriptions; except that when the subscription is proposed to be made by such city, town or village, the order for taking the vote on the question shall be made by the council thereof, and the election shall be held, superintended and returned, and the result ascertained in the same manner as elections held therein for municipal officers. If any such subscriptions be made to the capital stock of such railroad corporation, and such corporation shall afterwards forfeit its charter, or shall otherwise fail to construct its railroad according to the provisions of its charter, or shall fail to comply with the terms of its agreement with such county, district, city, town or village, under which such subscription has been or shall be made, the subscription so made shall be void.

Sec. 58. When any such subscription has been authorized, as aforesaid, the county court of the county, or the council of the city, town, or village (as the case may be) shall appoint an agent to make the subscription on the part of such county, district, city, town or village, upon the terms and conditions specified in the order under which the vote is taken. Said subscription shall be paid in cash, or in the negotiable coupon bonds of such county, district, city, town or village, bearing interest at a rate not exceeding six per centum per annum, and redeemable in such time not exceeding thirty-four years, as such court or council may prescribe; which bonds shall be received by said corporation at par. The president of the county court shall have power, when so directed by such court, by an order entered of record therein, to execute and deliver the bonds of his county, or of any district therein, to the corporation to the capital stock or bonds of which such subscription has been made; and the mayor of any such city, town or village shall have power, when so directed by an order or resolution of the

council thereof, entered of record, to execute and deliver the bonds of such city, town or village to such corporation. *Provided, however,* that such railroad company has not forfeited its charter, nor failed to construct its railroad in accordance therewith, nor to comply with the terms of its agreement with such county, district, city, town or village. The bonds of any such county, and of any district therein, shall be valid and binding thereon when signed by the president of the county court of such county, and countersigned by the clerk of such court, with the seal of such county attached thereto; and the bonds of any such city, town or village shall be binding thereon when signed by the mayor thereof, and countersigned by the recorder, clerk, or other recording officer, with the seal of the corporation attached.

The subscription heretofore made by the districts of Ellsworth, McElroy, Centreville, and Lincoln, respectively, in the county of Tyler, state of West Virginia, which subscriptions were authorized by a vote of the electors of said districts at elections held for the purpose of voting upon the questions of authorizing or not authorizing said subscriptions for bonds of the Middle Island railroad company, to the aggregate par value of four hundred and fifty thousand dollars, as to all and any of the said bonds not heretofore delivered to said districts or either of them, and not paid for by said Middle Island railroad company, are hereby vacated, annulled and set aside, and said districts and each of them are released from all liabilities by reasons of their said several subscriptions for said bonds, and they shall not accept the same or pay for the same with the bonds of the said districts or otherwise; but nothing herein shall prevent said districts, or either of them, from again subscribing for the bonds of the said railroad company, in any amount which they may lawfully acquire, when duly authorized to make such subscriptions in the manner herein provided.

And whenever any county court has heretofore made an order for a vote on the question of subscription or no subscription by the county, or a district therein or thereof, to the bonds of any such corporation, and an election has heretofore been held, in the manner prescribed by section twenty-four of chapter thirty-nine of this code, in all other respects, and the vote at said election was in favor of such subscription, but the order for a vote provided for the payment of such subscription in coupon bonds, with interest

at the rate of six per centum per annum payable annually, such order for a vote and said election are hereby validated and confirmed; and it shall be lawful in any subscription hereafter made pursuant to said order for a vote and said election to provide for the payment of such subscription in the negotiable coupon bonds of such county or district, bearing interest at a rate not exceeding six per centum per annum payable annually, and redeemable in such time not exceeding thirty-four years as such county court may have prescribed for the payment of the bonds of such county or district mentioned in or by such order for a vote, and it shall be lawful to pay such subscription in such negotiable coupon bonds of said county or district; which subscription in all other respects, and the execution and delivery of said bonds of said county or district, shall be made as in this section provided, and said bonds shall be received by said corporation at par. And whenever any county court has heretofore made an order for a vote on the question of subscription or no subscription by the county or a district therein or thereof to the bonds of any such corporation, and an election has heretofore been held in the manner prescribed by section twenty-four of chapter thirty-nine of this code, in all other respects, and the vote at said election was in favor of said subscription, but the order for vote provided for the payment of such subscription in coupon bonds of such county or district, bearing interest at a rate not exceeding six per centum per annum, and redeemable in a time not exceeding thirty-four years, or the order for a vote provided for the payment of such subscription in cash, to be raised or borrowed by the issue of coupon bonds of such county or district, bearing interest and redeemable as last aforesaid, and said subscription has already been paid in the negotiable coupon bonds of such county or district, bearing interest and redeemable as last aforesaid, or has been paid in cash raised or borrowed by the issue of such negotiable coupon bonds, bearing interest and redeemable as last aforesaid, and said negotiable coupon bonds have been received in payment of such subscription or issued at par, said proceedings and said negotiable coupon bonds of such county or district are hereby validated and confirmed.

Sec. 60. The right to the stock or bonds of such company so subscribed for shall vest in such county, district, city, town or village making the same, and the county court of the county, or council of the city, town, or village, shall from time to time, as

may be necessary, appoint proxies to represent the stock held by such county, district, city, town or village, in the meetings of the stockholders of the company, and also an agent to collect the dividend on such stock, or interest on such bonds; which dividend or interest when collected, shall be applied annually in diminution of the county, district, city, town or village levy.

(House Bill No. 237.)

## CHAPTER 37.

AN ACT to amend and re-enact chapter fifty-nine of the acts of one thousand nine hundred and nine relating to the establishment and maintenance of a fire marshal's department, under the supervision of the insurance commissioner.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.]

### Sec.

1. Office of state fire marshal; appointed by insurance commissioner; term of service.
2. Deputy fire marshal; may employ assistants; no salary in certain cases.
3. Investigation as to cause of fire.
4. Investigation to begin in five days of the occurrence.
5. Statement of cause of fire shall be made.
6. Supplemental investigations; examine witnesses; may arrest for arson; assist in prosecution.
7. Powers of state and deputy fire marshals; summons and pay of witnesses; private investigation and separation of witnesses.
8. Empowered to administer oaths; penalty for false swearing.
9. Penalty for refusing to obey lawful order of said marshals.
10. May enter buildings or premises.
11. Who may enter building for examination.

### Sec.

12. Unsafe buildings and conditions dangerous to safety may be corrected.
13. Punishment for neglect to comply.
14. Penalty for neglect by officer.
15. Salary of fire marshal and deputy fire marshal; traveling expenses.
16. Tax on fire insurance companies to maintain the fund for paying expenses of fire department; state not liable for salary of fire marshal or deputy.
17. When tax on insurance companies may be omitted.
18. Statement of expenses to be filed.
19. State fire marshal or deputy shall not engage in any other business.
20. Annual report required.
21. Compensation for reporting fires to state fire marshal.
22. Persons precluded from extra allowances.
23. State fire marshal, deputy, assistants and clerks under supervision and control of insurance commissioner; personal investigation of a fire by insurance commissioner.

*Be it enacted by the Legislature of West Virginia:*

That chapter fifty-nine of the acts of one thousand nine hundred and nine be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 1. The insurance commissioner of this state is hereby authorized and empowered to appoint, thirty days after this act shall take effect and every four years thereafter, a suitable person, who

shall be a citizen of this state, as state fire marshal, who shall hold his office until his successor is appointed and qualified, the title of which office shall be state fire marshal.

Sec. 2. The state fire marshal shall appoint one deputy fire marshal, whose duty it shall be to assist the state fire marshal, and in case of the absence or disability of that officer, he shall perform the duties of the office. He may employ such assistants as are necessary in the performance of the duties of his office, and in any incorporated city he may appoint the chief of the fire department as the assistant fire marshal. In cases where the chief of such fire department is a regularly salaried officer and devotes his entire time to his duties as fire chief, he will receive no extra salary for services rendered the state while working under the provisions of this act.

Sec. 3. The state fire marshal, his deputy or assistants, and the chief of the fire department of every city or town in which a fire department is established, and the mayor of every incorporated city or town in which no fire department exists, and the justice of the peace of every magisterial district outside of any city or town, shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in every city, town or district by which property has been destroyed or damaged, when the damage exceeds fifty dollars; except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design.

Sec. 4. Such investigation shall be begun within five days of the occurrence of such fires, and the state fire marshal, his deputy or assistant, shall have the right to supervise or direct such investigation whenever he deems it expedient or necessary.

Sec. 5. The officer making investigation of fires occurring in incorporated cities or towns and magisterial districts shall forthwith notify said state fire marshal, and shall within one week of the occurrence of the fire furnish to the said state fire marshal a written statement of all the facts relating to the cause and origin of the fire, and such further information as may be called for by the blanks furnished by the said state fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigation provided by this act. Such statistics shall be open at all times.

to the public inspection, except such investigations as are not completed.

Sec. 6. When in his opinion further investigation is necessary, the state fire marshal, deputy fire marshal or an assistant fire marshal shall take, or cause to be taken, the testimony on oath of all persons supposed to be cognizant of any facts, or to have any means of knowledge in relation to the matter, as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or incendiarism, he shall arrest or cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorneys all such evidence, together with a copy of all names of witnesses and all information obtained by him, including a copy of pertinent and material testimony taken in the case, and shall keep a record of the proceedings and the progress made in all such prosecutions, and the result of all cases finally disposed of. He shall, where possible, assist the prosecuting attorney during the progress of the trial.

Sec. 7. The state fire marshal, deputy fire marshal or assistant fire marshal shall have power in any county of the state of West Virginia to summon and compel the attendance of witnesses before him to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers or documents deemed pertinent thereto by him. Such witness shall be subpoenaed in the same manner as witnesses in circuit courts. They shall receive the same compensation, which shall be paid out of the fire marshal fund upon vouchers signed by the state fire marshal, deputy fire marshal or assistant fire marshal, before whom any witness shall have attended, and such officer shall at the close of the investigation, wherein such witness was subpoenaed, certify to the attendance and mileage of such witness, such certificate shall be filed in the office of the state fire marshal. All investigations held under the direction or by the state fire marshal, his deputy or assistant, may at his discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with one another until they have been examined.



Sec. 8. Said state fire marshal, deputy fire marshal or assistant fire marshal are each hereby authorized and empowered to administer oaths and affirmations to any witness appearing before him, and false swearing in any matter or proceeding aforesaid shall be deemed perjury, and shall be punished as such.

Sec. 9. Any witness who refuses to be sworn, or refuses to testify, or who disobeys any lawful order of said state fire marshal, deputy fire marshal or assistant fire marshal, in relation to said investigation, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of contemptuous conduct, after being summoned to appear before him, to give testimony in relation to any matter or subject under examination or investigation as aforesaid, shall be guilty of a misdemeanor and upon conviction for same shall be punished by a fine in a sum not exceeding one hundred dollars or be committed to the county jail for a period of not less than thirty nor more than ninety days.

Sec. 10. Said state fire marshal deputy fire marshal or assistant fire marshal shall have the authority, at any time, in the performance of the duties imposed by this act, to enter and examine any building and premises where any fire has occurred, or any other building or premises adjoining or near the same.

Sec. 11. The state fire marshal, his deputy or assistant, the chief of the fire department of each city or town where a regularly organized fire department is established, the mayor of a city or town where no fire department exists, or the justice of the peace of any magisterial district, at all reasonable hours may enter into any building or premises within their jurisdiction for the purpose of examination.

Sec. 12. If any officer named in the preceding section shall find any building or other structure, which for want of repairs, or by reason of age or dilapidated condition, or for any other cause is especially liable to fire, and which is situated as to endanger other buildings and property, and whenever any such officer shall find in any such building or upon any premises any combustible or explosive material or inflammable conditions, dangerous to the safety of said building or premises, they shall have power to make reasonable orders for the repair or removal of the same, and such orders shall be forthwith complied with by the owner or occupant of said premises or building. However, if the said owner or occupant

deems himself aggrieved by an order of a subordinate officer named in the preceding section, he may appeal to the state fire marshal within twenty-four hours, and the cause of the complaint shall at once be investigated by direction of the said state fire marshal. Unless such order is removed by the said state fire marshal, it shall remain in full force, and forthwith be complied with by such owner or occupant.

Sec. 13. Any owner or occupant of building or premises failing to comply with any reasonable order of the authorities above specified, shall be punished by a fine of not less than ten nor more than fifty dollars for each day's neglect, in any action to be brought by any of the officers above referred to, in any municipal or justices' court in the county where such owner or occupant reside.

Sec. 14. Any officer referred to in section three of this act who neglects to comply with any requirement of this act, shall upon conviction, be fined not less than twenty-five dollars, nor more than two hundred dollars for each neglect or violation.

Sec. 15. The state fire marshal shall receive an annual salary of two thousand dollars, and the deputy fire marshal shall receive an annual salary of one thousand five hundred dollars. The state fire marshal shall be authorized to employ a stenographer or clerk, and incur such other expenses as may be necessary in the performance of the duties of his office, including the necessary traveling expenses, not to exceed, including salary, such sums as may be paid into the state treasury in the manner hereinafter provided, or by appropriation or contribution.

Sec. 16. For the purpose of maintaining the department of state fire marshal and paying the expenses incident thereto, every fire insurance company doing business in the state of West Virginia, except farmers' mutual co-operative fire insurance companies or association, shall pay into the state treasury within thirty days after the passage of this act, and on or before the first day of March annually thereafter, in addition to the taxes now required by law to be paid by such companies, one-half of one per cent. on the net premium receipts of such companies on all business done in the state of West Virginia during the year next preceding, as shown by their annual statement under oath to the insurance department. The money so received into the treasury shall be set aside as the special fund for the maintenance of the office of state fire marshal,

and the expenses incident thereto. The state will not be liable in any manner for the salary of the said fire marshal, deputy fire marshal, assistant fire marshal, clerk, or for the maintenance of said office, or any expense incident thereto, and the same shall be payable only from the special fund provided for in this section or by appropriation or contribution.

Sec. 17. Whenever at any time there shall accumulate in the special fund a surplus sufficient to maintain the department of state fire marshal for the period of one year, then in the discretion of the state fire marshal the foregoing special tax for such year may be omitted.

Sec. 18. The state fire marshal shall file in the office of the insurance commissioner an itemized statement of all expenses incurred by his department, and all vouchers issued therefor shall be signed by the state fire marshal, which said vouchers shall be allowed and paid out of the fund provided for in section sixteen, in the same manner as other claims against the state.

Sec. 19. The state fire marshal and the deputy fire marshal shall not engage in other business, and shall at all times be ready for such duties as are required by this act.

Sec. 20. The state fire marshal shall submit annually as early as consistent, with full and accurate preparation, a detailed report of his official acts to the insurance commissioner.

Sec. 21. There shall be paid to the chief of the fire departments and to the mayors of the cities and towns who do not receive to exceed twenty dollars annually, as compensation for their services as such chiefs and mayors, and to justices of the peace, who are by this act required to report fires to the state fire marshal, the sum of one dollar for each fire reported to the satisfaction of the state fire marshal, and in addition thereto mileage at the rate of five cents per mile for each mile traveled to and from the place of the fire; said allowance shall be paid after the same has been approved by the state fire marshal, during the month of March of each year out of the funds provided for in section sixteen of this act.

Sec. 22. All chiefs of fire departments who receive a stated salary, or are paid a stated sum for each fire fought, and mayors of cities or towns who receive a stated salary exceeding twenty dollars per year, shall be precluded from receiving any extra allowance for the reports herein mentioned.

Sec. 23. The state fire marshal, his deputy, assistants and clerks

shall be under the direct supervision and control of the insurance commissioner, who may remove from office such fire marshal, deputy, assistant or clerk for cause at any time that such removal may be deemed necessary for the good of the department. The headquarters of the fire marshal department shall be in the office of the insurance commissioner. Whenever it may seem necessary the insurance commissioner may personally visit and investigate any fire in accordance with the provisions of this act.

(House Bill No. 286.)

## CHAPTER 38.

AN ACT to amend and re-enact sections sixteen, twenty-five, thirty-three and fifty-one of chapter fifty-two, and repeal sections four, five, thirty-one and thirty-two of chapter fifty-two of the acts of the legislature of one thousand nine hundred and nine, entitled, "An act defining public roads and providing for their establishment, regulation, construction, use and maintenance, and providing for raising revenue in the counties for construction and maintenance of public roads, and defining the office of state commissioner of public roads, and creating the office of county engineer, and prescribing the duties thereof; and by adding two sections to be known as section twenty-five-a and section fifty-one-a.

[Passed February 21, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.]

### Sec.

16. Bids for work let by contract; shall be opened only in open court; if let shall be let to lowest responsible bidder, who shall give bond with security. Court may reserve twenty per cent until contract is completed. May reject bids; how the bids shall be decided; if county court shall decide to have work done county road engineer or superintendent shall supervise work; bond required; penalty for misbehavior, etc.
25. Bond issue to pay costs of road may be submitted to voters; manner, form and result of election provided for.
- 25a. The county court of any county may, or upon the petition of fifty legal voters—free holders, shall submit to a vote the proposition for issuance of bonds for the pur-

### Sec.

- pose of constructing roads through a district, at any general or special election; how notice of such election shall be published; manner of holding election—result; if bonds are ordered; how bonds shall be executed and funds secured.
33. County court may lay out in sections the roads; sell to lowest bidder the contract; security required from person securing contract; poll tax and a property tax provided for; duty of county court as to macadamized or other roads.
51. Creation of the county road engineer; how chosen; qualification; compensation; shall give bond with security; district to be divided into precincts; let contracts to lowest responsible bidder; supervisor to make reports; his duties in general; a vote may be taken as to appointment of road engineer;

Sec.	his term; vacancies, how filled; salary; county surveyor may receive appointment; duty of county	Sec.	clerk; engineer shall have office room in court house.
		51a.	Three free ferries may be established across Shenandoah river.

*Be it enacted by the Legislature of West Virginia:*

That sections four, five, thirty-one and thirty-two of chapter fifty-two of the acts of the legislature of one thousand nine hundred and nine, be and the same are hereby repealed; and that sections sixteen, twenty-five, thirty-three and fifty-one of chapter fifty-two of the acts of the legislature of one thousand nine hundred and nine, be amended and re-enacted, and that two additional sections be added, to be known as section twenty-five-*a* and section fifty-one-*a*, which amended and added sections shall read as follows:

Sec. 16. All bids for work to be let to contract under the provisions of this chapter, whether for construction or maintenance, shall be received at the time and place specified in the advertisement, and shall be opened only in open court, and the amount and items comprising each bid shall be publicly announced; and the contract, if let, shall be let to the lowest responsible bidder, who shall give bond with satisfactory security in an amount equal to the amount of the contract in question, conditioned according to law, to be approved by the county court of the county.

The court may reserve from payment twenty per cent of the amount accruing on said contract until the completion of said work, and the same is approved by the county road engineer. The court may reject any and all bids, or may have the roads constructed or kept in repair in any other manner that may seem advisable. In the event there shall be two bids of the same amount for any given section of road, or any other improvement thereon, the bid of the person owning the greatest amount of frontage of real estate abutting on said road on the section where the improvement is to be made, shall be accepted. In the event that neither bidder owns property abutting on the said section to be improved, then in case of such equal bids, the bidder owning property nearest to the section to be improved, shall be given the preference.

In the event the county court shall decide to have the work done otherwise than by contract, then the work shall be done under the direction of the county road engineer, or the court may appoint a competent superintendent, who shall give bond with good security to be approved by the county court, and under the supervision of

the county road engineer he shall have supervision of the road or roads of the precinct or district for which he was appointed. He shall be under the direction of the county court and the county road engineer, devote his entire time and attention to the work, or so much thereof as the court may direct, and shall receive such compensation for his services as may be determined by said court. The county court shall hold said superintendent and his bondsmen for the faithful performance of his duty, and shall remove said superintendent for misbehavior or malfeasance in office, and recover any moneys due the county, and for embezzlement of such funds he may be confined in the penitentiary not less than one year nor more than three years.

Sec. 25. In case the payment of the costs of any road work done under the provisions of this chapter is to be made by bonds, or from the proceeds thereof, the county court of the county, upon the petition of fifty legal voters who are freeholders of the county shall submit the proposition for issuance of said bonds to the legal voters of the county, in the form and in the manner prescribed by the laws of the state for the issuance of bonds, at a general or special election, and the proposition must receive three-fifths of all the votes cast at such election upon the question, which election shall be called, held, conducted and the result ascertained, bonds issued and provisions made for the payment of the interest and principal, in the manner provided for in section twenty-four of chapter thirty-nine, and sections fifty-seven, fifty-eight, fifty-nine and sixty of chapter fifty-four of the code of West Virginia.

Sec. 25a. When the county court of any county deems it desirable for any district thereof to appropriate money to construct roads through said district, upon the petition of fifty legal voters who are freeholders of said district, they shall submit the proposition for issuance of bonds to the legal voters of said magisterial district desiring to be bonded, and in which the proceeds of said bonds are to be expended, and may by an order specifying the work to which the money is proposed to be appropriated, and the amount of the proposed appropriation, cause a vote to be taken upon the question at the several places of voting in the district, at the succeeding general election for state and county officers, or, any special election, whichever is first held in the county after such vote is ordered taken, or by special election that the said county court may deem proper and may order for the purpose; but such order must

be published throughout the said district thirty days at least, before the poll is taken, as follows:

The clerk of the county court shall cause as many copies of such order to be written or printed as may be necessary and sign the same; he shall forthwith post one of them in a conspicuous place in his office, one at the front door of the court house, and shall deliver the others to the sheriff of the county, who shall forthwith post one of the said copies in a conspicuous place at every voting place in the district aforesaid.

The court shall direct a copy to be published in one or more newspapers if they are published in said county. A poll shall thereupon be taken and the result ascertained under the regulations prescribed for general school election for school officers; or if the said vote is taken at a special election, ordered for the purpose, the same shall be held by commissioners appointed for the purpose by the county court at the time the said election is ordered, and the result shall be ascertained and certified according to the regulations prescribed by law for ascertaining and certifying the election of school officers at which no nominations of candidates for such offices have been made.

The ballots used in taking the said poll shall be the same as those used in voting for officers at the general election for state and county officers and school officers, except when the same is taken at a special election as hereinbefore provided for, and there shall be written or printed thereon the words: "For bonds" and "Against bonds," or any other words that will show how the voter intends to vote on the question proposed.

If it appear by the said poll that not less than three-fifths of the voters of the district who voted upon the proposed issuance of bonds are in favor of the same, the county court will then have authority to issue the amount of the bonds so voted in the name of the district which will undertake the work for the amount proposed, or any less amount on any such terms as they may deem advisable, and provide for the payment thereof by district taxation. The county court shall have authority to issue said bonds for and in the name of the said district, and to make provision for the payment of principal and interest of the same by said district, as is required by the law in such case made and provided, upon the terms and conditions specified in the order under which said vote is taken.

The president of the county court shall have power when so directed by such court by an order entered of record therein, to execute, sell and deliver the bonds of said district, and receive the proceeds therefrom, and said bonds of said district shall be valid and binding thereon when signed by the president of the county court of such county, and countersigned by the clerk of such county, with the seal of such county attached thereto.

Sec. 33. The county court of the county may cause such of the public roads as are of greatest benefit to the citizens of the county to be divided and laid out in sections of not more than two miles in length, the contract for repairing and keeping in order of which they may sell out to the lowest and best bidder, who shall give bond and security in such amount as the county court may determine, to be approved by the county court, and the expenses of the construction and keeping in repair of any road so laid out and divided, shall be provided for by a poll tax of one dollar, to be laid on all male citizens of the county who have attained the age of twenty-one years and have not passed the age of fifty years, and a tax levied and collected upon all property of the county taxable for state and county purposes.

Whenever any road or section of a road located in any magisterial district in this state has been or shall hereafter be permanently improved, either by the construction of a macadamized, or telford, or other stone construction, brick, concrete, asphalt, bituminous or granolithic pavement, so that the same with reasonable repairs thereto shall be firm, smooth and convenient for travel at all seasons of the year, and the cost of such permanent improvement has been paid out of funds provided exclusively from a district levy or bonds, it shall be the duty of the county court of the county wherein such road or turnpike or part thereof is located, to keep the same macadamized, piked and in good order and repair, and shall pay for the work and materials and all expenses incident to the repair and maintenance of said road or turnpike out of the county levy.

Sec. 51. There is hereby created in the several counties of the state of West Virginia, the office of county road engineer. The county court in each of the counties of this state may appoint as county road engineer, some practical road builder or civil engineer, who shall be competent to establish grades and keep the roads and records as provided by law. In the event the county court shall



not appoint a county road engineer as herein provided, then it shall appoint a competent man as road supervisor for each magisterial district, who shall, under the direction and control of the county court, perform the duties hereinafter defined, and who shall be allowed a reasonable compensation by the court for the time in which he is actually engaged in his official capacity, but not to exceed two dollars and a half (\$2.50) per day.

Every road supervisor provided for in this act shall, before entering upon the duties of his office, give bond, with security to be approved by the county court of the county, in such sum as may be required by the said court, the same to be made payable to the county court of the county, and be conditioned for the faithful performance of his duties.

Each supervisor of roads shall divide his district into convenient road precincts, not exceeding ten miles in length, and after two weeks' notice of road letting by publication in some newspaper printed in the county, and by posting printed hand bills at various public places in the district, let the construction and repair of said roads, by contract for such time as the county court may direct, to the lowest responsible bidder, taking bond from the contractor in a penalty to be fixed by said supervisor, and with condition for the faithful performance of the duties of said contractor, which duties shall be specified in the contract, all of which shall be promptly reported to the county court and approved by it before the same shall become effective. Each road supervisor shall furnish to any person desiring to bid on any road contract specifications of the work required to be done.

Said road supervisor shall make such reports and perform such duties from time to time as said court may require; and especially he shall report to the county court on or before the 15th day of May of each year the condition of the roads in his district, the improvements proposed, and an estimate of the funds required for the coming fiscal year, and any other matters deemed by him pertinent; and, in addition thereto, he shall within his magisterial district perform the following duties: He shall superintend the county roads and bridges, cause the same to be put in good order and repair, of the proper width, well drained, and to be kept clear of rocks, falling timber, landslides, carcasses of dead animals, and other obstructions, and remove all dead timber standing within thirty feet thereof. He shall cause to be opened and made all new

county roads and alterations of former roads by proper authority. He shall cause to be placed and kept at the forks or crossings of every county road a guide board, on which shall be stated in plain letters the most noted place to which each road leads. Across every stream, where it is necessary and practicable, he shall cause to be placed and kept a sufficient bridge, bench or logs, for the accommodation of foot passengers. Where any more important bridge is necessary, and it is practicable for him to have it made, with the money and labor which is at his disposal by virtue of his office, he shall cause it to be made safe and convenient, and at least twelve feet broad, with a railing not less than three feet high on each side. When a county road is suddenly obstructed at any time of the year, by the falling of rock, or timber, landslides or any other cause, or a county bridge is from any cause rendered unsafe, he shall immediately cause such obstructions to be removed or bridge to be repaired.

It is provided, however, that the county court, upon petition having been presented, signed by fifty legal voters of the county who are freeholders of said county, shall cause a vote to be taken upon the question at the several voting places in the county, at the next succeeding general election for state or county officers, as to whether the county court shall appoint a road engineer under the provisions of this act; or, whether they shall appoint one supervisor for each and every magisterial district of said county, with duties as herein defined, which said supervisor shall report to the county court in all matters, and shall act under the directions of the county court.

The county road engineer if, and when so appointed, shall serve for a period of two years from and after the first day of October following his appointment, and until his successor is appointed and qualified.

Vacancies in the office of county road engineer shall be filled by appointment for the unexpired term by the county court of the county at their next session. The county road engineer shall receive such compensation, either by salary or per diem, as may be fixed by order of the county court of the county. *Provided*, such compensation shall not be less than three hundred dollars nor more than fifteen hundred dollars per annum.

If thought advisable by the county court, the county surveyor of the county elected at the last preceding general election may re-

ceive such appointment; *provided*, he be competent as provided by this chapter; and for such services he shall receive the compensation fixed by the county court as provided in this section in lieu of all fees except as are allowed by law for his services as county surveyor.

It shall be the duty of the county clerk to give written notice to the appointees provided in this chapter, of their appointment as soon thereafter as practicable, and each person so appointed shall, within ten days after having been notified of such appointment, qualify by giving bond as the court may direct for the faithful performance of his duties, and by taking and subscribing to the oath prescribed by the fifth section of the fourth article of the constitution of the state, a copy of which shall be filed in the office of the clerk of the county court.

The county road engineer shall have office room in the court house of the county.

Sec. 51a. The county court of any county in the state of West Virginia, through which the Shenandoah river runs, may establish on and across said river not more than three free ferries; and such ferries shall be provided with sufficient landings and boats, and such attendants of said boats as may be necessary to accommodate public travel. The court shall pay all expenses of establishing such ferries, providing and maintaining the necessary boats and the necessary attendants thereof out of the county treasury.

All acts and parts of acts inconsistent herewith are hereby repealed.

(House Bill No. 98.)

## CHAPTER 39.

AN ACT to amend and re-enact sections ninety-seven, one hundred and seventeen and one hundred and twenty of chapter thirty-two of the code of West Virginia of one thousand nine hundred and six, as last amended and re-enacted by chapter eighty-two, acts of the legislature of one thousand nine hundred and seven, relating to druggists' licenses, licenses on theatres, opera houses, circusses, menageries and other public shows.

[Passed February 18, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

SEC.  
97. License tax on druggists; amount.  
117. License tax on theatrical performances; amount according to population.  
120. License tax on circusses, menageries

SEC.

or museums; amount; dog or pony show; side show; carnival; show in connection with county fair; each performance construed to require a separate license.

*Be it enacted by the Legislature of West Virginia:*

1. That sections ninety-seven, one hundred and seventeen and one hundred and twenty of the code of one thousand nine hundred and six, as last amended and re-enacted by chapter eighty-two, acts of the legislature of one thousand nine hundred and seven, relating to druggists' licenses, licenses on theatres, opera houses, circusses, menageries and other public shows, be and the same are hereby amended and re-enacted so as to read as follows:

Sec. 97. On every license to carry on the business of a druggist two dollars in addition to all other taxes.

Sec. 117. The state tax on every license for a theatrical performance 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 theatre, opera house, or other permanent place for public shows may have a license by paying tax as follows: If in a city of thirty thousand or more, for three months for one hundred dollars; for six months, for one hundred and thirty dollars; or, for one year, for one hundred and sixty dollars; if in a city or town of twenty thousand and less than thirty thousand, for three months, for seventy-five dollars; for six months, for one hundred dollars; or, for one year, for one hundred and twenty-five dollars; if in a city or town of ten thousand and less than twenty thousand, for three months, for forty dollars; for six months for sixty dollars; or, for one year for one hundred dollars; if in a city or town of five thousand and less than ten thousand, for three months, for twenty dollars; for six months, for thirty dollars; or, for one year, for forty dollars; if in a city or town of two thousand and less than five thousand, for three months, for ten dollars; for six months, for fifteen dollars; or, for one year for twenty dollars; if in a city or town of less than two thousand, for three months, for five dollars; for six months for eight dollars; or for one year for ten dollars. If such theatre or other permanent place be outside of an incorpo-

rated city, town or village the rate shall be the same as that for a city or town of a population of less than two thousand.

Sec. 120. The state tax on every license to exhibit a circus or menagerie, or a circus and menagerie combined, or wild west show, in cities or towns of a population of thirty thousand or more, seventy-five dollars for each exhibition; in cities or towns of a population of ten thousand and up to thirty thousand, fifty dollars for each exhibition; in cities or towns of a population of five thousand and up to ten thousand, thirty dollars for each exhibition; in cities or towns of a population of less than five thousand, ten dollars for each exhibition.

The state tax on every license to exhibit a trained animal or dog and pony show in cities or towns of a population of thirty thousand or more, thirty dollars for each exhibition; in cities or towns of a population of ten thousand and up to thirty thousand, twenty dollars for each exhibition; in cities or towns of a population of less than ten thousand, ten dollars for each exhibition.

The state tax on every license to exhibit a side show in the vicinity of any other show in cities or towns of a population of ten thousand or more, ten dollars; in cities or towns of a population of less than ten thousand, five dollars.

The state tax on every license to exhibit a street or other carnival, or any show connected with a county or other fair, five dollars a week for each separate entertainment or exhibition for which a fee is charged.

The state tax on every license to exhibit any other show in cities or towns with a population of ten thousand or more, ten dollars, and in cities or towns of less than ten thousand, five dollars.

Every show, exhibition or performance, such as is described in the next preceding paragraph, whether under the same canvas or not, shall be construed to require a separate license therefor, whether exhibited for compensation or not; and upon any such show, exhibition or performance being concluded, so that an additional fee for admission be charged in lieu of a check authorizing the holder to re-enter without charge, it shall be construed to require an additional license for any further or other show, exhibition or performance.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 65.)

**CHAPTER 40.**

AN ACT to amend and re-enact chapter seventy-seven of the acts of one thousand nine hundred and nine, known as chapter 15L of the code of West Virginia, relating to legal holidays.

(Passed February 17, 1911. In effect ninety days from passage. Approved by the Governor February 18, 1911.)

Sec.

1. Designation of legal holidays; schools to hold appropriate ceremonies in honor of Abraham Lincoln and Christopher Columbus; when law-

Sec.

ful to observe Monday; court proceedings, official acts, etc. falling on holidays.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That the following days be regarded, treated and observed as legal holidays, viz.: The first day of January, commonly called "New Year's Day;" the twenty-second day of February, commonly called "George Washington's Birthday;" the fourth day of July, commonly called "Independence Day;" the thirtieth day of May, commonly called "Memorial Day;" the twenty-fifth day of December, commonly called "Christmas Day;" the first Monday in September, commonly called "Labor Day;" the twelfth day of February, commonly called "Lincoln's Birthday;" the twelfth day of October, commonly called "Columbus Day." *Provided, however,* that the common and graded schools of this state, the terms of which shall have begun and not having expired upon the two last named days shall remain in session and hold appropriate ceremonies in honor of Abraham Lincoln and Christopher Columbus, respectively, unless the said days shall fall upon Saturday or Sunday, any national or state election day, and all days that may be appointed or recommended by the governor of this state, or the President of the United States, as days of thanksgiving, or for the general cessation of business; and when either of said days or dates falls on Sunday, then it shall be lawful to observe the succeeding Monday as such holiday; *provided,* that when the return day of any summons or other court proceedings or any notice or time fixed for holding any court or doing any official act shall fall on either of said holidays, the ensuing secular day shall be taken as meant and intended.

(House Bill No. 210.)

**CHAPTER 41.**

**AN ACT** to amend and re-enact section twelve of chapter one hundred and twenty-five, of the code of West Virginia, for the purpose of speeding the progress of actions and suits after the amendment to pleadings therein.

[Passed February 24, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 12. Amendment of declaration or bill; supplemental bill; bill of revivor;		Sec. summons to defendant; dismissal; costs.
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*Be it enacted by the Legislature of West Virginia:*

That section twelve of chapter one hundred and twenty-five of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 12. The plaintiff may of right amend his declaration or bill at any time before the appearance of the defendant, or after such appearance, if substantial justice will be promoted thereby. If a demurrer be sustained to the declaration or bill, the plaintiff, upon giving notice to the defendant or defendants who have appeared, or to their counsel, may file at any time within the term at which the demurrer was sustained, an amended declaration or bill; and, thereupon, the cause shall proceed as if such amended pleading had been filed at the time when the original declaration or bill was filed; but the court shall allow the defendant a reasonable time to plead or to answer such amended declaration or bill. The trial of the cause at law shall not be continued to another term because of the filing of an amended declaration, unless the defendant shall satisfy the court by affidavit, that because of such amendment he cannot safely proceed to trial without such continuance. But the plaintiff may, if he so elect, have the cause remanded to rules for amendment. The plaintiff may also, at any time before or after the appearance of the defendant, in vacation of the court wherein the suit is pending, file in the clerk's office an amended declaration, bill, supplemental bill or bill of revivor in such suit, whereupon the clerk shall issue a summons against the defendant, requiring him to plead to or answer such amended declaration or bill. But if the court shall be of the opinion that the same was improperly filed, it shall dismiss such declaration or bill at the cost of plaintiff.

(House Bill No. 66.)

**CHAPTER 42.**

AN ACT to amend and re-enact sections twenty-four and twenty-nine of chapter one hundred and forty-five of the code of West Virginia, relating to offenses against personal property upon or along the banks of the streams of this state.

[Passed February 24, 1911. In effect ninety days from passage. Became a law without approval of the Governor.]

SEC.

24. Wilful casting away or destroying vessels with intent to defraud owner, or owner of property on board, or insurer, or take, carry away, untie, impair or weaken any rope or fastening to any floating

SEC.

craft, to cause it to float away, shall be guilty of a felony; penalty.  
29. Larceny of skiffs, boats, timbers, etc; penalty.

*Be it enacted by the Legislature of West Virginia:*

That sections twenty-four and twenty-nine of chapter one hundred and forty-five of the code of West Virginia be and are hereby amended and re-enacted so as to read as follows:

Sec. 24. If a person wilfully cast away or otherwise destroy any vessel within any county with intent to injure or defraud any owner thereof, or any owner of any property on board the same, or insurer of such a vessel or property, or any part thereof, he shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary of this state not less than one nor more than five years; or if any person take, carry away, remove, injure, destroy, break, cut, detach, untie, loosen, impair, weaken; or otherwise interfere with any rope, line, fastening, connecting or other appliance used to tie, moor, attach or fasten to a bank of any stream, any floating craft, lumber, timber, or material, the property of another with intent to injure, defraud or damage such other person, or to cause such floating craft, lumber, timber or material to become adrift, or to float away, without the consent of the owner thereof, he shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary of this state not less than one nor more than five years.

Sec. 29. If any person unlawfully take and carry away or convert to his own use any skiff, boat or timber, whether the same be afloat or not, or if any person buy or receive from another person, or aid in concealing any stolen rope, line fastening, connection or other appliances or device used to tie, moor, attach or fasten float-



ing craft, timber, or other material to a bank of any stream, knowing or having cause to believe the same to have been stolen, he shall be deemed guilty of the larceny thereof, and if the value thereof exceed ten dollars, he shall be guilty of a felony, and upon conviction confined in the penitentiary of this state not less than one nor more than five years, and if the value be less than ten dollars he shall be punished as in other cases of petit larceny, and any person so receiving such property knowing or having cause to believe the same to be stolen, may be proceeded against although the principal offender be not convicted.

(Senate Bill No. 77.)

## CHAPTER 43.

AN ACT to amend and re-enact section eleven of chapter seventy-three of the code of West Virginia, relating to the validation of the acknowledgment of any deed or other writing.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

Sec.

11. Defective acknowledgements; validation.

*Be it enacted by the Legislature of West Virginia:*

That section eleven of chapter seventy-three of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 11. Where the acknowledgment of any deed or other writing, or the privy examination of a married woman respecting the same has been taken, either within or without the state of West Virginia by a notary public, justice of the peace, or president of a county court, whether he used an official seal or not, or by two justices of the peace in any county in the state of Virginia prior to the reorganization of the state government thereof, or by any justice out of his district or township, or it does not appear by the certificate of the justice that such acknowledgment or privy examination was taken within his district or township, or county, the same shall be nevertheless sufficient, unless there be other lawful objections; and the admission to record and recordation of any such

deed or writing heretofore had or made upon any such acknowledgment or privy examination shall likewise be sufficient and valid unless there be other lawful objections. *Provided*, this act shall not affect the rights of any party to any pending suit.

(Senate Bill No. 1.)

## CHAPTER 44.

AN ACT to amend and re-enact section three thousand two hundred and thirty-seven of the code of West Virginia, edition of one thousand nine hundred and six, relating to lands of persons under disability.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

SEC.

10. Sale, lease or mortgage of property of minor or insane person; sale of lands of insane husband or

SEC.

wife; release of curtesy or dower; petition; execution of release by husband; orders as to proceeds.

*Be it enacted by the Legislature of West Virginia:*

That section three thousand two hundred and thirty-seven of the code of West Virginia, edition of one thousand nine hundred and six (section ten, chapter eighty-three) relating to lands of persons under disability, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 10. If the husband of an infant or insane wife wish to sell real estate, and to have her right of dower therein released to the purchaser, or if the wife of an infant or insane husband wish to sell her real estate, and to have his right of curtesy therein released to the purchaser, he or she may petition for that purpose the circuit court of the county in which such estate, or some part thereof, is. And if it appear to the court to be proper, an order may be made for the execution of such a release, by a commissioner to be appointed by the court for the purpose; which release shall be effectual to pass the said right of dower or of curtesy to the purchaser. But the court may make such order as, in its opinion, may be proper to secure to her or to him the same interest in the purchase money and the income thereof, that he or she would have had in the real estate and the income thereof if it had not been sold; or, at the discretion of the court, to secure to her or to him, out of the purchase money, such sum in gross as, in the court's opinion, may be sufficient to compensate her or him for her right of dower, or his right of curtesy.

(Senate Bill No. 6.)

**CHAPTER 45.**

AN ACT to amend and re-enact chapter nineteen of the acts of the legislature of West Virginia, at the session of one thousand nine hundred and eight, approved on the fourth day of March, one thousand nine hundred and eight, providing for the registration of voters.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

**SEC.**

1. County court to appoint registrars for each precinct in the county; one each from political parties; may be suggested by chairman; suggestion to be in writing; penalty for forgery; who shall not serve as registrars; may be selected from another precinct, when; duty of clerk as to notice; registrar shall take oath of office.
2. County court shall cause to be prepared books and blanks for the registration of the voters; how books are to be arranged.
3. Clerk of county court shall notify registrars, and cause to be delivered to them books and blanks; registrars' duty; clerk of county court shall furnish list of voters last taken.
4. Registrars may administer oath for purposes in this act; list of questions as to right to register.
5. In case of doubt registrar may mark affidavit; penalty for making affidavit falsely.
6. Registrars having completed the registration, shall sit together for two

**SEC.**

- days, when; books shall be open to inspection, and voters may be registered.
7. When county court shall convene, and register voters and strike off illegal voters; an order must be made in each case; appeal may be taken; penalty for improperly adding to or omitting from list.
8. Duty of courts to hold session.
9. How voter may obtain transfer.
10. Copy of registration to be furnished commissioner of election.
11. No person allowed to vote unless registered; penalty for violation of provisions of this act.
12. Penalty against registrar for wilful neglect.
13. Compensation to registrars and how paid.
14. Registration books to be returned to clerk of county court.
15. This act shall not apply to municipal elections, unless adopted by the municipality.
16. Duties may be enforced by *mandamus*.

