

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA

SECOND EXTRAORDINARY SESSION

1920



TRIBUNE PRINTING CO., CHARLESTON, W. VA.

List of Members and Officers of the Legislature of West Virginia

SECOND EXTRAORDINARY SESSION 1920

SENATE

President—DR. C. A. SINSSEL, Grafton.
 Clerk—JOHN T. HARRIS, Parkersburg.
 Chief Assistant—HOMER GRAY, Wheeling.
 Sergeant-at-Arms—BONNER HILL, Charleston.
 Door-Keeper—JACK SMITH, Huntington.

DISTRICT	NAME	POOR OFFICE
First.....	Elmer Hough, (R.).....	Wellsburg
	*Jesse A. Bloch, (R.).....	Wheeling
Second.....	W. F. Burgess, (R.).....	Reader
	*Carl H. Hunter, (R.).....	Moundsville
Third.....	M. K. Duty, (R.).....	Pennsboro
	*Edgar R. Staats, (R.).....	Parkersburg
Fourth.....	Raymond Dodson, (R.).....	Spencer
	*William L. Poling, (R.).....	Pt. Pleasant
Fifth.....	J. E. Frazier, (D.).....	Buffalo
	*Floyd S. Chapman, (R.).....	Huntington
Sixth.....	J. W. Luther, (R.).....	Welch
	*William York, (R.).....	Williamson
Seventh.....	C. C. Coalter, (R.).....	Hinton
	*Joseph M. Sanders, (R.).....	Bluefield
Eighth.....	A. R. Montgomery, (D.).....	Clothier
	*A. E. Scherr, (R.).....	Charleston
Ninth.....	H. G. Vencill, (D.).....	Dixie
	*Joseph S. Lewis, (R.).....	Oak Hill
Tenth.....	Fred L. Fox, (D.).....	Sutton
	*Eskridge H. Morton, (D.).....	Webster Springs
Eleventh.....	Dr. Chas. A. Sinsel, (R.).....	Grafton
	*Edgar B. Stewart, (R.).....	Morgantown
Twelfth.....	Wallace B. Gribble, (R.).....	West Union
	*Harvey W. Harmer, (R.).....	Clarksburg
Thirteenth.....	Gohen C. Arnold, (R.).....	Buckhannon
	*Herman G. Johnson, (R.).....	Elkins
Fourteenth.....	S. L. Cobun, (R.).....	Mason town
	*George B. Harmon, (R.).....	Maysville
Fifteenth.....	G. K. Kump, (D.).....	Romney
	*Milton Burr, (D.).....	Bardane

(R)..... Republicans.

(D)..... Democrats.

(*)..... Holdover Senators.

Republicans..... 23

Democrats..... 7

Standing Committees of the Senate

PRIVILEGES AND ELECTIONS.

Messrs. J. S. Lewis (*Chairman*), Elmer Hough, J. W. Luther, M. K. Duty, S. L. Cobun, W. L. Poling, A. E. Scherr, G. K. Kump and A. R. Montgomery.

JUDICIARY.

Messrs. Joseph M. Sanders, (*Chairman*), M. K. Duty, Edgar B. Stewart, Harvey W. Harmer, Wallace B. Gribble, Raymond Dodson, William L. Poling, Edgar R. Staats, Fred L. Fox, E. H. Morton and G. K. Kump.

FINANCE.

Messrs. Goben C. Arnold, (*Chairman*), C. C. Coalter, Wallace B. Gribble, Carl H. Hunter, A. E. Scherr, F. S. Chapman, S. L. Cobun, Jesse A. Bloch, J. W. Luther, A. R. Montgomery and Milton Burr.

EDUCATION.

Messrs. Edgar B. Stewart, (*Chairman*), Geo. B. Harman, W. F. Burgess, S. L. Cobun, W. L. Poling, Raymond Dodson, Harvey W. Harmer, E. H. Morton and G. K. Kump.

COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. Floyd S. Chapman, (*Chairman*), E. B. Stewart, C. C. Coalter, J. S. Lewis, Jesse A. Bloch, A. E. Scherr, Raymond Dodson, A. R. Montgomery and J. E. Frazier.

ROADS AND NAVIGATION.

Messrs. W. F. Burgess (*Chairman*), Elmer Hough, Herman G. Johnson, S. L. Cobun, Edgar R. Staats, George B. Harman, Joseph S. Lewis, E. H. Morton and H. G. Vencill.

BANKS AND CORPORATIONS.

C. H. Hunter (*Chairman*), Joseph S. Lewis, H. G. Johnson, E. B. Stewart, S. L. Cobun, Joseph M. Sanders, C. C. Coalter, Milton Burr and J. E. Frazier.

PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

A. E. Scherr (*Chairman*), Raymond Dodson, J. S. Lewis, Elmer Hough, Harvey W. Harmer, J. W. Luther, E. R. Staats, J. E. Frazier and G. K. Kump.

STANDING COMMITTEES OF THE SENATE.

PENITENTIARY.

Messrs. Elmer Hough (*Chairman*), Carl H. Hunter, J. W. Luther, Wallace B. Gribble, William York, W. F. Burgess, G. C. Arnold, J. C. Frazier and H. G. Vencill.

RAILROADS.

Messrs. C. C. Coalter (*Chairman*), M. K. Duty, William York, H. W. Harmer, F. S. Chapman, Herman G. Johnson, A. E. Scherr, A. R. Montgomery and Milton Burr.

MILITIA.

Messrs. Jesse A. Bloch (*Chairman*), Raymond Dodson, C. C. Coalter, M. K. Duty, G. C. Arnold, J. S. Lewis, J. W. Luther, H. G. Vencill and J. E. Frazier.

FEDERAL RELATIONS.

Edgar R. Staats (*Chairman*), J. W. Luther, W. F. Burgess, F. S. Chapman, H. W. Harmer, Elmer Hough, George B. Harman, E. H. Morton and Fred L. Fox.

INSURANCE.

J. W. Luther, (*Chairman*), A. E. Scherr, Jesse A. Bloch, H. G. Johnson, Wallace B. Gribble, H. W. Harmer, G. B. Harman, E. H. Morton and Milton Burr.

IMMIGRATION AND AGRICULTURE.

Messrs. S. L. Cobun (*Chairman*), William L. Poling, E. R. Staats, W. F. Burgess, G. B. Harman, H. G. Johnson, E. B. Stewart, J. E. Frazier and Milton Burr.

MINES AND MINING.

Messrs. William York, (*Chairman*), Elmer Hough, C. C. Coalter, Edgar B. Stewart, H. G. Johnson, J. S. Lewis, Carl H. Hunter, A. R. Montgomery and H. G. Vencill

MEDICINE AND SANITATION.

Messrs. William York, (*Chairman*), J. S. Lewis, C. H. Hunter, M. K. Duty, W. L. Poling, E. R. Staats, J. W. Luther, J. E. Frazier and Fred L. Fox.

LABOR.

Messrs. Raymond Dodson, (*Chairman*), Harvey W. Harmer, Floyd S. Chapman, Herman G. Johnson, J. S. Lewis, Jesse A. Bloch, M. K. Duty, H. G. Vencill and J. E. Frazier.

CLAIMS AND GRIEVANCES.

Messrs. George B. Harman (*Chairman*), W. F. Burgess, Elmer Hough, E. R. Staats, William York, C. C. Coalter, G. C. Arnold, H. G. Vencill and A. R. Montgomery.

FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Wallace B. Gribble (*Chairman*), William L. Poling, S. L. Cobun, W. F. Burgess, C. C. Coalter, Carl H. Hunter, E. R. Staats, E. H. Morton and G. K. Kump.

PUBLIC PRINTING.

Messrs. Herman G. Johnson (*Chairman*), C. C. Coalter, William York, Raymond Dodson, W. F. Burgess, A. E. Scherr, G. C. Arnold, A. R. Montgomery and E. H. Morton.

RULES.

Messrs. Charles A. Sinsel, (*Chairman*), C. C. Coalter, W. B. Gribble, G. K. Kump and Fred L. Fox.

PUBLIC LIBRARY.

Messrs. Edgar B. Stewart (*Chairman*), E. R. Staats, H. W. Harmer, William York, Floyd S. Chapman, W. L. Poling, Elmer Hough, J. C. Frazier and H. G. Vencill.

TO EXAMINE THE CLERK'S OFFICE.

Messrs. Wallace B. Gribble (*Chairman*), Raymond Dodson, A. E. Scherr, J. M. Sanders, G. C. Arnold, C. H. Hunter, J. W. Luther, E. H. Morton and J. E. Frazier.

PROHIBITION AND TEMPERANCE.

Messrs. Harvey W. Harmer (*Chairman*), M. K. Duty, S. L. Cobun, G. B. Harman, G. C. Arnold, W. L. Poling, Wallace B. Gribble, H. G. Vencill and A. R. Montgomery.

FORESTRY AND CONSERVATION.

Messrs. George B. Harman (*Chairman*), C. C. Coalter, E. B. Stewart, J. A. Bloch, M. K. Duty, J. S. Lewis, W. F. Burgess, H. G. Johnson, Fred L. Fox, Milton Burr and E. H. Morton.

VIRGINIA DEBT.

Messrs. M. K. Duty (*Chairman*), Joseph M. Sanders, Herman G. Johnson, E. B. Stewart, Wallace M. Gribble, Carl H. Hunter, Raymond Dodson, F. S. Chapman, Fred L. Fox, E. H. Morton and G. K. Kump.

JOINT COMMITTEE ON PASSED BILLS ON THE PART OF THE SENATE.

Messrs. W. L. Poling, (*Chairman*), H. W. Harmer, F. S. Chapman, A. R. Montgomery and J. E. Frazier.

HOUSE OF DELEGATES

Speaker—J. L. WOLFE, Ripley.
 Clerk—C. L. TOPPING, Charleston.
 Desk Clerk—M. J. MALAMPY, JR., Morgantown.
 Assistant Desk Clerk—J. C. HAMILTON, Fayetteville.
 Sergeant-at-Arms—W. H. C. CURTIS, Wheeling.
 Door-Keeper—J. S. SHRIVER, Cairo.

COUNTY	NAME	POST OFFICE
Barbour.....	Artie F. Shomo, (R.).....	Junior
Berkeley.....	Roy C. Grove, (R.).....	Martinsburg
	Theo. F. Imbach, (R.)*.....	Martinsburg
Boone.....	Ernest E. Coon, (R.).....	Seth
Braxton.....	J. W. Cosner, (D.)*.....	Burnsville
	L. T. Harvey, (D.).....	Frametown
Brooke.....	Thomas J. Mahan, (R.).....	Wellsburg
Cabell.....	Nick Houvouras, (R.).....	Huntington
	O. W. Fitch, (R.).....	Huntington
	R. F. Brammer, (R.).....	Lesage
	T. S. Neale, (R.).....	Guyandotte
Clay.....	P. M. Summers, (D.).....	Clay
Doddridge.....	Geo. C. Howard, (R.).....	West Union
Fayette.....	John V. Coleman, (R.).....	Kimberly
	G. T. Bannister, (R.).....	Quinnimont
	G. R. Blizzard, (R.).....	Edmond
	J. M. McVey, (R.).....	Thurmond
Gilmer.....	F. N. Hays, (D.).....	Glenville
Grant.....	G. S. Vanmeter, (R.).....	Petersburg
Greenbrier.....	A. B. C. Bray, (D.).....	Ronceverte
	J. S. Thurmond, (D.).....	Alderson
Hampshire.....	J. S. Kuykendall, (D.).....	Romney
Hancock.....	J. W. Moulds, (R.).....	Holliday's Cove
Hardy.....	G. W. McCauley, (D.).....	Moorefield
Harrison.....	John W. Fortney, (R.).....	Lumberport
	Walter M. Morris, (R.).....	Mt. Clara
	William E. Starcher, (R.).....	Clarksburg
	George W. Sturm, (R.).....	West Milford
Jackson.....	M. L. Rankin, (R.).....	Ravenswood
	J. L. Wolfe, (R.).....	Ripley
Jefferson.....	M. O. Rouss, (D.).....	Kabetown
Kanawha.....	George W. McClintic, (R.).....	Charleston
	T. G. Nutter, (R.).....	Charleston
	Orville Hackney, (R.).....	Charleston
	B. J. Pettigrew, (R.).....	Charleston
	Geo. B. Hendricks, (R.).....	Charleston
	Edward J. Clements, (R.).....	East Bank
Lewis.....	James Q. Musser, (R.).....	Jane Lew
Lincoln.....	John S. Pridemore, (R.).....	Hamlin
Logan.....	Robert Bland, (D.).....	Logan
Marion.....	Albert J. Kern, (D.).....	Fairmont
	Judson R. Miller, (D.).....	Fairmont
	M. F. Hamilton, (D.).....	Mannington
Marshall.....	Everett F. Moore, (R.).....	Moundsville
	Geo. W. Byrnes, (R.).....	Moundsville
Mason.....	B. L. Parsons, (R.).....	Beech Hill
	G. W. McDermitt, (R.).....	Millwood

County		Post Office
Mercer.....	A. F. Wysong, (R.).....	Princeton
	M. H. Pedigo, (R.).....	Bluefield
	W. R. Godfrey, (R.).....	Matoaka
Mineral.....	K. H. Stover, (R.).....	Beryl
	Rice Thomas, (D.).....	Williamson
Mingo.....	William S. John, (R.).....	Morgantown
Monongalia.....	Frank M. Brand, (R.).....	Morgantown
	E. L. Spangler, (R.).....	Peterstown
Monroe.....	N. E. Perin, (R.).....	Berkeley Springs
Morgan.....	Jettes Mollohan, (D.).....	Summersville
Nicholas.....	I. C. Anderson, (R.).....	Welch
	C. C. Hale, (R.).....	Keystone
McDowell.....	W. J. McClaren, (R.).....	Welch
	H. J. Capehart, (R.).....	Keystone
	W. T. Otto, (R.).....	Wheeling
Ohio.....	H. C. Richards, (R.).....	Wheeling
	Harry A. Weiss, (R.).....	Wheeling
	S. A. Williams, (R.).....	Wheeling
Pendleton.....	Gilbert Calhoun, (D.).....	Dry Run
Pleasants.....	Joe Williams, (R.).....	St. Marys
Pocahontas.....	H. Blackhurst, (R.).....	Cass
Preston.....	E. Vernon Fortney, (R.).....	Kingwood
	Leroy Shaw, (R.) [*]	Kingwood
Putnam.....	C. W. Taylor, (R.).....	Hurricane
Raleigh.....	W. H. Cunningham, (R.).....	Blue Jay
	F. Clyde Scott, (R.).....	Beckley
Randolph.....	James G. O'Connor, (D.).....	Elkins
	James Coberly, (D.).....	Elkins
Ritchie.....	B. R. Twyman, (R.).....	Cairo
Roane.....	A. M. Hersman, (R.).....	Spencer
	G. T. Sarver, (R.).....	Ernest
Summers.....	J. H. Hobbs, (R.).....	Hinton
Taylor.....	L. D. Vaughn, (R.).....	Grafton
Tucker.....	D. E. Cuppett, (R.).....	Thomas
Tyler.....	Frank R. Hickman, (R.).....	Middlebourne
Upshur.....	John B. Hilleary, (R.).....	Buckhannon
Wayne.....	Chas. G. Peck, (D.).....	Ceredo
	W. K. Ferguson, (D.).....	Fort Gay
Webster.....	J. A. Neni, (D.).....	Skyles
Wetzel.....	Septimius Hall, (D.).....	New Martinsville
	L. E. Lantz, (D.).....	Jacksonburg
Wirt.....	W. T. Cox, (R.) [*]	Elizabeth
Wood.....	P. L. Jones, (R.).....	Parkersburg
	W. L. McPherson, (R.).....	Parkersburg
Wyoming.....	J. J. Swisher, (R.).....	Parkersburg
	D. D. Moran, (R.).....	Mullens

(R)..... Republicans.

(D)..... Democrats.

(*) Deceased.

Republicans..... 70

Democrats..... 24

Standing Committees of the House of Delegates

PRIVILEGES AND ELECTIONS.

Messrs. Cuppett (*Chairman*), Richards, Moran, Clements, Hickman, Scott, Williams (of Pleasants), Blizzard, Bland, Moore and Peck.

JUDICIARY.

Messrs. Moore (*Chairman*), John, Cuppett, Anderson, McClintic, Fortney (of Preston), Hackney, Richards, Scott, Moran, Nutter, Kuykendall, McCauley, Kern and Coberly.

FEDERAL RELATIONS.

Messrs. Scott (*Chairman*), Godfrey, Coon, Fitch, Blizzard, Kuykendall, Starcher, Hackney, Pedigo, Otto, Swisher, Thurmond, Ferguson, Calhoun and Hamilton.

TAXATION AND FINANCE.

Messrs. Parsens (*Chairman*), Williams (of Ohio), Grove, Byrnes, Hersman, Houvouras, Perin, Pettigrew, Swisher, Twyman, Hickman, Capehart, Bray, Hall and Hayes.

MILITARY AFFAIRS.

Messrs. Moran (*Chairman*), Hilleary, Richards, McDermitt, Anderson, Fortney (of Harrison), Cunningham, Musser, Weiss, Twymau, Hobbs, Peck, Lantz, Hall and Kern.

PROHIBITION AND TEMPERANCE.

Messrs. Neale (of Cabell) (*Chairman*), Blackhurst, Parsons, Rankin, Pedigo, John, Hobbs, Mahan, Morris, Twyman, Sarver, Harvey, McCauley, O'Connor and Ferguson.

EDUCATION.

Messrs. Sarver (*Chairman*), Brammer, Anderson, Coon, Cuppett, Hackney, Hayes, Howard, Kern, Kuykendall, McDermitt, McPherson, Rankin, Summers and Williams (of Pleasants).

COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Otto (*Chairman*), Neale (of Cabell), Neal (of Webster), Vaughn, Vanmeter, Blackhurst, Brand, Cox, Ferguson, Hall, Hamilton, Hilleary, Hobbs, Jones and Mahan.

PRIVATE CORPORATIONS AND JOINT STOCK COMPANIES.

Messrs. Wysong (*Chairman*), Weiss, Perin, Rouss, Neale (of Webster), Blizzard, Bray, Cuppett, Hackney, Hale, Hickman, Houvouras, John, Moran and McCauley.

ROADS AND INTERNAL NAVIGATION.

Messrs. Swisher (*Chairman*), McClaren, Neale (of Cabell), Otto, Pridemore, Spangler, Taylor, Ferguson, Godfrey, Hickman, Hilleary, Lantz, Lester, Miller and Moran.

FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Rankin (*Chairman*), Grove, Howard, Vanmeter, Starcher, Nutter, Pettigrew, Musser, Pridemore, Wysong, Brand, Lester, Summers, Hayes and Bland.

CLAIMS AND GRIEVANCES.

Messrs. Blackhurst (*Chairman*), Anderson, McClintic, Scott, Moore, John, Cuppett, Richards, Moran, Capehart, Bland, Kern, Kuykendall, McCauley and Fortney (of Preston).

HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Perin (*Chairman*), Brand, Shaw, Capehart, Wysong, Pridemore, Fitch, Hendricks, Cox, Coon, Vanmeter, Lantz, Neal (of Webster), Thurmond and Summers.

PRINTING AND CONTINGENT EXPENSES.

Messrs. Hickman (*Chairman*), Shomo, Bannister, Vanmeter, Sturm, Rankin, Pridemore, Moore, Wysong, Stover, Hale, Hayes, Lester, Cosner and Thomas.

EXECUTIVE OFFICES AND LIBRARY.

Messrs. Williams (of Pleasants) (*Chairman*), Coon, Maban, Brammer, Howard, McVey, Hackney, Perin, Capehart, Weiss, Twyman, Cosner, Hayes, McCauley and Calhoun.

FORESTRY AND CONSERVATION.

Messrs. Spangler (*Chairman*), Vaughn, Cox, Hersman, Jones, Taylor, Blackhurst, Morris, Moulds, Coleman, Fortney (of Preston), Bray, Mollohan, Coberly and Neal (of Webster).

ARTS, SCIENCE AND GENERAL IMPROVEMENTS.

Messrs. Grove (*Chairman*), McPherson, Cunningham, Shaw, Taylor, McClaren, John, Byrnes, McClintic, Williams, Cuppett, Lantz, Miller, Rouss and Thomas.

PENITENTIARY.

Messrs. Byrnes (*Chairman*), Neale (of Cabell), Mahan, Coleman, Moulds, Cox, Pridemore, Shaw, Morris, Hilleary, Lester, Hamilton, Harvey, Richards and Thomas.

MINES AND MINING.

Messrs. Hale (*Chairman*), McVey, Shomo, Vaughn, Thomas, Thurmond, Bland, Byrnes, Clements, Cunningham, Cuppett, Fortney (of Preston), John, Miller and Moran.

IMMIGRATION AND AGRICULTURE.

Messrs. Williams (of Ohio) (*Chairman*), Hersman, McDermitt, Rous, Shaw, Shomo, Sturm, Taylor, Calhoun, Cox, Hobbs, Jones, Lantz, Mollohan and Musser.

STATE BOUNDARIES.

Messrs. Fortney (of Preston), (*Chairman*), Coon, Fitch, Morris, Moulds, Musser, Taylor, Blackhurst, Hobbs, Cox, Swisher, Coberly, Harvey, Lester and Calhoun.

RAILROADS.

Messrs. McPherson, (*Chairman*), McClintic, Peck, O'Connor, Stover, Thomas, Bannister, Calhoun, Capehart, Fortney (of Harrison), Godfrey, Grove, Moulds and Hobbs.

LABOR.

Messrs. Stover (*Chairman*), Blizzard, Coleman, Coon, Fitch, Hendricks, Lester, Moulds, O'Connor, Pettigrew, Shaw, Starcher, Summers, Weiss and Wysong.

MEDICINE AND SANITATION.

Messrs. Howard, (*Chairman*), Cunningham, McVey, Pedigo, Rankin, Brammer, Hendricks, Hilleary, Morris, Coleman, Mollohan, Harvey, Hamilton, Cosner and Coberly.

GAME AND FISH.

Messrs. McClintic (*Chairman*), Bannister, Grove, Musser, Morris, Blackhurst, Parsons, Williams, Houvouras, Spangler, Perin, Coberly, Hamilton, Rous and Calhoun.

INSURANCE.

Messrs. Sturm (*Chairman*), Mahan, Brand, Cox, Nutter, Starcher, Twyman, McVey, Williams (of Pleasants), Miller, Hall, Peck, Scott, Thurmond and Thomas.

RULES.

Messrs. Wolfe, Speaker (*Chairman*), Swisher, McVey, McClintic, Kuykendall, Hayes and Weiss.

JOINT COMMITTEE ON PASSED BILLS ON PART OF THE HOUSE.

Messrs. Godfrey (*Chairman*), Scott, Grove, Mahan and Peck

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ACTS OF 1920

CHAPTER 1.

(House Bill No. 9 - Mr. Parsons)

AN ACT making appropriations of public money to pay the per diem and mileage of members of the legislature for the extraordinary session of one thousand nine hundred and twenty and for salaries of the officers and attaches thereof and miscellaneous expenses in connection therewith.

[Passed September 17, 1920. In effect from passage.]

SEC.

1. Appropriations for per diem and mileage of members of the legislature for the extraordinary session of 1920, and for salaries of the officers and attaches

thereof, House of Delegates; Speaker's appointees; Clerk's appointees; miscellaneous items, Senate; per diem of other elective officers; President's appointees; Clerk's appointees.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of
2 the public treasury for the payment of the per diem and mileage
3 of members of the legislature for the extraordinary session of one
4 thousand nine hundred and twenty, the salaries of the officers and
5 attaches thereof, and miscellaneous items, the following sums of
6 money:

House of Delegates.

Mileage of the members of the house, three thousand five hun-
2 dred dollars.

Per Diem of the Speaker and Members.

Speaker of the House for four days at six dollars per day,
2 twenty-four dollars.

3 Eighty-nine members of the house for four days, at four dol-
4 lars per day each, fourteen hundred and twenty-four dollars.

5 Sergeant-at-arms of the house for four days at seven dol-
6 lars per day, twenty-eight dollars.

7 Doorkeeper of the house for four days at six dollars per day,
8 twenty-four dollars.

Speaker's Appointees.

- Five floor stenographers for four days at six dollars per day
2 each, one hundred and twenty dollars.
- 3 One stenographer to speaker of the house for four days at
4 eight dollars per day, thirty-two dollars.
- 5 Assistant sergeant-at-arms for four days at seven dollars per
6 day, twenty-eight dollars.
- 7 Clerk to sergeant-at-arms for four days at six dollars per day,
8 twenty-four dollars.
- 9 Five floor pages for four days at three dollars per day each,
10 sixty dollars.
- 11 One mail and banking page for four days at four dollars per
12 day, sixteen dollars.
- 13 Four journal pages for four days at four dollars per day
14 each, sixty-four dollars.
- 15 Two assistant door keepers for four days at five dollars per
16 day, forty dollars.
- 17 Seven cloak and toilet room keepers for four days, at five
18 dollars per day each, one hundred and forty dollars.
- 19 One gallery doorkeeper for four days at five dollars per day,
20 twenty dollars.

Clerk of the House of Delegates.

- For services preliminary to, during, and to complete the work
2 of the session, including the printing and indexing of the corrected
3 Journal, head noting, indexing, proof reading, and printing and
4 distributing the acts of this extraordinary session, twenty-seven
5 days at fifteen dollars per day, four hundred and five dollars.
- 6 Two desk clerks for four days, at ten dollars per day each,
7 eighty dollars.
- 8 One-half of the compensation of the supervisor of printing
9 of the two houses, for services preliminary to, during and to com-
10 plete the work of the session for fifteen days, at six dollars per day,
11 ninety dollars.
- 12 One reading clerk, four printing clerks, two bill record clerks,
13 one stenographer to chief clerk, three assistant clerks, and one
14 office stenographer for four days at eight dollars per day, three
15 hundred and eighty-four dollars.

16 Page to clerk of house for four days at four dollars per day, six-
17 teen dollars.

18 For necessary help in performing the above mentioned work
19 to be done by the clerk of the house of delegates, including clerks
20 and stenographers, three hundred and sixty dollars.

21 Contingent fund for the house of delegates, two thousand
22 five hundred dollars.

Miscellaneous Items.

Walnut Hill Lithia Water Company, water for house, six
2 dollars.

3 Chesapeake and Potomac Telephone Company, telephone ser-
4 vice rendered to office of Speaker and Clerk of House, forty-eight
5 dollars and fifty cents.

6 S. Spencer Moore Company, drinking cups and sundries, twen-
7 ty-two dollars and fifty cents.

8 J. R. Scott, two rubber stamps for sergeant-at-arms, seventy-
9 five cents.

10 Elfrida Moore to rent of typewriter, five dollars.

11 Samuel Ragland, house janitor, eleven days at five dollars per
12 day, fifty-five dollars.

13 Edwd. Scotts, house janitor, twelve and one-half days at five
14 dollars per day, sixty-two dollars and fifty cents.

15 Bert Skyles, house janitor, eleven days at five dollars per
16 day, fifty-five dollars.

17 Allen Stokes, house janitor, twelve and one-half days at five
18 dollars per day, sixty-two dollars and fifty cents.

19 Abney, Barnes & Co. for roller towels, fourteen dollars and
20 twenty-five cents.

21 Armstrong & Whitten, for cleaning windows, eighty dollars.

22 Armstrong & Whitten, for painting elevator and shaft, seventy-
23 eight dollars and thirty-five cents.

24 Goshorn Hardware Company, for buckets, four dollars.

25 Brad Noyes, for pitchers, trays and tumblers, three dollars
26 and ten cents.

27 Coyle & Richardson, for adjusting blinds, eight dollars and
28 sixty-five cents.

29 J. M. Gates Sons Company, for oil, one dollar and thirty
30 cents.

- 31 J. W. Jenkins, for repairing clocks, three dollars and fifty
32 cents.
- 33 Clara Doust, for making towels, two dollars and fifty cents.
- 34 Underwood Typewriter Co. for rent of typewriters, five
35 dollars.
- 36 Tripure Water Co. for drinking water for Senate, five dollars
37 and eighty-five cents.

SENATE

Mileage of the members of the senate, one thousand one hundred and forty-six dollars and forty cents.

3 *To pay the per diem of the President and Members of the*
4 *Senate:*

5 President of the Senate four days at six dollars per day,
6 twenty-four dollars.

7 Twenty-seven members of the senate four days at four dol-
8 lars per day each, four hundred and thirty-two dollars.

Per Diem of Other Elective Officers

Clerk of the Senate twenty-seven days at fifteen dollars per
2 day, including services preliminary to, during and after the ses-
3 sion in indexing and publishing the corrected Journal and acts,
4 co-operating with the Clerk of the House in the publication of ten
5 thousand copies of House Bill No. 5, of this extraordinary session,
6 four hundred and five dollars.

7 Sergeant-at-Arms of the Senate four days at seven dollars
8 per day, twenty-eight dollars.

9 Doorkeeper of the senate four days at six dollars per day,
10 twenty-four dollars.

Presidential Appointees.

Stenographer to the president, five days at eight dollars per
2 day, forty dollars.

3 Clerk to committee on finance, five days at eight dollars per
4 day, forty dollars.

5 Clerk to committee on enrolled bills, four days at eight dol-
6 lars per day, thirty-two dollars.

- 7 Assistant doorkeeper, four days at five dollars per day, twenty
8 ty dollars.
- 9 Gallery doorkeeper, four days at five dollars per day, twenty
10 dollars.
- 11 Mailing and Banking page, seven days at four dollars per day
12 including services after the session, in forwarding mail to senators
13 and attaches, twenty-eight dollars.
- 14 One Journal page four days at four dollars per day, sixteen
15 dollars.
- 16 One floor stenographer four days at eight dollars per day,
17 thirty-two dollars.
- 18 One floor page four days at four dollars per day, sixteen
19 dollars.
- 20 One day watchman four days at five dollars per day, twenty
21 dollars.
- 22 One night watchman four days at five dollars per day, twenty
23 dollars.
- 24 One cloak-room attendant four days at five dollars per day,
25 twenty dollars.
- 26 One toilet room attendant four days at five dollars per day,
27 twenty dollars.

Clerk's Appointees.

- Chief assistant clerk for services preliminary to, during and
2 in completing the work of the session, fifteen days at ten dollars
3 per day, one hundred and fifty dollars.
- 4 Official stenographer of the senate for services during and
5 after the close of the session, fifteen days at ten dollars per day
6 one hundred and fifty dollars.
- 7 One half the compensation of the supervisor of printing for
8 the two houses, for services preliminary to, during and in complet-
9 ing the work of the session, fifteen days at six dollars per day,
10 ninety dollars.
- 11 Assistant supervisor, in charge of senate journals and bills
12 and one general assistant, for services during and in completing
13 the work of the session, fifteen days at eight dollars per day each,
14 two hundred and forty dollars.
- 15 Two printing clerks and three copyholders four days at eight

- 16 dollars per day each, one hundred and sixty dollars.
 17 One messenger to clerk six days at four dollars per day,
 18 twenty-four dollars.
 19 Contingent fund of the senate, one thousand dollars.

CHAPTER 2.

(House Bill No. 5 - Mr. Cuppett)

AN ACT to define and fix the qualification of female voters; to provide for the registration of female voters for the general election held in November, one thousand nine hundred and twenty; to provide for registration of male and female voters in new election precincts created since the primary election on May twenty-fifth, one thousand nine hundred and twenty, for said general election; and to provide additional election facilities for holding said election, and compensation of election officers.

[Passed September 17, 1920. In effect from passage. Approved by the Governor September 17, 1920.]

SEC.

1. Giving female citizens the right to vote; qualifications; must be registered; commissioners; whom they shall allow to vote; after said general election in November, 1920, female voters must register under same law provided for male voters.
2. The county court shall furnish to the registrars, books and blanks; description of said book and how the females shall be registered; books to be delivered not later than the first day of October, 1920; duties of registrars; penalty for violation: affidavits; how they shall be made out, penalty for falsely making an affidavit. Every female shall be registered who will be qualified to vote in the general election in November, 1920.
3. Registrars shall sit on the third

SEC.

- Monday prior to the general election as now provided by law; make two complete lists and forward to county clerk; compensation to be same as provided for registering of male voters; duties of county courts in registering female voters.
4. New precincts; county court shall appoint registrars to register both male and female voters; compensation of registrars.
5. If registration books show two hundred or more voters the commissioners shall appoint two additional poll clerks; qualification and duties of said clerks; number of booths; one voter for each booth; books to be made in ink.
6. Salaries of election officers.
7. Provisions not inconsistent to apply.

Be it enacted by the Legislature of West Virginia:

- Section 1. Female citizens of the state shall be entitled to
 2 vote at all elections held within the precincts of the counties in
 3 which they respectively reside; but no person who is a minor, or
 4 of unsound mind or a pauper, or who is under conviction of

5 treason, felony or bribery in an election, or who has not been a
6 resident of the state for one year, and of the county in which
7 she offers to vote for sixty days next preceding such election,
8 and who is not at the time of the election, an actual and bona
9 fide resident of the election precinct in which she offers to vote,
10 shall be permitted to vote at such election, while such disability con-
11 tinues; and no person in the military, marine or naval service of
12 the United States shall be deemed a resident of the State, by reason
13 of being stationed therein; nor shall any person in the em-
14 ployment of any incorporated company, or of this state, be deemed
15 a resident of any county, or of any election precinct therein by rea-
15a son of being employed in said county or election precinct. But no
16 female shall be allowed to vote at the general election held on the
17 Tuesday next after the first Monday in November, one thousand
18 nine hundred and twenty, unless she shall have been registered as
19 herein provided, and the commissioners of said election shall al-
20 low only those to vote whose names appear upon the registra-
21 tion books furnished to them by the clerk of the county court, or
22 who present a proper certificate of transfer as now provided by
23 law. And at all elections held after said general election in
24 November, one thousand nine hundred and twenty, no female
25 shall be permitted to vote unless she shall have been registered in
26 the same manner required by law for the registration of male
27 voters.

Sec. 2. The county court of every county shall immediately
2 after this act goes into effect, furnish to the registrars in each
3 voting precinct in the county, sufficient registration books and
4 blanks for the registration of the female voters therein, which
5 books shall be so arranged as to admit of the alphabetical classi-
6 fication of the names of the voters and ruled in parallel columns,
7 on which the registrar shall enter, first, the number; second, the
8 names of the persons registered; third, color; fourth, age; fifth,
9 place of birth; sixth, time of residence in precinct, county and
10 state; seventh, if naturalized, the date of the papers and the
11 court by which issued; eighth, date of registration; ninth, place
12 of residence. Said registration books and blanks shall be delivered
13 to said registrars by the county clerk in person, or to the resi-
14 dence or usual place of abode of said registrars; and not later
15 than the first day of October, one thousand nine hundred and

16 twenty. Said registrars shall meet together and proceed to regis-
17 ter the names of all qualified female voters in their respective
18 precincts, and shall endeavor to ascertain and register each and
19 every qualified female voter entitled to vote within the precinct,
20 and for this purpose shall visit the usual place of abode of each
21 and every female voter; if either one of the registrars refuse
22 or fail to register the voters of his precinct, as herein required,
23 then the other registrar may, in the absence of such registrar
24 so refusing or failing, proceed to make or complete such registra-
25 tion; and it shall be the duty of such registrar, so refusing or
26 failing so to do, to copy the names of the persons so registered
27 by the other registrar, in his registration book, and if he fails
28 to do so, then it shall be the duty of the county court to have
29 the same done at its sittings, for the purpose of completing and
30 revising said registration list. From the action of the county
31 court an appeal may be taken to the circuit court, or
31a from the circuit court to the supreme court of appeals
32 of this state. And in registering each voter, said reg-
33 istrar shall give the christian name, and her surname,
34 and shall designate the place of her residence, her age and color,
35 and whether she is a native or foreign born, and such information
36 as is provided for in this section, which information shall be
37 given in the proper column provided in the books furnished by
38 the clerk of the county court, as hereinbefore provided. Any regis-
39 trar violating any of the provisions of this section shall be fined
40 not less than fifty dollars and confined in jail not less than thirty
41 days.

42 If said registrars after examining any voter, are not satisfied as
43 to her right to be registered, then said registrars shall require said
44 voter to make an affidavit in writing, on a blank to be furnished
45 which affidavit shall be duly subscribed and sworn to by said voter
46 before either of said registrars, and in which affidavit said voter
47 shall answer fully the questions giving information as required
48 under section ninety-eight-a (4) of chapter six, acts extra-
49 ordinary session, one thousand nine hundred and sixteen, and if
50 said affidavit shows that she is a voter in said precinct, she shall
51 then be registered by said registrars. Said registrars having regis-
52 tered such voter upon her affidavit, may mark said affidavit "chal-
53 lenged," and return the same with their list of registration, to the

54 clerk of the county court, and said clerk shall preserve said affi-
55 davit in his office, and either registrar or any citizen or any voter
56 of the county may appear before the county court and have
57 the right of said voter's registration determined by said county
58 court. And any person who shall wilfully make any such affidavit
59 falsely shall be guilty of felony, and upon conviction thereof, shall
60 be confined in the penitentiary not less than one nor more than
61 three years; or, in the discretion of the court, may be confined in
62 the county jail not less than one nor more than six months.

63 Every female shall be registered who will be entitled to vote
64 at said general election in November, one thousand nine hundred
65 and twenty, by reason of her arriving at twenty-one years of age
66 before that election, and by reason of her having resided for a
67 sufficient length of time in the state and county, *provided* she is
68 otherwise qualified.

Sec. 3. Said registrars after completing the registration of
2 female voters as far as in their power, shall, when they sit to-
3 gether as provided by law on the third Monday next prior to said
4 general election, have said registration books then and there open
5 for public inspection, and shall register in said books all qualified
6 female voters who have not theretofore been registered by them,
7 and complete and finish the registration of the female voters in
8 their said precincts, and make out and sign two alphabetical
9 lists of female voters so registered by them in said books, and
10 return the same to the clerk of the county court within three
11 days from the time of said sitting. And for their services in
12 making said registration the registrars shall receive the same com-
13 pensation now allowed for registering the male voters. The coun-
14 ty court at its session held on the Tuesday next preceding said
15 general election shall add to said list the names of all female
16 voters who shall then appear in person and make application for
17 registration, for the the same reasons and in the same manner
18 as now provided for male voters.

Sec. 4. In any county where new election precincts have
2 been established in the manner prescribed by law, since the twen-
3 ty-fifth day of May, one thousand nine hundred and twenty, and
4 prior to the passage of this act, the county court shall, within
5 ten days after this act goes into effect, appoint two registrars in
6 the same manner and upon the same request or recommendation

7 perscribed by law for each of said newly created precincts, and
8 said registrars shall immediately proceed to register the male and
9 female voters in said precincts in the manner now perscribed by
10 law, and for their services such registrars shall be allowed the
11 same compensation now provided for such service, to be audited
12 and paid by the county court out of the county treasury.

Sec. 5. For the purposes of holding a general election to be
2 held on the Tuesday after the first Monday in November, in the
3 year one thousand nine hundred and twenty, the commissioners of
4 election at every precinct where the registration of voters for that
5 precinct (as shown by the registration books then received by
6 them from the county clerk) shows two hundred voters or more,
7 shall appoint two additional poll clerks, qualified voters in said
8 precinct, either one or both of whom may be female voters of the
9 precinct, one from each of the political parties which cast the
10 largest number of votes at the last preceding general election in
11 the state, and who shall be selected by the commissioner or com-
12 missioners representing the political party from which said clerks
13 are respectively appointed, who shall take the same oath, perform
14 the same duties, and receive the same compensation as clerks of
15 the receiving board, except it shall not be necessary for more than
16 two of the clerks, who are of opposite politics, to sign their names
17 on the ballots which are cast by the voters. And at said general
18 election in November one thousand nine hundred and twenty, the
19 number of booths or compartments at each voting place where the
20 registration of voters therefor shows two hundred voters or more,
21 shall not be less than five nor more than ten, and not more than one
22 voter for each booth or compartment shall be allowed in the elec-
23 tion room at the same time. All poll books and registration books
24 shall be made in ink.

Sec. 6. Every commissioner of election, poll clerk, challenger
2 and ballot commissioner shall be allowed five dollars each day he
3 shall serve as such, including the time necessary to receive and
4 deliver the ballots, ballot boxes, poll books and tally sheets.
5 *Provided* the ballot commissioners shall not receive an allowance
6 for more than two days.

Sec. 7. All provisions of the registration laws of this state
2 now in force which are not inconsistent with the provisions of
3 this act, shall apply to the registration of the voters herein re-
4 quired to be registered.

CHAPTER 3.

(House Bill No. 1 - Mr. Thomas)

AN ACT to amend and re-enact section twenty and section twenty-one of chapter thirty-three of acts of the legislature of one thousand nine hundred and five, establishing the Independent School District of Williamson, in the county of Mingo, in the state of West Virginia.

[Passed September 17, 1920. In effect from passage. Approved by the Governor September 17, 1920.]

SEC.

20. Board of Education authorized to furnish and equip school houses and grounds including teachers home or dormitory; all buildings to be kept in good order by said board; giving power to hire additional help; the schools to be kept open not less than nine months; to determine amount of board to be paid by teachers. same to be placed in district school fund; duty of said board to determine amount of money needed and to lay a levy to cover same.
21. Board authorized to issue bonds; how money is to be used; de-

terminations of bonds determined by said board; payable in not less than five nor more than thirty-four years; bear six per cent interest payable annually; all debts not to exceed five per cent of taxable property; board to provide levies for paying interest and principal on all indebtedness. Bonds to be voted on; must receive three-fifths of all votes cast at said election; election held under supervision of said board; method of holding election; publication of notice. Inconsistent acts or parts of acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty and section twenty-one of chapter thirty-three of acts of the legislature of nineteen hundred and five, establishing the Independent School District of Williamson, in the county of Mingo, in the State of West Virginia, be, and they are hereby, amended and re-enacted so as to read as follows:

Section 20. The board of education is hereby authorized to provide, by purchase, condemnation, leasing, building, or otherwise, school houses and grounds, including a Teachers' Home or Dormitory for teachers, and furniture, fixtures and appendages: it shall keep the same in good order and repair, and shall supply the said school houses, and Teachers' Home, or Dormitory for teachers, with fuel and other things necessary and convenient; and the said board of education shall keep the schools of said district in operation not less than nine months in the year, and may keep open and in operation the said Teachers' Home, or Dormitory for teachers, which shall be used as and for a home for the teachers, or such of them as the board may admit thereto, em-

13 played in said schools. The said board shall have the right to
14 employ a matron, janitor and such additional help as may be nec-
15 essary for said 'Teachers' Home, or Dormitory for teachers, whose
16 salaries or wages shall be paid out of the funds of the district,
17 and may collect from all persons who shall room and board in
18 said Teachers' Home, or Dormitory for teachers, compensation
19 for such room and board, as the said board of education may pre-
20 scribe; and all moneys received by the board on account thereof
21 shall be and become a part of the funds belonging to said district.

22 It shall be the duty of the said board of education, at its
23 annual meeting which shall be held at the time required by the
24 general school law, to ascertain as near as may be the amount of
25 money necessary, in addition to other funds properly belonging
26 to said district available for that year, to keep the schools of said
27 district in operation for not less than nine months, and to pro-
28 vide the funds which may be required, for said year, for any other
29 purpose authorized by this section; and for the amount so neces-
30 sary, the said board shall levy a tax upon the taxable property in
31 said district. which tax shall be collected in the same manner as
32 other school taxes are collected under the provisions of the gen-
33 eral school law of this state. The proceeds of the taxes so levied
34 and collected shall constitute such funds as the board shall
35 designate or, in the absence of such designation by the board, as
36 provided by general law.

Sec. 21. That, in addition to the authority conferred upon
2 said board of education, by the next preceding section, in the matter
3 of providing grounds and school houses, Teachers' Home, or
4 Dormitory for teachers, and furniture and fixtures, as therein
5 provided, the said board of education is hereby authorized and
6 empowered to issue bonds of said school district to an amount
7 sufficient for the purpose of providing suitable lands, and of erect-
8 ing thereon and furnishing and equipping suitable buildings, to
9 be used for school purposes, and a suitable building to be used
9-a for a Teachers' Home or Dormitory for teachers, within
10 said school district, as well as for the purpose of reconstructing,
11 remodeling, and making additions to the present buildings, and
12 refurnishing and re-equipping the same; which said bonds shall
13 be of such denominations as the said board by order shall prescribe
14 and shall be payable in not less than five years, nor more than
15 thirty-four years, at the option of the said board, and which shall

16 bear interest at the rate of not to exceed six per centum per annum,
17 payable annually; *provided*, that the aggregate of said bonds for
18 said purposes, including existing indebtedness of said district,
19 shall not exceed five per centum of the value of all the taxable
20 property in said district, the same to be ascertained by the last
21 assessment for state and county purposes next before the incurring
22 of such indebtedness; and said board of education shall provide by
23 levy a direct annual tax sufficient to pay annually the interest on
24 such indebtedness, and the principal when due, as well as to pay
25 annually the interest on the existing indebtedness of said district
26 and the principal when due.

27 But no such bonds shall be issued hereunder unless the ques-
28 tion of issuing the same shall have been first submitted to the
29 voters of the said school district at an election to be held for that
30 purpose, and shall have received three-fifths of all of the votes
31 cast for and against the same. Such bond election shall be held
32 and conducted under the supervision of the said board of educa-
33 tion, and the result thereof shall be ascertained and certified by
34 the said board, which shall appoint at least three qualified voters
35 to hold said election at each of the several voting precincts, as
36 established by the city of Williamson, the corporate limits whereof
37 being the same as the exterior boundaries of said district. One of
38 the persons so appointed at each precinct shall act as clerk, and
39 the other two shall act as commissioners of the election. A notice
40 of said election, duly published in two newspapers of general cir-
41 culation in said district once each week for two successive weeks
42 prior to said election shall be sufficient notice, and publication of
43 notice of said election.

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

HOUSE CONCURRENT RESOLUTION NO 1.

(Adopted September 14, 1920)

Providing for a joint committee to wait upon the governor and notify him that the legislature is in session.

Resolved by the House of Delegates, the Senate concurring therein:

That a committee of three on the part of the House of Delegates and two on the part of the Senate be appointed jointly to wait upon the governor and notify him that the Legislature is now in special session, pursuant to his proclamation dated in the City of Charleston, September 6th, 1920, with a quorum of each house present, and awaits any message he may desire to transmit. The members of said committee to be appointed respectively by the Speaker of the House of Delegates and the President of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 2.

(Adopted September 16, 1920)

“Authorizing the Auditor to issue warrants for mileage and per diem of members, officers and attaches of the legislature.”

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer in advance of the passage of the legislative appropriation bill, for such amounts as are, or may become due to the several members, officers and attaches of the Senate and House of Delegates, for the per diem and mileage of the members and per diem of attaches, upon the proper requisition of the Clerk of the Senate and the sergeant-at-arms of the House, respectively.

HOUSE CONCURRENT RESOLUTION NO. 4.

(Adopted September 17, 1920)

Raising a Joint Committee to wait upon the governor.

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the House of Delegates to be appointed by the Speaker thereof, and two on the part of the Senate, to be appointed by the President thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn *sine die*.

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ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA

REGULAR AND EXTRAORDINARY
SESSIONS
1921



Authorized by House Concurrent Resolution No. 25, Adopted April 29,
1921.

Note by the Clerk: Municipal Charters are published in a separate
volume.

NOTE BY CLERK.

The acts of the extraordinary session will be found immediately following the acts of the regular session, and are separated therefrom by a colored insert.

Municipal Charters are published in a separate volume.

1921

WEST VIRGINIA LEGISLATURE

STATE SENATORS

Officers

Hon. Gohen C. Arnold.....President
 John T. HarrisClerk
 Homer GrayChief Assistant
 Jack SmithSergeant-at-Arms
 James P. StewartDoorkeeper

District	MEMBERS	POSTOFFICES
First.....	†Jesse A. Bloch (R)..... *J. Ness Porter (R).....	Wheeling Newell
Second.....	†Carl H. Hunter (R)..... *T. P. Hill (R).....	Moundsville Middlebourne
Third.....	†Edgar R. Staats (R)..... *James D. Dinsmoor (R).....	Parkersburg St. Marys
Fourth.....	†W. L. Poling (R)..... *R. P. Shinn (R).....	Point Pleasant Ripley
Fifth.....	†Floyd S. Chapman (R)..... *Philip Hager (R).....	Huntington Hamlin
Sixth.....	†Wm. York (R)..... *William J. McClaren (R).....	Williamson Welch
Seventh.....	†Joseph M. Sanders (R)..... *C. C. Coalter (R).....	Bluefield Hinton
Eighth.....	*M. V. Godtey (R)..... *Harry G. Shaffer (R).....	Charleston Madison
Ninth.....	†Joseph S. Lewis (R)..... *Robert H. Boone (R).....	Oak Hill Ronceverte
Tenth.....	†Fakridge H. Morton (D)..... *J. N. Shackelford (D).....	Webster Springs Glenville
Eleventh.....	†Edgar B. Stewart (R)..... *George W. Bowers (R).....	Morgantown Mannington
Twelfth.....	†Harvey W. Harmer (R)..... *George E. White (R).....	Clarksburg Weston
Thirteenth.....	†Herman G. Johnson (R)..... *Gohen C. Arnold (R).....	Elkins Buckhannon
Fourteenth.....	†George B. Harman (R)..... *A. L. Helmick (R).....	Maysville Thomas
Fifteenth.....	†Milton Burr (D)..... *H. P. Henshaw (D).....	Bardane Bunker Hill

(R)..... Republicans
 (D)..... Democrats
 (*)..... Elected 1920
 (†)..... Holdovers

Republicans..... 26
 Democrats..... 4

Standing Committees of the Senate

ON PRIVILEGES AND ELECTIONS.

Messrs. Staats (*Chairman*), Sanders, Boone, Bowers, Godbey, Harman, Poling, Shackelford and Henshaw.

ON THE JUDICIARY.

Messrs. Stewart (*Chairman*), Sanders, Harmer, Shaffer, Hill, White, Poling, Staats, Harman, Porter and Morton.

ON FINANCE.

Messrs. Lewis (*Chairman*), Hunter, Bloch, Bowers, Chapman, Coalter, Dinsmoor, Godbey, Helmick, McClaren, Shinn, White, York, Shackelford and Burr.

ON EDUCATION.

Messrs. Johnson (*Chairman*), Harmer, Bowers, Hager, Harman, Hill, Poling, Shinn and Shackelford.

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. Harmer (*Chairman*), Staats, Bloch, Bowers, Chapman, Godbey, Harman, York and Burr.

ON ROADS AND NAVIGATION.

Messrs. McClaren (*Chairman*), Bloch, Boone, Bowers, Hager, Harman, Hunter, Johnson, Sanders, Shaffer, Shinn, Staats, White, Henshaw and Morton.

ON RE-DISTRICTING.

Messrs. Sanders (*Chairman*), Helmick, White, Hunter, Dinsmoor, Johnson, McClaren, Chapman and Henshaw.

ON BANKS AND CORPORATIONS.

Messrs. Hunter (*Chairman*), Lewis, Bowers, Shaffer, Coalter, Helmick, Shinn, York and Henshaw.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

Messrs. Chapman (*Chairman*), Staats, Godbey, Harmer, Lewis, McClaren, Porter, Sanders, Bowers, Burr and Henshaw.

ON PENITENTIARY.

Messrs. Hill (*Chairman*), Hunter, Coalter, Harmer, Bloch, Shinn, McClaren, Lewis and Morton.

SENATE COMMITTEES

ON RAILROADS.

Messrs. Coalter (*Chairman*), White, Helmick, Hill, Hunter, Shinn, Stewart, York and Shackelford.

ON MILITIA.

Messrs. Helmick (*Chairman*), Porter, Boone, Coalter, Dinsmoor, Harmer, Shaffer, Morton and Burr.

ON FEDERAL RELATIONS.

Messrs. Sanders (*Chairman*), Poling, Staats, White, Helmick, Dinsmoor, Porter, Stewart and Burr.

ON INSURANCE.

Messrs. Porter (*Chairman*), Hager, Bloch, Godbey, Lewis, Poling, White, Henshaw and Morton.

ON IMMIGRATION AND AGRICULTURE.

Messrs. Harman (*Chairman*), Shinn, Bloch, Boone, Burr, Hager, Harmer, Johnson and Shackelford.

ON MINES AND MINING.

Messrs. York (*Chairman*), Boone, Dinsmoor, Hager, Helmick, Johnson, Porter, Chapman and Shackelford.

ON MEDICINE AND SANITATION.

Messrs. Godbey (*Chairman*), York, Hager, Harmer, Johnson, Sanders, Staats, Helmick and Henshaw.

ON LABOR.

Messrs. White (*Chairman*), Dinsmoor, Lewis, McClaren, Poling, Porter, Shinn, Staats and Burr.

ON CLAIMS AND GRIEVANCES.