*Be it enacted by the Legislature of West Virginia:*

That chapter nineteen of the acts of the legislature of West Virginia, at the session of one thousand nine hundred and eight, approved on the fourth day of March, one thousand nine hundred and eight, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 1. The county court of each county in this state shall hold a regular or special session at the court house of their county, on the second Monday in August of each and every year when there is a general election to be held, and shall then appoint for each voting precinct in their county, two competent persons as registrars, one each from the political parties which at the last preceding election cast the highest number of votes in the county in which the election is to be held. But if at any time during said

session, the county executive committee of either political party from which said registrars are to be selected, through its chairman or secretary, shall present to the court, or shall before any such appointments are made, at any time file in the office of the clerk of the county court of said county, a writing signed by the chairman of said committee, on their behalf, requesting the appointment of a qualified voter of their political party, and who shall appear to be competent to said court, the court shall appoint the person named in such writing as such registrar; or, if the court reject any one so recommended, it shall notify the chairman of the committee of said rejection, and such chairman shall recommend another to be so appointed, until a competent person is accepted by the court. Every writing so presented shall be filed, preserved and kept by the clerk of said court in his office. And if it shall appear that said writing was a forgery, and that it was forged by the person presenting the same to the court, or that he presented the same to the court knowing it to be a forgery, upon conviction thereof such person shall be confined in the penitentiary not less than one nor more than five years; or at the discretion of the court he may be fined not less than one hundred dollars, nor more than five hundred dollars, and be confined in the county jail not less than three nor more than six months. No person shall be eligible to appointment as registrar, or any way act as such, who has been convicted of a felony, who is not a qualified voter in the precinct for which he is appointed, who cannot read or write the English language, or who is a candidate to be voted for at such election; *provided*, that if in any precinct there should not be a competent person in the opinion of the chairman of the executive committee, or the county court, the chairman of said committee may recommend some competent voter of said county from some other precinct therein, to act as such registrar. If any such registrar shall fail or refuse to serve, the vacancy shall be filled either by the county court or by the clerk thereof, in vacation, in the manner hereinbefore provided for the appointment of registrars, and said clerk shall forthwith notify such party of his appointment as such registrar, and record such appointment in the minute book of said county court. If no appointment is made to fill such vacancy, or if either of such registrars fail or refuse to act, it shall be lawful for the other registrar to register the voters in such precinct and discharge his duties hereunder. Said registrars shall, before enter-

ing upon the discharge of their duties, take an oath to support the constitution of the United States, the constitution of West Virginia, and to perform the duties of their office to the best of their ability, and that they will support the nominees of the party for which they are respectively appointed. Said oath shall be filed in the office of the clerk of the county court.

Sec. 2. The county court shall cause to be prepared suitable books and blanks for the registration of voters, and the facts required by this act, and the clerk of said county court shall distribute said books and blanks to the registrars of the respective voting precincts. The books aforesaid shall be so arranged as to admit of the alphabetical classification of the names of the voters and ruled in parallel columns, on which shall be entered, first, the number; second, the names of the persons registered; third, color; fourth, age; fifth, place of birth; sixth, time of residence in precinct, county and state; seventh, if naturalized, the date of the papers and the court by which issued; eighth, date of registration.

Sec. 3. The clerk of said county court shall within five days after the appointment of said registrars as aforesaid, notify each of the registrars so appointed of his appointment and give the name of the other registrar; which notice may be sent by registered mail, and the clerk shall likewise on or before the third Monday in August next after the appointment of said registrars as aforesaid, cause to be delivered to the said registrars copies of the books and blanks prepared as aforesaid, for the registration of voters for the respective precincts, and upon the receipt of said books and blanks, the said registrars shall meet together on the first Monday of September thereafter, and proceed to register the names of all the qualified voters within their respective precincts, and shall endeavor to ascertain and register each and every qualified voter entitled to vote within the precinct, and for this purpose shall visit the usual place of abode of each and every voter. And said registrars to ascertain the qualified voters shall examine the registration lists made for such precinct for the last preceding general election, and shall transfer the names of all voters registered on such former list who at the time of such registration being made, may be qualified voters in said precinct to the registration being so made. And the clerk of said county court shall furnish to each of said registrars a certified copy of the registration list

made for such precinct for the last preceding general election, for which he shall receive two cents a name for each copy, to be allowed by the county court payable out of the county treasury.

And in registering each voter, said registrars shall (as far as possible) give the Christian name and his surname, and shall designate the place of his residence, his age and color, and whether he is a native or foreign born, which information shall be given in the proper column provided in the books furnished by the clerk of the county court as hereinbefore provided.

Sec. 4. Before the registrars shall register the name of any person a qualified voter, they must be satisfied of his qualification, or have him make the affidavit as hereinafter provided, showing his right to register, and for the purposes of this act they are hereby given authority to administer oaths, and they may require the person desiring to register to answer under oath the following questions:

First: Are you a citizen of the United States?

Second: Are you a native or 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 officers 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 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 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, when?)

Fifth: When you left this state, did you leave for a temporary purpose with intention of returning; or for the purpose of remaining away?

Sixth: Did you while absent look upon or 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: Did you come into this county for the mere purpose of voting in this county?

Eleventh: Are you an actual resident of this precinct?

Twelfth: Are you twenty-one years of age, or will be such at the coming election, to the best of your knowledge and belief?

Every person shall be registered who will be entitled to vote at the first election occurring after the registration by reason of his arriving at twenty-one years of age before the time, or by reason of his having resided for a sufficient length of time in the state and county, provided he is otherwise qualified.

Sec. 5. If said registrars after examining any voter are not satisfied as to his right to be registered, then said registrars shall require said voter to make an affidavit in writing, on a blank form to be furnished, which affidavit shall be duly subscribed and sworn to by said voter before either of said registrars, and in which affidavit said voter shall answer fully the questions giving information as required under section four of this chapter, and if said affidavit shows that he is a voter in said precinct, he shall then be registered by said registrars. Said registrars having registered such voter upon his affidavit, may mark said affidavit "challenged," and return the same, with their list of registration, to the clerk of the county court, and said clerk shall preserve said affidavit in his office, and either registrar or any citizen or any voter of the county may appear before the county court and have the right of said voter's registration determined by said county court. And any person who shall wilfully make any such affidavit falsely shall be guilty of felony, and upon conviction thereof, shall be confined in the penitentiary not less than one nor more than three years; or, in the discretion of the court, may be confined in the county jail not less than one nor more than six months.

Sec. 6. The said registrars after having completed the registration as far as in their power, shall for the purpose of amending, correcting and completing said registration, sit together at some convenient place within the voting precinct for two days, commencing on the first Monday in October, from nine o'clock, a. m., to one o'clock, p. m., and from two o'clock, p. m., to nine o'clock, p. m., and shall give notice of the time and place of their sitting

for such registration and correction by posting written or printed notices of the time and place of such sitting for ten days prior thereto, at not less than five of the most conspicuous places in said voting precinct, one of which shall be at the place of voting in said precinct. And at the time of said sitting the books of registration shall be open for public inspection, and the said registrars in the manner hereinbefore provided shall register all qualified voters who have not theretofore been so registered by them, and complete and finish the registration of the voters within their said precinct, and make out two alphabetical lists of the registered voters within said precinct entitled to vote at the ensuing election as registered by them, giving the information as to each voter as hereinbefore required, and shall sign and return the same to the clerk of the county court on said second Monday in October, and the same shall be open to the inspection of the public when filed in said clerk's office until five days prior to the election.

Any person desiring a copy of the registered voters made by said registrars as returned by them to the county court, may request the same and the registrars shall make and deliver a copy of said registered voters upon the payment to them of two cents a name for each copy so furnished.

Sec. 7. It shall be the duty of the county court of each county to convene in regular or special session on the second Monday in October preceding any general election, for the purpose of hearing any matters as to the registration of voters, at which said meeting of the county court they shall examine the returns made to them by the registrars throughout the county, and filed with the clerk of the county court, as hereinbefore provided. And if they are satisfied that persons have been registered who are not entitled to vote, they shall cause their names to be stricken from the list of voters, and if they should find that persons' names have been omitted by the registrars who should be registered, the court shall cause their names to be registered as qualified voters; but in no case shall the court erase the name of any voter until he shall have had five days' notice of the application to strike his name from such registration list, and he shall have the right to rebut any evidence produced against him, and shall have his name restored to said list if improperly stricken therefrom. From the decision of the county court an appeal may be taken by the voter, or either of the registrars, or any voter of said county, to the circuit court of said county,



and from the decision of the circuit court an appeal may likewise be taken to the supreme court of appeals. In no case shall the clerk enter any name upon the list of registered voters, or strike any name therefrom, except by order of the county court entered of record. And any person who shall enter any name upon the registration list or omit any name from the registration list, without an order of the court, entered of record so directing, he shall be guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one nor more than three years for each offense.

Sec. 8. It shall be the duty of the circuit court and the supreme court of appeals to hold such sessions as may be necessary to determine any cases involving the registration of voters in this state prior to any election, and such cases shall have precedence over all others; but in any case where a voter has been registered by order of the county court, or by the registrars, he shall be entitled to vote at any election held until such order of the county court or registrars is reversed.

Sec. 9. Any voter who shall have been registered in any precinct as hereinbefore provided, and who shall have removed from said precinct to another precinct in the same county, may obtain from the registrars of the precinct in which he is registered, or from the clerk of the county court, in case the registration books have been filed with the said clerk, a certificate of transfer and present same to the election commissioners of the precinct wherein he resides, and if the commissioners of election in such precinct shall be satisfied that such voter is a legal resident in the precinct wherein he offers to vote, they shall register such voter and allow him to vote. When said certificate is issued the name of said voter shall be stricken by the registrar, or the clerk of the county court, from the books from which said certificate is issued, and such certificate shall be preserved by the commissioners and returned with the election returns to the clerk of the county court. And any clerk or registrar issuing a false certificate wilfully hereunder, shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than three years.

Sec. 10. The clerk of the county court shall furnish one copy of said registration books to the election commissioners of the respective voting precincts, with the ballot boxes and other election

supplies to be used by them in the conduct of the election in their said voting precincts.

Sec. 11. No person shall be allowed to vote at any election hereafter held in this state unless he shall have been registered as herein provided, and the commissioners of every election shall only allow those to vote whose names appear upon the registration books furnished by the clerk of the county court to them, or who present a proper certificate of transfer, as herein provided; and any commissioner of election who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars, and imprisoned in the county jail not less than ten nor more than ninety days for every such offense.

Sec. 12. Any registrar who shall wilfully register the name of any person not a qualified voter in his precinct, or wilfully reject from registration the name of any qualified voter shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years; and any registrar who shall fail to perform any other duty required of him under this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, and confined in the county jail not less than one nor more than six months, in the discretion of the court.

Sec. 13. Each of said registrars shall receive as compensation for their services under this act the sum of ten cents for each name so registered by them, to be allowed by the county court payable out of the county treasury. But if the registration of voters is made necessary by the calling of a special election in a district, independent district, or municipality, the compensation therefor shall be paid by the board or body calling said election, out of any fund at their disposal.

Sec. 14. The commissioners of election shall return the registration books of such election precinct together with the ballot boxes, etc., to the clerk of the county court.

Sec. 15. This act shall not apply to municipal elections held in cities, towns and villages, but the law-making power in any city town or village, may adopt the provisions of this act, and may change the time of making the registration and making return thereon, and may provide that the duties to be performed by the

county court hereunder shall be performed by such municipal authorities as may be named in such ordinance or act, and when so adopted and modified the same shall be applicable to such city, town or village.

Sec. 16. Any and all duties required of any person or officer by this act, may be enforced and compelled to be performed by such person or officer or court by writ of *mandamus* or other proper legal proceeding issued by the circuit court of said county, or the supreme court of appeals.

Sec. 17. All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 12.)

## CHAPTER 46.

AN ACT to amend and re-enact section twenty-two of chapter forty-four of the code of West Virginia, as last amended and re-enacted by chapter fifty-six of the acts of the legislature of one thousand nine hundred and nine, in reference to bridges constructed and maintained by corporations.

[Passed February 15, 1911. In effect ninety days from passage. Approved by the Governor February 18, 1911.]

<p>Sec. 22. Bridges over Ohio, Great Kanawha and Big Sandy rivers; bridge corporations; tolls; real estate; purchases from other companies;</p>		<p>Sec. subscription to stock; channel spans in bridges; corporate powers.</p>
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*Be it enacted by the Legislature of West Virginia:*

That section twenty-two of chapter forty-four of the code, as last amended and re-enacted by chapter fifty-six of the acts of the legislature of one thousand nine hundred and nine be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 22. Corporations may be formed under the provisions of the first twenty-four sections of chapter fifty-four of the code, for the purpose of bridging the Ohio river. Any such corporation or any railroad corporation is hereby authorized to construct and maintain a bridge across said river in the manner now, or which may hereafter be provided by the congress of the United States, upon complying with the requirements, conditions and provisions so

prescribed, and not otherwise; and such corporation is authorized to take tolls for the passage of persons, railroad cars, engines, vehicles and other things passing on and over such bridge; and such corporation may obtain the real estate necessary for the construction of its bridge and its approaches thereto, under the provisions of chapter forty-two of the code, and may purchase from any other corporation which may have taken steps toward the erection of a bridge in the manner aforesaid, all the rights, franchises and property it may have acquired; subscriptions to the stock or bonds of any such corporation may be made by counties, districts and municipal corporations, in the manner provided for in chapter thirty-nine of the code; and subscriptions may be made thereto by other corporations, including railroad corporations, with the assent of the holders of two-thirds of the stock of any such corporation, at any general or special meeting of the stockholders; and any corporation heretofore or hereafter formed for the purpose of bridging the Great Kanawha or Big Sandy rivers, or any railroad corporation constructing such bridge, shall have all the privileges accorded by this section to corporations formed for the purpose of bridging the Ohio river; *provided, however,* that every bridge erected across the Great Kanawha river at and above the United States Government Lock Number Six and between said Lock Number Six and the United States Government Lock Number Three shall have at least one channel span, the center of which shall be in the middle of the channel, usually run by descending coal fleets in high towing stages; said channel span to have a clear opening of four hundred feet at lower water line, and be at least seventy-five feet above low water; and, *provided, further,* that every bridge erected across the Kanawha river at and above the United States Government Lock Number Three, and below a point six hundred feet below the intersection at low water mark of Nancy's branch with the Great Kanawha river—said point being approximately the head of the slack water pool formed by United States Government Dam Number Two—shall have at least one channel span, the center of which shall be in the middle of the channel, usually run by descending coal fleets in high towing stages; said channel span to have a clear opening of four hundred feet at low water line, and be at least seventy-five feet above low water, except in such cases as the United States government may authorize the construction of a bridge of a less height, not, however, to be

below the minimum of sixty feet above low water, and said Great Kanawha river may be bridged by any such corporation as is hereinbefore mentioned, at or above the said point six hundred feet below the intersection at low water mark of Nancy's branch with the Kanawha river, subject only to such terms and conditions, if any, as the United States government acting through its authorized officers may prescribe; but the benefits of this section shall not inure to any corporations whose corporate rights have lapsed, been forfeited or become forfeitable. Every corporation formed under the laws of this state for the purpose of the construction and maintenance of a bridge or bridges, in addition to the powers heretofore conferred upon or possessed by it, shall have power from time to time, to borrow such sums of money as may be necessary for the purposes and business of the company, and to issue bonds, bills of credit or indebtedness and preferred stock, and dispose of the same for any amount so borrowed, and to mortgage or encumber, by deed of trust, its corporate property and franchises, to secure payment of any debt contracted by such corporation, for its purposes and business; but no such mortgage or deed of trust shall be valid, unless authorized by a resolution adopted by the affirmative votes of the holders of a majority of the stock of the company; and any such mortgage or deed of trust may include, grant and convey and make subject to the lien thereof, all betterments, improvements and works made or constructed, and property and franchises acquired and used in the company's business, after the making of such mortgage or deed of trust, money and debts due the granting company excepted; and the purchaser, at any sale under such mortgage or deed of trust, shall be entitled to such betterments, improvements, works, property and franchises, with the exception aforesaid, as well as the property and franchises granted thereby, owned and possessed by the company, at the time of the making of the mortgage, or deed of trust, under which the sale is made, any other law or statute to the contrary notwithstanding. Such purchaser shall be a corporation in the same manner as is provided in relation to purchasers of railroad property, by sections seventy-two and seventy-three of chapter fifty-four of the code of West Virginia, and all the provisions of said two sections shall apply to the last mentioned corporation. All mortgages or deeds of trust heretofore made by any bridge company incorporated under the laws of this state, whether the same shall have been ex-

executed by virtue of a resolution adopted by a vote of the stockholders, or shall have been executed by virtue of a resolution adopted by the board of directors of such corporation without any action on the part of the stockholders thereof, which purport to grant and convey property and franchises of the granting company owned and possessed at the time of making the mortgage or deed of trust, or such property and franchises, together with property or franchises, or both, of such company, which it may have acquired subsequently to the making of such mortgage or deed of trust, shall be as valid and effectual for the purpose of effecting such granting and conveyance, and make the same as effectually as if this section as amended by this act had been in full force before and at the time of the execution of such mortgages or deeds of trust; and purchasers at any sales thereunder shall have the same rights, powers and privileges, as are by this section conferred upon the purchasers at sales made under mortgages and deeds of trust executed by such companies after this act takes effect.

(Senate Bill No. 112.)

## CHAPTER 47.

AN ACT to amend and re-enact sections nineteen and forty-nine of chapter sixty of the acts of the legislature of one thousand nine hundred and nine, and repealing section twenty-five-a of said chapter, concerning the protection of game.

(Passed February 20, 1911. In effect ninety days from passage. Approved by the Governor February 23, 1911.)

### SEC.

19. License to hunt by a person not a resident of this state; how procured; license fees; to whom paid; penalty for failure to produce license, etc.; consent of guardian required for minors under fifteen years old.

### SEC.

49. Unlawful to camp, or build fires in connection with hunting, etc., upon enclosed lands without permission in writing; from whom; penalty for violation; owner and others may arrest.

*Be it enacted by the Legislature of West Virginia:*

1. That sections nineteen and forty-nine of chapter sixty of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows, and that section twenty-five-a be and the same is hereby repealed.

Sec. 19. No person, not a citizen and resident of this state, shall at any time, hunt, pursue, kill or catch any wild game animals or wild game birds in this state, without first having secured a license so to do, and then only during the respective periods when it shall be lawful to hunt such game animals and game birds. Such license shall be procured in the following manner, to-wit:

The applicant shall go before the county clerk of any county within this state and fill out a blank application, stating his name, age, occupation or profession, weight, height, place of residence, color of hair, eyes and complexion; the application shall be subscribed in ink and sworn to by the applicant, said applicant making oath that his statements are correct and true to the best of his knowledge and belief, before the county clerk issuing said license; the applicant shall at the same time pay to the county clerk the sum of fifteen dollars as a license tax, and a fee of fifty cents to said clerk for issuing such license; *provided, however*, that any such non-resident may fill out said application and swear to the same before a notary public or any other official of any foreign state whose certificate is authorized to be accepted for the recordation of deeds to be recorded within this state, and which said official shall affix his official seal to his certificate, and said applicant shall then send the said application to the county clerk of any county within this state, together with the tax and the fee hereinbefore provided for, and such clerk shall send said applicant such license.

Said license shall bear the seal of the county court of the county in which it was issued and shall be signed by the clerk. All such license taxes shall be paid by the county clerk to the state treasurer on the first day of each month for the next month preceding and a report thereof be made to the forest, game and fish warden. Such license shall entitle the person to whom it is issued to hunt and kill game in any county in this state at any time when it shall be lawful to hunt, pursue and kill such game; and no person to whom such license has been issued, shall be entitled to hunt, pursue or kill game in this state, without at the time of such hunting, pursuing or killing of game, he shall have such license in his possession; and he shall exhibit the same to any officer of this state, or owner, tenant or lessee of any land on which such person or persons are hunting, on demand of such officer or person. All such licenses shall be good and valid in the county where issued for the period

of one year next succeeding its issue. Any person required by law to have and claiming to hold a license to hunt in this state, having in his possession any gun or other hunting paraphernalia in such woods or fields, shall on failure to produce such license for inspection to any warden of this state, or owner or agent of the owner of such woods and fields on demand, be deemed guilty of a misdemeanor and shall be punished on conviction as provided later in this section. All non-resident members of any club or organization owning or leasing a game preserve in this state, shall each be required to secure a hunters' license as hereinbefore provided for. Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than fifty dollars for each and every offense, in addition to the costs of the prosecution, and in addition thereto may be confined in the county jail for a period not exceeding thirty days, in the discretion of the justice or court trying the case, and upon failure to pay any fine or costs, the person or persons so convicted, shall be confined in the county jail until such fine and costs are paid, but such imprisonment shall not exceed twenty days for any one offense. No hunters' license shall be issued to any minor under the age of fifteen years, without the consent in writing from the parent or guardian of such minor, such consent to be filed with the clerk of the county court issuing such license.

Sec. 49. It shall be unlawful for any person to shoot, hunt, fish or fowl upon the enclosed or improved lands of another person, or to camp, peel trees, cut trees or timber, build fires or do any other act or thing thereon in connection with or auxiliary to shooting, hunting, fishing or fowling on the lands of another person without permission in writing from the owner, lessee or other person entitled to the possession of such lands, or the tenant or agents of such owner, lessee or person entitled to the possession thereof, duly authorized to give such written permission, and every person hunting, fishing, shooting or fowling upon such lands shall have such written permission with him when so doing.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars and may in the discretion of the court or justice, be confined in the county jail not more than thirty days; and if any person be



convicted a third time of such offense, he shall be confined in the county jail for a period of not less than three nor more than thirty days in addition to any fine imposed, and in all cases he shall be confined in the county jail until the fine and costs are paid; *provided*, that such time shall not exceed thirty days. It shall be lawful for the owner, lessee, or the person entitled to the possession of such lands or the agent thereof, to arrest any such person found violating this section and immediately take him before a justice of the peace for trial, and such owner, lessee, person or agent, is hereby vested with all the powers and rights of a deputy game warden for such purpose; and it is hereby made the duty of the warden and all deputies to see that this section is enforced, if requested so to do by such owner, lessee, person or agent, but not otherwise.

2. Section 25-a of chapter sixty of the acts of one thousand nine hundred and nine is hereby repealed.

(Senate Bill No. 68.)

## CHAPTER 48.

AN ACT to amend and re-enact section ten, serial section 4144 of chapter one hundred and fifty-one of the code of West Virginia, relating to pool rooms and lotteries.

(Passed February 22, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.)

<p><b>Sec.</b> 10. The word "pool room" construed. A person concerned in the management or operation of any pool, or engaged in transmitting to any</p>		<p><b>Sec.</b> pool room shall be guilty of a misdemeanor; the penalty upon conviction; buying or selling lottery tickets prohibited.</p>
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*Be it enacted by the Legislature of West Virginia:*

That section ten of chapter one hundred and fifty-one of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 10. The word "pool room," wherever the same is used in this section, shall be held and construed to mean any room where any pool ticket, chance, voucher or certificate entitling or purporting to entitle the holder or promisee thereof, or any other person to money or other thing of value, contingent upon the result of any

horse race, prize fight, game of chance, game of skill or science, or other sport or contest, the information of which result is obtained by telegraph, telephone, wireless telegraphy, or other electrical device.

Any person who shall set up or promote, or be connected with or interested in, the management or operation of, any pool room; any person engaged in the telegraph, telephone or wireless telegraphy business, his servants, agents or employees, who shall transmit or furnish, or permit to be transmitted or furnished, over or upon, or by means of the wires, lines, apparatus or appliances thereof, to any pool room, or to any person to be used at or in connection with any pool room, any message, token or information, of or concerning the result of any such event as in this section mentioned, they and each of them shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars nor more than one thousand dollars for each offense, and may at the discretion of the court, be confined in the jail not to exceed one year.

The buying, selling or transferring of tickets or chances in any lottery, shall be and the same is hereby prohibited.

All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 108.)

## CHAPTER 49.

AN ACT to amend and re-enact section twelve of chapter one hundred and twenty-four of the code of one thousand nine hundred and six, relating to process and the order of publication, section 3814, serial number of the code.

(Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.)

Sec. 12. Order of publication, its contents; number of publications; newspa-		Sec. per to be designated by. Posting.
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*Be it enacted by the Legislature of West Virginia:*

That section twelve of chapter one hundred and twenty-four of the code one thousand nine hundred and six, serial number three

thousand eight hundred and fourteen be and the same is hereby amended and re-enacted as follows:

Sec. 12. Every order of publication shall state briefly the object of the suit, and require the defendant against whom it is entered or the unknown parties to appear within one month after the date of the first publication thereof, and do what is necessary to protect their interests. It shall be published once a week for four successive weeks in some newspaper published in the county in which the order is made or directed, if one is so published, to be designated by the party directing such order or his attorney, but if no paper be so designated, then in such paper as the circuit court may direct, or if the court make no direction, then as the clerk of the circuit court may prescribe; and if no newspaper be published in the county, then in such newspaper as the court may prescribe, or, if none be so prescribed, as the clerk may direct. It shall be deemed to have been published on the day of the fourth publication thereof. It shall be posted at the door of the court house of the county in which the court is held at least twenty days before the judgment or decree is rendered.

(Senate Bill No. 103.)

## CHAPTER 50.

AN ACT to amend and re-enact section seventy-nine of chapter twenty-nine of the code, and to add to said chapter section one hundred and thirty-two-a, relating to the assessment of taxes.

(Passed February 16, 1911. In effect ninety days from passage. Approved by the Governor February 20, 1911.)

SEC.  
79. Valuation and entry of corporate  
property by assessor.

SEC.  
132-a. Relief against errors by assessors  
(except fixing of valuations); ap-  
plication; notice; hearing; order.

*Be it enacted by the Legislature of West Virginia:*

1. That section seventy-nine of chapter twenty-nine of the code be amended and re-enacted, and that there be added to said chapter section 132-a relating to the assessment of taxes.

Sec. 79. That shares of stock in a bank, trust company or national banking association, shall be assessed at their true and actual value, according to the rules 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 holder of shares of stock in any bank, trust company or national banking association may have deducted from the value of such stock the amount due another or others as principal debtor as provided by section sixty-seven of this chapter, by filing with the bank a list of the indebtedness which he desires deducted, properly sworn to, prior to the time such bank is required by law to make its return to the assessor, which list of indebtedness shall be filed by the bank with the assessor along with its return. 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 the 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 or assistants; 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 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. The return shall be made as of the first day of the assessment year.

Sec 132-a. Authority is hereby vested in the county court to correct mistakes, clerical errors, and all other errors made by the assessor in the land and personal property books, except the fixing of valuations. Any person claiming to be aggrieved by any entry in any land or personal property book of any county resulting from a mistake, clerical error or any error, resulting from any cause, other than the value of the property as fixed by the assessor or board of review and equalization, may, within one year from the time such land or personal property books are delivered to the sheriff, apply for relief to the county court of the county in which books are made out. But he shall, before any such application is heard, give 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. 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 interests of the state, county and district. In the event it shall be ascertained that such applicant is entitled to relief as aforesaid, and that the taxes have been paid, it shall be refunded to him, and if charged and not yet paid, such applicant shall be released from the payment thereof. And whenever any such assessment is corrected by the county court as aforesaid, the clerk of the court shall certify a copy of such order to the auditor, to the sheriff and to the assessor, and, if real estate, said assessor shall thereupon make the correction in his land book for the next year according to such order. Any such order delivered to the 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 sufficient voucher to entitle the officer to a credit for so much in his settlement, which he is required to make. The provisions of this section shall apply to taxes levied for the year one thousand nine hundred and ten.

2. All acts and parts of acts, special or general, in conflict with this act are hereby repealed.

(Senate Bill No. 98.)

**CHAPTER 51.**

AN ACT to amend and re-enact section seven of chapter one hundred and twenty-eight of the acts of the legislature of one thousand and nine hundred and one, providing for the appointment of the Berkeley Springs board and for the lease or sale of the public property known as Berkeley Springs.

(Passed February 3, 1911. In effect from passage. Approved by the Governor February 6, 1911.)

Szc.

7. Members of board, how and when appointed; power to remove and fill vacancies; restriction as to resi-

Sec.

dence of members; oath of members, where filed and when.

*Be it enacted by the Legislature of West Virginia:*

That section seven of chapter one hundred and twenty-eight 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. 7. Said Berkeley Springs board shall consist of five members, to be appointed by the governor as soon as practicable after the passage of this act, and the governor shall have power to remove any member at his discretion, and to fill from time to time any vacancy therein occurring by death, resignation or otherwise. Not more than two members of said board shall reside in Morgan county, nor shall any of said board be appointed from any county adjoining or adjacent to the county of Morgan. That before entering upon the duties herein provided for, each member of said board shall take an oath before some officer authorized to administer the 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 oath shall be filed with the governor of this state within thirty days after the notice of his appointment as a member of said board.

(Senate Bill No. 89.)

**CHAPTER 52.**

AN ACT to amend and re-enact section one of chapter 145 of the Code of West Virginia, edition one thousand nine hundred and six, relative to the crime of arson and the punishment thereof.

(Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.)

<p>Sec. 1. Maliciously burning dwelling house of another or jail or prison at night</p>		<p>Sec. time.</p>
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. If any person in the night maliciously burn the dwelling house of another or any jail or prison, or maliciously set fire to anything by the burning whereof such dwelling house, jail or prison shall be burned in the night, he shall be punished by confinement in the penitentiary not less than ten nor more than twenty years, and if death ensues from such burning, such offender shall be deemed guilty of murder and punished with death or by confinement in the penitentiary during his life at the discretion of the jury, but if the jury finds that at the time of committing the offense there was no person in the dwelling house, jail or prison, the offender shall be confined in the penitentiary not less than five nor more than ten years.

(Senate Bill No. 85.)

**CHAPTER 53.**

AN ACT to amend and re-enact section one of chapter thirty of the acts of the legislature of West Virginia of one thousand nine hundred and nine, authorizing the county court of any county having a population of forty-seven thousand people or more, to pay to the judge of the circuit court of said county and resident therein additional compensation.

(Passed February 9, 1911. In effect from passage. Approved by the Governor February 10, 1911.)

<p>Sec. 1. Additional compensation of judges of</p>		<p>Sec. circuit courts; how fixed.</p>
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*Be it enacted by the Legislature of West Virginia:*

That section one of chapter thirty of the acts of the legislature

of West Virginia, of one thousand nine hundred and nine, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 1. That the county court of any county which had, at the last preceding census taken under the authority of the United States of America, a population of forty-seven thousand or more is hereby authorized to pay the judge of the circuit court of said county, in addition to the amount allowed to such judge out of the state treasury, such sum of money as the county court of said county shall deem just and proper, not to exceed the sum of twelve hundred dollars per annum; but such allowance shall not be increased or diminished during the term of office of the judge to whom it may be made, except that it may be made to the judge of the circuit court of the said county now in office, and the allowance herein authorized may commence as to the judge now in office, from the first day of January, one thousand nine hundred and eleven.

(Senate Bill No. 69.)

## CHAPTER 54.

AN ACT to amend and re-enact section four of chapter thirty-two of the code of West Virginia, edition of one thousand nine hundred and six, by adding a new clause thereto, to be known as clause J, relating to non-resident owners of automobiles and the licensing thereof.

[Passed February 22, 1911. To take effect ninety days from passage. Approved by the Governor February 24, 1911.]

SEC. 4. Business or occupation not requiring | SEC. license.

*Be it enacted by the Legislature of West Virginia:*

That section four of chapter thirty-two of the code of West Virginia, edition of one thousand nine hundred and six, be amended and re-enacted so as to read as follows:

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 incorporate 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 or 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 a license therefor; or

(j) to require any non-resident owner of an automobile or vehicle of like nature, who has complied with the provisions of the law of the state, territory or federal district of his residence, relating to automobiles, and is duly authorized to operate an automobile therein, and who, while in this state, displays on his car the license number issued to him by his state, territory or federal district, authorizing him to operate the same therein, to obtain a license to operate his car in this state, if, by the laws of his state, territory or federal district, a like privilege and exemption is accorded and granted to owners of automobiles in this state who have complied with the laws thereof. And the auditor shall have printed the provision of this act on the back of each automobile license issued by him, in addition to the provisions of section forty-four of this chapter.

(Senate Bill No. 156.)

## CHAPTER 55.

AN ACT to amend and re-enact section sixty-four of chapter twenty-nine of the code, as amended and re-enacted by the acts of the legislature of one thousand nine hundred and seven, in chapter eighty, at its regular session, relating to the magisterial districts in which personal property shall be assessed for taxation.

[Passed February 22, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

SEC.

64. In what district personal property to | SEC. be listed.

*Be it enacted by the Legislature of West Virginia:*

Sec.64. Every person required by law to list personal property for taxation shall list the tangible personal property in the magisterial district wherein it is on the first day of the assessment year, and chattels real in the magisterial district wherein the land to which they relate is located; 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 property (except real estate and chattels real) 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 wherein 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 the assessment year, but which have been removed therefrom, shall be assessed in the magisterial district where the same were on the said first day of the assessment year; 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. *Provided, however,* that in cases of the assessment of leasehold estates a sum equal to

the valuations placed upon such leasehold estates shall be deducted from the total value of the estate, to the end that the valuation of such leasehold estate and the remainder shall aggregate the true and actual value of the estate.

(House Bill No. 110.)

## CHAPTER 56.

AN ACT to amend and re-enact section fourteen-a-one of chapter thirty of the code of West Virginia, as amended and re-enacted by chapter sixty-four of the acts of one thousand nine hundred and nine relative to the extension of time given sheriffs for collecting taxes.

[Passed February 22, 1911. In effect ninety days from passage. Became a law without approval of the Governor.]

SEC. 14-a-1. Extension of time given sheriffs | SEC. for collection of taxes.

*Be it enacted by the Legislature of West Virginia:*

That section fourteen-a-one of chapter thirty of the code of West Virginia, as amended by chapter sixty-four of the acts of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Sec. 14-a-1. The sheriffs of the several counties in the state of West Virginia whose term of office expired on the thirty-first day of December one thousand nine hundred, and those whose term of office expired on the thirty-first day of December, one thousand nine hundred and four, and those whose term of office expired on the thirty-first day of December one thousand nine hundred and eight, shall be allowed until the thirty-first day of December one thousand nine hundred and twelve within which to make distraint and sale for the collection of taxes with interest thereon and costs of collection, not returned delinquent for the years one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, one thousand nine hundred, one thousand nine hundred and one, one thousand nine hundred and two, one thousand nine hundred and three, one thousand nine hundred and four, one thousand nine hundred and five, one thousand nine hundred and six, one thous-

and nine hundred and seven and one thousand nine hundred and eight; and the said sheriffs and their deputies and constables of their respective counties are empowered to collect the said taxes, either by suit or by making distraint and sale of the property of the persons against whom such assessments for taxes were made for the years one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand and eight hundred and ninety-nine, one thousand nine hundred, one thousand nine hundred and one, one thousand nine hundred and two, one thousand nine hundred and three, one thousand nine hundred and four, one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, and which taxes have not been returned delinquent for those years; and in case any such person against whom such assessments were made for those years has removed or shall remove to another county, the said sheriff and his deputies are authorized to make distraint and sale in such county to which any such person has removed or shall remove. Such sheriff may send a statement of the taxes due from any such person who has removed into another county to the sheriff of the county to which he or she has removed, and the sheriff of that county is authorized and empowered to make levy and collection of the said taxes in the same manner as he is authorized to collect taxes on assessments made in his own county.

(Senate Bill No. 197.)

## CHAPTER 57.

AN ACT to amend and re-enact section two of chapter nine of the acts of the extra session of one thousand nine hundred and seven, constituting the auditor of this state the attorney in fact for all foreign and non-resident domestic corporations, and prescribing his duties as such.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

SEC. 2. Auditor attorney in fact for foreign | SEC. and non-resident corporations.

*Be it enacted by the Legislature of West Virginia:*

That section two of chapter nine of the acts of the extra session

of one thousand nine hundred and seven be amended and re-enacted so as to read as follows:

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, and as a condition to obtaining such charter or procuring such authority, as the case may be, pay to the secretary of state, for the services of the auditor as its attorney in fact, ten dollars for the then current year ending on the thirtieth day of June next ensuing; but if the certificate of incorporation or authority be issued after the last day of September, the secretary of state shall assess and collect one dollar for each month, or fractional part of a month, to ensue before the first day of the next July; and on or before this said first day of July, for each year, such corporation shall pay to the auditor the like sum of ten dollars for his services as such attorney; *provided*, that if the certificate of incorporation or authority be issued in the month of May or June the secretary of state shall assess and collect the sum of one dollar for each month, and shall in addition thereto and at the same time, assess and collect the full fee of ten dollars for the year beginning with the first day of the ensuing July; all fees collected by the secretary of state under the provisions of this act shall be included in his monthly report to the auditor, required by section ninety-two of chapter thirty-two of the code of one thousand eight hundred and ninety-nine, as amended by section forty of chapter thirty-five of the acts of one thousand nine hundred and one; 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 July, one thousand nine hundred and seven, 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; 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.

For the year one thousand nine hundred and eleven the auditor shall assess and collect from each foreign and non-resident domestic corporation, which has paid its attorney fee to May first, one thousand nine hundred and eleven, the *pro rata* share of the at-

torney fee for the months of May and June, in addition to the amount for the year beginning on July first, one thousand nine hundred and eleven.

(House Bill No. 284.)

## CHAPTER 58.

AN ACT to repeal chapter eighty-six of the acts of the legislature of one thousand nine hundred and nine, entitled "An act creating a fund in the treasury of the state, to be known as the state road fund, and providing and regulating the collection and disbursement thereof;" and to repeal chapter eighty-seven of the acts of the legislature of one thousand nine hundred and nine, entitled "An act to create a state road tax, and fixing the rate of levy therefor," and providing for the return to the counties of the unexpended funds collected under the provisions of said act.

[Passed February 18, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Repealing the state road fund.

Sec.

2. Distribution of fund to counties.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That chapter eighty-six of the acts of the legislature of one thousand nine hundred and nine, entitled "An act creating a fund in the treasury of the state, to be known as the state road fund, and providing and regulating the collection and disbursement thereof," and chapter eighty-seven of the acts of the legislature of one thousand nine hundred and nine, entitled "An act to create a state road tax, and fixing the rate of levy therefor," be and the same are hereby repealed.

Sec. 2. It shall be the duty of the auditor of the state to forthwith ascertain how much money there remains unexpended in the state road fund collected under the provisions of chapter eighty-six of the acts of nineteen hundred and nine, and to draw his warrants upon the treasury in favor of the sheriffs of the respective counties of this state for the *pro rata* part of said balance remaining unexpended in said state road fund at the time this act goes into effect, based upon the percentage which the total

amount received from the respective counties bears to the total amount received into said fund from all the counties in the state, which sum, when so received by the sheriffs, shall be by them placed to the credit of the county fund of their respective counties for road purposes, or to the credit of the respective district road funds of said counties as their county courts may direct, and if so credited to said districts it shall be distributed among them in proportion to the value of the taxable property of each district, but no sheriff shall receive any commission or other compensation for the performance of any duty prescribed by this section.

(House Bill No. 285.)

## CHAPTER 59.

AN ACT to repeal chapter fifty-three of the acts of the legislature of one thousand nine hundred and nine, entitled "An act to create and establish a department of the state government to be known as the office of public roads, and creating the office of state commissioner of public roads, and prescribing the duties and compensation therefor, and to repeal chapter sixty of the acts of the legislature of one thousand nine hundred and seven."

[Passed February 24, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Repealing the act that created the | SEC. office of public roads, etc.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That chapter fifty-three of the acts of the legislature of one thousand nine hundred and nine, entitled "An act to create and establish a department of the state government to be known as the office of public roads, and creating the office of state commissioner of public roads, and prescribing the duties and compensation therefor, and to repeal chapter sixty of the acts of the legislature of one thousand nine hundred and seven," be and the same is hereby repealed.

(Senate Bill No. 138.)

**CHAPTER 60.**

AN ACT to amend and re-enact sections four hundred and fifty-five, four hundred and fifty-six, four hundred and fifty-seven and four hundred and fifty-eight of the code of West Virginia of one thousand nine hundred and six, relating to the employment of minors.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.]

**SEC.**

1. Employment in factory, etc., of certain minors prohibited.
2. No child under sixteen years permitted to work in factory, etc., unless employer keeps on file certificate provided for.

**SEC.**

3. Penalty for violation of any of the provisions of this act.
4. Duty of prosecuting attorney, and others, where funds arising from fines shall be applied.

*Be it enacted by the Legislature of West Virginia:*

That sections one, two, three and four of chapter seventy-five of the acts of the legislature of one thousand nine hundred and five, being serial sections four hundred and fifty-five, four hundred and fifty-six, four hundred and fifty seven and four hundred and fifty eight of the code of West Virginia of one thousand nine hundred and six, be amended and re-enacted so as to read as follows:

Sec. 1. No child under the age of fourteen years shall be employed, permitted or suffered to work in, about or in connection with any factory, mill, workshop or manufacturing establishment. It shall be unlawful for any person, firm, or corporation without written permission from the state commissioner of labor or county superintendent of free schools to employ any child under fourteen years of age in any business or service whatever during the hours when the public schools of the district in which the said child resides are actually in session.