Messrs. Boone (*Chairman*), Chapman, Dinsmoor, Hunter, Porter, Shaffer, Stewart, York and Morton.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Shaffer (*Chairman*), Hill, Coalter, Bowers, McClaren, White, Hager, Shackelford and Henshaw.

ON PUBLIC PRINTING.

Messrs. Poling (*Chairman*), Johnson, Chapman, Harman, Porter, White, Coalter, Hill and Burr.

ON RULES.

Messrs. Arnold (*Chairman*), Coalter, Stewart, White and Morton.

ON PUBLIC LIBRARY.

Messrs. Shinn (*Chairman*), Shaffer, Bloch, Bowers, York, Stewart, Harmer, Helmick and Morton.

TO EXAMINE THE CLERK'S OFFICE:

Messrs. Dinsmoor (*Chairman*), Hunter, McClaren, Sanders, Godbey, White, Lewis, Hager and Shackleford.

ON FORESTRY AND CONSERVATION.

Messrs. Bloch (*Chairman*), Coalter, Hunter, Johnson, Sanders, Shaffer, Stewart, Morton and Henshaw.

ON PROHIBITION AND TEMPERANCE.

Messrs. Hager (*Chairman*), Boone, Harman, Harmer, Hill, Johnson, Shinn, Shackleford and Burr.

ON THE VIRGINIA DEBT.

Messrs. Hunter (*Chairman*), Sanders, Bloch, Harmer, Shaffer, Chapman, Bowers, Staats, Poling, Morton and Henshaw.

JOINT COMMITTEE ON PASSED BILLS, ON THE PART OF THE SENATE.

Messrs. Bowers (*Chairman*), Poling, Godbey, Harman and Burr.

HOUSE OF DELEGATES

Officers

HON. EDWIN M. KEATLEY, Speaker
 M. S. HODGINS, Clerk
 W. H. C. CURTIS, Sergeant-at-Arms
 W. M. MORRIS, Doorkeeper

Counties	MEMBERS	POSTOFFICES
Barbour	Fred E. Thompson (R)	Belington
Berkeley	M. K. Butts (R)	Hedgesville
	H. A. Downs (R)	Martinsburg
Boone	A. M. Rogers (R)	Ottawa
Braxton	John I. Bender (R)	Burnsville
	W. R. Pierson, Jr. (R)	Sutton
Brooke	J. L. Deley (R)	Wellsburg
Cabell	O. W. Fitch (R)	Huntington
	H. O. Dunfee (R)	Huntington
	F. O. Sanders (R)	Huntington
	R. P. Aleshire (D)	Huntington
Calhoun	Marion R. Hersman (D)	Grantville
Clay	B. F. Murphy (R)	Clay
Doddridge	Geo. C. Howard (R)	West Union
Fayette	H. T. Lyttleton (R)	Thurmond
	Geo. F. Grissinger (R)	Kilysih
	G. E. Callison (R)	Claremont
	J. Alfred Taylor (D)	Fayetteville
Gilmer	F. N. Hays (D)	Glenville
Grant	D. O. Fout (R)	Maysville
Greenbrier	C. F. McClintic (D)	Williamsburg
	H. W. Bivens (D)	Rupert
Hampshire	J. S. Zimmerman (D)	Romney
Hancock	R. M. Brown (R)	Now Cumberland
Hardy	G. W. McCauley (D)	Mooresfield
Harrison	William G. Stathers (R)	Clarksburg
	Howard Post (R)	Clarksburg
	Luther Haymond (R)	Clarksburg
	John B. Wyatt (R)	Shinnston
Jackson	S. K. Someville (R)	Ravenswood
	*J. P. Kiser (R)	Fletcher
Jefferson	Frank J. Beckwith (D)	Charles Town
Kanawha	George W. McClintic (R)	Charleston
	Edwin M. Keatley (R)	Charleston
	Russell L. Hastings (R)	Chelyan
	Uriah Barnes (R)	Charleston
	T. G. Nutte (R)	Charleston
	Charles A. Midelburg (R)	Charleston
Lewis	Ernest E. Knight (R)	Jano Lew
Lincoln	Ebb Cummings (R)	Fez
Logan	†Chas. Avis (D)	Logan
Marion	Net Robinson (R)	Mannington
	W. H. Vesch (R)	Farmington
	H. E. Sattenfeld (R)	Fairmont
Marshall	Everett F. Moore (R)	Moundsville

COUNTY	NAME	POSTOFFICE
Mason	C. E. Hutchinson (R)	Moundsville
	W. B. Shiflet (R)	Point Pleasant
Mercer	James M. Crump (R)	Beech Hill
	A. F. Wyzong (R)	Princeton
	W. R. Godfrey (R)	Matooka
Mineral	George F. Daugherty (R)	Bluefield
	J. J. Johnston (R)	Shaw
Mingo	John S. Hell (D)	Williamson
Monongalia	Dennis M. Willis (R)	Morgantown
	R. Earle Davis (R)	Morgantown
Monroe	C. P. Heavener (R)	Petersburg
Morgan	Geo. W. Biser, (R)	Berkeley Springs
McDowell	J. A. Strother (R)	Welch
	E. W. Cullen (R)	Welch
	H. L. Tutwiler (R)	Jaeger
	H. J. Capchart (R)	Keystone
Nicholas	E. F. Ramsey (R)	Mt. Nebo
Ohio	Wm. T. Otto (R)	Wheeling
	Harry A. Weiss (R)	Wheeling
	Wright Hugus (R)	Wheeling
	Milton McColloch (R)	Wheeling R. D.
Pendleton	G. A. Hiner (D)	Franklin
Pharmos	L. C. White (D)	Ravens Rock
Pocahontas	E. N. Moore (D)	Dunmore
Preston	James W. Flynn (R)	Kingwood
	H. B. McCrum (R)	Aurora
Putnam	H. F. Henson (R)	Hurricane
Raleigh	J. W. Hunter (R)	Cirtsville
	A. J. Manning (R)	Saxon
Randolph	Frank C. Baker (D)	Elkins
	Wellington M. Rowan (D)	Elkins
Ritchie	C. C. Freed (R)	Berea, R. F. D. No. 1
Roane	A. M. Hersman (R)	Spencer
	G. T. Sarver (R)	Ernest
	T. A. Jones (R)	Hinton
Taylor	H. Clay Davis (R)	Simpeon
Tucker	Hubert N. Ward (R)	Hambleton
Tyler	H. C. Williamson (R)	Friendly, R. R. No. 1
Upshur	J. B. Hiliary (R)	Buckhannon
Wayne	A. W. Preston (D)	Dickson
	F. W. Terrill (D)	Wayne
Webster	Geo. A. Herold (D)	Cowen
Wetzel	Septimius Hall (D)	New Martinsville
	L. E. Lantz (D)	Jacksonburg
	Duncan Daugherty (R)	Palestine
Wood	W. L. McPherson (R)	Parkersburg, R. No. 2
	A. J. Nicely (R)	Parkersburg, R. F. D.
	James W. Miller (R)	Parkersburg
Wyoming	John F. Lusk (R)	Tunann

*Died March 5, 1921.

†Died March 14, 1921

Republicans.....73
 Democrats.....21

Standing Committees of the House of Delegates

ON ELECTION AND PRIVILEGES.

Messrs. Thompson (*Chairman*), Miller, Pierson, Fout, Wyatt, Somerville, Cummings, Satterfield, Manning, Davis (of Taylor), Daugherty (of Wirt), Nicely, Hall (of Mingo), Moore (of Pocahontas), and Hersman (of Calhoun).

ON RULES.

Mr. Speaker (*Chairman, ex-officio*), Sarver, McClintic (of Kanawha), Brown, Stathers, McCauley and Hays.

ON THE JUDICIARY.

Messrs. Strother (*Chairman*), Moore (of Marshall), Downs, Nutter, Sanders, Brown, Wyatt, Daugherty (of Wirt), Stathers, Davis (of Monongalia), Hugus, Heavener, Beckwith, Zimmerman and Hersman (of Calhoun).

ON FEDERAL RELATIONS.

Messrs. Henson (*Chairman*), Miller, Manning, Nutter, Callison, Davis (of Taylor), Freed, Heavener, Murphy, Post, Robinson, Lantz, Terrill, Hiner and Butts.

ON TAXATION AND FINANCE.

Messrs. McClintic (of Kanawha), (*Chairman*), Wysong, Howard, Weiss, Hersman, Dunfee, Hutchinson, Flynn, Bender, Post, Capehart, Willis, Hilleary, Hall (of Wetzel), Aleshire, Baker and Hays.

ON MILITARY AFFAIRS.

Messrs. Hugus (*Chairman*), Heavener, Davis (of Monongalia), Grisinger, Godfrey, Wyatt, Hilleary, Crump, Cullen, Veach, Johnston, Daugherty (of Wirt), Taylor, Bivens and Hersman (of Calhoun).

ON PROHIBITION AND TEMPERANCE.

Messrs. Somerville (*Chairman*), Knight, Veach, Willis, Ward, Butts, Crump, Biser, McColloch, McCrum, Daugherty (of Wirt), Fout, White, McClintic of Greenbrier and Herold.

ON EDUCATION.

Messrs. Murphy (*Chairman*), McPherson, Sarver, Crump, Cummings, Butts, Dunfee, Fout, Deuley, Williamson, Knight, Capehart, Hall (of Mingo), Rowan and Taylor.

ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Midelburg (*Chairman*), Otto, Moore (of Marshall), Fitch, Wyatt, Bender, Rogers, Daugherty (of Wirt), McCrum, Robinson, Cullen, Jones, Moore (of Pocahontas), Beckwith and Preston.

BANKS AND CORPORATIONS.

Messrs. Bender (*Chairman*), Rogers, Biser, Ward, Downs, Davis (of Taylor), Hugus, Haymond, Flynn, Tutwiler, Robinson, Godfrey, Herold, Lantz and Bivens.

ON ROADS.

Messrs. Sanders (*Chairman*), Stathers, McCrum, Midelburg, Jones, Cullen, Biser, Hutchinson, Deuley, Henson, Fout, Pierson, Zimmerman, Bivens and Lantz.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Otto (*Chairman*), Rogers, Hastings, Pierson, Cummings, Satterfield, Daugherty (of Wirt), Johnston, Freed, Nicely, Henson, Hunter, Taylor, Beckwith and Rowan.

ON CLAIMS AND GRIEVANCES.

Messrs. Rogers (*Chairman*), Sarver, Henson, Capehart, Grissinger, Hastings, Howard, McColloch, McPherson, Dunfee, Hunter, Butts, Hiner, Hall (of Mingo) and White.

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Sarver (*Chairman*), Wysong, Willis, Downs, Nicely, Flynn, Callison, Barnes, Haymond, Veach, Bender, Cullen, McClintic (of Greembrier), Moore (of Pocahontas) and White.

ON PRINTING AND CONTINGENT EXPENSES.

Messrs. Brown (*Chairman*), Hilleary, Wyatt, Thompson, Daugherty (of Wirt), Deuley, Knight, McCrum, Ramsey, Somerville, Shiflet, Henson, Hays, Taylor and Rowan.

ON THE EXECUTIVE OFFICES AND LIBRARY.

Messrs. Weiss (*Chairman*), Howard, Hunter, Williamson, Nicely, Cummings, Freed, Fitch, Grissinger, Hastings, Haymond, Robinson, Hiner, Bivens and Hersman (of Calhoun).

ON FORESTRY AND CONSERVATION.

Messrs. Willis (*Chairman*), Weiss, Strother, Brown, Lyttleton, Hilleary, Flynn, Hastings, Daugherty (of Mercer), Henson, Veach, Ramsey, Beckwith, Herold and Hersman (of Calhoun).

ON ARTS, SCIENCES AND GENERAL IMPROVEMENTS.

Messrs. Wysong (*Chairman*), Fitch, Grissinger, Heavener, Hersman (of

Roane), Davis (of Monongalia), Miller, Nutter, Pierson, Shiflet, Satterfield, McColloch, Terrill, Lantz and Hersman (of Calhoun).

ON THE PENITENTIARY.

Messrs. Hutchinson (*Chairman*), Moore (of Marshall), Crump, Fitch, Callison, Hastings, Capehart, Manning, Ramsey, Fout, Heavener, Davis (of Taylor), Hall (of Wetzel), Herold and Preston.

ON MINES AND MINING.

Messrs. Lyttleton (*Chairman*), Godfrey, Ward, Tutwiler, Lusk, Veach, Johnston, Cullen, Brown, Murphy, Flynn, Rogers, Baker, Aleshire and Moore (of Pocahontas).

AGRICULTURE.

Messrs. Hersman (of Roane) (*Chairman*), Nicely, Jones, Deuley, Ward, Ramsey, Williamson, Somerville, Heavener, Manning, Shiflet, Freed, Hiner, Moore (of Pocahontas) and Herold.

ON STATE BOUNDARIES.

Messrs. Deuley (*Chairman*), Wysong, Hunter, Nicely, Callison, Tutwiler, Shiflet, Johnston, Davis (of Taylor), Fitch, Jones, Knight, Hays, McCauley and Hall (of Wetzel).

ON RAILROADS.

Messrs. Biser (*Chairman*), McPherson, Jones, Daugherty (of Mercer), Moore (of Marshall), Hastings, Lusk, Capehart, Hilleary, Hugus, Bender, Heavener, Herold, Terrill and White.

ON LABOR.

Messrs. Cullen (*Chairman*), Weiss, Middelburg, Callison, Fitch, Crump, Johnston, Daugherty (of Mercer), Lusk, Biser, Sarver, Rogers, Brown, Aleshire and Herold.

ON MEDICINE AND SANITATION.

Messrs. Howard (*Chairman*), Hutchinson, Grissinger, Haymond, Hunter, Bender, Tutwiler, Downs, Brown, Miller, Hilleary, Lyttleton, McClintic (of Greenbrier), Lantz and Terrill.

ON GAME AND FISH.

Messrs. Hilleary (*Chairman*), Shiflet, Stathers, McClintic (of Kanawha), Howard, Flynn, Fout, Cullen, Downs, Deuley, Lyttleton, Lantz, Moore (of Pocahontas), Zimmerman and Hiner.

ON INSURANCE.

Messrs. Post (*Chairman*), Sarver, Tutwiler, McColloch, Dunfee, Biser, Ward, Lusk, Flynn, Davis (of Monongalia), Godfrey, Satterfield, Hall (of Wetzel), Beckwith and Baker.

ON RE-DISTRICTING.

Messrs. Moore (of Marshall), (*Chairman*), Stathers, Brown, Flynn, Lusk, Hilleary, McClintic (of Kanawha), Strother, Downs, Sanders, Miller, Lyttleton, Hall (of Wetzel), Hall (of Mingo) and Baker.

ON ENROLLED BILLS.

Messrs. Thompson (*Chairman*), Hilleary, Hugus, Wyatt and Taylor.

ERRATA.

On page 114, "Sec. 9," should read "Sec. 10".

On page 203 at end of section 4-a, add, "nor shall it apply to any corporation or corporations, not organized for profit, owned by jobbers, manufacturers, wholesalers or bankers, to safeguard and protect their interests."

Senate Joint Resolution No. 3 appears erroneously on page 646. This resolution was amended by the House, and passed as amended, but the Senate did not concur in the amendment.

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LEGISLATURE OF WEST VIRGINIA

ACTS OF 1921

REGULAR SESSION

CHAPTER 1

(Committee Substitute for House Bill No. 385)

(By the Committee on Education.)

AN ACT to amend and re-enact section four, of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the state board of education.

[Passed April 27, 1921. In effect from passage. Approved by the Governor May 3, 1921.]

SEC.

4. State board of education: appointment; qualification; oath of.

Be it enacted by the Legislature of West Virginia:

That section four of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the state board of education be, and the same is hereby amended and re-enacted to read as follows:

How Constituted—Vacancies—How Filled.

Section 4. There is hereby created a state board of education 2 which shall be a corporation and as such may contract and be con- 3 tracted with, plead and be impleaded, sue and be sued, and have 4 and use a common seal.

5 Said board shall consist of seven members of whom one shall be 6 the state superintendent of schools, *ex-officio*, and the other six 7 members shall be appointed by the governor, as herein provided, 8 from the two dominant political parties. On or before the first 9 day of May, one thousand nine hundred and nineteen, the gover-

10 nor shall, by and with the consent of the senate, appoint six
 11 members of the board for the following terms, to commence on the
 12 first day of July next after their appointment: One for one year,
 13 one for two years, one for three years, one for four years, one for
 14 five years, and one for six years. Thereafter one member of the
 15 board shall be appointed by the governor on or before the first
 16 day of May in every year for a term of six years.

17 The members of the state board of education shall be citizens
 18 of the state, and not more than four appointive members shall
 19 be of the same political party. No appointee of the board shall
 20 serve on the board.

21 Vacancies on the board shall be filled by the governor for the
 22 unexpired term. Before exercising any authority or performing
 23 any duties as a member of the state board of education each
 24 member thereof shall qualify as such by taking and subscribing
 25 to the oath of office prescribed by section five, article four of the
 26 state constitution, the certificate whereof shall be filed with the
 27 records of the board. A suitable office or offices in the state de-
 28 partment of education at Charleston shall be provided for the
 29 use of the state board of education.

CHAPTER 2

(House Bill No. 25—Mr. Knight.)

AN ACT to amend and re-enact section eleven of chapter two of the
 acts of the legislature of one thousand nine hundred and nine-
 teen, regular session, relating to the adoption of text-books.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the
 Governor May 2, 1921.]

Sec. 11. State board of education; to adopt text books; manner and method of	}	receiving bids; to fix sale prices; placing books for sale.
--	---	--

Be it enacted by the Legislature of West Virginia:

That section eleven of chapter two of the acts of the legislature
 of one thousand nine hundred and nineteen, regular session, relating
 to the adoption of text-books, be and the same is hereby amended
 and re-enacted to read as follows:

Shall Adopt Text-Books.

Section 11. The state board of education shall adopt text-books
 2 for uniform and exclusive use in the public schools of the state,

3 except as hereinafter provided, such adoptions to be made sub-
4 ject to the following restrictions and provisions:

5 (a) By written request or otherwise the state board of educa-
6 tion shall ask various publishers of text-books in the United States
7 to submit samples and prices of text-books on all subjects re-
8 quired to be taught in the schools of the state. All bids or pro-
9 posals shall be under seal, and each bidder shall deposit in the
10 state treasury such sum of money as said state board of education
11 shall designate, such deposit to be not less than one thousand
12 dollars nor more than three thousand dollars; and said deposit
13 shall be forfeited to the general school fund, if such bidder shall
14 fail or refuse to make and execute such contract and bond as
15 are herein required in case of the acceptance of all or a part of
16 his bid, and otherwise shall be returned to said bidders after
17 contracts have been made.

18 (b) All bids shall be opened by the state board of education
19 in executive session. After considering the subject matter, print-
20 ing, binding, general suitability and prices of books submitted,
21 said board shall, on or before the first Tuesday in May, one
22 thousand nine hundred and twenty-two, and every fifth year
23 thereafter, adopt one book, or one series of books, and only one,
24 on each subject required to be taught in the elementary schools
25 for uniform and exclusive use in the free schools of this state,
26 except in classified high schools and in towns and cities which
27 have a population of thirty-five hundred or over. All bids sub-
28 mitted at such session shall be made a matter of public record
29 by showing the same by separate items on the record book of the
30 board. At any adoption the affirmative votes of five members of
31 the board shall be required to change any book or series of books;
32 *provided, however,* that not more than thirty per cent of the
33 subjects required by law to be taught in the elementary schools
34 shall be changed in any five-year adoption, unless further changes
35 be necessary to protect the state against unfair prices or discrimi-
36 nation by the publishers of the books in use. When selections
37 and adoptions of books have been properly made, it shall be the
38 duty of the state board of education to execute contracts therefor
39 with the publishers thereof for a period of five years, beginning
40 with July first following, each publisher being required to enter
41 into bond of not less than ten thousand dollars to be approved
42 by the state board of public works. Such contracts shall be pre-

43 pared by the attorney general in accordance with the terms and
44 provisions of this act, and shall be executed in duplicate, one
45 copy held by the contractors and one by the state superintendent
46 of schools. Should any successful bidder fail to contract, or, if
47 for any cause any book or books adopted cannot be secured, the
48 state board shall proceed at once to the selection and adoption of
49 other books in lieu thereof. The state of West Virginia shall not
50 be liable in any sum on account of any contract made in pursuance
51 of the provisions of this section. It is expressly *provided, how-*
52 *ever,* that nothing contained herein shall impair the contracts now
53 in effect between the state school book commission abolished by
54 section sixteen of this act and the publishers of uniform text-books
55 now adopted and in use in the public schools of the state.

56 (c) If any publisher or contractor furnish to this state any
57 book of like binding, material and workmanship at a higher price
58 than the price at which said publisher or contractor furnishes the
59 same book to any other state, county, city or other school unit in
60 the United States, like conditions prevailing, the state board of
61 education shall require such publisher or contractor to make a like
62 reduction of such price in this state, under penalty of cancel-
63 lation of contract for any such book.

64 (d) It shall be the duty of the state board of education to fix
65 prices at which the various books adopted shall be sold to patrons,
66 the excess of which above contract price shall represent the profit
67 to the retailer; but in no case shall such profit exceed twenty per
68 cent. of the contract price. The state superintendent of free
69 schools shall notify each county superintendent of the list of
70 books adopted and prices at which they are to be sold and any
71 person selling such books at a higher price than that fixed by
72 the state board of education shall be guilty of a misdemeanor, and
73 upon conviction thereof, shall be fined not less than ten dollars
74 nor more than fifty dollars. The books furnished during the con-
75 tract period shall be equal in all respects to the sample copies
76 furnished the said board; and it shall be the duty of the state
77 superintendent of free schools to carefully preserve in his office
78 as the standard of quality, sample copies of all books contracted
79 for.

80 (e) It shall be the duty of each contractor at his own expense
81 to place with responsible dealers, in no fewer than three magis-
82 terial districts in each county, at least two weeks before the be-

83 ginning of school in any district in the county where such books
84 are used, a sufficient number of books to supply the demand. He
85 shall also arrange for the exchange of books at such places, allow-
86 ing pupils or boards of education an exchange price as liberal as
87 granted on the same books to any city, county, or state in the
88 United States, like conditions prevailing. The exchange privilege
89 shall extend through one entire school year, and the dealer making
90 the exchange shall be allowed by the contractors ten per cent of
91 the cash proceeds of same. Nothing in this act is to be construed
92 as preventing the use of supplementary readers; *provided*, they do
93 not displace the adopted readers, nor the use of more advanced
94 books in such schools as may be ready for the same.

CHAPTER 3

(House Bill No. 23—Mr. Knight.)

AN ACT providing for the standardization of one-room rural schools and consolidated schools, the same to be section fifty-eight-*a* of chapter forty-five of the code of West Virginia, being chapter two of the acts of nineteen hundred and nineteen, regular session.

[Passed April 26, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.
58-a. Standard schools: classification
of: state aid for.

Be it enacted by the Legislature of West Virginia:

Section 58-a. Any one-room school or consolidated school wholly without an independent district which meets the requirements as hereinafter provided for shall be designated as standard school.

It shall be the duty of the state board of education to fix the requirements for the standardization of one-room schools and consolidated schools, and it shall be the duty of the state superintendent of schools to publish requirements, to which shall be attached a copy of section fifty-eight-*a* of the school law, and send them to the district boards of education, county superintendents and other school officers.

It shall be the duty of the state superintendent of schools to classify the schools which meet the requirements for standardization.

14 Standard one-room schools shall be classified as first class and
 15 second class. Standard consolidated schools shall be classified
 16 as first class and second class.

17 The standard schools shall receive state aid as follows: first-
 18 class one-room, one hundred and twenty dollars per year; second
 19 class one-room, one hundred dollars per year; first class con-
 20 solidated school, four dollars per pupil, to be paid on average daily
 21 attendance, the total amount not to exceed eight hundred dollars;
 22 second class consolidated school, three dollars per pupil, which
 23 shall be based on average daily attendance, the total amount
 24 not to exceed six hundred dollars. It is *provided further*, that
 25 the state aid for the standard schools shall be paid out of the
 26 general school fund to the funds of the district wherein the schools
 27 are located; that the state superintendent of schools shall annu-
 28 ally deposit with the treasurer of the district board of education
 29 the amount provided for the benefit of each approved standard
 30 school as herein provided.

CHAPTER 4

(Committee Substitute for House Bill No. 289.)

(By the Committee on Education.)

AN ACT to amend and re-enact section one hundred and twenty-nine of chapter two of the acts of one thousand nine hundred and nineteen, regular session, relating to the attendance of children over fourteen years of age and under sixteen years of age at part-time schools or classes and authorizing and requiring boards of education to establish and maintain part-time schools and classes and evening schools and classes.

[Passed April 29, 1921. In effect ninety days from passage. Approved by the Governor May 4, 1921.]

Sec. 129. Part time schools; who shall attend; duty of parents, guardians, etc.; employers to permit		attendance; penalties; duties of boards of education concerning.
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Be it enacted by the Legislature of West Virginia:

That section one hundred and twenty-nine of chapter two of the acts of one thousand nine hundred and nineteen, regular session, relating to the attendance of children over fourteen years of age and under sixteen years of age at part-time schools or classes and authorizing and requiring boards of education to establish and maintain

part-time schools and classes and evening schools and classes be amended and re-enacted so as to read as follows:

Section 129. Each minor over fourteen years of age and under sixteen years of age who is not in regular attendance upon a public, private or parochial school or who is regularly and lawfully employed in some occupation or service, unless such minor has completed eight years of elementary schooling, shall attend a part-time school or class in the district in which such minor resides or may be employed. Such attendance shall be for not less than four hours per week and not more than eight hours per week for each week which such school or class is in session until the total attendance amounts to at least one hundred and forty-four hours for the school year, except that the school authorities may, subject to the approval of the state superintendent of free school, permit any such minor to increase the number of hours per week of required attendance and decrease the number of weeks of required attendance. The attendance upon a part-time school or class shall be between the hours of eight o'clock forenoon and five o'clock afternoon. *Provided, however,* that such persons shall be exempt from the foregoing requirements for any of the causes enumerated from (a) to (i) inclusive in section one hundred and twenty-two of chapter two of the acts of one thousand nine hundred and nineteen, regular session.

The parent, guardian or other person having the custody or control of a minor who is required under the provisions of this section to attend a part-time school or class shall cause such minor to attend such school or class. A parent, guardian or other person who refuses or fails to comply with this provision of the law shall be subject to the penalties provided in section one hundred and twenty-two of this chapter.

Any person, firm or corporation employing a minor between the ages of fourteen and sixteen years shall permit the attendance of such minor upon a part-time school or class whenever such part-time school or class shall have been established in the district where the minor resides or may be employed, and upon the termination of employment of any such minor, the employer shall return within five days the employment certificate of such minor by mail to the school authorities and a person, firm or corporation employing a minor over fourteen years of age and less than sixteen years of age contrary to the provisions of this section shall be

39 subject to the penalties provided in section one hundred and
40 twenty-six of this chapter. A person, firm or corporation which
41 has in its employ a minor who fails to attend a part-time school
42 or class as required herein, shall immediately discontinue the ser-
43 vices of such minor upon receiving from the school authorities
44 written notice of the failure of such minor to attend such part-time
45 school or class, and a person, firm or corporation violating this
46 provision of law shall be subject to a fine of twenty-five dollars
47 for each offense.

48 Boards of education of districts and independent districts are
49 hereby authorized to establish and maintain part-time and evening
50 schools and classes. The board of education in charge of the schools
51 of each city having a population of more than ten thousand ac-
52 cording to the United States census of one thousand nine hun-
53 dred and twenty shall, commencing with the school year begin-
54 ning the first day of July, one thousand nine hundred and
55 twenty-two, establish and maintain part-time schools or classes.
56 The board of education in charge of the school of any city, town or
57 sub-district in which there are fifty or more minors above the age
58 of fourteen years and under the age of sixteen years who are not in
59 regular attendance upon approved instruction shall, commence
60 with the school year beginning the first day of July, one thousand
61 nine hundred and twenty-three, establish and maintain part-time
62 schools or classes. Such schools or classes may be established in
63 public school buildings, in other buildings especially adapted for
64 their operation, in manufacturing or mercantile establishments
65 and in factories. Such schools or classes, wherever they are es-
66 tablished and maintained, shall be under the control and manage-
67 ment of the board of education and shall be a part of the public
68 school system of the city or district which maintains them.

69 Such part-time schools or classes shall be kept in session on the
70 regular school days and for as many hours each school year between
71 the hours of eight o'clock forenoon and five o'clock afternoon as
72 shall be necessary to provide the required instruction for such min-
73 ors who reside in the city, town or sub-district. The course of
74 study in such part-time schools or classes shall be approved by the
75 state board of education.

76 If the board of education of any district fails to comply with the
77 requirements of this section, the state superintendent of free
78 schools may at his discretion withhold all or a part of any state

79 school funds due such district in any year. The failure of any
80 officer to enforce the provisions of this section and section one
81 hundred and twenty-eight of chapter two of the acts of one thou-
82 sand nine hundred and nineteen, regular session, shall cause such
83 officer to be subject to the penalties prescribed in sections one hun-
84 dred and twenty-six and one hundred and twenty-five, respect-
85 ively, of said chapter. The requirements of this section and
86 the preceding section shall be enforced by the persons and in the
87 manner prescribed for the enforcement of the requirements of sec-
88 tions one hundred and twenty three to one hundred and twenty-
89 seven inclusive of chapter two of the acts of one thousand nine
90 hundred and nineteen, regular session.

91 All acts and parts of acts inconsistent herewith are hereby re-
92 pealed.

CHAPTER 5

(House Bill No. 145—Mr. Knight.)

AN ACT to amend and re-enact section thirty-one of chapter two of
the acts of the legislature of one thousand nine hundred and
nineteen, regular session, relating to the qualifications of county
superintendents of schools.

[Passed April 20, 1921. In effect ninety days from passage. Approved by the
Governor May 2, 1921.]

SE C.
31. County Superintendents, election
of; qualification; oath; bond.

Be it enacted by the Legislature of West Virginia:

That section thirty-one of chapter two of the acts of the legis-
lature of one thousand nine hundred and nineteen, regular session,
relating to the qualifications of county superintendents of schools, be
and the same is hereby amended and re-enacted so as to read as
follows:

Election, Qualification, Oath, Bond.

Section 31. The county superintendents of schools elected in
2 the general election in November, one thousand nine hundred and
3 eighteen shall hold office for the full term of four years for which
4 they were elected, and until their successors are elected as herein
5 provided and are qualified according to law.

6 A county superintendent of free schools shall be elected in each
7 county by the voters thereof, at the general election held on the
8 Tuesday after the first Monday in November, one thousand nine
9 hundred and twenty-two, who shall be a resident of the county
10 in which he is elected and whose term of office shall commence on
11 the first day of July next after his election, and continue for four
12 years and until his successor is elected and qualified according
13 to law. The county superintendent of free schools shall im-
14 mediately upon receiving the certificate of election from the can-
15 vassing board, or the county court, forward a written notice there-
16 of to the state superintendent of free schools.

17 In case of a tie in the vote for the county superintendent of
18 free schools, the presidents of the various district boards of edu-
19 cation shall, at a meeting called for that purpose, at the court
20 house of the county, by the county superintendent of free schools,
21 not less than six days or more than twelve days after the result of
22 such election is ascertained, appoint one of the persons receiving
23 the highest number of votes for said office at the said election as
24 county superintendent of free schools, who shall give notice as
25 aforesaid to the state superintendent of his appointment. A notice
26 of such meeting shall be made out by the county superintendent
27 and served upon the president of each district board of educa-
28 tion at least three days before the day of meeting in the manner
29 provided by law for the service of other process.

30 Only such persons shall be eligible to hold the office of county
31 superintendent as shall, at the time of their election or appoint-
32 ment, possess at least one of the following qualifications:

33 (1) A life certificate with nine weeks training in school ad-
34 ministration and supervision.

35 (2) A supervisor's certificate.

36 (3) A diploma of graduation from a standard normal course,
37 or who in the judgment of the state board of education, have com-
38 pleted work equivalent thereto.

39 (4) A first grade elementary certificate or its equivalent issued
40 prior to the first day of July, one thousand nine hundred and
41 twenty-two, with ten years experience as a teacher and nine weeks
42 training in school administration and supervision. The work year
43 in this connection is to be construed as meaning any number of
44 months, not less than the minimum school term, taught in any
45 calendar year; *provided*, that service in the United States army

46 or navy in the world war shall be counted the same as teaching for
47 double the number of years or fraction of years so served.

48 Before assuming any of the duties of his office, or exercising
49 any authority whatsoever, every county superintendent of schools
50 shall qualify before the clerk of the county court, and he shall also
51 execute with said clerk a bond with approved security in the
52 penalty of one thousand dollars conditioned upon the faithful
53 performance of the duties of his office and upon the accounting
54 and paying over to the proper authorities of all money coming into
55 his hands. Said clerk shall, within five days after said qualifica-
56 tion and execution of bond, certify to the state superintendent of
57 schools the name of such county superintendent and the fact of his
58 qualifying and executing such bond.

59 Every county superintendent of schools shall devote his entire
60 time during his term of office to the performance of his duties as
61 superintendent.

CHAPTER 6

(House Bill No. 178—Mr. Wysong.)

AN ACT to provide for clerical assistance, and for traveling expenses
for county superintendents of free schools, the same to be sec-
tion thirty-four-a of chapter two of the acts of nineteen hun-
dred and nineteen, regular session.

[Passed April 29, 1921. In effect from passage. Became a law without the
approval of the Governor.]

SEC.
34-a. County superintendents; clerical
assistance for; travelling ex-
penses of.

Be it enacted by the Legislature of West Virginia:

Section 34-a. The county court of each county is hereby
2 authorized and directed to provide proper clerical assistance for
3 the office of the county superintendent of free schools and to
4 pay monthly out of the county fund the salary of the person
5 performing such service, which amount shall be at the rate of
6 three dollars per school; *provided, however*, that the amount so
7 paid said assistant shall not exceed twelve hundred dollars per
8 annum in any county; such clerical assistant shall be appointed by
9 the county superintendent of free schools. It is provided that the
10 county superintendent of free schools shall be reimbursed for his

11 necessary traveling expenses, said expenses to be paid out of the
12 county fund by the county court upon presentation of sworn
13 itemized monthly statements to said county court; *provided* that
14 said expenses shall not exceed three hundred dollars in any year.

CHAPTER 7

(House Bill No. 82—Mr. McPherson.)

AN ACT to amend and re-enact section seventy-six of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the salaries of secretaries of district boards of education.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

Sec.
76. Salaries of secretaries; time paid.

Be it enacted by the Legislature of West Virginia:

That section seventy-six of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the salaries of secretaries of district boards of education, be and the same is hereby amended and re-enacted so as to read as follows:

Salaries of Secretaries.

Section 76. Secretaries of district boards of education shall
2 receive annually as compensation for their services the following
3 amounts: In districts having fewer than fifteen schools, they
4 shall receive forty dollars; in districts having as many as fifteen
5 but fewer than twenty-five schools, they shall receive seventy-five
6 dollars; in districts having as many as twenty-five schools but
7 fewer than fifty schools, they shall receive one hundred dollars;
8 and in districts having fifty schools or more they shall receive
9 one hundred and twenty-five dollars, and in addition two dollars
10 for each school over fifty. "Provided, that in any magisterial dis-
11 trict, which may have an assessed value of property therein, of
12 fifteen million dollars, or more, and in which there are more than
13 one hundred and twenty-four schools, the board of education of
14 such district can pay to the secretary thereof a compensation to be
15 fixed by it, not, however, to exceed the sum of fifteen hundred dol-
16 lars for each year, payable in monthly installments."

17 Such compensation shall be paid for in four equal installments
 18 on the first day of October, January, April and on the twentieth
 19 day of July, *provided*, that the last named installment shall not be
 20 paid until all reports have been made and duties performed as
 21 required by law for the preceding year.

CHAPTER 8

(Committee Substitute for House Bill No. 81.)

(By the Committee on Education.)

AN ACT to amend and re-enact section fifty-five of chapter two of the acts of the legislature of one thousand nine hundred and nineteen regular session, relating to teachers' salaries.

[Passed April 20, 1921. In effect July 1, 1921. Became a law without the approval of the Governor.]

SEC.
 55. Salaries for teachers: basic salaries: advanced salaries.

Be it enacted by the Legislature of West Virginia:

That section fifty-five of chapter two of the acts of the legislature of nineteen hundred and nineteen, regular session, relating to teachers' salaries be amended and re-enacted to read as follows:

Salaries for Teachers—Board Shall Fix Same.

Section 55. Boards of education shall have authority to fix
 2 special schedules of salaries to be paid to superintendents, princi-
 3 pals, supervisors, and all other employes who are not employed as
 4 teachers; and, to fix the salaries of teachers.

5 Commencing with the school year, beginning the first day of
 6 July one thousand nine hundred and twenty-one, boards of educa-
 7 tion shall fix the rates of salary to be paid teachers in accordance
 8 with the following classifications and requirements;

9 (a) *Basic salaries* shall be the salaries fixed for teachers who
 10 are teaching their first regular term of school. Such salaries shall
 11 be fixed according to the following schedule:

12 (1) For teachers holding certificates of the rank of third grade
 13 not less than fifty dollars a month.

14 (2) For teachers holding certificates of the rank of second
 15 grade not less than sixty-five dollars a month.

16 (3) For teachers holding certificates of the rank of first grade,
 17 secured by examination or on credentials not equivalent to a short
 18 normal course of study not less than eighty-five dollars a month.

19 (4) For teachers who have completed the short normal course
20 or the normal training course in an approved high school at least
21 five dollars a month more than the rate fixed for teachers holding
22 certificates of the rank of first grade secured by examination.

23 (5) For teachers who have completed the diploma course of
24 study in a standard normal school, or who have had, in the opin-
25 ion of the state board of education, equivalent training at least fif-
26 teen dollars a month more than the rate fixed for teachers holding
27 certificates of the rank of first grade secured by examination.

28 (6) For teachers who have completed a collegiate course of
29 study in an approved institution of collegiate rank, or who have
30 had, in the opinion of the state board of education equivalent train-
31 ing, at least twenty-five dollars a month more than the rate fixed
32 for teachers holding certificates of the rank of first grade secured
33 by examination.

34 (b) *Advanced salaries* shall be the salaries fixed for teachers
35 who have taught one or more regular terms of school. Such sal-
36 aries shall be fixed according to the following schedule:

37 (1) For teachers who have taught one regular term of school
38 and not more than five regular terms, the rate of salary shall be
39 the basic salary plus at least three dollars a month for the second
40 term; the basic salary plus at least five dollars a month for the third
41 term; and the basic salary plus at least seven dollars and fifty cents
42 for the fourth term; and the basic salary plus at least ten dollars
43 a month for the fifth term.

44 (2) Teachers who have taught five regular terms of school and
45 not more than ten regular terms, the rate of salary shall be at least
46 fifteen dollars more a month than the rate of the basic salary of
47 teachers holding similar credentials.

48 (3) For teachers who have taught ten regular terms of school
49 or more, the rate of salary shall be at least twenty dollars a month
50 more than the rate of the basic salary for teachers holding similar
51 credentials.

52 If a teacher who has taught one or more terms secures a diploma
53 in the normal training high school course, the short normal course,
54 the standard normal course, or in an approved collegiate course his
55 advanced salary shall be increased by at least as much as is allowed
56 for such preparation in each case in fixing basic salaries.

57 The lowest rate fixed by the foregoing requirements shall be con-
58 sidered as the minimum salary in each case or class in the distribu-
59 tion of supplemental state aid.

60 Basic salaries shall be uniform throughout the district for teach-
 61 ers holding similar credentials; and, advanced salaries shall be uni-
 62 form throughout the district for teachers in the same classifications
 63 as to experience as determined by this act and holding similar cre-
 64 dentials.

65 *Provided* that boards of education may fix a higher rate of sal-
 66 ary than the rates provided herein for teachers who do six weeks'
 67 approved work during the vacation period in an approved school or
 68 secure coupons of credit or other marks of advancement that are,
 69 in the opinion of the state board of education, equivalent to the
 70 training received by such school attendance, and for first grade
 71 teachers who teach one-room rural schools.

72 And, *provided, further*, that boards of education in fixing the sal-
 73 aries of teachers in independent districts and in incorporated towns
 74 and cities and in high schools and junior high schools shall deter-
 75 mine the results of salaries to be paid such teachers without regard
 76 to the limitations and regulations set out in the foregoing para-
 77 graphs of this section.

78 In determining the number of regular terms of school a teacher
 79 has taught, boards of education shall credit as regular teaching,
 80 service in the United States army and navy in the world war, and
 81 active work in educational positions other than teaching, but no
 82 teacher shall be given credit for teaching more than one regular
 83 term in any school year.

84 All acts and parts of acts inconsistent with the provisions of
 85 this act are hereby repealed.

CHAPTER 9

(Committee Substitute for House Bill No. 149.)

(By the Committee on Education.)

AN ACT to amend and re-enact sections one hundred and four and
 one hundred and eleven of chapter two of the acts of the legis-
 lature, one thousand nine hundred and nineteen, regular ses-
 sion, relating to teachers' elementary certificates.

[Passed April 27, 1921. In effect from passage. Approved by the Governor
 May 3, 1921.]

Sec. 104.	Elementary certificates: qualifica- tion of applicants for; normal school certificates; temporary certificates.	Sec. 111.	Renewal and re-issuement of certificates.
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Be it enacted by the Legislature of West Virginia:

That sections one hundred and four and one hundred and eleven of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, be and the same are hereby amended and re-enacted so as to read as follows:

Elementary Certificates.

Section 104. Subject to all conditions set forth in this section, first grade elementary certificates valid for a period of five years shall be issued to all applicants who are otherwise qualified and who attain a general average of ninety per cent, with no subject below seventy-five per cent; second grade elementary certificates valid for a period of three years, shall be issued to applicants who are otherwise qualified and who attain a general average of eighty per cent, with no subject below sixty-eight per cent; and third grade elementary certificates valid for one year shall be issued to applicants who are otherwise qualified and who attain a general average of seventy per cent, with no subject below sixty per cent; *provided*, that the third grade certificate shall not be issued more than twice to the same person. The subjects in which the applicants for said certificates shall be examined, or otherwise qualified according to law, shall be reading, spelling, writing, English grammar and language, arithmetic, physiology and hygiene, United States and West Virginia history, general and West Virginia geography, civil government, theory and art of teaching, elementary agriculture, and such other subjects as the state board of education shall from time to time prescribe.

It is *provided, however*, that on and after the first day of July, one thousand nine hundred and twenty-two, applicants for the first grade elementary certificate shall, in addition to the foregoing, be required to satisfy the following conditions as to academic and professional attainments, that is to say:

(1) After the first day of July, one thousand nine hundred and twenty-two, applicants for first grade certificates shall have had at least one year of high school work and nine weeks study of professional subjects.

(2) After the first day of July, one thousand nine hundred and twenty-four, applicants for first grade certificates shall have had at least two years of high school work and eighteen weeks study of professional subjects.

35 (3) After the first day of July, one thousand nine hun-
36 dred and twenty-six, applicants for first grade certificates shall
37 have had at least three years high school work and twenty-
38 seven weeks of study of professional subjects.

39 The state superintendent of free schools shall, at the time
40 for holding regular examinations, hold examinations on sub-
41 jects included in the normal training high school course of study
42 and shall keep a record of the grades obtained in such examina-
43 tions in his office. Such grades shall be accepted in lieu of
44 grades obtained by school attendance in satisfaction of the re-
45 quirements of this section.

46 The state board of education may prescribe other equivalents
47 and substitutions which shall be accepted in satisfaction of the
48 foregoing requirements for high school and professional work.

49 The state superintendent of free schools shall have author-
50 ity to issue normal school certificates valid for five years to
51 graduates in the standard normal course of any state normal
52 school, or other school approved for the offering of this course,
53 to graduates in the normal course of the Bluefield colored in-
54 stitute and of the West Virginia collegiate institute, and to per-
55 sons who have completed a normal course of study in any school
56 of another state, which in the judgment of the state board of
57 education, is equivalent in all respects to the standard
58 normal course of study in the state normal schools of this
59 state.

60 The state superintendent of free schools shall have authority
61 to issue a temporary second grade certificate to a graduate of a
62 first class high school or of a school of equal grade who meets
63 the general certificate requirements in the school law. He shall
64 also have authority to issue a first grade temporary certificate
65 to such person on the presentation by the applicant of evidence
66 of having done satisfactory work in educational subjects in an
67 approved school for not less than six weeks. An applicant for
68 a temporary certificate shall present the recommendation of the
69 principal or superintendent of the school from which such ap-
70 plicant graduated. All temporary certificates shall expire on
71 the thirtieth day of June following the issuance thereof.

72 Any person who has held a temporary certificate on the
73 conditions stated above may receive another temporary certifi-
74 cate by submitting to the state superintendent of free schools

75 evidence of having done satisfactory work in educational sub-
76 jects in an approved school for at least six weeks since the is-
77 suance of his last temporary certificate and of having met the
78 other conditions set forth above.

79 Until the first day of July, one thousand nine hundred and
80 twenty-two, first grade elementary certificates shall be valid in all
81 the schools of the state, and thereafter they shall be valid in
82 elementary schools and junior high schools. Second grade and
83 third grade elementary certificates shall be valid in all the
84 the grades of the elementary schools, *provided*, that no person
85 shall be employed as principal of any school of two or more
86 rooms in the same building who does not hold a first grade
87 certificate or its equivalent.

Renewal and Re-instatement of Certificates.

Sec. 111. All first grade certificates, normal school certifi-
2 cates, high school certificates, supervisors' certificates and special
3 certificates, issued after July first, one thousand nine hundred
4 and twenty-two, shall upon their expiration or within the year
5 immediately following, be renewable for five year periods; *pro-*
6 *vided*, that the holders thereof shall have been actively engaged
7 in educational work for not less than three years of each
8 five-year period, shall take six weeks training in an approved
9 normal school, or pass an examination on two reading circle books,
10 for the first renewal, and be recommended for such renewal by
11 the county superintendent of schools of the county where the
12 certificates was issued, or where the teacher holding such certifi-
13 cate has taught.

14 At the termination of the first renewal period of any first
15 grade certificate issued after one thousand nine hundred and
16 twenty-two, the holder thereof shall be granted a renewal for
17 a period of five years upon the condition that he has taught or
18 been otherwise engaged in school work for three years of the
19 five-year period, and is recommended for renewal by the county
20 superintendent of the county where he resides or has been
21 teaching.

22 At the end of the second renewal period, the holder of any
23 certificate of the first grade, issued after one thousand nine
24 hundred and twenty-two shall receive a similar certificate valid for
25 life, if he has taught or been otherwise actively engaged in school
26 work for three years of the preceding five-year period. Certificates

27 of the first grade which have been issued; or which shall be
28 issued prior to July first, one thousand nine hundred and twenty-
29 two, shall be renewable as follows:

30 First renewal on condition that the holder has taught or been
31 actively engaged in school work for three years during the pre-
32 ceding five year period and is recommended for such renewal
33 by the county superintendent where he resides or has been teach-
34 ing. At the end of the first renewal period it shall be renewed
35 on recommendation of the county superintendent and passing an
36 examination on two books of the reading circle course or six weeks
36-a training in an approved normal school.

37 At the end of the second renewal period the holder of any
38 certificate of the rank of first grade shall be issued a similar
39 certificate valid for life, if he has taught or been otherwise actively
40 engaged in school work for three years during the life of the
41 certificate, and is recommended for such renewal by the county
42 superintendent of his county.

43 In any case where any person has held a first grade ele-
44 mentary certificate granted under the laws of this state governing
45 uniform examinations or a normal school certificate, a high
46 school certificate, a supervisors' certificate, or a special certificate
47 granted in accordance with the provisions of this act, and has per-
48 mitted the same to lapse, such person may apply to the state
49 superintendent of free schools for re-instatement of said certifi-
50 cate.

51 The applicant shall furnish with said application a statement
52 signed by the county superintendent of schools of the county in
53 which he resides to the effect that the applicant is a person of
54 good moral character, is apparently in good health, is a suitable
55 person to be intrusted with the care and education of children
56 and bears the reputation of having been a successful teacher.
57 If in the opinion of the state superintendent of free schools,
58 such applicant is a suitable person to be intrusted with the
59 care and education of children and has been successful in the
60 work of teaching, such certificate shall be re-instated in such
61 manner as to replace said applicant in the relative position he
62 held as to certificate rights on the thirtieth day of June follow-
63 ing the close of the last term of school taught on such certificate.

64 In any case where any person has held a short course certificate
65 such certificate shall be renewable for three-year periods thereafter,

66 *provided* the holder shall have taught, or shall have been other-
 67 wise actively engaged in school work for two years of the pre-
 68 ceding three-year period.

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

CHAPTER 10

(House Bill No. 29—Mr. Miller.)

AN ACT to amend and re-enact section fifty-seven of chapter two of
 the acts of the legislature of one thousand nine hundred and
 nineteen, regular session, relating to holidays.

[Passed April 11, 1921. In effect ninety days from passage. Approved by the
 Governor April 20, 1921.]

Sec.

57. Appointment and removal of teach- | tharities; holidays and length of
 ers; when school is closed by au- | school month.

Be it enacted by the Legislature of West Virginia:

That section fifty-seven of chapter two of the acts of the legislature
 of one thousand nine hundred and nineteen, regular session, relating
 to holidays, be and the same is hereby amended and re-enacted so as
 to read as follows:

Shall Appoint Teachers.

Section 57. The board of education shall, on or before the
 2 first Monday in July in each year, if practicable, ap-
 3 point the principals and teachers for all the schools in
 4 the district and shall fix their salaries as provided by
 5 section fifty-five of this act. All such appointments
 6 shall be in writing according to the form of contract to be
 7 furnished by the state superintendent of schools and all
 8 such contracts, together with the certificates of the appointees,
 9 shall be filed with the secretary of the board.

10 The board of education of any district or independent district
 11 may suspend or dismiss any principal or teacher so appointed, for
 12 immorality, incompetency, cruelty, insubordination, intemperance
 13 or wilful neglect of duty, *provided* that the charges be stated in
 14 writing and that the teacher be given an opportunity to be heard
 15 by the board upon not less than ten days' notice, and, *provided* that
 16 in all cases when the board is not unanimous in its decisions to
 17 suspend or dismiss, the principal or teacher so suspended or dis-
 18 missed shall have the right of appeal to the state superintendent
 19 of schools. It is *provided, however*, that any teacher who enters

20 into a contract with a board of education to teach a public school
21 and who fails to complete the term of such contract, unless pre-
22 vented from doing so by personal illness or other just cause, or
23 unless released from such contract by said board, shall be dis-
24 qualified to teach in any other public school in the state during
25 the term of such contract.

26 If any school is closed by the proper authorities on account of
27 the prevalence of any contagious or infectious diseases, the time
28 during which such school is closed shall be counted as if taught
29 in determining whether a school has been maintained for the
30 minimum term, and the teacher of such school shall not be com-
31 pelled to make up such lost time provided he held himself in
32 readiness to teach subject to the order of the board.

33 In making contracts with teachers and other employees of the
34 board, it shall be understood that schools are not to be kept open
35 for instruction on any Saturday or on the following days which
36 are hereby named and designated as school holidays, namely:

37 The fourth of July, commonly called "Independence Day"; the
38 last Thursday of November, commonly called "Thanksgiving
39 Day"; the twenty-fifth day of December, commonly called "Christ-
40 mas Day;" any day on which a general election is held throughout
41 the state; and any day appointed and set apart by the president
42 or the governor as a day of special observance by the people of
43 the state.

44 The school month shall consist of twenty days on which school
45 is kept in session for the full number of hours prescribed by law,
46 but in any case where Thanksgiving Day, Christmas Day, or any
47 day on which a general election is held shall fall on a school day
48 and school is taught on the day preceding or following, such day
49 shall be counted the same as taught in the report of the teacher
50 for pay for the school month in which it occurs. But schools
51 shall be assembled for instruction on Washington's Birthday and
52 shall devote a portion of the day to exercises commemorating the
53 life and services of the "Father of Our Country". Schools may
54 also be assembled for instruction on such days as Arbor Day,
55 Labor Day, Memorial Day, the Birthday of Abraham Lincoln,
56 Armistice Day and other special days and devote a portion of the
57 day to appropriate ceremonies, but on such special days the
58 school must be kept open for the entire school day to entitle the
59 teacher to pay for that day.

CHAPTER 11

(House Bill No. 335—Mr. Taylor.)

AN ACT to provide a course of study in fire prevention, for use in public, private and parochial schools of the state.

[Passed April 11, 1921. In effect ninety days from passage. Approved by the Governor April 20, 1921.]

<p>SEC. 1. Course of study in fire prevention in schools.</p>	<p>SEC. 2. County superintendents, etc., to arrange course of study.</p>
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Be it enacted by the Legislature of West Virginia:

That a course of study be provided for the use of public, private and parochial schools of the state, giving instruction in fire prevention as follows:

Section 1. The state superintendent of schools is hereby empowered and directed to provide a course of study in fire prevention for use in the public, private and parochial schools of this state, dealing with the protection of lives and property against loss or damage as a result of preventable fires.