Sec. 2. No child under the age of sixteen shall be employed, permitted or suffered to work in, about or in connection with any of the establishments or occupations named in section one of this act, unless the person, firm or corporation employing such child procures and keeps on file, accessible to any truant officer, inspector of factories or authorized agent of the humane society, an employment certificate as hereinafter prescribed. On termination of employment of a child whose employment certificate is on file, such



certificate shall be forthwith returned by the employers to the person who issued the same. The employment certificate shall be issued only by the superintendent of schools, or by persons authorized by him in writing, or where there is no superintendent of schools, then by a person authorized by the local school board; *provided*, that no member of a school board or other person authorized, as aforesaid, shall have authority to issue such certificates to any child then in or about to enter such person's own employment or the employment of a firm or corporation of which he is a member, officer or employe. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined and approved and filed the following papers duly executed:

1. The school record of such child properly filled out and signed.
2. A passport or duly attested transcript of the school census record, showing the date and place of birth of such child.
3. The affidavit of the parent or guardian or custodian of such child (which shall be required, however, only in case no one of the above mentioned proofs of age is obtainable), showing the date and place of birth of such child. Such affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath without demanding or receiving any fee therefor.

No employment certificates shall be issued until the child in question has personally appeared before the officer issuing the certificate nor until such officer has satisfied himself that the child can read and write legibly simple sentences in the English language, and that the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work it intends to do, which shall be stated. In all cases of doubt such development, health and physical fitness shall be determined by a medical officer of the board or department of health, or by a physician appointed by the school board.

Every such employment certificate shall state the race, residence, sex, and the date and place of birth of the child, and that the papers required by the preceding sections have been duly examined, approved and filed. Every such certificate shall be signed in the presence of the officer issuing the same, by the child in

whose name it is issued, and it shall show the date of its issue; the school record required by the act shall be signed by the principal or other chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto. It shall contain a statement certifying that the child is able to read and legibly write simple sentences in the English language, and has received instruction equivalent to that given in the first four grades of the common schools. Such school record shall also give the date of birth and residence of the child as shown on the records of the school. The employment certificate provided for must be formulated by the state superintendent of free schools and furnished in blank by the clerk of the local school board.

Sec. 3. Whoever, whether he be the employer, parent, guardian or custodian of any child, employs, permits or suffers such child to be employed or to work in violation of any of the provisions 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 fifty dollars for each and every offense.

Sec. 4. It shall be the duty of the prosecuting attorney to enforce the provisions of this act and to prosecute any person, firm or corporation charged with violation of the same, before any magistrate or court of competent jurisdiction in this state; and it shall be the duty of the truant officers, inspectors of factories and authorized agents of the humane society to expose all violations of this act to the prosecuting attorney. All fines collected for violations of this act shall be paid into the building fund of the school district or independent district in which the offense is committed.

(House Bill No. 339.)

## CHAPTER 61.

AN ACT to amend and re-enact section eighty-six of chapter three of the code of West Virginia, relating to compensation of election officers.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 24, 1911.]

SEC. 86. Fixing compensation of election of- | SEC. officers.

*Be it enacted by the Legislature of West Virginia:*

That section eighty-six of chapter three of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 86. Every commissioner of election, poll clerk, challenger and ballot commissioner shall be allowed two dollars each day he shall serve as such and two dollars in addition to five cents mileage to messenger for delivering the ballots, ballot boxes, poll books and tally sheets to voting place and two dollars in addition to five cents mileage for returning the same.

The ballot commissioner shall not receive an allowance for more than two days.

All acts and parts of acts in conflict herewith are hereby repealed.

(House Bill No. 340.)

## CHAPTER 62.

AN ACT to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia, relating to the fees of jailers in both civil and criminal cases, and providing for the appointment of janitors for court houses.

[Passed February 23, 1911. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 22. Fees of jailers in both civil and criminal cases; county court may em-		SEC. ploy court house janitor; compensation, how paid.
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*Be it enacted by the Legislature of West Virginia:*

That section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 22. For receiving a person in jail twenty-five cents and the like sum for discharging him therefrom; for keeping and supporting a person confined in jail, for each day, in the discretion of the court, a sum not less than thirty-five cents nor more than fifty cents.

Upon the affidavit of the jailer the county court shall allow him out of the county treasury the amount actually paid out for fuel necessary in heating and lighting jail.

For attendance upon the circuit court, he shall be allowed not less than three dollars nor more than five dollars per day for the actual time his services are required by said court, to be ascertained and fixed by the county court and paid out of the county treasury.

In cases of felony and in cases of misdemeanor the fees of the jailer shall be paid out of the county treasury; and in civil cases by the party at whose instance a person is committed to jail.

And the county court may, when it deems necessary, employ a court house janitor for which he shall be allowed not less than twenty dollars nor more than sixty dollars per month, to be ascertained and fixed by said court and paid out of the county treasury; the duties of said janitor to be defined by the county court according to the needs or requirements of the court house where such janitor is employed.

All acts and parts of acts in conflict herewith are hereby repealed.

(Senate Bill No. 79.)

## CHAPTER 63.

AN ACT to amend and re-enact section 3081, serial number of the code of one thousand nine hundred and six (chapter seventy-three, section seven-a-one) relating to the authentication and record of deeds and other writings.

[Passed February 18, 1911. In effect ninety days from passage. Approved by the Governor February 20, 1911.]

Sec.

3081. General index of deeds; fees.

*Be it enacted by the Legislature of West Virginia:*

That section three thousand and eighty-one, serial number of the code of one thousand nine hundred and six (chapter seventy-three, section 7-a-one) be amended and re-enacted so as to read as follows:

Sec. 3081. The county court of any county may order the clerk of said court or let to the lowest bidder a contract to provide a general index for the deed books, trust deed books, judgment lien docket, marriage records, release deed books, or other record books, or any of them, in the office of said clerk, in which shall be indexed the names of all grantors and grantees of deeds, deeds of trust, and release deeds, or other writings, the names of the parties

to marriage records, and the names of the persons for and against whom judgments are rendered, for which service the court shall allow the clerk a fee of six cents for each deed or other writing so indexed, to be paid out of the county treasury; *provided, however*, that any contracts that have been heretofore made by any county court for general indexes shall be construed to be legal.

(House Bill No. 390.)

## CHAPTER 64.

AN ACT to amend and re-enact section twelve of chapter twenty-nine of the code of West Virginia of one thousand nine hundred and six, (serial number 696), as amended and re-enacted by chapter eighty of the acts of one thousand nine hundred and seven, relating to the beginning of the assessment year.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.]

SEC. 12. Assessment of property; the beginning of assessment year shall be		SEC.	the first day of April.
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*Be it enacted by the Legislature of West Virginia:*

That section twelve of chapter twenty-nine of the code of West Virginia of one thousand nine hundred and six (serial number six hundred and ninety-six), as amended and re-enacted by chapter eighty of the acts of one thousand nine hundred and seven, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 12. All property, both real and personal, in any county whether it be assessed by the assessor, assistant assessor, by the board of public works or any other person or officer or tribunal on and after July 1, 1911, shall be assessed as of the 1st day of April, 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). It shall be the duty of the assessor 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.

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

(Senate Bill No. 125.)

**CHAPTER 65.**

AN ACT to amend and re-enact sections one hundred and seventeen and one hundred and eighteen of chapter forty-five of the code as last amended and re-enacted by the acts of the legislature of one thousand nine hundred and eight, extra session, relating to the duties and compensation of county superintendents.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.]

SEC. 117. Qualifications for county superintendent.	SEC. 118. Salary (and allowances.)
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*Be it enacted by the Legislature of West Virginia:*

That sections one hundred and seventeen and one hundred and eighteen of chapter forty-five of the code of one thousand nine hundred and six, as amended by the extra session of the legislature of one thousand nine hundred and eight, be amended so as to read as follows:

Sec. 117. The county superintendent of free schools shall be a person of successful experience in teaching or supervising schools; he shall hold a first grade certificate or its equivalent; *provided, however,* that nothing herein contained shall affect the eligibility of the present county superintendents or county superintendents-elect.

Sec. 118. The county superintendent shall receive for his services an annual compensation as follows: In counties having not more than fifty schools, seven hundred dollars; in counties having more than fifty schools and not more than seventy-five schools, seven hundred and seventy-five dollars; in counties having more than seventy-five and not more than one hundred schools, eight hundred and fifty dollars, and in counties having more than one hundred and not more than one hundred and twenty-five schools, nine hundred and twenty-five dollars, and in counties having more than one hundred and twenty-five schools he shall be allowed two dollars for each additional school more than one hundred and twenty-five. In addition thereto the county superintendent shall be allowed the same compensation for conducting examinations as is allowed his assistants; *provided,* that the salary in no case shall exceed

fifteen hundred dollars. The county superintendent shall not teach in any school, public or private, while the schools of his county are in session and should any county superintendent engage in teaching public or private school he shall immediately thereupon forfeit his office and cease to be entitled to any further remuneration.

All acts and parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 140.)

## CHAPTER 66.

AN. ACT to amend and re-enact sections eighty-one, eighty-six, eighty-eight and ninety-one of chapter forty-five of the code as last amended and re-enacted by the acts of the legislature of one thousand nine hundred and eight, extra session, relating to the examination of teachers.

(Passed February 23, 1911. <sup>\*</sup>In effect ninety days from passage. Approved by the Governor February 27, 1911.]

SEC.	SEC.
81. Allowance to state superintendent for preparing for examination.	88. Penalty for violating instructions; penalty for breaking seal or interfering with questions or examinations.
86. Certificates if not revoked, valid in districts; state superintendent may revoke certificates, when.	91. County superintendent shall collect fees, etc.

*Be it enacted by the Legislature of West Virginia:*

That sections eighty-one, eighty-six, eighty-eight and ninety-one of chapter forty-five of the code, as last amended and re-enacted by the acts of the legislature of one thousand nine hundred and eight, extra session, be amended and re-enacted so as to read as follows:

Sec. 81. For the preparation and printing of questions, the grading of manuscripts, the transmission of certificates and the additional clerical work demanded, the state superintendent of free schools shall be allowed an amount not to exceed seven thousand six hundred dollars annually, which sum is hereby appropriated and set apart from the general school fund for this purpose.

Sec. 86. Such certificates, unless revoked as provided for in this section, shall be valid in any district or independent district in the state except in independent districts specially authorized by law to provide for the examination and certification of the teach-

ers employed therein, in which independent districts they may be made valid by the action of the board of education thereof.

The state superintendent may after ten days' notice and upon proper evidence, revoke the certificate of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which unfits a person for proper performance of his duties as a teacher, or for any neglect or refusal to perform his duties or for any other cause which would have justified the withholding thereof when the same was granted.

Sec. 88. If any county superintendent or assistant intentionally violate any official instructions issued by the state superintendent for the conduct of examinations, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five and not more than two hundred dollars and confined in jail not less than sixty days nor more than one year, and such conviction shall vacate his office.

If any person intentionally break or attempt to break the seal of a package containing questions for an examination or have any of the questions in his possession without authority of law or in any way make any change, alterations, erasures or substitutions in the manuscripts during or after the examination or attempt to pass any such examination under an assumed name, give or receive help in an examination, he shall be guilty of a misdemeanor and upon conviction thereof be fined not to exceed fifty dollars and confined in jail not less than ten days.

Sec. 91. The county superintendent shall collect from each applicant a fee of one dollar and fifty cents and out of the aggregate of all fees so collected he shall pay his assistants and other legitimate expenses of conducting such examination, and the remainder he shall immediately pay to the auditor of the state to be placed to the credit of the general school fund of the state. At the close of the examinations he shall make and return to the state superintendent of free schools a detailed and certified report of the names of all applicants for certificates, the amount of fees collected by him, the amount paid out as above provided for expenses, and the amount paid the auditor, and shall send with said report receipts for all money paid for expenses.



(Senate Bill No. 189.)

**CHAPTER 67.**

AN ACT to amend and re-enact section sixty-two of chapter thirty-two of the code, as last amended and re-enacted by section sixty-two of chapter eighty-two, acts of the legislature of one thousand nine hundred and seven, relating to the rate of taxation on real and personal property for state and state school purposes and the amount of the distributable school fund.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 27, 1911.]

Sec. 62. Amount and rate of taxes on real and | Sec. personal property.

*Be it enacted by the Legislature of West Virginia:*

1. That section sixty-two of chapter thirty-two of the code as last amended and re-enacted by section sixty-two of chapter eighty-two, acts of the legislature of one thousand nine hundred and seven, relating to the rate of taxation on real and personal property for state and state school purposes and the amount of the distributable school fund, be amended and re-enacted so as to read as follows:

Sec. 62. On real and personal property not exempt from taxation, for the year one thousand nine hundred and eleven, and thereafter, not to exceed three cents on the one hundred dollars valuation, for state and state school taxes, shall be imposed upon real and personal property; *provided*, that the board of public works for the year one thousand nine hundred and eleven, and thereafter, may reduce and fix the amount of the levy for state and state school purposes to any amount not less than one cent on each one hundred dollars, and *provided, further*, that said board in its discretion for the year one thousand nine hundred and eleven, or any year thereafter, may levy the whole of three cents for state purposes, or may apportion the said three cents levy to the state and state school fund. *Provided, further*, that the amount apportioned to the distributable school fund from all sources shall not be less than seven hundred and fifty thousand dollars annually. Any act of the board of public works in fixing the levy shall be certified by the president and secretary of said

board to the clerk of the county court, the assessor and the sheriff of every county not later than the first day of August of the year for which said 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.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(Senate Bill No. 126.)

## CHAPTER 68.

AN ACT to amend and re-enact section thirty of chapter forty-five of the code of West Virginia, relating to district high schools

[Passed February 21, 1911. In effect ninety days from passage. Approved by the Governor February 23, 1911.]

Sec.

30. (a) District high school; establishment; submission of question to voters; notice of election; ballots; sites, buildings, etc.

(b) Classification of high schools.

Sec.

(c) State superintendent to classify.

(d) Amount appropriated.

(e) State superintendent shall notify; county superintendent issue warrants.

*Be it enacted by the Legislature of West Virginia:*

That section thirty of chapter forty-five of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 30. (a) If the board of education of any district deem it expedient to establish a high school in such district they shall submit the question to the voters of the district at a general or special election in the manner following, that is to say: The board shall prepare and sign a notice setting forth the kind of school proposed; the place where it is to be located; the estimated expense of establishing the same, including cost of site, building, furniture, books and apparatus and the estimated annual expense of supporting the school after it is in operation with such other information concerning it as they may deem proper; and stating that the question of authorizing the establishment of such high school shall be submitted to the voters of the district at the election specified in the notice which they shall cause to be posted for four weeks before the election in at least three of the most public places in the district. The ballots used in voting on the question shall have written or printed thereon the words "For district high school,"

and "Against district high school." If it appear by the result of said election that not less than three-fifths of the voters who voted on the question are in favor of authorizing the establishment of said school the board of education shall then proceed to obtain the site, provide proper buildings, fixtures and improvements, procure necessary furniture, books and apparatus and employ necessary teachers therefor.

(b) The high schools of this state shall be divided into three classes as follows:

High schools of the first class shall include all high schools offering courses of study covering four years of not less than thirty-two weeks each—and after July 1, 1913, of not less than thirty-six weeks each—and employing not fewer than three thoroughly qualified high school teachers who devote all of their time to the teaching of high school subjects.

High schools of the second class shall include all high schools offering courses of study covering three years of not less than thirty-two weeks each—and after July 1, 1913, of not less than thirty-six weeks each—and employing not fewer than two thoroughly qualified high school teachers who devote all of their time to the teaching of high school subjects.

High schools of the third class shall include all high schools offering courses of study covering two years of not less than thirty-two weeks each—and after July 1, 1913, of not less than thirty-six weeks each—and employing at least one thoroughly qualified high school teacher who devotes all of his time to the teaching of high school subjects.

(c) It shall be the duty of the state superintendent of schools to classify all of the high schools of the state in accordance with the provisions of division "b" of this section.

(d) To assist in the maintenance of all such high schools as have been properly classified according to the provisions of division "b" of this section and have complied with all the requirements thereof, the following amounts are hereby appropriated to be paid out of the money in the state treasury not otherwise appropriated.

To high schools of the first class, \$800; to high schools of the second class, \$600; to high schools of the third class, \$400; *provided*, that the total amount so appropriated to all high schools receiving such aid, shall not in any one year exceed \$40,000.

(e) The state superintendent of schools shall not later than the

first day of July, one thousand nine hundred and eleven and not later than the first day of July of each year thereafter, notify the county superintendent of schools of each county as to the amount due under the provisions of this section to each of the classified high schools of his county. The county superintendent shall issue his warrants upon the auditor payable to the order of the sheriff of his county, for the amount due each school which shall be paid in two equal installments, payable on the fifteenth day of September and December respectively.

(Senate Bill No. 181.)

**CHAPTER 69.**

AN ACT to amend and re-enact section eight, chapter twenty-one of the acts of the legislature of one thousand eight hundred and ninety-three, relating to the independent school district of Elkins.

[Passed February 23, 1911. In effect from passage. Approved by the Governor February 27, 1911.]

<p>SEC. 8. Board of education of independent school district empowered to bor-</p>	<p>SKO.</p>	<p>row money and issue bonds, etc.</p>
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*Be it enacted by the Legislature of West Virginia:*

That section eight of chapter twenty-one of the acts of one thousand eight hundred and ninety-three be and the same is hereby amended and re-enacted to read as follows:

Sec. 8. And the board of education of the independent school district of Elkins be and is authorized and hereby empowered to borrow money and issue therefor bonds for the purpose of erecting, completing and furnishing a public school building or buildings for the use of said independent school district. Said bonds shall draw no greater rate of interest than six per centum per annum, and shall be made payable as now provided by the general school law; *provided*, that such indebtedness shall not exceed, including existing indebtedness, in the aggregate, three and one-half per centum of the taxable property in said independent school district of Elkins, 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 collec-

tion of a direct annual tax sufficient to pay annually the interest on such indebtedness, and the principal thereof within not exceeding thirty-four years; and, *provided further*, that no debt shall be contracted under this act, unless all questions connected therewith shall have been first submitted in the manner prescribed by law to the voters of said independent district, at an election to be held for that purpose at such time as may be fixed by the board of education and have received three-fifths of all the votes cast for and against the same.

(Senate Bill No. 66.)

## CHAPTER 70.

AN ACT to amend and re-enact section thirty-nine of chapter forty-five of the code of West Virginia relating to the issuing of bonds by school districts and independent school districts.

[Passed February 23, 1911. In effect from its passage. Approved by the Governor February 27, 1911.]

**Eno.**

39. The board of education may borrow money and issue bonds for purposes; when bonds shall be pay-

able; no debt shall be contracted unless all questions connected with the same have been first submitted to a vote of the people.

*Be it enacted by the Legislature of West Virginia:*

That section thirty-nine, chapter forty-five of the code of West Virginia be and is hereby amended and re-enacted so as to read as follows:

Sec. 39. In any district or independent district, the board of education may borrow money and issue bonds therefor for the purpose of building, completing, enlarging, repairing or furnishing school houses in such district or independent district. Said bonds shall be payable in not less than ten nor more than thirty-four years from their date, and the rate of interest thereon shall not exceed six per centum per annum; *provided*, that no debt shall be contracted under this section which shall, including existing indebtedness, in the aggregate, exceed two and one-half per centum of the value of the taxable property in said district, to be ascertained by the last assessment for state and county taxes previous to 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 said debt, and the principal thereof, within and not exceeding thirty-four years; and *provided, further*, that no debt shall be contracted under this section unless all questions connected with the same have been first submitted to a vote of the people of said district or independent district at a special or general election, and have received three-fifths of all the votes cast for and against the same.

(House Bill No. 271.)

CHAPTER 71.

AN ACT to amend and re-enact chapter eighty-eight of the acts of the legislature of West Virginia, of one thousand eight hundred and seventy-nine, creating the independent school district of Palatine, in the county of Marion; and to change its corporate name to "Union Independent School District."

[Passed February 23, 1911. In effect from passage. Approved by the Governor February 24, 1911.]

Sec.

- 1. Territory that will constitute Union independent school district.
- 2. Board of education shall consist of; how selected.
- 3. Board shall be a body corporate; shall have management of property.
- 4. Board shall have control of the schools of the district.
- 5. May establish schools in district.
- 6. Shall hold meetings; compensation.

Sec.

- 7. Secretary shall be elected; his duties.
- 8. Board shall appoint all teachers; may remove for cause; may appoint superintendent.
- 9. Board shall provide building, etc., for school purposes.
- 10. Board may fix term of school.
- 11. May issue and sell bonds; may submit questions to vote; provide for election.
- 12. Inconsistent acts repealed.

*Be it enacted by the Legislature of West Virginia:*

That chapter eighty-eight of the acts of the legislature of West Virginia, of one thousand eight hundred and seventy-nine, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 1. That all the territory within the first ward of the city of Fairmont (formerly the town of Palatine), and the territory adjacent thereto, in Union and Winfield districts, in the county of Marion, West Virginia, contained within the following boundary, to-wit: Beginning at a culvert over Pumpkin run, on the Baltimore & Ohio railroad, thence with said run to the lands formerly owned by John C. Gallahue; thence with said last named lands, and with the lands formerly owned by J. O. Wat-

son, including the same, to the end of Bartholow's land at the county road; thence N. 58° E. to the corner of Josie Hamilton and the Howard Smouse property; thence N. 53° 15' E. to two wild cherry trees on ridge above the Owens glass factory; thence N. 45° E. to a large white oak on the ridge, corner to lands formerly owned by George E. Amos; thence N. 60° 30' W. to the county bridge, crossing Hickman run near George E. Amos dwelling; thence with the meanders of said Hickman run to the center of the Monongahela river; thence with the middle of said river to the mouth of said Pumpkin run; and thence with said run to the place of beginning, shall constitute an independent school district to be known as "Union Independent School District."

Sec. 2. The board of education of said independent school district shall consist of a president and two commissioners, who shall be elected by the qualified voters residing within said independent district, at the time and in the manner provided by general law for the election of members of the boards of education; and the board of education of said independent district of Palatine now in office, shall remain in office as the board of education of Union independent school district until their successors are duly elected and qualified; any vacancy in the office of any member of the board of education of said district, shall be filled by the board of education until the next general election.

Sec. 3. The board of education of union independent school district shall be a body corporate, and as such, 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 purposes of education within said district; may receive any gift, grant, donation, devise or bequest; may become a party to suits and contracts, and do other corporate acts. They shall have the management of, and be vested with the title to, all real estate and personal property for the use of the public schools within said district, and shall manage and dispose of the same as will in their opinion best subserve the interests of said district.

Sec. 4. The board of education for said district, shall have exclusive control of all schools within said district; and shall succeed to, and have all the rights and property heretofore exercised, held and owned by the board of education of the independent school district of Palatine. They shall have the power to make all necessary rules and regulations for the government of the

schools of said 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 said schools. They may prescribe the branches and subjects to be taught; and may prescribe a uniform list of text books for the use of the schools in said district, and may furnish such books and stationery for the use of indigent children in attendance at said schools as they shall deem best. They may furnish all necessary apparatus, books and appliances for the use of the schools in said district, and incur all other expenses necessary to make the school system within said district efficient for the purpose for which it is established, and pay for the same out of the fund, and in the manner provided by law.

Sec. 5. The board of education of said district shall have power to establish within said district, such schools, including a high school, as may in their judgment be for the best interests of said district. The board of education may prescribe such system of grading for the schools thereof, as in its judgment seems best.

Sec. 6. The board of education for said district shall hold stated meetings at such times and places as they may appoint, two members of which shall constitute a quorum for the transaction of business. Special meetings of said board may be called by the president, or at the request of any member, by the secretary. The members of the board of education shall receive the same compensation provided by general law for members of boards of education.

Sec. 7. The board of education shall elect annually at its meeting held on the first Monday in July, or as soon thereafter as may be practicable, a secretary, who shall perform the duties required of secretaries of boards of education, and such other duties as said board may prescribe and said secretary shall receive such compensation as may be prescribed by general law.

Sec. 8. The board of education of said district shall appoint all teachers, and provide for substitute teachers when necessary, for the public schools within said district, and fix their compensation; and said teachers shall be subject in all respects to the rules and regulations adopted by said board, and they may be removed by said board, for incompetency, neglect of duty, or gross immorality, or whenever from any cause it shall appear to said



board that their removal is to the best interests of the schools of said district. The said board may also appoint such principals and superintendents as may in their judgment be necessary for the supervision of said schools, and fix their compensation, and may remove any such principal and superintendent for neglect of duty, incompetency, gross immorality, or whenever it shall appear to said board from any cause, that such removal is to the best interests of the schools of said district.

Sec. 9. It shall be the duty of said board of education to provide by purchase, or by condemnation proceedings in a court of competent jurisdiction, or by leasing, or building, or otherwise all necessary school houses and grounds, furniture, fixtures, supplies, apparatus, and appliances, for the education of the children of school age within said district, and to keep the school property in said district in good order and repair, and to supply the school buildings therein with proper fuel or heat, and other things necessary for the comfort and convenience of said schools.

Sec. 10. The board of education of said district shall have the power to fix the number of months school shall be taught within said district, but the term for any year shall not be less than eight months.

Sec. 11. The board of education of said district shall have power and authority, whenever in their judgment necessity therefor exists, to issue and sell the bonds of said district, and with the proceeds thereof purchase such real estate, and erect such school buildings within and for the use of said district, as to said board shall appear necessary. Such bond issue shall be provided for under such regulations as prescribed by general law; and said board shall have the power to submit the questions relating thereto to the voters of said district at any general election; or said board may call a special election for such purpose and provide for the holding thereof, and may appoint election officers to hold the same.

Sec. 12. All provisions of the general school law of the state of West Virginia, and all acts and parts of acts, which are in any manner inconsistent, or in conflict with the provisions of this act, are hereby repealed; otherwise, the general school law of the state of West Virginia shall remain in full force and effect in said district, in so far as the same may be applicable thereto.

(House Bill No. 63.)

**CHAPTER 72.**

AN ACT to repeal chapter sixty-eight of the acts of the legislature of one thousand eight hundred and seventy-one, relating to the independent school district known as the Harmon district in the Milroy magisterial district of Grant county.

[Passed February 11, 1911. In effect June 30, 1911. Approved by the Governor February 18, 1911.]

<b>SEC.</b> 1. Repealing act of legislature creating		<b>SEC.</b> Harmon independent school district in Grant county.
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That chapter sixty-eight of the acts of the legislature of one thousand eight hundred and seventy-one, be and the same is hereby repealed. This act shall take effect June thirtieth, one thousand nine hundred and eleven.

(House Bill No. 268.)

**CHAPTER 73.**

AN ACT to amend and re-enact section three, of chapter seventy-three of the acts of one thousand nine hundred and three with reference to the manner of holding elections, canvassing returns, etc., in the Independent School District of Richwood, in Nicholas county.

[Passed February 22, 1911. In effect ninety days after passage. Approved by the Governor February 25, 1911.]

<b>SEC.</b> 3. Where and when the election shall be held; method of holding the election. 3-a. Commissioners shall deliver ballots,		<b>SEC.</b> poll books and returns to board of education to be canvassed and result declared.
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*Be it enacted by the Legislature of West Virginia:*

That section three of chapter seventy-three of the acts of one thousand nine hundred and three, be amended and re-enacted so as to read as follows:

Sec. 3. The election for school commissioners in the year one thousand nine hundred and eleven, and annually thereafter, shall be held at the main school building in the town of Richwood, on the

first Tuesday in June. Said election to be held, superintended and conducted, and the result thereof ascertained, certified and returned by the commissioners of election appointed therefor by the board of education of said independent district, and the said board of education is hereby constituted a board of canvassers to receive and canvass the returns of said election, declare the result thereof, and cause to be issued to the successful candidates, certificates of election, if required. The method of voting and the duties of election commissioners in conducting said election, and ascertaining the result thereof, shall be the same as prescribed by general law, as far as applicable.

Sec. 3-a. The commissioners of election, or one of them, shall, not later than the day following any such election, deliver to the secretary of the board of education, the ballots and poll books and election returns, and the said board of education shall convene in special session on the Saturday following such election, canvass the returns and declare the result thereof.

(Senate Bill No. 60.)

## CHAPTER 74.

AN ACT to amend and re-enact chapter fifty-three of the acts of one thousand, eight hundred and eighty-one of the legislature of West Virginia, entitled, "An act removing the control of the free schools within the corporate limits of the city of Charleston from the common council thereof, and placing the same in the hands of an independent board of education," as amended by chapter sixty-nine of the acts of one thousand eight hundred and eighty-seven; and by chapter twenty of the acts of one thousand eight hundred and eighty-nine; and by chapter fifty-one of the acts of one thousand eight hundred and ninety-five; and by chapter eighty-two of the acts of one thousand eight hundred and ninety-seven; and by chapter thirty-nine of the acts of one thousand eight hundred and ninety-nine; and by chapter one hundred and thirty-two of the acts of one thousand nine hundred and one; and by chapter seventeen of the acts of one thousand nine hundred and seven; and to consolidate into one act all legislation in reference to Charleston school district.

[Passed February 15, 1911. In effect from its passage. Became a law without the approval of the Governor.]

- | SEC.   | SEC.   |
|--|--|
| 1. The territory constituting Charleston Independent School District.  | 8. The board shall appoint a superintendent of schools, fix his salary etc.; his duty. |
| 2. The board of education shall consist of nine members; time of election and term of service; how vacancies shall be filled; compensation, etc.                                 | 9. The board shall appoint all teachers.   |
| 3. Time, place and manner of holding elections shall be determined.  | 10. The board has power to appoint superintendents of buildings, janitor, etc.         |
| 4. Shall be a body corporate and—  | 11. Enumeration of youth of school age required.                                       |
| 5. The power of the board as to rules, books, etc.   | 12. Teachers shall be subject to.  |
| 6. May levy a tax.   | 13. Penalty for defacing or damaging property.   |
| 7. Shall appoint two persons to act with superintendent as examining board; duty of committee. Teachers required to have certificate; grades of certificates, how obtained, etc. | 14. Admission to the various schools.  |
|  | 15. Secretary shall perform duties and receive compensation.                           |
|  | 16. May borrow money and issue bonds, etc.   |
|  | 17. Repealing acts, etc.   |

*Be it enacted by the Legislature of West Virginia:*

That chapter fifty-three of the acts of one thousand eight hundred and eighty-one of the legislature of West Virginia, entitled, "An act removing the control of the free schools within the corporate limits of the city of Charleston from the common council thereof, and placing the same in the hands of an independent board of education," as amended by chapter sixty-nine of the acts of one thousand eight hundred and eighty-seven; and by chapter twenty of the acts of one thousand eight hundred and eighty-nine; and by chapter fifty-one of the acts of one thousand eight hundred and ninety-five; and by chapter eighty-two of the acts of one thousand eight hundred and ninety-seven; and by chapter one hundred and thirty-two of the acts of one thousand eight hundred and ninety-nine; and by chapter seventeen of the acts of one thousand nine hundred and seven; be amended and re-enacted so as to consolidate into one act all legislation in reference to Charleston independent school district, as follows:

Sec. 1. The territory embraced in the corporate limits of the city of Charleston lying north of Kanawha river shall constitute one school district to be known as Charleston independent school district.

Sec. 2. The board of education for the Charleston independent school district shall consist of nine members, not more than five of whom shall be members of one political party, who shall control all the free schools within the said district. Three of the nine members shall be elected on the third Tuesday of May in the year one thousand nine hundred and eleven, and three on the third Tuesday of May every two years thereafter; and the com-

missioners so elected shall serve for a term of six years, beginning with the first day of July following their election. The members of the board of education as now constituted shall serve out the terms for which they were severally elected.

Said commissioners shall biennially elect one of their members president.

If a vacancy occurs on the said board of education it shall be filled by the appointment by the board of some eligible person, who shall serve until the next school election.

Each member of the board of education shall receive for his services two dollars for each regular or special meeting he attends. In addition to his *per diem* the president of the board shall receive twenty-five dollars per annum.

Sec. 3. The said board of education shall determine the time, place, and manner of holding all elections within the said school district, and shall determine the manner of certifying the result thereof; the board of education of said district shall establish at least three voting precincts within said district, each precinct to embrace one or more wards of the city of Charleston, and the next preceding registration, as made by said city, of the wards embraced in any one precinct shall be taken as the registration list of such precinct, and for this purpose the board of education shall have the use of the registration lists without cost.

All powers and duties heretofore vested in the county court relating to elections within the said district are hereby conferred on the board of said district.

Sec. 4. The board of education of the Charleston independent school district shall be a body corporate in law, by the name of "The Board of Education of the Charleston Independent School District;" and it may purchase, hold, sell, or convey real and personal property for the use of the public schools within the said district; it may receive any gift, grant, or donation, or devise; it may become party to suits and contracts, and do other corporate acts; it shall have the management of and be invested with the title to all real and personal property for the use of the public schools within the said district, and shall manage and dispose of the same as, in its opinion, will best subserve the interests of the schools.

Sec. 5. The board of education shall have power to make all necessary rules and regulations for the government of the schools

of said 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 schools; it may prescribe a uniform list of text-books for use in the schools of said district; it may furnish books and stationery for the use of indigent children in the schools; and it may, at its discretion, furnish books and stationery for the use of the schools; it may provide a suitable number of evening schools for pupils over the compulsory school age; it may provide for medical inspection in the schools; and it may provide such other schools and departments as, in its opinion, the needs of the school district may demand.

Sec. 6. The board of education of said independent district may annually levy a tax not to exceed two cents on the one hundred dollars' valuation, for the establishment, support, maintenance, and increase of a public library, which shall be under the control of the said board of education.

Sec. 7. The board of education of said district shall appoint two competent persons to act with the superintendent of schools as an examining committee. It shall be the duty of said committee to examine all applicants for positions as teachers in the schools of said district, and each applicant so examined shall pay a fee of one dollar, which shall be paid into the teachers' fund of said district. But no applicant shall be entitled to examination who shall not furnish satisfactory evidence of good moral character.

The committee shall hold meetings at such times and places as the superintendent may appoint. They shall receive such compensation as the board of education may direct.

The said superintendent shall report to the board of education a list of the persons examined, together with the results of the examination and the fees collected for such examination.

No teacher shall be employed in the schools of the district who shall not have received at least a second grade certificate.

Three classes of certificates shall be granted, namely: Primary, which shall entitle the holder to teach in grades below the fourth; Grammar, which shall entitle the holder to teach in any grade in the schools of said district; and High School, which shall entitle the holder to teach in the high school or any grade in the schools of said district. The board of education shall have power

to name the branches to be given in an examination of each class.

In each class the certificates shall be of two grades, based on the following scale:

First grade certificates shall be issued to all applicants who attain a general average of ninety per cent and who do not fall below seventy-five per cent on any branch. Second grade certificates shall be issued to all applicants who attain a general average of eighty per cent and who do not fall below sixty-eight per cent on any branch.

No certificate shall be granted for a period of more than one year; but a first grade certificate may be renewed at the option of the examining committee.

The examining committee may by unanimous vote, without examination, or with such partial examination as they may deem advisable, issue a high school certificate based on a diploma from the West Virginia University or a diploma from such other colleges as the examining committee may place on an accredited list. Under like conditions the examining committee may issue a certificate of any class based on other certificates, when, in their opinion, such other certificates are of a rank to justify their action.

Sec. 8. The board of education of said district shall biennially appoint a superintendent of schools for said district, and fix his salary. Said superintendent shall, in addition to the duties specified in this act, perform such other appropriate duties as the board of education may direct.

He shall be liable to removal by the said 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 of education by a member thereof, and notice of a hearing, with a copy of the charges, be delivered to him, and opportunity be given him to be heard in his defense. In case of a vacancy in the office of superintendent the board shall fill such vacancy for the unexpired term.

It shall be the duty of the superintendent of schools to make, from the report of the secretary of the board of education and from his own information such report to the state superintendent of free schools as may be necessary in order to secure to the said district its quota of the state school fund, and convey to the state superintendent all necessary information of the character and condition of the schools of said district.

Sec. 9. The board of education shall appoint all teachers for the public schools within the said district, and shall fix their salaries; but no person shall be employed to teach in said schools who shall not first have received from the examining committee a certificate to teach a school of the grade for which the appointment was made; except that the superintendent of schools shall not be required to obtain any certificate.

Sec. 10. The board of education shall have power to appoint a superintendent of buildings, janitors, and such other employes as may be necessary, and they shall fix the compensation of the same.

Sec. 11. The board of education shall require the enumeration of youth of school age to be made annually in said district. The said superintendent of schools shall certify the same to the state superintendent of free schools. The state superintendent, in his report to the auditor shall specify separately the result of the enumeration of youth in the Charleston independent school district and the rest of Kanawha county, and the auditor, in apportioning the money for free school purposes, shall apportion to the Charleston independent school district and the rest of Kanawha county according to their respective numbers of youth, as shown in the list furnished by the state superintendent; and the superintendent of schools of Charleston independent school district shall draw his requisition on the auditor in favor of the sheriff of Kanawha county for such amount as the said district is entitled to receive, according to the apportionment of the auditor, whose duty it shall be to notify the state superintendent of the amount of said apportionment, and the state superintendent shall certify the amount said district is entitled to receive to the said superintendent of schools of said district instead of the county superintendent, as required by the general school law.

Sec. 12. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education and the superintendent of schools; and any teacher may be removed by the said board for incompetency or grossly immoral conduct, or disregard of the rules and regulations of the board or of the superintendent, upon complaint of the superintendent of schools or of any member of said board.

Sec. 13. If any person or persons shall mar, deface, or otherwise injure any school house, outbuilding, fence, furniture, or other



school property, of the said district, the person or persons so offending shall be liable to prosecution, before any court having jurisdiction within said district, and upon conviction shall be subject to a fine of not less than five dollars and costs of prosecution; and if the amount of damage done shall exceed five dollars the person or persons convicted of the offense shall be liable for the full amount thereof. It shall be the duty of the board of education of said district in which the property so damaged may be located to ascertain, if possible, by whom the offense was committed, and when satisfied thereof, to cause the party or parties to be arrested and tried for the offense, and all fines and damages collected by virtue of this section shall be paid into the district treasury and be appropriated to the benefit of the building fund of said district.

Sec. 14. Admission to the various schools of said district shall be gratuitous to all children, wards, and apprentices of actual residents within said district, between the ages of six and twenty-one years; *provided*, that the admission of pupils resident of one ward 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 such terms as the board of said district may determine.

Sec. 15. The secretary of the said board of education shall perform such duties and receive such compensation for his services as the board may direct.

Sec. 16. The board of education of said district may borrow money and issue bonds therefor for the purpose of building, completing, enlarging, repairing, or furnishing school houses, or of buying land for school purposes in said district. Said bonds shall be payable in not more than thirty-four years from date of issue, and the rate of interest thereon shall not exceed six per centum per annum; *provided*, that no debt shall be contracted under this section which shall, including existing indebtedness, in the aggregate, exceed two and a half per centum of the taxable property in said district, 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 said debt, and the principal thereof, within and not exceeding thirty-four years; and, *provided, further*, 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 of said district at a special or general election, and shall have received three-fifths of all the votes cast for and against the same.

Sec. 17. All acts and parts of acts concerning the Charleston independent school district are hereby repealed, and all provisions of the general school laws of the state, and all other laws which are in any manner inconsistent with the provisions of this act, shall, to that extent, not be applicable to said independent school district.

(Senate Bill No. 67.)

**CHAPTER 75.**

AN ACT to amend and re-enact and reduce into one, the several acts creating the Parkersburg independent school district, and fixing the compensation and commission to be paid to the sheriff of Wood county for collection of taxes for school purposes in that independent district, and providing for compulsory attendance.

[Passed February 18, 1911. In effect from passage. Became a law without the approval of the Governor.]

- Sec.**
1. Parkersburg independent school district.
  2. When commissioners and president to be elected.
  3. Who are eligible to members of board; salary of members.
  4. President and commissioners must take oath of office.
  5. Vacancies how filled.
  6. When board shall hold meetings.
  7. Secretary shall be elected; give bond.
  8. Duty of president.
  9. Duty of secretary.
  10. Board a body corporate.
  11. Enumeration.
  12. Apportionment of school fund.
  13. Board to provide for school purposes; may levy taxes but must not incur an indebtedness unless endorsed by voters of the district at an election held for that purpose.
  14. Levy a tax for teachers fund.
  - 14-a. Mandamus proceedings may be had to enforce law in relation to laying

- SEC.**
- levy; sheriff to collect and disburse funds.
  15. Board to prescribe rules and regulations.
  16. Board may establish and maintain schools of manual training.
  17. Money to be disbursed by order of the board only.
  18. A district superintendent to be appointed; his duty.
  19. Board to appoint examining committee; its duty; grade of certificates.
  20. Teachers, subject to rules; salaries to be fixed; substitute teachers provided for; duties and compensation.
  21. Children required to attend school; truant officer; he may institute legal proceedings; absence of scholar to be enquired into.
  22. General school law in conflict with this act void within this district.
  23. President and members of board now in office to continue during their term.
  24. Repeals conflicting acts.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. The magisterial district of Parkersburg, in the county of

Wood, shall constitute one school district to be known as the "Parkersburg Independent School District."

Sec. 2. There shall be elected by the voters of the said district at the general election to be held in the year one thousand nine hundred and twelve and, every four years thereafter, two commissioners; and at the general election to be held in the year one thousand nine hundred and fourteen, and every four years thereafter, there shall be elected a president of the board and two commissioners, whose term of office shall commence on the first day of January next succeeding their respective elections, and shall continue for four years, respectively, and until their successors are elected and qualified; the president and commissioners shall constitute a board of education for said district, named "Board of Education of Parkersburg District."

Sec. 3. Each member of said board shall be a qualified voter and a *bona fide* resident of said district and shall have been such for at least two years prior to his election; and shall be the owner of real estate which shall have been charged with district taxes in his name on the tax records of Wood county for at least two years prior to his election. The salaries of the members of the board shall be fixed by the board; *provided*, that the salary of the president shall not exceed five hundred dollars per annum, and the salary of each member shall not exceed three hundred dollars per annum.

Sec. 4. Before entering upon their duties as officers, the said president and each of said commissioners shall be required to qualify by taking and subscribing to the following oath of office: "I, A \_\_\_\_\_ B \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully perform the duties of president of the board of education (or school commissioner) of the school district of Parkersburg during the term for which I was elected, to the best of my ability, according to law; so help me God."