Sec. 2. It shall be the duty of the county superintendent, board of education, directors, trustees or other committees or persons having control of public, private and parochial schools in each county, village, city or school district, to arrange for such course of study in fire prevention and to compel its use in each school under its or their control or direction.

CHAPTER 12

(House Bill No. 377—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section forty-eight of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, relating to sale or lease of school property.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

<p>SEC. 48. District board of education to ascertain physical condition of all school buildings; to sell all un-</p>	<p>suitable buildings; may lease for oil, gas or minerals; school sites.</p>
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Be it enacted by the Legislature of West Virginia:

That section forty-eight of chapter two of the acts of the legislature of West Virginia, regular session one thousand nine hundred and nineteen, be amended and re-enacted as follows:

School Property may be Sold.

Section 48. It shall be the duty of every district board of education to ascertain, at the beginning of each school year, the physical condition of all school buildings in its district and the necessity of the same for school purposes and such buildings as, in the judgment of the board, are properly located and are suitable or can with reasonable expense be rendered suitable for school purposes, shall if necessary for carrying on the schools, be retained; all other buildings together with lands held in connection therewith, shall with the consent of the county superintendent of schools be sold at public auction to the highest responsible bidder, by the board of education, on proper legal notice and on such terms of sale as the board may order, and the proceeds of such sale shall be placed to the credit of the building fund of the district; *provided*, that in rural districts the grantor of such lands, his heirs or assigns, shall have the right, at such sale, to purchase said land, exclusive of mineral rights, and buildings thereon, at the same price for which it was sold, plus legal interest. Said board, with the consent of the county superintendent and by the same method prescribed for the sale of school buildings and lands, may also lease for oil or gas or other minerals any lands or school sites owned in fee by it, the rental or other proceeds of any such lease to be placed to the credit of the new building fund of the district.

CHAPTER 13

(House Bill No. 71—Mr. Bender.)

AN ACT to amend and re-enact section seventy-nine of chapter two of the acts of one thousand nine hundred and nineteen, regular session relating to the establishing of joint district high schools.

[Passed April 5, 1921. In effect from passage. Approved by the Governor April 9, 1921.]

SEC.
79. Joint district high schools: creation, control and management.

Be it enacted by the Legislature of West Virginia:

That section seventy-nine of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the establishment of joint district high schools, be and the same is hereby amended and re-enacted so as to read as follows:

Joint District High Schools.

Section 79. The boards of education of two or more contiguous districts, or contiguous districts and independent districts, in the same or adjoining counties may, if authorized so to do by a vote of the people of each of such districts, establish and maintain jointly a high school in any one of such contiguous districts. The building or buildings for such joint high school, if any are to be erected, and the site therefor, shall be owned jointly in proportion to the amount contributed by the districts so uniting. The boards of education of such districts shall submit the question to the voters of the respective districts at a general or special election in the manner required by section one hundred eighty-four of this act.

The boards of education of the districts proposing to unite shall meet and determine the location of the proposed school, the estimated amount to be contributed toward the establishment and yearly maintenance of said school by each district, the total cost thereof to be apportioned among the districts uniting on the basis of their respective valuations of taxable property, which agreement shall be reduced to writing and entered of record in the minute book of the respective boards, and the substance of which shall be made a part of the statement to the voters as hereinbefore provided for.

The control and management of said joint high school, after the same is established, is hereby vested in the boards of education of the several districts so uniting to be exercised in joint session. When the boards sitting in such joint session are of districts in the same county the county superintendent of schools shall be *ex-officio* a member and chairman thereof, and as such shall be entitled to vote and participate in the control and management of said joint high school. When said boards are of districts in adjoining counties, the county superintendents of such adjoining counties shall be *ex-officio* members of said joint session with the rights and privileges belonging to other members thereof; but a chairman shall be elected by the members of the joint session from among their number. There is hereby conferred upon each board of education full authority for the establishment and maintenance of such joint high school, the election to be held and the result to be ascertained as provided in section one hundred eighty-four, of chapter two, acts of one thousand nine hundred and nineteen, and all of the provisions of said section, so far as the same is appli-

40 cable, are made applicable to the establishment and maintenance
41 of such joint high school, except that a majority of the voters of
42 each district shall be sufficient to authorize the establishment of
43 such high school.

44 Said boards of education, in joint session as herein provided,
45 may authorize the teaching of elementary pupils in such high-
46 school building, upon such terms for the use of the building as
47 they may determine.

CHAPTER 14

(House Bill No. 20—Mr. Sarver.)

AN ACT to amend and re-enact section eighty-three of chapter two of the acts of one thousand nine hundred and nineteen, regular session relating to the erection of dormitories for high schools.

[Passed April 25, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

83. High school dormitories; levy for erection; purchase or lease of building and grounds; equipment;	joint dormitories; control and management.
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Be it enacted by the Legislature of West Virginia:

That section eighty-three of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the erection of dormitories for high schools, be amended and re-enacted so as to read as follows:

District and County Boards May Erect Dormitories for High Schools.

Section 83. Any county high school board desiring to provide
2 a dormitory for the accommodation of pupils attending a high
3 school under their supervision and of persons employed to teach
4 therein, shall have authority, subject to the approval of the state
5 superintendent of schools, to lay a levy of not more than eight
6 cents on each one hundred dollars valuation of taxable property
7 in the county for the erection, purchase or lease of a building for
8 dormitory purposes and for the equipment of the same. Any
9 district board of education maintaining a high school and desiring
10 to provide a dormitory shall have authority, subject to the ap-
11 proval of the state superintendent of schools, to erect, purchase
12 or lease a building for dormitory purposes and to equip the same
13 out of the new building fund of the district. *Provided, further,*

14 that any county, district or districts may join with any indepen-
15 dent school district in erecting, purchasing or leasing any build-
16 ings or grounds for high school dormitory.

17 The buildings and grounds to be owned jointly in proportion to
18 the amounts contributed by the districts so uniting.

19 The boards proposing to unite, together with the county superin-
20 tendent, shall meet and determine the estimated amount to be con-
21 tributed toward the establishment and yearly maintenance of said
22 dormitory by each district, which agreement shall be reduced to
23 writing and entered of record in the minute books of the re-
24 spective boards, a copy of which shall be submitted to the state
25 board of education for their approval. If said state board of
26 education disapproves of said agreement there shall be nothing
27 further done with regard to such joint dormitory, until such time
28 as the boards proposing to unite and the state board of education
29 shall agree on the terms and conditions by which they may unite.

30 The control and management of said dormitory after the es-
31 tablishment of the same, is hereby vested in the boards of edu-
32 cation of the several districts so uniting, to be exercised in joint
33 session, the county superintendent of schools to be *ex-officio* a
34 member and chairman of said joint session, and as such entitled
35 to vote and participate in the control and management of said
36 dormitory, there is hereby conferred upon each board of educa-
37 tion all of the authority for the erection and maintenance of said
38 joint dormitory by levy, issue of bonds, or otherwise, that is con-
39 ferred upon a board for the establishment and maintenance of a
40 high school within its district.

41 Said county high school board or district board of education
42 shall place a reputable and responsible person or persons in charge
43 of such dormitory to conduct the same and furnish meals and
44 lodging to pupils and teachers resident therein and shall deter-
45 mine the rate that shall be charged pupils and teachers for such
46 accommodations. The person or persons in charge of such dormi-
47 tory shall be required to give bond in the sum of one thousand
48 dollars (\$1000.00) for the proper care and use of the dormitory
49 and its equipment and supplies.

CHAPTER 15

(House Bill No. 24—Mr. Knight.)

AN ACT to amend and re-enact section eighty of chapter two of the acts of one thousand nine hundred and nineteen, regular session, relating to normal training in high schools.

[Passed April 13, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

80. Normal training in high schools: board of education to provide necessary rooms, furniture, equipment and supplies and to employ

teachers therefor; state board of education to prescribe course of study for; number and qualification of teachers; state aid for.

Be it enacted by the Legislature of West Virginia:

That section eighty of chapter two of the acts of one thousand nine hundred and nineteen, regular session, be amended and re-enacted so as to read as follows:

Normal Training in High Schools—State Aid.

Section 80. Whenever in the judgment of any county high school board or of any county, district or independent district board of education in whose district a high school is maintained, it is advisable to provide for the better training of the teachers in the elementary schools of its county or district, such county high school board, district board of education or independent district board of education shall have the authority to establish and maintain a normal training department in connection with any high school under its control, to provide necessary rooms, furniture, equipment and supplies and to employ teachers therefor.

It shall be the duty of the state board of education to prescribe a course of study for such normal training departments, to determine the number and qualifications of teachers to be employed therein, and to establish such other regulations and requirements for their conduct as they may deem best; and when a normal training department has been established in any high school in accordance with the regulations and requirements of the state board of education and has been approved by said board, such high school shall be designated and known as a normal training high school. The state board of education shall on or before the first day of October annually, report the number and location of high schools approved by it as normal training high schools, to the state superintendent of schools. Normal training high schools so approved shall be entitled to receive, in addition to the state aid

25 now provided by law for classified high schools, the sum of one
 26 thousand dollars annually, the same to be paid out of the appro-
 27 priation for classified high schools at the time and in the manner
 28 prescribed by law for the payment of state aid to classified high
 29 schools, and to be used for the maintenance of normal training
 30 departments of such high schools and for no other purpose;
 31 *provided, however*, that not more than twenty high schools in the
 32 state shall receive aid as normal training schools at one time; and
 33 *provided, further*, that such state aid shall not be given in support
 34 of any such normal training department of any high school located
 35 in any county in which a state normal school or other state school
 36 maintaining such normal training course is located.

CHAPTER 16

(Senate Bill No. 31—Mr. Harmer.)

AN ACT to amend chapter forty-five of the code, as amended by chapter two of the acts of one thousand nine hundred and nineteen, regular session, by adding thereto section one hundred and eighty-four-*a*, by which to enable boards of education to lay levies for school purposes.

[Passed April 8, 1921. In effect ninety days from passage. Approved by the Governor April 19, 1921.]

SEC.

184-*a*. School levy; authorized by vote of political division affected; election; how held; board to lay levy; board of education to

again submit question of school levy upon petition of voters.

Be it enacted by the Legislature of West Virginia:

That chapter forty-five of the code as amended by chapter two of the acts of one thousand nine hundred and nineteen, regular session, be and is hereby amended by adding thereto section one hundred and eighty-four-*a*. to read as follows:

Section 184-*a*. For the purpose of providing for a levy for
 2 the support of free schools in every county, district or independ-
 3 ent school district of this state, the question of authorizing a levy
 4 for school purposes shall be submitted to the voters thereof at
 5 the general election held on Tuesday after the first Monday in
 6 November, one thousand nine hundred and twenty-two, and
 7 the board of ballot commissioners of each county are hereby
 8 required to prepare separate ballots from that of the official bal-

9 lot to be voted at said election and shall have printed thereon
10 the following:

11 Ballot on school Levy

12 [] For School Levy

13 [] Against School Levy

14 The several officers conducting the said general election at
15 each place of voting shall conduct the election on the question
16 of school levy and canvass and certify the result thereof to the
17 commissioners of the county court in the same manner, as far
18 as applicable, as they are required to conduct and certify the
19 result of the said general election; and the county court shall
20 promptly certify the result of the election on the question of
21 school levy to the board of education of each district or inde-
22 pendent school district in the county; and the said certificate
23 shall be entered by the secretary, as a part of the minutes or rec-
24 ords of the board of education.

25 If a majority of the ballots cast at said general election in
26 any district or independent school district be in favor of school
27 levy, the board of education of such district shall annually there-
28 after levy for the support of schools in their district in the man-
29 ner provided by law for school levies until such time as an elec-
30 tion may be again held on the question of school levy as herein-
31 after provided.

32 The board of education of any district or independent school
33 district, shall upon petition of forty per cent of the registered
34 voters, as shown by the last registration of the district or inde-
35 pendent school district, again submit the question of school levy
36 to the voters of such district, the election to be held as provided
37 in section one hundred and eighty-four of this chapter and this
38 act, as far as practicable.

CHAPTER 17

(Senate Bill No. 292—Mr. Hager.)

AN ACT to amend and re-enact section fifty-six of chapter two of the acts of the legislature of the regular session of one thousand nine hundred and nineteen, relating to the appointment and qualifications of district supervisors of free schools.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the Governor, May 2, 1921.]

SEC.

56. District supervisors; authority to appoint; salary, how paid; to be approved by county superintendent; board may co-operate with extension division of agricultural college in providing club agent; joint district supervisor; salary;

qualifications; district supervisor to be executive officer of board; to attend meetings; to recommend the appointment of teachers; exceptions; duties; required to make reports.

Be it enacted by the Legislature of West Virginia:

That section fifty-six of chapter two of the acts of the legislature of the regular session of one thousand nine hundred and nineteen be amended and re-enacted so as to read as follows:

May Appoint District Supervisors.

Section 56. The board of education of every district in the 2 state shall have authority to appoint for its district a district 3 supervisor of schools and to fix his salary. The salary of a dis- 4 trict supervisor shall be paid monthly out of the teacher's fund 5 of the district. Said board may, subject to the written approval 6 of the county superintendent of schools, appoint one or more as- 7 sistant district supervisors in districts in which fifty or more 8 principals and teachers are employed.

9 *Provided, further,* that the board of education of any district 10 may employ a district supervisor for as many months longer than 11 the regular school term as may be necessary for him to supervise 12 the construction of new buildings, the repairing of old buildings, 13 the improvement of school grounds, and to do such other work as 14 may be approved by the board. Said board may also co-operate 15 with the extension division of the college of agriculture of West 16 Virginia university in employing the district supervisor or an- 17 other person as agricultural club agent for the organization and 18 direction of boys' and girls' agricultural clubs in the district; 19 but any district supervisor so appointed shall be under the au- 20 thority and direction of the board of education of the district 21 and he shall in no case neglect the work of supervising the schools 22 and of performing his other duties as district supervisor. It is 23 *provided, further,* that two or more districts in the same county 24 or in adjoining counties may appoint a district supervisor jointly. 25 the apportionment of the salary and of the time of such super- 26 visor to be arranged according to the number of schools in each 27 district.

28 Commencing with the year one thousand nine hundred and
29 twenty and one thousand nine hundred and twenty-one, no per-
30 son shall be eligible for appointment as district supervisor who
31 does not hold a valid supervisor's certificate or its equivalent as
32 defined by the state board of education and who is not also a
33 graduate of a standard normal school or who has not had other
34 academic and professional training approved by the state board
35 of education as equivalent in all respects to graduation from a
36 standard normal school; *provided*, that any person holding a first
37 grade teacher's certificate, who has had successful experience in
38 supervising schools, and who shall attend a state normal school,
38-a or some other school approved by the state board of education,
39 for a period of six weeks in each year, may upon the recom-
40 mendation of the state board of education, be granted by the state
41 superintendent a provisional license to act as district supervisor,
42 and *provided, further*, that the holder of a life certificate shall be
43 eligible for appointment as district supervisor.

44 The district supervisor shall be the executive officer of the board
45 of education of his district. He shall attend all the meetings of
46 the board, except when his appointment, tenure or salary is the or-
47 der of business, and he shall have the privilege of the floor, but he
48 shall have no vote. From a list of applicants in the hands of the
49 board of education the district supervisor shall have authority to
50 recommend for appointment by the board a sufficient number of
51 principals and teachers for the schools of the district, except in in-
52 corporated towns and cities where superintendents are appointed
53 by the board, and he shall have authority to assign to their respect-
54 ive posts of duty all principals and teachers so appointed. Said su-
55 pervisor shall visit the schools of his district as often as possible
56 and shall see that the school laws are enforced, that minimum
57 standards of the courses of study prepared by the state board of ed-
58 ucation are maintained, and that all the laws and rules of the state
59 board of education relating to the health of school children are ob-
60 served. He shall supervise the methods of instruction in the schools
61 and offer such suggestions to teachers as he may deem expedient,
62 and he shall have authority to call meetings of the teachers as often
63 as practicable. He shall make such reports as the state superin-
64 tendent of schools may require.

CHAPTER 18

(Senate Bill No. 159—Mr. Stewart.)

AN ACT to amend and re-enact sections five, seven and nine of chapter one hundred and twenty-six of the acts of the legislature of one thousand nine hundred and nineteen, regular session, relating to the rate and manner of making levies for school purposes, and for the creation and distribution of the general school fund.

[Passed April 25, 1921. In effect from passage. Approved by the Governor May 4, 1921.]

SEC.

5. Levies for school purposes; how laid; board to file fiscal statement; rate of levy; to file statement with tax commissioner; publication; when to lay levies; provision for additional levy; levies to be separate; length of school term, how fixed; extension of term by petition; levies for extension; high school levy; rate; new building and improvement fund levy; additional levy of twenty cents to be approved by state superintendent and tax commissioner.
7. General school fund; how derived; purposes of fund; amount of

SEC.

- distribution, to be ascertained by auditor; to be deposited with treasurer; supplemental aid, how apportioned; duties of state superintendent as to supplemental aid.
9. (a) Additional levy by county court, council or board for school purposes to be submitted to vote; not to exceed twenty cents; (b) power to levy for bonded indebtedness not otherwise provided for; future bonded indebtedness, vote on; form of ballot; may lay such levy from year to year without additional vote.

Be it enacted by the Legislature of West Virginia:

That sections five, seven and nine of chapter one hundred and twenty-six of the acts of the legislature of one thousand nine hundred and nineteen, regular session, be amended and re-enacted so as to read as follows:

Section 5. At its session held on the second Tuesday in August 2 as aforesaid, the board of education of every district and independent district, except the independent district of Wheeling, 3 shall, if a majority of the ballots cast upon the question of laying a levy in the district or independent district as 4 provided in chapter forty-five of the code have printed 5 or written thereon "For school levy," ascertain the condition of the fiscal affairs of the district and make up an 6 itemized statement thereof distinguishing between elementary 7 and high schools and the various funds hereinafter provided for each, which statement shall set forth in 8 detail:

13 *First*—The separate amounts due the various funds of 14 the district, and the amounts that will become due and

15 collectible during the current fiscal year except from the levy of
16 taxes to be made for the year.

17 *Second*—The debts and demands owed by the district,
18 and the debts and demands that will become due and payable dur-
19 ing the current fiscal year, including interest on any indebtedness,
20 funded, bonded or otherwise.

21 *Third*—All other expenditures under the several heads
22 of expenditures, to be made and payable out of the levy
23 of the district for the current fiscal year, with proper al-
24 lowances for delinquent taxes, exonerations and contingen-
25 cies. Said statement shall also set forth the separate
26 amount necessary to be raised for each fund by the levy
27 of taxes for the current fiscal year, the proposed rate of
28 such levy in cents on each one hundred dollars assessed
29 valuation of the taxable property in the district for each
30 of such funds, and the separate and aggregate amounts
31 of the assessed valuation of real estate, personal property,
32 and public utility property assessed by the board of
33 public works. A copy of such statement duly certified by the
34 secretary of the board shall immediately be forwarded to the state
35 tax commissioner, and said statement shall, before the next meet-
36 ing of the board, be published once in two newspapers of opposite
37 politics in the county, if there be two such newspapers of general
38 circulation in the county. If there be but one newspaper published
39 in the county, the publication shall be made therein. The session
40 shall then stand adjourned until the fourth Tuesday in August, at
41 which time it shall re-convene and proceed in all respects as pro-
42 vided in section two. After having entered the statement as finally
43 approved in its book of record or proceedings, the board shall
44 thereupon levy as many cents on each one hundred dollars assessed
45 valuation of the taxable property in the district, according to the
46 last assessment thereof, as will produce the amounts shown by the
47 statement approved to be necessary as follows:

48

For Elementary School Purposes.

49 (a) For maintenance fund purposes, for defraying the main-
50 tenance expenses for a fiscal school year, a levy not to exceed fifteen
51 cents.

52 (b) For teachers' fund purposes, a levy not to exceed forty
53 cents, for the purpose of maintaining the schools of the district

54 for a minimum term, or for a longer term where the same has been
55 extended by or according to law. In case, however, the levy here-
56 under, including the supplemental apportionment of the general
57 school fund hereinafter provided, will not produce a sufficient fund
58 to pay minimum salaries to a sufficient number of teachers for all
59 the schools of the district for the minimum term it shall be the
60 duty of the board of education to lay an additional levy to make up
61 the deficiency in the teachers' fund.

62 (c) In any district or independent district where the term of
63 school has been, or shall hereafter be, extended for a longer period
64 than the minimum term by a majority of the votes cast at an elec-
65 tion therein as provided by law, and the maximum rate of levy
66 hereinbefore provided for maintenance building fund purposes and
67 teachers' fund purposes will not provide sufficient funds to defray
68 the expenses of the term provided by such election, the board of
69 education shall lay a levy sufficiently high to provide the funds
70 necessary to conduct the schools in such district for the term pro-
71 vided by such election, and such levy shall be separated into, and
72 designated as, maintenance fund levy, and teachers' fund
73 levy. The term of school fixed by such election shall continue from
74 year to year so long as a majority of the votes cast at the election
75 at which the question of "school levy" is submitted, be in favor of
76 such "school levy," or until the term so fixed shall be changed by
77 a majority vote of the people in such district.

78 (d) If the majority of the taxpayers of a sub-district within
79 an incorporated municipality, the boundaries of which sub-district
80 are, or shall be made, co-extensive with the boundaries of such
81 municipality, file with the board of education of the district in
82 which such sub-district is a part, at their meeting on the second
83 Tuesday in August, a petition praying for an extension of the
84 school term therein for a given number of months, the board shall
85 extend the term of such school for the number of months, prayed
86 for in such petition, and shall lay levies sufficiently high on
87 each one hundred dollars' assessed valuation of the taxable property
88 in such sub-district according to the last assessment thereof, for
89 such extension, which levies shall be separated into and designated
90 as maintenance building fund levy and a sub-district teachers' fund
91 levy. *Provided, however,* that any such petition properly filed
92 with the secretary, shall authorize said board of education to
93 lay such levies, at any regular levy term within four years

94 thereafter, unless the same be rescinded by a similar petition
95 requesting that the same be revoked.

96 *For High School Purposes.*

97 For high school purposes, including junior high schools, and for
98 the purpose of paying the tuition of high school pupils in districts
99 which do not have regularly established high schools, under such
100 regulations as are prescribed by law, the said board shall levy a
101 rate sufficiently high to defray the expenses for such high school
102 purposes for the current fiscal year. This levy, other than for
103 paying high school tuition shall be divided into maintenance
104 fund purposes and teacher's fund purposes.

105 *For New Building and Improvement Fund Purposes.*

106 For new building and improvement fund purposes, for the pur-
107 chase of land and for the purpose of erecting and equipping
108 buildings for elementary and high school purposes, for the pur-
109 chase of furniture and apparatus, for rent and permanent
110 improvements of old buildings, a levy not to exceed twenty cents.
111 Where, however, an exigency exists for additional housing, and
112 the levy herein provided is not sufficient to provide the necessary
113 funds an additional levy hereunder may be laid not to exceed
114 twenty cents, but the levy shall not be made until the grounds
115 showing the emergency shall be fully set out in an order made
116 and entered of record by the board of education and then sub-
117 mitted to and approved in writing by the state superintendent of
118 of free schools, and the state tax commissioner.

The General School Fund.

Sec. 7. The proceeds of the capitation tax, the income of the
2 school fund, the net proceeds of all forfeitures and fines which
3 accrued to the state during the previous year and all moneys aris-
4 ing from the sources named in section four of article twelve of the
5 constitution heretofore going to the "school fund" but as now
6 amended going to the "general school fund," all interest on pub-
7 lic moneys received from state depositories, state license tax on
8 marriage, state tax on forfeitures, state tax on state licenses except
9 motor vehicles and state licenses paid direct to the state auditor
10 and secretary of state, and all funds from any source paid into the
11 treasury for school purposes and not otherwise appropriated,
12 shall be set apart for the support of free schools, as a separate fund
13 to be called "the general school fund."

14 Such funds shall be used for the following purposes in the order
15 enumerated, preference being given likewise:

16 *First*—To pay the salary of the state superintendent of free
17 schools his necessary traveling expenses not to exceed five hundred
18 dollars, the contingent and other expenses of his office, and the
19 salaries of county superintendents.

20 *Second*—To supplement the teachers' fund of elementary schools
21 in districts where the maximum levy for teachers' fund purposes
22 will not provide sufficient funds to pay the minimum salaries to a
23 sufficient number of teachers for all the first eight grades of the
24 public schools.

25 *Third*—To supplement the maintenance fund of elementary
26 schools in districts where the maximum levy will not provide suffi-
27 cient funds to pay the actual maintenance expenditures for the
28 minimum term.

29 *Fourth*—To supplement the elementary teachers' fund to an
30 amount equal to the amount accruing from any additional levy in ex-
31 cess of forty cents on the one hundred dollars, which levy has been
32 fixed according to law and which is for the purpose of augmenting
33 teachers' salaries and for the employment of district supervisors.
34 *Provided*, that no district shall benefit or be given aid hereunder
35 for the payment of teachers' salaries in excess of the minimum sal-
36 aries increased by ten per cent, for the minimum term as fixed by
37 general law, and one hundred and fifty dollars per month for dis-
38 trict supervision.

39 *Fifth*—To pay state aid to high schools under such regulations
40 as are provided by law.

41 *Sixth*—To aid school districts (not independent districts) which
42 maintain standardized schools under such regulations as are pre-
43 scribed by law.

44 *Seventh*—Any balance remaining in said general school fund
45 in any fiscal year shall be distributed to the various school districts
46 and independent school districts of the state on a basis of the
47 enumerated youth of school age.

48 It shall be the duty of the auditor, on or before
49 the twentieth day of July in each year, to ascertain
50 the amount of the general school fund for distribution,
51 after first deducting the aggregate salary of the state
52 superintendent of free schools, his necessary traveling ex-
53 penses not to exceed five hundred dollars, the contin-

54 gent and other expenses of his office, and the salaries of county
55 superintendents, and to notify the state superintendent of free
56 schools thereof.

57 The state superintendent shall thereupon ascertain the needs
58 for the various purposes in the order and preference numerated
59 above whose duty it shall be to deposit with the treasurer of the
60 board of education, to the credit of such fund, the amounts to
61 which such district is entitled.

62 But before making requisition on the auditor for the supple-
63 mental aid herein provided, the state superintendent shall inform
64 himself of the conditions existing in such districts applying for
65 aid as to the number of teachers employed, the number of pupils
66 enrolled, the enforcement of the compulsory school law
67 and other matters that pertain to the progress of
68 the public schools of the district and shall require
69 from all boards of education asking such aid, on forms
70 to be prescribed and furnished by him, a financial statement thereof
71 supported by affidavits showing the needs existing in such dis-
72 tricts, the necessity for such aid and that the law authorizing such
73 aid has been complied with.

74 The state superintendent shall also notify the county superin-
75 tendent of each county to which supplemental aid is furnished
76 the amount thereof, who in turn shall notify the boards of educa-
77 tion of such districts as receive such supplemental aid of the amount
78 thereof apportioned to such district and that the same can not
79 be drawn by them until they have fully complied with the law
80 under which such aid is authorized.

Sec. 9 (a) If any county court, board of education, or common
2 council of a municipal corporation be of opinion that the maximum
3 rate of levy of taxes hereinbefore named in section two-a as to
4 counties, or in section five as to elementary and high schools, in
5 school districts, or in section eight as to municipalities, will not
6 produce sufficient funds for the current fiscal year to cover the
7 expenditures for the year in the county or school district, or
8 municipality, as the case may be, it may enter an order on its
9 record book of proceedings setting forth the purposes for which
10 additional funds will be needed, the amount thereof for each pur-
11 pose, and the total thereof, the separate and aggregate amount of
12 the taxable property on which it is authorized to levy taxes and
13 the rate of levy in cents on each one hundred dollars assessed

14 valuation of such property necessary to produce the additional
 15 amount estimated to be needed; and in the same order submit to
 16 the voters of the county, the school district or the municipality,
 17 as the case may be, at an election therefor, the question of such
 18 additional levy. If a majority of the votes cast on the question at
 19 such election be in favor of such additional levy, the court, board or
 20 council, as the case may be, shall have authority to make such
 21 additional levy, but the same shall not exceed twenty cents on each
 22 one hundred dollars assessed valuation of the taxable property in
 23 in the county, school district, or municipality, according to the
 24 last assessment thereof.

25 (b) If any county school or independent school district or
 26 municipal corporation has, at the time this act goes into effect,
 27 an out-standing bonded indebtedness where no provision has here-
 28 tofore been made to pay the interest on such bonds and provide a
 29 sinking fund for the discharge of the principal of the same at ma-
 30 turity, the county court, the board of education, or the municipal
 31 council, as the case may be, shall lay a levy sufficiently high to
 33 pay the interest and provide a sinking fund for the discharge of
 34 the principal of such bonds at maturity and shall continue to lay
 35 the same from year to year until such bonded indebtedness is
 36 liquidated. The funds arising from such levy shall be used for
 37 the purposes for which levied and no other.

38 (c) If any county, school or independent school district or
 39 municipal corporation, creates in the future a bonded indebtedness
 40 according to law, the county court, board of education, or muni-
 41 cipal council, as the case may be, shall enter an order on its
 42 record book of proceedings setting forth the maximum rates of
 43 levy necessary in each year to pay the interest and provide a
 44 sinking fund for the discharge of the principal of the bonds at
 45 maturity; and in the same order submit to the voters of the county,
 46 district or municipality, as the case may be, at the election held
 47 for the purpose of authorizing the bond issue, the question of
 48 such levy. At such election there shall be printed on the ticket
 49 a brief statement of the levy herein provided for, such as "To au-
 50 thorize a maximum special levy ofcents to pay the
 51 interest on, and cents to provide sinking fund
 52 for the discharge of the principal of the bonds now being voted
 53 for according to the order of entered on the
 54day of" And directly under-

55 neath, in two separate lines, shall be printed the words "For the
56 levy." "Against the levy." In all respects the provisions of the
57 laws concerning general elections and elections under the provis-
58 ions of this act shall apply to such election as far as they are prac-
59 ticable. If a majority of the votes cast at such election be in favor
60 of such levy, the county court, board or council, as the case may be,
61 shall have authority to lay such maximum levy, and it may con-
62 tinue to lay the same on such portion thereof as is necessary, from
63 year to year, without an additional vote, until such bonded in-
64 debtedness is liquidated ; but the funds arising from such levy shall
65 be used for the purposes for which levied and no other.

CHAPTER 19

(House Bill No. 22—Mr. Knight.)

AN ACT to provide for the acceptance of an act passed by the senate and house of representatives of the United States of America in congress assembled to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to provide for the appointment of a custodian of all moneys received by the state from appropriations made by the congress of the United States for the purpose stated; to provide for a state board to co-operate with the federal board for vocational education in carrying out the provisions of said act, and prescribe its powers and duties; to provide for a plan of co-operation between such state board and the state compensation commissioner and to make appropriations to provide for the vocational rehabilitation of persons disabled in industry or otherwise, the same to be sections one hundred and thirty-three-*a*, one hundred and thirty-three-*b*, one hundred and thirty-three-*c*, one hundred and thirty-three-*d*, one hundred and thirty-three-*e*, and one hundred and thirty-three-*f* of chapter two of the acts of nineteen hundred nineteen, regular session.

[Passed April 14, 1921. In effect from passage. Approved by the Governor April 19, 1921.]

SEC.
133-*a*. Acceptance by state of federal vocational rehabilitation act.
133-*b*. State treasurer to be custodian of appropriations by federal government.
operate with federal board; vocational training.
133-*c*. State board of education to co-

SEC.
133-*d*. State board of education; to formulate plan of co-operation.
133-*e*. Same: to receive gifts and donations; provisions concerning.
133-*f*. Appropriations for each fiscal year to meet federal allotment.

Be it enacted by the Legislature of West Virginia:

Section 133-a. The state of West Virginia does here-
2 by, through its legislative authority, accept the provisions
3 and benefits of the act of congress, entitled, "An act to provide
4 for the promotion of vocational rehabilitation of persons disabled
5 in industry or otherwise, and their return to civil employment,"
6 approved June second, one thousand nine hundred and twenty,
7 and will observe and comply with all requirements of such act.

Sec. 133-b. The state treasurer is hereby designated and ap-
2 pointed custodian of all moneys received by the state from appro-
3 priations made by the congress of the United States for vocational
4 rehabilitation of persons disabled in industry or otherwise, and is
5 authorized to receive and provide for the proper custody of the
6 same and to make disbursements therefrom upon the order of the
7 state board of education approved by the state board of control.

Sec. 133-c. The state board of education is hereby designated
2 as a state board for the purpose of co-operating with the said fed-
3 eral board in carrying out the provisions and purposes of said fed-
4 eral act providing for the vocational rehabilitation of persons dis-
5 abled in industry or otherwise and is empowered and directed to
6 co-operate with said federal board in the administration of said
7 act of congress; to prescribe and provide such courses of voca-
8 tional training as may be necessary for the vocational rehabilita-
9 tion of persons disabled in industry or otherwise, and to provide
10 for the supervision of such training; to appoint such assistants
11 as may be necessary to administer this act and said act of con-
12 gress in this state; to fix the compensation of such assistants and
13 to direct the disbursement and administer the use of all funds
14 provided by the federal government or this state for vocational
15 rehabilitation of such persons.

Sec. 133-d. It shall be the duty of the state board of education
2 and the state compensation commissioner to formulate a plan of
3 co-operation in accordance with the provisions of this act and said
4 act of congress, such plan to become effective when approved by
5 the governor of the state.

Sec. 133-e. The state board of education is hereby authorized
2 and empowered to receive such gifts and donations, either from
3 public or private sources, as may be offered unconditionally or

4 under such conditions related to the vocational rehabilitation of
 5 persons disabled in industry or otherwise as in the judgment of
 6 the state board are proper and consistent with the provisions of
 7 this act. All the moneys received as gifts or donations shall be
 8 deposited in the state treasury and shall constitute a permanent
 9 fund to be called the special fund for the vocational rehabilitation
 10 of disabled persons, to be used by the said board to defray the ex-
 11 penses of vocational rehabilitation in special cases, including the
 12 payment of necessary expenses of persons undergoing training. A
 13 full report of all gifts and donations offered and accepted, together
 14 with the names of the donors and the respective amounts contrib-
 15 uted by each and all disbursements therefrom shall be submitted
 16 annually to the governor of the state by the said state board of
 17 education.

Sec. 133-f. There shall be appropriated a sum of money avail-
 2 able for each fiscal year not less than a maximum sum which may
 3 be allotted to the state for the purposes set forth in said federal act.

CHAPTER 20

(Senate Bill No. 143—Mr. Johnson.)

AN ACT authorizing the board of education of Philippi independent school district in the county of Barbour to issue bonds for the purpose of providing such grounds as may be necessary for the erection of a public and high school building, either combined or separately, and for the purpose of erecting such building or buildings thereon for said district and for the proper equipment thereof.

[Passed January 22, 1921. In effect from passage. Approved by the Governor January 25, 1921.]

SEC.

1. Board authorized to issue bonds for purchase of land and erection and equipment of school buildings.
2. Description of bonds; aggregate of existing indebtedness and said bonds; levy to pay interest, and principal, when due.

SEC.

3. Bond issue to be submitted to voters of school district at special election; three-fifths of the votes cast necessary; officers of election; where election to be held; who may vote; registration; notice of election; conflicting acts made inoperative.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Philippi independent
2 school district, in the county of Barbour, West Virginia, be, and
3 it is hereby authorized and empowered to issue the bonds of said
4 school district to an amount sufficient for the purpose of providing
5 such lot of land or additional lot of land as may be necessary
6 and to erect thereon, furnish and equip a suitable public school
7 building and high school building, combined or separately, as
8 said board may deem proper, within said district.

Sec. 2. Said bonds shall be of such denomination as said board
2 of education shall by order prescribe, and shall be payable in not
3 less than five years nor more than thirty-four years, at the option
4 of the said board of education, and shall bear interest at the rate
5 of not to exceed six per cent per annum, payable annually; *pro-*
6 *vided*, that the aggregate of said bonds for said purposes, including
7 existing indebtedness of said district, shall not exceed five per
8 centum of the value of all the taxable property in said district, to
9 be ascertained by the last assessment for state and county purposes
10 next before the incurring of said indebtedness; and said board of
11 education shall provide by levy a direct annual tax sufficient to
12 pay annually the interest on such indebtedness and the principal
13 when due.

Sec. 3. But no such bonds shall be issued under this act unless
2 the question of issuing the same shall have first been submitted
3 to the voters of said school district at an election to be held for that
4 purpose and shall have received three-fifths of all votes cast, and
5 said election shall be conducted under the supervision of said board
6 of education and the result thereof ascertained and certified by
7 said board; for the purpose of holding said election said board
8 shall appoint at least three qualified voters, one of which persons
9 so appointed shall act as clerk and the other two shall act as
10 commissioners of said election and said election shall be held at
11 the court house in the city of Philippi, and all qualified voters
12 within said district shall be entitled to vote upon such question at
13 said election at said place. The registration of voters taken for
14 the general election in November, one thousand nine hundred and
15 twenty shall be taken as a proper registration of the voters en-
16 titled to vote at said election, after the secretary of the said board
17 of education has revised the said list and stricken therefrom the

18 names of all persons who have died or removed from said district
 19 since said list was made up and have added thereto the names of
 20 all such persons as had become entitled to vote in said district
 21 since said registration. A notice of said election setting out therein
 22 the order of the board entered thereon, duly published in two
 23 newspapers of general circulation in said district once a week for
 24 two weeks prior to said election shall be a sufficient notice and
 25 publication thereof. Said board of education is directed and
 26 authorized to do any and all acts in respect to the holding of said
 27 election and issuance of said bonds that may be necessary to carry
 28 the purposes of this act into effect. All acts and parts of acts con-
 29 flicting herewith so far as they relate to said independent school
 30 district are for the purposes of this bond issue and not further
 31 made inoperative.

CHAPTER 21

(House Bill No. 27—Mr. Hersman, of Roane.)

AN ACT to amend and re-enact section eight of chapter seventy-one
 of the acts of one thousand nine hundred and seventeen, re-
 lating to Spencer independent school district.

[Passed April 19, 1921. In effect July 1, 1921. Approved by the Governor
 April 30, 1921.]

<p>SEC. 8. Duties of board of education; to make estimates of money re- quired to maintain schools; pro-</p>		<p>SEC. vide sinking fund; to pay off bonded indebtedness; amount of levy; inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

That section eight of chapter seventy-one of the acts of one thousand nine hundred and seventeen, relating to Spencer independent School district be amended and re-enacted so as to read as follows:

Section 8. The board of education of Spencer independent
 2 school district shall also meet at the times and perform the
 3 duties required of boards of education, other than those for inde-
 4 pendent school district, except as herein otherwise provided, for
 5 the purpose of making, and shall make, estimates of the money
 6 required to maintain the schools in said independent school dis-
 7 trict for the ensuing year, both as to the teachers' and various

8 building funds, and of providing for a sinking fund to pay off
 9 any bonded indebtedness; and said board of education shall deter-
 10 mine the number of months of school to be taught in said district
 11 for said year, both in the high and graded schools and any depart-
 12 ment thereof, which shall not be fewer than eight months for any
 13 one year; and shall levy upon the taxable property in said inde-
 14 pendent school district a sufficient sum for said purposes, which,
 15 however, shall not exceed seventy-five cents on each one hundred
 16 dollars valuation of the taxable property therein for the teachers'
 17 funds and forty cents for the building and building maintenance
 18 funds and such rate as may be necessary to pay off said bonded in-
 19 debtedness within the time provided by the proceedings had and the
 20 orders entered in respect to said bonded indebtedness and the
 21 obligation in respect thereto given.

22 All acts and parts of acts inconsistent herewith are hereby re-
 23 pealed.

CHAPTER 22

(House Bill No. 34—Mr. Heavener.)

AN ACT to amend and re-enact sections fourteen, fifteen and twenty-
 three of chapter seventeen of the acts of the legislature of the
 state of West Virginia of one thousand nine hundred and five,
 relating to the independent school district of Alderson, in the
 counties of Greenbrier and Monroe.

[Passed April 7, 1921. In effect from passage. Approved by the Governor
 April 16, 1921.]

SEC.
 14. Board of education to levy tax;
 rate of levy.
 15. Same; if authorized by voters, may
 sell bonds to erect school build-
 ings; form and amount of bonds;

SEC.
 23. Provisions of general school law
 and other laws in conflict with
 this act to be voted within dis-
 trict.

Be it enacted by the Legislature of West Virginia:

That sections fourteen and fifteen of chapter seventeen of the acts
 of the legislature of West Virginia, one thousand nine hundred and
 five, be amended and re-enacted so as to read as follows:

Section 14. It shall be the duty of the board of education of
 2 said independent school district of Alderson at a meeting held not
 3 later than the second Monday in August next following their elec-

4 tion and qualification, and annually thereafter, to ascertain as
5 nearly as possible the amount of money, in addition to all available
6 funds, necessary to keep in operation or session the schools in
7 said district for at least eight months in the year and for the
8 purpose of raising the required or necessary amount the board shall
9 levy a tax upon the property and residents of the district, and
10 same shall be collected under the provisions of the general school
11 law of the state; *provided*, that the levy made or taxes to be raised
12 for both teachers' and maintenance building funds in said school
13 district shall not exceed the rate provided by the general school law
14 of the state except that the board may make a levy of as much as
15 fifty cents for elementary teachers' salaries.

Sec. 15. The board of education of the independent school dis-
2 trict of Alderson is hereby authorized and empowered, at any
3 time after this act takes effect or after their election and qualifica-
4 tion, to issue and sell the bonds of said district, and with the pro-
5 ceeds erect one or more public school buildings within and for the
6 use of said district; such bonds to bear interest at a rate not ex-
7 ceeding six per centum per annum, and to become payable in not
8 less than five nor more than thirty-four years from the date thereof.
9 No indebtedness under this act shall exceed, when added to the ex-
10 isting indebtedness of said district, five per centum of the value
11 of the taxable property in said district, such value to be ascertained
12 by the next preceding assessment made with reference to state and
13 county taxes; nor shall such bonds be issued without due pro-
14 visions for the assessment and collection of a direct annual tax suffi-
15 cient to pay annually the interest thereon and the principal thereof
16 at their maturity; nor at all unless all questions connected there-
17 with be submitted to the voters of the said district, and three-fifths
18 of all the votes cast at such election shall have been in favor of
19 the issuance of said bonds. When the board of said independent
20 district shall deem it expedient to exercise the power hereby con-
21 ferred, an order shall be made and placed upon the minutes at a
22 regular meeting specifying the purpose, amount and denomination
23 of the bonds proposed to be issued, the date of maturity and the
24 plan adopted to meet the payment of the principal and the accru-
25 ing interest. Such bonds shall be of the denomination of one hun-
26 dred dollars or a multiple thereof.

Sec. 23. All provisions of the general school law of the state, and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district, otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the state.

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

CHAPTER 23

(House Bill No. 50—Mr. Johnston.)

AN ACT creating the independent school district of Ridgeley, West Virginia.

[Passed April 26, 1921. In effect from passage. Approved by the Governor May 2, 1921.]

SEC.		SEC.	
1.	Ridgeley independent school district; election concerning; boundaries of.	7.	Same; empowered to establish primary school and a high school.
2.	Board of education; title to property to vest in; election and terms of.	8.	Same; estimate of levy by; provisions concerning levy.
3.	Same; corporate powers.	9.	Rate of levies; how expended.
4.	Same; election of; terms.	10.	Board of education; to appoint teachers and fix salaries; qualification of and removal of teachers.
5.	Same; duties of president and secretary of.	11.	Election to establish independent district; form of ballot; how result ascertained.
6.	Same; compensation of member and secretary of.	12.	Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That in the event of a majority of the votes cast at an election to be held on the second Tuesday in May, one thousand nine hundred and twenty-one, to be in favor thereof, the following described territory in the county of Mineral, and in the district of Frankfort, shall after the results of such election are ascertained and declared to be the independent school district of Ridgeley, to-wit:

All that portion of Mineral county lying north and east of said line, beginning from a point on the Western Maryland railroad on the West Virginia division known as the West End Knob Mount yard, the same to leave the Potomac river on the west side of Knobley mountain and pass by a direct line over Knobley mountain to where the Maryland division crosses the Potomac known

14 as south side of Welton's tunnel, shall constitute and be known
15 as the "Independent school district of Ridgeley."

Sec. 2. The property, real and personal, within the Frankfort
2 district of Mineral county, of which the newly created district has
3 heretofore been a part, now vested in the board of education of
4 said district, shall become the property of the board of educa-
5 tion of said new district and the board of education for said new
6 district shall be governed by the same laws as boards of education
7 of districts under the general education laws of the state, except
8 only so far as otherwise provided by this act. The board of educa-
9 tion of said district shall consist of three commissioners, who shall
10 be elected by the qualified voters residing within said Ridgeley
11 district, at a special election to be held at the town of Ridgeley, in
12 Mineral county, on the fourth day of June, one thousand nine hun-
13 dred and twenty-one, which election shall be conducted by the
14 regular officers appointed for the holding of general elections in
15 said territory. One commissioner shall be elected for five years and
16 six months, or until his successor is elected, at the general elec-
17 tion in one thousand nine hundred and twenty-six, and qualifies;
18 one commissioner shall be elected to serve three years and six
19 months or until the general election in November, one thousand
20 nine hundred and twenty-four; when his successor shall be elected
21 and qualify; one commissioner shall be elected for one year and six
22 months or until the general election in November, one thousand
23 nine hundred and twenty-two, when his successor shall be elected
24 and qualify.

Sec. 3. Said commissioners shall constitute the board of edu-
2 cation for said district and shall be a corporation by the name of
3 the board of education of the independent school district of Ridge-
4 ley, West Virginia, and by that name sue and be sued, plead and
5 be impleaded, purchase, hold and grant so much estate, real and
6 personal, as may be necessary for the purpose of the educational
7 interests of said district; may make by-laws and pass regula-
8 tions, not inconsistent with the laws of this state and do all things
9 necessary and proper to be done to advance the educational inter-
10 ests under the control of said board of education.

Sec. 4. There shall be elected in said district every two years
2 at the general election, one member of said board, who shall hold
3 his office for six years, commencing on the first day of July suc-
4 ceeding his election. The members of the said board shall con-

5 tinue therein until their successors shall be elected and qualified
6 as provided by this act. Any vacancy in said board shall be filled
7 by appointment of the board for the unexpired term, unless it be
8 for a period extending beyond the first day of July after the next
9 general election, in which event such appointment shall be until
10 the next general election, at which election a member shall be
11 elected to fill such vacancy, and the person so elected shall enter
12 upon the duties of his office on the first day of the month succeed-
13 ing his election. The provisions of the general school law in rela-
14 tion to trustees shall not apply to said district.

Sec. 5. The said board of education shall, at their first meet-
2 ing, or so soon thereafter as may be practicable, elect one of their
3 number to act as president and another to act as secretary to said
4 board, or may elect a secretary not a member of said board, who
5 shall perform all the duties which are to be performed by a presi-
6 dent and secretary as required by the general school law, which
7 may not be inconsistent with this act.

Sec. 6. The member of said board and the secretary thereof, in
2 case said secretary is selected from outside the board, shall receive
3 four dollars per day for each day actually employed in the line of
4 their official duties as said board.

Sec. 7. The board of education of the independent school dis-
2 trict of Ridgeley, shall have power to establish an adequate num-
3 ber of primary schools, and a central high school, by such name as
4 may be prescribed by said board, in which may be taught all the
5 branches usually taught in college, and shall have power to admit
6 to said school pupils not residents of said district, upon payment of
7 such tuition as they may prescribe.

Sec. 8. It shall be the duty of the board of education of said
2 district to determine, at their annual meeting, on the first Monday
3 in July, as near as practicable, the amount of money necessary to
4 be levied, in addition to all other available funds to carry on
5 schools within said district for not less than eight months during
6 the succeeding year, but said board may, if it deems advisable, to
7 extend the term to more than eight months, for which amount said
8 board shall levy a tax upon the property included in said district,
9 and collect the same; and a lien is hereby declared to exist on the
10 real estate taxable in said district, for all taxes levied thereon, and
11 the said board shall carry into effect the provisions of this act, in

12 the same manner as other tax is collected under the provisions of
13 the general school laws of this state. The said school district
14 shall not be entitled to receive its share of the state school fund for
15 any one year, until the board of education shall have first levied
16 the tax above provided.

Sec. 9. The taxes raised in said district for school and build-
2 ing purposes shall never exceed the rate prescribed in the law re-
3 lating to general free schools, except to pay bonded indebtedness,
4 they may lay a levy not to exceed forty cents on the one hundred
5 dollars for building fund, and the amount so levied and collected
6 as aforesaid, shall not be used for any other purpose.

Sec. 10. The board of education, shall appoint all teachers for
2 public schools of any grade within the district, and fix their salaries
3 at a meeting, held not later than the third Monday of August of
4 any year. The salaries fixed and the teachers employed by the
5 board of said district shall be recognized for such school year; but
6 no person shall be employed as a teacher of any grade without hav-
7 ing a satisfactory certificate obtained and issued as required by
8 law in the examination of teachers for the public schools of the
9 state. The teachers appointed shall be subject in all respects
10 to the rules and regulations adopted by the board of education,
11 and they may be removed by the board for incompetency, intem-
12 perance or gross immorality upon formal complaint fully support-
13 ed by proof. All appointments of teachers shall be in writing,
14 signed by the president and secretary of said board of education.

Sec. 11. The election provided for in section one of this act
2 shall be by ballot and those voting in favor of the establishment
3 of said independent school district, shall have printed or written
4 on their tickets, "For independent district," and those voting
5 against the establishment thereof, shall have written or printed on
6 their tickets, the words, "Against independent district." The elec-
7 tion shall be conducted and the results thereof ascertained and de-
8 clared by election of officers to be appointed by the county com-
9 missioners of Mineral county, and all provisions of the election
10 laws in this state shall be enforced and govern such election unless
11 otherwise provided.

Sec. 12. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 24

(House Bill No. 80—Mr. Hersman, of Calhoun.)

AN ACT to amend and re-enact sections three and four of chapter one hundred and eleven of the acts of the legislature of West Virginia, of one thousand nine hundred and fifteen, relating to establishing a high school in Calhoun county.

[Passed April 5, 1921. In effect from passage. Approved by the Governor April 9, 1921.]

SEC.

3. Board of directors; county superintendents of school to be *ex-officio* secretary of; bond of; organization of; terms of; duties of; vacancies.

SEC.

4. Same; corporate powers; levy by; amount and purpose of levy; to employ teachers and fix salaries; compensation of members of.

Be it enacted by the Legislature of West Virginia:

That sections three and four of chapter one hundred and eleven of the acts of the legislature of West Virginia, of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

Section 3. The county superintendent of schools shall be *ex-officio* secretary of said board of directors, but he shall have no vote as a member of said board of directors.

4 The said directors so elected shall assemble at the court house of said county on the first Monday of July next after their election and each give before the clerk of the county court of said county, a bond with security to be approved by said clerk, in the penalty of five hundred dollars, conditioned for the faithful performance of his duties as a member of said board of directors, and shall take the oath of office required of other county officers.

After said directors have given bond and taken the oath of office as aforesaid, they shall elect one of their number president and two of them shall hold their office until the general election to be held in one thousand nine hundred and eighteen, and three shall hold their office until the general election to be held in one thousand nine hundred and sixteen, and who of them shall hold the long and who of them the short terms, they shall determine by lot at their first meeting after taking their office, and each of them shall hold his office until his term expires or until his successor is elected from his said district and hold office for a term of four years or until his successor is elected and qualified according to law.

The members shall from time to time as they may see fit, elect

24 one of their number to act as president thereof, and the said
25 president, or a majority of said board, shall from time to time as
26 deemed proper by them call meetings of said board of directors.
27 Said board of directors as soon as may be after they have chosen
28 their president shall select and secure title for said county high
29 school, which site shall contain at least four acres.

30 Vacancies in said board of directors shall be filled by appoint-
31 ments made by the board to hold until succeeding regular election
32 and qualification of successors.

Sec. 4. Said board of directors shall be a corporation and as
2 such may contract and be contracted with, sue and be sued, and
3 shall have power to lay a levy, annually, of not more than fifteen
4 cents, and for the years one thousand nine hundred and twenty-one
5 and one thousand nine hundred and twenty-two power to lay a
6 special levy in addition to the regular annual fifteen cents levy
7 not to exceed thirty cents on every one hundred dollars assessed
8 valuation of property in said county for the purpose of purchasing
9 said site and erecting, equipping and furnishing suitable buildings
10 thereon for said county high school; and said board shall also have
11 power to levy annually not more than ten cents on every one hun-
12 dred dollars assessed valuation of property in said county for the
13 support and operation of said county high school; and said board
14 shall have full power to employ teachers and other necessary em-
15 ployees for said school, fix their compensation and prescribe and
16 enforce rules and regulations for the control and operation of said
17 school.