The secretary of the board of education is authorized to administer said oath, a copy of which shall be kept by him upon the files of his office.

Sec. 5. Vacancies in the office of president or commissioner shall be filled by the board at the first regular meeting after which said vacancy shall be declared by the appointment of a duly qualified person, who shall hold office until the next election, at which

time a qualified person shall be elected to fill the unexpired term caused by said vacancy.

Sec. 6. The board shall hold a meeting on the first Monday in January of each year, and thereafter at least twice each month at such time and place and on such day as the board may fix, which action shall be taken at the first meeting to be held in January and shall be entered on the records of the proceedings of such meeting; such meetings are designated as regular meetings; special meetings may be called by the president or by the secretary upon the written request of two members of the board; no business shall be transacted at a special meeting except it be mentioned in the call, which shall be in writing and be recorded in the proceedings of such special meeting; no contract shall be made by the board in special meeting involving one hundred dollars or more unless all members of said board have had at least twelve hours' notice of said meeting by personal service of the call thereof. A majority of the board shall be necessary to constitute a quorum.

Sec. 7. At the first meeting in May after the election of a president the board shall elect a secretary, whose term of office shall begin on the first day of July next succeeding his election and shall continue not to exceed a period of four years, as determined by the board, and he shall serve until his successor is elected and qualified; but he may be removed at any time for immorality, misconduct, neglect of duty, or lack of proficiency; any vacancy in the office shall be filled for the unexpired term. The secretary shall qualify by executing his bond with good security in such penalty as the board may prescribe, to be approved by the board, which bond shall be committed to custody of the president.

Sec. 8. The president shall perform such duties as ordinarily devolve upon the presiding officer of a deliberative body; by virtue of his election he shall be a member of the board, and entitled to vote on all questions submitted. In his absence the board may choose a president *pro tempore*.

Sec. 9. The secretary shall record in a well bound book to be provided for the purpose, all official acts and proceedings of the board, which shall be a public record open to the inspection of all persons interested therein; he shall also keep and preserve books of account which shall show the resources of the board for each current year and the funds from which the same is derived; all

credits to be charged against said resources by way of delinquents, commissions and otherwise; all disbursements made by the board and on account of what fund, and the balance to the credit of each fund, together with a descriptive entry, showing for what purpose each item of disbursement is made, which books of account shall always show the financial resources of the district and shall always be open to the inspection of any tax payer of the said district; he shall also preserve in his office all papers containing evidences of title, contract and obligations; and in general, shall record and keep in his office all records, papers and documents as shall be required by this act, and perform such duties, not inconsistent herewith, as may be prescribed by the board; he shall make such reports as are required to be made by secretaries of the board of education by the general school laws of the state; for his services he shall receive such salary to be fixed by the board not to exceed twelve hundred dollars per annum, and he may be removed at any time by a majority of the members of the board in regular session.

Sec. 10. The said board of education shall be a body corporate in law and as such may purchase, hold, sell and convey real and personal property for the purposes within the purview of this act; may receive any gift, grant, donation or devise; and as such may sue and be sued, and contract and be contracted with. The legal title to all property belonging to said school district shall be vested in said board, and it shall have the management, custody and control thereof, subject to the limitations prescribed by this act, and shall be responsible therefor.

Sec. 11. Not later than the first regular meeting in March in each year, the board shall employ a competent person, a resident of the district, to make an enumeration of all the youths resident in the said district, who shall be over six and under twenty-one years of age on the first day of July following, in the manner prescribed by the general school law of the state, which enumeration shall be verified in the manner and returned to the secretary of the board, within the time prescribed by said general school law; the board shall examine said report of enumeration at its next regular meeting after its return, and shall take such steps as it may deem necessary to verify the same, and the secretary shall certify the said enumeration to the county superintendent of schools within the time and in the manner prescribed by law.

Sec. 12. The state superintendent of schools, in his report to the auditor, shall specify separately the enumeration of youths in said district, and in the apportionment of the school funds, the amount to be due said district shall be apportioned and certified to the secretary of said board separately, and requisition therefor shall be drawn in favor of the board of education of said district accordingly.

Sec. 13. The board of education shall provide by condemnation, purchase, lease, construction or otherwise, school houses and grounds, furniture, fixtures and appliances, as may be necessary for school purposes, and keep and maintain the same in good order and repair; shall supply said school buildings with fuel and other things necessary for comfort and convenience; and shall pay all charges incurred by virtue of any of the provisions of this act which are not chargeable to the teachers' fund. In order to provide the funds which are necessary for the purpose of this section, the board of education shall annually at its first regular meeting in July, or soon as practical thereafter, levy a tax on the property taxable in the said district, in the manner, within the limits and not to exceed the amount prescribed by the general school laws of the state relating to levy by boards of education for that purpose.

All contracts made by the board, to the extent that they shall involve the levy of any future year, shall be void, and no debts shall be contracted or incurred by the board in any one year which shall exceed the funds available for that purpose, unless the object, nature and extent thereof shall have been submitted to the voters of the district, at a special election to be called by the board for that purpose, and shall have received a majority of all the votes cast for and against the same; the president of said board shall issue a proclamation of said special election, in which he shall recite the object, nature and the extent of the indebtedness proposed to be incurred, and for what purpose; which proclamation shall be published once in each week for four weeks, previous to the day of election in at least two newspapers published in the said district. Every special election held pursuant to the provisions of this section, except as herein otherwise specially provided, shall be held and conducted and the results certified in the manner prescribed by the general election laws of the state relating to county or magisterial elections. The proceeds of taxes so levied, or prop-

erty sold, of all donations and devises applicable to any of the purposes mentioned in this section shall constitute a fund to be called the "building fund," to be appropriated exclusively to the purpose mentioned in this section.

Sec. 14. In addition to the levy named in the preceding section, the board of education shall for the support of the schools in the district annually levy such tax on the taxable property in the district, as will, with the money received from the state for the support of free schools, be sufficient to keep said schools in operation for not less than nine months in the year. Such levy shall not exceed the limits prescribed for such purpose by the general school laws of the state. The proceeds of this levy, together with the money received from the state aforesaid, shall constitute a special fund, to be called the "teacher's fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries and the salary of the superintendent and the establishment and maintenance of the public school library provided for in this section; the board of education shall have power to establish and maintain a public library, and the library so established and maintained shall be known as the Parkersburg public school library, and shall be for the use of the public schools of the Parkersburg district and the inhabitants thereof, and shall be governed by such rules and regulations as the board of education shall prescribe.

Sec. 14-a. Upon failure of the board of education to lay the levies required by this act, or any of them, they shall be compelled to do so by the circuit court by writ of mandamus.

The taxes so levied by the board of education shall be collected in the same manner and at the same time as the state and county taxes by the sheriff of Wood county; and he shall deposit the same immediately, when collected, with some bank or banks in a separate account or accounts, and shall credit same to the proper fund or funds. The said sheriff shall report in writing to the board of education monthly, and as otherwise required by said board, as to the condition of the several funds. The sheriff shall receive for his services, until the thirty-first day of December, one thousand nine hundred and twelve, (3 per cent.) three per cent., and after that date (2 per cent.) two per cent, of the sum so collected and deposited, as full compensation and in lieu of any commission thereon provided by general law. The bank or banks with which such

funds are deposited shall allow thereon reasonable interest at the rate of not less than two and one-half per cent. on the average daily balance, and the interest so received shall be added to the fund which produced it and be expended for the same purpose for which the original fund was expended. The sheriff shall pay out such sums as may be ordered by the board upon orders signed by the president and secretary of the board. Any sums derived at any time from the sale of bonds or property of said board of education shall be credited to the proper fund and shall be deposited in some bank or banks designated by the board, to the credit of the board of education of Parkersburg district, which bank or banks shall allow interest thereon as hereinafter provided, and the interest so received shall be added to the fund which produced it to be expended for the same purpose as the original fund, or, in the discretion of the board, for the payment of interest on such bonds, if the fund is derived from the sale of bonds. The sheriff of Wood county shall not be entitled to any commission on, or on account of, funds derived from the sale of such bonds or property. The bank or banks, receiving on deposit any such funds for the credit of said board, shall furnish to the board of education bonds with approved surety in such sums as the board may require, which bonds shall be conditioned to safely care for said funds and to account for the same, together with the agreed interest, and to pay same out only upon duly signed orders as herein provided. Before designating any bank or banks as depositories hereunder, the said board shall ask for bids from the various banks in Parkersburg, and shall award such deposits, to the bank or banks making the most advantageous bids therefor, in such amounts as to the board may seem fit. *Provided*, that the rate of interest shall not be less than two and one-half per cent on the average daily balance. The said bank or banks shall pay out such sums as may be ordered by the board upon orders signed by the president and secretary of the board.

Sec. 15. The board of education shall prescribe 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 dangerous to the health or detrimental to the morals and discipline of the schools; it shall hire all teachers, establish and maintain such high schools and evening schools as may be necessary, and with the approval of the district superintendent, desig-



nate such branches of learning as shall be taught therein; upon the recommendation of the said district superintendent it shall prescribe the text books to be used in the schools of the district and establish a system of grades by which admission to the high school shall be regulated.

Sec. 16. The board of education is hereby authorized to establish and maintain schools for manual training and domestic science, which shall be conducted under the order and direction of the board, and in accordance with such rules and regulations as it may prescribe; for this purpose the board is authorized to expend each year such sums out of the building fund and out of the teachers' fund of the district as it may deem necessary; *provided, however,* that for the purpose of acquiring the necessary buildings and grounds, furniture, fixtures and appliances, debt may be contracted by the board, provided the same is authorized by the people of the district at special election to be held and conducted according to provisions of this act. The secretary of the board shall keep separate accounts of the cost of establishing and maintaining each of the schools established pursuant to the provisions of this section and the annual statements of disbursements shall show by items all disbursements made on account thereof.

Sec. 17. No money shall be disbursed except by order of the board, duly entered of record, and every order on the treasurer for payment of money shall be signed by the president and secretary, and shall specify upon its face the particular account to which the same is chargeable.

Sec. 18. At the first meeting in May, after this act takes effect, the board shall appoint a district superintendent of schools and fix his salary, whose term of office shall begin on the first day of July next succeeding his appointment and continue not to exceed a period of two years as determined by the board; but he may be removed at any time for immorality, misconduct, or lack of proficiency; any vacancy in the office shall be filled by the board for the unexpired term. The superintendent shall have general supervision of the conduct of the schools, make all necessary reports and perform such other duties as the board may prescribe; the said district superintendent shall not receive, directly or indirectly, any gift, emolument or reward for his influence or services in securing any contract, supplies or apparatus, or the adoption of any

such book, supply or apparatus, and in case he shall do so he shall be removed from office.

Sec. 19. The board of education shall appoint two competent persons to act with the district superintendent as an examining committee to examine all applicants for teachers of schools in the district; each applicant for examination shall pay a fee of one dollar. Certificates of qualification shall be issued by said committee, according to proficiency, as follows: Number one, very good; number two, good; number three, medium; but the board may by special regulation, provide for issuance of certificates to colored teachers; no certificate shall be issued for longer than one year, but the number one certificate may be renewed from year to year by the examining committee, at its option, under such regulations as the board may prescribe; the committee shall hold meetings for such examinations at such times and places as the district superintendent may appoint; the examining committee shall receive such fees for their services as the board may allow, to be paid out of the examination fees, the excess of any such fees, if any, to be paid into the building fund.

Sec. 20. Teachers shall be subject in all respects to the rules and regulations adopted by the board, and they may be removed by the board for incompetency, immorality or misconduct, upon complaint of the superintendent or any member of the board.

All teachers shall be appointed and their salaries fixed by the board; but no person shall be appointed unless he shall have first obtained a certificate from the examining committee, except that the superintendent and the members of the examining committee shall not be required to have a certificate.

Teachers who have taught in the public schools of Parkersburg district for at least thirty years shall be placed on a list to be known as "The retired substitute teachers' list" upon request being made in each case by the teachers to be so placed and shall each be paid a salary equal to three-fourths of that received during the thirtieth year of service; said teachers shall perform the duties of substitute teachers and shall devote all their time to the performance of such duties when called upon by the district superintendent so to do; *provided*, that when such teachers shall devote more than three-fourths of their time to such substitute work they shall be paid for each additional day a sum equal to what they received for each days' work during their thirtieth year of service; said sub-

stitute teachers shall, so long as residents of said district, continue as such substitute until removed for immorality, misconduct or lack of proficiency.

Sec. 21. Every person having under his control a child or children between the ages of seven and fifteen years, residing in Parkersburg independent school district, shall cause such child or children to attend public school in said district and such attendance shall begin at the beginning, and shall be continued through 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 offense and five dollars for each subsequent offense 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 of by the court or the justice, conditioned that the person so convicted will cause such child or children to attend public school in accordance with the provisions of this act. Such bonds shall be made payable to the board of education of Parkersburg district and any amount which may be recovered thereon, shall be placed to the credit of the building fund of said district. Any failure to give such bond in a 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 cost of prosecution.

An offense, as intended and provided by this act, shall consist in the failure of such persons to send to school any such child or children for more than one day in any one week in which the schools are in session unless the attendance of such child or children be prevented by personal sickness or other reasonable excuse; *provided*, that if such child or children shall have graduated from the grammar grades, 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 fine so collected shall be paid to the secretary of the board of education who shall pay same to the sheriff and take his receipt

therefor, and the sheriff shall deposit same in the proper account to the credit of the building fund of said district.

If the person against whom 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 or children to attend a school as hereinbefore provided, and that because of the disobedience of such child he has been unable to do so, such facts shall constitute a defense to such proceedings. Thereupon the attendance officer shall take such proper proceedings before the proper court to have such child judged 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 the 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 shall 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 ages of seven and fifteen years who shall have been reported to him in writing by the superintendent or principal, and to place such child in a public school which he should have attended or 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 parents, 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 resides.

Any person who induces or attempts to induce any such child unlawfully to absent himself from school, or harbors or employs such child unlawfully absent from school while the school in the district in which the child lives is in session, shall be guilty of a misdemeanor and shall be punished by a fine of twenty-five dollars, and may be imprisoned not to exceed ten days in jail.

The truant officer shall institute proceedings against any person

or persons violating this act, and perform such other offices as the superintendent or the board of education may deem necessary to preserve the morals and secure the good conduct of any 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 or the board of education, and shall make such reports to the superintendent or to the board, throughout the school year, as he or it may require and the superintendent shall make such reports to the board of education as it may require. The principals, and teachers of all schools, public, private, or otherwise, in such school district, shall report to the board of education the names, ages, and residences of all pupils of compulsory age in attendance at their respective schools, together with such other facts as the 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 purposes and such reports 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 or to the superintendent of schools of the said school district, all cases of truancy and unlawful absence in their respective schools as soon as practicable after such truancy or 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 the secretary of the board of education and by him paid to the sheriff, who shall receipt to him therefor, deposit same in the proper account and place it to the credit of the building fund of the district. If to any prosecution instituted under the provisions of this act, a satisfactory defense shall be made, so that the proceedings shall be dismissed or the defendant shall be judged not guilty, the costs of any such prosecution shall then be paid by the board of education of Parkersburg district out of the funds under its control.

When so directed by the superintendent or 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 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, the attendance officer shall notify in writing, the person having control of such child or children to send same to some school. But the service of such notice shall not be an essential preliminary to prosecution under the provisions of this act. Any court or justice of the peace of Wood county shall have jurisdiction over and take cognizance of all offenses provided by this act.

Sec. 22. All provisions of the general school law of this state which are inconsistent or in conflict with any of the provisions of this act shall be void within said district; otherwise to have full force and effect.

Sec. 23. The president and members of the board of education now in office shall remain in office during their respective terms for which they were elected.

Sec. 24. All acts and parts of acts inconsistent herewith are hereby repealed.

(House Bill No. 27.)

**CHAPTER 76.**

AN ACT to amend chapter one hundred and forty-five of the annotated code of West Virginia by adding section thirty-four thereto, relating to the unlawful giving of checks and drafts for value, and fixing the punishment therefor.

[Passed February 24, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

<p>Sec. 34. If a person make, issue and deliver to another for value a check and has not funds in the bank to pay</p>		<p>the check, he is guilty of a misdemeanor if under twenty dollars— if twenty dollars or over a felony; penalty.</p>
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*Be it enacted by the Legislature of West Virginia:*

That chapter one hundred and forty-five of the annotated code of West Virginia be amended by adding section thirty-four thereto.

Sec. 34. If any person make, issue and deliver to another for value any check or draft on any bank, and thereby obtain from such other any credit, money, goods or other property of value,

and have no funds, or insufficient funds, on deposit to his credit in said bank with which such draft or check may be paid, he shall be guilty of a misdemeanor, if the amount of such check or draft be under twenty dollars, and upon conviction thereof be fined not exceeding one hundred dollars and confined in the county jail not less than one day nor more than thirty days, and if the amount of such check or draft be twenty dollars or over he shall be guilty of a felony and confined in the penitentiary not less than one year nor more than two years, and the drawer of such check or draft shall be prosecuted in the county in which he delivers the same. *Provided, however,* that if the person who makes, issues and delivers any such check shall, within twenty days from the time he receives actual notice, verbal or written, of the protest of such check, pay the same, he shall not be prosecuted under this section, and any prosecution that may have been instituted within the time above mentioned, shall, if payment of said check be made as aforesaid, be dismissed at the cost of defendant.

Justices of the peace shall have jurisdiction to try misdemeanors hereunder. The following form of indictment shall be deemed sufficient:

State of West Virginia,

.....County, ss:

In the .....Court of said County:

The Grand Jurors of the State of West Virginia, in and for the body of the county of ..... upon their oaths present that ....., within one year last past, in the county aforesaid, did unlawfully and feloniously (if for a felony, or "did unlawfully," if for a misdemeanor) issue and deliver unto ....., for value, his certain check (or draft) of the words and figures as follows: (Here copy) when he, the said ..... had insufficient funds on deposit with the said bank of .....with which to pay the same; against the peace and dignity of the State.

(House Bill No. 252.)

## CHAPTER 77.

AN ACT to amend and re-enact section thirty-three of chapter ten of the acts of the legislature of West Virginia of one

thousand nine hundred and nine, in relation to the city of Weston, so as to enable said city to grant franchises for street railways for a period not to exceed fifty years.

[Passed February 17, 1911. In effect ninety days from passage. Approved by the Governor February 23, 1911.]

SEC.

33. Franchises; granting of

*Be it enacted by the Legislature of West Virginia:*

That section thirty-three of chapter ten of the acts of the legislature of West Virginia of one thousand nine hundred and nine be amended and re-enacted so as to read as follows:

Sec. 33. Franchises shall be granted by the council, allowing to persons or corporations, for a limited time, such occupancy of portions of the street as may be necessary for works of public utility and service, such as steam railway tracks, street railway tracks, poles 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:

*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 Weston, 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. No such ordinance shall take effect until the expiration of twenty days after its passage; and if within the said twenty days a petition be filed with the city clerk signed by one-fifth of the qualified voters of the city, based upon the number of votes cast at the last city election, requesting it, the council shall submit such ordinance to the qualified voters of the city for ratification or rejection, at a special election to be held for that purpose within forty-five days after such petition is presented, and the votes for ratification and for rejection cast at such election shall be entered upon the journal.



If a majority of the votes cast at such election shall be in favor of ratification, then such ordinance shall take effect from the time the vote is so entered upon the journal.

*Second.* Every grant of any such franchise shall be for a limited 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 thirty years, except that in case of a street railway franchise such period may be not exceeding fifty years; but if such franchise period is to exceed thirty years, the council must, and without such petition, submit such ordinance for ratification or rejection to such vote as is required by the first clause of this section.

*Third.* No grant of any such 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.

*Fourth.* No grant of any franchise shall be made without, at the time of making it, providing that the city shall receive in consideration thereof a compensation, to be paid annually during the whole period; *provided, however,* that the principle of competition shall be employed by the council where it is offered so that the franchise, with prescribed terms and conditions as to its extent, and as to the rates to be charged to the public by it for its services, will be given to the person or corporation bidding or agreeing to pay therefor to the city the highest compensation, or so that the franchise, with prescribed conditions as to its extent, and the compensation that must be paid therefor, will be given to the person or corporation that will agree to render services to the public at the lowest rates.

*Fifth.* No grant of a franchise or the extension of, or an addition to, any line of such work, over any additional street or territory of the city, shall be made for a period extending beyond the time limited for the expiration of the franchise of the principal work of which it is an extension; and if the franchise of the principal company or work is one which was granted before this act goes into effect, and is not limited as to time, the franchise granted for an extension or addition shall nevertheless be made subject

to the conditions hereof including a time limit of not exceeding thirty years. If a franchise be secured from the city by an individual or by an independent or new company, and the work constructed thereunder afterwards becomes a part of it, or be operated as a part of a larger work of the same kind whose franchise was previously obtained and is limited to expire earlier, such later franchise shall, by reason of such annexation, merger, or single operation, expire simultaneously with such earlier franchise.

*Sixth.* The council shall, in suitable, practicable terms, make it an express condition of the grant of any such franchise where it is for a work that is useful chiefly to the local public, that at the expiration of such franchise, the grantee shall, if required by the council, sell to the city, the physical plant at what it is then worth, independent of any value based upon the earning power thereof, and may also provide a means by arbitration or otherwise for determining what such value of the plant may be.

(House Bill No. 318.)

**CHAPTER 78.**

AN ACT to amend and re-enact section eighty-one of chapter three of the act of the legislature of West Virginia, passed January twenty-sixth, one thousand nine hundred and nine, relative to the grading, paving, curbing or macadamizing or otherwise improving the roads, streets and alleys in the city of Huntington.

[Passed February 23, 1911. In effect ninety days from passage. Approved by the Governor February 25, 1911.]

<p><b>SEC.</b> 81. Manner of paying contractors for pav-</p>	<b>SEC.</b>	<p>ing, etc.; lien on property.</p>
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*Be it enacted by the Legislature of West Virginia:*

That section eighty-one of chapter three, of the act of the legislature of West Virginia, passed January twenty-sixth, one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Sec. 81. The board of commissioners may, if they so elect, cause the costs of any such grading, paving, curbing or macadamizing or other permanent improvements, to be paid in the following manner, to-wit:

Whenever the board of commissioners shall contract for such paving or other permanent improvement to be done, and that it shall be paid in installments by the property owners, fronting on such streets, avenues or alleys as aforesaid, the board may cause the mayor and city clerk to issue to the contractor doing the paving, or other said improvement, five certificates, each for one-fifth of the amount of assessment to be paid by the owner of the lot or fractional part thereof fronting on such street, avenue, road or alley so improved, the first of said certificates to be paid in thirty days from the date thereof and the remaining four certificates due and payable in one, two, three and four years, respectively, from date; with interest on the total amount of said unpaid certificates at the rate of six per cent., to be paid annually, and the amount specified in each of said assessment certificates together with the interest thereon shall be and constitute a lien in favor of the holders of said certificates, upon the lot or part of lot fronting on the street, avenue, road or alley so improved and the same collected in the manner as set out in this act for the collection of tax liens, or the holder of said certificates or either of them may enforce the collection thereof against the abutting property as judgment liens might be enforced against such property; and after a contract has been made by the board to pave or otherwise permanently improve any public highway, street or alley in said city, under this act, and the paving or other permanent improvements, or any stipulated part thereof, has been completed, the said board shall assess the amount each lot shall pay for the improvement so made, and shall make 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 board approves said report, or modifies it and then approves it, a copy of said report, so adopted by the board when certified to by the city clerk 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 the same in the name of each lot owner mentioned therein; and on the presentation by the lot owner of all the certificates issued as aforesaid against the lot owner, the clerk of said court shall mark upon the margin of the book in which said cer-

tified report is recorded, that the lien is released to the lot mentioned in the certificate produced.

The board of commissioners may order any such avenue, street, road or alley, between the curbs and between designated points, to be graded and paved or otherwise permanently improved in the manner authorized and provided in section seventy-eight 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 or improved, and the entire cost of grading, paving and setting of curbs may be assessed to the owners of the lots or fractional parts of 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 property owners as herein provided, shall be paid in installments as provided in this section or section seventy-nine hereof, as the case may be, and shall become liens and be enforceable as provided by this section or section seventy-nine hereof, as the case may be, and the work hereby authorized to be done by the board of commissioners and the assessments therefor, hereby authorized to be made, shall be subject to this section or sections seventy-eight and seventy-nine hereof, as the case may be, and the board shall proceed in relation thereto in accordance with this section or sections seventy-eight and seventy-nine as the case may be.

(Senate Bill No. 2.)

## CHAPTER 79.

AN ACT to amend and re-enact section twenty-seven of chapter fourteen of the acts of the legislature of West Virginia, for one thousand eight hundred and eighty-seven, concerning the charter of the city of Wellsburg.

[Passed February 15, 1911. In effect from its passage. Approved by the Governor February 21, 1911.]

Sec.

27. At a city election to be held on second Tuesday of April, 1911 and each three years thereafter at the general city election of Wellsburg

the question of granting or refusing a license to sell spirituous liquors, etc., shall be submitted to be voted on by the citizens of said city.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-seven of chapter fourteen of the acts of the legislature of West Virginia for the year one thousand eight hundred and eighty-seven, be amended and re-enacted to read as follows:

Sec. 27. At the city election to be held on the second Tuesday of April, one thousand nine hundred and eleven, and each three (3) years thereafter at the general city election, the question of granting or refusing a license to sell, offer, or expose for sale, any spirituous liquors, wine, porter, ale or beer, or any drink of like nature, or any drink or mixture mentioned in the preceding section, shall be submitted to and be voted on by the citizens of said city. The persons voting for the granting of such license shall have written or printed on their ballots the words "For license", and the persons voting against the granting of license shall have written or printed on their ballots the words "Against license." If a majority of the votes cast at such election shall be in favor of granting such license, it shall be granted to any proper person applying therefor, for such period as the applicant may desire, not exceeding that year, subject to the provisions of chapter thirty-two of the code of West Virginia; but if a majority be against granting such license, it shall not be lawful to grant the same. At the city election, at which the vote "For license" and "Against license" shall appear, the result of said vote shall determine the granting of license or against the granting of license for the period of three years next thereafter.

All acts and parts of acts in conflict herewith are hereby repealed.

(Senate Bill No. 59.)

## CHAPTER 80.

AN ACT to amend and re-enact sections two, three and ten of chapter six of the acts of the legislature of West Virginia, passed January twenty-second, one thousand nine hundred and nine, entitled "An act to amend and re-enact the charter of the city of Martinsburg," and to repeal all acts and parts of acts inconsistent with the provisions of this act.

[Passed February 2, 1911. In effect from its passage. Approved by the Governor February 6, 1911.]

SEC.

2. The city limits.

3. Boundaries of wards—five wards.

SEC.

4. Qualification of voters.

*Be it enacted by the Legislature of West Virginia:*

That sections two, three and ten of chapter six of the acts of West Virginia of one thousand nine hundred and nine, be and are hereby amended and re-enacted so as to read as follows:

Sec. 2. The corporate limits of the city of Martinsburg shall be as follows, to-wit: Beginning at a point on the north side of the Berkeley and Hampshire grade road, 115 feet west of the south-west corner of the toll gate house and 1.4 feet to the south of the C. J. Faulkner fence line (A); thence 52 degrees 15 minutes east 3,515 feet to the south side of the city right of way for main supply pipe to water station; thence along the south side of said right of way, parallel and at a distance of 12 feet from the north side of same, north 67 degrees 50 minutes west 340 feet; north 34 degrees west 900 feet; north 40 degrees 45 minutes west 800 feet; north 66 degrees 30 minutes west 800 feet; north 83 degrees west 260 feet; south 74 degrees 30 minutes west 640 feet; south 86 degrees 15 minutes west 43 feet to the east side of the dry run pike; thence leaving the pipe line right of way and running along the east side of dry run pike, south one degree east 61 feet to a point at the north side of the bridge over Tuscarora creek; thence crossing the pike and running the lines of what is known as "Kilmer's grove," or which land the corporation of Martinsburg purchased of John D. Kilmer, south 81 degrees west 27x178.2 feet to a stake in Tuscarora creek; north 82 degrees west 343.2 feet to a stake in the mouth of the mill race waste; north 86 degrees 30 minutes west 79.2 feet; north 71 degrees west 99 feet; west 107.2 feet to a large sycamore on the west side of the spring drain from B. S. Kilmer spring; north 71 degrees 30 minutes west passing over a corner stone of C. J. Faulkner and B. S. Kilmer farm at 173.2 feet, and containing in all 470.2 feet, to a large sycamore tree; north 34 degrees west 21.4 feet to a locust stump, an original beginning corner to lot No. 4, of the Kilmer mill property; north 89 degrees 30 minutes west 105.6 feet to a stone at a white mulberry bush on the south east side of the old mill race, now the main Tus-

carora creek; thence crossing the creek north 22 degrees 15 minutes west 99 feet to a stake, corner of the Harrison Thomas and to John Kilmer lot, and also corner to O. M. Thomas; thence with O. M. Thomas lines north 74 degrees east 41.2 feet; north 15 degrees east 41.2 feet; north 48 degrees east 153.4 feet to a stake on the north side of a bridge and east side of Bender mill road, corner to the corporation of Martinsburg purchased of O. M. Thomas; thence along the road so as to include the Thomas purchase by corporation, 118 feet; thence east ten feet to a gate post; thence south 20 degrees 45 minutes east 98 feet to a stone in the original Kilmer grove lot; thence with the same south 62 degrees 15 minutes east 172.8 feet to a pear tree; thence south 69 degrees 45 minutes east 367.9 feet; south 64 degrees 45 minutes east 132 feet to a stake at a stone; south 78 degrees 45 minutes east 33 feet to a post in the picket fence of John D. Kilmer's garden; thence south 40 degrees west 46.2 feet to a post at the corner of the garden; south 56 degrees 30 minutes east 158.4 feet to a stake (located south 9 degrees 30 minutes east 42.9 feet from the center of a large elm tree in the lawn south of Kilmer's residence); south 82 degrees east 174.9 feet; south 82 degrees 45 minutes east 25 feet; south 88 degrees east 25 feet; north 84 degrees east 25 feet; north 78 degrees east 25 feet; north 75 degrees 30 minutes east 148.5 feet to a fence post on the north side of the entrance to Kilmer's grove and on the west side of the dry run pike; thence along the west side of the same north 1 degree west 37 feet to a point at the north side of the right of way for pipe line; thence crossing the road and running the north side of the pipe line right of way, parallel and at a distance of twelve feet from south side of same, north 86 degrees 15 minutes east 27 plus 43 feet; north 74 degrees 30 minutes east 640 feet; south 83 degrees east 260 feet; south 66 degrees 30 minutes east 800 feet; south 40 degrees 45 minutes east 800 feet; south 34 degrees east 900 feet; south 67 degrees 50 minutes east 340 feet to a stake in line No. 1; thence with line No. 1, north 52 degrees 15 minutes east 2,389.7 feet to a 2x2 oak stake at corner (B) located in Whetzel's field 1.8 feet north of right of way "Y" track connecting the Baltimore and Ohio railroad and the Cumberland Valley railroad, 42 feet measured along right of way from center of the Whetzel and Stewart stone fence line. (Line No. 1, if extended north 52 degrees 15 minutes east would pass through the most easterly chim-

ney of the C. O. Lambert house on the M. and W. pike at the mouth of the Warm Spring road); thence north 80 degrees 30 minutes east 1,882 feet to a spike in floor of bridge on the M and W. pike (C); thence south 56 degrees east 3,668.5 feet to a 2x2 oak stake in the center of the Bradshaw lane 286 feet north of the north side of the Buxton road (D); thence south 33 degrees 45 minutes west 5,162.5 feet to a 2x2 oak stake 59 feet north east of a copper bolt in the center of the north coping on bridge No. 49 Baltimore and Ohio railroad (E); thence south 54 degrees west 5,263.6 feet to a 2x2 oak stake in the Alex. Parks' five acre lot and north 75 degrees east 49.3 feet from a nail driven in a large honey locust tree on the north side of the Charles Town road (F); thence line No. 6 along extension of southerly line of Shaffer street, crossing Winchester turnpike, Arden road and Cumberland Valley railroad, north 70 degrees 25 minutes west 5,254 feet to a 2x2 oak stake in the G. M. Bowers field 1.7 feet west of the Cumberland Valley railroad right of way, and 28.4 feet from the west rail (G); thence line No. 7 north 30 degrees east 2,387.2 feet to a stake in the Ambrose field near the slaughter house, distant 220 feet north of the south side of rocky lane, thence north  $11\frac{1}{4}$  west 1549.4 feet to a stake in the west line of Alabama avenue where it intersects Addition street, distant 10.8 feet north of the southwest corner; thence with the west line of Alabama avenue north  $28\frac{1}{2}$  E. 1388.7 feet to a stake in the Berkeley and Hampshire grade road, distant 16.5 feet north of the southwest corner; thence with the Berkeley and Hampshire grade road south  $63\frac{1}{4}$  E. 1,053.7 feet to the point of beginning.

### ARTICLE III.

#### *Boundaries of Wards.*

Sec. 3. The said city shall consist of five (5) wards, which shall be bounded as follows:

#### *First Ward.*

Beginning at the intersection of John street and Alabama avenue in the westerly line of said city limits; thence following the center of John street easterly to the middle of First street at its intersection with Porter avenue; thence southeasterly with the



center line of First street to the center line of said avenue to its junction with West Stephen street; thence easterly down the center line of Stephen street to the middle of the bridge east of Water street, which crosses the Spring run, in what was formerly fair ground entrance; thence down the middle of the Spring run to the middle of Tuscarora creek; thence down the middle of Tuscarora creek easterly to its intersection with the city limits southwest of Bull Eye bridge; thence southwesterly with the city line to a point on the northerly side of the Charles Town road at the city line corner east of the Standard Lime & Stone Company's quarries; thence westerly following the city line with the extension of the southerly line of Shaffer street, crossing the Winchester turnpike near the one mile post, also crossing the Arden road beyond the toll-gates and also crossing the Cumberland Valley railroad to the southwesterly corner of the city limits, and from there, northerly, along the most westerly limits of said city to the beginning which shall constitute the first ward.

#### *Second Ward.*

Beginning at the intersection of John street and Alabama avenue in the westerly line of said city limits; thence following the center of John street easterly to the middle of First street at its intersection with Porter avenue, and continuing easterly with the lines of first ward down the center of First street to Winchester avenue; thence to its junction with West Stephen street; thence with the center of Stephen street to the Spring run bridge on East Stephen street; thence continuing with First ward lines, down the middle of Spring run and Tuscarora creek to said city limits; thence leaving the first ward lines and running with the corporation limits, northeasterly to the center of the Baltimore and Ohio railroad on its viaduct bridge over Tuscarora creek; thence westward and northward along the curve of the center line of the Baltimore and Ohio railroad to its intersection with its center line of east Burke street; thence westerly along the center line of Burke street; thence westerly along the center line of Burke street to the west side of Valley street; thence westerly to the point in the northwesterly line of city limits which is 450 feet northerly from the Berkeley and Hampshire grade city corner; thence with said line, southerly 450 feet to said corner; thence westerly to the intersection of Alabama avenue and the Berkeley and Hampshire

grade road; thence with the westerly line of Alabama avenue to the place of beginning, shall constitute the second ward.

*Third Ward.*

Beginning at a point in the northwesterly city limits, 450 feet northerly from its Berkeley and Hampshire grade corner, which point is heretofore designated as a corner of the second ward; thence with the lines of Second ward, easterly to the center of Burk street at west side of Valley street; thence with second ward lines easterly along center line of Burke street to its intersection with the center line of Baltimore and Ohio railroad; thence leaving second ward lines and extending northward and westward along the center line of Baltimore and Ohio railroad right of way to its intersection with the northwesterly line of city limits at a point in the center of said railroad, 672 feet northerly from intersection with center line of the Cumberland Valley overhead bridge; thence along said northwesterly city line in a southwesterly direction to the point west of water pumping station where pipe line right of way intersects the corporation line; thence northward to include a strip twelve feet wide along pipe line right of way to Dry Run turnpike and continuing across same to include the water works driveway, park and springs and all of the land belonging to the city of Martinsburg for water purposes; thence returning to the northwesterly city line where it intersects the pipe line, and extending again southeasterly along said city line to the beginning, shall constitute the third ward.

*Fourth Ward.*

Beginning at a point in the center of Burke street and the right of way of the Baltimore and Ohio railroad, which is also a corner of the third ward and a corner of the second ward; thence easterly along the curve of the center of the Baltimore and Ohio railroad to the viaduct bridge over Tuscarora creek at the city limits; thence northerly along the eastern line of city limits to a point in said line which would intersect the center line of Pennsylvania avenue extended in its present course and direction from its center as now laid out at Albert street, (which point is 2.955 1-10 feet northerly from city corner at B. & O. and Tuscarora viaduct); thence westerly to the center of Pennsylvania avenue at Albert street; thence westward in the center line of Pennsylvania

avenue to a point in the center of and at the junction of Pennsylvania avenue, North Queen street and Williamsport avenue; thence westerly along the middle of Williamsport avenue to the center of the Baltimore and Ohio railroad right of way; thence with the center line of railroad's right of way to the beginning at Burke street, shall constitute the fourth ward.

#### *Fifth Ward.*

Beginning at the center of Baltimore and Ohio railroad's right of way and the center of Williamsport avenue, already designated as a corner of the fourth ward; thence with the lines of fourth ward eastward along center of Williamsport avenue across North Queen street and along center of Pennsylvania avenue to Albert street and continuing eastward with fourth ward line along extended line of center Pennsylvania avenue to city corporation limits, at a point designated as corner of fourth ward; thence leaving line of fourth ward, extending northeasterly along the most easterly side of the city limits, passing west of Ridenour's school house to the northwesterly city corner in the middle of Bradshaw's line north of Schoppert ford road; thence westward with the northeast limits of city along city line to stake and spike at the northwesterly corner of bridge across Williamsport turnpike, between the properties of Lambert and Silver, at bottom of hollow; thence again by another line of the corporate limits westerly to city corner on the northerly side of the "Y" track connecting the Baltimore and Ohio and Cumberland Valley railroads at intersection; thence with the northwesterly line of the city limits, in a southwesterly direction to the center of the Baltimore and Ohio right of way at the point 672 feet northerly from center of Cumberland Valley overhead bridge; thence southerly along the center line of right of way of the Baltimore and Ohio to the beginning at center of Williamsport avenue, shall constitute the fifth ward.

### ARTICLE VII.

#### *Qualification of Voters.*

Sec. 10. Every person qualified by law to vote for a member of the legislature of this State, and who shall have been a resident of the territory within said city, as bounded by this act, at least one year preceding the date of election and in the territory in the

ward, in which he offers to vote, at least ten days, and a *bona fide* resident of the election precinct in which he offers to vote, shall be entitled to vote at all elections held by the voters of such city or the corporate authorities thereof.

(Senate Substitute for House Bill No. 156.)

## CHAPTER 81.

AN ACT to amend and re-enact sections two, eight, nine, ten, eleven and thirty-three of chapter one hundred and fifty-one of the acts of one thousand nine hundred and one, and to amend and re-enact section twenty-eight and sub-sections A and B of chapter six, of the acts of one thousand nine hundred and five, relating to the corporate limits of the city of Elkins; terms and qualifications of officers; qualification of voters; elections and mode of voting; powers and duties of the common council and lien for taxes, fines, etc., for and within said city of Elkins.

[Passed February 17, 1911. In effect from passage. Approved by the Governor February 20, 1911.]

### SEC.

1. Enacting section.
2. Corporate limits and boundaries.
8. Election of mayor and other officers.
9. Member of council from each ward shall be elected; vacancy how filled.
10. Qualification of voters; registrars shall be appointed; their duty de-

### SEC.

11. fined; who entitled to vote.
11. Elections; mode of voting.
28. General powers of council; to establish; regulate; prohibit; arrest; authorize; levy; take down; remove; etc.
33. Lien for taxes, fines, etc.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That sections two, eight, nine, ten, eleven and thirty-three of chapter one hundred and fifty-one of the acts of one thousand nine hundred and one, and section twenty-eight and sub-sections A and B thereto, of chapter six of the acts of one thousand nine hundred and five, be amended and re-enacted so as to read as follows:

Sec. 2. Beginning at the southern abutment of Bridge No. 2 of the Western Maryland railway across the Tygarts Valley river on its Huttonsville branch, being the bridge of said railway, situate about 1,000 feet south of the junction of the Belington extension and Huttonsville branch of said railway, and running thence down

said Tygarts Valley river on the east bank thereof to a stake at the corner between S. B. Elkins and Davis & Elkins college ground, thence with the line between said S. B. Elkins and Davis & Elkins college property to a stake on the western side of Beverly and Fairmont pike; thence with the western boundary of said pike in a northerly direction to a stake in the present corporate lines of said city; thence by a straight line to the highest point of the hill situated in the angle between the Beverly and Fairmont pike and the Coal and Iron railway immediately in the rear of property now occupied by J. A. Cutright, which is claimed by L. I. Keenan, thence by a straight line to the highest point in the land line between the lands of Elizabeth Goddin and Lewis Woolwine at the top of the hill immediately back of the residence of J. W. Goddin, thence by a straight line to the south-eastern corner of the reservoir lot on the top of the "Wees Hill;" thence with the back line of said reservoir lot to the northern corner thereof, the same being an oak; thence by a straight line to a point where the Buffalo and Leading creek pike now crosses Craven's run; thence by a straight line to the nearest corner of Maplewood cemetery; thence with the line of said cemetery on the northern boundary thereof to the northwestern corner of the new addition to said cemetery; thence by a straight line due west to a stake in Isaac Scott's eastern line, or the elongation thereof; thence with such line to the south side of Harrison avenue; thence west along Harrison avenue to the forks of the road; thence by a straight line to the old lines where the south line of Wilson street extended intersects Robert E. Lee avenue; thence with the western line of said Robert E. Lee avenue, allowing 60 feet for said avenue, continuing said line to Tygarts Valley river; thence by a straight line to the beginning.

*Election of Mayor and Council.*

Sec. 8. On the first Tuesday in March, one thousand nine hundred and eleven, and every two years thereafter, on the first Tuesday in March, there shall be elected by the qualified voters of said city, a mayor and such other officers as may be prescribed by ordinance as provided for in the preceding section. The mayor shall hold his office for the term of two years, commencing on the first day of April after his election until his successor shall be elected and qualified.

Sec. 9. On the same day mentioned in the preceding section, one member of the common council shall be elected in each ward of the city, who shall reside in the ward from which they were elected, and shall hold their office for the term of two years, or until their successors are elected and qualified. On the first Tuesday in March, one thousand nine hundred and twelve, one member of the common council shall be elected in each ward of the said city, who shall reside in the ward from which they are elected, and shall hold their office for the period of three years from the first day of April next succeeding their election, or until their successors are elected and qualified; on the first Tuesday in March, one thousand nine hundred and thirteen, and on the same day of every second year thereafter, one member of 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 the term of four years, and until his successor is elected and qualified; but if any member of the common council remove from the ward in which he was elected, his office shall thereby become vacant, and the council, shall fill such vacancy by appointment, until the next general election, of some qualified person residing in the ward. Each ward shall constitute an election precinct, and the council of the city, 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 unless such new places be established, the election shall be held at the several places now established therefor. No voter shall be allowed to vote at any city election, excepting in the ward in which he resides.

#### *Qualifications of 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 four months next preceding the date of election, or is not a bona fide resident of the ward in which he offers to vote, or has not been registered as herein provided, shall be permitted to vote therein. For the purpose of registering said voters a general registration of electors shall be conducted on Thursday in the fifth week,

Thursday in the fourth week, Friday and Saturday in the third week next before the day of the municipal election held in that year.

There shall be appointed by the council, not later than six weeks before each general municipal election, two competent persons, who shall be voters, one each from the political parties casting the largest number of votes at the last municipal election, to be designated registrars, for each voting precinct; the council shall appoint as registrars such persons as may be designated by the chairman of the executive committee of the respective parties. Said registrars shall before entering upon the discharge of their duties, take an oath to support the constitution of the United States, the constitution of West Virginia, and to perform the duties of their office to the best of their ability. Said oath shall be filed in the office of the municipal clerk.

The council shall cause to be prepared suitable books and blanks for the registration of the electors and the facts required by this chapter, and the municipal clerk shall distribute said books and blanks to the registrars of the respective voting precincts. The book aforesaid shall be so arranged as to admit of the alphabetical classification of the electors, and ruled in parallel columns, on which shall be entered first, the names of the persons registered; second, age; third, the place of birth; fourth, place of residence in precinct; fifth, time of residence in precinct, county and state; sixth, if naturalized, the date of the papers and the court by which issued.

The registrars of electors appointed as herein provided shall, on each of the days appointed as herein provided for general registration of electors, meet at the place in each precinct provided by council for that purpose and there remain in session from the hour of eight o'clock before noon, until the hour of two o'clock in the afternoon, and from four o'clock in the afternoon until nine o'clock in the evening of each and all the days so appointed for the purpose of registering the electors lawfully resident of such precinct.

No person shall be registered as an elector at any time or place other than those which are in this section designated; and in making registration every applicant shall answer the inquiries made by the registrars; and the registrars having openly and publicly met at the place and time herein appointed, shall proceed as follows:

*First.* They shall receive the application for registration of all such persons, resident in the precinct, as then are, or on the day of election which will next follow such application will be, entitled to vote therein, and who shall personally come before them, and such only. The registrars may, and if the right of the applicant to be registered, be challenged by any elector, shall administer the following oath, to-wit: "You solemnly swear (or affirm) that you will truly and fully answer all such questions as shall be put to you touching your place of residence, birth, qualification as an elector, and your right as such to be registered and vote under the laws of this state."

*Second.* They shall then examine each applicant as to his residence and qualification as an elector, and for that purpose may propound the following questions:

I. Are you a citizen of the United States?

II. Are you a native or 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 registrars a certificate or other evidence of his naturalization, and also state under oath 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 shall state 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; 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 or when his parents were naturalized.)

III. Will you have resided in this state for one year immediately preceding the coming election?

IV. Have you been absent from this state within the year immediately preceding the coming election? If so, when?

V. When you left this state did you leave for a temporary purpose with the intention of returning, or for the purpose of remaining away?

VI. Did you while absent look upon this state and regard it as your home?

VII. Did you while absent vote in any other state?

VIII. Will you have resided in the city for four months prior to the coming election?



IX. When you came into this city, did you come for a temporary purpose or for the purpose of making it your home?

X. Did you come into this city for the mere purpose of voting?

XI. Did you come into this precinct for the mere purpose of voting in it?

XII. Are you an actual resident of this precinct, if so, state the location of your residence?

XIII. Are you twenty-one years of age, or will be such at the coming election, to the best of your knowledge and belief?

XIV. What is your age?

The registrars may put such other questions to the persons offering to be registered as may seem necessary to test his qualification as an elector at the coming election, or require such additional evidence as they may deem necessary. Every person shall be registered who will be entitled to vote at the first election after the registration by reason of his arriving at twenty-one years of age before the time or by reason of his having resided for a sufficient length of time in the state and municipality, *provided*, he is otherwise qualified.

If after such examination, the registrars are not satisfied, or if any elector so demands, they shall enter the word "challenged," under the column for "remarks." Unless otherwise herein directed, they shall then, in the presence of the applicant, enter in the registers his answers to their questions, pertinent to the headings of each column, in their order. In entering his number, the numbers shall be filled up consecutively, leaving no blank, and in names they shall include his christian name or names in full as well as his surname. In the column as to "residence" shall be stated the name of the street, avenue, alley or way in which his dwelling is located or access to the same is usually had, and the number of the house, if it has one. If it has no number, a definite description by which it can easily be found, must in every case be given and entered. If there be more houses than the one under the number given, or if there be other families, tenants or lodgers, in that in which the applicant resides, he must specify in which house and on which floor, and whether front or rear of such house he resides, and the number or location of his tenement. In the column as to age, the years and months must be stated, and if the applicant is not at the time twenty-one years of age, or more, the words "not of age" must be inserted in the column of remarks. In the column as to

“term of residence” the period of years and months of his residence in the precinct and state must both be stated. In the column as to naturalization, the answer “yes” or “no” or “native” must be given and stated. The column as to “date of registration” must be filled with the date on which the application was actually registered, and none other.

*Third.* Each of the registrars shall enter the statement of the applicant in the duplicate register kept by him, and both shall be signed by the applicant. Signatures, when made by mark, must be attested by at least one subscribing witness, who shall be an elector or by both registrars, and the witness may be examined by the registrars under oath as to his knowledge of the person thus attested, and in such case noted by the registrars on the registers as “sworn” or “affirmed,” as the case may be.

*Fourth.* At the close of each day’s registration, the registrars shall compare their registers with each other, and correct any discrepancies in form before closing them for the day. The registration for the day shall then be ruled off by double lines, to be drawn by the registrars across the page in ink and immediately under the last name and statement so registered. And the registrars shall make a note in writing under such double line, stating, “close of first, second, etc., day’s registration,” and attest the same by their signatures in both registers. The registers shall then be deposited by them at the end of each day in the office of the municipal clerk.

*Fifth.* All registers when not in the official use of the registrars or the judges of the election, shall at all times be deposited and locked up in the office of the municipal clerk, subject to be produced by him for public inspection at all proper times.

At least fifteen days before any general municipal election after the registration of electors under this chapter, it shall be the duty of the council to convene in special session as a general registration board, for the following purposes, namely:

I. To examine all registration books pertaining to the general registration of the municipality;

II. To permit registration of electors, who, for reasons hereinafter provided, failed or were unable to procure registration on the days hereinbefore provided, under the same conditions, provisions and restrictions applicable to the registration of electors by registrars of their respective precincts;

III. To hear and determine the qualification of electors, whose names have been entered upon the registration books and who shall appear not to be entitled to vote; and if said council be satisfied that persons have been registered who are not entitled to vote they shall cause such names to be stricken from the list of voters; but in no case shall the council erase the name of any voter until he shall have due notice of the time and place of taking evidence to prove his disqualification, which evidence he shall have the right to rebut, and shall have his name restored to such list if improperly stricken therefrom;

IV. To approve said registration books and attest the same as being a correct and true list of the qualified electors of the respective precincts described in said municipality.

The municipal clerk shall furnish one complete copy of registration to the election commissioners of the respective voting precincts with the ballot boxes and other election supplies for use by them in conducting the election in said voting precinct.

Any person, resident of the municipality, who will be lawfully entitled to vote therein at the next succeeding general municipal election, may go before the municipal clerk at his office, and on making and subscribing on oath or affirmation before him that he will necessarily and unavoidably be absent from such municipality on all the days appointed or allowed by this chapter for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than thirty miles distant therefrom, the municipal clerk, if satisfied, shall thereupon file such affidavit and make registration of such person in the register of such precinct, on compliance of such applicant with the requirements of this chapter for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary. Any elector of any municipality who is absent therefrom, and without the county in which it is situated, and more than thirty miles distant from such municipality, may appear before the judge or any clerk of any court of record, or notary public, or, if in a foreign country, before any minister, consul or vice-consul of the United States, and make and subscribe an affidavit as to his residence specifying in what ward or precinct he resides and that he will be necessarily and unavoidably absent from such municipality on all the days allowed or appointed by this chapter for the general registration of electors by the regis-

trars in such precinct, and answering and setting forth accurately each and all matters herein required to be set forth in the register of electors, and forward such affidavit, duly authenticated, as above, by mail, under an envelope addressed to "municipal clerk" of such municipality. If received by such municipal clerk it shall entitle such applicant to be entered by the municipal clerk in the proper register of such precinct; and in place of the signature of such elector, the word "affidavit" shall be inserted, and no further registration of such applicant shall be necessary; and such affidavit shall be filed and preserved in the clerk's office; but no such affidavit shall be allowed by the municipal clerk unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents himself to be, or proves so to be by a credible person known to him, and whose name and full address must be stated in such certificate. Any such affidavit of an absent voter which shall be received by the municipal clerk on or after the first days herein appointed for the general registration by registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed and shall preserve such affidavit; *provided*, that in any case where the application for registration is thus made by affidavits forwarded by mail, if the municipal clerk, or the registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered in the register opposite his name in the column for "remarks," and such affidavit and envelope shall be transmitted to the judge of election, and such applicant, if he applies to vote, shall be required to establish his residence and qualification before voting. On the day preceding the first of the days herein appointed for the general registration the municipal clerk shall, in each and every register, in which he has entered any registration of electors, as in this chapter provided, close the same by drawing double lines across the page, in ink, immediately below the last name registered by him, and add the words, "close of registration by the municipal clerk," and shall thereunto subscribe his name and office.

Any registrars who shall wilfully and maliciously register the name of any person not a qualified elector of said precinct, or reject from registration the name of any qualified elector of the precinct,

contrary to the provisions of this chapter, shall be deemed guilty of a felony, and upon conviction therefor shall be confined in the state penitentiary not less than one nor more than five years, or confined in the county jail not more than twelve months or fined not less than fifty nor more than five hundred dollars, at the discretion of the court.

No person shall be allowed to vote at any election hereafter held in the city of Elkins, after the first registration shall have been completed according to the provisions of this chapter, unless he shall have been registered, except as herein provided; and the commissioners of every election shall allow only those to vote whose names shall appear on the registration books returned by the proper registrars, except as herein provided; and any commissioner who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars, or imprisoned not less than ten nor more than ninety days in the county jail, or both, at the discretion of the court, for every such offense.

Any voter who shall have been registered in any precinct, as hereinbefore provided, and shall have removed from such precinct to another precinct within the same municipality, may obtain a certificate from the registrars of the precinct in which he was registered, or from the municipal clerk in case the registration books have been filed with such clerk, and present the same to the election commissioners of the precinct wherein he resides, and if the commissioners shall be satisfied that such voter has a legal residence in the precinct wherein he offers to vote they shall register such elector and allow him to vote. When such certificate is issued the name of the elector shall be stricken from the books from which such certificate is issued.

In case any special election is called or held, it shall be the duty of the registrars of each and every precinct to obtain the preceding register made by them from the municipal clerk, and attend at the place in such precinct appointed for the registration of voters on the days hereinbefore provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration. It shall further be the duty of such registrars to take all preceding registers at their respective precincts and make a thorough can-

vas thereof, for the purpose of ascertaining whether or not any of the electors so registered have removed, or died, and they shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the municipal clerk. The clerk shall act as a registrar for naturalized electors, for the purpose of any special election, and shall receive and record all certificates of naturalization offered by any naturalized citizen in person, said citizen being an elector of the municipality, and requesting that the same be put on record, stating under oath or affirmation his age, his place of residence during the five years preceding such statement, and the length of time he has resided in each place. And thereupon the municipal clerk shall put such certificate of naturalization on record, together with a record of the statement of the applicant. Each registration of certificate of naturalization may be made upon any day and at any time during the time the office of the clerk is open for the transaction of business, excepting election days and days for the general registration of electors. For the purposes of this paragraph council may at any time fill the vacancy in the office of registrar caused by death, resignation or removal from office or the voting precinct of any registrar.

Registrars shall each receive as compensation for their services under this chapter not less than three dollars nor more than five dollars per day for the days actually employed in taking the registration of the electors, and the time employed in the correction and verification of the lists for special elections, to be allowed by the council or the body authorized to disburse the funds of the municipality, and paid out of the treasury from funds not otherwise appropriated.

The commissioners of election, within five days after any election, shall return the registration books of such election precinct, together with the ballot boxes, ballots, etc., to the municipal clerk, taking his receipt therefor. Any failure so to do shall be deemed a misdemeanor, and the offender, upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition thereto may be confined in the county jail for a period of thirty days, at the discretion of the court.

But for the purpose of the election to be held on the first Tuesday in March, one thousand nine hundred and eleven, two registrars in each voting precinct shall be appointed, as hereinbefore

provided, immediately after the passage of this act, who shall register the voters in their respective precincts during the week beginning February twentieth, one thousand nine hundred and eleven, by canvassing their respective wards, and they shall sit at places to be designated by the council in each precinct, from five o'clock p. m. until nine o'clock p. m., for the purpose of registering the lawful electors in said precinct, as hereinbefore provided. Such modifications of the foregoing provisions with reference to the registration of voters may be made by the council as may be necessary to accomplish the purposes fully set out, taking into consideration the short time which will elapse before the election to be held on March eleventh, one thousand nine hundred and eleven. And the council shall sit on Tuesday, February twenty-eighth, one thousand nine hundred and eleven, as a general registration board as hereinbefore provided.

#### *Elections; Mode of Voting.*

Sec. 11. The mode of voting shall be by ballot, but the voter shall be left free to vote an open, sealed or secret ballot, as he 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, as they exist at the time any such election is being held, except that the persons conducting said elections shall on the day after the election is held, deliver the ballots, tally sheets and poll books to the city clerk, and thereafter the common council of said city shall meet on the sixth day succeeding said election and canvass the returns of said election, and declare the result thereof, and in all respects comply with the requirements of the statutes relating to general elections as they are in force at the time of holding said election. 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 in the general election laws of this state; and the provisions of chapter three of the code of West Virginia, in effect at the date of such election, concerning elections by the people, shall govern such elections and be applicable thereto, and the penalties therein prescribed for offense relating to elections shall be enforced against the offenders at such corporate election; and the said general election laws shall have the same

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force and effect as if they were specially enacted for corporate elections and were by this act specially re-enacted in *extenso*, except as modified in this amended charter to the city of Elkins.

Sec. 28. The council of said city have the following general powers, and may provide by ordinances and resolutions for the exercise and enforcement of the same, namely:

To lay off, open, close, vacate or maintain public grounds, parks and public places, and name and re-name the same.

To regulate the planting, trimming and preservation of shade trees, by persons and corporations, in streets, alleys, roads, public grounds and places, and to provide for the planting, removal, trimming and preservation of such trees and other ornamental shrubbery by the municipality.

To establish, maintain and regulate free public libraries and reading rooms, and to purchase books, papers, maps and manuscripts therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise, and to provide for the rent and compensation for the use of any existing free public libraries established and managed by private corporation or association organized for that purpose.

To protect divine worship in and about the premises where held.

To locate, vacate, lay off, close, open, alter, grade, straighten, widen or narrow, pave or repave, construct and keep in repair bridges, viaducts, under-grade crossings, 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 keep them clean and free from obstruction on or over them; *provided*, the municipality shall not be liable for or respond in damages for injury to persons or property caused by or from a defect or obstruction in or on the plat of ground between the gutter or curb of any street and the paved or plank sidewalk extending there along, or between any such sidewalk and the property lying next adjacent thereto, unless the municipality had actual notice of such defect or obstruction prior to the time of the injury complained of.

To enter into a contract with any internal improvement company for the joint ownership of any bridge erected by the municipality and such improvement company, upon such terms as may be prescribed in the contract between them, but such bridge or bridges shall be in a public highway, and the inter-



est of the company shall only be such proportionate part thereof as it may pay for, or that may be named in the contract.

To regulate the width of sidewalks and the streets, and the width and care of the public grounds or grass plots abutting thereon, and to order the sidewalks, footways, cross-walks, drains and gutters to be curbed and paved, or repaved and kept in good order, free and clean, and to provide for the removal of snow and ice therefrom, and for sprinkling the same, by the owners or occupants of the real property next adjacent thereto.

To regulate the use of walks, highways and bridges and the rate of speed of travel thereon, and to prevent and punish for fast riding or driving thereon of any horse, bicycle, wheeled vehicle, wagon, steam or electric or traction engine, motor car or automobile, and to prevent injury to or waste on such streets, alleys, roads and highways from overloading or improperly loaded vehicles, and to regulate the speed of engines or trains or street cars within the corporate limits, and require the employment of conductors on all such street cars.

To regulate the making of division fences and party walls by the owners of adjoining and adjacent premises and lots, and to regulate or require drainage by the owner of such lots or other real estate by the proper drains, ditches and sewers, and to fill or cause to be filled any lot below the established elevation or grade.

To regulate or prohibit street carnivals or street fairs, or street parades, advertising exhibitions or other exhibitions thereon, or the exhibition of material or artificial curiosities.

To regulate or prohibit the ringing of bells, blowing of steam whistles, or use of hand organs or other musical instruments of an annoying character or other music of itinerant performers in the streets, roads, parks or public places of the municipality.

To license, regulate or prohibit auctioneering.

To license or prohibit the sale of goods, wares, merchandise, drugs or medicine on the streets or other public places.

To prevent the illegal sale of spirituous liquors, wine, porter, ale, beer or drinks of like nature.

To impose a license tax on persons keeping for hire automobiles, carriages, hacks, buggies, or wagons, or for carrying for hire persons or baggage in such vehicles.

To establish and regulate hack stands and stands for automobiles, coaches, cabs and omnibuses kept on the streets for hire.

To regulate or prohibit runners at wharves, steamboat landings, railroad depots and stations and other places of assemblage of people.

To regulate and assess and collect a license fee for the use of the municipality or any thing or business on which a state license is required, subject to the exemptions as provided in section thirty-one of the code.

To establish, locate and keep in repair market places and market houses, and regulate markets, prescribe the time for holding the same and to authorize the seizure thereat and destruction of any and all such foods and drink products as shall be found unwholesome, dangerous or offensive, and without recourse against the municipality for its cost or value.

To regulate the sale of all food and drink products, milk, fresh meats, fish and vegetables, and provide for the inspection of the same.

To appoint market masters and invest them with power to make arrests for the violation of the municipal ordinances or regulations in their view, and to prevent regrating or forestalling.

To regulate and provide for the weighing of hay, coal and other articles for sale in the markets.

To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome.

To regulate the keeping, handling and transportation of explosives and dangerous combustibles within the municipality.

To regulate or prohibit the erection or maintenance in what council deems an improper locality within the municipality any blacksmith shop, livery stable, cow house, cattle pen, poultry house, pig pen, privy, bill board, sign boards, gas or other engines, or the use of walls or walks for signs and to abate by summary proceedings whatever in the opinion of council is a nuisance.

To regulate or prohibit the distribution of hand bills, circulars and other advertisements of like kind on the streets, roads, alleys and public places, or in private yards, buildings or other structures without first having procured the consent of the owner or occupier thereof.

To prohibit within the municipality or within one mile of its corporate limits the erection or maintenance of any slaughter house, soap factory, glue factory, lamp black factory, tannery or other house, shop or factory of like kind or character.

To establish, regulate and maintain baths and bath houses, drinking fountains, water troughs and public toilet stations, and free public band concerts, and to regulate the time and place of bathing in pools, streams and public waters within the police jurisdiction of the municipal corporation.

To prevent hogs, cattle, sheep, horses and other animals and fowls of all kinds from going at large in the municipality and to establish and maintain places for their detention, make regulations respecting the same, and appoint a pound master and define his duties; provide for sale of same.

To arrest, convict and punish any person for keeping an assignation house, 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 an assignation house or a house of ill fame, or for knowingly permitting any house owned by him or under his control to be used as an assignation house or house of ill fame, or for loafing, boarding or loitering in a house of ill fame or frequenting the same.

To arrest, convict and punish any person for importing, printing, publishing, selling or distributing any book, picture or device or other thing containing obscene language or picture or making indecent representation.

To restrain and punish vagrants, mendicants, beggars, tramps, common prostitutes and their associates and drunken or disorderly persons within the municipality, and to provide for their arrest and manner of punishment.

To establish a board of health and invest it with the necessary power to attain its object.

To establish quarantine, and to erect and maintain pest houses and places of detention, and to make and enforce necessary orders for controlling or preventing the spread of infectious and contagious diseases and for abating pestilences.

To prohibit and punish by fine the bringing into the corporate limits by steamboats, railroads or other carriers, persons who are paupers, or persons afflicted with contagious diseases, or to punish by fine, or by fine and imprisonment, any person so bringing within the corporate limits such pauper or diseased person.

To provide for the poor of the municipality, and to that end the municipality may contract with the county court of Randolph county for keeping of such poor person, or any number of them,

at the county poor house at a price and on such terms as may be agreed upon between the county court and the proper municipal authorities.

To authorize the taking up and provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental or other care and who are growing up in mendicancy, ignorance, idleness or vice.

To arrest, convict and punish any person for cruelty, unnecessarily or needlessly beating, torturing, mutilating, killing or overloading or over-driving, or wilfully depriving of necessary sustenance any horse or other domestic animal.

To restrain fraudulent practices within the municipality.

To arrest, convict and punish any person for gambling or keeping any gaming table, commonly called faro bank, table and chips used in playing such game; crap table or chips used in playing such game; or roulette or the wheel or chips used in playing such game; or keno table or table of like kind or device used in playing the same; or table of like kind under any denomination, whether the game or games be played with cards, dice or otherwise, or any person who shall be a partner, or concerned in interest in the keeping or exhibiting of such gaming table, faro bank table or chips, roulette table or chips, crap table or chips, keno table or devices, or keeping or maintaining any gambling house or place, or betting or gambling for money or anything of value, and to destroy such gambling paraphernalia as may be found in use on any such premises.

To restrain all felons and persons guilty of offenses against this state or the United States and deliver them over to the authority or court having jurisdiction of the offense whereof such person is accused.

To apprehend and punish any person, who, without a state license therefor, is guilty of carrying about his person within the municipality any revolver or other pistol, dirk, bowie knife, slungshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapons of like kind and character, as provided by chapter fifty-one of the acts of the legislature of one thousand nine hundred and nine, and the punishment therefor, whether for the first or other offense, shall be that prescribed by said chapter for any such person guilty under the misdemeanor clause provided

therein, but the place of confinement of such guilty person may be in the jail or lockup of the municipality in lieu of the county jail; *provided*, that the mayor of the municipality or other person exercising the functions of his office, may, in his discretion, decline to inflict the punishment herein mentioned, and instead thereof may require or hold such guilty person to answer an indictment by the grand jury of Randolph county in which such municipality is situated, for the violation of said law; and it shall be the duty of the prosecuting attorney of said county, when requested by the mayor of the municipality, to appear and prosecute such offending person before such mayor; *provided, further*, that regularly appointed police officers of the municipality, whose services are rendered to and paid for by the municipality, shall not be required to give bond, or any bond, provided by said chapter fifty-one of the acts of the legislature of one thousand nine hundred and nine.

To provide in or near the corporate limits of the municipality a cemetery or other place for the burial of the dead, and to regulate interments therein, and to guard and police the same, and to provide for the cremation and incineration of dead human bodies when from the nature of the malady or pestilence from which death ensued, the municipal board of health may direct.

To regulate the erection, construction, alteration and repair of dwelling houses, buildings and other structures within the municipality and to compel the numbering of the same by the owners or occupants thereof.

To regulate the hanging of doors and the construction of stairways, elevators and fire escapes in theatres, churches, school buildings, factories and other places where many persons are received at one time, and to require the construction of fire escapes in such buildings.

To regulate by license and otherwise, plumbers, electricians, sewer tappers and vault cleaners.

To establish fire limits, and to regulate the construction of buildings and designate materials to be used in the construction of buildings within such limits.

To regulate the building of fire walls, fire places, chimneys, boilers, smoke stacks and stove pipes.

To take down and remove, or make safe and secure, any and all buildings hereafter erected, and the alteration and repair of any

by the owners thereof, that are or may become dangerous, or to require the owners or their agents to take down and remove them or put them in a safe and sound condition at their own expense.

To regulate the height, construction and inspection of all new buildings hereafter erected, and the alteration and repair of any buildings now or hereafter erected in the municipality, and to require permits to be obtained of the municipality for such buildings and structures and the repair or alteration thereof, and that plans and specifications thereof be submitted to the council or some person designated by it.

To regulate the limits within which it shall be lawful to erect any steps, porticos, bay windows, bow windows, show windows, awnings, signs, columns, piers or other projection or structural ornaments of any kind for the houses or buildings on any street.

To provide for the prevention and extinguishment of fires, and for this purpose to organize, equip and govern fire companies, and to prescribe the powers and duties of such companies and department, and of the several officers therefor, and to impose on those who fail to obey any lawful command of the officer in charge of such company any penalty which the council is authorized to impose for violation of an ordinance, and to give authority to such fire officer to direct the pulling down of any building or the destruction of any fence, wall, building or other thing if such officer deem it necessary to prevent the spreading of the fire.

To protect the persons and property within the corporate limits, and to preserve the peace and good order therein, and for this purpose to appoint, when necessary, a police force and such other officers as may be deemed necessary.

To prescribe the powers and define the duties of the officers appointed under corporate authority, fix their terms of service and compensation, if not otherwise prescribed in this chapter, and to require and take from them bonds, when deemed necessary, payable to the state of West Virginia or the city of Elkins, with the sureties and in such penalties as may be prescribed, conditioned for the faithful discharge of their duties.

To erect, authorize or prohibit the erection of power plants, heating plants, gas works, electric light works or water works in the municipality, and to erect, purchase, own or lease and maintain within or without the corporate limits of the municipality such gas works, electric light, power works, water works and

reservoirs to supply the municipality or its inhabitants with water, light, heat or power, and to prevent injury to the same or the pollution of the water or to impair the healthfulness thereof, and may acquire land for said purposes by purchase, lease or condemnation.

To grant, by ordinance or franchise, for periods not exceeding twenty-five years, the use of its streets, roads, alleys and public places, to lay pipes, conduits, manholes, drains, and other necessary fixtures and appliances, to be used for supplying the municipality and its inhabitants with steam or hot water, or both, for heat and power purposes, or both, or for illuminating purposes, and to grant by ordinance or franchise, for periods not exceeding twenty-five years, the use of its streets, roads, alleys, and public places for the construction of movable or rolling roads, for the conveying or moving of passengers, freight and other property, and those in charge of the same upon such terms and conditions as may be prescribed.

To grant by ordinance or resolution permits for the temporary use of its streets, roads, alleys and public places for the construction of moving or rolling roads, for the conveying or moving of passengers, freight, vehicles, animals, or other property, upon such conditions as may be prescribed.

To provide a revenue for the municipality and appropriate the same to its expense; and to cause to be assessed and collected in each year an *ad valorem* tax, within the limits of the general tax laws of the state, on all property in the municipality subject to state and county taxes, as valued and returned for such taxation by the county assessor.

To levy an annual capitation tax of not more than two dollars upon each male resident of the municipality who has attained the age of twenty-one years, and from which persons afflicted with bodily injury may be exempted.

To provide for the collection of said capitation tax at the time and in the manner as the regular capitation tax is collected, which may be done either through the county assessor or by any other person designated by the municipality. But if the county assessor or other person than city assessor, he shall give such bond as may be required by the council before making such collection.

To issue and sell bonds in the manner provided by general laws governing the same, and in addition to other taxes, to levy for

the maintenance of a sinking fund where such bonds have been issued and are unpaid, and to control such sinking fund and make temporary loans thereof, or to make temporary investments thereof or of any specific fund for the time such fund can not be advantageously used for the purpose for which it was levied and collected.

To provide for the rent and compensation for the use of any existing free public hospital, established or managed by a private association or corporation organized for that purpose.

To provide for the removal and abatement of nuisances; and to carry out and enforce sanitary regulations.

To compel the attendance at public meetings of the members of the council, or other body exercising their respective functions.

To buy, lease and operate, either within or without the municipality, stone quarries, crushers and land for said purposes, for the purpose of furnishing a supply of stone or other material suitable for macadamizing or paving the streets, side-walks and alleys and improving public property.

To regulate the running of steam and electric cars over and across any street or alley and, when deemed proper by the council it may by resolution, require any railroad company or street car company to provide, at its own expense, suitable watchmen at any crossing of any street or alley, and during such hours as may be designated by the council, or otherwise regulate said crossings in order to protect persons walking or driving over said crossings. 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 within or without the corporate limits 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 shall be paved or repaired 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 sewer, paving, sidewalks or footwalks, the said council may levy a special assessment for the cost thereof against the real estate benefited 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 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.

The said city council is hereby given full right and authority to require any person 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 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.

The council may require a city license for anything for which a state license is required within said city and may impose a tax thereon for the use of said city, and no such thing shall be done within said city until such city license is granted by said council and the license tax paid; *provided*, that no license shall be granted by the council for the sale of spirituous liquors, wine, porter, ale, beer or drinks of like nature, until after the question of granting such license has been submitted to a vote of the people, and

for this purpose it shall be the duty of the ballot commissioners to place on the ballots to be used at the city election to be held on the first Tuesday in March, one thousand nine hundred and eleven, and each succeeding biennial election thereafter, the following: "For license," "Against license," and unless a majority of the voters vote "For license" no such license, either city or state, shall be granted for two years within the city limits of said city or within four miles of the corporate limits thereof; and if a majority of such voters be "For license," then said council shall grant such license each year for two years beginning with the next regular license year after said election; and if the council grants such license then the county court shall grant a state license: *provided*, that the council shall be the judge of the character of the applicant and the place where said liquors are to be sold, and shall not issue any license contrary to any general provisions of the law regulating the granting of the same. The council shall require from every person so licensed to sell spirituous liquors, wine, porter, ale, beer or drinks of like nature, a bond with good security, to be approved by the council, in a penalty of at least three thousand five hundred dollars, conditioned and 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 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 the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

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 fine shall be imposed exceeding one hundred dollars and costs, and that no person shall be imprisoned or compelled to labor as aforesaid for more than one hundred days for any one offense. 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.

*Lien for Taxes, Fines, Etc.*

Sec. 33. There shall be a lien on real estate within said city for city taxes assessed thereon, and for all fines and penalties assessed to or imposed upon the owners thereof, by the authorities

of such city, including expenses for making sidewalks and streets and paving the same, and constructing sewers, and for furnishing water, electric lights or other public utility when furnished by said city, from the time the same are so assessed or imposed, which shall have priority over all other liens except taxes or dues due the United States and the lien for taxes due 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 a lien for county taxes, and any time after six months after such lien attaches the city may in its own corporate name proceed to the enforcement of said lien against the real estate chargeable therewith by a suit in equity. If any real estate within said city be returned delinquent for the non-payment of city taxes due thereon, a copy of such 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 therefor executed to purchasers.

(House Bill No. 167.)

## CHAPTER 82.

AN ACT to amend and re-enact chapter eight of the acts of the legislature of West Virginia of the year one thousand nine hundred and seven, amending the charter of "The City of Moundville," in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof.

[Passed February 7, 1911. In effect from passage. Became a law without the Governor's approval.]

### SEC.

1. Body politic and corporate.
2. Boundaries.
3. Wards.
4. Officers.
5. Municipal officers—Mayor and councilmen.
6. Elections.
7. Terms of officers; compensation.
8. Officers shall take oath of office.
9. Council defines duties of officers by it appointed.

### SEC.

31. Clerk shall execute a bond.
32. Solicitor, his duty.
33. Chief of police, his duty; policemen shall give bond.
34. Chief or policeman's duty as to an offense in view; other duties.
35. Health officer, his duty.
36. Treasurer, his duty; shall give bond.
37. Street commissioner, his duty.
38. City engineer, how selected and his duty.

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| <p>SEC.</p> <p>10. Council shall require bonds of officers.</p> <p>11. Council may remove elective officer.</p> <p>12. Council to fix time and place of meetings.</p> <p>13. Clerk shall keep minute and ordinance book; also keep the bonds, etc.</p> <p>14. Proceedings shall be read.</p> <p>15. When ordinance or by-law is deemed adopted.</p> <p>16. Power of council as to streets; business; violations; may arrest and punish; control; regulate, etc.</p> <p>17. Franchises may be granted.</p> <p>18. Power of council to pass ordinances, by-laws, etc.</p> <p>19. The mayor—his duty; salary.</p> <p>20. The process shall be a summons, etc., to appear before the mayor.</p> <p>21. The mayor to issue execution, etc.</p> <p>22. Jail of Marshall county—lock-up.</p> <p>23. Mayor's docket.</p> <p>24. Appeal.</p> <p>25. What to be done in case of appeal.</p> <p>26. What to be done if applicant is found guilty.</p> <p>27. Appeals to be allowed.</p> <p>28. Clerk, his duties.</p> <p>29. Clerk shall have access to assessor's books when returned to county clerk's office; clerk shall make out all tax tickets and collect taxes.</p> <p>30. Clerk shall receive taxes, etc.; shall pay over promptly to treasurer all money he may receive; and make report.</p> | <p>SEC.</p> <p>39. Lien for taxes; how real estate is returned delinquent.</p> <p>40. Liquor license; the question of granting or refusing liquor license shall be submitted to the voters at each general city election.</p> <p>41. What the council shall do, after the result of the election is declared.</p> <p>42. The council can revoke any license for breach.</p> <p>43. Council may impose a tax upon such license.</p> <p>44. Licenses generally.</p> <p>45. Council may prescribe how licenses shall be applied for and granted.</p> <p>46. Power to condemn.</p> <p>47. Sidewalks.</p> <p>48. Street paving; council has authority to provide for; and arrange to pay for work.</p> <p>49. Sewers; may issue bonds to provide for construction of; who liable to pay part cost of sewerage; how ascertained; when and how to be paid; liens for sewerage assessments.</p> <p>50. Levy; council shall make up annually an accurate estimate of all sums chargeable against city.</p> <p>51. Financial statement to be made in July and published.</p> <p>52. Power of city to issue bonds.</p> <p>53. Rights and powers in and to property.</p> <p>54. Repealing section as to conflicting acts.</p> |
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*Be it enacted by the Legislature of West Virginia:*

That chapter eight of the acts of the legislature of West Virginia of the year one thousand nine hundred and seven, be amended and re-enacted so as to read as follows:

Sec. 1. The inhabitants of Marshall county in this state, now and thereafter 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 Moundsville," and as such 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.

*Boundaries.*

Sec. 2. The boundary of said city shall be as follows: Beginning at the mouth of Big Grave creek on the north side thereof and at the intersection of the low water mark of said creek with the low water mark of the Ohio river; thence up said creek, south

62 degrees and 25 minutes east 44 rods; south 74 degrees east  $22\frac{1}{2}$  rods; north 77 degrees east  $13\frac{4}{5}$  rods; north 62 degrees east  $16\frac{7}{25}$  rods; south 82 degrees east  $67\frac{3}{25}$  rods; north 66 degrees east  $19\frac{1}{2}$  rods; north 3 degrees east  $24\frac{1}{2}$  rods; north 61 degrees and 30 minutes east 50 rods; north 80 degrees and 30 minutes east 27 rods; north 63 degrees  $33\frac{1}{2}$  rods; south 36 degrees and 15 minutes east  $36\frac{2}{5}$  rods; south 88 degrees and 20 minutes east  $26\frac{4}{5}$  rods to a point in said Big Grave creek, which point is located north 31 degrees west 15 feet from the center of a large sycamore tree marked as a pointer to this corner; thence up Middle Grave creek, north 7 degrees and 30 minutes east 32 rods; north 19 degrees and 15 minutes east 51 rods to point at a low water mark of Middle Grave creek, on the north side thereof, which point is situated south 60 degrees and 12 minutes east  $82\frac{2}{5}$  rods from the center of the opening of the penitentiary sewer; thence leaving said creek, north 8 degrees and 35 minutes west  $38\frac{63}{100}$  rods to a stone at the intersection of two roads; thence leaving old corporation line, north 57 degrees and  $36\frac{1}{2}$  minutes east  $146\frac{2}{10}$  rods to the northwest corner of fair ground property; thence with the north line of said fair ground property, south 88 degrees and  $8\frac{1}{2}$  minutes east  $9\frac{46}{100}$  rods to a point on the west side of the extension of Myrtle avenue in Annadale addition to Moundsville; thence with said west side of Myrtle avenue north 3 degrees and  $26\frac{1}{2}$  minutes east  $79\frac{73}{100}$  rods to a point in north side of Fourth street; south 86 degrees and  $33\frac{1}{2}$  minutes east  $14\frac{97}{100}$  rods to a point in the line between B. W Price and Jonathan Roberts; thence with said Price-Roberts line, north 4 degrees and  $57\frac{1}{2}$  minutes east  $41\frac{42}{100}$  rods to a point in B. W. Price's line; thence with said Price's and the line between M. M. and M. company's land and Jonathan Roberts' north 86 degrees and  $8\frac{1}{2}$  minutes east  $67\frac{13}{100}$  rods, to a point in the extension of west side of Pine avenue in the M. M. and M. company's addition to Moundsville; thence with west side of Pine avenue, north 18 degrees and  $47\frac{1}{2}$  minutes west  $146\frac{75}{100}$  rods, to a point on the southwest side of Highland avenue; thence with the southwest side of Highland avenue on a curve having a radius of  $985\frac{4}{100}$  feet, and whose tangent at said point of intersection bears north 52 degrees and 55 minutes west  $273\frac{91}{100}$  feet to a tangent point; thence with said tangent, north 36 degrees and  $59\frac{1}{2}$  minutes west  $596\frac{34}{100}$  feet to a point of curve; thence curving to the right on

a curve whose radius is 530 feet, a distance of 388  $\frac{97}{100}$  feet to a point of a reverse curve; thence curving to the left, radius 105 and  $\frac{88}{100}$  feet a distance of 209  $\frac{28}{100}$  feet to a point of reverse curve; thence curving to the right, radius 348  $\frac{14}{100}$  feet, a distance of 119  $\frac{31}{100}$  feet, to a point of tangency; thence with tangent, north 88 degrees and  $33\frac{1}{2}$  minutes 349  $\frac{76}{100}$  feet to a point of curve; thence curving to right, radius 433  $\frac{52}{100}$  feet, a distance of 433  $\frac{55}{100}$  feet, to a point of reverse curve; thence curving to the left, radius 373  $\frac{52}{100}$  feet, a distance of 331  $\frac{6}{100}$  feet, to a point of tangency; thence with a tangent, north 82 degrees and  $21\frac{1}{2}$  minutes west 262  $\frac{91}{100}$  feet: thence leaving Highland avenue, south 55 degrees and  $42\frac{1}{2}$  minutes west 240  $\frac{72}{100}$  feet to a stone in Tomlinson-Cockayne line; thence with said Tomlinson-Cockayne line west to a post at the northwest corner of a tract of land owned by the Wheeling district camp meeting association, known as the Moundsville camp grounds, and Tomlinson's line; thence south 1 degree and 45 minutes east 1467 feet; thence south 42 degrees west 150 feet; thence south 49 degrees and 45 minutes east 38 feet; thence south 40 degrees and 15 minutes west 255 feet; thence south 75 degrees and 15 minutes east 193 feet; thence south 45 degrees and 45 minutes west 435 feet; thence south 2 degrees and 30 minutes west 310 feet; thence north 69 degrees west 540 feet; thence on cord north 83 degrees west 436 feet; thence south 87 degrees south 132 feet; thence south 3 degrees east 33 feet; thence south 13 degrees and 15 minutes east 235 feet; thence south 21 degrees west 212 feet; thence south 26 degrees and 30 minutes west 218 feet; thence north 83 degrees west 765 feet; thence north 1 degree and 30 minutes west 247 feet; thence north 83 degrees and 45 minutes west 452 feet; thence north 6 degrees west 202 feet; thence south 78 degrees and 15 minutes west 863 feet more or less to the west line of West Virginia; thence down the Ohio river with the said line of West Virginia, 6526 feet more or less; thence south 54 degrees and 55 minutes east 70 rods more or less to the beginning; but excepting from the above described boundary the part of the county bridge and its abutments at the mouth of Big Grave creek, which would otherwise be included therein; also excepting from the above described boundary that tract of land owned by the Wheeling district camp meeting association known as the Moundsville camp ground.

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*Wards.*

Sec. 3. The territory of said city is hereby divided into four wards as follows:

All that part of said city lying north of second street, and any extension thereof shall constitute the first ward of said city; that part lying south of second street, and any extension thereof, and north of fifth street, and any extension of the same, shall constitute the second ward; and that portion lying south of fifth street and north of ninth street, and any extension of said streets, shall constitute the third ward; and all that portion lying south of ninth street, and any extension of the same, shall constitute the fourth ward. The council of said city may change the boundaries of the different wards, but regard shall be had to equality of population.