18 For their services, each of the members of said board of directors
19 shall be paid, out of the money raised for the use of said school,
20 the sum of five dollars per day for the time actually and necessarily
21 spent by them in the discharge of their duties as such board of
22 directors. But they shall not receive pay for more than ten days
23 for any one year.

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

CHAPTER 25

(House Bill No. 168—Mr. Murphy.)

AN ACT to amend and re-enact section four of chapter twenty-five of
the acts of the legislature of one thousand nine hundred and

eleven, regular session, relating to the establishing of a high school in Clay county.

[Passed April 11, 1921. In effect from passage. Approved by the Governor April 18, 1921.]

<p>SEC. 1. High school established in Clay county; site of; board of directors of; vacancies in board, how</p>	<p>SEC. filled. 2. Board of directors; levies by; amounts and purposes of levy.</p>
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Be it enacted by the Legislature of West Virginia:

That section one and four of chapter twenty-five of the acts of the legislature of one thousand nine hundred and eleven, relating to the establishing of a high school in Clay county, be amended and re-enacted so as to read as follows:

Section 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 the 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.

In case of a vacancy caused by death, resignation or otherwise of the regularly elected member of the board of directors, said vacancy shall be filled by the county superintendent of schools of said county.

Sec. 2. For the purpose of procuring additional grounds and for erecting or purchasing and equipping suitable buildings, such as dormitories, gymnasiums, paying the salaries of teachers, etc., for said high school, said board of directors shall lay a levy of not to exceed twenty cents on the one hundred dollars valuation of all taxable property for the teachers' fund,

7 and shall lay a levy not to exceed ten cents on the one hundred
8 dollars valuation on all taxable property for building fund.

9 All acts or parts of acts inconsistent herewith are hereby re-
10 pealed.

CHAPTER 26

(House Bill No. 193—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section two of chapter sixty-eight of
the acts of one thousand nine hundred and thirteen relating to
the creation and establishment of the independent school district
of St. Albans, in Kanawha county.

[Passed April 19, 1921. In effect from passage. Approved by the Governor
April 30, 1921.]

SEC.

2. Board of education : qualification of
members of ; powers and duties
of ; election and terms of ; elec-
tion of, where and how held ; to

SEC.

appoint superintendent and teach-
ers and fix salaries ; to publish
financial statement annually.

Be it enacted by the Legislature of West Virginia :

That section two of chapter sixty-eight, of the acts of one thousand
nine hundred and thirteen be amended and re-enacted so as to read as
follows :

Section 2. The board of education of said district shall con-
2 sist of five members, who, to be eligible to election as members of
3 said board shall have paid, either directly or indirectly, for the
4 preceding year, in such territory, taxes on either real or personal
5 property, or both, of the assessed value of five hundred dollars or
6 have children living in St. Albans of school age and shall reside
7 in said independent school district and not be absent therefrom
8 more than ninety consecutive days during his term, who shall be
9 elected by the qualified voters resident therein and shall be vested
10 with the same rights and exercise the same power, perform the
11 same duties, receive the same compensation and be governed by
12 the same laws that boards of education otherwise than those of
13 independent school districts are governed by, except insofar as
14 changed by the provisions of this act. No person engaged in the
15 profession of school teaching nor any person holding any public
16 office shall be eligible to election to or hold office as a member of

17 the board of said independent school district. A board of educa-
18 tion shall be elected on the second Tuesday in June, one thousand
19 nine hundred and twenty-one, who shall serve until their succes-
20 sors are elected and qualified, except that the present members of
21 the board of education of the independent school district of
22 St. Albans shall be entitled to remain in office until their present
23 terms expire, and except, further, that in the election to be held
24 in June, one thousand nine hundred and twenty-one, three mem-
25 bers shall be elected, one for a term of one year, one for a term of
26 two years, and one for a term of three years, and in the election to
27 be held in June, one thousand nine hundred and twenty-two, and
28 June one thousand nine hundred and twenty-three, two members
29 shall be elected for a term of three years at each election, and one
30 member for a term of three years in the year one thousand nine hun-
31 dred and twenty-four, and in like manner every two years two mem-
32 bers shall be elected for a term of three years, and on the third year
33 one member shall be elected for a term of three years. All such elec-
34 tions shall be held at the city hall in the town of St. Albans, and
35 after two weeks notice in all the newspapers published in said inde-
36 pendent school district, and by officers to be appointed by the
37 board of education who shall have the use of the current registra-
38 tion list of said independent school district without cost.

39 The board of education shall on or before the first Monday in
40 July in each year, if practicable, appoint the superintendent, prin-
41 cipals and teachers for all the schools in the district and shall fix
42 their salaries as provided by the general school law. All such ap-
43 pointments shall be in writing according to the form of contract
44 to be provided by the state superintendent of schools, and all such
45 contracts, together with the certificates of the appointees, shall be
46 filed with the secretary of the board.

47 On or before the first Monday in June in each year, the board of
48 education shall publish a general financial statement, showing the
49 taxes levied, and the sums collected thereon, together with all other
50 moneys from any, and every source derived, and the sums disbursed
51 in detail for the payment of salaries, for buildings and repairs,
52 books and equipment, fuel, light and janitor service, and all other
53 items entering into the maintenance of the schools. Also there
54 shall be shown the bonded indebtedness, the sums paid into the
55 sinking fund, and the balances remaining in each fund, and where

56 deposited. The said statement shall be published in one or more
57 newspapers of general circulation, and copies shall be posted in
58 each of the school buildings in the district.

59 All acts and parts of acts coming within the purview of this
60 act and in conflict with the provisions hereof are hereby repealed.

CHAPTER 27

(House Bill No. 217—Mr. Knight)

AN ACT to amend and re-enact section thirteen of chapter one hundred and eighteen of the acts of the legislature of one thousand nine hundred and fifteen, regular session, relating to the independent school district of Weston.

[Passed April 19, 1921. In effect from passage. Approved by the Governor April 30, 1921.]

Sec.	13. Superintendent of schools to act as examiner; qualifications of applicants; board of education to examine grading of manuscripts;	Sec.	term of certificates; when certificates issued without examination.
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Be it enacted by the Legislature of West Virginia:

That section thirteen of chapter one hundred and eighteen of the acts of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

Section 13. The superintendent of schools for Weston district shall act as examiner for the district; and it shall be his duty to examine all applicants for positions as teachers in the district; but any applicant to be entitled to examination shall furnish satisfactory evidence of good moral character and shall at the time of making application for admission to an examination hold a valid West Virginia first or second grade certificate issued by the state superintendent of schools. The superintendent shall deliver to the board of education the manuscripts of each applicant, with the grading thereon; and the board, after a thorough examination of said grading, shall instruct the secretary to issue certificates of qualification to said applicants, designated as first grade or second grade according to the merits of the applicants, the different grades of certificates corresponding to the standard as required by the general school law. No certificate shall be granted for a longer period than one year, but all such certificates may be renewed by the board upon the recommendation of the superintendent. Ex-

18 amination shall be held not later than the last Monday in July,
 19 at such time and place as the superintendent may appoint. The
 20 subjects for examination shall be prescribed by the superintendent,
 21 with the consent of the board. All applicants for examination shall
 22 pay a fee of one dollar. The superintendent may receive such
 23 compensation for holding examinations as the board may allow out
 24 of fees received for examining teachers; the remainder of such
 25 fees, if any, shall be paid into the building fund of the district;
 26 *provided*, that the board of education may by unanimous vote,
 27 without examination, or with such partial examination as they may
 28 deem advisable, issue a high school certificate based upon a diploma
 29 for the West Virginia university or a diploma from such other
 30 college as the board of education may place on an accredited list.
 31 Under like conditions the board of education may issue a certifi-
 32 cate of any class based on other certificates, when, in their opinion,
 33 such other certificates are of a rank to justify their action.

CHAPTER 28

(House Bill No. 258—Mr. Moore, of Marshall.)

AN ACT to amend and re-enact chapter fifty-four of the acts of the legislature of one thousand eight hundred and ninety-five, as amended by chapter eighteen, acts of the legislature of one thousand eight hundred and ninety-nine, and as amended by chapter thirty-eight of the acts of the legislature of one thousand nine hundred and nineteen, creating the "Independent School District of Moundsville, in Marshall county," bringing all legislation regarding said district into one chapter and enlarging and changing the boundaries of said district.

[Passed April 5, 1921. In effect ninety days from passage. Approved by the Governor April 9, 1921.]

SEC.

1. Boundaries.
2. Representation on board of education by wards; number and boundaries of wards; corporate powers; powers of; number of members; selection and terms of; present membership to be increased; organization of; meetings of.
3. Same; to appoint superintendents and teachers and fix salaries; duties of appointees; official qualifications of.
4. Board of education to appoint annually a superintendent, principals and teachers for district

SEC.

- schools; salaries; qualifications, duties of; removal of; vacancies filled by boards; health certificates required.
5. Certificates of teachers to be filed; examination of applicants.
6. Enumeration of youth of school age.
7. Pupils; age of; discipline examination, etc. of; medical and dental examination of; school nurse for; separate schools for white and colored.
8. Annual estimates and levy; amount of levy; how collected and disbursed.

SEC.	SEC.
9. Elections; how conducted and result ascertained; contested; tie vote; expense of.	etc.; penalty for.
10. Oath of office of commissioner.	15. Penalty for inducing or attempting to induce a child to absent himself from school.
11. Compulsory school attendance; exemptions from; penalty for violation of.	16. Fines; how disposed of; monthly report of, by attendance officer.
12. Attendance officers; duties and powers; compensation of.	17. Compulsory school attendance; age limits.
13. Enumeration list; duty of superintendent, etc. regarding.	18. Children over 14 under 16 employed; attendance of in night or part time schools.
14. Violation of duty by school officers,	19. Acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of the acts of the legislature of one thousand eight hundred and ninety-five, as amended by chapter eighteen of the acts of the legislature of one thousand eight hundred and ninety-nine and as amended by chapter thirty-eight of the acts of the legislature of one thousand nine hundred and nineteen, creating the "Independent School District of Moundsville," in Marshall County, be amended and re-enacted, to read as follows:

Section 1. So much of the districts of Washington and Clay 2 in Marshall county, West Virginia, as are embraced in the follow- 3 ing described boundaries, and including all of the city of Mounds- 4 ville, in said county, shall constitute one school district to be called 5 the "Independent School District of Moundsville," that is to say: 6 Beginning at the mouth of Lindsay's run south of the city of 7 Moundsville, on the east bank of the Ohio river; thence south- 8 ward to the Robert's Ridge road near the old Higgins' resi- 9 dence; thence with said road southward and up the hill to sharp 10 curve and intersection of B. F. Holmes, Reuben Gamble and Ben 11 Franklin Coal Company lines; thence eastward with line be- 12 tween Ben Franklin Coal Company and Ward heirs and B. F. 13 Holmes to corner to lands of Holmes', Ward heirs' and Richard- 14 son's; thence eastward through Richardson's land to southeast 15 corner of the R. J. McFadden tract, formerly Reynold's land; 16 thence eastwardly to corner of the lands of Greathouse, Pierce 17 and McFadden; thence in a northeasterly direction with the south 18 and east line of lands of R. J. McFadden, formerly Reynolds, 19 William Allen, Gallaher, and West Virginia state prison farm 20 to the Fork Ridge road at top of hill near residence of Charles 21 Heath; thence northward down said road to Maxwell's Point; 22 thence through Maxwell's land to the intersection of Washington 23 district line with a branch of Middle Grave creek that empties 24 into said creek at a point about fifty yards southwest of the brick 25 residence of Edward Karr; (all lands hereinbefore designated,

26 and lying north and west of said line are in Clay District in said
27 county and are to be included in the said independent school
28 district of Moundville); thence in a northeasterly direction with
29 the said branch of said Middle Grave creek to the east and back
30 line of lands of said Edward Karr; thence with the said east and
31 back line of said Karr land to the east and back line of lands of
32 Joseph Roberts' heirs; thence with said Roberts' heirs east and
33 back line to lands of H. H. Cox heirs, formerly Barker and Fer-
34 rell lands; thence with the back and east line of said Cox land to
35 the back and east line of lands of the Moundville Mining &
36 Manufacturing Company; thence with the east line of said com-
37 pany's land crossing the Waynesburg road near the watering
38 trough, crossing the point east of Harry Rankin's residence through
39 lands of Mineral State Coal Company; thence in a northeasterly
40 direction to the corner of lands of V. L. Cockayne's heirs, and
41 Marshall county infirmary; thence with the south line of said
42 Cockayne lands to the northeast corner of camp grounds owned
43 by Wheeling District Camp Meeting Association; thence with the
44 south line of the said Cockayne land westward to the state line
45 on the Ohio river; said lands, beginning with the said Edward
46 Karr tract, lying west and south of the said line, being in Wash-
47 ington district in said county and included in the said independ-
48 ent school district of Moundville); thence southward with said
49 state line to a point due north of the place of beginning; thence
50 due south crossing the Ohio river to the place of beginning.

Sec. 2. For the purpose of insuring representation on the board
2 of education for all parts of said district, it shall be divided into
3 four wards which shall conform as nearly as may be to the wards
4 of the city of Moundville, and which said wards shall respec-
5 tively embrace the territory designated as follows: First Ward:
6 All that part of said district lying north of the center of Second
7 street in said city, and any extensions thereof and any continua-
8 tion of the course of said street. Second Ward: All that part of
9 said district lying south of the center of said Second street and
10 any extension thereof, and any continuation of its course. Third
11 Ward: That portion lying north of the center of said Fifth street,
12 its extensions and continuation of its course, and north of the
13 center of Ninth street, its extensions and continuation of its
14 course. Fourth Ward: That portion of said district lying south
15 of the center of Ninth street in the city of Moundville, and any
16 extension of said street and the continuation of its course. Any

17 residence property touched by any division line herein designated
18 shall be considered as in the ward of said line.

Sec. 3. There shall be a board of education for said district
2 to be known as the "Board of Education of the Independent
3 School District of Moundville"; said board shall be a body cor-
4 porate in law, and as such may contract, sue and be sued, plead
5 and be impleaded, and in all respects shall be governed by the
6 general law of this state relating to education, with such addi-
7 tional powers and privileges as are conferred by this act.

8 Said board of education shall have general oversight and con-
9 trol of the schools of said district; may establish and discontinue
10 schools therein; and, for the purpose of education, including ag-
11 riculture, manual training, domestic science, athletics and mili-
12 tary training, may purchase, lease, hold, sell and convey such
13 real estate and personal property as the board may deem neces-
14 sary and expedient from time to time; may receive gifts and do-
15 nations including devises and bequests; shall have absolute title
16 to all such property and shall manage and control the same. Said
17 board may appoint such janitors, custodians and care-takers for
18 said property as from time to time it may deem necessary, and
19 pay their compensations from the building fund of said district.
20 In event any association or organization shall erect a community
21 house in the city of Moundville, as a memorial to soldiers of
22 the world war or for other worthy community purposes, and not
23 for profit, the said board is authorized to donate a site for such
24 community house, if in the judgment of the board such donation
25 is advisable.

26 In addition to its other enumerated powers, the said board may
27 purchase and sell text books for use in the schools in said dis-
28 trict, selling said books as nearly as may be at actual cost, plus
29 overhead expenses; said books shall be paid for out of the build-
30 ing fund of said district and sold and accounted for by the dis-
31 trict superintendent or any other employee of the board desig-
32 nated by him.

33 Said board of education shall consist of eight commissioners
34 to be elected or appointed as hereinafter specified, not more than
35 two of which commissioners shall reside in any one ward of
36 said district; and the removal of any commissioner from the
37 ward from which he was appointed or elected shall render his
38 office vacant.

39 There shall be two commissioners of said board elected bi-
40 ennially for a term of eight years, except that at the first elec-
41 tion to be held after this act takes effect there shall be four
42 elected, and the two receiving the highest number of votes shall
43 each be declared elected for a term of eight years, and the two
44 receiving the next highest shall each be elected for a term of
45 four years. The present members of the board of education
46 of the independent school district of Moundville shall con-
47 tinue in office until their respective terms shall expire, and at
48 the first meeting of the board of education of said district held
49 after this act takes effect said board shall increase its members
50 from six to eight by appointing two additional commissioners
51 to serve until the next election of school officers in said independ-
52 ent school district as hereinafter provided; said appointments
53 to be so made that not more than two members of the board
54 shall reside in any one ward of said district.

55 The said board of education at the first meeting thereof in
56 each year shall organize by electing one of its members as its
57 president. It shall also appoint a resident of said district; not a
58 member of the board, as its secretary and fix his salary. These
59 officers shall perform the duties of their respective offices pre-
60 scribed by this act, as well as general statute, and such other
61 duties as pertain to said officers generally.

62 The said board shall hold regular meetings at such times as
63 it may designate by proper order entered in its record; and
64 special meetings may be called by the president, or by a ma-
65 jority of the board for stated purposes, by giving one day's no-
66 tice to each member of the board of the time and place of meet-
67 ing. At all meetings of the board a majority of the members
68 then in office shall constitute a quorum.

Sec. 4. The board of education shall annually in the month
2 of May appoint a superintendent for the schools of the district,
3 a principal for each school therein, if desired, and all teachers
4 for the district, if competent persons for such places are avail-
5 able. At the same meeting it shall fix salaries for all persons
6 so appointed, and for all teachers of the district. Said super-
7 intendent, principals and teachers shall perform all duties and
8 have such powers as pertain to their respective offices under the
9 general law of this state and shall be subject to removal by
10 the board for such causes and by such procedure as may be fixed

11 by law. Vacancies in the office of commissioners, principal or
12 teacher shall be filled by the board.

13 In addition to the certificate of general qualification herein-
14 after required for appointment as superintendent, principal or
15 teacher in said district, each applicant for any such position shall
16 file with the board of education a health certificate from a phy-
17 sician to be designated, or if not designated, to be approved by
18 the board; and no person shall be so employed who is physically
19 unfit, or who shows symptoms of any contagious or infectious
20 disease.

Sec. 5. Persons employed to teach in said district shall file
2 with the secretary of the board a valid certificate issued by the
3 department of free schools of this state, showing preparation
4 for the particular work such teacher is employed to do. *Pro-*
5 *vided*; that the board may appoint two competent teachers to act
6 with the district superintendent as an examining committee for
7 the district, and in event any applicant is to be examined, such
8 examination shall be conducted by said committee; having regard
9 for the particular work such applicant wishes, or may be em-
10 ployed to do. Such examination shall embrace as nearly as may
11 be, the subjects required to be passed by applicants for state uni-
12 form certificates. Certificates shall be issued to successful appli-
13 cants at such examinations, valid for one, two or three years, and
14 it shall be signed by the city superintendent and at least one other
15 member of said committee. *Provided, further*, that said exam-
16 ining committee, in lieu of an examination in the subjects herein-
17 before mentioned, may recognize a valid teachers' certificate of any
18 accredited state, or a diploma from any college or normal school
19 held by the applicant, by issuing its certificate based on the evi-
20 dence of preparation set out in such certificate or diploma, pre-
21 sented by said applicant. Examinations shall be held at such
22 times as the examining committee may think advisable and under
23 such rules as the committee may from time to time adopt.

Sec. 6. Annually, and within thirty days preceding the first
2 day of April, the board shall employ some competent person or
3 persons to take an enumeration of all the youth of school age
4 living within the district giving the classification and making
5 and filing all reports required by the laws of the state pertain-
6 ing to such enumeration, and fix and pay the compensation for
7 said services.

Sec. 7. Admission to all schools of the district shall be free
2 to all children residing therein, between the ages of six and twenty-
3 one years. The board of education shall have the power to make
4 and enforce rules for the government and conduct of said schools,
5 for the examination, promotion and graduation of pupils and for
6 the suspension or expulsion of any pupil or high school student,
7 when, in the opinion of the board, his or her attendance would be
8 dangerous to the health, or detrimental to the morals of other
9 pupils and students, or to the discipline of the schools. It shall
10 also employ a competent physician, and otherwise provide for
11 proper medical and dental inspection of pupils attending the
12 schools of the district. It may also employ a school nurse for the
13 district and in all respects protect the health of teachers and pupils
14 in said schools. Separate schools shall be maintained for white
15 and colored youth of the district, and until such time as a colored
16 high school shall be established, the board may give such financial
17 aid as it may deem proper to colored children attending high school
18 in another district or county.

Sec. 8. It shall be the duty of the board of education annually,
2 to make the estimates and publish the same, and to lay and report
3 the levies required by the law of this state, to provide sufficient
4 funds, to continue the graded schools and high schools of the
5 district for a period of not less than seven nor more than ten
6 months, and for all other legal purposes relating to the schools of
7 the district. *Provided*, that all levies for school purposes in said
8 district exclusive of levies authorized to pay bonded indebtedness
9 and interest thereon may total, but shall not exceed one dollar and
10 twenty-five cents on each one hundred dollars of the valuation on
11 all taxable property in the district. The levies made under the
12 provisions of this section shall be reported, and the funds derived
13 therefrom shall be collected and disbursed, as required by law.
14 But nothing contained in this section shall deprive said board of
15 any additional privileges and powers with regard to such levies as
16 are now or as may hereafter be given to boards of education by
17 general law of this state.

Sec. 9. The first election held under this act for the election
2 of commissioners shall be held on the second Thursday of March,
3 one thousand nine hundred and twenty-three, and subsequent elec-
4 tions biennially thereafter. At every election each voter shall be
5 given a separate ballot, containing the names of candidates for

6 school commissioner for the independent school district of Mounds-
7 ville, prepared according to general law governing elections. The
8 election officers appointed by the city of Moundsville, to conduct
9 the city election shall also conduct and report the election for mem-
10 bers of the board of education for the independent school district
11 of Moundsville, in the same manner, and under the same laws and
12 rules as govern the city elections. Said election officers shall make
13 separate tally sheets showing the vote for each commissioner and
14 shall certify the result of such election to the secretary of the
15 board of education within three days after the holding of any
16 such election. The board of education shall meet within five days
17 after any such election, or as soon thereafter as practicable, and
18 declare the result thereof; which result they shall cause to be en-
19 tered upon the journal and notice thereof in writing shall at once
20 be given to each newly elected commissioner. In event any such
21 election shall be contested, the board shall hear and determine the
22 result according to the provisions of the general law governing con-
23 tested elections. In event there shall be a tie vote at any such
24 election the board shall choose between the candidates so receiving
25 an equal number of votes. The board shall arrange with the
26 officials of said city a fair apportionment of the expense of such
27 elections and shall provide for the payment of its just portion
28 thereof.

Sec. 10. It shall be the duty of every newly elected or appointed
2 commissioner when notified of his election or appointment to
3 appear at a time and place designated in such notice, within thirty
4 days from the date of his said election or appointment, and take
5 and subscribe the following oath or affirmation, which shall be
6 made a matter of record: "I, do solemnly
7 swear (or affirm) that I will support the constitution and laws of
8 the United States and of the state of West Virginia, and that I
9 will faithfully discharge the duties of school commissioner of the
10 independent school district of Moundsville, to the best of my
11 ability, so help me God." The secretary of the board of educa-
12 tion is hereby authorized to administer said oath.

Sec. 11. Every person who has legal or actual charge of a
2 child or children not less than seven nor more than fourteen years
3 of age shall cause such child or children each year to attend a free
4 day school for the full school term of the district. *Provided,*
5 *however,* that such person shall be exempt from the foregoing
6 requirement for any of the following causes:

7 (a) Instruction for a time equal to that required by this act
8 in a private, parochial or other school approved by the district
9 board of education. The principal or other person in control of
10 such private, parochial or other approved school shall upon the
11 request of the board of education, furnish to said board such in-
12 formation as it may require with regard to the attendance and
13 instruction of pupils between the ages of seven and fourteen years
14 enrolled therein.

15 (b) Instruction for a time equal to that required by this act
16 in the home of such child or children or elsewhere by a person or
17 persons who are, in the judgment of the board of education,
18 qualified to give instruction in the subjects required to be taught
19 in the free elementary schools of this state. The person or per-
20 son giving such instruction shall, upon the request of the board
21 furnish to said board such information as it may require with re-
22 gard to the attendance and instruction of pupils between the ages
23 of seven and fourteen years receiving such instruction.

24 (c) Physical or mental incapacity for school attendance and
25 the performance of school work.

26 (d) Death or serious illness in the immediate family of the
27 pupil.

28 (e) Extreme destitution of parents or other person or per-
29 sons in legal or actual charge of a child or children. Exemption
30 for this cause shall not be allowed when such destitution is re-
31 lieved through public or private means.

32 (f) Conditions rendering school attendance impossible or
33 rendering it hazardous to the pupil's life, health or safety.

34 (g) Observance of regular church ordinances.

35 (h) Other causes that are accepted as valid by the district
36 superintendent.

37 Any person who, after due notice has been served upon him as
38 hereinafter provided, shall fail to cause a child or children in his
39 legal or actual charge to attend school as hereinbefore provided,
40 shall be guilty of a misdemeanor and shall upon conviction
41 thereof before any justice of the peace be fined not less than three
42 dollars nor more than twenty dollars, together with the costs of
43 the prosecution, or confined in jail not less than five days nor more
44 than twenty days. Each day a child is out of school contrary to
45 the provisions of this act shall constitute a separate offense.

Whenever a person accused of violating the provisions of this

46 act has been tried and acquitted, the costs of prosecution shall be
47 paid by the board of education out of the building fund of the
48 district.

Sec. 12. The board of education shall, at its first meeting in
2 each year or as soon thereafter as practicable, appoint one or more
3 attendance officers who shall qualify as such and shall enforce the
4 provisions of this act. Each officer so appointed shall use due
5 diligence to ascertain any violations of this law, and when from
6 personal knowledge or by report or complaint from any resident
7 or teacher of the district he believes that any child subject to the
8 provisions hereof, has been absent from school contrary to the
9 provisions of this act, he shall immediately give written notice
10 to the parent, guardian, or custodian of such child that the at-
11 tendance of said child at school is required, and if the parent,
12 guardian or custodian of such child does not comply with the
13 provisions of this act at once, then such attendance officer shall
14 make complaint against such parent, guardian or custodian be-
15 fore a justice of the peace of the county; and *provided*, that for
16 subsequent offenses in any school year no such notice shall be
17 required. When any doubt exists as to the age of a child absent
18 from school, the attendance officer shall have authority to require
19 a properly attested birth certificate or an affidavit from the parent,
20 guardian or custodian of such child, stating the age of such child.
21 The attendance officer shall, in the performance of his duties as
22 such officer, have authority to visit and enter any office, factory,
23 or business house employing children; he shall also have the au-
24 thority to arrest without warrant any child absent from school
25 in violation of the provisions of this act and to place such child in
26 the school in which such child is or should be enrolled. Said
27 attendance officer shall be paid monthly at such rate per diem for
28 the time actually spent in the performance of his duties as the
29 board shall determine; but in no case shall payment for any
30 month's services be made until the attendance officer has filed with
31 the secretary of the board the statement required by said board
32 of education, together with a sworn statement of the number of
33 truancy cases investigated and the time actually spent in perform-
34 ing such duties. When the attendance officer has faithfully per-
35 formed his duties and filed the statement required, the board
36 of education, if satisfied that the same is just and correct, shall
37 issue to him an order on the sheriff for the amount of his ac-

38 count, payable out of the building fund of the district.

Sec. 13. It shall be the duty of the secretary of the board
2 of education at the beginning of the school term to furnish to
3 the district superintendent a copy of the last school enumer-
4 ation for the district, together with the name and address of
5 the attendance officer of the district. The superintendent, with
6 the aid of the several principals and teachers shall at the open-
7 ing of school and at such times as the board of education may
8 require, compare said enumeration list with the enrollment of
9 the school and report to the attendance officer the names and
10 residences of parents, guardians or custodians of children between
11 the ages of seven and fourteen who are or have been absent from
12 school without legal excuse; also, the names and residences of
13 parents, guardians or custodians of children of compulsory school
14 age not included in such enumeration list who are or have been
15 absent from school without legal excuse.

Sec. 14. Any school officer, attendance officer, superintendent,
2 principal, teacher or other person upon whom a duty is im-
3 posed by this act who neglects or refuses to perform any duty or
4 duties so imposed upon him shall be guilty of a misdemeanor,
5 and upon conviction thereof shall be punished by a fine not less
6 than three dollars nor more than twenty dollars.

Sec. 15. Any person who induces or attempts to induce any
2 child unlawfully to absent himself from school or who harbors
3 or employs any child of compulsory school age while the school
4 which he is required to attend is in session, or employs such child
5 within the term of said school without the written permission of
6 the district superintendent shall be guilty of a misdemeanor, and
7 upon conviction thereof shall be punished by a fine of not less
8 than twenty-five dollars nor more than fifty dollars or
9 may be confined in jail not less than five days nor more than thirty
10 days.

Sec. 16. All fines collected, under the provisions of this act
2 shall be paid over at once by the justice to the sheriff, and by
3 him credited to the building fund of the district; and every at-
4 tendance officer shall make to the secretary of the board of edu-
5 cation and to the sheriff an itemized statement on the last day of
6 each month of all fines imposed as provided herein.

Sec. 17. Every child over fourteen and under sixteen years of
2 age who is not engaged in some regular employment or business

3 for at least six hours per day or who has not received written per-
4 mission from the city superintendent to engage in profitable em-
5 ployment at home, shall attend a public day school or other day
6 school approved by the board of education of district during the
7 entire time the public schools are in session, subject to such ex-
8 emptions as are provided herein ; except that no child over fourteen
8-a and under sixteen years of age shall be exempt from school at-
9 tendance as herein required for the reason that he has completed
10 an eight-years' course of study in the elementary and grammar
11 schools or junior high schools of the state.

Sec. 18. Every child over fourteen and under sixteen years
2 of age who is engaged in regular employment or business for six
3 or more hours during the day shall attend an evening school, part-
4 time day school or other continuation school for at least five hours
5 per week for a period of twenty weeks, or for such period as such
6 school is in session, if it is in session less than twenty weeks;
7 provided that this provision shall not become effective till such an
8 evening school, part-time day school or other continuation school
9 approved by the board of education of the district shall be estab-
10 lished. Individuals, firms and corporations employing children
11 over fourteen and under sixteen years of age shall, if necessary to
12 enable such children to attend an evening school, part-time day
13 school or other continuation school as herein required, release such
14 children from work for at least five hours per week for a period of
15 not less than twenty weeks each year. All children over fourteen
16 and under sixteen years of age shall be included as a separate
17 class in the enumeration herein required to be made. The require-
18 ments of this section shall be enforced by the persons and in the
19 manner prescribed for the enforcement of the requirements of
20 the other provisions of this act regarding compulsory attendance.

Sec. 19. Chapter fifty-four of the acts of the legislature of
2 one thousand eight hundred and ninety-five, entitled "An act
3 creating the Independent School District of Moundsville" and
4 all acts amendatory thereof, and all other acts coming within the
5 purview of this act and inconsistent herewith, are hereby repealed.

CHAPTER 29

(House Bill No. 380—Mr. Davis, of Taylor.)

AN ACT to amend and re-enact chapter eighty-eight of the acts of the

legislature of West Virginia of the year one thousand eight hundred and ninety-seven and chapter ninety-six of the acts of the legislature of West Virginia of the year one thousand nine hundred and fifteen, embodying the charter of Grafton independent school district.

[Passed April 14, 1921. In effect from passage. Approved by the Governor April 19, 1921.]

Sec.	Sec.
1. Independent school district; boundaries.	10. Same; to secure necessary grounds; condemnation; petition to circuit court.
2. Board of education; number; qualifications; terms; vacancies in; vacancy, how filled.	11. Same; to provide school buildings and furniture; may provide medical and dental clinics.
3. Same; to qualify.	12. Same; enumerated powers.
4. Same; meetings; quorum.	13. Same; to appoint superintendent.
5. Same; president to preside; president <i>pro-tempore</i> ; president to have a vote; commissioner to serve in his absence.	14. Same; to select secretary; duties of secretary.
6. Same; compensation of members.	15. Same; payments by, how made.
7. Same; women eligible to.	16. Duties of sheriff as to school funds.
8. Same; a body corporate; powers and duties; property of; free from taxation, etc.	17. Board of education; power as to federal or state appropriations.
9. Same; may sell school buildings at public auction after advertising.	18. General school law; when void in district.
	19. 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 ninety-seven and chapter ninety-six of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

Section 1. The territory contained within the corporate limits of the city of Grafton shall continue to be an independent school district and known as Grafton independent school district.

Sec. 2. There shall be a board of education for said school district consisting of a president and four commissioners, all of whom shall be freeholders and qualified voters of the district, elected by the qualified voters of said district. The president and commissioners now in office, or now elected to such offices, shall serve for the terms for which they were respectively elected. There shall be a president and two commissioners elected at the general presidential election to be held in November, one thousand nine hundred and twenty-four, and every four years thereafter, and there shall be two commissioners elected at the general congressional election to be held in November, one thousand nine hundred and twenty-two, and every four years thereafter. The terms of office of such president and commissioners shall

14 be four years and until their successors are elected and qualified
15 and shall commence on the first day of July next following their
16 election. Vacancies in the offices of president or school commis-
17 sioners shall be filled by the remaining members of the board of
18 education, until the next election at which members of the board
19 are chosen.

Sec. 3. Before entering upon their duties the president and
2 commissioners shall take the oath prescribed by section five of
3 article four of the state constitution, which oath shall be filed
4 with the secretary of the board of education.

Sec. 4. The board of education shall hold such meetings as may
2 be necessary for the conduct of its business and shall fix the time
3 and place of its regular meetings by an order entered upon its
4 minute book. Special meetings may be called by the president
5 or by two commissioners at any time upon reasonable notice to all
6 members of the board. Three members shall constitute a quorum.

Sec. 5. The president shall preside at all meetings of the board
2 when he is present. In the absence of the president, one of the
3 commissioners shall be chosen as president *pro-tempore*. The
4 president shall have a vote upon all questions.

Sec. 6. The president shall be paid five dollars and each com-
2 missioner four dollars for each meeting attended; *provided*, they
3 shall not receive pay for more than fifteen meetings in any one
4 year.

Sec. 7. Women shall be eligible equally with men for the offices
2 of president and commissioners and secretary of the board.

Sec. 8. The board of education shall be a body corporate by
2 the name of Board of education of Grafton independent school
3 district, and as such may sue and be sued, pleaded and be im-
4 pleaded, contract and be contracted with; shall succeed and be
5 subrogated to all the rights of former boards of education; shall
6 prosecute all suits and actions in law or equity now pending or
7 which might have been brought and prosecuted in the name of
8 any such former board of education for the recovery of any
9 money, or property or damage to any property due to or vested in
10 such former board, and shall also be liable in its corporate ca-
11 pacity for all claims legally existing against the board of educa-
12 tion of which it is successor. Said board shall, according to
13 law, hold and dispose of any real estate or personal property be-
14 longing to said corporation or its predecessors, or that may here-

15 after come into its possession. Said board shall receive, hold,
16 and dispose of, according to law, and the intent of the instru-
17 ment conferring title, any gift, grant, devise, or bequest. All
18 school houses, school sites, and other school property shall be
19 exempt from execution or other process and from taxation and
20 free from lien or distress for taxes or for county or state levies.

Sec. 9. The board of education shall have authority to sell any
2 school buildings, when in its judgment, they are improperly lo-
3 cated or unsuitable for school purposes; *provided*, such sale shall
4 be at public auction after advertising the same once a week for
5 four successive weeks in a newspaper of general circulation pub-
6 lished in said school district.

Sec. 10. The board shall provide by purchase, condemnation or
2 otherwise, such lands as may be necessary for school buildings,
3 playgrounds, athletic fields, experiments in agriculture, and other
4 educational purposes, and shall have authority to make the neces-
5 sary expenditures for the improvement of such lands.

6 If the owner or owners refuse to sell any land selected by the
7 board of education as a location for a school house or other neces-
8 sary buildings, or for enlarging a school house lot, or for any other
9 educational purpose, or if such owner demand an unreasonable
10 price therefor, or is "*non compos mentis*," a "*femme coverte*,"
11 a minor, or a non-resident, the board of education may petition
12 the circuit court to have such land condemned, and such pro-
13 ceedings shall thereupon be had in the name of such board for
14 the condemnation thereof as are provided for in chapter forty-
15 two of the code of West Virginia.

Sec. 11. The board of education shall provide by purchase,
2 lease, building, or otherwise a sufficient number of suitable school
3 houses and other buildings to meet the educational needs of the
4 district, and shall also provide such furniture, fixtures, and ap-
5 paratus for said school houses and other buildings, as may be
6 necessary for the effectiveness of the schools and for the con-
7 venience, health, and cleanliness of the pupils thereof, including
8 fuel and other necessary supplies, and shall cause the school
9 property to be kept in good order and repair, and may provide for
10 medical and dental clinics.

Sec. 12. The board of education shall fix the length of the
2 school term and the salaries of teachers, janitors and other em-
3 ployees; shall have the power of prescribing the qualifications of

4 teachers in the schools of the district, and may appoint an ex-
5 amining committee for the purpose of examining applicants for
6 positions as teachers and granting certificates to those found
7 qualified to teach in the schools; shall establish courses of study,
8 and determine what subjects shall be taught and what depart-
9 ments established, and shall grade the schools; may permit chil-
10 dren of school age residing outside the district to attend school
11 therein upon such terms and conditions as may to the board seem
12 proper; may make reasonable regulations and rules for the gov-
13 ernment of the schools, concerning admission of pupils, and for
14 the exclusion of pupils when necessary for the discipline, health
15 and well-being of the pupils; may, in its discretion, provide proper
16 medical and dental inspection of pupils, and enact and enforce
17 regulations to carry into effect recommendations made by the
18 medical and dental inspectors; shall adopt text books for the use
19 of the schools and may provide free texts for indigent pupils; and
20 shall possess all other powers and authority vested in boards of
21 education by the general school law not inconsistent herewith.

Sec. 13. The board shall have authority to appoint a superin-
2 tendent of schools for said district and contract with him for his
3 services and prescribe his duties.

Sec. 14. The board shall select a suitable person to act as secre-
2 tary of the board and pay him a reasonable salary to be fixed by
3 the board. The secretary shall serve at the pleasure of the board
4 and shall not be a member thereof. He shall take the oath pre-
5 scribed by law and give bond if required by the board. He shall
6 record the official proceedings of the board in its minute book and
7 shall also record all financial transactions of the board in account
8 books for that purpose in the form prescribed for county financial
9 secretaries by the chief inspector under chapter thirty-three of
10 the acts of the legislature of one thousand nine hundred and
11 eight; he shall perform such other duties as may be required of
12 the board of education or are prescribed by law. He shall have
13 custody and care of all records and papers belonging to the board
14 including evidences of title, contracts, and obligations and shall
15 preserve the same in the office of the board of education properly
16 arranged for reference. He shall annually make such reports to
17 the county superintendent and other school officers as are re-
18 quired by the general school law.

Sec. 15. All payments by the board of education shall be made

2 by orders issued by authority of the board drawn upon the treas-
3 urer of the county payable from the proper fund specified in the
4 order, and signed in behalf of the board of education by the
5 president and secretary of the board. Such order, when properly
6 executed shall be delivered by the secretary to the county treas-
7 urer for payment, who shall pay the same in the manner pre-
8 scribed by law.

Sec. 16. The sheriff of Taylor county, as county treasurer, shall
2 perform all the duties of such office with respect to said school
3 district and the funds belonging to said board of education that
4 are prescribed by chapter two of the acts of the legislature of one
5 thousand nine hundred and nineteen.

Sec. 17. The board of education shall have power and authority
2 to do all acts and things and make any provision necessary for the
3 educational welfare of Grafton independent district and especially,
4 in order to take advantage of any federal or state appropriations
5 of funds for educational purposes which may thereby be made
6 available for the schools of the district, and of any federal or
7 state measure of any other character enacted for the advance-
8 ment of education.

Sec. 18. All provisions of the general school law of the state,
2 and all acts and laws heretofore existing, which are in any man-
3 ner inconsistent with the provisions of this act, shall be void
4 within said school district; otherwise, the said general school law,
5 shall remain in full force and effect in this district, or elsewhere
6 in this state.

Sec. 19. All acts or parts of acts inconsistent or in conflict
2 herewith are hereby repealed.

CHAPTER 30

(House Bill No. 415—Mr. Sanders.)

AN ACT to amend and re-enact chapter sixteen of the acts of one
thousand nine hundred and nine of the legislature of West Vir-
ginia.

[Passed April 26, 1921. In effect from passage. Approved by the Governor
May 4, 1921.]

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| <p>SEC.</p> <ol style="list-style-type: none"> 1. Limits of independent school district. 2. Board of education; a body corporate; powers. 3. Same; number; election and terms; present members to continue until expiration of terms; first and succeeding elections; how candidates nominated and elected; to be non-partisan; terms of; failure to qualify; contests. 4. Vacancy, how filled. 5. Same; compensation of; affidavit by. 6. Same; election of president; terms and duties of. 7. Same; to appoint secretary; compensation and duties of secretary; to fix compensation of employees and officers. 8. Same; time and place of meetings; quorum; special meetings; number of votes necessary to elect superintendent, etc. 9. Same; provide for school enumeration; report to auditor; apportionment of money under enumeration of auditor. 10. Same; settlement with, by sheriff. 11. Same; power, authority and duty of. 12. Superintendent: compensation, qualifications, duties of; removal from office. 13. Board of examiners; number; to issue certificates; classifications; may issue certificates without examination, when; compensation of. 14. Board of education; to make fiscal | <p>SEC.</p> <ol style="list-style-type: none"> statement; what statement to show, publication of, etc.; expenditures; levy funds for; statement; levy by, for what purpose and how expended; copies of orders for levies by. 15. Same; may borrow money and issue bonds when authorized by voters; limitations on power of; future bonded indebtedness, special election for bonds issued under special election; interest on bonds, disposition of. 16. Same; power of co-operation with nation. 17. Superintendent shall determine schools for pupils; transfer; tuition for non-resident pupils. 18. Teachers' retirement fund. 19. Separate schools for colored pupils. 20. Assessor to deliver to board certificate showing aggregate value of personal and real property; penalty for failure. 21. Authority of teachers; exclusion of pupil having contagious disease; treatment of same; expulsion of pupil for disorderly conduct, etc. 22. Exemption from jury service of persons actively engaged in school work. 23. Monthly payment of salaries, etc. 24. Disbursements; how made. 25. Certain sections of chapter two, acts of one thousand nine hundred and nineteen to apply. 25. Jurisdiction of juvenile court. 26. Application of general school law to district. 27. Inconsistent acts repealed. |
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Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the acts of the legislature of West Virginia, of one thousand nine hundred and nine, entitled: "An act to amend and re-enact chapter one of the acts of one thousand eight hundred and eighty-nine of the legislature of West Virginia, creating the 'School district of Huntington,' as amended by chapter seventy-four of the acts of one thousand eight hundred and ninety-one, chapter fifty-six of the acts of one thousand eight hundred and ninety-five, chapter eighty-three of the acts of one thousand eight hundred and ninety-seven, chapter one hundred and thirty of the acts of one thousand nine hundred and one, and chapter seventy-nine of the acts of one thousand nine hundred and three; and to change and enlarge the boundary limits of said independent school district, so as to include territory within the limits of 'The independent school district of Central', established by chapter eighty of the acts of one thousand nine hundred and three, and additional territory, and to abolish 'The independent school district of Central City', established by chapter eighty of the acts of one thousand nine hundred and three, and additional terri-

tory, and to abolish 'the independent school district of Central City'; as amended by chapter sixty-seven of the acts of one thousand nine hundred and thirteen, and by chapter one hundred and three of the acts of one thousand nine hundred and fifteen; and by chapter eighty-six of the acts of one thousand nine hundred and nineteen, be amended and re-enacted so as to consolidate into one act all legislation in reference to the independent school district of Huntington as follows:

Section 1. That part of the county of Cabell comprised with-
2 in the limits fixed and described by section two of said chapter
3 sixteen of the acts of the legislature of West Virginia, session of
4 one thousand nine hundred and nine, as such limits are extended
5 and enlarged by chapter sixty-seven of the acts of one thousand
6 nine hundred and thirteen, shall constitute, be and remain an in-
7 dependent school district.

Sec. 2. The board of education therefor shall be a body cor-
2 porate in law by the name of "the board of education of the inde-
3 pendent district of Huntington, in the county of Cabell", and, as
4 such, shall have perpetual succession and a seal; by that name may
5 sue and be sued, plead and be impleaded; it may purchase, hold,
6 sell or convey real and personal property for the use of the public
7 schools within the said district; it may receive any gift, grant, do-
8 nation or devise; it shall have the exclusive management of and
9 be vested with the title to all real and personal property for the
10 use of the public schools within the said district, and shall manage
11 and dispose of the same as, in its opinion, will best subserve the
12 interests of the said schools.

Sec. 3. The said board of education shall consist of eight per-
2 sons, who shall have control of all free schools within said dis-
3 trict. Members of said board shall be elected at the regular elec-
4 tion held in the city of Huntington for the election of municipal
5 officers for said city, and they shall hold their said offices for the
6 term of six years and until their successors shall have been elected
7 and qualified; *provided, however*, that the members of the board of
8 education of said independent district of Huntington in the county
9 of Cabell heretofore elected, pursuant to said chapter sixteen of the
10 acts of the legislature of West Virginia, session of one thousand
11 nine hundred and nine, as amended, shall continue in office and be
12 vested with all the powers and perform all the duties provided by
13 this act until the expiration of the respective terms of office of the

14 members of said board; and, *provided, further*, that at the regular
15 election to be held in the city of Huntington, in the year one thou-
16 sand nine hundred and twenty-two, for the election of municipal
17 officers for said city, four persons shall be elected as members of
18 said board for the term of six years, and thereafter in every third
19 year at the election of municipal officers for said city, four persons
20 for members of said board shall be elected for the said term of six
21 years. The nomination of candidates for the office of members
22 of said board shall be made and certified in the same manner as
23 nomination of candidates for the office of board of commissioners
24 of said city of Huntington under the provisions of the charter of
25 said city now existing, or as may be hereafter amended. Candi-
26 dates for the office of members of said board of education shall be
27 voted for, elected and the result of the election ascertained and
28 declared in the same manner and under the supervision of the
29 same authorities as provided for the election of members of the
30 board of commissioners of said city, by the charter of the said
31 city, now existing, or as the same may be hereafter amended; *pro-*
32 *vided, however*, that in no event shall there be more than two per-
33 sons elected to the office of members of said board of education
34 from the same political party; it being the intention of this act
35 to make and keep such board of education non-partisan and that
36 no political party shall at any time have on said board more than
37 one-half of the members elected thereto.

38 The term of office of the members of the said board of education
39 shall commence on the first Monday of June following their elec-
40 tion and if any member fails to qualify by making and filing the
41 oath required by section five of this act, within thirty days after
42 he shall have been declared elected, his said office shall *ipso facto*
43 become vacant. All contested elections for members of said board
44 shall be had and conducted in the same manner provided by the
45 charter of the city of Huntington now existing, or as the same may
46 hereafter be amended.

Sec. 4. Any vacancy occurring on said board of education
2 shall be filled by said board by the appointment thereto of some
3 eligible person from the same political party as that of the mem-
4 ber whose vacancy is being filled. The person so appointed shall
5 hold the said office until the next regular municipal election in the
6 said city of Huntington and until his successor for such unexpired

7 term shall have been elected at such election and shall have quali-
8 ified.

Sec. 5. Each member of the board of education shall receive
2 for his services as such member the sum of twenty dollars per
3 month. Before entering upon the discharge of the duties of said
4 office, each member shall make and file with the secretary of said
5 board, an affidavit that such member will faithfully and impar-
6 tially perform the duties of a member of said board during the
7 term of office of such member of the said board to the best of the
8 ability and judgment of said member of said board; that such
9 member will not discharge the duties of such member of said board
10 for the pecuniary or other gain or advantage of such member; nor
11 for the purposes, or with the aim in view, of benefiting any polit-
12 ical party; that such member will not be, or become interested pe-
13 cuniarily, directly or indirectly, in any contract which may at any
14 time be awarded by said board and that such member will not di-
15 rectly or indirectly receive any gift, emolument or reward for the
16 vote or influence of such member in the purchase of books or sup-
17 plies for the schools of said district; nor in the award of any con-
18 tract by said board. No person shall be eligible to hold the office
19 of member of said board who is not at the time of the election or
20 appointment of such person, a qualified voter in said city.

Sec. 6. Said board of education shall, in the month of June, in
2 every third year, beginning with the year one thousand nine hun-
3 dred and twenty-two, elect one of its members president of the
4 board. The president of said board now in office shall hold said
5 office until his successor shall have been appointed, pursuant to
6 this act. The president of said board shall perform the duties
7 usually devolving upon the presiding officer of a deliberative body
8 except that he shall have a vote upon each and every question as
9 any other member of the board, but he shall have but one vote
10 upon any one question. In his absence the board may choose a
11 president *pro tempore* from among their members.

Sec. 7. It shall be the duty of said board to appoint a secretary
2 thereof, who shall hold office during the pleasure of the board and
3 who shall receive such compensation as the board shall determine.
4 The said secretary shall record in a book provided for the purpose
5 all the official acts and proceedings of the board and the same shall
6 be a public record, open to the inspection of all persons interested
7 therein. He shall preserve in the office of said board all papers

8 containing evidences of title, contracts and obligations, and in gen-
9 eral shall record and keep on file in his office all such papers and
10 documents as may be required by any of the provisions of this act,
11 or by the order of the board of education. In the absence of such
12 secretary the board may appoint a secretary *pro tempore*. The
13 said board shall have the power to appoint and fix the compensa-
14 tion of such employees or officers of said board as, in the discretion
15 of said board may be necessary for the efficient maintenance of
16 the school system within said district provided by this act.

Sec. 8. The board of education shall hold stated meetings at
2 such times and places as they may appoint, not less than five mem-
3 bers being required to constitute a quorum for the transaction of
4 business. Special meetings may be called by the president, or
5 upon the request of two members by the secretary of said board.
6 The affirmative concurrence of five members of the board shall be
7 required to elect the superintendent of schools of said district here-
8 inafter provided for, or any teacher or other employee of said
9 board and to decide all questions involving the expenditure of
10 money.

Sec. 9. Not later than the first day of April, in each year, the
2 said board shall cause to be taken an enumeration of all the youth
3 in the said school district, as provided by chapter two of the acts
4 of the legislature of one thousand nine hundred and nineteen. The
5 state superintendent of schools in his report to the auditor shall
6 specify separately the result of such enumeration of youth in the
7 independent district of Huntington and in the remainder of Cabell
8 county, and the auditor in apportioning money for school pur-
9 poses shall apportion to said independent school district of Hun-
10 tington and to the rest of Cabell county separately, according to
11 their respective numbers of youth, as furnished by the state su-
12 perintendent. Said state superintendent shall draw his requisition
13 upon the auditor in favor of the sheriff for such amounts as said
14 independent school district of Huntington is entitled to receive and
15 at the same time shall notify the secretary of the board of edu-
16 cation of the amount. Any such amounts shall be payable into
17 the building fund of said independent school district of Hunting-
18 ton hereinafter in this act provided.

Sec. 10. The sheriff of Cabell county shall, on or before the
2 first day of July in each year, make such settlement with the board
3 of education as is provided by the general school law of this state;

4 *provided, however*, that the said sheriff shall make such settlement
5 with the secretary of the board of education of said independent
6 school district of Huntington.