*Officers.*

Sec. 4. The officers of said city shall be a mayor, clerk, who shall be *ex-officio* collector, solicitor, chief of police, health officer, treasurer, street commissioner, city engineer, and two councilmen from each ward. The mayor, solicitor and chief of police shall be elected by the qualified voters of said city. The clerk, health officer, street commissioner, treasurer and city engineer 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 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 was elected, or his ceasing to be a freeholder in said city, 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.

*Elections.*

Sec. 6. The first election held hereunder shall be on the second Thursday in March, one thousand nine hundred and eleven and



biennially thereafter. Every person who has been a bona fide resident of the city for three 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 results thereof be ascertained, returned 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 decided by 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 received an equal number of votes for the same office, if such number be the highest cast for such office, the city council shall decide by vote which of them shall be returned elected, and shall make their return accordingly.

#### *Terms of Officers.*

Sec. 7. The term of office of the mayor, solicitor and chief of police 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 clerk, treasurer, health officer, street commissioner and city engineer shall be appointed by the council and shall hold their office during the pleasure of the council. 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. At the first election provided for in section six of this act there shall be elected a mayor, solicitor and chief of police, whose term of office 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 are elected and qualified, and one councilman from each ward, whose term of office shall begin on the first Monday in April next succeeding his election, and who shall hold office for the term of four years, and until his successor is elected and qualified. On the same day in each succeeding two years one councilman from each ward shall be elected and shall hold office for four years from the first Monday in April next succeeding his election and until his suc-

cessor is elected and qualified. But nothing in the section shall be construed to invalidate the election or term of office of any councilman elected to office and whose term of office began on the first Monday in April in the year one thousand nine hundred and nine, under the provisions of section seven of the charter of said city of the act of one thousand nine hundred and seven.

The council of said city shall have the right to fix a compensation for the members thereof, which compensation, however, shall not exceed fifty dollars per year to each member.

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 by law 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.

#### *Council.*

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 sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties.

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 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 Moundsville," 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 wri-

tings, 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 the county levies.

Sec. 11. The council shall have the authority to remove from office any elected officer of the city 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 times 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 the clerk, or in the absence of both the mayor and clerk, then 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 its proceedings, ordinances, acts, orders and resolutions, and in another to be called the "Ordinance Book" accurate copies of all the 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 endorsed, filed and securely kept by the clerk, except the bond of the clerk, which shall be filed with the mayor. 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, cross-walks, 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 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 times 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 unhealthy 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 person causing the same, 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 subjected to be covered by stagnant water; to prevent horses, hogs, dogs, 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 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 damage or danger by fire; to punish for assaults and batteries; 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 suppress houses of ill-fame and to arrest and punish persons loitering in, or visiting them, 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 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 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 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, except that the council of said city shall not interfere with the speed of trains and engines beyond the corporation lines of the city of Moundville as heretofore existing, until the said new territory shall be laid out in lots, streets and alleys, and opened 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 pipes, conduits, and 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 create by ordinances 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 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 and private, within the city; 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 or buildings; and may prohibit the erection on any such street, or in any such square, of any building, or of any addition to any building unless the outer walls thereof be made of brick and mortar or other fire proof 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.

The said council of said city shall have any and all additional power and authority granted to cities, towns and villages by section twenty-eight of chapter forty-seven of the code as amended by chapter fifty-three of the acts of one thousand nine hundred and five.

#### *Franchises.*

Sec. 17. Franchises may be granted by the city council to persons or corporations allowing such occupancy of portions of the streets and alleys as may be necessary for works of public utility and service, but no such franchise shall hereafter be granted except under the following restrictions and conditions: No ordinance shall be passed granting any franchise for the use of any of the streets or alleys of the city for any of the purposes above named, until the same shall have been filed with the clerk at least thirty days prior to the time when it is to be acted upon by the council. and notice of such application, stating the object of such franchise, and when the same will be considered by the council, shall have been given thirty days notice in some newspaper of general circulation published in the city.

Nor shall such franchise be granted within thirty days after the application has been filed, nor until an opportunity has been given any citizen or corporation interested in the granting or refusing of said franchise to be heard.

Nor shall any franchise be hereafter granted by council for a longer period than fifty years; *provided*, that the council shall have the power to renew any such franchise for the term of fifty years when the same shall have expired. No franchise hereafter granted for a longer term than fifty years shall be of any force or validity. No grant of any such franchise shall be made without at the time of making it providing that the grantee, its successors or assigns, shall indemnify the city against all damages caused by the construction of such works. Any corporation or person to whom a franchise has been heretofore or may hereafter be granted, or their successors or assigns, who shall fail to comply with the condition of 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.

Sec. 18. 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 Marshall 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 and under the judgment of the mayor of said city, or in case of absence or inability to act, of the clerk of said city, or in case of absence or inability to act of both of said officers, of one of the councilmen, appointed for that purpose by the council.

*Mayor.*

Sec. 19. The mayor shall be the chief executive officer of the city and shall see that the orders, by-laws, ordinances and regulations 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, warrant or other process, issued by him, may be executed at any place within the county; he shall have power during the recess of the regular meetings of council to appoint special police officers when he shall deem it necessary, and it shall be his duty 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 corporation or to individuals, unless and until he shall have given the bond and security required of a 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 justices shall apply to moneys received by him in like cases.

The mayor shall receive a salary of not less than three hundred nor more than five 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, and he may tax such costs against any person or corporation found guilty of the violation of any ordinance of the city, as are provided to be taxed and recovered by justices of said county in criminal cases.

Sec. 20. The process in proceedings to enforce any ordinances 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 Moundsville as plaintiff, directed to the chief of police, to one of the regular police officers of the city, or to any constable of any district within the said city, requiring him to summon the person accused of such violation, and who shall thereafter be designated as defendant, to appear before the mayor at the time and place therein named to make answer to such accusation and be dealt with according to law; such summons shall contain such statement of the facts alleged as will inform such person of the general nature of the offense against the city of which he stands charged, and except in cases of arrest upon view, shall be issued only upon the complaint, on oath, of some credible person. But the mayor for good cause appearing, by endorsement of the summons, may 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 upon 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 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 the 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 cause the person so in default to be apprehended and brought before him, and commit him to the jail of Marshall county or in his discretion to the prison of said city, if one shall have been provided, until the fine and costs are fully paid; but such imprisonment shall not exceed ninety days.

Sec. 22. The jail of Marshall county may be used as a lockup for said city. The jailor of said county shall take and receive into his custody any person authorized to be confined therein by any ordinance of the city, or sentenced to imprisonment therein, or committed thereto, for non-payment of a fine or costs, or for 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 persons while so in confinement shall, if such person be found guilty of such violation, be charged to such person as part of the costs, but whether collected from such person or not, such expense shall be paid to said jailor by the city.

#### *Mayor's Docket.*

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 defense, the hearing, the judgment, the costs, 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.

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*Appeal.*

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 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, in a penalty double the amount of fine and costs, with condition that the person appealing will appear before the said court on the first day of the next term thereof, to answer for the offense against the city with which he stands charged, and not thence depart without leave of said court, and will perform and satisfy any judgment which may be rendered against him by the circuit court on appeal. 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, except where herein otherwise provided; 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 a 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 fees, if any, of the jailor or the keeper of the city prison; 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 the city, and the notice contemplated by the eleventh section shall be given to such officer.

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.

*Clerk.*

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, papers, contracts and other documents belonging to the city; it shall be his duty to attend the sessions of the police court and keep an accurate record 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 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.

The officer whose duty it is to make out the land books for Marshall county shall, annually, at such compensation as agreed upon with council, not later than the fifth day of August, furnish to the clerk, showing in separate amounts, the aggregate value of all the personal property and the aggregate value of all the real estate in the city, as ascertained from the land and personal property books of said county for the current year; upon receiving said statement the clerk shall present the same to council at a meeting to be held not later than the second Tuesday in August, for the purpose of determining the rate of levy in said city for the current year; as soon as the rate of levy shall have been fixed by council, the clerk shall furnish the officer whose duty it is to make out the land and personal property books, a certified copy of the order of the council, fixing the rate of tax, and such officer shall thereupon extend the tax against the property situated in the city in the land and personal property books in separate columns in said books.

Sec. 29. The clerk shall, when the extended copies of the as-

essor's books are completed and returned to the clerk of the county court, have access to the same for the purpose of making out the tax tickets of the taxes therein extended, and it shall be the duty of the clerk to make out all tax tickets, and when the same have been examined, compared and approved by the financial committee of the council and found to be correct, they shall be turned over to the clerk not later than the tenth day of September following the levy, whose receipt shall be returned to the council and entered upon its record, and the clerk shall be charged therewith.

The clerk shall give notice that said tax 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 fifteen days in one or more newspapers published in said city.

To all persons who shall pay their taxes in full before the first day of December next succeeding said levy there shall be allowed a discount of two and one-half *per centum* on the whole amount of the taxes so paid, and not otherwise.

The clerk shall immediately proceed to collect from the persons by distraint or otherwise the entire amount of the taxes with which they are severally charged therein, and remaining unpaid on the first day of January next succeeding said levy, with interest at the rate of one *per centum* per month from said first day of January until they are fully paid.

All license taxes shall be payable on the first day of July of each year, or at such time as such license may be issued.

Sec. 30. The said clerk shall receive all taxes, assessments, fines and costs and other money due the city authorized by this act, or by any ordinance of the said city, to be paid to the city, and shall receipt for same; he shall keep an accurate account of all money paid to him for the use of said city, showing under separate accounts the amounts received for account of taxes, sewer purposes, street pavement, licenses, fines and costs and of other matters pertaining to his office, which books shall at all time be open to the inspection of the council or to any committee appointed by it for such purpose; he shall pay over promptly all money which he may receive, within five days after the receipt thereof, into the hands of the treasurer of the said city, showing an itemized statement of the several funds included in said payment, taking the treasurer's receipt therefor; he shall keep his office at the office of the

mayor, unless otherwise ordered by the council, and shall keep his office open for the transaction of business during usual business hours, and as may be directed by council; he shall on or before the first day of January and July of each year and oftener if directed by council, present to the council a full, complete and detailed statement of all money with which he is chargeable, or that has been received by him from all sources up to that time, together with a statement of all money paid to the treasurer, and proper receipts therefor, and he shall at such times return a list of all taxes, levies, assessments and other claims in his hands for collection which 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 several items therein mentioned, but has been unable to do so, and if the council should be satisfied as to 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 by it prescribed. The said clerk shall receive all taxes on licenses, and receipt to the party paying the same by endorsement upon the permit granted by order of the council and shall charge himself with the amount received from the same, and report to the council at the next regular meeting thereafter, the amount so received, and pay the same over to the treasurer, taking his receipt for the same; he shall, upon the expiration of his term of office, or upon the order of council, turn over to his successor all money, books of account and other property of said city in his possession; he shall receive such salary as may be fixed by the council, which shall not be less than at the rate of six hundred dollars, nor more than one thousand dollars per annum.

Sec. 31. The clerk of said city, before entering upon the discharge of his duties, shall execute a bond 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, with sureties satisfactory to the council, payable to the city of Mounsville, in a penalty of not less than five thousand nor more than ten thousand dollars, as the council may prescribe; he shall be custodian of all 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, except that the bond of the clerk shall be

deposited with the mayor; 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 with the collection of state taxes.

If the clerk shall fail to collect, account for and pay over to the treasurer of said city any or all of the money with which he may be chargeable, belonging to the said city, according to the conditions of his bond and orders of 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 any or either of them, or his or their executors or administrators.

*Solicitor.*

Sec. 32. It shall be the duty of the solicitor to prepare, when directed by 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 as compensation for his services, to be fixed by the council, not less than three hundred dollars nor more than five hundred dollars per annum.

*Chief of Police.*

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, and he may for good cause appearing to him, for neglect of duty or insubordination, suspend any such officer from duty, and report his action and his reason therefor to the next regular meeting of council for action thereon; he shall make a list of all dogs within said city liable to tax, collect the license tax thereon and pay the same to the clerk, as may be provided by ordinance of said city; 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 dis-

charge 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 five thousand dollars, as the council may prescribe; he shall receive such salary as may be fixed by council, which shall not be less than six hundred dollars nor more than one thousand dollars per annum.

Each policeman appointed as prescribed by this section 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 as is required by law, and for the accounting for and paying over, as is 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 hundred dollars nor more than five thousand dollars, as the council may prescribe.

Sec. 34. 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 Marshall, when directed to him, any proper process issued by the mayor in proceedings for the enforcement of ordinances; and shall collect by levy of execution, or otherwise, and duly account for, all fines assessed and costs imposed in such proceedings. 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 a district within the same, and shall be entitled to the compensation therefor; and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable is liable, 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.

#### *Health Officer.*

Sec. 35. The health officer shall perform such duties as may



be provided by any ordinance of said city, or by resolution of the council, and shall receive a salary at the rate of not more than three hundred dollars per year. He shall receive no compensation from said city, other than the salary herein provided.

*Treasurer.*

Sec. 36. The treasurer may be any citizen, a bank or trust company of said city, and shall be selected by council and may hold office during the pleasure of the council. All money due the city shall be paid to the clerk, and be by the clerk deposited with the treasurer. The money deposited with the treasurer shall be disbursed only upon orders drawn against the same, signed by the mayor and countersigned by the clerk. The treasurer shall receipt to the clerk for all money paid by him, and shall keep regular books of account, showing the amount of the several funds paid or deposited with the treasurer by said clerk, and shall make report to the council once a month or at such other times as the council may direct, showing the receipts and disbursements of the funds of the city, and the treasurer shall produce his books of account to the council or any committee of the same for inspection, upon the order of the council.

The treasurer shall give bond, with security to be approved by the council, in a sum of not less than five thousand dollars, with condition that the said treasurer shall account and pay over all money received for the account of said city, as may be directed by the council. The said treasurer shall receive such compensation as the council may fix, which shall not be more than at the rate of two hundred dollars per annum. Any bank or trust company of said city is hereby authorized to act as treasurer of said city, and the same shall be liable for all money deposited therein.

*Street Commissioner.*

Sec. 37. The street commissioner shall perform such duties as are now, or which may hereafter be imposed upon him by any ordinance of said city, and shall receive such compensation as may be fixed by council, which shall be at the rate of not less than five hundred dollars nor more than seven hundred and fifty dollars per annum.

*City Engineer.*

Sec. 38. The city engineer shall be selected by the council, and shall hold office during the pleasure of the council; he shall perform such duties as may be required of him by the council or provided by ordinance of said city, and his compensation therefor shall be fixed by the council.

*Lien for Taxes.*

Sec. 39. 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 the 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 commission 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.

*Liquor License.*

Sec. 40. 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 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 licenses shall have on their ballots the words, written or printed, "Against license," and it shall be the duty of the ballot commissioners of said city to cause the said words to be printed on all the ballots to be voted at said election; 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 municipal election, to grant such licenses to proper persons applying therefor as provided in the next following section of this act; but if a majority of such votes so cast be opposed, no licenses shall be granted by the council of said city.

Sec. 41. The council of said city shall, if a majority of the votes cast on the question of granting such liquor licenses be in favor of granting such licenses, grant not to exceed one license to sell, offer or expose for sale, spirituous liquors, wine, porter, ale or beer, or drinks of like nature, for each one thousand persons resident in said city or fraction over five hundred as shown by the last authorized census of the same; 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 five hundred dollars, payable to the city of Moundsville, and conditioned as prescribed in section twenty-one 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 persons and their sureties on such bonds, 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 fines and costs that may be imposed by the mayor for any offense against the city, under its ordinances involving a breach of the conditions of such bond.

Sec. 42. The council may revoke any license for a breach of any of the conditions of such bond, or for other good causes shown, but the proper 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. Upon the conviction of any person holding such license of a violation of any of the provisions of section twenty-one of chapter thirty-two of the code, or of any ordinance of said city in pursuance thereof, he shall be fined by the mayor not less than twenty dollars nor more than fifty dollars for the first offense; and not less than fifty dollars nor more than one hundred dollars for any offense after the first, and in the discretion of the mayor, in addition to the fine for a conviction of an offense, after the first, such person shall be confined in the jail of Marshall county for not more than sixty days. Upon the conviction of any such person of any such offense, other than the first, the mayor may revoke the said license of such person, and thereafter any sale made by him shall be a sale without license; to which judgment of the mayor an appeal may lie at the instance of the person holding

such license, to the circuit court of Marshall county, as provided in section twenty-four of this act.

Sec. 43. The council shall have the authority to impose, for the use of said city, a uniform tax upon such license at the rate of not less than one thousand dollars nor more than fifteen hundred dollars for each license so granted for each year.

#### *Licenses Generally.*

Sec. 44. 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 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. 45. 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 clerk of said city before delivery to the person applying therefor, and the provisions of section forty-one of chapter thirty-six of the acts of one-thousand nine hundred and five, and the provisions of section forty of chapter eighty-two of the acts of one thousand nine hundred and seven, regular session, and the provisions of section thirty-nine of chapter sixteen of the acts of one thousand nine hundred and seven, extra session, of the legislature of West Virginia, relating to licenses, shall govern the city in the granting of licenses similar in character to those therein mentioned, except where otherwise herein provided. Licenses for keeping dogs shall also expire on the thirtieth day of June next after they are granted, and all other licenses may be for such times as the council may determine.

#### *Power to Condemn.*

Sec. 46. The council shall have the right to institute proceedings, in the name of the city, for the condemnation of real estate for streets, alleys, avenues, sewers, drains, market grounds, landings, wharves, city prison, or other work or purpose of public utility; such proceedings shall conform to the provisions of chap-

ter 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.

#### *Sidewalks.*

Sec. 47. After having caused a proper grade to be established at the expense of said city, the council may require sidewalks or footways on the streets, avenues or alleys of the said city to be paved with brick, stone or such 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, 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, 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 owner, and the clerk shall notify the owner of said lot the amount of such assessment, and if the said assessment be not paid within thirty days from the date of said notice he shall cause a memorandum showing the name of the owner of said lot, a description of the lot, and the amount of such assessment, to be filed in the office of the clerk of the county court of Marshall county, which shall be entered of record in the judgment lien docket in his office, 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 Marshall county, as other liens against real estate are enforced, and upon the payment of said assessment the clerk shall issue to the person entitled thereto a release of said lien; *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.

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*Street Paving.*

Sec. 48. The council shall have the authority to provide that any street, avenue or alley or any portion thereof, between the curbstones, shall be macadamized, or paved with bricks, cobblestones, or other suitable material, upon the lowest and best terms obtainable, after advertisement for four weeks in one or more newspapers in 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, avenue, or alley, shall be assessed to the owners of lots, or fractional parts of lots, fronting or abutting on such street, avenue or alley, that is to say: The property owners on each side of said street, avenue, 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 installments in six and twelve months thereafter, with interest thereon at the rate of six *per centum* per annum, 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, avenues 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 assessments 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 said 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 installment 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 of fifteen 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, avenues 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.

#### *Sewers.*

Sec. 49. The city is hereby authorized to issue its bonds for the purpose of providing for constructing sewers for the proper drainage of said city, in anticipation of special assessments to be made upon the property abutting upon the streets, avenues and alleys so improved, or property so sewered or drained, and such bonds may be in such an amount as shall be sufficient to pay the entire estimated cost and expense of said sewer or sewerage for which such special assessments are levied; and the city is hereby authorized to sell said bonds; *provided*, that the price for which they are sold shall not be below the par value of said bonds; said bonds shall be payable in not to exceed ten years from the date of the issue thereof, and shall bear interest at not to exceed six *per centum* per annum, payable annually; and in the issuance and sale of said bonds, the city shall be governed by all the restrictions and limitations of the constitution of this state, and the restrictions and limitations of the statutes of this state with respect to the issuance and sale of other bonds, so far as they are not in conflict with the provisions of this section; and the assessments as paid and provided for in this section shall be applied to the liquidation of said bonds and the interest thereon; and if by reason of the penalties collected with the delinquent assessments there be any balance after the payment of said bonds and all accrued interest and costs, the said balance shall be turned into the city treasury to the credit of the interest and sinking fund of the city. *Provided*, that the city shall not, by the sale or issue of such bonds, cause the aggregate of its debt, of every kind whatsoever, to exceed five *per centum* on the value of the taxable property therein; nor shall the city make such issue and sale of bonds 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 ten years.

All of the assessments, interest and penalties thereon collected from the abutting property owners on account of such sewerage, under the provisions of this section, shall annually be applied to the annual tax required to pay the interest on such debt and such principal within and not exceeding ten years; and in the event that the assessments, interest and penalties so collected do not amount to a sum sufficient to pay annually the interest on such debt and the principal thereof within and not exceeding ten years, then the council shall collect so much of said levy as will pay annually the interest on such debt and the principal thereof within and not exceeding ten years.

Whenever the council shall order the construction of any public sewer or sewer system within the city, the owners of the property abutting upon any street, avenue or alley in which such sewerage shall be constructed, shall be charged with and liable for sewerage assessment as follows: When such sewerage is completed the city engineer shall report to the council, in writing, the total cost of such sewerage and a description of the lots as to the location, frontage, depth and ownership liable for such sewerage assessment, so far as the same may be ascertained, together with the amount chargeable against each lot and owner, estimated on the basis of one dollar per foot for inside lots, and one dollar and twenty-five cents per foot for corner lots, frontage measures on said sewer being considered, except that such estimate as to corner lots fronting thereon and having a greater depth than one hundred and fifty feet shall be estimated at one dollar and fifty cents per foot frontage, and any lot having a depth of two hundred feet or more, and fronting on two streets, one in front and another in the rear of said lot, shall be assessed on both of said streets, if the sewer is constructed on both streets, or if fronting on a street and running back two hundred feet or more to an alley, shall be assessed on both the street and the alley, if a sewer shall be constructed in both street and alley; where a corner lot has been assessed on one end it shall not be assessed on the side; and thereupon said council shall give notice by publication for two successive weeks in some newspaper published in said city that an assessment under this section is about to be laid against the abutting property on such sewerage, and such owner or owners thereof shall have the right to appear before said council within two weeks from the first publication thereof and move said council to



correct any apportionment or assessment excessive or improperly made as charged, which corrections said council shall have the power to make, and if found to be correct or corrected as aforesaid, and such estimated assessments to be fair and equitable apportionment of the cost of such sewerage, it shall enter an order upon its record setting forth such location, depth, ownership and said amount of such sewerage assessment, against each, respectively, calculated as aforesaid, and the entry of such order shall constitute and be an assessment for such proportion and amount so fixed therein against such respective owners and lots, and if after such advertisement, notice and hearing said council shall find that such apportionment at such rate is unjust, or inequitable, it shall ascertain, fix and assess the cost thereof among and upon the abutting owners respectively, justly and equitably, and in like manner assess and enter the amount so fixed respectively upon its records, and the council shall in either event thereupon certify the same to the city clerk for collection, and certify a copy of such order to the clerk of the county court of Marshall county, who shall record the same in the proper trust deed book, and index the same in the name of each owner of any such lot so charged with such assessment, and such assessment so made shall constitute and be a lien upon said lots respectively, which shall have priority over all other liens except those for taxes due the state, and shall be on a parity with other taxes and assessments due the city. Said amounts so assessed against the said several land owners shall be paid by the parties liable therefor to the city clerk at all times in the manner and with the attendant penalties for failure to pay promptly at the time prescribed as is hereinafter provided. The amounts so assessed against said abutting land owners shall be paid in ten payments as follows: That is to say, one-tenth of said amount, together with interest on the whole assessment for one year, shall be paid into the city treasury before the first day of May next after said work is completed and said assessments have been certified to the county clerk. And a like one-tenth together with interest for one year upon the whole amount remaining unpaid on or before the first day of May in each succeeding year thereafter, until all has been paid, and each of said installments of one-tenth, beginning with the first, shall bear interest on the amount of said installment at six *per centum* per annum from the date of the record of the same in the county

clerk's office until paid; *provided, however*, that any abutting owner so liable for any portion of the cost of such sewerage shall have the right at any time after the same is certified as aforesaid to the clerk for collection to anticipate the payment of any or all of said assessments and shall be allowed to pay the face of said assessments with interest at six *per centum* per annum only to the time of payment. The above assessments recorded in the office of the county clerk shall be released by the city clerk when paid.

To each of said installments of assessments remaining unpaid in the city clerk's hands on the days herein specified for the payment thereof, a penalty of ten *per centum* shall be added, and any assessments so remaining unpaid in the clerk's hands on such date shall be taken up by the council, on such settlements had with the clerk of such dates, and thereupon the council shall place such assessments, with the penalty added thereto, in the hands of the city clerk, the same to be treated and considered, and payment thereof enforced in all respects as provided for the collection of taxes due the city, and they shall be a lien upon the property liable therefor the same as for taxes, which lien may be enforced in the same manner as provided for taxes.

The owner or owners of any lot abutting on any street, avenue or alley in said city, on which a public sewer is or may hereafter be laid and constructed, upon which lot any business or residence building is or hereafter may be erected not connected with a public sewer, may be required and compelled by the board of health to connect any such building with such sewer. Notice to so connect may be given by the board of health either to the owner, lessee or occupant of such building. Each day's failure to comply with such notice and connect with such sewer by such owner or owners, after ten days after such notice is given, shall be a misdemeanor and a separate and new offense under this section, and each such offense shall be punishable by a fine of not less than five dollars nor more than twenty-five dollars; the jurisdiction to hear, try, determine and sentence for such violations shall be vested in the mayor.

The liens therein provided for sewerage assessments shall constitute liens upon the real estate upon which they are assessed, as against creditors of the owners thereof, or purchasers for value, and without actual notice of such liens, only from and after the time that the statement thereof certified as aforesaid shall be filed

for record in the office of the clerk of the county court of Marshall county.

Whenever it is deemed expedient by the council to provide for the sewerage of the city, or any street, avenue or alley therein, to be paid for in whole or in part by special assessments, the council shall declare by resolution, three-fifths of the whole number elected thereto concurring, by an aye and no vote, the necessity of such sewerage. At the time of the passage of said resolution the council shall have on file in the office of the city clerk plans, specifications, estimates and profiles of the proposed sewerage, showing the proposed sewerage after completion, with reference to the property abutting thereon, which plans, specifications, estimates and profiles shall be open to the inspection of all persons interested. Said resolution shall determine the general nature of such sewerage, and said council shall approve the plans, specifications, estimates and profiles for the proposed sewerage.

The council shall also determine in such resolution the method of paying for the work contemplated in said plans and specifications, whether by an appropriation from funds in the treasury unappropriated, or whether or not bonds shall be issued in anticipation of the collection of special assessments to be made against the abutting property owners as provided for in this section. Assessments shall be payable in ten installments as provided for in this section. The resolution herein provided for declaring the necessity of such sewerage improvement shall be published at least once a week for two successive weeks after its adoption in two newspapers of general circulation, and of opposite politics, in the city, and an affidavit of the publisher showing publication for such time, together with a copy of said notice attached, shall be filed with the city clerk and spread upon the record of the minutes of the next meeting of council. If there are not two newspapers of general circulation and of opposite politics in the city; publication in one newspaper of general circulation for the required time, shall be all that is required for this or any other notice provided for by this section. Said resolution shall be in effect from and after the first publication thereof as herein provided for. If there be no newspaper in the city the notice may be given by posting on the front door of the building where the council of the city holds its meetings.

A notice of the passage of the resolution required in the last

preceding paragraph, embodying a copy of said resolution, shall be served upon the owner of each piece of property to be assessed, said service to be made in the manner provided in section one of chapter one hundred and twenty-one of the code; *provided*, that if any of the owners or persons be not residents of Marshall county, or if it appears by the return, in any case, that the owner cannot be found, then notice of the passage of said resolution shall be published in some newspaper of general circulation in the city once a week for two successive weeks, and such notice, whether by service or publication, shall be completed at least three days before said sewerage is begun, or the assessment is levied, and the return of the officer serving such notice, or a certified copy of such return, or when published, the certificate of the publisher of said newspaper, shall be *prima facie* evidence of the service of the notice as herein required. *Provided, further*, that if the owner be a railroad company or other corporation, that notice shall be served upon some agent or attorney for said railroad company or corporation within Marshall county; *provided*, there be such agent or attorney within said county, and such service shall be made two weeks before said sewerage is begun or the assessment is levied. Notice upon infants may be served on their guardians, and upon insane persons by service upon their committees.

The city shall pay the cost of such sewerage at the intersections of all cross streets (but not including the places where private alleys or private crossings intersect with public streets, avenues and alleys, which shall be paid by the owner or owners of said private alley or crossing); *provided*, that whenever special assessments shall have hereafter been levied and paid under the provisions of this section for such sewerage made after this act becomes a law, the property so assessed shall not again be assessed for more than half the cost and expense of repairing such sewerage; but this exemption shall not apply to the sewerage or repair of sewerage which was laid or repaired before the passage of this act.

It shall be lawful for the city to issue and sell its bonds as provided in this section for the sale of bonds, to pay the city's part of the cost of such sewerage as required by this act, and may levy taxes in addition to all other taxes authorized by law, to pay such bonds and interest thereon; *provided*, that the total indebtedness

of the city for all purposes shall not exceed five *per centum* of the total value of all taxable property therein.

At the expiration of the time for the giving and publication of the notices of the passage of the resolution hereinbefore set forth, the council shall determine whether it will proceed with the proposed sewerage improvement or not, and if it decides to proceed therewith, an ordinance for the purpose shall be passed; said ordinance shall set forth the streets, avenues and alleys upon which the abutting property is to be assessed for such sewerage; shall contain a statement of the general nature of such sewerage and the character of the materials which may be bid upon therefor; of the mode of payment therefor; a reference to the resolution theretofore passed for said sewerage, giving the date of its passage and a statement of the intention of the council to proceed therewith in accordance with said resolution and in accordance with the plans, specifications, estimates and profiles provided for said sewerage.

In setting forth the lots and lands abutting upon said sewerage it shall be sufficient to describe them as the lots and lands abounding and abutting upon said sewerage improvement between and including the termini thereof, or by the description by which they are described on the land books of Marshall county, and this rule of description shall apply in all proceedings in which lots or lands are to be charged with a special assessment.

In any case in which special assessments have been made, or shall hereafter be made, upon property for the construction of any sewer or sewerage authorized by this section, the several kinds of materials have been named in the ordinance or ordinances providing for the same, and on which bids have been received for the construction of said sewer or sewerage with any, either or all of said materials, said assessments shall be valid and binding assessments upon the property so assessed.

No public sewer or sewerage, the cost or part of the cost of which is to be especially assessed on the owners of property, shall be made without the concurrence of three-fifths of the whole number of members elected to the council, unless the owners of a majority of the foot frontage to be assessed petition in writing therefor, in which event the council shall be authorized (a majority of the whole number thereto concurring) to proceed with the said sewer or sewerage in the manner herein provided for.

When the whole or any portion of the sewer or sewerage authorized by this section passes through or by a public wharf, market-space, park, cemetery, structure for the fire department, water-works, school building, infirmary, market house, workhouse, hospital, house of refuge, bridge, gas works, public prison, court house, church, or any other public structure or public grounds within the corporate limits of said city, and belonging to said city, or to the county, state, or any church, association, or eleemosynary institution, the council may authorize the proper portion of the estimated costs and expenses of the said sewer or sewerage to be certified to the clerk of the county court of Marshall county, and the same shall thereupon be recorded by said clerk in the proper trust deed book, and shall thereupon become a lien against said property and collectable as other assessments are collected against individuals under this section, and it shall be the duty of those persons having charge of the fiscal affairs of any such property or institution to make proper arrangements for meeting of such assessments when due and payable.

The cost of any sewer or sewerage contemplated in this section, and for which assessments may be made, shall include the cost and expenses of the assessment, the expense of the preliminary and other surveys, and of printing and publishing all notices required to be published, and serving the notices on property owners, and the cost of construction.

No person who claims damages, arising from any cause due to or arising out of said sewerage improvement, shall commence a suit therefor against the city within sixty days after the completion of said sewerage, in order that the city may take such steps as it may deem proper to settle or adjust the claim.

Proceedings with respect to sewerage provided by this section shall be liberally construed by the council and the court, to secure a speedy completion of the work at a reasonable cost, and the speedy collection of the assessments after the time has elapsed for their payments, and merely formal objections in such cases shall be disregarded.

It is especially provided that no bonds shall be issued under the provisions of this section, unless and until the question of issuing said bonds shall have first been submitted to a vote of the people of said city, and shall have received three-fifths of all votes at said election for or against the same.

*Levy.*

Sec. 50. 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 August of each year, as provided by law, 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 upon each male inhabitant of said city who has attained the age of twenty-one years; *provided*, that such levy shall not exceed the amount prescribed by statute law on every one hundred dollars of the ascertained value of such property, except as herein otherwise provided.

*Financial Statement.*

Sec. 51. In the month of July in each year the council shall cause to be published in two newspapers of opposite politics in the city, 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, showing the source from which all the money was derived, and the name of a person to whom an order was issued, together with the amount of each order, and why such order was issued, arranging the same under distinct heads, and also a specific list of the debts of the city, 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 city every twelve months and then shall be printed according to the provisions of this section. Either method of making this report shall be sworn to by the clerk, by the mayor and members of the finance committee of the council. One copy of such printed report shall be delivered to the judge of the circuit court, one to the clerk of the county court, and one to the

clerk of the circuit court of Marshall county, and one shall be kept as a part of the records of the city, and the remainder shall be held for distribution as called for by the taxpayers of the city.

If council fail or refuse to perform the duties herein named, every member of such council and the clerk 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.

*Bonds—Additional Levy.*

Sec. 52. The municipal authorities of said city shall have the power and authority to issue and make sale of the bonds of the said city and to apply the proceeds thereof to the payment for any general improvement therein, or to any debt or obligation of the said city, as provided in chapter one hundred and forty-one of the acts of one thousand eight hundred and seventy-two and three as amended by chapter fifty-one of the acts of one thousand nine hundred and five, or may submit to the voters of said city the question of making an additional levy, and if three-fifths of the votes cast therein be in favor of such increase levy the council may levy the same.

Sec. 53. The city of Moundsville shall succeed to all the rights, powers and responsibilities, and be vested with the title to all property of the town of Moundsville and the city of Moundsville as heretofore existing and all officers of said city acting as such at the time this enactment takes effect shall continue until the first Monday in April, one thousand nine hundred and eleven, 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 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 the city.

Sec. 54. All acts and parts of acts, whether special or general, coming within the purview of this act, and inconsistent herewith, are hereby repealed.



(Senate Bill No. 153.)

**CHAPTER 83.**

AN ACT to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating "The City of Parkersburg," in the county of Wood, and repealing all acts and parts of acts inconsistent or in conflict herewith.

[Passed February 20, 1911. In effect from passage. Approved by the Governor February 22, 1911.]

**Sec.**

1. Body politic and corporate.
2. Corporate limits and boundary.
3. General and special laws of state not inconsistent with this act, shall apply; also city laws in force at time of passage.
4. Election of officers; vacancies shall be filled.
5. Candidates to be voted for must be selected by a primary election; manner of holding primary election; vacancy on ticket how filled; ballot at general election.
6. Mayor and four councilmen compose council, who govern city.
7. The powers of council; executive and administrative in departments; public affairs, accounts and finance, public safety, streets, etc.
8. Duty of mayor.
9. Power of council to create and discontinue.
10. Mayor and council shall have offices in city building; salary of councilmen; other salaries.
11. Regular meeting of council.
12. Ordinances shall be in form and subject to inspection.
13. Officers and employes prohibited from accepting services not accorded the

**Sec.**

- general public, except policemen and firemen in uniform as to free transportation.
14. Civil service board.
15. Council shall print each month a statement of receipts and expenses; books and accounts to be examined annually.
16. Power of council to revise and repeal.
17. Rules in construction of this act.
18. Right to levy and collect taxes and grant licenses.
19. Council may cause streets or alleys to be paved; how done; when and how paid for; lien on property to secure payment.
20. Power to levy and collect taxes for street paving.
21. How an elective officer may be removed and his place filled by an election.
22. Proposed ordinance may be submitted to council, then submitted to the voters.
23. When an ordinance may go into effect.
24. Petitions shall be signed only by legal voters.
25. When this act shall be effective.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That the inhabitants of so much of the county of Wood as is 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 Parkersburg," 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, con-

vey, transfer, let and assign, pledge, mortgage, charge and encumber in any case, and in any manner, in which it would be lawful for a private individual so to do, subject to the limitations and provisions of the constitution of the state; and may have and use a common seal and alter and renew the same at pleasure; and generally 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 Parkersburg, by virtue of any act or acts of the general assembly of the state of Virginia, or of the legislature of this state heretofore passed; and shall have all the rights, privileges, capacities and powers provided by chapter forty-seven of the code of West Virginia, as contained in the edition of the year one thousand eight hundred and ninety nine, and for which provision is not herein otherwise expressly made.

Sec. 2. The corporation limits and boundaries of said city shall be as follows: Beginning at a point on the southern bank of the Little Kanawha river, at a point opposite the mouth of Worthington creek; thence across the river to the middle of Worthington creek and with the middle line thereof to the bridge on the Staunton Pike; thence a straight line to a point in the center of North Western Turnpike two hundred feet east of the eastern line of the Snakeville road; thence parallel with the Snakeville road, and two hundred feet therefrom, to a point two hundred feet north of the northerly line of Levassor street; thence in a westerly direction, parallel with Levassor street, and two hundred feet therefrom, to a point two hundred feet easterly from the easterly line of the St. Mary's pike; thence in a northerly direction, parallel with the St. Mary's pike, and two hundred feet therefrom to a point three hundred feet northerly from the north line of Twenty-second or Clara street; thence parallel with said Twenty-second or Clara street, and its extension, and three hundred feet northerly therefrom to the center of Murdoch avenue, extended; thence with the center line of Murdoch avenue extended, to the southern line of the lands of J. N. Camden; thence with the line of J. N. Camden, and its extension, to the middle of the Ohio river; thence with the middle of the Ohio river, southerly, to a point opposite the southern bank of the Little Kanawha river, the present boundary; thence a straight line to a point on the

southern bank of the Little Kanawha river; thence with said bank up the river to the place of beginning.

Sec. 3. All general and special laws of the state of West Virginia, governing cities and now applicable and not inconsistent with the provisions of this act, shall apply to and govern the city of Parkersburg. All by-laws, ordinances and resolutions lawfully passed and in force in the city of Parkersburg under its former organization, and not inconsistent herewith, shall remain in force until altered or repealed by the council elected under the provisions of this act. All rights and property heretofore vested in said city are continued and preserved, and no right or liability, either in favor or against it, existing at the time, and no suit or prosecution of any kind, shall be effected by such change, unless otherwise provided for in this act.

Sec. 4. For said city there shall be elected at the regular triennial municipal election, a mayor and four councilmen. The first election under this act shall be held on the Tuesday after the first Monday in April, one thousand nine hundred and eleven, and, thereafter, on the same day in every third year thereafter.

In case this act shall not go into effect within time to permit said first election hereunder to be held on the Tuesday after the first Monday in April, one thousand nine hundred and eleven, then said first election hereunder shall be held on the Tuesday after the first Monday in the second calendar month succeeding the calendar month in which this act goes into effect.

If any vacancy occurs in any such office, the remaining members of said council shall appoint a person to fill such vacancy during the balance of the unexpired term.

Said officers shall be nominated and elected at large. Said officers shall qualify and their terms of office shall be three years and until their successors are elected and qualified, and shall begin on the second Monday after the election. The terms of office of the mayor and councilmen and members of board of affairs in such city in office at the beginning of the terms of office of the mayor and councilmen first elected under the provisions of this act shall then cease and determine, and the terms of office of all other elective or appointive officers in force in such city, except as hereinafter provided, shall cease and determine as soon as the council shall by resolution declare.

Sec. 5. Candidates to be voted for at all general municipal

elections at which a mayor and four councilmen are to be elected under the provisions of this act shall be nominated by a primary election, and no other names shall be printed upon the general ballot, except those selected in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Tuesday preceding the general municipal election. The judges of election shall be appointed by council for the general municipal election, who shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for said general municipal election. The council, as constituted at the passage of this act, shall appoint the judges for the first primary and general elections to be held hereunder.

Any person desiring to become a candidate for mayor or councilman shall, at least ten days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

State of West Virginia, Wood county, ss:

I, \_\_\_\_\_, being first duly sworn, say that I reside at \_\_\_\_\_ street, city of Parkersburg, county of Wood, state of West Virginia; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the \_\_\_\_\_ Tuesday of \_\_\_\_\_, 19—, and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

Signed \_\_\_\_\_

Subscribed and sworn to (or affirm) before me by \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Signed \_\_\_\_\_

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

*Petition Accompanying Nominating Statement.*

The undersigned, duly qualified electors of the city of Parkers-

burg, and residing at the places set opposite our respective names hereon, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the \_\_\_\_\_ Tuesday of \_\_\_\_\_, 19—. We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualified Electors.	Number	Street.
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Immediately upon the expiration of the time of filing the statements and petitions for candidates, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words "Vote for four." The ballots shall be printed upon plain, substantial white paper, and shall be headed:

*Candidates for Nomination for Mayor and Councilmen of the City of Parkersburg, at the Primary Election.*

But shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective offices.)

#### OFFICIAL PRIMARY BALLOT.

*Candidates for Nomination for Mayor and Councilmen of the City of Parkersburg at the Primary Election.*

For Mayor.

(    ) (Name of Candidate.)  
(Vote for One.)

---

For Councilman.

( ) (Name of Candidate.)

(Vote for Four.)

Official ballot, attest:

Signature \_\_\_\_\_, City Clerk.

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk within six hours of the closing of the polls. On the day following the said primary election the said clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor shall be the candidates and the only candidates whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and the eight candidates receiving the highest number of votes for councilmen, or all such candidates if less than eight, shall be the candidates and the only candidates whose names shall be placed upon the ballot for councilmen at such municipal election. In the event of the death or resignation of a nominee before the election, the candidate receiving the next highest number of votes at the primary shall be placed on the ticket in his stead.

The ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precincts, voting places and announcing of results, shall be the same as by law provided for election of officers in said city, so far as the same are

applicable to and not inconsistent with the provisions of this act.

Sec. 6. Said city shall be governed by a council, consisting of the mayor and four councilmen chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. Three members of the council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure. Upon every vote the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall preside at all meetings of the council; he shall have no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor, or by three councilmen, and be recorded before the same shall be in force.

Sec. 7. The council shall have and possess, and the council and its members shall exercise all executive, legislative and judicial powers conferred upon cities, towns and villages by the general law of the state and by this act.

The executive and administrative powers, authority and duties in said city shall be distributed into and among five departments as follows:

1. Department of public affairs.
2. Department of accounts and finance.
3. Department of public safety.
4. Department of streets, parks, public improvements and public property.
5. Department of waterworks and sewers.

The council shall determine the powers and duties to be performed by, and assign them to the appropriate department, shall prescribe the powers and duties of officers and employes, may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Sec. 8. The mayor shall be superintendent of the department of public affairs, and the council shall, at the first regular meeting after election of its members, designate by majority vote, one councilman to be superintendent of the department of accounts and finance, one to be superintendent of the department of public

safety, one to be superintendent of the department of streets, parks, public improvements and public property, and one to be superintendent of the department of waterworks and sewers; but such designation shall be changed whenever it appears that the public service would be benefited thereby.

The council may, at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: a clerk, solicitor, city civil engineer, city physician, chief of police, chief of fire department, city collector, street commissioner, police judge and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city. Any officer, assistant or employe elected, appointed, or employed, may be removed at any time by a vote of a majority of the members of the council, under such regulations as council may prescribe.

Sec. 9. The council shall have power from time to time to create, fill and discontinue offices and employments other than herein prescribed, according to their judgment of the needs of the city, and may, by resolution or otherwise, prescribe, limit or change the compensation of such officers or employes.

Sec. 10. The mayor and council shall have an office or offices at the city hall, and their total compensation shall be as follows: The annual salary of the mayor shall be \$3,000, and of each councilman \$2,000. Such salaries shall be payable in equal monthly installments.

Every other officer or assistant shall receive such salary or compensation as the council shall by ordinance provide, payable in equal monthly installments.

The salary or compensation of all other employes of said city shall be fixed by the council, and shall be payable monthly or at such shorter periods as the council may determine.

Sec. 11. Regular meetings of the council shall be held on the second Monday after the election of councilmen, and thereafter at least twice each month. The council shall provide by ordinance for the time for holding regular meetings, and special meetings may be called from time to time by the mayor or two councilmen. All meetings of the council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

The mayor shall be president of the council and preside at its



meetings, and shall supervise all departments and report to the council for its action in all matters requiring attention in any department. The superintendent of the department of accounts and finance shall be vice president of the council, and in case of vacancy in the office of mayor, or the absence or inability of the mayor, shall perform the duties of the mayor.

Sec. 12. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in said city shall be granted, renewed or extended, except by ordinance. No franchise shall be granted for a period exceeding thirty years, and no amendment or addition thereto shall extend beyond the termination of the original franchise.

Sec. 13. No officer or employe of said city shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be effected by this section.

Sec. 14. Council shall create by appointment, a civil service board, consisting of three residents of the city, whose duty it shall be to examine all applicants for position in the departments of police, fire, and waterworks, and such other departments as may be ordained, including the chiefs of such departments; and shall de-

fine the terms and prescribe the duties of the members of said board. All appointments to said departments shall be made from applicants recommended by said board, and when appointed, shall be removed only for cause.

Sec. 15. The council shall each month print a pamphlet from a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to persons who shall apply therefor at the office of the city clerk. At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures.

Sec. 16. If, at the beginning of the term of office of the first council elected in said city under the provisions of this act, the appropriations for the expenditures of the city government for the current fiscal year have been made, said council shall have power, by ordinance, to revise, repeal or change said appropriations, and to make additional appropriations.

Sec. 17. In the construction of this act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context.

1. The words "councilman" or "member of board of affairs" shall be construed to mean "councilman" when applied to said city.

2. When an officer or officers is named in any law referred to in this act, it shall, when applied to said city, be construed to mean the officer or officers having the same functions or duties under the provisions of this act, or under ordinances passed under authority thereof.

3. The word "franchise" shall include every special privilege in the streets, highways and public places of the city, whether granted by the state or the city, which does not belong to citizens generally by common right.

4. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Sec. 18. Council shall have the right to levy and collect taxes

and grant licenses, including the exclusive right to grant or to refuse to grant or to revoke license to sell intoxicating liquors.

Sec. 19. The council of the city may cause any street or alley to be paved, between the sidewalks, with cobble stone, brick, or other 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, under such regulations as shall be fixed by ordinance, upon the lowest and best terms to be obtained by advertisements for bids or proposals therefor by council as herein provided; 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, shall be assessed to 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 distance of the frontage owned by each. The one-fourth shall be paid within thirty days after the completion and acceptance of the work, and the remainder in three equal installments, payable respectively at such times as the council may by ordinance fix at the time of letting the contracts for such work. The other one-third of the cost of said 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.

The sum or sums of money thus assessed for paving or construction of sewers shall be a lien on the lots or fractional 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 installment thereof, may be collected by a suit at law before any court or any justice of the peace having jurisdiction thereof.

Immediately upon the completion and acceptance of any sewer or paving constructed by virtue of this section, the council shall direct the clerk to 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 have been constructed; give the names of the owners of each lot abutting or abounding upon such street or alley, if known, and if the name or names of the owner or owners of any lot or fractional part of a lot are unknown, such lot shall be described with reasonable certainty in order that the same may be

identified. The number of feet that each lot or fractional part of a lot abuts shall be stated, also the amount assessed against each lot or fractional part of a lot. Said notice shall cite all owners of lots or fractional parts of lots, abutting upon the street or alleys aforesaid to appear before the council of said city at a regular meeting thereof, within thirty days from the first publication thereof, and show cause, if any they can, why the assessment aforesaid should not become final, which notice shall be published once a week for two successive weeks in one or more newspapers of general circulation, published in said city. The council shall, upon the request of any one or more of the owners of said lots or fractional parts of lots, appoint a day to hear the grievances of said owner or owners, and may alter or amend any assessment made against any one or more of said owner or owners for good cause to be shown. The clerk 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 said notice. Council may adjourn the hearing from time to time. In case any owner or owners of abutting property fail to complain of any grievance or injury they may have suffered by reason of the assessment aforesaid, and shall fail to appear for the purpose of having the same corrected, the assessment as laid shall be final. The findings of said council shall be conclusive. 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.

But the lien upon any real estate created by virtue of this section shall be void as to any purchasers 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 affected, the name of the owner 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 Wood county, in a well bound book to be furnished by the city and preserved in said office.

And it is hereby made the duty of said county clerk to record said abstracts; for the recordation of each of which said clerk shall receive a fee of twenty-five cents to be paid by the city.

Sec. 20. The council shall have authority to levy and collect an

annual tax, for the purpose hereinafter specified, on the personal property and real estate in said city, subject to taxation by said city, not to exceed in any year ten cents on every hundred dollars of the assessed value thereof; the money so collected shall be used for the purpose of paying its proportion of the cost of paving or re-paving streets and alleys and for constructing sewers in said city, in accordance with the provisions of section nineteen of this act; and such money shall in no case be used to pay for repairs of streets or alleys or sewers, or for any other purpose than for paving or for sewers. *Provided*, that the total levy for all purposes shall not exceed the total levy authorized by law.

Sec. 21. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty *per centum* of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petitions need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the city clerk shall examine and from the voter's register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; *without prejudice, however*, to the

filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. So far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the clerk at least ten (10) days prior to said special election, a statement of candidacy accompanied by a petition signed by electors entitled to vote at said special election, equal in number to at least ten *per centum* of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in section five of this act, so far as the same is applicable, substituting the word "special" for the word "primary" in such statement and petition and stating therein that such person is a candidate for election instead of nomination.

The ballot for such special election shall be in substantially the following form :

OFFICIAL BALLOT.

"Special election for the balance of the unexpired term of ———

as \_\_\_\_\_

For \_\_\_\_\_

(Vote for one only)

(Names of candidate)

( ) \_\_\_\_\_

( ) \_\_\_\_\_

Name of present incumbent.

Official ballot attest.

Signature \_\_\_\_\_

City Clerk."

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who received the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The said method of removal shall be cumulative and additional to the methods heretofore provided by law.

Sec. 22. Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petition under section twenty-one hereof.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty *per centum* of the votes cast for all candidates for mayor at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, such council shall either

(a) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition; or,

(b) Forthwith, after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election, unless the general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city. But if the petition is signed by not less than ten *per centum* of the electors, as above defined, then the council shall within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than ninety nor

less than thirty days after the clerk's certificate of sufficiency is attached to said petition.

The ballot used when voting upon said ordinance, shall contain these words: "For the ordinance," and "Against the ordinance," (stating the nature of the proposed ordinance.) If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

The council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

Sec. 23. No ordinance or franchise passed by the council, except when otherwise required by the general laws of the state or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which shall contain a statement of its urgency, shall go into effect before ten days from the time of its final passage, and not then unless within two days after passage, Sundays and holidays excepted, the same shall have been published in full in some newspaper published and generally circulated in said city. And if during said ten days a petition signed by electors of the city, equal in number to at least twenty *per centum* of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, or franchise, be presented to the council, the said ordinance or franchise shall thereupon be suspended from going into opera-



tion, and it shall be the duty of the council to reconsider such ordinance, or franchise, and if the same is not entirely repealed, the council shall submit the ordinance, or franchise, as is provided by sub-section *b* of section twenty-two of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance or franchise shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section twenty-two, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided.

Sec. 24. Petitions provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

Sec. 25. But this act shall not be effective unless the same shall be first submitted to the voters of said city at a special election called for the purpose and adopted by the majority of the votes cast at such election. Said special election shall be held on the third Tuesday of the month succeeding the calendar month in which this act would go into effect but for this section. This act shall be published in full once a week three times immediately preceding said special election in all the daily newspapers published in said city; and if ratified, or adopted, at such election, this act shall then go into effect. No special registration of voters shall be required for said special election.

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(Senate Bill No. 63.)

## CHAPTER 84.

AN ACT to amend and re-enact sections eighteen, forty-nine, fifty, fifty-four, fifty-nine, and sixty of chapter two of the acts of one thousand nine hundred and nine, granting a charter to the city of Charleston.

[Passed February 21, 1911. Disapproved by the Governor February 22, 1911. Passed February 22, 1911 notwithstanding the disapproval of the Governor. In effect from passage.]

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| <p>SEC.</p> <p>18. The council a co-ordinate legislative branch of city government; relation to board of affairs.</p> <p>49. An ordinance passed by the board of affairs; must have an affirmative vote of council to become effective; an amendment by council must likewise have approval of board.</p> <p>50. Committees of council; authority to perform duties; power of council as to ordinance franchise, etc.</p> <p>54. Vetoes by council of any ordinance</p> | <p>SEC.</p> <p>59. License to sell spiritous liquors upon petition of twenty per cent of voters of city; a special election shall be called for the purpose of voting as to whether license to sell spiritous liquors shall be granted or refused; manner of holding election provided for, canvassed and declared.</p> <p>60. When a liquor license may be revoked: provision to prevent combination and collusion.</p> |
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*Be it enacted by the Legislature of West Virginia:*

That sections eighteen, forty-nine, fifty, fifty-four, fifty-nine and sixty of chapter two of the acts of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Sec. 18. The council shall be a co-ordinate legislative branch of the government of the city, with power of approval or disapproval of all ordinances, licenses and franchises.

The council or any ten members thereof shall have the right, from time to time, to demand of the board of affairs any specifications, facts, maps, plans, details, contracts, agreements, correspondence or other papers or documents affecting the city's interests or rights, and it shall be misfeasance and neglect of duty for the board of affairs to fail to comply with any such demand; and the council or any ten members thereof may likewise require reports from the board of affairs and from any officer of the city concerning any public business, thing, or matter in which the city may be interested, and it shall be misfeasance and neglect of duty for the board of affairs or any official to fail to comply with any such requirements. The council may likewise from time to time make recommendations to the board of affairs or to any officer for the city's best interest or good.

Sec. 49. Whenever any ordinance shall be passed by the board of affairs, the same shall, not later than the third day thereafter, be transmitted to the presiding officer of the council unless he be absent from the city, and the same shall be by the presiding officer, or if he fail or refuse to do so, then by the recorder or by any member of council, laid before the next regular meeting of council or before a special meeting called for considering the same previous to the next regular meeting of council. And the council shall, under its rules, consider the same and may adopt, ratify, reject or

amend any such ordinance as fully as the board of affairs could have done when considering same. And if a majority of the members elected to council by a yea and nay vote, entered upon its minutes shall ratify or approve the ordinance, it shall be passed and become a law from its passage; but if all the members be not present and the ordinance does not receive a majority, and there be not a majority of the whole council recorded against it, the ordinance may be again considered and voted upon by council at any other meeting until a majority of whole council shall vote for or against the ordinance. But if a majority elected to said council shall vote against it, it shall not become a law and shall not be further considered. Council may also amend or modify the ordinance or may consider substitutes therefor and vote upon, pass or reject such amendments, modifications or substitutes, but on the final passage of any amended ordinance or substitute, the vote shall be taken by a yea and nay vote entered of record. If any amended or substitute ordinance be passed by council, it shall not become a law until such amended or substitute ordinance shall be passed by a vote of at least three of the board of affairs by a yea and nay vote entered of record, and when any such amended or substitute ordinance shall be passed by council it shall be transmitted by the presiding officer or recorder to the board of affairs for such action of the board as it may deem proper.

Sec. 50. Council shall have the right to appoint such committees of its own bodies as it may deem proper and may give such committees power and authority to perform any duties and make any reports to council concerning the duties of council, and council may adjourn its meetings from time to time, pending the consideration of any matter, franchise or ordinance, and may postpone the announcement of any vote to an adjourned meeting or to a future meeting. And no failure of any officer to transmit to council any ordinance, franchise or action of the board of affairs shall prevent the council from considering the same.

Sec. 54. All ordinances passed shall be spread *in extenso* upon the record of ordinances when adopted. All vetoes of any ordinances or franchises passed by the board of affairs and vetoed by the council shall be read in open meeting of the board of affairs and noted in the minutes of the proceedings. All amended or substituted ordinances passed by council, shall be acted upon by the board of affairs as an original ordinance pending before it.

The board of affairs shall provide a well bound book in which shall be copied by the recorder all ordinances in the order in which they were passed and approved, which ordinances when so copied shall be compared with the originals by the mayor and shall be signed by him when found correct. Such books shall be indexed so as to show in brief form the substance of the ordinance, and shall be received by all courts and justices in this state as evidence, but the board of affairs may adopt by ordinance properly designated and describing it a code of laws and ordinances, which, when adopted shall be printed in book form, or said board may designate any committee, or attorney or the city solicitor to prepare a code of ordinances for the government of the city of Charleston, and said board may by ordinance adopt the code so prepared as a whole, and when said ordinance adopting said code shall have been approved by the council the said code shall be and become the laws and ordinances of said city, and may be printed by order of the board of affairs and the same shall be received as such in all the courts of this state, and the printed volumes published under the orders of the board of affairs shall be so received as evidence of what is printed therein, until errors or omissions be affirmatively shown therein.

Sec. 59. The board of affairs shall have the right, subject to the provisions herein contained in this section, to grant all licenses for the sale of spirituous liquors, wine, beer, porter, ale, and drinks of like nature within the city of Charleston, regardless of the provisions of chapter thirty-two of the code of West Virginia, relating to such licenses requiring the county court to grant such licenses, and to grant all other licenses on any business for which a city license is required; and said board of affairs shall have the sole and exclusive power to pass all rules and regulations governing the sale of spirituous liquors, wine, beer, porter, ale and drinks of like nature within the said city of Charleston, or within two miles of the corporate limits of said city. No license shall be granted and no ordinance, rule or regulation relating to the same shall be passed, except upon the affirmative vote of three members of the board of affairs. The board of affairs shall have the sole power to fix the amount of license tax to be charged for any license to conduct any business for which a license is now or may hereafter be required by any ordinance of said city. Whenever any license has been granted by the board of affairs for the sale of spirituous

liquors, wine, beer, porter, ale and drinks of like nature it shall be the duty of the recorder of the city of Charleston to issue a certificate to the person to whom said license was granted by the board, reciting the name of said person, the street and number at which the business is to be carried on, the nature of the business whether wholesale or retail and the length of time for which the license is issued and the date of expiration of the same, which certificate shall be by the recorder presented to the council at a regular meeting of that body, or at any special meeting duly called, and the council shall at said meeting or any recess of the same, by any aye and nay vote, either approve or disapprove the issuing of any such license certificate so issued by the recorder under direction of the board of affairs. Should the certificate of license be disapproved by the council, no such license shall be granted to the party holding said certificate, but should said license certificate be approved by the council, then the recorder shall endorse that fact upon the face of the certificate, and also to issue a duplicate of said certificate, which duplicate shall be presented by the holder of said city license to the clerk of the county court of Kanawha, and it shall be the duty of said clerk to forthwith calculate the amount of state license tax to be paid by the holder of said city license for the term therein specified, and to issue to the holder of said city license a certificate for the state license, setting forth the amount of tax to be paid thereon to the state, which certificate shall thereupon be presented to the sheriff of Kanawha county, together with the amount of the state tax thereon as ascertained by the said clerk, and the sheriff of Kanawha county shall receipt for said state tax on the face of said certificate, and said county clerk's certificate so receipted by the sheriff shall constitute a state license for the purposes and for the time therein set forth, and no approval or action of the county court of Kanawha county shall be required for obtaining said state license within the corporate limits of the city of Charleston.

The board of affairs may by ordinance require a city license to be had for the transaction of any business within the city, for which a state license is required, after the passage of such ordinance, the amount of which license tax shall be fixed by an order of the board of affairs, in no case however, to be less than the amount charged by the state for a license for doing the same thing, and said board of affairs may in any case require from the persons so li-

censed a bond, with such sureties and in such penalties and with such conditions as it may deem proper; and the board of affairs on notice, may revoke such license at any time if the condition of the said bond be broken.

A person assessed with a city license for the sale of strong or spirituous liquors, wine, beer, porter, ale and drinks of like nature, within the said city or within two miles of the corporate limits thereof, shall pay said tax to the treasurer of the city before any such license is granted to him by said board of affairs. The board of affairs may by ordinance prescribe and enforce reasonable fines and penalties, including imprisonment, under order of the police judge of said city, or the persons lawfully exercising his function, upon any person carrying or attempting to carry on any business for which a city license is required by said board, without first obtaining a city license therefor and paying a city license tax assessed thereon. For the purpose of enforcing the provisions of this section, the city shall have police jurisdiction for two miles beyond corporate limits thereof.

It shall be the duty of the board of affairs, upon petition filed with the board not later than the third Monday in May, one thousand nine hundred and eleven, and signed by not less than twenty *per cent.* (20%) of the voters of said city who were duly registered at the last regular city election, to call a special election of the voters of said city, and the mayor to issue his proclamation calling for said special election and submitting to a vote of the qualified voters of said city the question as to whether retail licenses for the sale of spirituous liquors, wine, beer, porter, ale and drinks of like nature shall be granted within the said city for each of the two succeeding fiscal years.

The mayor shall specify the date upon which such election shall be held which shall not be more than three weeks nor less than ten days from the date of the first publication of said proclamation, and said proclamation shall be published once a week for two successive weeks before said election in two newspapers of general circulation and of opposite politics published in the city of Charleston, and said election shall be held as provided by law for holding of other city elections, except that it shall not be necessary to have a special registration for said election, but the mayor may in his proclamation declare that the registered list of voters used for the last city election may be used

for such special election. No special election for submitting the license question shall be held at any time within two years of the date of any previous election submitting said question to the voters of said city.

*It is further provided,* That for the purpose of holding said special elections for submitting the license question and for all other special elections to be held within said city for any purposes whatever, it shall not be necessary to have a special registration of the voters, but it shall be lawful for the commissioners of election to use the registration books of the last city election for such special elections, after said books shall have been revised and corrected as herein provided; the board of affairs shall sit at the city hall for one day at least three days previous to any such special election for the purpose of correcting said registration books and entering the names of any lawful voter of the city of Charleston, not already entered on said books, for issuing transfers to any voter who has removed to another precinct, and for striking off the names of any voter when it shall be shown by affidavits of two responsible voters that he has permanently removed from the city and is not entitled to vote at said election. Notice of such time of the sitting of the board of affairs for the correction of said registration shall be given in the mayor's proclamation calling such special elections. The commissioners of election shall be appointed in the same manner as for other city elections, except that it shall be the duty of the appointing body in appointing the commissioners for holding any such election on the license question to appoint at least one commissioner of election for each precinct from a list of persons eligible to serve as such and submitted to such appointing board, by the organization representing the local temperance or prohibition party, and the commissioner so appointed to represent the temperance or prohibition party shall have the right to select one of the clerks for the precinct for which he is appointed, which clerk shall possess all the qualifications required for a clerk at a city election. No city officer, and no person engaged in the sale of spirituous or vinous liquors, and no person who shall have been in the three years preceding said election, convicted of the illegal sale of spirituous liquors, wines, ale, beer, porter, or drinks of like nature, shall be appointed as clerk or commissioner of election. The person voting for license shall have written or printed upon his ballot, the words, "For License" and the person voting against license

shall have written or printed upon his ballot the words "Against License." The result of such election shall be canvassed and declared, as provided for other city elections. If a majority of the voters voting at such election shall have voted for license, then it shall be the duty of the board of affairs to grant such license for each of the next two fiscal years. If a majority of the voters voting at such election shall vote against license, then for each of the next two succeeding fiscal years, no such license shall be granted by the municipal authorities. And in the event a majority of the voters voting at such election shall have voted for license, then the discretion vested in the board of affairs to grant such licenses, and the council to approve or disapprove of such licenses, is intended only to give to said board of affairs and to the council such discretion as to persons to whom and places at which such licenses shall be granted, and shall not be construed as giving to the board of affairs the right to refuse, or to the council the right to refuse to approve, all such licenses for each of the next two fiscal years.

Sec. 60. If any person holding a city license shall be convicted in any court of competent jurisdiction including the police court of said city, of the illegal sale of spirituous liquors, or drinks of like nature, the license of such person may be revoked by the board of affairs, and in the event of a second conviction of the same person of an illegal sale of such spirituous liquors or drinks of like nature, such license shall be revoked by the board of affairs; *provided*, that for one such conviction of any person holding such license upon a charge of violation of any law or ordinance forbidding the sale of any such articles on Sunday, the board of affairs shall revoke such license, and no license shall be thereafter granted him.

The board of affairs shall, subject to the provisions of section fifty-nine have the sole and exclusive power to make all rules and regulations necessary and proper concerning the granting and revoking of all licenses.

In order to prevent any combination or collusion concerning licenses, the board of affairs shall prescribe the basis upon which liquor license shall or may be granted and shall prescribe the number thereof according to population or by some other fair basis, and it shall be lawful for the board of affairs to revoke any license or licenses whenever it shall be charged before it by any ten responsible tax payers and after notice to the licensees and it is proved to the satisfaction of the board that by collusion, fraud or combina-



tion, the benefit of any license or licenses is enjoyed or controlled by any trust or combination to control the liquor business within said city.

All acts and parts of acts inconsistent herewith are to that extent hereby repealed.

(House Bill No. 161.)

## CHAPTER 85.

AN ACT to amend and re-enact section thirty-five of chapter forty of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-one, amending the charter of the town of Point Pleasant.

[Passed February 18, 1911. In effect ninety days from passage. Approved by the Governor February 20, 1911.]

<p>SEC. 35. License to sell spirituous liquors shall only be granted by the county</p>		<p>SEC. court.</p>
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*Be it enacted by the Legislature of West Virginia:*

That section thirty-five of chapter forty of the acts of the legislature of one thousand eight hundred and ninety-one be amended and re-enacted so as to read as follows:

Sec. 35. The council shall prescribe by ordinance the manner in which licenses of all kinds shall be applied for and granted; except license to sell at wholesale or retail spirituous liquors, wine, porter, ale, beer and drinks of like nature, and shall require the payment of the tax thereon before delivery to the person applying therefor. No license to sell at wholesale or retail, spirituous liquors, wine, porter, ale, beer or drinks of like nature shall be granted by the council of said town, such license shall only be granted by the county court in the manner prescribed by law.

All acts and parts of acts inconsistent with this act are hereby repealed.

## SENATE JOINT RESOLUTION NO. 2.

(Adopted February 7, 1911.)

Authorizing the janitor of the capitol to employ additional help.

*Resolved by the Legislature of West Virginia:*

That the janitor at the capitol may appoint not to exceed eight additional helpers during the present session of the legislature, who shall receive three dollars per day each, one-half of which shall be paid out of the contingent fund of the senate and one-half to be paid out of the contingent fund of the house of delegates; also to appoint two scrub women, who shall receive a like compensation, payable as hereinbefore provided for janitor's assistants.

## SENATE JOINT RESOLUTION NO. 5.

(Adopted January 31, 1911.)

Adopting joint rules of the senate and house of delegates.

*Resolved by the Senate of West Virginia, the House of Delegates concurring therein:*

That the joint rules of the senate and house of delegates adopted at the regular session of one thousand nine hundred and nine, and printed in the manual of that year be and the same are hereby accepted as the joint rules governing the two houses during the present session of the legislature.

## SENATE JOINT RESOLUTION NO. 6.

(Adopted February 9, 1911.)

Proposing an amendment to the constitution of this state, prohibiting the manufacture, sale and keeping for sale of malt, vinous or spirituous liquors, wine, porter, ale, beer or any intoxicating drink, mixture or preparation of like nature.

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*Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:*

That the following be and the same is hereby proposed as an amendment to the Constitution of this state, to-wit:

That section forty-six of Article six of said constitution as it now is, be stricken out, and the following inserted therein in lieu thereof:

46. On and after the first day of July, one thousand nine hundred and fourteen, the manufacture, sale and keeping for sale of malt, vinous or spirituous liquors, wine, porter, ale, beer or any intoxicating drink, mixture or preparation of like nature, except as hereinafter provided, are hereby prohibited in this state; *provided, however,* that the manufacture and sale and keeping for sale of such liquors for medicinal, pharmaceutical, mechanical, sacramental and scientific purposes, and the manufacture and sale of denatured alcohol for industrial purposes may be permitted under such regulations as the legislature may prescribe. The legislature shall, without delay, enact such laws, with regulations, conditions, securities and penalties as may be necessary to carry into effect the provisions of this section.

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SENATE JOINT RESOLUTION NO. 8.

(Adopted February 6, 1911.)

Relating to the election of United States Senators by a direct vote of the people.

*Resolved by the Legislature of West Virginia:*

That we request the congressmen from our state, and instruct our senators to vote for an amendment to the constitution of the United States providing for the election of United States senators by a direct vote of the people.

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SENATE JOINT RESOLUTION NO. 22.

(Adopted February 24, 1911.)

Raising a committee to investigate and report upon the subjects of employers' liability and laborers' compensation laws.

WHEREAS, various bills have been introduced involving the subjects of employers' liability and laborers' compensation, which subjects are intricate, and the advisability of adopting such legislation depends upon facts not at this time obtainable; and,

WHEREAS, it is represented that some states have adopted laws fixing clearly the liability of employers of labor, and the compensation to laborers when injured or sick, and fixing a definite compensation to their widows and children at death, in certain instances; and,

WHEREAS, the conditions in those states may be different from the conditions in this state, and it would be unsafe to legislate upon such important subjects in the absence of exact information and a clear understanding of any available precedents; and,

WHEREAS, the conditions of labor, as well as the prosperity of all manufacturing, industrial and transportation concerns, are the objects of the deepest solicitude of the people and their representatives; and,

WHEREAS, it is deemed just to all that any radical change in the duties and rights of either employer or employe under the law should be actuated by the highest promptings toward the public good, and predicated upon information so accurate and trustworthy that it should be accepted by all the people without question; now, therefore, be it

*Resolved by the Senate of West Virginia, the House of Delegates concurring therein:*

1. That a commission consisting of Ben Davis, of the United Mine Workers of America, Wm. F. Welch, of the Ohio Valley Trades and Labor Assembly, I. V. Barton, commissioner of labor of this state, M. T. Davis, of Kanawha county, C. W. Brockunier, of Ohio county, Prof. P. B. Reynolds, of Morgantown, Isaac T. Mann, of Bramwell. T. E. Houston, of Elkhorn, two members of the senate to be appointed by the president of the senate, and three members of the house of delegates, to be appointed by the speaker of the house, which commission shall investigate and report to the governor, not later than January first, one thousand nine hundred and twelve, the following:

1. What states have adopted laws concerning employers' liability and laborers' compensation, and the purport of such laws or copies thereof.

2. How many employers of labor are there in this state, the number of employes, the kind of work required, the amount of capital invested, and any other data necessary to enable the legislature to pass intelligently upon the subjects named in the caption.

3. The number of cases pending and disposed of during the last two years in the courts of this state growing out of injuries to employes while engaged in their employment, the amount recovered by compromise or otherwise.

4. The advisability of legislation in this state of the kind suggested, and the reasons, whether for or against.

Said commission shall meet not later than May first, one thousand and nine hundred and eleven, at a place to be selected by the clerk of the senate, who shall notify each person named on this commission of his appointment and of the time and place of such meeting. The commission shall select one of their number as chairman, and one as secretary, and shall control their own sittings, work and places of meeting after the first.

Said commission is authorized to employ a stenographer and an accountant, if deemed necessary, to send for persons and papers, to subpoena witnesses, to take testimony, and to compel the attendance of witnesses, all upon the order of the commission, evidenced by the subpoena, order or warrant of the chairman.

A majority of the commission shall constitute a quorum for the transaction of business.

Said commission shall transmit its report in writing to the governor who shall, at once, cause the same to be printed, and shall deliver at least fifty copies to each member of the commission, and at least twenty copies to each member of the senate and house of delegates, and shall transmit the same to the next regular or special session of the legislature.

Five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this resolution; and the auditor shall pay the same upon warrants of the chairman and secretary of said commission. But no obligation shall be created by the commission beyond the said sum appropriated, and only the actual expenses of the members of the commission while on duty shall be paid out of the money hereby appropriated.

## SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted January 30, 1911.)

Raising a joint committee to wait upon the governor.

*Resolved by the Senate of West Virginia, the House of Delegates concurring therein:*

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.

## SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted February 23, 1911.)

Providing for the printing and distribution of the advance copies of the acts of this session of the legislature.

WHEREAS, it is provided in senate bill number seventeen of this session that the clerk of the house carry out the provisions of concurrent resolution number ———, relating to the printing and distributing of the acts of the present session of the legislature; and,

WHEREAS, said concurrent resolution referred to in said senate bill number seventeen had not been adopted at the time said bill was passed and became a law, now, therefore, in order to make the provisions of said senate bill number seventeen relating to the printing and distribution of the acts of the present session effective.

*Be it Resolved*, that the clerk of the house of delegates is hereby directed to have printed by the public printer fifteen hundred (1500) advance copies of the acts of this session with full table of contents, for distribution among the members of the legislature, judges of the supreme, circuit and criminal courts, sheriffs, prosecuting attorneys and clerks of the circuit and county courts. Said

public printer shall print and deliver said advance copies to said clerk within forty (40) days after the adjournment of this session. Upon receipt of same the clerk shall, without delay, forward by mail or express to each member of the house and senate at least ten copies thereof; and the sum or two hundred dollars out of the contingent fund of the house of delegates and the sum of one hundred dollars out of the contingent fund of the senate, or so much thereof as is actually used for the purpose is hereby directed to be paid upon the warrant of the proper official of the respective houses, to cover the postage or expressage thereon.

For the work provided for in this resolution the clerk of the house shall not be allowed any compensation other than that which is provided in said senate bill number seventeen, "to carry out the provisions of concurrent resolution number \_\_\_\_\_, relating to the printing and distribution of the acts of the present session of the legislature.

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HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted January 24, 1911.)

Adopting joint rules of the house of delegates and senate.

*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 one thousand nine hundred and nine, and printed in the manual of the legislature of one thousand nine hundred and nine, be and the same are hereby adopted as the joint rules governing the two houses during the present session of the legislature.

ACTS

OF THE

WEST VIRGINIA LEGISLATURE

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EXTRAORDINARY SESSION

1911.





## GOVERNOR'S PROCLAMATION.

UNITED STATES OF AMERICA,  
STATE OF WEST VIRGINIA.—EXECUTIVE DEPARTMENT.

### A PROCLAMATION:

I, William E. Glasscock, Governor of the State of West Virginia, by virtue of the authority conferred upon me by section seven of article seven of the constitution of said state, do hereby convoke the legislature in extraordinary session, to meet in its chambers, in the capitol, in the city of Charleston, in said state, at noon, on Tuesday, the sixteenth day of May, A. D. 1911, to act and enter upon the following named business:

*First.* To pass an act for the holding of primary elections for the nomination by political parties of candidates for public office, including the office of United States senator; and, in connection therewith, to provide for the selection of political party committees and the holding of political party conventions.

*Second.* To amend and re-enact chapter twenty-two of the acts of the extraordinary session of 1908, commonly known as the "Corrupt Practices Act," or to pass other act or acts having the general purpose and object of that act; that is, to prohibit bribery and all other corrupt acts and practices in or about any election, general, special or primary, or in or about any caucus, convention or meeting for the nomination or selection of candidates for public office, including candidates for the office of United States senator, or of members of a committee of any political party; to prohibit the undue, lavish, or corrupt use of money in or about any such election, or in or about the choosing of candidates for public office, including the office of United States senator, or the members of political party committees.

*Third.* To pass an act or acts appropriating money to pay the compensation and mileage of the members, and the compensation

of the officers, clerks and other attaches of the Legislature, and other expenses of the Legislature for this extraordinary session.

Given under my hand and the great seal of the state, at the capitol, in the city of Charleston, this eighteenth day of April, A. D. 1911, and in the forty-eighth year of the state.

WM. E. GLASSCOCK.

By the Governor:

STUART F. REED, *Secretary of State.*

# ACTS OF 1911.

## EXTRAORDINARY SESSION.

(Senate Bill No. 2.)

### CHAPTER 1.

AN ACT making appropriation of public money on account of contingent expenses of the legislature, extraordinary session of one thousand nine hundred and eleven.

[Passed May 17, 1911. In effect from passage. Approved by the governor May 18, 1911.]

Sec.		Sec.
1.	Appropriation for contingent expenses of the senate and house of delegates.	2. Supplies, how purchased.
		3. Auditor authorized to issue warrants upon the treasurer.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That there is hereby appropriated out of the public treasury the following sums of money on account of the contingent expenses of the present extraordinary session of the legislature:

For contingent expenses of the senate, fifteen hundred dollars or so much thereof as may be necessary for said purpose.

For contingent expenses of the house of delegates two thousand dollars, or so much thereof as may be necessary for said purpose.

Sec. 2. No supplies shall be purchased for either house except by resolution, or upon an order signed by the president of the senate and clerk thereof, or by the speaker of the house of delegates and clerk thereof.

Sec. 3. The auditor is hereby authorized and directed to issue his warrants upon the treasurer for such amounts as may be necessary and may be authorized or directed by the resolution of either house to be paid out of this fund.

(Senate Bill No. 1.)

**CHAPTER 2.**

AN ACT making appropriation of public money to pay the members and elective officers of the legislature their mileage for the extraordinary session of one thousand nine hundred and eleven.

[Passed May 17, 1911. In effect from passage. Approved by the governor May 19, 1911.]

SEC.

1. Appropriation of moneys to pay the mileage of the members and elective officers of the legislature for

SEC.

the extraordinary session of 1911.  
2. Authorizing the auditor to issue warrants.

*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That there shall be and are hereby appropriated out of the moneys in the state treasury the following sums for the payment of the mileage of the members and elective officers of the legislature for the extraordinary session of one thousand nine hundred and eleven.

## SENATE.

To pay the mileage of the members and elective officers of the senate, one thousand three hundred dollars.

## HOUSE OF DELEGATES.

To pay the mileage of the members and elective officers of the house of delegates, three thousand five hundred dollars.

Sec. 2. The auditor is hereby authorized and directed to issue his warrants upon the treasury for such amounts as are or may be necessary to pay the amount due the several members and elective officers of each house on account of mileage, to be paid upon the requisition of the clerk of the senate and the sergeant-at-arms of the house of delegates.

(House Substitute for Senate Bill No. 7.)

**CHAPTER 3.**

AN ACT making appropriations of public money to pay per diem of the members, officers and attaches of the legislature for the extraordinary session of one thousand nine hundred and eleven, up to and including May 30, 1911.

[Passed May 30, 1911. In effect from passage. Approved by the governor May 30, 1911.]

<p>SEC. 1. Appropriation of money to pay per diem of members officers and attaches of the senate and house of</p>	<p>SEC. 2. Auditor authorized to issue warrants.</p>	<p>SEC. delegates for the extraordinary session of 1911.</p>
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*Be it enacted by the Legislature of West Virginia:*

Sec. 1. That there be and are hereby appropriated out of the money in the public treasury, for the payment of the per diem of the members, officers and attaches of the legislature for the extraordinary session of one thousand nine hundred and eleven, the following sums of money, up to and including May thirtieth, one thousand nine hundred and eleven:

SENATE.

To pay the per diem of the members of the senate, one thousand eight hundred dollars.

To pay the per diem of the chief clerk of the senate, one hundred and fifty dollars.

To pay the per diem of the sergant-at-arms of the senate, seventy-five dollars.

To pay the per diem of the doorkeeper of the senate, sixty dollars.

To pay the per diem of two assistant clerks at the desk, at six dollars each per day, one hundred and eighty dollars.

To pay the per diem of seven assistants to the clerk of the senate, five hundred and twenty-five dollars.

To pay the per diem of the clerks of the committees on judiciary and finance, one hundred and eighty dollars.

To pay the per diem of two stenographers, one hundred and fifty dollars.

To pay the per diem of the mailing and banking page of the senate, forty-five dollars.

To pay the per diem of two journal and bill pages, at three dollars each per day, ninety dollars.

To pay the per diem of four floor pages, at two dollars each per day, one hundred and twenty dollars.

To pay the per diem of one night watchman, thirty-seven dollars and fifty cents.

To pay the per diem of one cloak room keeper, thirty-seven dollars and fifty cents.

To pay the extra per diem allowed by law to the president of the senate, thirty dollars.

To pay the extension of time allowed by section sixteen, chapter twelve of the code, to the clerk of the senate, one hundred dollars.

To pay six days per diem to the president of the senate for returning to sign up the corrected journal, thirty-six dollars.

#### HOUSE OF DELEGATES.

To pay the per diem of the members of the house of delegates, five thousand one hundred and sixty dollars.

To pay the per diem of the clerk of the house, one hundred and fifty dollars.

To pay the per diem of the sergeant-at-arms of the house, seventy-five dollars.

To pay the per diem of the assistant sergeant-at arms of the house, seventy-five dollars.

To pay the per diem of the doorkeeper of the house, sixty dollars.

To pay the per diem of the expert desk clerk, ninety dollars.

To pay the per diem of the chief assistant and reading clerk, ninety dollars.

To pay the per diem of six assistants to the clerk of the house, five hundred and forty dollars.

To pay the per diem of the clerks of the committees on judiciary and finance, one hundred and eighty dollars.

To pay the per diem of three journal pages, one hundred and thirty-five dollars.

To pay the per diem of three floor pages, ninety dollars.

To pay the per diem of one mailing and banking page, forty-five dollars.

To pay the per diem of two cloak room keepers, seventy-five dollars.

To pay the per diem of one night watchman, thirty-seven dollars and fifty cents.

To pay the extra per diem allowed by law to the speaker of the house, thirty dollars.

To pay the extension of time allowed to the clerk of the house of delegates by section sixteen of chapter twelve of the code, one hundred dollars.

To pay six days extension of time to the speaker of the house for returning to sign up the corrected journals, thirty-six dollars.

## JANITOR AND ASSISTANTS.

To pay the per diem of the janitor, extra compensation during the session of the legislature as provided by section one of chapter eleven of the code, at three dollars per day, forty-five dollars.

To pay the per diem of five assistants to the janitor as provided by section one of chapter eleven of the code, at three dollars each per day, two hundred and twenty-five dollars.

To pay extra per diem to two charwomen during session of the legislature, thirty dollars.

The last three items to be paid one-half out of the senate contingent fund and one-half out of the house contingent fund.

Sec. 2. The auditor of this state is hereby authorized and directed 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, upon proper requisition of the clerk of the senate and sergeant-at-arms of the house of delegates, respectively.

## SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted May 16, 1911.)

Raising a joint committee to wait upon the governor.

*Resolved by the Senate, the House of Delegates concurring therein:*

That a committee of two on the part of the senate and three on the part of the house be appointed to jointly wait upon the governor and notify him that the legislature is now in special session pursuant to his proclamation dated the 18th day of April, one thousand nine hundred and eleven, with a quorum of each house present, and awaits any communication he may desire to make. The members of said committee to be appointed respectively by the president of the senate and the speaker of the house.





OFFICIAL DIRECTORY.



STATE GOVERNMENT.

STATE CAPITOL, CHARLESTON, KANAWHA COUNTY.

OFFICE.	NAME.	RESIDENCE.	COUNTY
Governor.....	WM. E. GLASSCOCK.....	Morgantown.....	Monongalia.
Secretary of State.....	STUART F. REED.....	Clarksburg.....	Harrison.
State Superintendent of Free Schools.....	M. P. SHAWKEY.....	Charleston.....	Kanawha.
Auditor.....	JOHN S. DARST.....	Cottageville.....	Jackson.
Attorney General.....	WM. G. CONLEY.....	Kingwood.....	Preston.
Assistants.....	FRANK LIVELY.....	Hinton.....	Summers.
	J. O. HENSON.....	Martinsburg.....	Berkeley.
Treasurer.....	E. L. LONG.....	Welch.....	McDowell
State Tax Commissioner.....	FRED O. BLUE.....	Philippi.....	Barbour.
Librarian.....	J. C. GILMER.....	Charleston.....	Kanawha.
Commissioner of Banking.....	S. V. MATHEWS.....	Charleston.....	Kanawha.
Adjutant General.....	C. D. ELLIOTT.....	Parkersburg.....	Wood.
Commissioner of Labor.....	I. V. BARTON.....	Wheeling.....	Ohio.
Chief Mine Inspector.....	JOHN LAING.....	Charleston.....	Kanawha.
Game and Fish Warden.....	J. A. VIGUESNEY.....	Belington.....	Barbour.
Pardon Attorney.....	E. G. PIERSON.....	Fayetteville.....	Fayette.
Archivist and Historian.....	VIRGIL A. LEWIS.....	Mason.....	Mason.