Sec. 11. The said board of education shall have power and au-
2 thority and it shall be its duty, (a) to fix and determine the
3 term of school months in any year; *provided, however*, that said
4 term shall not be less than nine months; (b) to fix and determine
5 the number of days in the school months; (c) to establish, organ-
6 ize, equip and maintain such day, evening, part-time, continuation,
7 summer, kindergarten, trade and vocational schools, or classes, as
8 the said board may deem proper, and as well, such schools or
9 classes for such persons as, in the judgment of said board may re-
10 quire especial care or attention; (d) to adopt and enforce such
11 measures, as, in the judgment of said board, are calculated to fos-
12 ter, promote and provide for the health, physical training and
13 recreation of pupils within said schools, and employees of the
14 school system of such district; (e) to appoint and employ a chief
15 medical inspector for the schools of the district upon the first
16 day of July in each year, or as soon thereafter as may be prac-
17 ticable, and fix the salary of such medical inspector, and the board
18 may appoint and fix the salaries of such assistant medical and
19 dental inspectors and school nurses as may be necessary to render
20 efficient the protection of the health of the children of such school
21 district. The board shall establish such rules and regulations for
22 said medical inspection as it may deem proper and may provide
23 for necessary stationery and supplies. Said board may establish
24 and make regulations for clinics for the treatment of such physical
25 conditions as may, in the judgment of the medical examiners, re-
26 quire treatment; *provided, however*, that no child shall be com-
27 pelled to accept such medical treatment without the written con-
28 sent of the parent or guardian of such child; (f) to appoint an at-
29 tendance officer and such assistants as may be necessary and fix
30 their salaries, in order to provide for the proper execution of the
31 laws of the state compelling the attendance of children of school
32 age upon the public schools and said board shall provide rules and
33 regulations to make such work effective; (g) to vest administra-
34 tion and supervision of instruction and discipline in a superintend-
35 ent of schools, such assistant superintendents, supervisors, di-
36 rectors, principals and assistant principals as said board may deem
37-38 proper; (h) to elect such teachers, principals, directors,

39 supervisors and assistant superintendents as the board may deem
40 proper; such teachers, principals, directors, supervisors and assist-
41 ant superintendents shall be appointed by the board for the term
42 of one year, or, if elected after the beginning of any school year,
43 for the remainder of such year; *provided, however*, that said board
44 may, in its discretion, elect any such teachers, principals, direct-
45 ors, supervisors or assistant superintendents for a term of more
46 than one year, but not to exceed three years; (*i*) the said board
47 shall fix the compensation of such teachers, principals, directors,
48 supervisors and assistant superintendents; *provided, however*, that
49 such compensation shall not be less than the minimum compensa-
50 tion now, or hereafter, provided by the general school law of the
51 state, and such compensation shall be paid from the teachers'
52 fund of the district; (*j*) to make and enforce all necessary rules
53 and regulations for the government of the schools of the district;
54 for the method and time for the admission of pupils therein, and
55 for the exclusion of pupils whose attendance, in the judgment of
56 the board, would be dangerous to the health of pupils, or detri-
57 mental to the morals or discipline of the schools; (*k*) to prescribe,
58 upon the recommendation of the superintendent of schools, a uni-
59 form list of text books for the use of the schools in the district;
60 (*l*) to furnish books and stationery for the use of the schools in the
61 district, including the furnishing of books and stationery for the
62 use of children in attendance upon the schools, or upon any classes
63 in such schools, or, for the use of indigent children in attendance
64 upon the schools, or any classes thereof, as the board may deter-
65 mine; (*m*) to establish teachers' institutes, to be held at such time,
66 either during or prior to the school year, and for such duration as
67 the board may determine, and to pay out of the building fund
68 hereinafter provided, such compensation to those in attendance
69 thereat as the board may determine; (*n*) to exercise exclusive con-
70 trol over the public library of the city of Huntington, and all
71 branches of said library, and to provide for the maintenance there-
72 of; (*o*) to establish and maintain branches of said public library;
73 (*p*) to purchase, acquire and control such grounds as, in the judg-
74 ment of the board, may be necessary or proper for the efficient work
75 of the school system within said district; (*q*) to purchase, acquire,
76 build, construct, repair, remodel, enlarge, equip, furnish and
77 maintain such buildings as the board may deem necessary or
78 proper for the efficient work of such school system within said dis-

79 trict; (r) to make such provision and incur such expense, as, in
80 the judgment of the board, is necessary for the conveyance of pu-
81 pils to and from the schools of the district; (s) to exercise such
82 further powers and perform such further duties as are provided by
83 this act, as, in the judgment of said board, may be necessary or
84 proper for the efficient maintenance and upbuilding of the school
85 system of said district.

Sec. 12. A superintendent of schools of said district shall be
2 elected by said board of education at any time after the first of
3 January, and prior to the first of March in any year. Such su-
4 perintendent of schools shall be elected for a term of one year;
5 *provided, however*, that the board of education may, in its judg-
6 ment, elect such superintendent of schools for a term of more than
7 one year, but not to exceed five years. The compensation of said
8 superintendent of schools shall be fixed by the board of education.
9 Said superintendent of schools shall be a graduate of some well-
10 recognized college or university; he shall have had at least ten
11 years experience in the work of teaching, five years of which shall
12 have been in the capacity of school principal or school supervisor.
13 The said superintendent of schools may be removed by said board
14 of education because of immorality, incompetency, gross neglect
15 or malperformance of duty; *provided, however*, that said superin-
16 tendent of schools shall not be removed by said board until he has
17 had at least ten days notice in writing of the charges alleged
18 against him as grounds for such removal, and the time and place
19 set by the board for a hearing upon such charges. At such hearing
20 the said superintendent of schools shall have the right to appear,
21 both in person and by counsel, and he shall have the right to cross-
22 examine the witnesses introduced in support of such charges and
23 to introduce such evidence as he may desire. The said superin-
24 tendent of schools shall be the chief executive officer of said board
25 of education. All reports and recommendations of all employ-
26 ees of the school system shall be made to said superintendent, and
27 through the superintendent to the board of education. Said super-
28 intendent of schools, with the approval of the committee on teach-
29 ers, shall nominate to the board of education all members of the su-
30 pervisory or instructional force of said school system, who shall
31 hold the certificates provided by section thirteen of this act, and
32 shall recommend to said board the salaries to be paid to all mem-
33 bers of such force. Said superintendents of schools shall keep him-

34 self constantly acquainted with the condition of the schools, and
35 shall make needful recommendations to the board of education for
36 the efficient working of the school system within said district. Said
37 superintendent of school shall have final jurisdiction, subject only
38 to appeal to the board of education, in all matters of instruction,
39 discipline and supervision arising in the schools, or any part of the
40 school system. Said superintendent shall recommend to the board
41 of education the adoption of text books and courses of study. Said
42 superintendent of schools shall fix and determine the method and
43 conditions of promotion of pupils within such schools, and his de-
44 cision in such regard shall be final; he shall conduct teacher's in-
45 stitutes for such district, and secure instructors therefor; he may
46 call meetings of the teachers, principals, supervisors and all mem-
47 bers of the school system, for discussion of matters pertaining to
48 the work of the school, or of education in general and may re-
49 quire the opinion or advice of any member or members of such
50 school system. Said superintendent of school shall have such
51 further powers and perform such other duties as may from time
52 to time be determined by the board of education.

Sec. 13. Between the first day of January and the first day
2 of March, in each year, the said board shall appoint a board of ex-
3 aminers, consisting of four members, one of whom shall be the
4 superintendent of schools of said district. It shall be the duty of
5 said board of examiners to issue certificates to teachers, principals,
6 supervisors, directors, and assistant superintendents based upon the
7 examination to be held and conducted in each year by the said
8 board of examiners, at such time and according to such rules and
9 regulations as said board of education may prescribe. The said
10 certificates shall be of the following classes: (a) supervisory; (b)
11 primary (grades one, two and three); (c) elementary or interme-
12 diate (grades four, five and six); (d) secondary or high school
13 (grades seven, eight, nine, ten, eleven and twelve); (e) special (for
14 certain subjects and special kinds of work); (f) kindergarten.
15 Such certificates may be issued for one, three or five years, as may
16 be prescribed by the rules and regulations of said board of educa-
17 tion at any time in force governing such board of examiners, and
18 may be renewable, as such rules and regulations may prescribe.
19 Upon recommendation by the superintendent of schools of said
20 district the board of examiners, by their unanimous vote, may,
21 without examination, (or with such partial examination as may be

22 deemed advisable), issue certificates of any of the classes hereinbe-
23 fore enumerated, to such persons as have completed in educational
24 institutions such courses, as, in the judgment of said board of ex-
25 aminers, may qualify said persons as teachers for the schools of
26 the district. Said certificates may be issued to any person hold-
27 ing a certificate issued by the state of West Virginia, by other
28 school districts within the said state, or issued by another state, or
29 upon a diploma from the West Virginia university, or from any
30 institution of equal rank. Only persons holding certificates is-
31 sued in duplicate by said board of examiners shall be employed by
32 the said board in the instructional or supervisory departments of
33 the school system; *provided, however*, that the superintendent of
34 schools of said district and the members of the said board of exam-
35 iners shall not be required to obtain any certificate. Each mem-
36 ber of said board of examiners shall receive such compensation as
37 the board of education may determine.

Sec. 14. Said board of education shall hold a session on the
2 second Tuesday in August, in each year, for the transaction of
3 business generally, and especially for the transaction of business
4 required by this section. At such session the said board shall as-
5 certain the condition of the fiscal affairs of the district, and make
6 up an itemized statement thereof, distinguishing between the va-
7 rious funds hereinafter provided, which statement shall set forth
8 in detail:

9 *First:* Separate amounts due the various funds of the district,
10 and the amounts that will become due and collectible during the
11 current fiscal year, except from the levy of taxes to be made for
12 the year.

13 *Second:* The debts and demands owed by the district, and the
14 debts and demands that will become due and payable during the
15 current fiscal year, including interest on any indebtedness, funded,
16 bonded or otherwise.

17 *Third:* All other expenditures under the several heads of ex-
18 penditures, to be made and payable out of the levy of the dis-
19 trict for the current fiscal year, with proper allowances for delin-
20 quent taxes, exonerations and contingencies. Said statement
21 shall also set forth the separate amount necessary to be raised for
22 each fund by the levy of taxes for the current fiscal year, the pro-
23 posed rate of such levy in cents on each one hundred dollars as-
24 sessed valuation of the taxable property in the district for each

25 of such funds, and the separate and aggregate amounts of the as-
26 sessed valuation of real estate, personal property, and public util-
27 ity property assessed by the board of public works. A copy of
28 such statement duly certified by the secretary of the board shall im-
29 mediately be forwarded to the state tax commissioner, and said
30 statement shall, before the next meeting of the board, be published
31 once in two newspapers of opposite politics in the county, if there
32 be two such newspapers of general circulation in the county. If
33 there be but one newspaper published in the county, the publica-
34 tion shall be made therein. The session shall then stand ad-
35 journed until the fourth Tuesday in August, at which time it
36 shall reconvene and proceed in all respects as hereinafter pro-
37 vided. After having entered the statement as finally approved in
38 its books of record or proceedings, the board shall thereupon levy
39 as many cents on each one hundred dollars assessed valuation of
40 the taxable property in the district, according to the last assess-
41 ment thereof, as will produce the amounts shown by the statement
42 approved to be necessary, as follows:

43 (a) For teachers' fund purposes a levy sufficient to maintain
44 elementary and high schools of the district for a minimum term
45 of nine months, or such longer term as the board of education may
46 determine and to maintain such other schools as may be established
47 and maintained by said board under the provisions of sub-section
48 (c) of section eleven of this act.

49 (b) For building fund purposes a levy not to exceed fifty cents,
50 which fund shall be used for the maintenance of buildings for the
51 purposes of purchasing lands and the erection of buildings thereon ;
52 for the purchase and remodeling of buildings ; for building addi-
53 tions to school houses ; for furnishing and equipping the same, and
54 for all other expenses attending the efficient management and main-
55 tenance of said school system, not included within the purposes for
56 which the teachers' and interest and sinking fund levies are provid-
57 ed by this act. Where exigencies exist for additional housing, said
58 building fund levy not being sufficient to provide for the same, and
59 to provide sufficient funds for the other purposes for which said
60 levy is laid, an additional levy hereunder may be laid, not to ex-
61 ceed twenty-five cents, but such levy shall not be made until the
62 same shall have been first approved in writing by the state superin-
63 tendent of free schools and by the state tax commissioner.

64 (c) For interest and sinking fund purposes the levies heretofore
65 lawfully authorized for the payment of the interest and to provide
66 a fund for the retirement at maturity of the present outstanding
67 bonded indebtedness of said district and such levies for like pur-
68 poses as may hereafter be lawfully authorized pursuant to this act.
69 Within three days after the said board has laid the levies for the
70 various funds hereinbefore provided, it shall be the duty of the
71 secretary of the board to forward a certified copy of orders laying
72 the levies to the state tax commissioner and to the clerk of the
73 county court of Cabell county, and the assessor of said county, and
74 the rate of levy for all funds and the total value of real and per-
75 sonal property in said district to the state superintendent of free
76 schools and the auditor of the state, and it shall, thereupon, be
77 the duty of the proper county officers to extend on the land and
78 personal property books the amount of taxes levied aforesaid,
79 which taxes the sheriff shall collect and account for as required by
80 law.

Sec. 15. Said board of education may borrow money, and is-
2 sue bonds therefor, for the purpose of purchasing school sites and
3 erecting, completing, enlarging, repairing, or furnishing school
4 buildings in such district; *provided, however,* that no such debt
5 shall be contracted under this section, unless all questions con-
6 nected therewith shall have been first submitted to a vote of the
7 people of such district at a general or special election and have re-
8 ceived a majority of three-fifths of all the votes cast for and against
9 the same, and, *provided, further,* that no debt shall be contracted
10 under this section which shall, including existing indebtedness, in
11 the aggregate exceed five per centum of the value of the taxable
12 property in such district, as ascertained by the last assessment
13 for state and county taxes; nor without at the same time sub-
14 mitting to the voters of such district at the election held for the
15 purpose of authorizing bonds, the question of authorizing a special
16 levy sufficient to pay the interest annually on all the outstanding
17 bonds and to retire the same at maturity. If said board creates
18 in the future such bonded indebtedness, the board shall enter an
19 order on its record book of proceedings setting forth the maximum
20 rate of levy necessary in each year to pay the interest and provide
21 a sinking fund to discharge the principal of the bonds at maturity,
22 and in the same order submit to the voters of said district at the
23 election held for the purpose of authorizing such bond issue, the
24 question of such levy. At such election there shall be printed on

25 the ticket a brief statement of the levy herein provided for, such as
26 "To authorize a maximum of special bond levy of cents
27 to pay the interest and cents to provide a sinking fund for
28 the discharge of the principal of the bonds now being voted for ac-
29 cording to the order of the board of education of the independent
30 district of Huntington, in the county of Cabell, entered on the
31 day of," and directly underneath in two separate lines shall
32 be printed the words "For the levy" and "Against the levy". In all
33 respects the provisions of the law concerning general elections shall
34 apply to such elections as far as they are practicable. If the ma-
35 jority of the votes cast at such election be in favor of said levy,
36 said board shall have authority to lay such maximum levy and may
37 continue to lay the same, or such portion thereof as is necessary,
38 from year to year, without an additional vote, until said bonded
39 indebtedness is liquidated. But the funds arising from such levy
40 shall be used for the purposes for which levied and none other.

41 Said bonds shall not be issued for a longer period than thirty-
42 four years, nor shall they be sold for less than their par value, nor
43 bear interest at a greater rate than six per centum. The said
44 board may, in its discretion, issue such bonds, payable either (a)
45 all thereof payable in such number of years less than thirty-four
46 years from the issuance thereof, as the board may determine; or,
47 (b) serially in equal installments, such respective installments be-
48 ing payable in such number of years, respectively, as the board may
49 determine. The resolution authorizing such borrowing of money
50 and issuance of bonds, shall contain a statement of the time of the
51 maturity of said bonds.

52 The interest hereafter accruing under the general law of this
53 state upon the proceeds of bonds hereafter issued, and upon any
54 sinking fund heretofore or hereafter provided by said independent
55 district of Huntington in the county of Cabell, for the payment of
56 the interest on and the retirement at maturity of, its bonded in-
57 debtedness, shall not go into the treasury of the county of Cabell,
58 but the interest on all moneys arising from such sources shall be
59 and become the property of said school district and be so credited
60 by the sheriff of Cabell county.

Sec. 16. The said board of education shall have full power to,
2 in any manner, co-operate with the authorities of the nation, state,
3 county, other districts and cities, for the advancement of the in-
4 terests of the public schools of said district.

Sec. 17. The superintendent of schools of said district shall determine what schools in the district pupils shall attend. Upon the written request of any parent, guardian or other person legally responsible for any pupil or pupils, the said superintendent of schools may transfer such pupils to another school in the district, or to a school in an adjoining district, or independent district, if it can be shown to such superintendent that such pupils would be better accommodated at such other school. Any person aggrieved by the action of such superintendent of schools regarding such application for transfer of pupils may appeal to the board of education, whose decision shall be final. The board of education shall have the right, in its discretion, to receive pupils from other districts, or independent districts in the state, and to charge such pupils from other districts or independent districts in the state such tuition as the board shall determine, and all amounts received from such tuition shall be paid by the board to the sheriff of the county and be credited by him to the building fund of such district. Except as otherwise in this section provided, no person shall be admitted into the schools of said independent district of Huntington, who is not a resident of such district.

Sec. 18. Said board of education shall have authority to establish a teachers' retirement fund for the teachers of the district, and to maintain the same out of the teachers' fund of the said district. The administration of such fund shall be in accordance with the rules of the board of education relative thereto; *provided, however,* that such rules and regulations shall be general in their nature and non-discriminatory in their operation.

Sec. 19. White and colored people shall not be taught in the same school, or in the same building, but it shall be the duty of the board to establish one free school, or more, if necessary, for the accommodation of the colored persons of school age.

Sec. 20. The assessor of Cabell county shall make out and deliver to the secretary of said board on or before the second Tuesday in August, of each year, a certificate showing the aggregate value of all personal property and real estate in such district. If such assessor fails to perform the duty required of him by this section, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined twenty dollars.

Sec. 21. Each teacher in the schools of said district shall stand in the place of the parent or guardian in exercising authority over

3 the school, and shall have control of all of the children enrolled
4 in the school from the time they reach the school until they have
5 returned to their respective homes, except that where transportation
6 of pupils is provided by said board, the person in charge of such
7 conveyance shall exercise such authority and control over the chil-
8 dren while they are in transit to and from the school.

9 Upon the recommendation of any medical inspector of schools
10 the principal of any school in said district shall exclude from the
11 school any pupil or pupils known to have, or suspected of having,
12 any contagious or infectious disease, or any pupil or pupils who
13 have been exposed to such disease. And any pupil so excluded
14 shall not be re-admitted to the school by the principal until such
15 pupil has presented a certificate of health signed by a medical in-
16 spector of schools.

17 The principal of every school within said district shall also have
18 the authority to suspend any pupil for disorderly, refractory, inde-
19 cent or immoral conduct, and the superintendent of schools may
20 expel or exclude any such pupil, if, on investigation, the conduct of
21 such pupil is found to be detrimental to the progress and the gen-
22 eral conduct of the school; *provided, however*, that any person ag-
23 grieved by any such expulsion shall have power to appeal from the
24 decision of said superintendent of schools to the board, whose de-
25 cision shall be final.

Sec. 22. No teacher, superintendent, supervisor, principal, or
2 other person actively engaged in school work in said district shall
3 be required to serve on any jury during the period of his con-
4 tract with the board of education.

Sec. 23. All teachers and other employees of the board shall be
2 paid for their services monthly, or, in the discretion of the board,
3 at more frequent intervals.

Sec. 24. Disbursement of the funds of said district shall be
2 made by order drawn upon the sheriff and signed by the president
3 and secretary of said board.

Sec. 25. Sections fifty-one, one hundred and twenty-two, one
2 hundred and twenty-three, one hundred and twenty-five,
3 one hundred and twenty-six, one hundred and twenty-seven, one
4 hundred and twenty-eight, one hundred and twenty-nine, and one
5 hundred and thirty, of chapter two, of the acts of the legislature
6 of West Virginia, session of one thousand nine hundred and nine-
7 teen shall be applicable within said district; except that the

8 juvenile court now existing in Cabell county or any court of like
9 nature hereafter established shall have concurrent jurisdiction
10 with justices of the peace as to any violation of the provisions of
11 either of the sections of the said act of the legislature one thousand
12 nine hundred and nineteen in this section mentioned.

Sec. 26. The provisions of the general school law of this
2 state not by the terms of this act made applicable to said inde-
3 pendent district of Huntington, shall not be regarded as applicable
4 to said district.

Sec. 27. All acts and parts of acts inconsistent with the pro-
2 vision of this act are hereby repealed.

CHAPTER 31

(House Bill No. 462—Mr. Flynn.)

AN ACT to authorize and permit the board of education of Kingwood
district, Preston county, to lay an additional building fund levy.

[Passed April 19, 1921. In effect from passage. Approved by the Governor
April 30, 1921.]

SEC.

1. Board of education authorized to
lay an additional building fund
levy.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Kingwood district of
2 Preston county, be, and the same is hereby, authorized and em-
3 powered to lay a levy of not exceeding sixty cents on the hundred
4 dollars valuation of all taxable property in said district for the
5 purpose of repairing buildings now existing and erecting new
6 school buildings in said district. Said levy to be in addition
7 to all other levies now allowed by law for building fund pur-
8 poses and to be levied only for the year of one thousand nine
9 hundred and twenty-one, and in like manner as the regular build-
10 ing fund levy.

CHAPTER 32

(House Bill No. 495—Mr. Satterfield.)

AN ACT to enlarge the boundaries of Union independent school district in the county of Marion.

[Passed April 10, 1921. In effect from passage. Approved by the Governor April 30, 1921.]

SEC.

1. Boundaries of Union independent school district.

Be it enacted by the Legislature of West Virginia:

Section 1. That all of the territory lying and being in Union district, in Marion county within the following described boundary be added to and be included in Union independent school district, to-wit:

Beginning at a corner to lands of F. B. Bartholow, and in a line of the J. O. Watson land and also in the present eastern line of the present boundary of Union independent school district, and running thence with the present line of said district to the end of the Bartholow lands at the county road; thence N. 58 degrees E. to the Josie Hamilton and Howard Smouse property; thence N. 53° 15' E. to two wild cherry trees on the ridge above Owens Glass Works; thence N. 45° E. crossing the new Hopewell road to a point on the north east side thereof; thence leaving the present boundary lines of said district, and running in a southerly direction along and on the northeast side of said new Hopewell road, and thence with said road to the Grafton pike, near the residence of J. W. Satterfield; thence with said pike to Stony road; thence with Stony road to a corner of B. B. Bartholow's land, and thence with his line and including his land to the beginning.

CHAPTER 33

(House Bill No. 500—Mr. Thompson.)

AN ACT to re-establish the independent school district of Belington, Barbour county, and to repeal chapter twenty, acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, and all conflicting acts relating thereto.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921.]

Sec.	Sec.
1. School district; name and boundaries.	5. Same; annual meetings.
2. Election for; how held; ballots for; how results ascertained and declared.	6. Same; how governed in making levies.
3. Board of education; a body corporate; powers; terms of.	7. Same; may issue bonds to erect public school buildings; rate of interest; total indebtedness; question of indebtedness to be submitted to vote of people.
4. Same; to appoint secretary and fix his salary; duties of secretary; enumeration of youths.	8. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That in case a majority of the votes cast at the election hereafter provided for be in favor thereof, all the following described territory in Barker and Valley districts, including the city of Belington, shall be an independent school district, to be known as "The independent school district of Belington," to-wit: All the territory that is now within the incorporated portion of the city of Belington described as follows: Beginning at a red oak on the west bank of the Tygarts Valley river, a corner to the lands of Joseph Teter's heirs and Valley Coal and Coke company, and running south 25° 30' east 57.75 perches to a stake on the Buckhannon road, corner to Valley Coal and Coke company, thence with the said road south 35° 30' west 51.15 perches to a white oak, thence south 66° west 21 perches to a stake, thence south 56° west 28.25 perches to three chestnuts corner to Laura Hathaway and the Tygarts Valley Mineral and Oil company, thence south 45° 30' east 18 perches with said line; thence south 56° 30' east 4.50 perches with said line, thence north 44° 30' east 9.25 poles with said line, thence south 37° east 25.25 perches with said line, thence south 30° 45' east 12 perches with said line to a white oak, thence south 5° east 10.50 perches with said line to a beech, thence south 14° 30' west 25.75 perches with said line to a sassafrass; thence south 40° west 7.50 perches with said line to a stake with locust pointers, corner to heirs of Jesse Teter, thence with their line south 82° 15' east 10 perches to a beech and birch, corner to Charles Keiser, thence with his lines south 7° west 48 perches to a white oak stump on the bank of Big Run, corner to the heirs of Jesse Teter and said Keiser, thence with their line south 76° 15' east 150 perches to a stone on the east side of the county road, corner to the heirs of Jesse Teter, thence with their line south 23° west 58 perches to a stone in the river opposite the old Robenberger mill site, corner to the

32 heirs of Jesse Teter and H. A. Monahan, thence up the Valley
33 river with its meanderings at the water's edge, south $52^{\circ} 31'$
34 west 29.60 perches, thence south $5^{\circ} 30'$ east 261.76 perches, thence
35 south 32° east 36.60 perches, thence south $47^{\circ} 30'$ east 13.80
36 perches, thence south 81° east 21.81 perches, thence north 80° east
37 28.32 perches, passing the south bend of the Roaring creek and
38 Belington railroad bridge, thence south $80^{\circ} 30'$ east 9.32 perches,
39 thence south $33^{\circ} 30'$ east 9.68 perches, thence crossing the said
40 river, north $87^{\circ} 15'$ east 13 perches to a stake at the culvert on
41 the east side of the said river on the West Virginia Central and
42 Pittsburg railway; thence south $49^{\circ} 15'$ east 38.74 perches to a
43 stake at Hillyard's field near a line of the Belington Industrial
44 Company, thence south $88^{\circ} 30'$ east 47.88 perches to a stake,
45 thence south $89^{\circ} 40'$ east 24.24 perches to a stake, thence north
46 $79^{\circ} 30'$ east 110 perches to a stake at the old road, corner to
47 Luther and John Hillyard on the old road crossing the mountain,
48 thence with said road north $18^{\circ} 45'$ west 28.18 perches to a
49 stake, corner to G. J. Stalnaker, and W. S. Phares' place, thence
50 with the said Stalnaker and Phares' line, north $55^{\circ} 30'$ east 71
51 perches to a stake at the Fairmont and Beverly pike, corner to
52 the said Phares and Stalnaker and W. S. Shurtleff, thence with
53 said pike north $17^{\circ} 30'$ west 75 perches, thence north 3° east 33
54 perches, thence north $25^{\circ} 30'$ west 28 perches, thence north 44°
55 $30'$ west 17 perches, thence north $25^{\circ} 30'$ west 20 perches to
56 corner of J. W. Ward and J. W. Shurtleff, thence leaving the pike
57 and running with said Ward's line, north $14^{\circ} 30'$ east 39.14
58 perches to a stake, corner to Shurtleff and Ward, thence with
59 said Shurtleff's line north 72° east 39 perches to a locust, cor-
60 ner to Shurtleff, thence north 42° east 97 perches to a stake, cor-
61 ner to Shurtleff and T. T. Elliott, thence south 10° west 6
62 perches to a stone, corner to Shurtleff and T. T. Elliott, thence
63 north 52° east 67 perches to a white oak, corner to Serpell and
64 Elliott, thence $43^{\circ} 30'$ west 18.80 perches to a gum, corner to
65 Dunham and Elliott, thence with Dunham and Elliott's line north
66 $56^{\circ} 30'$ west 120 perches to a white oak corner to Dunham, north
67 66° west 14.28 perches to a stake, north 6° east 5 perches to a
68 stake at the Morgantown pike, thence north 47° west 71.45 perches
69 to two black walnuts in Martha Davis' field, thence north 63° west
70 99.60 perches to a chestnut in J. W. Thornhill's field thence south
71 83° west 84.36 perches to a walnut in J. W. Thornhill's field,
72 south 11° west 24.24 perches to a stake at the Fairmont pike, thence

73 north 80° 30' west 30 perches to a large maple on the south side
74 of the pike, thence south 86° 30' west 52.12 perches to a stake
75 in the Rohrbaugh's field, thence south 77° west 128.84 perches,
76 to a large maple on the south side of the Baltimore and Ohio
77 railroad, thence south 72° west 30 perches, crossing the Tygarts
78 Valley river to the beginning, containing 1,300 acres.

Sec 2. At the election in the year one thousand nine hun-
2 dred and twenty-two, held for county superintendent and other
3 school officers, to be held in pursuance of law, it shall be the
4 duty of the boards of education of said Barker and Valley
5 districts and the independent school district of Belington to
6 submit to the voters residing in said Barker, Valley and Beling-
7 ton independent school districts, the question of the adoption or
8 rejection of the provision of this act. Those voting in favor
9 of the re-establishment of said independent district shall have
10 written or printed on their ballots. "For the re-establishment of
11 Belington independent school district," those voting against the
12 re-establishment thereof shall have written or printed on their
13 ballots the words, "Against the re-establishment of Belington
14 independent school district." The election shall be conducted
15 and the results ascertained and declared by the same officers
16 conducting the election for county superintendent and other
17 school officers on that day.

Sec. 3. At the general election in one thousand nine hun-
2 dred and twenty-two there shall be elected by the legal voters
3 residing in the boundaries of said territory of said proposed in-
4 dependent school district, a board of education for said inde-
5 pendent school district consisting of three members who shall
6 be a corporation by the name of the board of education of the
7 independent school district of Belington, and by that name may
8 sue and be sued, plead and be impleaded, contract, purchase
9 and hold so much real and personal property as may be neces-
10 sary for the purpose of this act; and without any transfer or
11 conveyance they shall be deemed the owners of all real and per-
12 sonal property within the territory aforesaid, now held or owned
13 for free school purposes; and they shall have the powers, per-
14 form all the duties, and at the said election a president and one
15 commissioner shall be elected for the term of four years and one
16 commissioner for the term of two years; in the general election
17 of one thousand nine hundred and twenty-four, one member
18 shall be elected whose term of office shall be four years, then at

19 each general election thereafter one or two members shall be
20 elected for the offices expiring in their order whose term of office
21 shall be four years. The oldest member in point of service
22 shall be chosen president of said board, *provided*, that by unani-
23 mous vote of the said board another member may be chosen the
24 president. In case of a tie vote for this office or should a vacancy
25 occur the office shall be filled as provided in the general law.

Sec. 4. The said board of education at their first meeting
2 after their election shall appoint a secretary, who shall not be a
3 member of the board; who shall perform all the duties of a
4 secretary of a board of education prescribed in the general school
5 law; and in addition thereto shall make an enumeration of
6 youths of the said independent school district, between the ages
7 of six and twenty-one years of age, at the time required by the
8 general school law, and according to the provisions therein con-
9 tained, in relation to making an enumeration of youths. The
10 salary of said secretary shall be fixed by the board to be paid
11 out of the building fund for the said independent school district.

Sec. 5. It shall be the duty of the board of education of the
2 said independent district to hold their annual meeting and other
3 meetings in accordance with the general law.

Sec. 6. In levying taxes for school purposes to, said board of
2 education shall be governed in every respect by the provisions of
3 the general law.

Sec. 7. The board of education of said independent school
2 district shall be empowered, any time within three years from
3 the passage of this act, to issue bonds for the purpose of erect-
4 ing public school buildings for use of said independent school
5 district. Said bonds shall draw no greater rate of interest
6 than six per cent, per annum, and shall be made payable in not
7 less than one and not exceeding twenty years; *provided*, that
8 such indebtedness shall not exceed five per cent of the value of
9 the taxable property in said independent school district to be
10 ascertained by the last assessment made for state and county
11 taxes, next before the incurring of said indebtedness; nor with-
12 out, at the same time, providing for the collection of a direct
13 annual tax sufficient to pay annually the interest on such in-
14 debtedness, and the principal thereof within and not exceeding
15 twenty years; and *provided, further*, that no debt shall be con-
16 tracted under this act unless all questions connected with the
17 same shall have first been submitted at a general school election,

18 in the manner prescribed by law, to a vote of the people resi-
 19 dent in the territory of said proposed independent school dis-
 20 trict, and have received three-fifths of all the votes cast for
 21 and against the same. The said election shall be held at the
 22 same time and place by the officers of the election of common
 23 school officers.

Sec. 8. Chapter twenty of the act of one thousand eight
 2 hundred and ninety-three or other acts or parts of acts incon-
 3 sistent with this act are hereby repealed when this becomes ef-
 4 fective upon the election and qualification of the new board to
 5 be elected as provided herein.

CHAPTER 34.

(House Bill No. 534—Mr. Stathers.)

AN ACT to amend and re-enact section two of chapter ninety-two of
 the acts of the legislature of West Virginia of one thousand eight
 hundred and sixty-seven, as amended by chapter forty-seven of
 the acts of the legislature of West Virginia of one thousand eight
 hundred and sixty-eight, as amended by chapter thirty-eight of
 the acts of the legislature of West Virginia of one thousand eight
 hundred and ninety-nine, relating to the school district of Clarks-
 burg.

[Passed April 6, 1921. In effect from passage. Approved by the Governor
 April 9, 1921.]

Sec.	SEC.
2. (a) Board of education; number; how chosen; qualifications, powers and duties. (b) Expiration of terms of mem- bers of present board; one elected in one thousand nine hundred and twenty-one. (c) Two members of board to be elected at city election in one thousand nine hundred and twenty-two; terms; succeed- ing elections.	(d) Vacancy in one thousand nine hundred and twenty- two; how filled. (e) Elections for members of board of education; how conducted; who may vote in. (f) Elections; result certified; cer- tificates issued; the votes; contests. (g) Primary nominations for board members; how conducted; separate ballots for. (h) Duties of ballot commissioners.

Be it enacted by the Legislature of West Virginia:

That section two of chapter ninety-two of the acts of the leg-
 islature of West Virginia of one thousand eight hundred and sixty-
 seven, as amended by chapter forty-seven of the acts of the legislature
 of West Virginia of one thousand eight hundred and sixty-eight, as
 amended by chapter thirty-eight of the acts of the legislature of West
 Virginia of one thousand eight hundred and ninety-nine, be amended
 and re-enacted so as to read as follows:

Section 2. (a) The board of education of said district shall consist of three members who shall be elected by the qualified voters resident therein, and no two of whom shall reside in the same ward in the city of Clarksburg, West Virginia, while serving as a member of said board. They shall be vested with the same rights, exercise the same powers, perform the same duties and be governed by the same laws by which boards of education elsewhere in the state of West Virginia are or may hereafter be governed except insofar as modified by the provisions of this act.

(b) The members now constituting the board of education of said district shall continue in office until the expiration of the respective terms for which they were elected. The qualified voters of said district at the election to be held for elective city officers of the city of Clarksburg on the third Tuesday in April, one thousand nine hundred and twenty-one, shall elect one member of said board of education who shall serve for the term of six years beginning on the first day of July, one thousand nine hundred and twenty-one.

(c) At the city election to be held on the third Tuesday in April, one thousand nine hundred and twenty-three, there shall be elected two members of said board of education. The candidate receiving the highest number of votes cast at said election for a member of the board of education shall serve for the term of six years, and the candidate receiving the next highest number of votes cast at said election for a member of the board shall serve for the term of two years beginning on the first day of July, one thousand nine hundred and twenty-three; and bi-ennially thereafter there shall be elected one member of said board of education to serve for a term of six years beginning on the first day of July next following the date of election.

(d) The vacancy caused by the expiration of the term of Robert M. Morris on June thirtieth, one thousand nine hundred and twenty-two, shall be filled by appointment by the remaining members of the board of a member who shall serve until the thirtieth day of June, one thousand nine hundred and twenty-three.

(e) Said elections shall be conducted by the officers who shall conduct the city elections for the city of Clarksburg without additional compensation, and in all respects said elections shall be a part of the city elections; *provided*, that all the qualified voters of said school district residing within the corporate limits of said city shall vote for a commissioner or member of the board of education in their respective precincts or wards of said city, but no person re-

42 siding in said city and outside the limits of said school district
43 shall be permitted to vote for a commissioner or member of the
44 board of education; and *provided, further*, that all the qualified
45 voters of said school district residing outside the corporate limits
46 of said city shall vote for a commissioner or member of the board
47 of education at the office of the city council. Separate ballots, poll
48 books and ballot boxes shall be supplied by the board of education
49 for taking the votes for a commissioner or member of the board of
50 education at the several voting places in said city, but within said
51 school district only.

52 (f) The commissioners of election shall certify the result of the
53 balloting for a member or members of the board of education of
54 Clarksburg school district to said board, and the said board shall
55 issue a certificate of election to the person or persons entitled there-
56 to within five days after any election. In case of a tie in the vote
57 for a member of the board of education, the persons so tying shall
58 decide which shall be entitled to the office by casting lots. All
59 contests concerning the election of a member of a board of educa-
60 tion shall be heard and determined by the board.

61 (g) All candidates for membership of the board of education
62 shall be chosen at the primary election to be held for the purpose of
63 nominating candidates for city offices in the city of Clarksburg.
64 Such primary elections shall be conducted by the election officers
65 appointed by the city council, and as far as applicable in other re-
66 spects in the same manner as provided herein for the election of a
67 commissioner or member of the board of education. In taking the
68 vote for candidates for membership of the board of education a
69 separate ballot from that used for nominating candidates for city
70 officers shall be used.

71 (h) The ballot commissioners for the city of Clarksburg shall
72 cause to be printed and supplied at the respective voting places bal-
73 lots to be used in primary elections and in general elections for the
74 nomination and election of members of the board of education of
75 said Clarksburg school district, the expense thereof to be paid by
76 said school district.

CHAPTER 35

(House Bill No. 535—Mr. Bender.)

AN ACT abolishing the independent school district of Burnsville, in the county of Braxton, and the corporation of the board of education of the independent school district of Burnsville.

[Passed April 19, 1921. In effect from passage. Approved by the Governor April 30, 1921.]

SEC.

1. Former act repealed.
2. Transfer of title of property of independent district: except money, etc.

SEC.

3. Same: money and uncollected levies: how applied.
4. How outstanding indebtedness of independent district met.

Be it enacted by the Legislature of West Virginia:

That the independent school district of Burnsville, be abolished and the real and personal property belonging thereto transferred in the manner hereinafter set forth:

Section 1. Chapter nineteen of the acts of the legislature 2 of West Virginia, regular session, for the year one thousand nine 3 hundred and five entitled "An act to establish the independent 4 school district of Burnsville in the county of Braxton, in the state 5 of West Virginia, is hereby repealed, and the corporation created 6 by said act called "the board of education of the independent school 7 district of Burnsville is hereby dissolved."

Sec. 2. All property, real and personal, except money and un- 2 collected levies, belonging to the independent school district of 3 Burnsville, or the board of education of the independent school dis- 4 trict of Burnsville, shall, upon the going into effect of this act, be 5 and become the property of the board of education of Salt Lick 6 district, Braxton county, West Virginia, to be used by said board 7 for school purposes under the laws of this state.

Sec. 3. All money, and the proceeds from all levies uncollected, 2 owned by or due to the independent school district of Burnsville, or 3 the board of education of the independent school district of Burns- 4 ville, shall, upon the going into effect of this act, be transferred to 5 the board of education of Salt Lick district, Braxton county, West 6 Virginia; and shall be applied, so far as the same may legally be 7 done to carry out the contracts made by the board of education of 8 the independent school district of Burnsville for the school year 9 ending June thirtieth, one thousand nine hundred and twenty-one; 10 and all other money and levies so transferred shall be applied to the 11 payment of any existing indebtedness against the independent 12 school district of Burnsville, or the board of education of the inde-

13 pendent school district of Burnsville, in the same manner as the
14 said district and board would have been required to apply the same
15 but for the passage of this act.

Sec. 4. In the event the money and levies transferred to the
2 board of education of Salt Lick district are not sufficient to pay all
3 indebtedness against the independent school district of Burns-
4 ville, and the board of education of the independent school dis-
5 trict of Burnsville, bonded and otherwise, the said board of edu-
6 cation of Salt Lick district is hereby authorized, empowered and di-
7 rected to lay and collect, in the manner prescribed by law, such
8 levies upon the real and personal property within the limits of the
9 independent school district of Burnsville, as now constituted, as
10 may be necessary to pay such indebtedness; such levies to be im-
11 posed within the limits permitted by existing law, and in such
12 manner as to comply with the terms of any bonds issued and sold
13 by the independent school district of the town of Burnsville, or the
14 board of education of the independent school district of Burns-
15 ville.

CHAPTER 36

(Senate Bill No. 7—Mr. Shinn.)

AN ACT authorizing the board of education of the independent school
district of Ripley, Jackson county, to lay a special levy for the
years one thousand nine hundred and twenty-one, one thousand
nine hundred and twenty-two, one thousand nine hundred and
twenty-three and one thousand nine hundred and twenty-four
for the purpose of securing sufficient funds to complete the con-
struction of the high school building in said district, authorized
by a vote of the people thereof on the twenty-second day of July
one thousand nine hundred and thirteen.

[Passed March 23, 1921. In effect from passage. Approved by the Governor
April 1, 1921.]

SEC.

1. Authorized to lay levy not to ex-
ceed fifty cents for four years to
pay for completion of high school.

SEC.

2. Known as "special school levy";
shall be in addition to all other
levies; assessed and collected as
other levies; used for purposes
set forth in section one.

Be it enacted by the Legislature of West Virginia:

That the board of education of the independent school district
of Ripley be given authority to lay a special levy to complete its high
school building as follows:

Section 1. The board of education of the independent school district of Ripley, Jackson county, West Virginia, be, and is hereby authorized and empowered to lay a special levy for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two, one thousand nine hundred and twenty-three, and one thousand nine hundred and twenty-four, not to exceed fifty cents on the one hundred dollars valuation of all property situate in said district, to pay for the completion of the high school building now authorized to be built in said district.

Sec. 2. Such levy shall be known as a "special high school levy", shall be in addition to all other levies made by said board for high school purposes and shall be assessed and collected as other levies are assessed and collected, and the proceeds of same shall be used for the purpose set forth in section one of this act, and for no other purpose.

CHAPTER 37

(Senate Bill No. 46—Mr. Porter.)

AN ACT to amend and re-enact sections three, six and seven, of chapter twenty-four, of the acts of the legislature of West Virginia, extra session of one thousand nine hundred and four, entitled "An act to create and establish the independent school district of Chester, county of Hancock," and to repeal sections seventeen and eighteen of said chapter.

[Passed April 12, 1921. In effect ninety days from passage. Approved by the Governor April 19, 1921.]

SEC. 3. Board of education to consist of three members; qualification; term of office.
 6. Secretary; board to elect; to keep records; to report to county superintendent; compensation.

SEC. 7. Board of education; meetings; quorum; special meetings, how called; number of votes required to elect superintendent; compensation; sections seventeen and eighteen repealed.

Be it enacted by the Legislature of West Virginia:

That sections three, six and seven, of chapter twenty-four, of the acts of the legislature of West Virginia, extra session, one thousand nine hundred and four, be and the same are hereby amended and re-enacted so as to read as follows:

Section 3. The board of education of said district shall consist of three commissioners each of whom shall be residents and legal voters of said district.

4 One of said commissioners shall be elected at an election held
5 for that purpose within said district on the second Thursday in
6 March, one thousand nine hundred and twenty-two, for the term
7 of three years commencing on the first day of July next after
8 said election, and one commissioner annually thereafter, *provided*,
9 the three commissioners now in office shall continue in office until
10 their successors are elected and qualified as herein provided.

Sec. 6. The secretary shall record in a book provided for the
2 purpose, all the official acts and proceedings of the board, which
3 shall be a public record, open to the inspection of all persons inter-
4 ested therein. He shall preserve in his office all papers con-
5 taining evidence of title, contracts and obligations; and in general
6 shall record and keep on file in his office all such papers and docu-
7 ments as may be required by any of the provisions of this act,
8 or by any order of the board of education. He shall annually,
9 between the first and twentieth of July, make report to the county
10 superintendent of such facts in his possession as may be required
11 by the general school law of the state. For his services he may
12 receive such compensation, not exceeding two hundred and fifty
13 dollars per annum, as the board may allow. In his absence, the
14 board may appoint a secretary *pro tempore*.

Sec. 7. The board of education shall hold stated meetings at
2 such times and places as they may appoint, not less than two mem-
3 bers being required to constitute a quorum for the transaction of
4 business. Special meetings may be called by the president, or, at
5 the request of any member, by the secretary. The concurrence
6 of two members of the board shall be required to elect superin-
7 tendent or teachers, and to decide all questions involving the ex-
8 penditure of money. The members of the board of education
9 shall each receive as compensation, three dollars for each meeting
10 at which they are in attendance, not to exceed twelve meetings in
11 any one year.

12 That sections seventeen and eighteen be and the same are hereby
13 repealed.

CHAPTER 38

(Senate Bill No. 82—Mr. Bloch.)

AN ACT to amend and re-enact sections one, two, four, five, eight, twenty-five and twenty-seven of an act entitled "An act relating to the school district of Wheeling", passed by the legislature of West Virginia, February five, one thousand eight hundred and seventy-two, as amended and re-enacted by chapter forty-six of the acts of West Virginia of one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three.

[Passed April 12, 1921. In effect ninety days from passage. Approved by the Governor April 19, 1921.]

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| <p>Sec.</p> <ol style="list-style-type: none"> 1. Independent school district of Wheeling; boundaries. 2. Election of school commissioners; number; term of office; name of board; duty of city council to establish boundaries of precincts; nomination of candidates for school commissioner; city clerk to cause publication of names of candidates; ballots, how printed; certification of result of primary; procedure in case of a tie; preparation of ballots; to be separate from ballot for city officers; ascertainment of result; publication of result; cost, how borne; commissioners to be residents of school district of Wheeling. | <p>Sec.</p> <ol style="list-style-type: none"> 4. Commissioners elect; oath; how and when administered; vacancies, how filled. 5. Board, when and how to organize; president of; clerk to give bond. 8. Monthly meetings of board; quorum; special meetings, how called. 25. Appointments by superintendent subject to ratification of board; certificate of qualification; levy laid and salaries fixed by board. 27. Injury to school property; penalty; if offender be minor, parents or guardian liable; to pay fines and damages into school fund of district; conflicting acts repealed. |
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Be it enacted by the Legislature of West Virginia:

That sections one, two, four, five, eight, twenty-five and twenty-seven of an act entitled "An act relating to the school district of Wheeling," passed February five, one thousand eight hundred and seventy-two, as amended and re-enacted by chapter forty-six of the acts of West Virginia of one thousand, eight hundred and seventy-two, and one thousand eight hundred and seventy-three, be amended and re-enacted so as to read as follows:

Section 1. The area within the corporate limits of the city of 2 Wheeling as the said corporate limits existed on the first day of 3 May, one thousand nine hundred and fifteen, shall constitute an 4 independent school district to be known as the school dis- 5 trict of Wheeling.

Sec. 2. At the regular election for city officers to be held in 2 the city of Wheeling on the fourth Thursday in May, in the year 3 one thousand nine hundred and twenty-three, there shall be 4 elected at large, within the limits of the said school district 5 of Wheeling, five competent persons to serve as school commis- 6 sioners for said district. The terms of office of the school com-

7 missioners elected pursuant to this section, as amended, shall
8 commence on the third Thursday in June next succeeding their
9 election, and the terms of office of two of such commissioners who
10 shall have received the highest number of votes at said election,
11 shall continue for a term of six years, and until their succes-
12 sors are elected and qualified, and the terms of office of the two
13 of said commissioners who shall receive the next highest number
14 of votes at said election shall continue for a term of four years,
15 and until their successors are elected and qualified, and the term
16 of office of the commissioner receiving the next highest number
17 of votes at said election, shall continue for a term of two years,
18 and until his successor is elected and qualified; and at each suc-
19 ceeding regular biennial election for city officers to be held in
20 said city of Wheeling, there shall be elected within the limits
21 of said school district of Wheeling, the number of competent per-
22 sons to serve as such school commissioner or commissioners, re-
23 quired to take the place of the commissioner or commissioners
24 whose term shall expire on the third Wednesday of June, then
25 next succeeding. The terms of office of such school commissioner
26 or commissioners, elected pursuant to this section after the elec-
27 tion in the year one thousand nine hundred and twenty-three,
28 shall commence on the third Thursday in June next succeeding
29 his or their election, and continue for the term of six years, and
30 until his successor or their successors are elected or qualified.
31 The terms of office of the present members and officers of the
32 board of education of the school district of Wheeling shall expire
33 on the third Wednesday in June, one thousand nine hundred
34 and twenty three. The persons elected for school commissioners
35 for said school district of Wheeling, in pursuance of this sec-
36 tion as amended, and their successors in office, shall constitute a
37 board of education to be denominated "the board of education
38 of the school district of Wheeling."

39 It shall be the duty of the council of the city of Wheeling
40 to establish the boundary lines of election precincts for election
41 purposes within the area of the said school district of Wheeling in
42 such manner that said precinct lines shall coincide with the
43 boundary lines of said school district of Wheeling so far as may
44 be requisite for the regular and orderly conduct and certification
45 of the results of the elections of school commissioners within said
46 district hereinbefore provided for.

47 Candidates for school commissioners to be voted on at the elec-
48 tion to be held on the fourth Thursday in May, one thousand
49 nine hundred and twenty-three, shall be nominated at the pri-
50 mary election held in the city of Wheeling on the second Thurs-
51 day in May, one thousand nine hundred and twenty-three, for the
52 nomination of candidates for city officers of the said city of
53 Wheeling, and no other names shall be printed upon the ballots
54 used at the election of school commissioners except those selected
55 in the manner hereinafter prescribed. Any person desiring to
56 become a candidate for school commissioner at the election to be
57 held on the fourth Thursday in May one thousand nine hundred
58 and twenty-three, shall, at least twenty days prior to the primary
59 election to be held on the second Thursday in May one thousand
60 nine hundred and twenty-three, for the nomination of city
61 officers, file with the clerk of the city of Wheeling, a petition,
62 signed by at least twenty qualified voters of said school district.
63 Said petition shall be verified by the affidavit of one or more
64 credible persons as to the qualifications and residence of each
65 of the persons signing said petition, and said petition shall be in
66 form or effect as follows

67 "The undersigned, duly qualified voters of the school district of
68 Wheeling and residing at the places set opposite our respective
69 names hereto, do hereby request the name of (name of candidate)
70 be placed on the ballots as a candidate for nomination for school
71 commissioner of the school district of Wheeling, at the primary
72 election to be held in said city on the second Tuesday in May,
73 one thousand nine hundred and twenty-three. We further state
74 that we know him to be a qualified voter of said city of Wheeling,
75 and a resident of the school district in said city, and a man of
76 good moral character, and qualified in our judgment for the
77 duties of such office.

78 Names of qualified voters Number street"

79 Any person whose name has been submitted for candidacy shall
80 file his acceptance of such candidacy with the city clerk of the
81 city of Wheeling not later than fifteen days before the day of
82 the primary election, and in the absence of such acceptance the
83 name of the candidate shall not appear on the ballot. Immedi-
84 ately upon the expiration of the time for filing the petitions for
85 and acceptance of the candidates, the city clerk of the city of
86 Wheeling shall cause to be published in all the daily newspapers of
87 the city of Wheeling once, in proper form, the names of the per-

88 sons as they will appear upon the primary ballots; and the said
89 clerk shall thereupon cause the primary ballots to be printed
90 and authenticated with a facsimile of his signature. The ballots
91 shall be printed upon plain white paper without party mark or
92 designation, and shall contain the names of the candidates in
93 alphabetical order. The ballots shall be separate from those
94 used for candidates for city officers, and the primary election shall
95 be conducted and the results ascertained by the election officials
96 designated by the council of the city of Wheeling for conducting
97 the primary election for nomination of candidates for city officers
98 of the city of Wheeling. The ten candidates receiving the highest
99 number of votes in said school district shall be the candidates
100-101 and the only candidates whose names shall be placed upon
102 the ballots at the next ensuing election for school commissioners
103 for the school district of Wheeling. In any case where candi-
104 dates shall have received an equal number of votes, so that as
105 between such candidates there is no choice at the primary, the
106 city clerk, of the city of Wheeling shall determine by lot the
107 names out of those voted on at the primary and tied as aforesaid,
108 to be placed on the ballots for the next regular election. The
109 ten candidates receiving the highest number of votes in said school
110 district shall have their names placed upon the ballots at the
111 next ensuing election for school commissioners for the school
112 district of Wheeling, and at such election ballots shall be pre-
113 pared by the city clerk of the city of Wheeling containing the
114 names of the candidates nominated at the primary election, such
115 ballots being separate from those containing the names of candi-
116 dates for city officers of the city of Wheeling, and the election
117 shall be conducted and the results ascertained by the election of-
118 ficials designated by the council of the city of Wheeling for con-
119 ducting the election for city officers and the five persons receiv-
120 ing the highest number of votes within said school district shall
121 be the persons elected as school commissioners of the said school
122 district of Wheeling. The city clerk of the city of Wheeling after
123 ascertaining the result of the primary election for the nomination
124 of candidates for school commissioners of the school district of
125 Wheeling, shall publish the result of such primary election in
126 the same manner and at the same time that he publishes the result
127 of the primary election for the nomination of candidates for city
128 officers of the city of Wheeling. The cost and expense of printing
129 and publishing incident to the primary and election for school

130 commissioners shall be borne by the board of education of the
131 school district of Wheeling.

132 Members of the board of education of the school district of
133 Wheeling shall be residents of the school district of Wheeling, and
134 removal from the district shall vacate the office of such com-
135 missioner.

Sec. 4. It shall be the duty of the clerk of the board of
2 education of the school district of Wheeling, ten days before the
3 third Thursday of June succeeding any regular election under this
4 act, to notify the commissioners-elect throughout the school district
5 of their election. And before assuming the duties of his office,
6 each of said commissioners shall qualify by taking and subscrib-
7 ing to the following oath of office, viz: "I do solemnly swear
8 (or affirm) that I will faithfully discharge the duties of school
9 commissioner of the school district of Wheeling, during the time of
10 my office, to the best of my ability and according to law, so help
11 me God," and such other oath or affirmation as may be required by
12 law. Such oath of office may be administered by the clerk of the
13 board of education at any time on or before the third Thursday in
14 June next after the election, and the same, or a copy thereof, shall
15 be kept by him in the files of his office.

16 Any vacancy which may occur in the office of school com-
17 missioner, by death, resignation, refusal to serve, or otherwise,
18 shall be filled by the board of education of the school district
19 of Wheeling, at any regular meeting as soon as practicable there-
20 after, by the appointment of a suitable person, resident of the
21 district, who shall hold the office until the first regular elec-
22 tion which shall be held after such appointment.

Sec. 5. On the third Thursday in June after the first
2 election under this act, and biennially thereafter, at seven
3 o'clock p. m. in the high school building in the city of Wheeling,
4 there shall be held a meeting of the board, at which meeting the
5 board shall be organized, if a majority of the members be present,
6 and if a majority of the members be not present, then as soon as
7 practicable thereafter, by the election of one of their number as
8 president, and also a suitable person for clerk, who shall not be a
9 member of the board. The president shall be entitled to vote upon
10 all questions submitted to the decision of the board. Before enter-
11 ing upon the duties of his office, the clerk shall, with at least two
12 good securities, not members of the board, or a corporate surety au-

13 thorized to do business in the state of West Virginia, to be approv-
14 ed by the board, enter into a bond, payable to the board of edu-
15 cation of the school district of Wheeling, conditioned for the
16 faithful discharge of the duties of his office, in such penal sum
17 as the board may direct; and for good cause a new bond and other
18 bondsmen, may from time to time be required by the board; and
19 such bond or bonds shall be filed with the president of the board
20 for safe keeping. Should corporate surety be given on said bond,
21 the premium or premiums for same shall be paid by the board.

Sec. 8. The board of education shall hold stated meetings, at
2 least once each month, at such time and places as they may ap-
3 point, a majority of members being required to constitute a quorum
4 for the transaction of business. Special meetings may be called
5 by the president, or at the request of three members of the board
6 by the clerk, on giving one day's notice of the time of holding the
7 same, stating the object of such meeting.

Sec. 25. The principals, teachers, librarians and other em-
2 ployees of the board for all of the schools and the library in said
3 school district shall be appointed by the superintendent, subject
4 to the approval of the board of education; *provided*, that no per-
5 son shall be employed to teach in any public school of the district,
6 who shall not first have obtained from the superintendent a
7 certificate in duplicate of qualification to teach a school of the
8 grade for which application is made, the duplicate copy of
9 which, shall be filed with the clerk of the board of education; and
10 no salary shall be paid to any teacher, until such duplicate
11 be filed as aforesaid. The board shall annually, before mak-
12 ing the levy for school purposes as provided in this act, fix the
13 salaries to be paid to the teachers for the scholastic year to
14 commence on the first Monday of September ensuing.

Sec. 27. If any person shall wilfully mar, deface, or other-
2 wise injure any school house, out-buildings, fence, furniture or
3 other school property of the district, the person so offending shall
4 be liable to prosecution in any court of competent jurisdiction
5 within the county of Ohio, and upon conviction may be fined not
6 less than five nor more than one hundred dollars, and shall pay the
7 the costs of prosecution and may be imprisoned in the jail of Ohio
8 county for not more than sixty days, and shall be liable to an action
9 for damages, at the instance of the board of education of the
10 school district of Wheeling, for the actual damages to such prop-

11 erty. If the injury be done by a minor, whether wilfully or
 12 not, the parent or guardian of such minor shall be liable to an ac-
 13 tion for such damages. It shall be the duty of the board of educa-
 14 tion to ascertain, if possible, by whom the offense was committed,
 15 and to cause the person so offending to be arrested and tried for
 16 the offense, in the manner provided by law for misdemeanors; but
 17 such arrest may be made upon the affidavit of persons other than
 18 members of said board. All fines and damages collected by virtue
 19 of this section shall become a part of the school fund of the dis-
 20 trict.

21 All acts and parts of acts in conflict with this act are hereby
 22 repealed.

CHAPTER 39

(Senate Bill No. 88—Mr. Harmer.)

AN ACT to repeal chapter one hundred and eighty-one of the acts
 of one thousand eight hundred and seventy-one, as amended by
 chapter one hundred and five of the acts of one thousand eight
 hundred and seventy-two, as amended by chapter ninety-seven
 of the acts of one thousand eight hundred and seventy-five,
 relating to Sheets Mills independent school district in the county
 of Harrison.

[Passed April 12, 1921. In effect ninety days from passage. Approved by the
 Governor April 16, 1921.]

<p>SEC. 1. Sheets Mills independent district abolished. 2. Property rights, etc., to re-invest in Grant district.</p>	}	<p>SEC. 3. All books, records, deeds, etc. to be turned over to Grant district board; final settlement with sheriff of Harrison county.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That chapter one hundred and eighty-one of the
 2 acts of one thousand eight hundred and seventy-one, as amend-
 3 ed by chapter one hundred and five of the acts of one thousand
 4 eight hundred and seventy-two as amended by chapter ninety-
 5 seven of the acts of one thousand eight hundred and seventy-five,
 6 be and the same is hereby repealed.

Sec. 2. That all the territory now embraced in said Sheets
 2 Mills independent school district together with all the property,
 3 real or personal, rights and privileges heretofore vested by deed
 4 or otherwise, in said independent school district shall be returned
 5 to and the title thereto re-vested in the district of Grant, in Har-
 6 rison county, out of which it was originally created.

Sec. 3. As soon as this act takes effect, it shall be the duty of the board of education of said independent school district to turn over and deliver to the board of education of Grant district all books, records, deeds and other property belonging to said independent school district, together with a final settlement of its financial affairs made with the sheriff of Harrison county, and all moneys thereby shown to be due it.

CHAPTER 40

(Senate Bill No. 84—Mr. Shackelford.)

AN ACT to authorize the common council of the town of Rosedale, to borrow money and issue bonds therefor, for the purpose of purchasing school sites, and erecting, completing, enlarging, repairing, or furnishing school buildings, situate in such town.

[Passed April 21, 1921. In effect from passage. Approved by the Governor April 29, 1921.]

Sec.

1. Common council of Rosedale authorized to issue bonds for, and to purchase sites, and erect and maintain joint district school.

Be it enacted by the Legislature of West Virginia:

Section 1. The common council of the town of Rosedale, situated in Birch district, Braxton county, and Center district, Gilmer county, is hereby authorized to borrow money and issue bonds therefor for the purpose of aiding and assisting the boards of education of said districts in purchasing school sites and erecting, completing, enlarging, repairing, or furnishing school buildings, situated in said town, and to be used as a joint consolidated school for the two districts hereinbefore mentioned, said bonds to be issued in the manner and under the limitation provided in section one hundred eighty-three, of chapter two, of the acts of one thousand nine hundred and nineteen, regular session.

CHAPTER 41

(Senate Bill No. 141—Mr. Bowers.)

AN ACT to amend and re-enact chapter twenty-one of the acts of one thousand nine hundred and five, providing free schools for the district of Fairmont.

[Passed April 5, 1921. In effect from passage. Approved by the Governor
April 9, 1921.]

SEC.

1. Fairmont independent school district; boundaries.
2. Board to consist of president and two commissioners; terms; vacancies; compensation.
3. President, duties of; secretary, duties, compensation and bond of.
4. Laws governing district boards applicable: a body corporate; powers; school term of nine months; public library; superintendent of buildings.
5. To establish one or more schools for colored pupils.

SEC.

6. To appoint superintendent of schools; term and salary; removal; duties.
7. Examining committee, duties of.
8. Appointment of teachers; salaries; removal.
9. Power to issue bonds, provided question be submitted to voters; bonds, when payable, rate of interest.
10. Inconsistent provisions of general school law void within district, otherwise in effect.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-one of the acts of one thousand nine hundred and five, be amended and re-enacted, so as to read as follows:

Section 1. The city of Fairmont and the territory adjacent thereto included within the boundaries described in this section shall be known as "Fairmont Independent School District," the boundaries being as follows, to-wit:

Beginning at a line between Fairmont and Paw Paw magisterial districts on the Monongahela river; and running with the same to Polecat run; thence down said run to Buffalo creek; thence up said creek with its meanders to Ice's run; thence up said run to the Fairmont and Wheeling turnpike, near the former residence of the late John Conaway; thence in a straight line to the top of the ridge dividing the waters of Bell's run and Goose run; thence with said ridge to the line dividing the lands formerly owned by Archibald Fleming and William Vandervort; thence with their said line to the West Fork river; thence down said West Fork river to the Monongahela river, and down the same with the meanders thereof to the place of beginning.

Sec. 2. The board of education of Fairmont independent school district shall consist of a president and two commissioners, residents thereof, to be elected by the qualified voters of said district, the term of office of each of whom shall be four years. The present members and member-elect of the board of education of said district shall hold office until the expiration of their respective terms. At the general election next preceding the expiration of the term of office of each of the present members, and member-elect, and every four years thereafter his successors shall be elected by the qualified voters of said district. The term of office of each member to commence the first day of July next after his election

12 and continue for four years, and until his successor is elected and
13 has qualified according to law.

14 Any vacancy that may occur in the office of president or school
15 commissioner by death or otherwise shall be filled by the board of
16 education at the first meeting thereof thereafter occurring, or as
17 soon as practicable, and the person elected shall hold his office
18 until the next school election under this act, when a successor
19 shall be elected for the unexpired term.

20 Each member of the board of education shall receive as com-
21 pensation for his services five dollars for each regular or special
22 meeting he attends; in addition thereto, the president of the board
23 shall receive one hundred dollars per annum.

Sec. 3. The president of said board shall perform all the duties
2 required to be performed by such officer as the board of education
3 under the general school law, which may not be inconsistent with
4 the provisions of this act. The board shall annually elect a secre-
5 tary who shall perform such duties as may be required of him by
6 the board and by the general school law. The secretary shall
7 receive such compensation for his services as the board may direct.
8 The secretary shall qualify by executing his bond with good
9 security in such penalty as the board may prescribe, to be ap-
10 proved by the board, which bond shall be committed to the custody
11 of the president.

Sec. 4. The board of education herein authorized shall be
2 vested with the same rights, exercise the same power, and perform
3 the same duties, and shall be governed by the same laws by which
4 district boards of education are or may be governed, except so far
5 as it is exempt by the provisions of this act. It shall be a body
6 corporate, by the name of the "Board of Education of Fairmont
7 Independent School District", and as such may sue and be sued,
8 plead and be pleaded, contract and be contracted with, and may
9 have a common seal; may purchase, hold and grant estates, per-
10 sonal and real, and make ordinances, by-laws and regulations,
11 consistent with the constitution and laws of this state for the gov-
12 ernment of all persons under its authority and the ordinary con-
13 duct of its affairs.

14 The board of education of said independent district shall have
15 exclusive control of all schools within the district, and shall have
16 the power to make all necessary rules and regulations for the gov-
17 ernment of the same; for the admission of pupils therein, and for

18 the exclusion of pupils whose attendance would be dangerous to
19 the health or detrimental to the morals or discipline of the schools.
20 Said board shall determine what schools in the independent dis-
21 trict pupils shall attend; and shall admit gratuitously to said
22 schools children of lawful school age who are actual residents with-
23 in the aforesaid district at the time they enter said schools and
24 non-residents thereof may be allowed to attend the schools of said
25 district upon such terms as said board may prescribe. The said
26 board of education of said independent district shall have power to
27 establish a kindergarten or kindergartens in connection with the
28 schools of said independent district, to which may be admitted
29 children between the ages of four and six years, upon such terms
30 and conditions as the board may prescribe.

31 The said board of education may prescribe a uniform list of
32 text-books for the use of the schools of the district, and may fur-
33 nish books, stationery and all school supplies for the use of all
34 pupils in attendance at said schools, and may incur any and all
35 other expenses necessary to make the schools of the district efficient
36 for the purpose for which they were established and to pay the
37 same out of the proper school funds.

38 Said board of education may establish and maintain within said
39 independent district, a vocational school or schools, a teachers'
40 training school or schools an evening school or schools, part-time
41 day schools, or continuation schools for pupils over the compulsory
42 school age, and it may, at its discretion, admit to any school in said
43 district as pupils therein, persons over the age of twenty-one years,
44 or establish and maintain evening schools, vocational schools,
45 teachers' training schools, summer schools or other courses of in-
46 struction for such pupils, upon such terms and conditions as the
47 board may prescribe.

48 It shall be the duty of the board of education to employ proper
49 medical and dental inspection of all pupils attending the schools
50 of said district, to employ school nurses and to take any other
51 action necessary to protect the pupils from contagious and in-
52 fectious diseases, including the authority to require from all teach-
53 ers employed in said district, certificates of good health and of
54 physical fitness for the work of instruction in the schools; said
55 board may provide, equip and maintain a suitable room or other
56 quarters for the physical examination and treatment of said pupils
57 by competent physicians, dentists, nurses or other medical

58 authority; it may likewise provide, equip and maintain a clinic for
59 the examination and treatment of such pupils; and it may in its
60 discretion provide and pay for such medical treatment for indigent
61 pupils who may be otherwise unable to obtain the same.

62 Said board of education may provide, equip and maintain, and
63 operate suitable playgrounds for use of the school children of said
64 district, and to maintain and operate such playgrounds during the
65 vacation summer months and to pay the expense of the same out of
66 proper school funds.

67 Said board of education shall have power to establish a city
68 institute for the teachers of said independent district, or course
69 of educational lectures, to be held at such time and place as the
70 board may designate. Attendance upon these institutes or course
71 of educational lectures, shall be obligatory upon all teachers em-
72 ployed in the district and is required in lieu of attendance upon
73 county teachers' institute.

74 Said board of education shall maintain annually for said inde-
75 pendent district a school term of at least nine months and shall
76 levy upon the taxable property in said independent district a
77 sufficient sum to maintain schools for said term of at least nine
78 months.

79 The board of education shall have power to maintain, equip,
80 and conduct in connection with its system of schools a public
81 library, and to levy an annual tax not to exceed three cents on the
82 one hundred dollars' valuation for the support, maintenance and
83 increase of the same.

84 The board of education shall have authority to employ a super-
85 intendent of building, and janitors and such other employees as
86 may be necessary, and shall fix the compensation of the same.

Sec. 5. The board of education shall establish within the dis-
2 trict one or more schools for colored pupils, which shall be under
3 the management of said board, and subject to the general regula-
4 tions of the said school district.

Sec. 6. A superintendent of schools for said independent dis-
2 trict shall be appointed by said board of education for a term of
3 not more than four years, and his salary fixed by the said board at
4 the first meeting of the board in May, or soon thereafter. Said
5 superintendent in addition to the duties specified in this act, shall
6 perform such other appropriate duties with relation to the schools
7 of the city as the board may prescribe. He shall be liable to re-

8 removal by the board of education for any palpable violations of the
9 law or omissions of duty, or for other good and sufficient cause,
10 but he shall not be removed unless charges be preferred to the
11 board, and notice of a hearing, with a copy of the charges, de-
12 livered to him and an opportunity given him to be heard in his
13 defense.

14 Said superintendent shall exercise general supervision over all
15 the schools of the district; he shall prepare and revise courses of
16 study to be used in the schools; he shall from time to time con-
17 duct teachers' meetings and principals' meetings with a view of
18 improving the method of teaching and providing for professional
19 growth of teachers: he shall make all necessary reports, and in
20 so far as he is able to do so, he shall furnish such information re-
21 lating to the schools as the board of education may desire; he shall
22 advise with the board in the selection of teachers, and shall be a
23 member of the board of examiners provided for in this act.

Sec. 7. The superintendent of schools of said district, to-
2 gether with two persons appointed by the board, shall act as an
3 examining committee for the district, and it shall be the duty of
4 said committee to examine applicants for positions as teachers
5 in the district: to issue teachers' certificates to persons found com-
6 petent by such examinations to teach in the schools of the district.
7 The appointive members of the committee may receive such com-
8 pensation for holding such examinations as the board may allow.

Sec. 8. The board of education shall appoint teachers for the
2 public schools within the district and fix their salaries, and shall
3 establish rules and regulations to which all teachers shall be sub-
4 jected, and may remove any teacher at any time for proper cause.

Sec. 9. The board of education of Fairmont independent school
2 district is hereby authorized and empowered to borrow money and
3 issue bonds therefor, for the purpose of purchasing school sites,
4 and erecting, completing, enlarging, repairing or furnishing school
5 buildings in said district: *provided, however,* that no such debt
6 shall be contracted under this section unless all questions connected
7 therewith shall have been first submitted to a vote of the people
8 of said district, at a general or special election, and have received
9 a majority of three-fifths of all the votes cast for and against the
10 same, said elections to be provided for and caused to be conducted
11 by said board of education, and the result thereof declared, in such
12 manner as it may determine; *provided, however,* that no registra-

13 tion of voters of said independent district shall be required to be
14 made, all qualified voters therein having the right to vote in said
15 election; and *provided, further*, that no debt shall be contracted
16 under this section which shall, including existing indebtedness,
17 in the aggregate, exceed five per centum of the value of the taxable
18 property in said district as ascertained by the last assessment
19 thereof for state and county taxes, nor without at the same time
20 submitting to the voters of said district at the election held for
21 the purpose of authorizing bonds, the question of authorizing a
22 special levy sufficient to pay the interest annually on all the out-
23 standing bonds and to retire annually a proportionate amount of
24 the principal of such bonds. If a majority of the votes cast at
25 such election be in favor of such levy, the board of education shall
26 have authority to lay such levy or such portion thereof as may be
27 necessary, from year to year, without an additional vote until such
28 bonded indebtedness is paid off and discharged; but the funds
29 arising from such levy shall be used for the purpose designated and
30 no other. Such bonds shall be of such denominations as said
31 board of education may prescribe, and shall be payable any time
32 after the date thereof as may be prescribed by said board but
33 within and not exceeding thirty-four years, and shall bear interest
34 at the rate of not to exceed six per centum per annum, payable
35 annually.

Sec. 9. All provisions of the general school law of this state,
2 and all laws and acts heretofore existing, which are in any manner
3 inconsistent with the provisions of this act, shall be void within
4 the district, otherwise, the said general school law shall remain
6 in full force and effect in this district, as elsewhere in this state.

CHAPTER 42

(Senate Bill No. 213—Mr. Henshaw.)

AN ACT to amend and re-enact section two of chapter two hundred
and sixteen of the acts of one thousand eight hundred seventy-
two and seventy-three, of the legislature of West Virginia en-
titled "An act relating to the school district of Martinsburg, West
Virginia."

[Passed April 7, 1921. In effect from passage. Approved by the Governor April 16, 1921.]

<p>Sec. 2. Martinsburg school district: election of commissioners; qualification; term of office; subsequent</p>	<p>elections; terms of present board to expire December 31, 1922; powers; terms office of new board.</p>
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Be it enacted by the Legislature of West Virginia:

That section two of chapter two hundred and sixteen of the acts of one thousand eight hundred and seventy-two and seventy-three of the legislature of West Virginia be amended and re-enacted so as to read as follows:

Section 2. The qualified voters of said school district shall, on 2 the first Tuesday after the first Monday of November, one thousand 3 sand nine hundred and twenty-two, that being the time of the general 4 election, elect five commissioners; no two of whom shall reside 5 in the same ward of the city of Martinsburg, whose term of office 6 shall commence on the first day of January, one thousand nine 7 hundred and twenty-three, and shall be as follows: Two shall 8 hold office for the term of two years and six months and three 9 for the term of four years and six months, to be decided by lot; 10 and biennially thereafter at each general election on the first 11 Tuesday after the first Monday in November the qualified voters 12 of said district shall elect two or three commissioners, as the case 13 may be, for the term of four years to fill the vacancies made by 14 the expiration of the term of office of the commissioners previously 15 elected, and the persons so elected throughout the district shall 16 constitute a board of education for the district to be denominated 17 "Board of Education of the independent school district of the 18 city of Martinsburg." The term of office of the present board of 19 education shall cease on the thirty-first day of December, one 20 thousand nine hundred and twenty-two, and the powers and duties 21 of the school commissioners of the district of Martinsburg conferred 22 by this act shall be exercised by the board of education as 23 now organized until the election and qualification of their successors 24 as hereinbefore provided. The term of office of the commissioners 25 to be elected at the general election to be held on the 26 first Tuesday after the first Monday in November, one thousand 27 nine hundred and twenty-two, shall expire—two on the thirtieth of 28 June, one thousand nine hundred and twenty-five, and the term 29 of office of three of said commissioners shall expire on the 30 thirtieth day of June, one thousand nine hundred and twenty-

31 seven, as determined by lot, and the term of office of the commis-
 32 sioners to be elected at each succeeding biennial general election
 33 shall be for the term of four years.

CHAPTER 43

(Senate Bill No. 303—Mr. Coalter.)

AN ACT creating the independent school district of Hinton, in the county of Summers.

[Passed April 13, 1921. In effect from passage. Approved by the Governor April 19, 1921.]

Sec.	Sec.
1. Independent school district of Hinton created; election concerning.	14. Same; duty to make estimates and lay levies; minimum term nine months; authorized to lay additional levy, if necessary.
2. Same; territorial limits.	15. Same; duty to provide, buildings, grounds, furniture, etc.
3. Board of education to consist of four commissioners; manner of election; qualification.	16. Same; to have exclusive control of schools; powers; to prescribe and adopt uniform text books; may furnish free text books.
4. Same; to be appointed by county superintendent; term of office.	17. Same; to establish graded and high schools for colored youths.
5. Election of commissioners; qualifications, terms of office, how determined; board to be non-partisan; number of candidates of each party.	18. Same; power to appoint teachers, principals and librarian; same to be subject to rules and regulations of board; other duties of board.
6. Same; general election laws to apply.	19. Superintendent of schools for independent district; official title; salary, how paid; duties; removal from office; vacancy, how filled.
7. Nominations, how made; number of nominations of each party.	20. Promotion to high school; tuition of non-resident pupils.
8. Nominees to state, under oath, political affiliation; statement to be filed with secretary.	21. Defacing school property; penalty; if done by minor, parent or guardian liable for damage.
9. Board of education, vacancy; how filled.	22. Provisions of general school law to apply if not in conflict or inconsistent with this act.
10. Corporate name of board; powers; duties.	23. Special election for ratification of this act; time; manner; publication of notice; form of ballot.
11. Board of education; organization.	
12. Same; salary of members; salary of secretary fixed by board; amount of salary; how paid.	
13. Same; time and manner of holding meetings; how called; special meetings; business to be transacted; quorum.	

Be it enacted by the Legislature of West Virginia:

Section 1. That in event of a majority of votes cast at an
 2 election which shall be held as hereinafter provided on the first
 3 Tuesday of May, one thousand nine hundred and twenty-one, in
 4 the district of Greenbrier, in the county of Summers, be in favor
 5 thereof, the territory included within the boundaries which are
 6 described in section two of this act, shall constitute and is hereby
 7 created and made an independent school district, to be known as
 8 the "Independent school district of Hinton."

Sec. 2. The territorial limits of the "Independent school district of Hinton" shall be as follows, to-wit: Beginning at a stone post, a corner for the lands of the Hinton heirs and the Central Land Company of West Virginia, now owned by the Hinton Water, Light and Supply company, also a corner for the corporation of the cities of Hinton and Avis, the said stone post being marked "C. & O."; thence leaving the said stone post being marked "C. & O." forty-six east four thousand six hundred and twenty feet to a beech on Grimmer's (now Brier's) branch; thence north forty-three west one thousand six hundred and seventeen feet, crossing the Chesapeake and Ohio railway's right of way to the edge of the New River at the mouth of the said branch; thence the same course across the New River to the Raleigh county line; thence up the New River with the Raleigh county line to the corner of the same at the mouth of Madams creek; thence continuing up the said New River at the normal line and the meanders of the said river to a point opposite the south line of the property of the Hinton Bellevue Realty company, the same being the south line of Riddleberger street in the village of Bellepoint; thence crossing the New river to the south line of Riddleberger street, and with the said street to the county road; thence in a direct line to the Bellepoint reservoir; thence from and including the reservoir in a straight line to the southwest corner of the Greenbrier terrace; thence with the southwest line of the Greenbrier terrace to Hill street as shown by map of Greenbrier Front extension number two; thence in an easterly direction with the said Hill street to the south line of the R. J. Sims' town lot property as shown by the map thereof marked "R. J. Sims' map." recorded on page five hundred and sixty-one of deed book forty-three in the office of the clerk of the county court of Summers county, and with the said south line thereof to the southeast corner of lot number twenty-five as shown on said map; thence with the eastern line of said lot number twenty-five and lot number fifteen as shown on said map to the northern line of the said property; thence in a straight and direct line to the northwest corner of the upper county bridge across the Greenbrier river about one mile from the mouth of said river; and thence from the said northwest corner of the said bridge in a straight and direct line to a stone marked "C. & O." and now a corner for the corporation line for the said cities of Hinton and Avis, being the place of beginning, and shall include all the ter-

42 ritory now included in said cities of Hinton and Avis, and the
43 said village of Bellepoint, and outlying territory as hereinbefore
44 set out, bounded and described, and also all portions of the river,
45 islands, roads, railroads and railroad tracks and rights of way,
46 and all other rights of way lying outside as well as inside the
47 said cities of Hinton and Avis or the village of Bellepoint, or ad-
48 ditional outlying territory, as hereinbefore set out and bounded as
49 the territorial limits of the independent school district of Hinton;
50 and shall contain all the territory now embraced in the present
51 city of Hinton, city of Avis, village of Bellepoint, as shown by its
52 map and plan, and the additional outlying territory adjacent to
53 the village of Bellepoint, as hereinbefore set out, bounded and de-
54 scribed as the territorial limits of the "Independent school dis-
55 trict of Hinton."

Sec. 3. There shall be a board of education of the said dis-
2 trict to consist of four school commissioners, who shall be elected
3 as hereinafter provided, and who shall be citizens entitled to vote
4 in the independent school district of Hinton at the election at
5 which they are elected, and either freeholders, owning real estate
6 within the said district or persons having a child or children
7 residing within the said district who are entitled to attend school
8 therein.

Sec. 4. There shall be appointed by the county superintendent
2 of schools of Summers county prior to the first day of June, one
3 thousand nine hundred and twenty-one, or as soon thereafter as
4 practicable, four school commissioners or members of the board
5 of education of said district, not more than two of whom shall be
6 members of the same political party, and who shall be otherwise
7 qualified as herein provided, whose term of office shall begin on
8 the first day of July, one thousand nine hundred and twenty-one,
9 and who shall hold their respective offices until the first day of
10 July, one thousand nine hundred and twenty-three, and until
11 their successors are elected and qualified as hereinafter pro-
12 vided.

Sec. 5. There shall be elected by the qualified voters of the
2 independent school district of Hinton at an election to be held
3 in the said district on the second Tuesday of December, one
4 thousand nine hundred and twenty-two, four school commissioners
5 or members of the board of education of said district, two mem-
6 bers of the said board of education shall be elected for a term of
7 two years and two members of said board of education for a

8 term of four years; the two persons of opposite politics receiv-
9 ing the highest number of votes for school commissioner at the
10 said election shall be declared elected for the full term of four
11 years and the two persons of opposite politics receiving the next
12 highest number of votes for said office at said election shall be
13 declared elected for the short term of two years; and each two
14 years thereafter at an election to be held on the second Tues-
15 day of December in the said independent district, there shall be
16 elected by the qualified voters of the said district two school
17 commissioners or members of the board of education for a full
18 term of four years. The term of office shall commence on the
19 first day of July next after their election and they shall hold
20 their said office for a term of four years and until their suc-
21 cessors have been elected and qualified. *Provided*, that, after the
22 first election of the said board of education as herein provided
23 for, not more than one person whose name appears on the ticket
24 of any party being voted at an election for member of said board
25 of education shall be elected to said office. The two candidates
26 of opposite politics receiving the greatest number of votes shall be
27 declared elected, it being the intention of this act to make and
28 keep the said board of education non-partisan, and that no polit-
29 ical party, at any time, shall have on said board of education more
30 than one-half of the members to be elected thereto.

Sec. 6. All elections of whatsoever kind held under this act
2 shall be conducted, returned and the results thereof ascertained,
3 and declared under the authority of the board of education in a
4 manner prescribed by the laws of the state relating to elections
5 insofar as they are not in conflict or inconsistent with the pro-
6 visions of this act.

Sec. 7. Candidates to be voted for at any election for members
2 of said board of education may be nominated by convention,
3 primary or petition in the manner and under the provisions now
4 or hereafter prescribed by the state laws relating thereto. *Pro-*
5 *vided, however*, that no political party shall nominate more than
6 the number of members of said board to be elected, and that no
7 candidate shall be nominated who is a resident of the same voting
8 precinct in which either of the holdover members of said board
9 of education resides.

Sec. 8. Every person so nominated for the office of school com-
2 missioner, or member of board of education, shall, within five
3 days after his nomination has been certified by the political

4 party making the nomination or a petition thereof shall have
5 been filed with the board of education, make under oath, and
6 file with the secretary of said board of education, a statement of
7 the political party to which he claims allegiance, and if nomi-
8 nated by more than one political party he shall state to which of
9 them he belongs. If such a person fail to make such an oath,
10 and file the same, as herein provided, the board of education shall
11 not place his name on the ballot to be voted at the approaching
12 election. The aforesaid certificate of nomination or petition for
13 same shall be filed with the secretary of said board of education at
14 least fifteen days before the said election.

Sec. 9. If a vacancy occurs on the board of education it shall be
2 filled by said board by an appointment thereto of some eligible
3 person from some voting precinct of the independent district that
4 does not have a member on the board of education at the time the
5 appointment is made and the person so appointed shall be from
6 the same political party as the member whose vacancy is being
7 filled, and shall hold the said office for the unexpired term and
8 until his successor is elected and qualified.

Sec. 10. The board of education of the said independent dis-
2 trict shall be a corporation by the name of "The board of educa-
3 tion of the independent district of Hinton," and as such may sue
4 and be sued, plead and be impleaded, contract and be contracted
5 with; may purchase and hold such real estate and personal property
6 as it may deem necessary for the purpose of education in said dis-
7 trict, and may receive and hold any any gift, grant or donation, de-
8 vise or bequest for the benefit of the schools in the said district: and
9 shall succeed and be substituted to the rights of the former board
10 of education of the district of Greenbrier in the county of Summers
11 insofar as relates to or in any way affects the school or schools
12 or school property located within the boundaries of said inde-
13 pendent district, and may prosecute and may maintain all the
14 suits and proceedings now pending or which might have been
15 brought and prosecuted in the name of such former board of
16 education of the district of Greenbrier for the recovery of any
17 money or property or damage to any property located within
18 the said independent district, due to or vested in said former
19 board of education, and shall also be liable in its corporate
20 capacity for all claims and demands legally existing against the
21 former board of education of which it is successor, insofar as
22 the same relates to the schools or school property located within

23 the boundaries of the said independent district. The title of all
24 school property, both real and personal, located within the
25 boundaries of said independent district is hereby vested in said
26 board of education of said independent district and its succes-
27 sors.

Sec. 11. Annually, at the first meeting of the said board of
2 education, which is hereby required to be held on the first Monday
3 in July of each year, or as soon thereafter as practicable, the
4 said board of education shall organize by electing one of its mem-
5 bers president and one of its members secretary, who shall per-
6 form the duties required by the general school law of their re-
7 spective offices and such additional duties as are herein re-
8 quired or may be prescribed by said board of education. Each
9 member of said board of education shall have one vote and only
10 one vote upon any question or motion before said board.

Sec. 12. The salary of the member of the said board of edu-
2 cation acting as president, as herein provided, shall be forty
3 dollars per year; the salary of the member of the board of edu-
4 cation acting as secretary, as herein provided, shall be fixed by
5 the board of education at the time of his appointment as secre-
6 tary, provided the said salary shall not exceed the sum of one
7 hundred and fifty dollars per year; and the salaries of each of
8 the other members of said board shall be thirty dollars per year.
9 *Provided*, that each member of said board of education shall
10 have deducted from his salary as herein provided the sum of two
11 dollars for each regular meeting of said board that he fails to
12 attend. Said salaries shall be payable out of the building fund
13 of said district.

Sec. 13. Said board of education shall hold regular or stated
2 meetings at such time and places as the board may appoint, and
3 special meetings of said board may be called by the president, or
4 at the request of any member by the secretary. No business
5 may be transacted at a special meeting, except that men-
6 tioned in the call for such special meeting, which call shall be
7 in writing and shall be recorded by the secretary in the record of
8 the proceedings of said meeting. Three members of said board of
9 education shall constitute a quorum for the transaction of busi-
10 ness at any meeting of said board, *provided*, that all the mem-
11 bers shall have had notice of the time, place and purpose of any
12 special meeting called by the president or secretary as herein
13 provided.

Sec. 14. It shall be the duty of the board of education of the independent district of Hinton in the county of Summers annually, at the same time and in the same manner now provided, or that may hereafter be provided by the general school law of this state, for the ascertaining and making of estimates and the fixing and laying of school levies by the boards of education of the various school districts within the state for the support of the free schools therein, to ascertain and to make such estimates of the amounts necessary for the support of the schools within the said independent district, to determine, fix and lay such levies on the property located within said independent district, for the support of the schools therein. It shall be the duty of the board of education of the said independent district of Hinton annually, at such meeting to levy as many cents on each one hundred dollars of valuation of the taxable property of the district, according to the last assessment thereof, as will produce the amount shown by the estimate of said board to be necessary to be levied for the building fund purposes, and levy in like manner the amount necessary, after deducting the sum receivable from the general school fund of the state for teachers' purposes, to continue the schools in session in said independent district for a minimum term of nine months in the graded or elementary schools and for a minimum term of nine months in the junior and senior high schools; and to levy and provide sufficient funds for all purposes to keep said schools in session for the full minimum term as herein provided; and the board of education of said independent district is hereby authorized and empowered to lay a levy in addition to the levies authorized by the general school law of the state, sufficient for all purposes to conduct the school of said independent district for the term fixed.

Sec. 15. It shall be the duty of the board of education to provide by purchase, leasing, building, or otherwise all necessary school buildings, grounds, furniture and fixtures, apparatus and appliances and all other necessary supplies, which it deems necessary to maintain the schools and for the education of the children of school age within said independent district, and to keep the school property in the said district in good repair and to supply the school buildings therein with proper fuel or heat and light and other things necessary for the comfort and convenience of the said schools, and to pay the cost of the same out of the building fund of said district.

Sec. 16. It shall be the duty of the board of education to 2 establish and cause to be taught in said independent school dis- 3 trict, including a high school or high schools, as it 4 may deem necessary for the proper education of all children of 5 school age residing therein. Said board of education shall have 6 exclusive control of all the schools within the said district; shall, 7 with the approval of the superintendent of said schools, pre- 8 scribe the subjects to be taught in the high school and other 9 schools of the said district; shall have power to make all neces- 10 sary rules and regulations for the government of said schools, 11 for the admission of pupils therein, and for the exclusion of any 12 and all pupils whose attendance would be dangerous to the health 13 or detrimental to the morals of said schools. The said board 14 may, with the approval of the superintendent of the independent 15 schools, prescribe and adopt a uniform line of text-books for 16 the use of the schools of the said district, and may furnish such 17 books and stationery and other supplies to make the system effi- 18 cient and pay the same out of the building fund of said district.

Sec. 17. The board of education shall provide and maintain 2 one or more graded or elementary schools for the education of the 3 colored youth of the district, and shall establish and maintain a 4 high school for the colored youth who have completed the graded 5 or elementary course, if in the opinion of the board of education 6 there are sufficient number of such colored youth residing within 7 the district to justify the maintenance of such high school; *pro-* 8 *vided*, that in no case shall such high school be maintained where 9 the average daily attendance of the same is less than ten pupils. 10 Said school shall be under the same supervision and direction, 11 have the same length of term and receive the same attention in 12 all particulars and details as the schools provided for the edu- 13 cation of the white youth of the district, but in no case shall the 14 white and colored youth of the district attend the same school, 15 or schools in the same building, or use, or occupy the same school 16 library at the same time.

Sec. 18. The board of education shall appoint as hereinafter 2 provided, all teachers and principals, and provide for substitute 3 teachers when necessary for all the public schools within the said 4 district and fix their compensation. The said teachers and 5 principals shall be subject in all respects to the rules and regu- 6 lations adopted by the board of education and the superintendent 7 of schools of the independent district, and they may be removed

8 by said board of education for incompetency, neglect of duty,
9 gross immorality, or whenever from any cause it shall appear to
10 said board that their removal is for the best interest of the schools
11 of the district. The said board shall also employ janitors and
12 custodians of their school buildings and fix their compensation,
13 and may remove such janitors whenever it shall appear to said
14 board, from any cause, that their removal is for the best interest
15 of the schools of the said district. Also it shall be the duty of
16 the board of education to appoint a librarian for the Carnegie
17 library of Hinton for a term of one year, the said librarian sub-
18 ject to be removed whenever it appears to the board of education
19 that it would be for the best interests of the school and library
20 that he or she should be removed. The librarian to be paid out of
21 the building fund of the district.

Sec. 19. Annually, on or before the first day of July, or as
2 soon thereafter as circumstances will allow, the board shall elect
3 a superintendent of schools for the independent district and fix
4 his salary; *provided*, that nothing in this act shall prevent the
5 board from contracting with the superintendent for a longer
6 period than one year should it so desire. Such superintendent
7 shall be known as "The superintendent of schools of Hinton in-
8 dependent district," and in addition to the duties prescribed by
9 this act shall have such powers and perform such duties as the
10 board of education shall direct.

11 The superintendent of schools may be removed from office at
12 any time for incompetency, neglect of duty, immorality, or
13 for any palpable violation of the law. But he shall not be re-
14 moved except on charges preferred in writing by a school com-
15 missioner. A copy of such charges and notice of the time and
16 place set for hearing shall be delivered to him at least ten days
17 before the time set for such hearing, and he shall be allowed to
18 present any evidence of his innocence that he may desire, and
19 be heard in his own defense. A vacancy in the office of super-
20 intendent of school shall be filled by the board of education by
21 appointment, whenever such vacancy may occur.

22 It shall be the duty of the superintendent of schools, annually,
23 on or before the first meeting in July, at a meeting of the board
24 of education, or as soon thereafter as circumstances will allow
25 to recommend to the board of education a sufficient number of
26 teachers and principals to fill the schools of the independent dis-
27 trict, also a librarian for the Carnegie library of Hinton.

28 The board of education may refuse to appoint any or all of the
29 persons so recommended and may require the superintendent of
30 schools to recommend others, but no teacher, principal, super-
31 visor, or librarian shall be employed except on the recommenda-
32 tion of the superintendent of schools; *provided*, that the super-
33 intendent of schools within a reasonable time after being re-
34 quired to do so, fail or refuse to recommend a sufficient number
35 of persons, under this section, to fill vacancies, the board of edu-
36 cation may proceed to fill such vacancies without his recommen-
37 dation.

38 It shall be the duty of the superintendent of schools with the
39 approval of the board of education, to prescribe the branches to be
40 taught in the high schools of the district, to carry out the pro-
41 visions of the course of study prescribed by the state board of
42 education and to supplement the high school course thus pre-
43 scribed and to adapt it to the high schools of the district; to
44 prescribe regulations for the examination for graduation of
45 pupils; to prescribe conditions for the admission of pupils to the
46 high schools, to have prepared questions for the examination of
47 such pupils, to issue certificates to such pupils as are deemed
48 worthy to be admitted to high schools, to keep a register of all
49 certificates so issued, to select courses of reading to be pursued by
50 the teachers of the district, to select books for the school libraries,
51 to acquaint himself with the best methods in the schools of other
52 cities; and to this end the board of education of the independent
53 district may appropriate such sums out of the building fund of the
54 district as it may be necessary to pay his traveling expenses, to
55 prepare and to have printed all necessary forms to be used in the
56 district, to make such annual report to the board of education as it
57 shall require, to provide suitable certificates for the graduates of
58 the elementary schools and grammar schools of the district and
59 diplomas for the graduates of the high schools and prescribe the
60 manner and circumstances under which the same may be conferred,
61 to arrange with other schools and colleges for recognition for the
62 work done in the district.

63 The salary of the superintendent of schools may be paid out of
64 either the teachers' fund or the building fund, or both.

Sec. 20. No pupil shall be entitled to enter high school, or
2 high schools, of the said district until the superintendent of the
3 said schools shall have satisfied himself that the said pupil has
4 made due proficiency in the grades of the grammar schools of the

5 said district. Pupils who are non-residents of the independent
6 district may be allowed to attend the schools of the said independ-
7 ent district upon payment of such tuition as is provided by the
8 general school law of the state or as the board of education may
9 prescribe.

Sec. 21. If any person or persons shall mar, deface, or other-
2 wise injure any school house, out-building, fence, furniture, or
3 other property of the district, the person or persons so offending
4 shall be liable to prosecution before any justice of the peace in
5 the district, and upon conviction shall be subject to a fine of not
6 less than five dollars and cost of prosecution; and the person
7 convicted shall also be liable for full amount of the damage.

8 If the injury be done by a minor, the parent or guardian of
9 the said minor shall be liable for the damages as aforesaid. It
10 shall be the duty of the board of education of said independent
11 district to ascertain if possible by whom such an offense was com-
12 mitted, and when satisfied thereof to cause the party or parties
13 to be arrested, tried for the offense, in the name and on the be-
14 half of the board of education of the independent district; and
15 all fines and damages collected by virtue of this section shall
16 be paid into the district treasury to the credit of the building
17 fund of the said district.

Sec. 22. All the provisions of the general school law of the
2 state, and all the acts heretofore existing, which are in any man-
3 ner inconsistent with the provisions of this act, shall be void
4 within the said independent district; otherwise the said general
5 school law shall remain in full force and effect in the said
6 independent district, as elsewhere in the state.

Sec. 23. The special election to be held by section one of this
2 act shall be held under the supervision of the board of education
3 of the district of Greenbrier in the county of Summers. The
4 said board of education shall prepare or cause to be prepared a
5 notice, stating that the question of ratifying the act of the legisla-
6 ture of the state of West Virginia creating the "Independent
7 school district of Hinton" in the county of Summers out of part
8 of the territory embraced in the district of Greenbrier in the
9 said county will be submitted to the voters of said Greenbrier
10 district at a special election on the first Tuesday of May, one
11 thousand nine hundred and twenty-one, at not less than three
12 voting places in said district, (to be specified in said notice),
13 which notice shall be signed by the president and secretary of said

14 board and be posted at least ten days before said election at the
 15 voting places designated by said board for the purposes of said
 16 election. Said notice shall be published once a week for two
 17 weeks prior to said election in two newspapers of opposite poli-
 18 tics in Summers county. The board of education of Green-
 19 brier district shall designate the voting places for said election,
 20 appoint commissioners and poll clerks to conduct the same, as-
 21 certain the result thereof and pay the expenses thereof out of
 22 the building fund of the said district.

23 The ballot to be voted at the said election shall be on plain white
 24 paper and in the following form:

25 *School District Election.*

26 (Indicate how you desire to vote by cross in the square.)

27 [] For ratification of the "Independent School District of
 28 Hinton."

29 [] Against ratification of the "Independent School District
 30 of Hinton."

31 If the majority of votes cast be for ratification, then this act
 32 shall be in force on and after the first day of July, one thousand-
 33 nine hundred and twenty-one, otherwise this act shall be void.

CHAPTER 44

(Senate Bill No. 364—Mr. Johnson.)

AN ACT to amend and re-enact section one of chapter one hundred
 and thirty-nine of the acts of one thousand eight hundred and
 sixty-nine, as amended and re-enacted by chapter forty-six of
 the acts of the legislature of West Virginia of one thousand eight
 hundred and eighty-two, entitled, "An act, creating an inde-
 pendent school district within the town of Philippi."

Passed April 21, 1921. In effect from passage. Approved by the Governor
 April 30, 1921.]

Sec. 1. Independent school district of Philippi created; boundaries; board to consist of president and two commissioners; elected by	}	resident voters; powers; election; when held; terms of office; sec- tion effective from approval by majority of voters; form of bal- lot.
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Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and thirty-nine of the acts
 of one thousand eight hundred and sixty-nine of the legislature of

West Virginia of one thousand eight hundred and eighty-two, be amended and re-enacted to read as follows:

Section 1. The independent school district of the town of
2 Philippi is hereby created with the following boundaries, to-wit:
3 Beginning at a stake, about two rods west of the railroad, and be-
4 tween the railroad and the river, a corner to the Absalom Poling
5 land and the Lillian Hall Teter land; thence with said Poling's
6 and the said Teter's lines, in an easternly direction, and so as to
7 include all of said Teter's land, to the line of lands of J. R. W.
8 Smith, thence with the outside original lines of the land bought
9 by the said J. R. W. Smith from Judge Samuel Woods, so as to
10 include all of said Smith and Woods land, a part of which is now
11 owned by J. E. Means, to the bend of the river road; thence, with
12 the bend of the river road to the low gap on top of the hill, about
13 one hundred yards north of J. E. Means' house; thence, due east
14 through land formerly owned by Absalom Poling to a line of the
15 lands of David F. Byrer's heirs and the said Absalom Poling;
16 thence with the outside line of said Byrer's land, so as to include
17 the same, to lands now owned by Ben M. Wilson, on a line of
18 land formerly owned by R. B. Carder, now owned by Charles
19 Lake, thence with line of land of said Lake and said Wilson so as
20 to include all of said Wilson's land to the Beverly and Fairmont
21 turnpike; thence, crossing the said pike, and with a line of the
22 said Lake, so as to include the lands formerly owned by Daniel
23 Flint, and all the lands formerly owned by I. H. Strickler; thence
24 to Samuel Woods' line; thence with said Woods' line to line of W.
25 P. Keys; thence with said Keys' line, so as to include all of said
26 farm, to lands of S. H. Morrall; thence with said Morrall's outside
27 line, so as to include his said land to the Tygart Valley River;
28 thence crossing the said river, with and up the river, to corner of
29 lands of David H. Smith's farm; thence with the east lines of
30 said Smith farm so as to include the same to corner of lands of
31 J. M. Raikes' farm, and the end of the land leading from said
32 Raikes' farm to the Fairmont and Beverly turnpike; thence with
33 said lane, to the said Fairmont and Beverly turnpike; thence,
34 with the said pike to the cross road, leading from said pike to
35 the Philippi and Clarksburg pike; thence with said cross road to
36 the Philippi and Clarksburg pike; thence to and with the Buck-
37 hammon road, to the corner of land of Rufus Anglin and
38 Solomon Jarvis' heirs, (now W. T. Ice, Sr., heirs);

39 thence with the outside line of said Ice's land, so as
40 to include the same, to the Tygart Valley river, thence
41 with said river to the beginning. And the land so em-
42 braced in said boundary shall constitute and be the independent
43 school district of Philippi.

44 And the board of education thereof shall consist of a president,
45 and two commissioners, who shall be elected by the resident voters
46 of said district, and shall have all the power and perform all the
47 duties of boards of education and of trustees of common schools
48 within said district.

49 The election for said board shall be held at the same time and
50 place and by the same officers of the election of common school
51 officers, and their terms of office shall be for the term of four
52 years and until their successors are elected and qualified, the same
53 as members of the boards of education, provided that before this
54 amended section shall take effect, it shall be submitted to the
55 qualified voters of the district from which the territory is pro-
56 posed to be taken at any regular county and state election, or at
57 any special election to be called by the board of education of Phil-
58 ippi independent school district to decide upon the adoption or re-
59 jection of the same, and the ticket to be voted at said election shall
60 have written or printed thereon, "For adoption of the revised lines
61 for the independent school district of Philippi." and, "For Re-
62 jection of the revised lines for the independent school district of
63 Philippi," and if a majority of the votes cast upon that question
64 at said election shall be in favor of the adoption of said revised
65 lines, then this section, as amended, shall have full force, other-
66 wise, the lines heretofore established as the lines of said independ-
67 ent district shall continue as the lines thereof.

CHAPTER 45

(Senate Bill No. 39—Mr. Bowers.)

AN ACT to create the independent school district of Mannington in
the county of Marion.

[Passed March 23, 1921. In effect from passage. Approved by the Governor
March 26, 1921.]

SEC.

1. Mannington independent school district created; limits.
2. Board of education; number; qualifications.

SEC.

3. Present board; terms of members.
4. County superintendent to appoint additional members; terms; future election of members; election of president.

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| <p>SEC.</p> <p>5. Vacancies on board, how filled.</p> <p>6. Qualifications of members.</p> <p>7. Per diem of members; additional sum for president.</p> <p>8. Board to be a body corporate; powers, former board.</p> <p>9. Secretary of board; term of office; removal; bond.</p> <p>10. Meetings of board—regular and special; quorum.</p> <p>11. President of board, duties of; board may appoint committees; powers of committee.</p> <p>12. Secretary of board; duties; compensation.</p> <p>13. What persons admitted to schools; tuition of non-resident pupils.</p> <p>14. Enumeration of youth of district; duty of board upon completion of same.</p> <p>15. State superintendent to report to the auditor enumeration of district for purpose of apportionment of school funds.</p> <p>16. Board shall provide school house <i>et cetera</i>; levies for; contracts when involving future levies void; election concerning; disposition of taxes, etc.</p> <p>17. Additional levy; disposition of.</p> <p>18. Public library, regulations for same.</p> <p>19. Writ of mandamus to compel board to lay levies; taxes, how and when collected and deposited; rate of interest on; proceeds of bond issues, etc.; depositories, manner of selection, etc.</p> | <p>SEC.</p> <p>20. Power of board as to pupils, text books, evening schools, medical inspection, etc.; annual statement of receipts and disbursements.</p> <p>21. Board given power to abandon or consolidate schools within district; transfer of pupils.</p> <p>22. Board authorized to establish schools for vocational training and domestic science.</p> <p>23. Disbursement of money by the board, how made.</p> <p>24. Superintendent and assistant superintendent; appointment and duties of; how removed.</p> <p>25. Examining committee, appointment and duties of; examinations.</p> <p>26. Teachers subject to rules as adopted by board; how removed; salaries.</p> <p>27. Compulsory attendance; provisions concerning.</p> <p>28. Attendance officers; powers of.</p> <p>29. Persons inducing or attempting to induce child to absent himself shall be guilty of misdemeanor; punishment; duties of attendance officers; liability for non-enforcement.</p> <p>30. Provisions of general school law inconsistent herewith, void within district, otherwise in effect.</p> <p>31. Inconsistent acts repealed.</p> <p>32. Act not effective until ratified by voters; notice of election.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. The magisterial district of Mannington in the county of Marion, as now bounded and designated in the records in the office of the clerk of the county court of said county, shall be and is hereby created an independent school district to be known as "Mannington Independent School District," hereinafter mentioned as Mannington district.

Sec. 2. There shall be a board of education for said district, composed of five members, who shall constitute a board of education for said district, named the board of education of Mannington district, who shall control all the free schools in said district. Not more than three members of said board of education shall reside within the limits of any incorporated city within said Mannington district.

Sec. 3. The three members of the board of education as now constituted shall serve as follows: The two whose terms would have expired at midnight on June thirtieth, one thousand nine hundred and twenty-three shall serve until midnight December thirty-first, one thousand nine hundred and twenty-two; and the

6 one whose term would have expired at midnight on June thir-
7 tieth, one thousand nine hundred and twenty-five shall serve
8 until midnight December thirty-first, one thousand nine hundred
9 and twenty-four.

Sec. 4. The county superintendent of Marion county shall,
2 on or before the fifteenth day of June, one thousand nine hun-
3 dred and twenty-one, appoint two additional members, who shall
4 hold office, one for eighteen months from July first, one thousand
5 nine hundred and twenty-one, and one for forty-two months from
6 July first, one thousand nine hundred and twenty-one. There-
7 after, three members shall be elected at the general election in
8 one thousand nine hundred and twenty-two and every four years
9 thereafter, and two members at the general election in November
10 one thousand nine hundred and twenty-four and every four years
11 thereafter. Said commissioners shall hold office for a four-year
12 term, beginning with the first day of January following their
13 election. They shall biennially elect one of their members presi-
14 dent.

Sec. 5. If a vacancy occurs on the said board of education, it
2 shall be filled by the board at the first regular meeting after said
3 vacancy shall be declared by a duly qualified person, who shall
4 hold office until the next election, at which time a qualified per-
5 son shall be elected to fill the unexpired term caused by such
6 vacancy.

Sec. 6. Each member of the board of education shall be a
2 qualified voter and a bona fide resident of said district and shall
3 have been for at least three years prior to his election and shall
4 be the owner of real estate which shall have been charged with
5 taxes in his name on the tax records of Marion county for at least
6 three years prior to his election.

Sec. 7. Each member of the board of education shall receive
2 for his services two dollars for each regular or special meeting,
3 which he attends. In addition to his per diem, the president of
4 the board shall receive twenty-five dollars per annum.

Sec. 8. The board of education of Mannington district shall be
2 a body corporate by the name of "Board of education of
3 Mannington district" and as such, may sue and be sued, plead and
4 be impleaded, contract and be contracted with, purchase, hold,
5 sell and convey real or personal property for the purposes of
6 education within the district, receive any gift, grant, donation
7 or devise for the benefit of education; employ attorneys, become

8 parties to suits and contracts, and do and perform any and all
9 other corporate acts necessary and proper to the advancement
10 of free school education in said district. It shall succeed and
11 be substituted to all of the rights of the former board of educa-
12 tion of the district of Mannington in the county of Marion, and
13 may prosecute any and all suits and proceedings now pending, or
14 which may have been brought and prosecuted in the name of the
15 former board of education for the recovery of any money or prop-
16 erty, or damage to any property due to or vested in said board
17 of education, and said board of education shall be liable in its
18 corporate capacity for all claims legally existing against said
19 board of education; the title to all real estate and personal
20 property now vested in the board of education of Mannington dis-
21 trict, in the county of Marion shall be and is hereby vested in
22 the board of education of the independent district hereby created,
23 and all legal contracts of the former board now shall be and are
24 hereby declared to be binding on the new board and on all parties
25 to said contracts.