STATE BOARD OF CONTROL.

JAMES S. LAKIN, <i>President</i> .....	Kingwood.....	Preston County.
JOHN A. SHEPPARD.....	Williamson.....	Mingo County.
Dr. E. B. STEPHENSON.....	Charleston.....	Kanawha County.

UNITED STATES SENATORS.

NAME.	POSTOFFICE.	COUNTY.	TERM EXPIRES.
CLARENCE W. WATSON.....	Fairmont.....	Marion.....	March 4, 1913.
WILLIAM E. CHILTON.....	Charleston.....	Kanawha.....	March 4, 1917.

REPRESENTATIVES IN CONGRESS.

DISTRICT	NAME.	POSTOFFICE.	COUNTY.	TERM EXPIRES.
First.....	JOHN W. DAVIS.....	Clarksburg.....	Harrison.....	March 4, 1913.
Second.....	WILLIAM G. BROWN.....	Kingwood.....	Preston.....	March 4, 1913.
Third.....	ADAM B. LITTLEPAGE.....	Charleston.....	Kanawha.....	March 4, 1913.
Fourth.....	JOHN M. HAMILTON.....	Grantsville.....	Calhoun.....	March 4, 1913.
Fifth.....	JAMES A. HUGHES.....	Huntington.....	Cabell.....	March 4, 1913.

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 THE JUDICIARY.
 

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## UNITED STATES COURTS.

CIRCUIT COURT OF APPEALS, FOURTH CIRCUIT, RICHMOND VA.

## COMMENCEMENT OF TERMS.

First Tuesday in February, first Tuesday in May and first Tuesday in November.

CHARLES E. HUGHES, Associate Justice, Washington, D. C.  
 NATHAN GOFF, Circuit Judge, Clarksburg, W. Va.  
 JETER C. PRITCHARD, Circuit Judge, Asheville, N. C.  
 THOMAS J. MORRIS, District Judge, Baltimore, Md.  
 JOHN C. ROSE, District Judge, Baltimore, Md.  
 HENRY GROVES CONNOR, District Judge, Wilson, N. C.  
 JAMES EDMUND BOYD, District Judge, Greensboro, N. C.  
 WILLIAM H. BRAWLEY, District Judge, Charleston, S. C.  
 EDMUND WADDILL, JR., District Judge, Richmond, Va.  
 H. CLAY McDOWELL, District Judge, Lynchburg, Va.  
 ALSTON G. DAYTON, District Judge, Philippi, W. Va.  
 BENJAMIN F. KELLAR, District Judge, Charleston, W. Va.,  
 CLERK, Henry T. Meloney, Richmond, Va.

## DISTRICT COURTS OF WEST VIRGINIA.

## NORTHERN DISTRICT.

## COMMENCEMENT OF TERMS.

Parkersburg—Second Tuesday of January and second Tuesday of June. Wheeling—First Tuesday of May and third Tuesday of October. Clarksburg—Second Tuesday of April and first Tuesday of October. Martinsburg—First Tuesday of April and third Tuesday of September. Philippi—Fourth Tuesday of May and second Tuesday of November.

ALSTON G. DAYTON.....	District Judge.....	Philippi.
Charles B. Kefauver.....	Clerk.....	Parkersburg.
Edward B. Neal.....	Deputy Clerk.....	Parkersburg.
L. V. G. Morris.....	Deputy Clerk.....	Philippi.
Geo. E. Boyd, Jr.....	Deputy Clerk.....	Wheeling.
A. C. Nadenbousch.....	Deputy Clerk.....	Martinsburg.
H. Roy Waugh.....	United States Attorney.....	Parkersburg.
John Marshall.....	Assistant U. S. Attorney.....	Parkersburg.
Howard J. Wilcox.....	Assistant U. S. Attorney.....	Parkersburg.
James E. Doyle.....	United States Marshall.....	Parkersburg.
A. T. Barrett.....	Chief Deputy.....	Parkersburg.
H. M. Rapp.....	Office Deputy.....	Parkersburg.
E. D. Hupp.....	Field Deputy.....	Clarksburg.
C. E. Williams.....	Field Deputy.....	Wheeling.
C. G. Dawson.....	Field Deputy.....	Martinsburg.
L. V. G. Morris.....	United States Commissioner.....	Philippi
Edward B. Neal.....	United States Commissioner.....	Parkersburg
Geo. E. Boyd, Jr.....	United States Commissioner.....	Wheeling.
Charles R. Lilly.....	United States Commissioner.....	Grafton.
A. C. Moore.....	United States Commissioner.....	Clarksburg.
F. L. Blackmarr.....	United States Commissioner.....	Sisterville.
Dorr Casto.....	United States Commissioner.....	Parkersburg.
John T. Cooper.....	United States Commissioner.....	Parkersburg.

J. H. Siler.....	United States Commissioner.....	Berkeley Springs.
W. H. Thomas.....	United States Commissioner.....	Martinsburg.
James T. Dailey.....	United States Commissioner.....	Kingwood.
T. A. Brown.....	Referee in Bankruptcy.....	Parkersburg.
W. Frank Stout.....	Referee in Bankruptcy.....	Clarksburg.
O. E. Wyckoff.....	Referee in Bankruptcy.....	Grafton.
B. L. Butcher.....	Referee in Bankruptcy.....	Fairmont.
M. H. King.....	Referee in Bankruptcy.....	Elkins.
J. Ben Brady.....	Referee in Bankruptcy.....	Kingwood.
James D. Butt.....	Referee in Bankruptcy.....	Martinsburg.
J. W. Cummins.....	Referee in Bankruptcy.....	Wheeling.
H. A. Nolte.....	Referee in Bankruptcy.....	Wheeling.
George P. Shirley.....	Referee in Bankruptcy.....	Parsons.

Counties composing the Northern District:—Barbour, Berkeley, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt and Wood.

SOUTHERN DISTRICT.

Commencement of Terms.

Charleston.....	First Tuesday in June and third Tuesday in November.
Huntington.....	First Tuesday in April and first Tuesday after the third Monday in September.
Bluefield.....	First Tuesday in May and third Tuesday in October.
Addison.....	First Monday in September.
Lewisburg.....	Second Tuesday in February.

BENJAMIN F. KELLAR.....	District Judge.....	Charleston.
Edwin M. Keatley.....	Clerk.....	Charleston.
A. V. Fitzwater.....	Deputy Clerk.....	Charleston.
Ceres K. Adkins.....	Deputy Clerk.....	Huntington.
Faith Gosling.....	Deputy Clerk.....	Bluefield.
Finley M. Arbuckle.....	Deputy Clerk.....	Lewisburg.
H. A. Ritz.....	United States Attorney.....	Bluefield.
H. Delbert Rummel.....	Assistant.....	Charleston.
Austin M. Sikes.....	Clerk.....	Huntington.
Frank H. Tyree.....	United States Marshal.....	Huntington.
William H. Lyons.....	Chief Office Deputy.....	Huntington.
H. J. Jackson.....	Office Deputy.....	Huntington.
Walter C. Summers.....	Field Deputy.....	Gauley Bridge.
J. W. Stewart.....	Field Deputy.....	Huntington.
A. D. Beavers.....	Field Deputy.....	Pineville.
Howard C. Smith.....	Field Deputy.....	Charleston.
A. M. Stewart.....	Field Deputy.....	Welch.
V. C. Champe.....	United States Commissioner.....	Montgomery.
John R. Dillard.....	United States Commissioner.....	Bluefield.
C. F. Hardeu.....	United States Commissioner.....	Sutton.
W. H. O'Brien.....	United States Commissioner.....	Ripley.
Joseph Ruffner.....	United States Commissioner.....	Charleston.
John A. Thayer.....	United States Commissioner.....	Charleston.
E. C. Eagle.....	United States Commissioner.....	Hinton.
John T. Graham.....	United States Commissioner.....	Huntington.
John W. McCreery.....	United States Commissioner.....	Beechley.
John R. Greenawalt.....	United States Commissioner.....	Welch.
Paris D. Yeager.....	United States Commissioner.....	Marlinton.
F. H. Scott.....	United States Commissioner.....	Pineville.
B. H. Oxley.....	United States Commissioner.....	Griffithsville.
J. P. Douglass.....	United States Commissioner.....	Huntington.

John L. Whitten.....	Referee in Bankruptcy.....	Point Pleasant.
W. G. Mathews.....	Referee in Bankruptcy.....	Charleston.
R. M. Baker.....	Referee in Bankruptcy.....	Huntington.
John W. Arbuckle.....	Referee in Bankruptcy.....	Lewisburg.
G. J. Holbrook.....	Referee in Bankruptcy.....	Bluefield.
E. G. Rider.....	Referee in Bankruptcy.....	Sutton.
A. R. Heflin.....	Referee in Bankruptcy.....	Hinton.

Counties composing the Southern District:—Boone, Braxton, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Boone, Summers, Wayne, Webster, and Wyoming.

## STATE COURTS.

### SUPREME COURT OF APPEALS.

JUDGES.	RESIDENCE.	COUNTY.	TERM EXPIRES.
L. JUDSON WILLIAMS, <i>Pres.</i>	Lewisburg.....	Greenbrier.....	Jan'y. 1, 1921.
IRA E. ROBINSON.....	Grafton.....	Taylor.....	Jan'y. 1, 1917.
HENRY BRANNON.....	Weston.....	Lewis.....	Jan'y. 1, 1913.
WM. N. MILLER.....	Parkersburg.....	Wood.....	Jan'y. 1, 1917.
GEO. POFFENDARGER.....	Point Pleasant.....	Mason.....	Jan'y. 1, 1913.

## CIRCUIT COURTS.

FIRST JUDICIAL CIRCUIT—H. C. HERVEY, Wellsburg, and FRANK W. NESBITT, Wheeling  
*Judges.*

*Counties.*

*Commencement of Terms.*

Hancock.....	Second Monday in March, third Monday in June and first Monday in November.
Brooke.....	Third Monday in February, first Monday in June and second Monday in October.
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.

*Counties.*

*Commencement of Terms.*

Wetzel.....	Second Tuesday in January, first Tuesday in May and third Tuesday in September.
Tyler.....	Fourth Tuesday in February, third Tuesday in June and first Tuesday in November.
Doddridge.....	Third Tuesday in March, second Tuesday in July and fourth Tuesday in September.

THIRD JUDICIAL CIRCUIT—HOMER B. WOODS, *Judge*, Harrisville.

*Counties.*

*Commencement of Terms.*

Ritchie.....Second Tuesday in February, second Tuesday in June and second Tuesday in October.  
 Pleasants.....Second Tuesday in January, fourth Tuesday in April and second Tuesday in September.  
 Gilmer.....First Tuesday in April, first Tuesday in August and fourth Tuesday in November.

FOURTH JUDICIAL CIRCUIT—HUNTER H. MOSS, JR., *Judge*, Parkersburg.

*Counties.*

*Commencement of Terms.*

Wood.....First Monday in March, second Monday in June and first Monday in December.  
 Wirt.....Second Monday in January, second Monday in May and second Monday in September.

FIFTH JUDICIAL CIRCUIT—W. A. PARSONS, *Judge*, Point Pleasant.

*Counties.*

*Commencement of Terms.*

Roane.....Third Tuesday in January, third Tuesday in May and third Tuesday in September.  
 Jackson.....First Tuesday in April, first Tuesday in August and first Tuesday in November.  
 Calhoun.....Third Tuesday in April, third Tuesday in August and third Tuesday in November.  
 Mason.....First Tuesday in February, first Tuesday in June and first Tuesday in October.

SIXTH JUDICIAL CIRCUIT—E. A. DOOLITTLE, *Judge*, Huntington.

*Counties.*

*Commencement of Terms.*

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.....Third Tuesday in March, third Tuesday in July and third Tuesday in November.

SEVENTH JUDICIAL CIRCUIT—JOHN B. WILKINSON, *Judge*, Logan.

*Counties.*

*Commencement of Terms.*

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.  
 Wayne.....Second Monday in February, second Monday in May, second Monday in August and second Monday in November.  
 Mingo.....First Monday in March, first Monday in June, first Monday in September and first Monday in December.



EIGHT JUDICIAL CIRCUIT—I. C. HERNDON, *Judge*, Welch.*Counties.**Commencement of Terms.*

Mercer.....	Second Tuesday in May, second Tuesday in August and fourth Tuesday in November.
McDowell.....	Second Tuesday in February, second Tuesday in June and second Tuesday in September.
Monroe.....	Second Tuesday in April, second Tuesday in July and second Tuesday in November.

NINTH JUDICIAL CIRCUIT—JAMES H. MILLER, *Judge*, Hinton.*Counties.**Commencement of Terms.*

Raleigh.....	Third Monday in February, first Monday in May, fourth Monday in August and first Monday in December.
Wyoming.....	First Monday in March, fourth Monday in May, third Monday in September and third Monday in November.
Summers.....	First Monday in January, second Monday in March, second Monday in June and first Monday in October.

TENTH JUDICIAL CIRCUIT—S. C. BURDETTE, *Judge*, Charleston.*Counties.**Commencement of Terms.*

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.*County.**Commencement of Terms.*

Fayette.....	Second Tuesday in February, second Tuesday in May and third Tuesday in September.
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TWELFTH JUDICIAL CIRCUIT—J. C. McWHONTER, *Judge*, Buckhannon.*Counties.**Commencement of Terms.*

Upsbur.....	Second Monday in January, first Monday in May and third Monday in September.
Webster.....	Second Tuesday in February, third Tuesday in June and first Tuesday in November.

THIRTEENTH JUDICIAL CIRCUIT—CHARLES W. LYNCH, *Judge*, Clarksburg.*Counties.**Commencement of Terms.*

Lewis.....	First Monday in March, first Monday in July and first Monday in November.
Harrison.....	First Monday in January, first Monday in May and first Monday in September.

FOURTEENTH JUDICIAL CIRCUIT—JOHN W. MASON, *Judge*, Fairmont.

*Counties.*

*Commencement of Terms.*

- Monongalia.....First Thursday after the first Monday in February, the first day of May, and the first Thursday after the first Monday in October.  
 Marion.....Second Monday in March, first day of June, unless said first day of June be Friday, Saturday or Sunday, in which event then on the following Monday, and on the second Monday in November.

FIFTEENTH JUDICIAL CIRCUIT—JOHN HOMER HOLT, *Judge*, Grafton.

*Counties.*

*Commencement of Terms.*

- Taylor.....Fourth Tuesday in January, fourth Tuesday in April and third Tuesday in October.  
 Preston.....Third Tuesday in March, second Tuesday in June and first Tuesday in December.

SIXTEENTH JUDICIAL CIRCUIT—F. M. REYNOLDS, *Judge*, Keyser.

*Counties.*

*Commencement of Terms.*

- Grant.....First Tuesday in April, second Tuesday in July and third Tuesday in November.  
 Mineral.....Third Tuesday in January, third Tuesday in April, fourth Tuesday in July and third Tuesday in October.  
 Tucker.....First Tuesday in March, first Tuesday in June, third Tuesday in September and third Tuesday in December.

SEVENTEENTH JUDICIAL CIRCUIT—R. W. DAILEY, *Judge*, Romney.

*Counties.*

*Commencement of Terms.*

- Hampshire.....First Tuesday in January, first Tuesday in March, first Tuesday in July and third Tuesday in September.  
 Hardy.....Third Tuesday in February, third Tuesday in June and third Tuesday in October.  
 Pendleton.....Third Monday in March, fourth Monday in July and first Monday in December.

EIGHTEENTH JUDICIAL CIRCUIT—E. BOYD FAULKNER, *Judge*, Martinsburg.

*Counties.*

*Commencement of Terms.*

- Morgan.....First Tuesday in January, first Tuesday in April and first Tuesday in September.  
 Berkeley.....Second Tuesday in January, third Tuesday in April and second Tuesday in September.  
 Jefferson.....Second Tuesday in February, third Tuesday in May and third Tuesday in October.

NINETEENTH JUDICIAL CIRCUIT—W. B. KITTLE, *Judge*, Philippi.

*Counties.*

*Commencement of Terms.*

- Barbour.....Second Tuesday in January, second Tuesday in April and second Tuesday in September.  
 Randolph.....Second Tuesday in February, second Tuesday in May and second Tuesday in October.

**TWENTIETH JUDICIAL CIRCUIT—CHARLES S. DICE, Judge, Lewisburg.**

<i>Counties.</i>	<i>Commencement of Terms.</i>
Greenbrier.....	Third Tuesday in April, fourth Tuesday in June and second Tuesday in November.
Pocahontas.....	Third Tuesday in January, first Tuesday in June and first Tuesday in October.

**TWENTY-FIRST JUDICIAL CIRCUIT—Created by act of Legislature passed February 23, 1911. (See Acts, Ch. 9, p. 36). The judge to be elected at the general election in November, 1912.**

<i>Counties.</i>	<i>Commencement of Terms.</i>
Braxton.....	Second Monday in January, second Monday in June and second Monday in October.
Nicholas.....	First Monday in April, first Monday in August and fourth Monday in November.

**TWENTY-SECOND JUDICIAL CIRCUIT—Created by act of Legislature passed February 22, 1911. (See Acts, Ch. 10, p. 37). The judge to be elected at the general election in November, 1912.**

<i>Counties.</i>	<i>Commencement of Terms.</i>
Mingo.....	First Monday in February, first Monday in May, first Monday in August and first Monday in November.
Wyoming.....	First Monday in April, first Monday in July and first Monday in October.

**TWENTY-THIRD JUDICIAL CIRCUIT—Created by act of Legislature passed February 23, 1911. (See Acts, Ch. 11, p. 38). The judge to be elected at the general election in November, 1912.**

<i>County.</i>	<i>Commencement of Terms.</i>
Monongalia.....	First Monday in January, first Monday in April, first Monday in July and first Monday in October.

**JUDGES OF INTERMEDIATE AND CRIMINAL COURTS.**

<i>Counties.</i>	<i>Names.</i>	<i>Address.</i>
Cabell.....	Thomas W. Taylor.....	Huntington.
Fayette.....	J. W. Eary.....	Fayetteville.
Kanawha.....	Henry K. Black.....	Charleston.
Marion.....	E. F. Morgan.....	Fairmont.
Mercer.....	J. F. Maynard.....	Bluefield.
McDowell.....	James French Strother.....	Welch.
Ohio.....	L. S. Jordan.....	Wheeling.
Wood.....	F. H. McGregor.....	Parkersburg.
Raleigh.....	T. J. McGinnis.....	Beckley.

## COUNTY OFFICERS.

## PROSECUTING ATTORNEYS.

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	Harry H. Byrer.....	Philippi.
Berkeley.....	Allen B. Noll.....	Martinsburg.
Boone.....	C. L. Estep.....	Madison.
Braxton.....	Cary C. Hines.....	Sutton.
Brooke.....	R. L. Ramsey.....	Follansbee.
Cabell.....	Jeanne F. Smith.....	Huntington.
Calhoun.....	A. G. Mathews.....	Grantsville.
Clay.....	T. O. Horan.....	Clay.
Doddridge.....	J. Ramsey.....	West Union.
Fayette.....	George Love.....	Fayetteville.
Gilmer.....	C. M. Bennett.....	Glenville.
Grant.....	E. M. Johnson.....	Petersburg.
Greenbrier.....	J. S. McWhorter.....	Lewisburg.
Hampshire.....	J. S. Zimmerman.....	Romney.
Hancock.....	Geo. L. Bambrick.....	New Cumberland.
Hardy.....	M. W. Gamble.....	Moorefield.
Harrison.....	Will E. Morris.....	Clarksburg.
Jackson.....	R. E. Hughes.....	Ripley.
Jefferson.....	George D. Moore.....	Charles Town.
Kanawha.....	S. B. Avis.....	Charleston.
Lewis.....	Chas. P. Swint.....	Weston.
Lincoln.....	R. Dennis Steed.....	Hamlin.
Logan.....	E. H. Green.....	Logan.
Marion.....	Tusca Morris.....	Fairmont.
Marshall.....	Chas. E. Carrigan.....	Moundsville.
Mason.....	B. H. Blagg.....	Point Pleasant.
Mercer.....	John R. Pendleton.....	Princeton.
Mineral.....	Arch J. Welton.....	Petersburg.
Mingo.....	S. U. G. Rhodes.....	Williamson.
Monongalia.....	T. Sutton Boyd.....	Morgantown.
Monroe.....	R. L. Keadle.....	Union.
Morgan.....	H. D. Allen.....	Berkley Springs.
McDowell.....	Robert R. Smith.....	Weleh.
Nicholas.....	S. R. King.....	Summersville.
Ohio.....	J. Bernard Handlan.....	Wheeling.
Pendleton.....	William McCoy.....	Franklin.
Pleasants.....	G. D. Smith.....	St. Marys.
Pocahontas.....	F. R. Hill.....	Marlinton.
Preston.....	A. G. Hughes.....	Kingwood.
Putnam.....	C. C. Knapp.....	Winfield.
Raleigh.....	Hugh A. Dunn.....	Beckley.
Randolph.....	H. G. Kunz.....	Elkins.
Ritchie.....	S. M. Hoff.....	Harrisville.
Roane.....	E. R. Staats.....	Spencer.
Summers.....	T. N. Read.....	Hinton.
Taylor.....	Gene W. Ford.....	Grafton.
Tucker.....	Chas. D. Smith.....	Parsons.
Tyler.....	K. C. Moore.....	Middlebourne.
Upshur.....	Roy Reger.....	Buckhannon.
Wayne.....	D. B. Hardwick.....	Wayne.
Webster.....	H. C. Thurmond.....	Webster Springs.
Wetzel.....	G. W. Coffield.....	New Martinsville.
Wirt.....	Jas. L. Smith.....	Elizabeth.
Wood.....	H. O. Hiteshew.....	Parkersburg.
Wyoming.....	Geo. P. Stewart.....	Pineville.

## CLERKS OF CIRCUIT COURTS

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	C. W. Brandon.....	Philippi.
Berkeley.....	L. De W. Gerhardt.....	Martinsville.
Boone.....	F. T. Miller.....	Madison.
Braxton.....	C. H. Bland.....	Sutton.
Brooke.....	Frank E. Foster.....	Wellsburg.
Cabell.....	R. W. McWilliams.....	Huntington.
Calhoun.....	C. C. Starcher.....	Grantsville.
Clay.....	H. M. Young.....	Clay.
Doddridge.....	J. O. Wilcox.....	West Union.
Fayette.....	Floyd Keller.....	Fayetteville.
Gilmer.....	I. N. Hardman.....	Glenville.
Grant.....	D. P. Hendrickson.....	Petersburg.
Greenbrier.....	H. C. Skaggs.....	Lewisburg.
Hampshire.....	V. M. Poline.....	Romney.
Hancock.....	Thos. M. Cochran.....	New Cumberland.
Hardy.....	C. B. Welton.....	Moorefield.
Harrison.....	I. Wade Coffman.....	Clarksburg.
Jackson.....	M. C. Archer.....	Ripley.
Jefferson.....	John M. Daniel.....	Charles Town.
Kanawha.....	Ira Mottesheard.....	Charleston.
Lewis.....	John H. Conrad.....	Weston.
Lincoln.....	W. H. F. Curry.....	Hamlin.
Logan.....	Scott Justice.....	Logan.
Marion.....	Wm. S. Black.....	Fairmont.
Marshall.....	Victor E. Myers.....	Moundsville.
Mason.....	Chas. Burton.....	Point Pleasant.
Mercer.....	W. B. Honaker.....	Princeton.
Mineral.....	J. V. Bell.....	Keyser.
Mingo.....	Guy White.....	Williamson.
Monongalia.....	John Shriver.....	Morgantown.
Monroe.....	R. Porter Boyd.....	Union.
Morgan.....	W. H. Webster.....	Berkeley Springs.
McDowell.....	W. Burbridge Payne.....	Welch.
Nicholas.....	Jennings J. Summers.....	Summersville.
Ohio.....	John L. Kinghorn.....	Wheeling.
Pendleton.....	I. E. Batton.....	Franklin.
Pleasants.....	W. R. Carson.....	St. Marys.
Pocahontas.....	Geo. W. Sharp.....	Marlinton.
Preston.....	J. W. Watson.....	Kingwood.
Putnam.....	W. E. Hodges.....	Winfield.
Raleigh.....	Jackson Smith.....	Beekley.
Raudolph.....	G. N. Wilson.....	Elkins.
Ritchie.....	H. E. McGinnis.....	Harrisville.
Roane.....	L. O. Curtis.....	Spencer.
Summers.....	W. H. Boude.....	Hinton.
Taylor.....	M. D. Aliender.....	Grafton.
Tucker.....	Lawrence Lipscomb.....	Parsons.
Tyler.....	J. G. Mayfield.....	Middlebourne.
Upshur.....	A. J. Zickefoose.....	Buckhannon.
Wayne.....	G. W. Frazier.....	Wayne.
Webster.....	John R. Dyer.....	Webster Springs.
Wetzel.....	W. J. Postletwait.....	New Martinsville.
Wirt.....	Walter Hoffman.....	Elizabeth.
Wood.....	Walter E. Stout.....	Parkersburg.
Wyoming.....	E. M. Senter.....	Pineville.

CLERKS OF COUNTY COURTS.

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	S. F. Hoffman.....	Philippi.
Berkeley.....	E. A. Hobbs.....	Martinsburg.
Boone.....	Wm. Osborne.....	Madison.
Braxton.....	E. W. Hefner.....	Sutton.
Brooke.....	K. C. Brashear.....	Wellsburg.
Cabell.....	F. F. McCullough.....	Huntington.
Culhoun.....	S. W. McClung.....	Grantsville.
Clay.....	James Reed.....	Clay.
Doddridge.....	U. G. Summers.....	West Union.
Fayette.....	S. T. Carter.....	Fayetteville.
Gilmer.....	N. E. Rymer.....	Glenville.
Grant.....	D. P. Hendrickson.....	Petersburg.
Greenbrier.....	Jno. S. Crawford.....	Lewisburg.
Hampshire.....	C. W. Haines.....	Romney.
Hancock.....	Armour S. Cooper.....	New Cumberland.
Hardy.....	C. B. Welton.....	Moorefield.
Harrison.....	W. Guy Tetrick.....	Clarksburg.
Jackson.....	C. C. Stants.....	Ripley.
Jefferson.....	Charles A. Johnson.....	Charles Town.
Kanawha.....	L. C. Massey.....	Charles ton.
Lewis.....	H. W. Lightburn.....	Weston.
Lincoln.....	W. C. Holstein.....	Hamlin.
Logan.....	W. I. Campbell.....	Logan.
Marion.....	John F. Phillips.....	Fairmont.
Marshall.....	John E. Chase.....	Moundsville.
Mason.....	R. E. Mitchell.....	Point Pleasant.
Mercer.....	E. L. Bowman.....	Princeton.
Mineral.....	J. V. Bell.....	Keyser.
Mingo.....	James Dumron.....	Williamson.
Monongalia.....	John M. Gregg.....	Morgantown.
Monroe.....	E. S. McNeer.....	Union.
Morgan.....	M. S. Harmison.....	Berkeley Springs.
McDowell.....	Robert B. Bernheim.....	Welch.
Nicholas.....	P. N. Wiseman.....	Summersville.
Ohio.....	John H. Wells.....	Wheeling.
Pendleton.....	I. E. Batton.....	Franklin.
Pleasants.....	R. L. Griffin.....	St. Marys.
Pocahontas.....	C. J. McCarty.....	Marlinton.
Preston.....	E. C. Everly.....	Kingwood.
Putnam.....	J. M. Henson.....	Winfield.
Raleigh.....	M. J. Meadows.....	Beckley.
Randolph.....	F. A. Rowan.....	Elkins.
Ritchie.....	W. R. Meservie.....	Harrisville.
Roane.....	W. A. Carpenter.....	Spencer.
Summers.....	W. P. Bowling.....	Hinton.
Taylor.....	Hayward Fleuning.....	Grafton.
Tucker.....	S. O. Billings.....	Parsons.
Tyler.....	J. W. Duty.....	Middlebourne.
Upshur.....	Ernest Phillips.....	Buckhannon.
Wayne.....	John G. Lambert.....	Wayne.
Webster.....	S. P. Allen.....	Webster Springs.
Wetzel.....	Sylvester Myers.....	New Martinsville.
Wirt.....	I. P. Thorn.....	Elizabeth.
Wood.....	Wm. Dudley.....	Parkersburg.
Wyoming.....	B. Harry E. Stewart.....	Pineville.

## SHERIFFS.

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	Wm. B. Corder.....	Philippi.
Berkeley.....	E. B. Kettering.....	Martinsburg.
Boone.....	Sidney White.....	Danville.
Braxton.....	B. C. McNutt.....	Sutton.
Brooke.....	C. D. Kyle.....	Wellsburg.
Cabell.....	J. J. Harshbarger.....	Huntington.
Calhoun.....	C. A. Jarvis.....	Grantsville.
Clay.....	L. D. Hyer.....	Ira.
Doddridge.....	J. E. Trainer.....	West Union.
Fayette.....	R. H. Dickinson.....	Fayetteville.
Gilmer.....	J. B. Vanhorn.....	Glenville.
Grant.....	O. M. Smith.....	Petersburg.
Greenbrier.....	T. H. Jarrett.....	Blue Sul. Spgs.
Hampshire.....	A. L. Pugh.....	Capon Bridge.
Hancock.....	Robert R. Hobbs.....	New Cumberland.
Hardy.....	J. H. McWhorter.....	Moorefield.
Harrison.....	M. J. Francis.....	Clarksburg.
Jackson.....	W. L. McCowan.....	Ravenswood.
Jefferson.....	Charles D. Wysong.....	Shepherdstown.
Kanawha.....	S. P. Smith.....	Charleston.
Lewis.....	Perry G. Alfred.....	Weston.
Lincoln.....	Joel Holley.....	Hamlin.
Logan.....	J. W. Chambers.....	Logan.
Marion.....	George E. Amos.....	Fairmont.
Marshall.....	J. Foster Alley.....	Moundsville.
Mason.....	John P. Austin.....	Point Pleasant.
Mercer.....	I. J. Ellison.....	Princeton.
Mineral.....	L. O. Davis.....	Keyser.
Mingo.....	W. A. Hurst.....	Williamson.
Monongalia.....	William H. Brand.....	Morgantown.
Monroe.....	J. R. Johnson.....	Greenville.
Morgan.....	Joseph Hauvermale.....	Berkeley Springs.
McDowell.....	Edgar T. Sprinkle.....	Welch.
Nicholas.....	David McQueen.....	Muddlety.
Ohio.....	William M. Clemens.....	Wheeling.
Pendleton.....	I. N. Ruddle.....	Franklin.
Pleasants.....	W. E. Clovis.....	St. Marys.
Pocahontas.....	J. H. Buzzard.....	Marlinton.
Preston.....	Charles Spindler.....	Kingwood.
Putman.....	W. S. Barr.....	Winfield.
Raleigh.....	C. V. Cottle.....	Beckley.
Randolph.....	Thaddeus Pritt.....	Huttonsville.
Ritchie.....	John Hulderman.....	Harrisville.
Roane.....	A. G. Hinzman.....	Spencer.
Summers.....	G. W. Wiseman.....	Hinton.
Taylor.....	O. A. Hefner.....	Grafton.
Tucker.....	John F. Repair.....	Parsons.
Tyler.....	Will E. Long.....	Middlebourne.
Upshur.....	Charles E. Hiner.....	Buckhannon.
Wayne.....	Sam J. Crum.....	Port Gay.
Webster.....	C. W. Morton.....	Strouds.
Wetzel.....	J. O. Eakin.....	New Martinsville.
Wirt.....	C. H. Bumgarner.....	Elizabeth.
Wood.....	W. B. Kincheloe.....	Parkersburg.
Wyoming.....	John Ball.....	Pineville.

SUPERINTENDENTS OF FREE SCHOOLS.

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	Cleophas Marsh.....	Philippi.
Berkeley.....	E. N. Zeiler.....	Inwood.
Boone.....	W. W. Nelson.....	Turtle Creek.
Braxton.....	W. B. Golden.....	Flatwoods.
Brooke.....	S. C. Underwood.....	Wellsburg.
Cabell.....	J. C. Petit.....	Ona.
Callhoun.....	Wheeler Chenoweth.....	Euclid.
Clay.....	J. F. Wilson.....	Duck.
Doddridge.....	L. L. Sadler.....	West Union.
Fayette.....	J. T. Peters.....	Dothan.
Gilmer.....	J. E. Hays.....	Troy.
Grant.....	Vacaney.....	
Greenbrier.....	C. L. Tabscott.....	Richlands.
Hampshire.....	Ira V. Cowgill.....	Romney.
Hancock.....	H. O. Miller.....	New Cumberland.
Hardy.....	L. S. Halterman.....	Lost River.
Harrison.....	A. P. Morrison.....	Salem.
Jackson.....	P. H. Rardin.....	Sherman.
Jefferson.....	Jas. Grantham.....	Kearneysville.
Kanawha.....	N. W. Cavender.....	Charleston.
Lewis.....	M. L. B. Linger.....	Weston.
Lincoln.....	Henry F. White.....	Bulger.
Logan.....	Otis Chambers.....	Rolfe.
Marion.....	W. M. Kennedy.....	Fairmont.
Marshall.....	H. W. McDowell.....	Glen Easton.
Mason.....	C. D. Ball.....	Letart.
Mercer.....	Jas. F. Holroyd.....	Athens.
Mineral.....	R. W. Thrush.....	Headsville.
Mingo.....	Hi Maynard.....	Myrtle.
Monongalia.....	H. E. Brookover.....	Morgantown.
Monroe.....	Wheeler R. Fullen.....	Salt Sulphur.
Morgan.....	A. C. H. Michael.....	Berkeley Springs.
McDowell.....	W. C. Cook.....	Welch.
Nicholas.....	Harrison Groves.....	Summersville.
Ohio.....	John H. Lazear.....	Fulton.
Pendleton.....	Flick Warner.....	Franklin.
Pleasants.....	C. L. Farnsworth.....	St. Marys.
Peachontas.....	B. B. Williams.....	Cass.
Preston.....	Willis Portney.....	Independence.
Putnam.....	J. C. Fish.....	Buffalo.
Raleigh.....	U. S. Dickens.....	Beckley.
Randolph.....	W. J. Long.....	Valley Bond.
Ritchie.....	R. B. Cokeley.....	Harrisville.
Roane.....	Albert L. Thrash.....	Reedy.
Summers.....	W. T. Ball.....	Hinton.
Taylor.....	Dellet Newlon.....	Grafton.
Tucker.....	C. R. Parsons.....	Porterwood.
Tyler.....	A. L. Gregg.....	Middlebourne.
Upshur.....	J. H. Ashworth.....	Buckhannon.
Wayne.....	O. J. Rife.....	Wayne.
Webster.....	Geo. R. Morton.....	Janes Bottom.
Wetzel.....	Chas. Kislig.....	New Martinsville.
Wirt.....	Ross Wilson.....	Hartley.
Wood.....	Edgar B. Sims.....	Williamstown.
Wyoming.....	Chester H. Cook.....	Pineville.



## SURVEYORS.

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	A. Wolverton.....	Philippi.
Berkeley.....	G. W. Van Metro.....	Martinsburg.
Boone.....	B. F. Ball.....	Greenview.
Braxton.....	J. R. Given.....	Sutton.
Brooke.....	M. E. Boyd.....	Wellsburg.
Cabell.....	J. M. Oliver.....	Huntington.
Calhoun.....	D. W. Shook.....	Dodrill.
Clay.....	Clarkson Rogers.....	Dink.
Doddridge.....	J. N. Wolverton.....	West Union.
Fayette.....	H. A. Gentry.....	Gentry.
Gilmer.....	J. Ernest Bell.....	Genville.
Grant.....	W. F. Hiser.....	Hiser.
Greenbrier.....	F. W. Tuckwiller.....	Lewisburg.
Hampshire.....	C. J. Nixon.....	Capon Bridge.
Hancock.....	E. C. Grafton.....	New Cumberland.
Hardy.....	J. William Kuykendall.....	Moorefield.
Harrison.....	C. C. Fittro.....	Clarksburg.
Jackson.....	J. W. Parsons.....	Sandyville (R. F. D.)
Jefferson.....	James K. Hendricks.....	Shepherdstown.
Kanawha.....	Frank B. Barron.....	Olcott.
Lewis.....	Joe E. Bailey.....	Vadis.
Lincoln.....	A. C. Hager.....	Minerva.
Logan.....	Sidney B. Browning.....	Logan.
Marion.....	L. H. Wilcox.....	Fairmont.
Marshall.....	J. J. Sammons.....	Moundsville.
Mason.....	George E. Childs.....	Point Pleasant.
Mercer.....	Forest Walker.....	Matoaka.
Mineral.....	E. Boyd Skaggs.....	Headsville.
Mingo.....	A. A. Gaujot.....	Williamson.
Monongalia.....	Lawrence M. Cox.....	Morgantown.
Monroe.....	C. P. Lewis.....	Sweet Springs.
Morgan.....	J. W. A. Courtney.....	Sleepy Creek.
McDowell.....	W. C. Morgan.....	Welch.
Nicholas.....	A. B. Rader.....	Persinger.
Ohio.....	Harry J. Watson.....	Wheeling.
Pendleton.....	D. A. Landes.....	Box.
Pleasants.....	John Triplett.....	St. Marys.
Pocahontas.....	E. F. Curry.....	Dunlevie.
Preston.....	H. G. Larew.....	Independence.
Putnam.....	J. T. Lanham.....	Lanham.
Raleigh.....	George F. Wilson.....	Surveyor.
Randolph.....	A. J. Crickard.....	Valley Bend.
Ritchie.....	John Cain.....	Harrisville.
Roane.....	L. H. Hayhurst.....	Spencer (R. No. 1)
Summers.....	C. H. Hicks.....	Green Sulphur.
Taylor.....	R. A. Morrow.....	Bridget R F D No. 3
Tucker.....	R. P. Pierson.....	Parsons.
Tyler.....	J. C. Warner.....	Alma.
Upshur.....	Claude Burr.....	Buckhannon.
Wayne.....	A. J. Finley.....	Ferguson.
Webster.....	P. B. Cogar.....	Webster Springs.
Wetzel.....	B. B. Newman.....	Bebec.
Wirt.....	F. F. Daniels.....	Palestine (R. F. D.)
Wood.....	E. N. Woodyard.....	Parkersburg.
Wyoming.....	F. M. Canterbury.....	Craney.

## ASSESSORS

COUNTIES.	NAMES.	ADDRESS.
Barbour.....	W. L. Morrison.....	Philippi.
Berkeley.....	Otho Williams.....	Martinsburg R.F.No.3
Boone.....	Ed. Hager.....	Manilla.
Braxton.....	J. C. Shaver.....	Heaters.
Brooke.....	Joseph Andrews.....	Wellsburg.
Cabell.....	F. A. Wejder.....	Huntington.
Calhoun.....	R. J. Knotts.....	Frozen.
Clay.....	Albert Stephenson.....	Clay.
Doddridge.....	S. L. Ford.....	West Union.
Fayette.....	B. E. Bare.....	Fayetteville.
Gilmer.....	George A. Davis.....	Orlando.
Grant.....	A. J. Berg.....	Falls.
Greenbrier.....	W. A. Mastin.....	Lewisburg.
Hampshier.....	J. N. Sirbaugh.....	Capon Bridge.
Hancock.....	J. S. D. Mercer.....	Chester.
Hardy.....	W. S. Marshall.....	Lost City.
Harrison.....	Ernest L. Pigott.....	Shinnston.
Jackson.....	S. B. Sayre.....	Ripley.
Jefferson.....	Charles W. Conrad.....	Rippon.
Kanawha.....	Grant Copenhaver.....	Copenhaver.
Lewis.....	William G. Hinzman.....	Weston(R.D.No.4)
Lincoln.....	F. M. Adkins.....	Jinks.
Logan.....	Don Chafin.....	Logan.
Marion.....	A. J. McDaniel.....	Worthington.
Marshall.....	H. M. Stewart.....	Glendale.
Mason.....	W. B. Barnett.....	Leon.
Mercer.....	George P. Hylton.....	Princeton.
Mineral.....	A. H. Metcalf.....	Ridgeville.
Mingo.....	N. J. Keadle.....	Williamson.
Monongalia.....	E. W. Griffith.....	Morgantown.
Monroe.....	J. W. Lynch.....	Keenan.
Morgan.....	M. Ambrose.....	Great Capaon.
McDowell.....	J. Walker Burns.....	Welch.
Nicholas.....	Jettes Mollahan.....	Birch River.
Ohio.....	Henry Frohne.....	Wheeling.
Pendleton.....	H. J. Dalmer.....	Upper Track.
Pleasants.....	J. E. Brammer.....	St. Marys.
Pocahontas.....	S. B. Moore.....	Edray.
Preston.....	Geo. L. Shaffer.....	Kingwood.
Putnam.....	C. S. Leadman.....	Hurricane.
Raleigh.....	J. G. Miles.....	Zada.
Randolph.....	A. W. Zinn.....	Huttonsville.
Ritchie.....	G. M. Britton.....	Holbrook.
Ronne.....	G. E. Daugherty.....	Spencer.
Summers.....	C. W. Hedrick.....	Talcott.
Taylor.....	L. C. Haymond.....	Grafton.
Tucker.....	W. B. Haller.....	Parsons.
Tyler.....	A. E. Pratt.....	Deep Valley.
Upshur.....	A. Wolf.....	Buckhannon.
Wayne.....	J. Cal Lambert.....	Wayre.
Webster.....	W. F. Hollister.....	Cowen.
Wetzel.....	G. W. Francis.....	New Martinsville.
Wirt.....	A. C. Enoch.....	Wulker (R.F.D.)
Wood.....	C. A. Pahl.....	Lubeck.
Wyoming.....	J. Harney Cook.....	Toneyfork.



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