Sec. 9. At the first meeting in July, one thousand nine hun-
2 dred and twenty one, the board shall elect a secretary, who shall
3 not be a member of the board, whose term of office shall begin at
4 the time of his election and shall continue not to exceed a period
5 of two years, as determined by the board. The board shall de-
6 termine the time for which the secretary shall serve, and shall
7 elect a new secretary upon the expiration of his term. The sec-
8 retary shall serve during the term for which he is elected and until
9 his successor is elected and qualified, but he may be removed by
10 the board of education of Mannington independent district at any
11 regular meeting, for immorality, misconduct, neglect of duty, or
12 lack of proficiency. Any vacancy in the office shall be filled for
13 the unexpired term by the board.

14 The secretary shall qualify by executing his bond with good
15 security in such penalty as the board may prescribe, to be ap-
16 proved by the board, which bond shall be committed to the custody
17 of the president who shall keep and preserve the same.

Sec. 10. The board shall hold meetings on the first and third
2 Mondays in July of each year, and thereafter at least twice each
3 month, at such time and place and on such dates as the board
4 may fix; the time and place for the holding of said meeting shall
5 be fixed and determined by resolution of the board passed at the

6 first meeting held in July, and shall be entered on the records of
7 the proceedings of such meeting; such meetings are designated
8 as regular meetings.

9 Special meetings shall be called by the president or by the
10 secretary upon the written request of two members of the board;
11 said meeting to be held not later than three days thereafter; no
12 business shall be transacted at a special meeting except it be men-
13 tioned in the call, which shall be in writing, and be recorded in
14 the proceedings of said special meeting, and no contract shall be
15 made by the board in special meeting involving the expenditure
16 of more than one hundred dollars, unless all members of the
17 board shall have had at least twelve hours' notice of said meet-
18 ing by personal service of the call thereof. A majority of the
19 board shall be necessary to constitute a quorum.

Sec. 11. The president shall perform such duties as ordinarily
2 devolve upon the presiding officer of a deliberative body, and shall
3 be entitled to vote upon all questions submitted. In absence of
4 the president, the board may appoint a president *pro tempore*.

5 In order to facilitate the workings of the board of education,
6 said board may appoint such committees as they may deem neces-
7 sary, to which matters may be referred for investigation and re-
8 port to the board at a regular or special meeting, but no com-
9 mittee so appointed shall have any power to make any contracts
10 or in any way whatsoever obligate said board of education of
11 Mannington district.

Sec. 12. The secretary shall record in a well-bound book to be
2 provided for the purpose, all official acts and proceedings of the
3 board, which shall be a public record open to the inspection of all
4 persons interested therein; he shall also keep and preserve books
5 of account which shall show the resources of the board for each
6 current year and the funds from which the same are derived; all
7 credits to be charged against said resources by way of delinquents,
8 commissions and otherwise; all disbursements made by the board
9 and on account of what fund, and the balance to the credit of
10 each fund, together with a descriptive entry, showing for what
11 purpose each item of disbursement is made, which books of ac-
12 counts shall always show the financial resources of the district and
13 shall always be open to the inspection of any tax payer of the said
14 district; he shall also preserve in his office all papers containing
15 evidences of title, contract and obligations; and in general, shall
16 record and keep in his office all records, papers and documents as

17 shall be required by this act, and perform such duties, as may be
18 prescribed by the board; he shall make such reports as are re-
19 quired to be made by secretaries of the board of education by the
20 general school law of the state; for his or her services. he or she
21 shall receive such salary as may be fixed by the board not to ex-
22 ceed one thousand five hundred dollars per annum.

Sec. 13. Admission to the various schools in the district shall
2 be gratuitous to all children, wards and apprentices of actual
3 residents within the district between the ages of six and twenty-one
4 years provided that pupils, who are non-residents of the district
5 shall be allowed to attend the schools of the independent school
6 district hereby created upon the payment of such tuition as the
7 board of education may prescribe, which tuition, however, shall
8 not be less than the sum of five dollars per month for students
9 in the high school of said district, and not less than two dollars
10 and fifty-cents per month for students in the grade classes of said
11 district.

Sec. 14. Not later than the first regular meeting in March in
2 each year, the board shall employ a competent person or persons,
3 residents of the district, to make an enumeration of all the youths
4 residents in the said district who shall be over six and under
5 twenty-one years of age on the first day of July following, in the
6 manner prescribed by the general school law of the state, which
7 enumeration shall be verified in the manner and returned to the
8 secretary of the board within the time prescribed by said general
9 school law. The board shall examine said report of enumera-
10 tion at its next regular meeting after its return, and shall take
11 such steps as it may deem necessary to verify the same; and the
12 secretary shall certify the said enumeration to the county super-
13 intendent of schools within the time and in the manner prescribed
14 by law, or said board may, in its discretion, require the teachers of
15 said district to take such enumeration in the manner and form
16 provided for in the general school law.

Sec. 15. The state superintendent of schools, in his report to
2 the auditor, shall specify separately the enumeration of youths in
3 said district, and in the apportionment of the school funds, the
4 amount due said district shall be certified to the secretary of said
5 board separately, and requisition therefor shall be drawn in favor
6 of the board of education of said district and shall be deposited
7 with the sheriff of Marion county.

Sec. 16. The board of education shall provide, by condemnation, purchase, lease, construction, or otherwise, such school-houses and grounds, furniture, fixtures and appliances as may be necessary for school purposes, and keep and maintain same in good order and repair; shall supply such school buildings with fuel and other things necessary for comfort and conveniences; and shall pay all charges incurred by virtue of any of the provisions of this act which are not chargeable to the teachers' fund from the maintenance building fund and new building fund. In order to provide the funds necessary for the purpose of this section, the board of education shall proceed with their estimates and levies in accordance with the provisions of sections five and six of chapter one hundred and twenty-six of the acts of the legislature of one thousand nine hundred and nineteen.

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; *provided*, that in case a bond issue is voted upon, a three-fifths vote of all votes cast shall be necessary for such bond issue; 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 said county of Marion. 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 for the general election. The proceeds of taxes so levied, or property 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. 17. 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

5 the support of free schools, be sufficient to keep said schools in
6 operation for not less than eight months in the year for the grades
7 and not less than nine months in the high school; and the board
8 of education may, if in its opinion the same is deemed advisable,
9 continue any of said grade schools in said district for a period of
10 nine months or more in the year. Such levy shall not exceed
11 the limits prescribed for such purpose by the general school laws
12 of the state. The proceeds of this levy, together with the money
13 received from the state aforesaid, shall constitute a special fund,
14 to be called the "teachers' fund" and no part thereof shall be used
15 for any other purpose than the payment of teachers' salaries, the
16 salaries of the superintendent and assistants, medical inspectors,
17 dental inspectors, nurses, and the establishment and maintenance
18 of the public school library provided for in the next succeeding
19 section.

Sec. 18. The board of education shall have the power, if
2 it deem it advisable, to establish and maintain a public library,
3 and the library so established and maintained shall be known as
4 the Mannington district public library, and shall be for the use
5 of the public schools of Mannington district, and the inhabitants
6 thereof, and shall be governed by such rules and regulations as the
7 board of education shall prescribe.

Sec. 19. Upon the failure of the board of education to lay the
2 levies required by this act, or any of them, they may, upon the
3 petition of any taxpayer of the district, be compelled to do so by
4 the circuit court of Marion county by writ of mandamus.

5 The taxes so levied by the board of education shall be col-
6 lected in the same manner and at the same time as the state and
7 county taxes by the sheriff of Marion county; and he shall deposit
8 the same immediately, when collected, with some bank or banks in
9 a separate account or accounts, and shall credit same to the proper
10 fund or funds. The said sheriff shall report in writing to the
11 board of education monthly, and as otherwise required by said
12 board as to the condition of the several funds. The sheriff shall
13 receive for his services the salary or emolument provided for by
14 the statute laws of the state of West Virginia and none other.

15 The bank or banks with which such funds are deposited shall
16 allow thereon reasonable interest at the rate of not less than two
17 and one-half per cent per annum on the average monthly bal-
18 ance, and the interest so received shall be added to the fund which
19 produced it and be expended for the same purpose for which the

20 original fund was expended. The sheriff shall pay out such sums
21 as may be ordered by the board of education upon orders signed
22 by the president and secretary of the board. Any sums derived
23 at any time from the sale of bonds or property of said board of
24 education shall be credited to the proper fund and shall be de-
25 posited in some bank or banks designated by the board, and to the
26 credit of the board of education of Mannington district, which
27 bank or banks shall allow interest thereon as hereinafter pro-
28 vided, and the interest so received shall be added to the fund
29 which produced it, to be expended for the same purpose as the
30 original fund, or in the discretion of the board, for the payment
31 of interest on such bonds, if the fund is derived from the sale
32 of bonds. The sheriff of Marion county shall not be entitled
33 to any commission on, or on account of funds derived from the
34 sale of such bonds or property. The bank or banks receiving
35 on deposit any such funds for the credit of said board, shall fur-
36 nish to the board of education bonds with approved surety in
37 such sums as the board may require, which bonds shall be condi-
38 tioned to safely care for said funds and to account for the same, to-
39 gether with the agreed interest, and to pay same out only upon duly
40 signed orders as herein provided. Before designating any bank
41 or bank depositories hereunder, the said board shall ask for bids
42 from the various banks in Marion county, and shall award such
43 deposits, to the bank or banks making the most advantageous bids
44 therefor, in such amounts as the board may deem advisable. *Pro-*
45 *vided*, that the rate of interest shall not be less than two and one-
46 half per cent on the average daily balance. The said bank or banks
47 shall pay out such sums as may be ordered by the board upon
48 orders signed by the president and secretary of the board.

Sec. 20. Said board of education shall have the power to make
2 all necessary rules and regulations for the government of the
3 schools in said district, for the admission of pupils therein, and
4 for the exclusion of pupils whose attendance would be dangerous
5 to the health or detrimental to the morals and discipline of the
6 schools.

7 Said board may prescribe text books other than those adopted
8 by the state board of education, to be used in the schools of the
9 district, and establish a system of grades by which admission to
10 the high school shall be regulated. It shall purchase and furnish
11 without charge text books for the use of the pupils in all the
12 schools of said district.

13-14 Said board may provide and maintain one or more evening
15 schools for pupils over the compulsory school age, and it may, at its
16 discretion, admit to any school in said district as pupils therein
17 persons over the age of twenty-one years, or provide and maintain
18 evening schools, summer schools, vocational schools, or other
19 courses or methods of instruction for such pupils, upon such terms
20 and conditions as the said board shall prescribe.

21 Said board shall provide for medical and sanitary inspection of
22 schools in said district, and all pupils thereof, and in order to
23 provide for the prompt detection of disease threatening the health
24 and welfare of the pupils of such district, and for the efficient
25 treatment of such diseases or defects as tend to impair their effi-
26 ciency or retard their progress, the board shall provide, equip and
27 maintain a suitable room or quarters for the physical examination
28 of said pupils, and shall employ a medical inspector or inspectors,
29 may employ a dental inspector, as well as a graduate nurse or
30 nurses, for the purpose of making such medical and sanitary in-
30-a spection.

31 It may likewise provide, equip and maintain a clinic for the
32 examination and treatment of such pupils, and it may, at its dis-
33 cretion, provide and pay for such surgical or other treatment
34 for indigent pupils who may not otherwise be able to obtain
35 same, as the board may consider necessary or proper for the pro-
36 tection of the health of such indigent pupils themselves or of other
37 pupils attending such schools.

38 The board may provide from time to time such additional
39 schools, including summer schools, kindergartens, normal training
40 department, high schools, or such other courses as in its opinion
41 the needs of the school district may demand.

42 The board may, at its discretion, provide, maintain and equip
43 suitable playgrounds for the use of the school children in said
44 district, and provide for the cost or expenses thereof out of any
45 fund or money which it may have at that time available for such
46 puposes.

47 Said board shall publish annually in some paper published in
48 Marion county, or if there be such publication in Mannington dis-
49 trict, then in said paper, a complete statement of the receipts and
50 disbursements thereof for the preceding year, and shall pay the
51 cost of publishing said statement out of the building fund.

Sec. 21. The board of education is hereby given the power
2 to abandon any schools within the district which in its opinion

3 are not necessary, and shall have the power to consolidate any
4 of the schools in the district. It shall, however, be the duty of
5 said board to provide for the transfer of pupils from any schools
6 so abandoned, and if in the opinion of the board the same
7 should be rendered necessary by the abandonment or consolida-
8 tion of any of said schools, the board shall have the power and
9 authority to provide for the transportation of any pupils to said
10 schools to which they are so transferred.

Sec. 22. The board of education is hereby authorized to es-
2 tablish and maintain schools for vocational training and domes-
3 tic science, which shall be conducted under the order and direc-
4 tion of the board, and in accordance with such rules and regu-
5 lations as it may prescribe; for this purpose the board is au-
6 thorized to expend each year such sums out of the building fund
7 and out of the teacher's fund of the district as it may deem
8 necessary. The secretary of the board shall keep separate ac-
9 counts of the cost of establishing and maintaining each of the
10 schools established pursuant to the provisions of this section and
11 annual statements of disbursements shall show by items all dis-
12 bursements made on account thereof.

Sec. 23. No money shall be disbursed except by order of the
2 board, duly entered of record, and every order on the treasurer
3 for payment of money shall be signed by the president and secre-
4 tary, and shall specify upon its face the particular account to
5 which the same is chargeable.

Sec. 24. At the first meeting in April after this act takes
2 effect, the board shall appoint a superintendent of schools and
3 fix his salary, whose term of office shall begin on the first day
4 of July next succeeding his appointment and continue not to ex-
5 ceed a period of two years as determined by the board; but may
6 be removed at any time for immorality, misconduct, or lack of
7 efficiency; any vacancy in the office shall be filled by the board
8 for the unexpired term, but no person shall be employed as
9 superintendent who is not a graduate of some standard college or
9-a university and who has not had at least five years' experience as
10 superintendent or principal of public schools. The superintend-
11 ent shall have general supervision of the conduct of the schools,
12 make all necessary reports and perform such other duties as the
13 board may prescribe; the said superintendent shall not receive,
14 directly or indirectly, any gift, emolument or reward for his in-

15 fluence or services in securing any contract, supplies or appar-
16 atus, or the adoption of any such book, supply or apparatus, and
17 in case he shall do so he shall be removed from office.

18 The board may also appoint at the same time and for the
19 same term, one or more assistant superintendents, fix their sal-
20 aries and define their duties, but no person shall be employed as
21 an assistant superintendent who is not a graduate of a normal
22 school or holds a first-grade teachers' certificate, or who has not
23 had at least five years' experience as a district supervisor of
24 public schools. The same rules as apply to the removal of a
25 superintendent and the filling of the vacancy shall be applica-
26 ble to the position of assistant superintendent.

Sec. 25. The board of education shall appoint two competent
2 persons to act with the superintendent as an examining com-
3 mittee to examine all applicants for teachers of schools in the
4 district; each applicant for examination shall pay a fee of one
5 dollar. Certificates of qualification shall be issued by said com-
6 mittee according to proficiency as follows: Number one, very
7 good; number two, good; number three, medium; and the board
8 may, by special regulation, provide for issuance of certificates
9 to colored teachers; no certificate shall be issued for longer than
10 one year, but the number one certificate may be renewed from
11 year to year by the examining committee, at its option, under
12 such regulations as the board may prescribe; and, said examining
13 committee may, if it deem the same advisable, accept in lieu
14 of said examination the diploma of graduates from reputable
15 colleges and universities for high school teachers, and shall be
16 and is hereby authorized to accept the diploma of graduates from
17 state normal schools or a first grade or uniform state certificate
17-a in lieu of the examination herein provided for teachers of
18 grade schools. The committee shall hold meetings for such
19 examinations at such times and places as the board may
20 appoint; the examining committee shall receive such fees
21 for their services as the board may allow, to be paid out of the
22 examination fees, the excess of any such fees, if any, to be paid
23 into the building fund.

Sec. 26. Teachers shall be subject in all respects to the rules
2 and regulations adopted by the board, and they may be removed by
3 the board for incompetency, immorality or misconduct, after due

4 hearing, upon complaint of the superintendent or any member of
5 the board.

6 All teachers and substitute teachers shall be appointed and
7 their salaries fixed by the board; but no person shall be appointed
8 unless he shall have first obtained a certificate from the examining
9 committee.

Sec. 27. Every person having under his control a child or
2 children between the ages of seven and sixteen years, residing in
3 Mannington independent school district, shall cause such child
4 or children to attend public school in said district and such at-
5 tendance shall begin at the beginning and shall be continued
6 through the school year thereof, and for every neglect of such
7 duty the person offending shall be guilty of a misdemeanor and
8 shall, upon conviction thereof, be fined two dollars for the first
9 offense and five dollars for each subsequent offense, together with
10 the cost of prosecution, and in the discretion of the court or
11 justice, be required to enter into a bond in the penal sum of
12 fifty dollars conditioned that the person so convicted will cause
13 such child or children to attend public school in accordance with
14 the provisions of this act. Such bonds shall be made payable to
15 the board of education of Mannington district and any amount
16 which may be recovered thereon shall be placed to the credit of
17 the building fund of said district. Any failure to give bond in
18 the manner and within the time prescribed shall be a misdemeanor
19 and punished by a fine of not less than one dollar nor more than
20 five dollars, and the cost of prosecution.

21 An offense, as intended and provided by this act, shall con-
22 sist in the failure of such persons to send to school any such
23 child or children for more than one day in any one week in
24 which the schools are in session unless the attendance of such
25 child or children be prevented by personal sickness or other rea-
26 sonable excuse; *provided*, that if such child or children have
27 been otherwise instructed for a like period of time in the branches
28 of learning required by law to be taught in public schools, or
29 have already acquired such branches, or if, in the opinion of the
30 superintendent of said school district the mental or physical con-
31 dition of such child or children is such as to render such attend-
32 ance inexpedient or impracticable such penalty shall not be incurred

33 Any fine so collected shall be paid to the secretary of the board
34 of education who shall pay the same to the sheriff and take his

35 receipt therefor, and the sheriff shall deposit the same in the
36 proper account to the credit of the building fund of said district.
37 If any person against whom such proceedings shall be insti-
38 tuted shall satisfactorily prove in the course of such proceed-
39 ings that he has made all proper efforts to compel such child
40 or children to attend a school as hereinbefore provided, and that
41 because of the disobedience of such child he has been unable to
42 do so, such fact shall constitute a defense to such proceedings.
43 Thereon the truant officer shall take such proper proceedings be-
44 fore the proper court to have such child adjudged incorrigible
45 and committed to the boys' industrial school at Pruntytown, or
46 the girls' industrial home at Salem.

Sec. 28. To aid in the enforcement of this act the board of
2 education shall appoint and employ one or more attendance of-
3 ficers whose compensation shall not exceed three dollars per day
4 and whose term of office shall be fixed by the board. The attend-
5 ance officer shall be vested with police powers and the authority
6 to serve warrants, and shall have authority to enter workshops,
7 factories, stores and all other places where children may be em-
8 ployed, and do whatever may be necessary in the way of inves-
9 tigation or otherwise, to enforce this act. The attendance of-
10 ficer shall have full power, without warrant, to apprehend any
11 child between the ages of seven and sixteen years who shall have
12 been reported to him in writing by the superintendent or prin-
13 cipal, and to place such child in a public school which he should
14 have attended or in which he should have been, or has been en-
15 rolled, or to place such child, at the expense of the parent, guard-
16 ian or other person having such child under his control in such
17 private school as the parents, guardian or other person having
18 such child under his control shall elect. In case such parent,
19 guardian or other person having such child under his control
20 shall fail or refuse, immediately upon being notified to select
21 such private school, then the said attendance officer shall at once
22 place such child in the public school of the district in which
23 such child resides.

Sec. 29. Any person who induces or attempts to induce any
2 such child unlawfully to absent himself from school, or harbors
3 or employs such child unlawfully absent from school while the
4 school in the district in which the child lives is in session, shall
5 be guilty of a misdemeanor and shall be punished by a fine of

6 twenty-five dollars, and may be imprisoned not to exceed ten
7 days in jail.

8 The attendance officer shall institute proceedings against any
9 person or persons violating this act, and perform such other of-
10 fices as the superintendent or the board of education may deem
11 necessary to preserve the morals and secure the good conduct
12 of any school child or children, and to enforce this act.

13 Such officer shall keep a record of his transactions for the in-
14 spection and information of the superintendent or the board of
15 education, and shall make such reports to the superintendent or
16 to the board, throughout the school year, as he or it may require
17 and the superintendent shall make such report to the board of
18 education as it may require. The principals, and teachers of all
19 schools, public, private or otherwise, in such school district, shall
20 report to the board of education the names, ages, and residences
21 of all pupils of compulsory age in attendance at their respective
22 schools, together with such other facts as the board of education
23 may require to facilitate the carrying out of the provisions of this
24 act, and said board of education shall furnish blanks for such pur-
25 poses and such reports shall be made at such time or times as
26 the board of education shall prescribe by rules to be adopted by
27 it. Such principals and teachers shall also report to the proper
28 attendance officer or to the superintendent of schools of the said
29 school district, all cases of truancy and unlawful absence in their
30 respective schools as soon as practicable after such truancy or
31 absence.

32 If any person shall fail to comply with the provisions of this
33 section requiring reports to be made as aforesaid, he shall be
34 guilty of a misdemeanor and punished by a fine of five dollars,
35 and the costs of prosecution. Any fine so collected shall be paid
36 the secretary of the board of education and by him paid to the sher-
37 iff, who shall receipt to him therefor, deposit the same in the proper
38 account and place it to the credit of the building fund of the
39 district. If to any prosecution instituted under the provisions
40 of this act, a satisfactory defense shall be made, so that the pro-
41 ceedings shall be dismissed or the defendant shall be judged not
42 guilty, the costs of any such prosecution shall then be paid by
43 the board of education of Mannington district out of the funds
44 under its control.

45 When so directed by the superintendent or the board of educa-
46 tion or when it otherwise comes to the notice of any attendance
47 officer of said school district, such officer shall examine into
48 any case of truancy or unexplained absence of the school chil-
49 dren of compulsory age in said school district. When any child
50 or children are not attending school without lawful excuse and
51 in violation of the provisions of this act, the attendance officer
52 shall notify in writing the person having control of such child
53 or children to send the same to some school. But the serving
54 of such notice shall not be essential preliminary to prosecution
55 under the provisions of this act. Any court or justice of the peace
56 of Marion county shall have jurisdiction over and take cognizance
57 of all offenses provided by this act.

Sec. 30. All provisions of the general school law of this state
2 which are inconsistent or in conflict with any of the provisions
3 of this act shall be void within said district of Mannington;
4 otherwise to have full force and effect.

Sec. 31. All other acts and parts of acts inconsistent here-
2 with are hereby repealed.

Sec. 32. This act shall not be effective unless the same shall
2 first be submitted to the voters of the magisterial district of
3 Mannington, of Marion county, at a special election called for
4 that purpose, and adopted by a majority of the votes cast for
5 and against the same at said election. The board of education
6 shall call such election within thirty days after this act takes
7 effect, and such election shall be held at all precincts in such
8 district upon notice published once a week for two weeks in
9 some newspaper published in the county of Marion and by notice
10 posted at each precinct in said district for ten days preceding
11 such election. Said election shall be conducted, officers appointed,
12 returns canvassed and result declared as any school election in
13 said district is now authorized by law.

CHAPTER 46

(Senate Bill No. 222—Mr. Harmer.)

AN ACT to authorize the board of education of Clark district in Har-
rison county, to lay a special levy for the years one thousand
nine hundred and twenty-one and one thousand nine hundred

and twenty-two, for the purpose of securing sufficient funds to finish the construction of school buildings now in course of construction in said district.

[Passed April 12, 1921. In effect ninety days from passage. Approved by the Governor April 19, 1921.]

<p>SEC. 1. Board authorized to lay special levy: amount, purposes of.</p>	<p>SEC. 2. Levy laid, assessed and collected like other levies; proceeds, how used: to be in addition to all other levies.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Clark district in Harrison county, West Virginia, is hereby authorized in the years one thousand nine hundred and twenty-one and one thousand nine hundred and twenty-two, to lay a special levy not to exceed twenty-five cents on the one hundred dollars valuation of all property situate in said district to pay for the completion of public school buildings now in the course of construction in the said district of Clark in the county of Harrison.

Sec. 2. Such levy shall be laid, assessed and collected as otherwise provided by law and the proceeds of the same shall be used for the purpose set forth in section one of this act and for none other, and shall be in addition to all other levies now authorized by law in said district.

CHAPTER 47

(Committee Substitute for House Bill No. 287.)

(By Committee on Taxation and Finance.)

AN ACT to establish a high school in the county of Wayne, state of West Virginia, and to provide for a special levy and a board of trustees for the same.

[Passed April 27, 1921. In effect from passage. Approved by the Governor May 3, 1921.]

<p>SEC. 1. Board of education for high school; how constituted. 2. Same; rights and powers of. 3. Same; to purchase site and erect buildings for county high school. 4. Same; levy by, for purchase of site, etc. 5. Same; levy by, for support and maintenance of high school.</p>	<p>SEC. 6. Same; compensation of; salary of secretary. 7. Same; empowered to contract for and equip buildings; employ teachers, janitors, etc. 8. High school; location and size of site. 9. Members of board to take oath. 10. High school; laws governing; inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The presidents of the boards of education of Union
2 district, Lincoln district, Butler district, Stonewall district and
3 Grant district, together with the county superintendent of
4 schools of said county shall constitute a Wayne county board of
5 education for said high school. The county superintendent shall
6 be *ex officio* member of said board, and a president and secretary
7 of said board shall be appointed by said board at its first regu-
8 lar meeting of each year.

Sec. 2. The said Wayne county high school board of educa-
2 tion shall be a body corporate, and as such shall have and exer-
3 cise all the rights and powers now conferred by law on district
4 boards of education.

Sec. 3. Said board of education shall as soon as practicable
2 after the passage of this act, purchase a site in a convenient and
3 suitable location in or near the town of Wayne and shall erect
4 thereon suitable buildings and shall establish therein a county
5 high school to be opened without cost free of tuition to all pupils
6 who are qualified according to law to enter said high school in
7 said Wayne county, and is to be known as the Wayne county
8 high school.

Sec. 4. For the purpose of purchasing a site and for erecting
2 and equipping a building or buildings for said county high school,
3 the said board of education as aforesaid is hereby empowered and
4 directed to lay a levy of not more than twenty cents on each one
5 hundred dollars valuation of taxable property in said districts
6 for three successive years, beginning with the year one thousand
7 nine hundred and twenty-one.

Sec. 5. Beginning with the year in which said county high
2 school is ready to open, and annually thereafter, the board as
3 aforesaid shall have the authority to lay for the support and
4 maintenance of high school a levy not to exceed ten cents on each
5 one hundred dollars valuation of all the taxable property in said
6 district for a maintenace building fund, and a levy of not to
7 exceed twenty cents for what is known as a teachers' fun. Said
8 levies shall be laid by said board of education at the time and
9 in the manner that all school levies are laid by district boards
10 of education, or as soon thereafter as practicable.

Sec. 6. The members of said county board of education of said
2 high school, except the county superintendent of schools, shall re-

3 ceive for their services as such board five dollars each per day for
4 the time actually spent in the work of the board as aforesaid; *pro-*
5 *vided, however,* that no member shall receive pay for more than ten
6 days in any one year. The salary of the secretary thereof shall be
7 seventy-five dollars per annum. The per diem of members of said
8 board and the salary of said secretary shall be paid out of the
9 county high school maintenance building fund.

Sec. 7. Said board of education is hereby authorized, empow-
2 ered and directed to contract for the erection of suitable buildings
3 necessary for said school, equipping same with nec-
4 essary furniture, heating apparatus, lights, etc., contract for the
5 employment of teachers, janitors, etc., for said high school and
6 paying for the same out of said levies and doing whatever is nec-
7 essary to maintain and run said school in accordance with the
8 general law.

Sec. 8 That said Wayne county high school be and the same is
2 hereby established in or near said town of Wayne, and the site
3 for which is to be selected by the board as aforesaid, shall not be
4 less than six acres of land for said site.

Sec. 9. Before said members of said board enter upon their
2 respective duties as such board of education, they shall take the
3 several oaths as prescribed by law.

Sec. 10. As soon as said Wayne county high school building
2 shall have been completed and equipped and ready for use, it shall
3 be subject to and be maintained, run and governed by the gen-
4 eral school laws of West Virginia so far as they do not conflict
5 with this act and all acts and parts of acts inconsistent here-
6 with are hereby repealed.

CHAPTER 48

(Committee Substitute for House Bill No. 320.)

(By the Committee on Education.)

AN ACT to amend and re-enact sections one and four of chapter one
hundred thirty-six of the acts of the legislature of West Vir-
ginia of one thousand nine hundred and fifteen, relating to es-
tablishing a county high school in Nicholas county.

[Passed April 19, 1921. In effect from passage. Approved by the Governor
April 29, 1921.]

SEC.

1. High school established; site of;
board of directors for; number,
qualifications and terms of mem-
bers; organization and meetings
of board.

SEC.

4. Levies by board of directors;
amounts and purposes of.
5. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one and four of chapter one hundred and thirty-six of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

Section 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 of which is to be selected by the board of directors of said school, which said board of directors shall consist of three members as follows: The present elective member whose term expires on the thirtieth day of June, one thousand nine hundred and twenty-five, and whose successor shall be elected at the general election in the year one thousand nine hundred and twenty-four, and every four years thereafter, and whose term of office shall commence on the first day of July following said election and continue for four years and until his successor is elected and qualified; the present appointive member whose term expires on the thirtieth day of June, one thousand nine hundred and twenty-four and whose successor shall be appointed by the state superintendent of free schools of this state for a term of four years beginning on the first day of July, one thousand nine hundred and twenty-four and every four years thereafter, which said member shall be a resident taxpayer of said county, and shall in the opinion of the state superintendent of free schools be a person properly trained and equipped for discharging the duties of such director; and the county superintendent of free schools shall be *ex-officio* a member of said board of directors, but shall not be eligible as president or secretary of such board. The said board of directors shall elect one of their members president of the board and shall appoint a secretary as provided by law. Said board shall hold its meetings at the principal's office in the high school building on the first Saturday of each month during the school term.

Sec. 4. Said board of directors is authorized for each year hereafter to lay a levy not to exceed twelve and one-half cents on the one hundred dollars of taxable property in said county as ascertained by the last preceding assessment for state and county purposes, for the purpose of employing teachers and assistants, procuring necessary furniture, equipment and supplies, and for

7 any other purpose of carrying on and maintaining said high school,
 8 which levy shall be known as the high school maintenance fund;
 9 and said board of directors is likewise authorized to lay an ad-
 10 ditional levy not to exceed two and one-half cents on the one
 11 hundred dollars of taxable property, as aforesaid, for the pur-
 12 pose of erecting suitable buildings to be used in connection with
 13 said high school and for maintaining and equipping the same,
 14 which said levy shall be known as the high school building fund,
 15 but the independent district of Richwood is excepted from said
 16 levy as provided in section nine of chapter one hundred and
 17 thirty-six, acts of one thousand nine hundred and fifteen.

Sec. 5. All acts and parts of acts in conflict or inconsistent
 2 herewith are hereby repealed.

CHAPTER 49

(House Bill No. 392—Mr. Zimmerman.)

AN ACT to provide for the establishing of a county high school in the
 county of Hampshire.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the
 Governor April 29, 1921.]

SEC.

1. High school board; how constituted.
2. Same; a body corporate; rights and powers.
3. Same; to purchase site and erect buildings; tuition fee, when.
4. Same; to lay levy for purchasing site, erecting and equipplug building; amount and duration of levy.

SEC.

5. Same; to lay levies for building and teachers, fund; amounts of levies.
6. Same; compensation of; salary of secretary.
7. Referendum on act.

Be it enacted by the Legislature of West Virginia:

Section 1. The presidents of the boards of education of the
 2 several districts of Hampshire county, together with the county
 3 superintendent of schools, shall constitute the Hampshire county
 4 high school board. The county superintendent of schools shall
 5 be *ex-officio* president of this board and a secretary shall be
 6 appointed by the board at its first regular meeting in each year.

Sec. 2. The Hampshire county high school board shall be a
 2 body corporate and as such shall have and exercise all the rights
 3 and powers now conferred by law upon district boards of education.

Sec. 3. Said board shall as soon as practicable after the pas-
 2 sage and ratification of this act, purchase a site in a convenient
 3 and suitable location and shall erect thereon a suitable building

4 or suitable buildings and shall establish therein a high school
5 to be open without cost for tuition to all pupils of high school
6 grade in Hampshire county and to be known as the Hampshire
7 county high school.

Sec. 4. For the purpose of purchasing a site and of erecting
2 and equipping a building or buildings for said county high school,
3 the county high school board is hereby empowered to lay a levy
4 of not more than thirty cents on each one hundred dollars valua-
5 tion of taxable property in the county, for three successive years
6 beginning with the year one thousand nine hundred and twenty-
7 one.

Sec. 5. Beginning with the year in which said county high
2 school is ready to open and annually thereafter, the county high
3 school board shall have authority to lay for the support of said
4 school a levy not to exceed ten cents on each one hundred dollars
5 valuation of taxable property for a maintenance building fund and
6 a levy not to exceed twenty cents, for a teachers' fund. Said
7 levies shall be laid at the time and in the manner that school
8 levies are laid by district boards of education.

Sec. 6. The members of the county high school board, except
2 the county superintendent of schools, shall receive for their services
3 five dollars each per day for the time actually spent in the work
4 of the board; *provided, however*, that no member shall receive pay
5 for more than ten days in any year. The salary of the secretary
6 shall be seventy-five dollars per annum. The per diem of mem-
7 bers of the board and the salary of the secretary shall be paid
8 out of the county high school maintenance building fund.

Sec. 7. Before this act shall be in effect it shall be submitted
2 to a vote of the people of the county for ratification or rejection.
3 All necessary expenses of holding the aforesaid election shall be
4 borne equally by the boards of education of the county and shall
5 be paid out of the maintenance building fund of the several
6 districts.

CHAPTER 50

(House Bill No. 31—Mr. Daugherty, of Wirt.)

AN ACT to establish a county high school in the county of Wirt, 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 April 14, 1921. In effect from passage. Approved by the Governor April 19, 1921.]

SEC.

1. Board of directors; to select site; how constituted and selected.
2. Same; powers.
3. Same; a body corporate; title to vest in; liability for claims.
4. Same; to lay levies; purpose and amount of levies.
5. Same; to prescribe qualifications for admission.

SEC.

6. Revenue from taxation to be collected and disbursed by sheriff.
7. Compensation of board of directors.
8. Special election for establishment of school; publication of notice of; form of ballot; how election conducted; re-submission of act.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby established in the county of Wirt, state of West Virginia, in or near the town of Elizabeth, which shall be known as the Wirt county high school, the site for which shall be selected by the board of directors of said school, which said board of directors shall consist of three members, composed of the county superintendent of schools of said county of Wirt, who shall be *ex-officio* a member and president thereof; two members who shall be elected at the special election provided for therein and serve until his successor is elected and qualified. Their successors shall be elected at the next general election and serve four years, or until their successors are elected and qualified. After the first election provided for the term of office shall begin the first day of July following the election of said member. No two members of the board shall be residents of the same magisterial district.

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 duties 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, contract and be contracted with, and shall receive, hold and dispose of, according to the usual form of law and 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
2 erecting and equipping suitable buildings thereon for said high
3 school, said board of directors may lay a levy of not exceeding
4 twenty cents on the one hundred dollars valuation of property for
5 taxable purpose for the year following the adoption of this act as
6 hereinafter provided for, and for the next three years following;
7 and not to exceed ten cents on the one hundred dollars valuation
8 for such purposes for each subsequent year thereafter; and for
9 maintaining said school said board of directors shall lay a levy, not
10 to exceed ten cents on the one hundred dollars valuation for each
11 year thereafter.

Sec. 5. The qualifications for admission to said county high
2 school shall be subject to such regulations as may be prescribed
3 by the said board of directors.

Sec. 6. All revenue from taxation as provided herein shall be
2 collected and disbursed by the sheriff of said county in the man-
3 ner provided by general law.

Sec. 7. The members of said board of directors shall be allowed
2 a compensation of four dollars per day for their services for the
3 time they are actually employed in transacting the business of said
4 high school, not to exceed fifteen days in any one year.

Sec. 8. But before this act shall take effect, it shall be sub-
2 mitted to the voters of Wirt county at a special election ordered by
3 the county court of said county of Wirt and general notice of said
4 election shall be published in two newspapers of opposite politics
5 and general circulation in said county, for four successive weeks
6 preceding said election, if there be two such newspapers that will
7 publish the same at the legal rate for such publications; but if
8 there be no such newspapers that will publish such notice at such
9 rate, then such notice may be posted at three of the most public
10 places in each magisterial district in said county for a like period
11 of time.

12 Said county court shall provide a ballot bearing the names of
13 the candidates for members of said board of directors and also
14 bearing thereon the words "For county high school", and "Against
15 county high school," and if a majority of the votes cast at said
16 election be in favor of said county high school, then this act shall
17 be of binding force and effect from the time of the official an-
18 nouncement of said vote. Said election shall be conducted in the
19 manner provided by law for the conducting of general elections.
20 If this act should fail to carry at such special election it may be
21 re-submitted at the next general election following.

CHAPTER 51

(Committee Substitute for House Bill No. 112.)

(By the Committee on Education.)

AN ACT to amend and re-enact sections one hundred and forty-eight and one hundred and forty-nine of chapter two of the acts of the legislature of West Virginia, regular session, of one thousand nine hundred and nineteen.

[Passed April 26, 1921. In effect from passage. Approved by the Governor May 2, 1921.]

SEC. 148. Name of preparatory school at Keyser changed to "Potomac State school;" to remain where now located; how governed; instruction offered.

SEC. 149. Name of West Virginia trades school at Montgomery changed to the "New River State school;" to remain where now located; how governed; instruction offered.

Be it enacted by the Legislature of West Virginia:

That sections one hundred and forty-eight and one hundred and forty-nine of chapter two of the acts of the legislature of West Virginia, regular session, of one thousand nine hundred and nineteen be amended and re-enacted so as to read as follows.

Potomac State School.

Section 148. The preparatory branch of the state university heretofore established at Keyser in Mineral county shall remain where now located and on and after the first day of July, one thousand nine hundred and twenty-one, shall be known as the "Potomac State School" which shall be under the control and management of the state board of education as provided by section seven of this chapter and of the state board of control as provided by section four of chapter fifteen-m of Barnes' code of one thousand nine hundred and sixteen. The rules and regulations made by the principal and teachers of this institution for its general government shall be submitted to the state board of education for its approval. Said state school shall offer instruction in agriculture, home economics, industrial subjects and such other subjects as the state board of education may direct. The legislature shall make the necessary appropriation for the financial support of said institution.

Chapter seventy of the acts of the legislature of one thousand nine hundred and seventeen, regular session, is hereby repealed.

The New River State School.

Sec. 149. The West Virginia trades school heretofore established at Montgomery in Fayette county shall remain where lo-

3 cated and on and after the first day of July, one thousand nine
 4 hundred and twenty-one, shall be known as the "New River State
 5 School" which shall be under the control and management of the
 6 state board of education as provided by section seven of this chap-
 7 ter and of the state board of control as provided by section four
 8 of chapter fifteen-m of Barnes' code of one thousand nine hundred
 9 and sixteen. The rules and regulations made by the principal and
 10 teachers of this institution for its general government shall be
 11 submitted to the state board of education for its approval. Said
 12 state school shall offer instructions in home economics, indus-
 13 trial subjects, and such other subjects as the state board of edu-
 14 cation may direct. The legislature shall make the necessary ap-
 15 propriation for the financial support of said institution.
 16 All acts and parts of acts inconsistent herewith are hereby re-
 17 pealed.

CHAPTER 52

(House Bill No. 234—Mr. Wysong.)

AN ACT authorizing and empowering the state board of control to grant to the public an easement or right of way over and upon a certain parcel of land owned by the state of West Virginia, in the county of Mercer, in said state, upon which is located the Concord state normal building, for a public passway.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

Sec.

1. State board of control authorized to grant and dedicate a public	passway over and upon certain parcel of land; restrictions on.
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Be it enacted by the Legislature of West Virginia:

Section 1. That the state board of control is hereby authorized and empowered to grant and dedicate to the public, by proper and apt deed, upon such terms and conditions as to the said board shall seem proper, an easement and right of way upon and over a certain parcel of land owned by the state of West Virginia at the town of Athens, West Virginia, which was conveyed to the state of West Virginia by Stephen F. Vermillion and Rhoda A. Vermillion, his wife, by deed bearing date the first day of March, one thousand nine hundred and eleven, and recorded in the office of the clerk of the county court of Mercer county, West Virginia, in

11 deed book number seventy-eight at page fifty, for the use of said
 12 public as a passway over and upon said parcel of land at such
 13 point as to said board shall seem practical, and with such reserva-
 14 tions and restrictions as in the judgment of said board may be
 15 proper and necessary; said passway not to be of greater width
 16 than thirty feet nor less width than twelve feet.

CHAPTER 53

(House Bill No. 3—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section two of chapter one hundred and fifteen of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and nineteen entitled "An act authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district, of Charleston."

[Passed April 5, 1921. In effect from passage. Approved by the Governor April 9, 1921.]

SEC.
 2. Teachers' pension fund; of what made up.

Be it enacted by the Legislature of West Virginia:

That section two of chapter one hundred and fifteen of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and nineteen, be and the same is hereby amended and re-enacted to read as follows:

Section 2. Said fund if so established, shall be made up of (a) 2 such sums as said board of education shall from time to time appropriate for the benefit of said fund from the school funds of the 3 Charleston independent school district; (b) such donations, legacies and gifts as shall at any time be made for the benefit of said 4 fund. 5 6

CHAPTER 54

(House Bill No. 503—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section ninety-eight-a-two section ninety-eight-a-four and section ninety-eight-a-eleven of chapter three of Barnes' code edition of one thousand nine hundred and eighteen, in reference to registration.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

SEC.
98-a-2. Registration books and blanks; how arranged; registrar's duty as to; penalty for violation by registrar.
98-a-4. Examination of applicant for registration; who shall be registered.

SEC.
98-a-11. Only registrants allowed to vote at general or primary elections; transfers; certificate of transfer at primary election to show party affiliation; penalty for commissioner of election violating provisions of this act.

Be it enacted by the Legislature of West Virginia:

That sections ninety-eight-a-two, ninety-eight-a-four and ninety-eight-a-eleven of chapter three of Barnes' code of West Virginia, edition of one thousand nine hundred and eighteen, be amended and re-enacted so as to read as follows:

Section 98-a-2. The county court shall cause to be prepared 2 suitable books and blanks for the registration of voters and the 3 facts required by this act, and the clerk of said county court shall 4 distribute said books and blanks to the registrars of the respective 5 voting precincts. The books aforesaid shall be so arranged as to 6 admit of the alphabetical classification of the names of the voters 7 and ruled in parallel columns, on which the registrar shall enter, 8 first, the number; second, the names of the persons registered; 9 third, color; fourth, political affiliation; fifth, age; sixth, place of 10 birth; seventh, time of residence in precinct, county and state; 11 eighth, if naturalized, the date of the papers and the court by 12 which issued; ninth, date of registration; tenth, place of residence. 13 Any registrar violating any of the provisions of this section shall 14 be fined not less than fifty dollars and confined in jail not less 15 than thirty days.

Examination of Applicant for Registration; Who Registered.

Sec. 98-a-4. Before the registrars shall register the name of 2 any person as a qualified voter, they must be satisfied of his qual- 3 ifications, or have him make and subscribe the affidavit as here- 4 inafter provided, showing his right to register, and for the pur- 5 pose of this act they are hereby given authority to administer 6 oaths and they may require the person desiring to register to 7 answer under oath the following questions:

8 *One.* Are you a citizen of the United States.

9 *Two.* Are you a native or naturalized citizen? If the person 10 offering to be registered claims to be a naturalized citizen of the 11 United States he shall produce for the inspection of the officer of 12 registration a certificate or other evidence of his naturalization 13 and also state, under oath, or affirmation, that he is the identical

14 person named therein; but the production of the certificate shall
15 not be required, if the person offering to be registered states,
16 under oath, when and where he was naturalized, that he had a
17 certificate of naturalization, and that against his will the same
18 is lost, destroyed or beyond his power to produce the same; or if
19 he states under oath, that, by reason of the naturalization of his
20 parents or one of them, he has become a citizen of the United
21 States, and where and when his parents were naturalized.

22 *Three.* Will you have resided in this state for one year imme-
23 diately preceding the coming election? If so, where have you
24 resided? Name two persons who know of your place or places of
25 residence.

26 *Four.* Have you been absent from the state within a year imme-
27 diately preceding the coming election? (If "Yes," when?)

28 *Five.* When you left this state did you leave for a temporary
29 purpose with the intention of returning, or for the purpose of
30 remaining away?

31 *Six.* Did you, while absent, look upon or regard this state as
32 your home?

33 *Seven.* Did you, while absent, vote in any other state?

34 *Eight.* Will you have resided in this county for sixty days prior
35 to the coming election?

36 *Nine.* When did you last come to this county?

37 *Ten.* Are you an actual resident of this precinct?

38 *Eleven.* Are you twenty-one years of age or will you be such
39 at the coming election to the best of your knowledge and belief?

40 *Twelve.* What is your occupation and postoffice address?

41 *Thirteen.* What party do you affiliate with or belong to?

42 No other questions shall be asked the applicant for registra-
43 tion, and no one except the registrars are permitted to ask said
44 applicant any question affecting his qualifications to vote at the
45 time such applicant is applying to said registrars for registra-
46 tion.

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

Sec. 98-a-11. No person shall be allowed to vote at any elec-
2 tion hereafter held in this state unless he shall have been register-

3 ed as herein provided, and the commissioners of every election
 4 shall allow only those to vote whose names appear upon the regis-
 5 tration books furnished by the clerk of the county court to them,
 6 or who present a proper certificate of transfer, as herein pro-
 7 vided. And no person shall be allowed to cast the ballot of any
 8 party at any primary election hereafter held unless he shall have
 9 been registered as a voter of that party, as herein provided; and
 10 the commissioners of every primary election shall allow only those
 11 to cast the ballot of any party participating in such election,
 12 whose names are registered as voters of that particular party upon
 13 the registration books furnished them by the clerk of the county
 14 court, or who present a proper certificate of transfer as herein
 15 provided, showing them to be voters of such party; and every
 16 certificate of transfer for use at a primary election shall show the
 17 name of the party to which the voter belongs, if shown by the
 18 registration books. The requirements of this section as to voting
 19 in primary elections shall be in addition to those mentioned in
 20 section thirteen of chapter five of the acts of the legis-
 21 lature of the extraordinary session of nineteen hundred and
 22 sixteen. Any commissioner of election who shall wilfully vio-
 23 late any of the provisions of this act shall be deemed guilty of a
 24 misdemeanor, and upon conviction thereof shall be fined not less
 25 than fifty nor more than one hundred dollars, and imprisoned in
 26 the county jail not less than ten nor more than ninety days for
 27 every such offense.

CHAPTER 55

(House Bill No. 378—Mr. Strother.)

AN ACT to enable qualified electors necessarily absent, or to be
 absent, from the state on the day of election, to vote, and for
 other purposes.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the
 Governor May 4, 1921.]

SEC.

1. Qualified, registered elector neces-
sarily absent from the state on
election day, may vote.
2. Application for absent voters bal-
lot.
3. Same; how made; form of.
4. Same; duty of clerk upon receipt
of.
5. Ballots; when mailed or delivered;
clerk's seal and signature on.

SEC.

6. Ballot enclosed in envelope; form
of affidavit printed on envelope.
7. Affidavit subscribed to; manner of
marking ballot; return of ballot.
8. Ballot; clerk's duty upon receipt of.
9. Ballot; delivery to election com-
missioner.
10. Ballot; canvass of; when register-
ed.
11. Vote of absent voter; challenge of.

<p>Sec. 12. Deceased voter's ballot; return of; casting of not to invalidate election.</p> <p>13. Existing election laws, not inconsistent, to apply to absent voters.</p> <p>14. False affidavit; failure or refusal to cast or return ballot; other violations; penalties.</p>	<p>Sec. 15. This act supplementary to existing laws.</p> <p>16. Voting in person by applicant; provisions governing.</p> <p>17. Ballots to be official; record and delivery of.</p> <p>18. Ballots: number, printing and distribution.</p>
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Be it enacted by the Legislature of West Virginia :

Section 1. That any qualified elector of the state of West Virginia, having duly registered, who by reason of the nature of his employment, business, or on account of other unavoidable causes, expects to be absent from the state on the day of holding any general, special or primary election, may vote at any such election as hereinafter provided. The provisions of this act shall apply only to electors necessarily absent from the state on election day by reason of business, employment, or other unavoidable cause.

Application for Absent Voter's Ballot.

Sec. 2. An elector as designated in section one of this act expecting to be absent from the state on the day of any general, special or primary election, may, not more than thirty days, nor less than ten days, prior to the date of any such election, make application to the clerk of the circuit court of the county in which his voting precinct is situated for an official absent voter's ballot or ballots to be voted at such election.

Blank Furnished by Clerk—Form—Oath.

Sec. 3. Application for absent voter's ballots shall be made in person or by mail on a blank to be furnished by the clerk of the circuit court of the county in which the applicant is a qualified elector. Such blank shall, upon request, be sent to the applicant by mail by such clerk or delivered to such applicant in person upon his appearance at the office of such clerk. Application for absent voter's ballots shall be substantially in the following form, and shall be signed and sworn to by the applicant, as hereinafter provided, before some officer authorized by law to administer oaths, and having an official seal. If the applicant appears in person at the office of the clerk of the circuit court such clerk shall administer the necessary oath.

13 **VERIFIED APPLICATION FOR ABSENT VOTER'S BALLOT.**
14 **STATE OF**

15 **COUNTY OF** to-wit:
16 I,, solemnly swear (or affirm) that I have
17 been a resident of the state of West Virginia for twelve months,
18 and of county, for sixty (60) days next pre-
19 ceding, and of precinct No., in the magisterial district (or
20 of the ward of the city of) at the day of said
21 election; and that I am a duly qualified elector entitled to vote
22 in such precinct at such election; and that I am registered in
23 the precinct of my residence as provided by law. That I am
24 (stating business) and that because of the na-
25 ture of my business or employment or for the following reason
26 (relating unavoidable cause of ab-
27 sence) I expect to be absent from the state of my residence on the
28 date of such, election, and I hereby make applica-
29 tion for an official ballot or ballots, if more than one (1) is to
30 be used, to be voted by me at such election, and that I will re-
31 turn such ballot or ballots to the officer issuing them not later
32 than four days prior to the day of such election. If application
33 is made for a primary ballot, the applicant shall also designate
34 the party whose candidates he expects to vote for.
35 (Date)
36 Signed

37 Home address of applicant.....
38 P. O. address to which ballot is to be sent,
39
40 Subscribed, sworn to before me and given under my hand
41 and seal this day of, A. D. 19.....
42 (Official Title)
43 My commission expires

Duty of Clerk.

Sec. 4. Upon receipt of such application the clerk of the cir-
2 cuit court with whom such application is filed shall file the ap-
3 plication in his office and enter the name of the elector, his home
4 address, the address to which the ballot or ballots are to be sent,
5 the date of receiving the application, the date of mailing the
6 ballot or ballots to such elector, the date of receiving the ballot or
7 ballots from such elector, and such other information as may

8 seem necessary or advisable upon a list to be kept for that purpose.

Ballots Mailed or Delivered—Clerk's Seal.

Sec. 5. The clerk of the circuit court of the county in which said applicant is a qualified elector, shall, on the tenth day prior to the election at which such absent voter's ballot is to be used, but not before said tenth day, mail to all applicants who have executed and filed their application on or before said tenth day, postage prepaid, at the address named in the application, an official ballot or ballots, if more than one (1) are to be voted at such election; or the applicant may obtain such ballot or ballots by applying personally at the office of such clerk of the circuit court not more than ten (10) days nor less than four (4) days before such election. The clerk of said circuit court shall, on each and every day after said tenth day until and including the fourth day before the election at which such absent voter's ballot is to be used, but not after said fourth day, mail to each applicant on the day of the filing of the application an official ballot or ballots in the way and manner the applications were mailed on said tenth day. In computing the tenth day before the election day and the fourth day before the election day the date of the election shall be excluded. Before mailing or delivering any ballot the clerk shall fix his official seal and place his signature near the lower left hand corner on the back thereof.

Ballot Enclosed in Envelope—Affidavit.

Sec. 6. The clerk of the circuit court of the county shall enclose each ballot or ballots in an envelope, unsealed, to be furnished by such clerk, which envelope shall bear upon the face thereof, the name, official title and post-office address of such clerk and upon the other side a printed affidavit in substantially the following form:

STATE OF WEST VIRGINIA,

COUNTY OF, to-wit.

I,, do solemnly swear (or affirm) that I am a resident of precinct No. . . . of the magisterial district of, (or) of ward No. . . . of the city of, residing at in that city, in the county of and state of West Virginia; and am entitled to vote in such precinct at the election to

15 be held on , 19..... That I am
 16 (stating business) and that because of the nature of my employ-
 17 ment, or for the following reasons
 18 (relating unavoidable cause of absence) I expect to be absent
 19 from the state of my residence on the day of such election. I
 20 further swear or affirm that I have personally marked the en-
 21 closed ballot or ballots in secret, and have enclosed the same in
 22 this envelope and sealed the same without exhibiting them to
 23 any other person.

24 (Signed).....

25 Subscribed and sworn to before me, a in and
 26 for county, state of, and given
 27 under my hand and seal this day of,
 28 A. D. 19—. And I do certify that the affiant exhibited the
 29 enclosed ballot to me unmarked; that he then in my presence and
 30 of no other person, and in such manner that I could not see his
 31 vote, marked such ballot or ballots and enclosed and sealed the
 32 same in this envelope; that the affiant was not solicited or
 33 advised by me to vote for or against any candidate or measure.

34
 35 Signature of official.

36
 37 Official title.

38 My commission expires

Affidavit of Absent Voter—Marking Ballot—Return.

Sec. 7. Such absent voter shall make and subscribe to the
 2 affidavit provided for in section six of this act before any officer
 3 authorized by law to administer oaths, and having an official seal,
 4 and such voter shall thereupon, in the presence of such officer,
 5 and of no other person, mark such ballot or ballots, but in such
 6 manner that such officer cannot know how such ballot or ballots
 7 are marked, and such ballot or ballots shall then, in the pres-
 8 ence of such officer, be folded by such voter so that each ballot
 9 will be separate and so as to conceal the marking, and shall, in
 10 the presence of such officer, be enclosed in such envelope together
 11 with any unused ballot and the envelope shall be securely sealed.
 12 The envelope shall then be mailed by such voter, by registered
 13 mail, postage prepaid, to the officer issuing the ballot or if more
 14 convenient it may be delivered in person. Any such ballot to
 15 be valid shall be received by the clerk of the circuit court of the

16 county in time for him to deliver the same to the election com-
17 missioners, to whom the ballots and other election supplies are
18 delivered for use at such elector's voting precinct.

Ballot Sealed—Endorsement.

Sec. 8. Upon receipt of an absent voter's ballot, the clerk of
2 the circuit court of the county shall forthwith enclose the same,
3 unopened, together with the application made by such absent
4 voter, in a large carrier envelope, which shall be securely sealed
5 and endorsed with the name and official title of such clerk and
6 the words: "This envelope contains an absent voter's ballot and
7 must be opened only at the polls on election day while such polls
8 are open," and such clerk shall thereafter keep the same securely
9 in his office until delivered by him as provided in section nine
10 of this act.

Delivery to Commissioner.

Sec. 9. In the event that an absent voter's ballot shall be re-
2 ceived by the clerk of the circuit court prior to the delivery of
3 the official ballots to the election commissioner of the precinct in
4 which such elector resides, such enclosed ballot and application
5 sealed in the carrier envelope, shall be delivered to the election
6 commissioners of such precinct along with such official ballots.

Canvass of Ballots.

Sec. 10. At any time between the opening and closing of the
2 polls on such election day, the commissioners of election of such
3 precinct, in the presence of each other, shall open the outer or
4 carrier envelope only, announce the absent voter's name and com-
5 pare the signature upon the application with the signature upon
6 the affidavit on the ballot envelope. In case the election com-
7 missioners find the affidavit properly executed and attested, that
8 the signatures correspond, that the applicant is a duly qualified
9 elector of the precinct, that he is duly registered, or that the
10 applicant has not voted in person at such election, or, in case
11 of a primary election, if he has not previously exercised the
12 right of suffrage, if he shall have executed the proper declar-
13 ation relative to his age and qualifications and the party with
14 which he intends to affiliate, the election inspector shall open the
15 envelope containing the absent voter's ballot in such manner as
16 not to deface or destroy the affidavit thereon and take out the

17 ballot or ballots enclosed therein without unfolding or permit-
18 ting the same to be unfolded or examined. The commissioners
19 shall then deliver such ballot or ballots to the poll clerks, who
20 shall at once proceed to write their names on the back of each
21 of such ballots, and in the same manner as other ballots are re-
22 quired to be endorsed. A commissioner shall thereupon deposit
23 the same in the ballot box and enter the absent voter's name in
24 the poll book, the same as if he had been present and voted in
25 person. In the event that such affidavit is found to be insuffi-
26 cient, or that the signatures do not correspond, or that the appli-
27 cant is not a duly qualified elector in such precinct or that he
28 has voted in person at such election, or that he has not regis-
29 istered, or that the ballot is open, or has been opened and re-
30 sealed, or that the ballot envelope contains more than one bal-
31 lot of any one kind, or in case of a primary election, if he shall
32 have failed to execute the proper declarations relative to his age
33 and qualifications and the party with which he intends to affiliate,
34 such ballot or ballots shall not be accepted or counted. Every
35 ballot not accepted or counted for any of the reasons hereinbe-
36 fore enumerated shall, without unfolding the same to disclose
37 how it is marked, be endorsed on the back thereof with the words
38 "Rejected," (giving the reason or rea-
39 sons therefor). All rejected absent voter's ballots shall be en-
40 closed and securely sealed in an envelope on which the election
41 commissioners shall endorse the words "Absent voter's defective
42 ballots," and return to the same officer and in the same manner
43 as by law provided for the return and preservation of official
44 ballots cast and uncast at the election.

Right of Challenge.

Sec. 11. The vote of any absent voter may be challenged for
2 cause and the election commissioners shall have all the power
3 and authority given by law to hear and determine the legality
4 of such ballot or ballots the same as though the ballot or ballots
5 were cast by the voter in person.

Deceased Voter's Ballot.

Sec. 12. Whenever it shall be made to appear by due proof
2 to the commissioners that any elector who has marked and for-
3 warded his ballot as hereinbefore provided in this act, has died,
4 then the ballot of such deceased voter shall be returned by the

5 commissioners with defective ballots to the officer issuing it, but
6 the casting of an absent voter's ballot by a deceased voter shall
7 not invalidate the election.

Application of Existing Law.

Sec. 13. The provisions of the election law and not inconsis-
2 ent with the provisions of this act shall apply with full force,
3 so far as applicable, to absent voters.

False Affidavits—Violations—Penalty.

Sec. 14. If any person shall wilfully swear falsely to any
2 such affidavit he shall be guilty of perjury and shall upon con-
3 viction thereof be punished as provided by law. If any per-
4 son who, having procured an official ballot or ballots, as herein-
5 before provided, shall wilfully neglect or refuse to cast or return
6 the same in the manner hereinbefore provided, or who shall wil-
7 fully violate any of the provisions of this act shall be deemed
8 guilty of a misdemeanor and upon conviction thereof shall be
9 fined not to exceed two hundred and fifty (\$250) dollars, or be
10 imprisoned in the county jail for a period not to exceed six (6)
11 months. If the clerk of the circuit court of any county, or any
12 election officer shall refuse or neglect to perform any of the
13 duties prescribed in this act, or shall violate any of the provisions
14 thereof, he shall be deemed guilty of a misdemeanor and shall
15 upon conviction thereof, be subject to a fine of not less than
16 two hundred and fifty (\$250) dollars, nor more than five hun-
17 dred (\$500) dollars, or by imprisonment in the county jail for
18 a period of not to exceed six months.

Act Supplementary.

Sec. 15. The provisions of this act shall be deemed to con-
2 stitute a method of voting in addition to the method now pro-
3 vided by law, and to such extent shall be deemed as supplemen-
4 tary and amendatory of existing laws relating to the manner and
5 method of voting.

Return of Applicant.

Sec. 16. This act shall not be so construed as to prohibit
2 any absent voter, returning to his place of residence, from voting
3 in person within his precinct at any election contemplated in
4 this act, notwithstanding that he may have made application for

5 an absent voter's ballot or ballots, and such ballot or ballots may
6 have been mailed or otherwise delivered by the proper clerk;
7 *provided*, that such voter has not availed himself of the privi-
8 leges of an absent voter, as provided in this act, and voted the
9 ballot or ballots mailed or otherwise delivered to him by such
10 clerk; and *provided*, he shall return such ballot or ballots, if re-
11 ceived to the commissioner of the election of the precinct of his
12 residence by whom it shall be marked "cancelled," and preserved
13 with other ballots.

Ballots, Official—Record and Delivery.

Sec. 17. The ballot or ballots to be delivered to and marked
2 by any absent voter shall be of the regular official ballots to be
3 used at such election. The clerk shall keep a record of all bal-
4 lots so delivered for the purpose of absent voting, as well as all
5 ballots, if any, marked before him, and shall deliver to the com-
6 missioners of the election to whom the ballots for the precinct are
7 delivered, and at the time of the delivery of such ballots a cer-
8 tificate stating the number of ballots delivered or mailed to absent
9 voters, as those marked before him, if any, and the names of the
10 voters to whom such ballots have been delivered or mailed, or by
11 whom they have been marked, if marked before him.

Ballots—Number—Printing—Distribution.

Sec. 18. Absent voter's ballots shall be in all respects like
2 other ballots. Not less than thirty (30) days prior to the date
3 on which any general, primary or special election is held, the
4 clerk of the circuit courts of the several counties shall estimate
5 and determine the number of absent voter's ballots of all kinds
6 which will be required in their respective counties for any such
7 election. The ballots for the election of all officers, or the rati-
8 fication, acceptance or rejection of any measure or proposition
9 to be voted for by the electors shall be prepared and printed under
10 the direction of the board of ballot commissioners. The several
11 county boards of ballot commissioners shall prepare and have
12 printed, in such number as they shall determine, such absent
13 voter's ballots as are to be printed under their directions as
14 hereinbefore provided, and such ballots shall be delivered to the
15 clerk of the circuit court of the county not less than ten (10)
16 days prior to the day of the election at which they are to be used.

CHAPTER 56

(House Bill No. 387—Mr. McClintic, of Kanawha.)

AN ACT for the protection of employees as voters, and giving time to vote at primary elections.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

SEC.

1. Voters to have two hours from any service or employment to vote at primary or convention without deduction from wages.

SEC.

2. Intimidation of voter by threats, etc.; penalty for.
3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person entitled to vote at the primary or 2 convention shall on the day of such primary or convention, be 3 entitled to absent himself or herself from any service or em- 4 ployment in which he or she is then engaged or employed for 5 a period of two hours between the time of opening and closing 6 the polls. He or she shall not be liable to any penalty nor 7 shall any deduction be made on account of such absence from 8 his or her usual salary or wages; *provided, however*, that appli- 9 cation for such leave of absence shall be made prior to day of 10 primary or convention.

Sec. 2. Whoever, for the purpose of influencing a voter, seeks 2 by violence or threats of violence, or threats to enforce the pay- 3 ment of a debt; or to eject or threaten to eject from any house 4 he or she may occupy; to foreclose a lease or to enforce any 5 contract effecting the tenant or renter, except as authorized by law, 6 or to injure the business, trade or calling of an elector; or, if 7 any employer of laborers or any agent of such employer, threat- 8 ens to withhold the wages of, or to dismiss from any service 9 any laborer in his employment; or refuses to allow such em- 10 ployee time to attend the place of election and vote, shall be 11 guilty of a misdemeanor and may be fined not more than two 12 hundred dollars nor less than twenty-five dollars or confined in 13 the county jail not more than three months.

Sec. 3. All acts or parts of acts in conflict with this act are 2 hereby repealed.

CHAPTER 57

(Senate Bill No. 12—Mr. Sanders.)

AN ACT to amend and re-enact sections three, seventeen and eighteen of chapter one hundred and thirty-five of the code of West Virginia of one thousand nine hundred and thirteen, prescribing the limitations for writs of error and appeals.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

Sec.

3. Petition must be presented within eight months after judgment, decree or order rendered; one year if judgment rendered before this section takes effect.
17. Record; time of filing ten months; dismissal of appeal; one year and

Sec.

- two months if judgment, etc. rendered before law takes effect.
18. Same; number of copies; form and contents; printing; disposition of copies; cost of printing; how taxed; dismissed for failure to deposit; felony cases, number and disposition of records; how paid.

Be it enacted by the Legislature of West Virginia:

That sections three, seventeen, and eighteen of chapter one hundred and thirty-five of the code be amended and re-enacted so as to read as follows:

Section 3. No petition shall be presented for an appeal from, 2 or writ of error or supersedeas to, any judgment, decree or order, 3 whether the state be a party thereto or not, nor to any judgment 4 of a circuit court or municipal court rendered in an appeal from 5 the judgment of a justice, which shall have been rendered or 6 made more than eight months before such petition is presented. 7 *Provided*, that if such judgment, decree or order was rendered 8 or made before this section as amended takes effect such petition 9 may be presented within one year from the date of such judg- 10 ment, decree, or order.

Sec. 17. No process shall issue upon any appeal, writ of error 2 or supersedeas allowed to or from a final judgment, decree or 3 order, if when the record is delivered to the clerk of the appel- 4 late court there shall have elapsed ten months since the date of 5 such final judgment, decree or order, but the appeal, writ of er- 6 ror or supersedeas shall be dismissed whenever it appears that 7 ten months have elapsed since the said date before the record 8 is delivered to such clerk, or before such bond is given, as is re- 9 quired to be given before the appeal, writ of error or supersedeas 10 takes effect; *provided*, that if such judgment, decree or order 11 was rendered or made before this section as amended takes effect 12 such process may issue within one year and two months from 13 the date of such judgment, decree or order.

Sec. 18. There shall be eighteen copies of the record printed containing the petition, so much of the record as the counsel for any party interested or the court may direct, and the table of contents, in octavo form, on book paper of good quality, long primer type, the title on the cover to be in the center, preserving on the margin of the printed record the paging of the record from the court below. The printed matter on the pages of such record shall be four inches by seven inches in size, and each page shall contain fifteen hundred ems of such type. Such pages shall not be more than single leaded, and not more than a pica slug shall be used around heads. Of the printed records the clerk shall deliver one to each judge, two to the counsel on each side, transmit one to the clerk of the court below (in which the case was originally decided) and retain the remaining copies in his office. The clerk shall have the record printed when the party obtaining the appeal, writ of error or supersedeas shall deposit with him a sufficient sum to pay for said printing, which shall be not more than sixty cents per thousand ems for all matter printed, and the cost of printing of said record shall be printed at the end of same, and no greater compensation shall be charged for printing and comparing the same. In measuring such printing and estimating the number of ems no unnecessary space, at the top, bottom or elsewhere on a page shall be reckoned or counted, and only the actual printing done by measuring on the face of the type, shall be charged, except the blank portion of pages at the end of the petition, record and index may be counted as full pages. No entirely blank pages are to be counted, and only two pages to be counted for cover; *provided*, that in no case shall more than ninety cents per page be charged for any such record, and no tabular work, blue print of map or other matter required to be furnished or printed in the record shall be charged for in computing the cost of printing, at a greater rate than ninety cents per page, of same measure as record pages. The cost of such printing, unless otherwise ordered by the court, shall be taxed against the opposite party, if the judgment, decree or order appealed from be reversed. And should the appellant or plaintiff in error fail for three months after his case has been docketed in the court of appeals, to deposit with the clerk of the said court of appeals a sufficient sum to pay for the printing of the record, he shall be deemed to have abandoned

41 his appeal and the same shall be dismissed; but it may be re-
 42 newed at any time within six months from the date of the judg-
 43 ment, order or decree appealed from, according to the provisions
 44 of section three of this chapter. In every felony case, the clerk
 45 shall have the usual number of records printed at a cost not
 46 exceeding the amount fixed by this section, and dispose of the
 47 same as in other cases; and upon the certificate of the president
 48 of the supreme court of appeals stating that such record has
 49 been printed, and the amount said clerk is entitled to, the costs
 50 of printing the same shall be paid to said clerk out of the treas-
 51 ury of the state, and the auditor shall draw his warrant on the
 52 treasury for the payment thereof out of the fund for criminal
 53 charges.

CHAPTER 58

(Senate Bill No. 19—Mr. Sanders.)

AN ACT to amend and re-enact section five of chapter one hundred
 and thirty-three of the code of West Virginia, of one thousand
 nine hundred and thirteen, relating to the filing of bills of review.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the
 Governor May 3, 1921.]

<p>SEC. 5. When bill of review allowed in- junction may be awarded; limi-</p>		<p>tation for filing; if decree pro- nounced before this section in effect; limitation of one year.</p>
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Be it enacted by the Legislature of West Virginia:

That section five of chapter one hundred thirty-three of the code
 of West Virginia, one thousand nine hundred and thirteen be amended
 and re-enacted so as to read as follows:

Section 5. A court or judge allowing a bill of review may
 2 award an injunction to the decree to be reviewed. But no bill
 3 of review shall be allowed to a final decree, unless it be exhibited
 4 within eight months next after such decree, except that an infant
 5 or insane person may exhibit the same within eight months after
 6 the removal or his or her disability. *Provided*, that if such decree
 7 was pronounced before this section as amended takes effect, such
 8 bill of review may be exhibited within one year after such decree.

CHAPTER 59

(Senate Bill No. 121—Mr. Sanders.)

AN ACT to amend and re-enact section twenty-six of chapter one hundred and thirty-five of the code as amended and re-enacted by chapter sixty-nine of the acts of the legislature of one thousand nine hundred and fifteen.

[Passed April 26, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

26. Judgment of supreme court of appeals, etc.; judgment on appeal from order granting new trial or

rehearing; motions to dismiss, notice of; motion to dismiss involving merits.

Be it enacted by the Legislature of West Virginia:

That section twenty-six of chapter one hundred and thirty-five of the code as amended and re-enacted by chapter sixty-nine of the acts of the legislature of one thousand nine hundred and fifteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 26. The supreme court of appeals shall affirm the judgment, decree or order, if there be no error therein, and reverse the same in whole or in part, if erroneous, and enter such judgment, decree or order as the court whose error is sought to be corrected ought to have entered, affirming in cases where the court is equally divided. In the case of an appeal from an order granting a new trial, or rehearing, if the order be reversed, such final judgment, decree or order shall be rendered or made in the case as the appellant was entitled to in the court below. All motions to dismiss upon grounds not involving the merits of the case shall be made after reasonable notice in writing to the opposite party or his attorney, or given in a brief, filed under the rules. With leave of the court previously granted, and after reasonable notice to be prescribed by a rule of the court, a motion to dismiss involving the merits, or to affirm or reverse, may be made at any time after the allowance of the appeal, writ of error or supersedeas; and, upon the hearing of such motion, the court may dismiss, affirm, modify or reverse with like effect as if the appeal, writ of error or other process had been regularly matured for final hearing.

CHAPTER 60

(Senate Bill No. 18—Mr. Sanders.)

AN ACT to amend and re-enact sections four and five of chapter one hundred and forty-one, of the code, relating to writ of *fieri facias*.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

SEC.

4. Interrogatories to debtor; summons, service of, when returnable; attachment of debtor, when may issue; objections to inter-

SEC.

rogatories; proceedings may be based on *fieri facias*.
5. Conveyance by debtor of property to officer; if conveyance not made, order of arrest.

Be it enacted by the Legislature of West Virginia:

That sections four and five of chapter one hundred and forty-one of the code, be amended and re-enacted so as to read as follows:

Section 4. To ascertain the estate on which a writ of *fieri facias* is a lien, and to ascertain any real estate in or out of this state to which a debtor named in such *fieri facias* is entitled, upon the application of the execution creditor the judge or a commissioner in chancery of any court of record, may, as provided hereinafter, issue a summons requiring the execution debtor or any officer of a debtor corporation having any office in this state, or debtor or bailee of his or it, requiring him or them to appear before a commissioner in chancery as hereinafter provided at a time and place to be designated in said summons, to answer upon oath such questions as shall be propounded at such time and place by counsel for the execution creditor or the commissioner. Said summons shall be returnable not exceeding sixty days from date, and the person served with the summons, shall appear at the time and place mentioned and make answer under oath to such questions. Said questions and answers shall, if required by any party, be taken down in writing at the expense of the party requesting it, and certified by the commissioner at the conclusion thereof. If the person or persons so summoned fail to appear and answer, or make any answers which are deemed by the commissioner to be evasive, the commissioner after the service and return day of a notice to, or rule upon the debtor, issued by such commissioner, and returnable to a day and place indicated in the process, to show cause against it, may issue an attachment against such debtor, returnable before him on a day and place certain, set out in it, to compel such debtor to appear before the commissioner and answer. But the commissioner shall enter in his

27 proceedings and report to the circuit judge of his county, any
 28 and all objections taken by such debtor against answering any
 29 questions; and if the court shall afterwards sustain any one or
 30 more of such objections, the answers given, as to which objec-
 31 tions are sustained, shall be held for naught in that or any other
 32 cause. This proceeding may be based upon a *feri facias* issued
 33 by the court of record, or by any court not of record, and the
 34 summons shall be served in the county in which it was issued.

Sec. 5. Any real estate out of this state, to which it may ap-
 2 pear by such examination the debtor is entitled, shall be forth-
 3 with conveyed by him to the officer to whom was delivered the
 4 said *feri facias*; and any money, bank notes, securities, evidence
 5 of debt, or other personal estate, which it may appear by such
 6 examination are in the possession or under the control of the
 7 debtor, though in the hands of some other person, shall be delivered
 8 by him, as far as practicable, to the same officer, or to such other,
 9 and in such manner as may be ordered by the court, when the
 10 examination is before the court, or by the commissioner when
 11 the examination is before him; and any chose in action or other
 12 intangible property shall be assigned or conveyed to the officer.
 13 Unless such conveyance, assignment and delivery be made, a
 14 writ shall be issued by the judge's order, upon application, or if
 15 the examination be not before the judge, by the commissioner,
 16 directed to the sheriff of the county, requiring such sheriff to
 17 take the debtor, and keep him safely until he shall make such
 18 conveyance, assignment or delivery, upon doing which he shall
 19 be discharged by the judge under whose order the writ issued, or if
 20 issued by the commissioner, then by him. (Acts. 1872-3, c. 218-5;
 21 1882, c. 127.)

CHAPTER 61

(Committee Substitute for Senate Bill No. 32.)

(By the Committee on the Judiciary.)

AN ACT to amend chapter seventy-four of the code, by adding thereto
 section eleven, relating to recording assignments.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the
 Governor April 30, 1921.]

Sec.

11. Assignment of judgment lien or
 vendor's lien void as to creditors,
 etc., until admitted to record: to
 be acknowledged by assigner; duty

of clerk as to recordation; judg-
 ment or note pledged as collateral
 not treated as assignment until
 actually sold or transferred.

Be it enacted by the Legislature of West Virginia:

That chapter seventy-four of the code be amended by adding thereto section eleven, to read as follows:

Section 11. Any assignment of a judgment lien or vendor's lien, or note secured by a vendor's lien retained in the deed of conveyance or by a note secured by a deed of trust or mortgage on land or chattels shall be void as to creditors and subsequent purchasers of such land or chattels for a valuable consideration without notice until and except from the time such assignment is duly admitted to record in the county wherein the property effected by any such lien so assigned is situate.

All such assignments before being admitted to record must be acknowledged by the assignor in the same manner as a release of a lien is acknowledged and the clerk of the county court shall record all such assignments admitted to record in his office in a book kept for that purpose and to be known as the "Book of Assignments" and index the same in the name of all the parties, and he shall also note the fact of the assignment on the margin of the record of such judgment lien, deed or deed of trust or mortgage, with a reference to the book of assignment and page where the assignment is recorded. *Provided, however,* the pledging of any such judgment or note, mentioned herein, as collateral security for a debt or loan shall not be held or treated as an assignment thereof until the same is actually sold or transferred in payment of the pledge for which it was given as surety.

CHAPTER 62

(Senate Bill No. 33—Mr. Harmer.)

AN ACT to amend and re-enact section two of chapter seventy-six of the code of West Virginia, as amended and re-enacted by chapter forty-nine of the acts of one thousand nine hundred and seventeen, regular session, relating to forms of releases and acknowledgments.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

Sec.
2. Releases and their acknowledgments; forms of; assignment of

lien must be acknowledged as release of same is acknowledged.

Be it enacted by the Legislature of West Virginia:

That section two of chapter seventy-six of the code of West Virginia as amended and re-enacted by chapter forty-nine of the acts of one thousand nine hundred and seventeen, regular session, be amended and re-enacted so as to read as follows:

Section 2. Releases and their acknowledgments may be in 2 form or effect as follows:

3 (1) In case of a mortgage or deed of trust: "I, A———
4 B———, hereby release a mortgage (or deed of trust) made by
5 C——— D——— to me (or to E——— F———, my trustee, or
6 to ——, and assigned to me) dated the —— day of——,
7 recorded in the office of the clerk of the county court of ——
8 county, West Virginia, in deed book ——, page ——. (To be
9 signed) A——— B———.

10 Acknowledged before the subscriber, by A——— B———
11 this —— day of ——.

12 (To be signed) G——— H———, justice (or clerk of the
13 county court, notary public, etc., as the case may be) of ——
14 county).

15 (2) In case of a lien for purchase money, reserved by con-
16 veyance: "I, A——— B———, hereby release the right reserved
17 to me in a conveyance executed by me (or myself and wife, or
18 by —— and assigned to me) to C——— D———, dated the
19 —— day of ——, etc. (as in the preceding form)."

20 (3) In case of a judgment or decree: "I, A——— B———,
21 hereby release a judgment (or decree) in my favor (or in favor
22 of I——— K———, which has been assigned to me; or in favor
23 of I——— —K——— for my use) against C——— D———, for
24 (stating the amount) with interest and cost rendered by (stating
25 the court by which, or the justice by whom it was rendered, and
26 the term or date at which it was rendered, to be signed and
27 acknowledged as above)."

28 Every assignment of any such lien must be acknowledged by
29 the assignor, before it can be recorded, in the same manner as a
30 release of the lien is acknowledged.

CHAPTER 63

(Senate Bill No. 50—Mr. Stewart.)

AN ACT to amend and re-enact section six-*a* of chapter seventy-three of the code of West Virginia relating to the authentication and record of deeds and other writings.

[Passed April 29, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 6-a. Authentication and record of deeds and other writings: acknowledgment; when defective</p>	<p>acknowledgment does not render void; duly certified exemplifications to be legal evidence; when this act not to apply.</p>
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Be it enacted by the Legislature of West Virginia:

That section six-*a* of chapter seventy-three of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 6-*a*. That no grant, bargain and sale, feoffment, deed of conveyance, mortgage, trust, release, assignment, or other assurance of land, tenements and hereditaments, or writing purporting to grant and convey the same, or power of attorney relating thereto, heretofore made, or executed, and delivered by husband and wife to a *bona fide* purchaser for good and valuable consideration and acknowledged by them before an officer duly authorized by law to take such acknowledgments, made, executed, acknowledged and delivered prior to the first day of March, one thousand nine hundred and twenty, shall be deemed, held or adjudged invalid, or defective, or insufficient in law or in equity, by reason of any informality or omission in setting forth the particulars of the acknowledgment made before such officer aforesaid in the certification thereof, or in stating the official character of such officer or the place of taking the acknowledgment, or by reason of the fact that the wife executed such instrument prior to the execution thereof by the husband, or by reason of the fact that the parties making or executing the instrument, or writing or any of them, omitted to seal the same; but every such power of attorney shall be valid, and all and every such grant, bargain and sale, feoffment, mortgage, trust, deed of conveyance instrument, writing and acknowledgment aforesaid, shall be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife, and of each of them, and any other person, in and to the land, tenements and hereditaments and real estate mentioned in the same, as if all the requisites and particulars of such acknowledgment mentioned in any law in

28 force at the date of any such grant, bargain and sale, feoffment,
 29 deed of conveyance; mortgage, trust, release, assignment, instru-
 30 ment, writing or other assurance, were particularly set forth
 31 in the certificate thereof, and the instrument or writing had been
 32 duly sealed by all the parties making and executing the same, and
 33 it affirmatively appeared in such instrument, or writing, and the
 34 certificate of acknowledgment thereto that the wife had made and
 35 executed the same subsequent to the making and executing thereof
 36 by the husband, and the record of the same duly made in the
 37 proper office for recording deeds in the state of West
 38 Virginia or in the state of Virginia before the forma-
 39 tion of West Virginia; and exemplifications of the same
 40 duly certified shall be legal evidence in all cases in which the
 41 original would be competent evidence. *Provided, however,* that
 42 this act shall not apply to suits now pending and undetermined
 43 or to any suit that may be brought within one year after the pas-
 44 sage of this act, insofar as it amends existing laws or to any such
 45 deed, grant, bargain and sale, feoffment, mortgage, trust, release,
 46 assignment, instrument, writing or other assurance of land, tene-
 47 ments and hereditaments, or real estate whatsoever, or power of
 48 attorney relating thereto, which has heretofore been declared or
 49 held invalid by any court of competent jurisdiction.

CHAPTER 64

(Senate Bill No. 90—Mr. Harmer.)

AN ACT to amend and re-enact sections six and thirteen of chapter one hundred and thirty-nine of the code, and to add two new sections to be designated fourteen and fifteen, relating to judgments.

[Passed April 29, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

<p>SEC. 6. No judgment a lien on real estate unless docketed; filing of execution on judgments; clerk's duties and fees.</p> <p>13. <i>Lis pendens</i> record.</p> <p>14. Notice of <i>lis pendens</i>; what to specify; recordation of; fees for recording.</p>	<p>SEC. 15. Until notice filed bringing of suit not constructive notice to <i>pendente lite</i> purchasers for valuable consideration without notice; when failure to file notice does not operate to defeat enforcement of lien.</p>
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Be it enacted by the Legislature of West Virginia:

That sections six and thirteen, of chapter one hundred and thirty-nine of the code, be amended and re-enacted and two new sections added, to be designated fourteen and fifteen.

Section 6. No judgment shall be a lien on real estate as
2 against a purchaser thereof for valuable consideration without
3 notice, unless it be docketed according to the third and fourth
4 sections of this chapter, in the county wherein such real estate
5 is, before a deed therefor to said purchaser is delivered for
6 record to the clerk of the county court. *Provided*, that no judg-
7 ment which is lien on real estate shall continue a lien on such
8 real estate, in case execution issued thereon, unless the execu-
9 tion issued on said judgment, or a copy thereof be filed in the
10 office of the clerk of the county court, wherein such real estate
11 is situated, within ten years from the date of said judgment or
12 in case other executions have theretofore issued on said judgment,
13 then within ten years from the date of the last execution so
14 issued thereon. And it shall be the duty of the clerk of the
15 county court wherein such real estate is situated to note on the
16 page of the judgment docket where such judgment is docketed,
17 the date on which said execution was issued and the date of the
18 filing of the same in said office, and for said service the clerk
19 shall receive a fee of twenty-five cents to be paid by the person
20 filing such execution or copy.

Sec. 13. There shall be kept in the office of the clerk of the
2 county court of each county of this state a book to be called the
3 "*Lis pendens* record," which shall be a public record.

Sec. 14. Whenever any person hereafter shall commence a suit,
2 action, attachment, or other proceeding, whether at law or in equity,
3 to enforce any lien upon, right to, or interest in designated real es-
4 tate, it shall be the duty of the plaintiff, at the time of filing the
5 complaint, and of the defendant, at the time of filing his answer,
6 when affirmative relief is claimed in such answer, to file for rec-
7 ordation with the clerk of the county court of each county where
8 the real estate sought to be affected is situated, a memorandum or
9 notice of the pendency of the action, stating the title of the cause,
10 the court in which it is pending, the names of all the parties to
11 such suit, a description of the real estate to be affected, the nature
12 of the lien, right or interest sought to be enforced against the
13 same, and the name of the person whose estate therein is intended
14 to be affected. The clerk of every such county court shall, with-
15 out delay, record the said memorandum in said "*Lis pendens*
16 record," note upon the record the day and hour when said notice
17 was filed and recorded, and index the same in the names of the

18 parties. For the service so performed the clerk of said county court
19 shall be entitled to receive a fee of one dollar, payable in advance
20 by the person presenting such notice for recordation.

Sec. 15. Until the notice required by this act has been filed
2 with the proper clerk, the bringing of any suit, action, attachment
3 or other proceeding for any of the purposes mentioned in the
4 preceding section, shall not operate as constructive notice of the
5 pendency of such suit or other proceeding, nor have any force or
6 effect as against *pendente lite* purchasers or encumberancers of
7 said real estate, for a valuable consideration and without notice;
8 *provided, however*, that where the lien, right or interest asserted
9 in the suit is based upon a claim which has been recorded, ac-
10 cording to law, in the office of the clerk of the county court of the
11 county wherein the real estate is situated, and has thus become
12 matter of public record, the failure to file the notice herein re-
13 quired shall not operate to defeat the enforcement of such lien,
14 right or interest in the real estate.

CHAPTER 65

(Senate Bill No. 118—Mr. Morton.)

AN ACT relating to liens, reserved on the face of conveyances of
real estate, or created by deeds of trust or mortgages thereon,
and fixing limitations as to the period of time within which the
same may be enforced.

[Passed April 27, 1921. In effect ninety days from passage. Became a law
without the approval of the Governor.]

SEC.

- | | |
|--|--|
| 1. No lien on real estate reserved on
face of conveyance or created by
deed of trust to be valid after | twenty years from date on which
obligation becomes due; to ap-
ply to existing liens; exceptions;
inconsistent acts repealed. |
|--|--|

Be it enacted by the Legislature of West Virginia:

Section 1. That no lien, reserved on the face of any conveyance
2 of real estate, or lien created by any deed of trust or mortgage on
3 real estate, shall be valid or binding as a lien on such real
4 estate, after the expiration of twenty years from the date on
5 which the debt or obligation secured thereby becomes due; and
6 the provisions of this act shall apply, with like effect, to every
7 such lien now existing, as well as to every such lien hereafter re-
8 served or created. *Provided, however*, that the said limitation
9 of twenty years prescribed by this act shall not be so construed

10 as to apply to any suit, now pending and undetermined, or to
 11 any suit or lawful proceeding, commenced within two years from
 12 the time when this act shall go into effect, for the enforcement
 13 of any such lien, otherwise legally enforceable but for said lim-
 14 itation.

15 All acts and parts of acts, inconsistent herewith, are hereby re-
 16 pealed.

CHAPTER 66

(House Bill No. 531—Mr. Midelburg.)

AN ACT to amend section eight and section eleven of chapter one hundred and twenty-seven of the code of West Virginia, relating to the abatement, revival and discontinuance of actions.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

SEC. 8. Discontinuance of cases, when court may order; publication of order.		SEC. 11. Re-instatement of cases, when may be done.
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Be it enacted by the Legislature of West Virginia:

That section eight and section eleven of chapter one hundred and twenty-seven of the code of West Virginia, be amended and re-enacted so as to read as follows:

Section 8. Any court in which is pending any case whercin for
 2 more than two years, there has been no order or proceeding but to
 3 continue it, or wherein the plaintiff is delinquent in the payment
 4 of accrued court costs, may, in its discretion, order such case to be
 5 struck from its docket; and it shall thereby be discontinued. A
 6 court making such order may direct it to be published in such
 7 newspaper as it may name.

Sec. 11. Any court may on motion, re-instate on the trial dock-
 2 et of the court any case dismissed, and set aside any non-suit that
 3 may be entered by reason of the non-appearance of the plaintiff
 4 within three terms after the order of dismissal may have been made,
 5 or order of non-suit entered; but any such order of re-instatement
 6 shall not be entered until the accrued court costs is such case shall
 7 have been paid.

CHAPTER 67

(Senate Substitute for House Bill No. 43.)

(By the Committee on the Dudiary.)

AN ACT to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the pay of grand and petit jurors.

[Passed April 22, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921.]

SEC.

22. Grand jurors: per diem and mileage, how paid; number of days for which paid.

23. Petit jurors: per diem and mileage, how paid; judge to fix per diem of both grand and petit

jurors: per diem in felony cases; no per diem unless actually attending court house; jury fee taxed as costs; disposition of jury fee; clerk's and sheriff's duty as to jury fees.

Be it enacted by the Legislature of West Virginia:

That sections twenty-two and twenty-three of chapter one hundred and sixteen of the code, be amended and re-enacted so as to read as follows:

Section 22. Every person who shall serve upon a grand jury shall be entitled to receive for such services not less than two dollars nor more than three dollars and fifty cents, to be fixed by the court, for each day he may so serve, and in addition thereto the same mileage as allowed to witnesses, to be paid out of the county treasury. But he shall not be paid for more than four days services at any one term of the court, except in the counties of Harrison, Kanawha, McDowell, Fayette, Cabell, Marshall, Marion, Mercer, Wood, Ohio, Mingo, Monongalia, Preston and Summers, where such grand jurors shall not be paid for more than ten days services for any one term of court.

Sec. 23. Any person summoned as aforesaid, by virtue of a *venire facias* or otherwise, to serve as a petit juror, and actually attending upon the court, or attending at the court house, at the time summoned, whether he be called to serve on a jury or not, shall for each day he so attends, be entitled to receive not less than two dollars and not more than three dollars and fifty cents, to be fixed by the court, and the same mileage allowed to witnesses, to be paid out of the county treasury. The judge of the court shall fix the compensation for grand and petit jurors, as provided for above, by an order entered of record in said court. *Provided*, that for any day that any person shall be sworn to serve as a juror on a case of felony he shall, for that day, and any other days he may so serve on such case, be paid three dol-

14 lars and fifty cents out of the state treasury, that for each day
 15 he shall not actually attend at the court house he shall receive
 16 nothing, and shall be allowed mileage but once during the term.
 17 There shall be taxed in the costs against any person against
 18 whom a judgment or the verdict of a jury may be rendered in
 19 a case of misdemeanor, and against any person against whom
 20 judgment on the verdict of a jury may be rendered in a civil ac-
 21 tion, and against any person on whose motion the verdict of a
 22 jury is set aside and a new trial granted, eight dollars for jury
 23 costs, which when collected from the party, shall be paid into
 24 the county treasury. All money so received by the clerk shall
 25 be forthwith paid by him to the sheriff, and the clerk and his
 26 surety shall be liable therefor on his official bond, as for other
 27 money coming into his hands by virtue of his office.

28 The clerk of the circuit court of each county in this state shall
 29 annually certify to the county court a list of all money so paid
 30 to him, and by him paid to the sheriff, and in addition thereto, a
 31 correct list of all the cases, in which jury fees have been taxed,
 32 and are, at the time, properly due and payable in the county
 33 treasury, and the sheriff of the county shall be held to account
 34 in his annual settlement for all such moneys collected by him.

CHAPTER 68

(House Bill No. 2—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section twenty-three of chapter seven-
 ty-two of the acts of the legislature of one thousand nine hundred
 and fifteen, now section twenty-three of chapter one hundred
 and thirty-one of Barnes' edition of the code of one thousand nine
 hundred and eighteen.

[Passed April 15, 1921. In effect ninety days from passage. Approved by
 the Governor April 25, 1921.]

SEC.

23. Instructions to juries: party pray-
 ing not disclosed, with objections,

part of record; inconsistent acts
 repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-three of chapter seventy-two of the acts of the
 legislature for one thousand nine hundred and fifteen, now section
 twenty-three of chapter one hundred and thirty-one of Barnes' edi-
 tion of the code for one thousand nine hundred and eighteen, be
 amended and re-enacted to read as follows:

Section 23. All instructions shall be read by the court to the jury
 2 as the action and ruling of the court without reference to or dis-
 3 closing, the party by whom they may have been prayed. Every
 4 instruction or charge when read to the jury shall, with the objec-
 5 tions or exceptions thereto, indorsed thereon, become a part of the
 6 record in the case and shall be included and copied in any transcript
 7 of the record without the formality of a bill of exceptions.

8 Acts or parts of acts inconsistent herewith are hereby re-
 9 pealed.

CHAPTER 69

(Senate Bill No. 14—Mr. Sanders.)

AN ACT to amend and re-enact section twenty-one of chapter one
 hundred and sixteen of the code of West Virginia, relating to
 juries, and to when and how juries may be summoned from an-
 other county in criminal cases.

[Passed March 23, 1921. In effect from passage. Approved by the Governor
 March 29, 1921.]

Sec.

21. Juries: special jury in civil cases,
 upon motion of all parties: how
 drawn: when drawn panel ex-
 hausted; in criminal cases when

may be drawn from other county;
 order for; how venire factas is-
 sued; per diem and mileage of
 jurors.

Be it enacted by the Legislature of West Virginia:

That section twenty-one of chapter one hundred and sixteen of the
 code of West Virginia, relating to juries, and to when and how juries
 may be summoned from another county in criminal cases, be amended
 and re-enacted so as to read as follows:

Section 21. Any court may allow a special jury in any civil
 2 case, upon motion of all the parties thereto, to be formed in the
 3 following manner, viz.: The court shall direct a panel of twenty
 4 jurors to be drawn by the clerk, in presence of the court, from
 5 the box mentioned in section five of this chapter, who shall be
 6 summoned by the sheriff to attend on the day named in the order,
 7 and from which number sixteen shall be chosen by lot; and the
 8 parties thereupon, beginning with the plaintiff's attorney, shall
 9 alternately strike off one until the number be reduced to twelve;
 10 which number shall complete the jury for the trial of the case.
 11 The court may also allow a special jury in any civil case when the
 12 panel of drawn jurors is exhausted, upon the motion of either of

13 the parties, to be summoned by the sheriff so far as may be required
14 from the body of the county; but no such special jury shall be
15 allowed in any case unless the court certifies of record that the
16 interests of the parties so asking such jury, will be promoted by
17 the allowance of such special jury.

18 And in any criminal case in any court, if, in the opinion of the
19 court, or the judge thereof in vacation, qualified jurors, not exempt
20 from serving, cannot be conveniently found in the county in which
21 the trial is to be, the court, or the judge thereof in vacation, shall
22 enter an order of record to such effect, and may cause so many of
23 such jurors, as may be necessary, to be summoned from any other
24 county. In said order the court, or the judge thereof in vacation,
25 shall fix a day on which such jurors shall be required to attend,
26 and in such order shall be indicated the county from which such
27 jurors shall be drawn, and the number of such jurors to be drawn.
28 An attested copy of such order shall be certified to the circuit court
29 of the county designated, or the judge thereof in vacation, and
30 thereupon such circuit court or the judge thereof in vacation, shall,
31 by order, direct that a jury be drawn, in the manner provided by
32 law for the drawing of petit jurors in his county, and proceed-
33 ings respecting the drawing of such jurors, including the names
34 of the jurors so drawn, shall be certified by the clerk of the circuit
35 court of the county designated to the clerk of the court wherein the
36 trial is to be. Thereupon, writ of *venire facias* shall be issued by
37 the clerk of the court wherein the trial is to be, directed to the
38 sheriff of the county wherein such jurors have been drawn, com-
39 manding him to summon the jurors so drawn to attend for jury
40 service in the county wherein the trial is to be upon the day named
41 in the writ. Said jurors shall attend for the purpose of the trial,
42 and the jury shall be selected in the manner provided by law.
43 For their service, the jurors so drawn shall be paid the per diem
44 and mileage out of the same funds that the jurors of the county
45 wherein the trial is to be, are paid.

CHAPTER 70

(Senate Bill No. 52—Mr. Hager.)

AN ACT to amend and re-enact section ten of chapter thirty-two-a
of Barnes' code of one thousand nine hundred and sixteen, relat-
ing to bonds and recognizances.

[Passed April 29, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

10. Recognizance; when required; failure to enter into such recognizances; material witnesses; how recognized; bond of accused; additional remedies for violation of bond or recognizances; discretion

of commissioner to compromise; when surety owner of real estate to furnish certified statement of county clerk; affidavit of surety as to other bonds and recognizances on which he is surety; disqualification of surety.

Be it enacted by the Legislature of West Virginia:

That section ten of chapter thirty-two-a of Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 10. If, upon examination of such person, it shall appear
 2 to such justice, court, judge or mayor, that there is probable
 3 cause to believe him guilty of the offense charged, the accused
 4 shall be required to enter into a recognizance, with sufficient
 5 securities, in the sum of not less than five hundred dollars, to
 6 appear before the next term of the circuit or criminal or inter-
 7 mediate court of the county having jurisdiction, to answer an
 8 indictment if one be preferred against him; and upon his failure
 9 to enter into such recognizance, the justice, court, judge or mayor
 10 shall commit him to jail to answer such indictment. All material
 11 witnesses shall also be recognized, with or without sureties, as
 12 such justice, court, judge or mayor may deem proper, to appear
 13 before the grand jury at the next term of such court and give
 14 evidence against the accused, and such justice, court, judge or
 15 mayor shall require the accused to give bond with sufficient
 16 security in the sum of five hundred dollars conditioned that he
 17 will not violate any of the provisions of this act during the time
 18 intervening between the date of such bond and the adjournment
 19 of the next grand jury term of said circuit or criminal or inter-
 20 mediate court of the county; and upon his failure to give such
 21 bond, the justice, court, judge or mayor shall commit him to jail
 22 until such bond is given or until he is discharged therefrom by the
 23 circuit or intermediate court of the county.

24 In addition to any remedy now provided by law for
 25 the enforcement of any penalty incurred by the fail-
 26 ure of any person to fulfil the condition of any bond
 27 or recognizance entered into under the provisions of
 28 this act, the commissioner shall have authority to en-
 29 force any such penalty in the circuit court of any county
 30 having jurisdiction by any action or proceedings now provided

31 by law for the enforcement of the penalty of any bond or recog-
32 nizance, and in addition thereto the commissioner shall have
33 authority to enforce in the name of the state of West Virginia
34 the penalty of any bond or recognizance taken or entered into in
35 any court or before a justice of the peace under the provisions
36 of this act, by motion in the circuit court of the county having
37 jurisdiction of which motion the parties affected shall have
38 twenty days notice. Either party shall have the right to have the
39 issue tried by a jury of which the state, as well as the defendant,
40 shall have the right to appeal. The notice of motion served upon
41 the party or parties liable to the payment of any penalty incurred
42 under this act by reason of the failure to perform the conditions
43 of any bond or recognizance shall set out the facts constituting
44 such failure, and such notice when filed in the circuit court of any
45 county having jurisdiction, properly sworn to by the commis-
46 sioner, shall constitute a *prima facie* case that the parties against
47 whom the proceeding is had incurred the penalty as alleged in
48 said notice, *provided, however*, that anyone liable for such penalty
49 shall be permitted to prove by competent evidence that there is
50 no liability upon him. Proceedings under this act shall not be
51 governed by technical rules of pleading and evidence but the court
52 before whom the same are pending shall determine all questions of
53 law involved in such proceedings according to the very rights of the
54 parties. The commissioner shall have authority to employ such
55 counsel as he may deem necessary for the purpose of enforcing
56 the provisions of this act, the compensation of such counsel to
57 be paid from the amounts collected and shall be fixed by the
58 commissioner, the remainder of any amount collected after the
59 payment of any compensation allowed by the commissioner for
60 making the collection, shall be paid into the state treasurer and
61 credited to the proper funds. The commissioner shall also have
62 authority, within his discretion, to settle by compromise any pro-
63 ceedings brought under the provisions of this section.

64 Before any court shall accept any person as surety upon any
65 bond or recognizance under the provisions of this act, such surety
66 shall furnish a certified statement from the clerk of the county
67 court of the county in which such surety owns real estate showing
68 the amount, location and assessed value of his real estate, and
69 shall also file an affidavit, the form of which may be prescribed by
70 the commissioner showing the bonds and recognizances upon which

71 he is then surety, and the amount of each bond or recognizance. If
 72 the amount of such bond or recognizance, together with all bonds
 73 and recognizances as shown by the affidavit aforesaid, exceeds in
 74 amount the value of the surety's property as shown by the cer-
 75 tificate of the clerk of the county court, then such surety shall be
 76 disqualified.

CHAPTER 71

(Senate Bill No. 95—Mr. Sanders.)

AN ACT dispensing with the necessity of any natural person affix-
 ing a seal to any deed, trust deed, mortgage, lease or other
 writing conveying, selling, or agreeing to sell, leasing, renting
 or encumbering real estate, and making the same evidence; and
 providing that an action of covenant may be maintained thereon
 for the breach of any covenant or warranty therein.

[Passed April 26, 1921. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

Sec.

1. "Natural person," defined.
2. Omission of private seal or scroll in lieu thereof to deeds, etc. shall not detract from legal effect of same.

SEC.

3. Such writings or attested copies, admitted in evidence in proper cases; to have same force and legal effect as if sealed.
4. When action of covenant will lie; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The term "natural person" as used in this act
 2 shall include the clerk of any court; any commissioner appointed
 3 by, or acting under the authority of any of the courts of this
 4 state or the state of Virginia; any trustee, executor, administra-
 5 tor and any and all persons acting in his own or a representa-
 6 tive official or fiduciary capacity.

Sec. 2. That the affixing of what has been known as a
 2 private seal, or scroll in lieu thereof, or the word "seal" by any
 3 natural person hereafter to any deed, trust deed, mortgage, lease,
 4 bond, or other writing, conveying, selling or agreeing to sell,
 5 leasing, renting or encumbering any real estate, shall not give
 6 thereto any additional force or effect; and the omission of any
 7 such seal, word or scroll, shall in no way detract from the legal
 8 effect of any such deed, trust deed, mortgage, lease, bond or
 9 other writing, and every estoppel, covenant and warranty con-
 10 tained therein or created thereby, shall be as binding, and may be
 11 applied and enforced, as if contained in or created by deed or other
 12 such writing under seal.

Sec. 3. Any such writing as is mentioned in the preceding section, or an attested or certified copy from the record thereof, may be admitted in evidence in all proper cases, and shall be given the same construction, weight, force and legal effect as if sealed.

Sec. 4. An action of covenant may be maintained on any instrument of writing mentioned in the two preceding sections which is not under seal, and which is executed after this act goes into effect, for the breach of any covenant or warranty therein contained, the same as if such writing had been duly sealed.

6 All acts or parts of acts, coming within the purview hereof, 7 or inconsistent herewith, are hereby repealed.

CHAPTER 72

(Senate Bill No. 158—Mr. Stewart.)

AN ACT to amend and re-enact section nine of chapter eighty-five of the code of West Virginia, relating to the marriage of a female representative.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

SEC. 6. Marriage of a female representative not to terminate authority | or make husband personal representative in her right.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter eighty-five of the code of West Virginia, be amended and re-enacted so as to read as follows.

Section 9. Where an unmarried woman who is a personal representative, either alone or jointly with another, shall marry, her husband shall not be a personal representative in her right, but such marriage shall not operate as an extinguishment of her authority.

CHAPTER 73

(Senate Bill No. 94—Mr. Sanders.)

AN ACT to amend and re-enact section fifteen of chapter sixty-five of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to a tenant by the curtesy.

[Passed April 8, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 15. Estate of married woman; hus- band to be tenant by the curtesy		in one-third thereof; as a widow would be entitled to dower; in- consistent acts repealed.
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Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter sixty-five of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 15. If a married woman die seized of an estate of 2 inheritance in lands, her husband shall be tenant by the curtesy 3 in the one-third thereof. An estate by the curtesy in the lands 4 of which a married woman may hereafter die seized, shall exist 5 and be held by her husband therein, whether they had issue 6 born alive during the coverture or not, in the same manner and 7 under the same right as a widow would be entitled to dower.

8 All acts and parts of acts inconsistent herewith are hereby 9 repealed.

CHAPTER 74

(Senate Bill No. 57—Mr. Johnson.)

AN ACT to amend and re-enact section seven-a of chapter seventy-three of the code, as amended and re-enacted by chapter thirty-four of the acts of one thousand nine hundred and seventeen, relating to general indexing, etc.

[Passed April 12, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 7-a. County court may contract for or order clerk of said court and clerk of circuit court to provide		general index for record books; form and contents of index; clerk's fee for same; exceptions as to clerk's compensation.
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Be it enacted by the Legislature of West Virginia:

That section seven-a, of chapter seventy-three of the code, as amended by chapter thirty-four of the acts of one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 7-a. The county court of any county may order the clerk 2 of said court and the clerk of the circuit court of said county, or 3 let to the lowest bidder a contract to provide a general index for 4 the deed books, trust deed books, judgment lien dockets, marriage 5 records, release deed books, law and chancery order books in the

6 custody of the clerk of the circuit court of said county, or other
 7 record books, or any of them, in the office of either of said clerks,
 8 in which shall be indexed the names of all grantors and grantees
 9 of deeds, deeds of trust and release deeds, or other writings, the
 10 names of the parties to marriage records, and the names
 11 of persons for and against whom judgments are rendered,
 12 and in which law and chancery order books in the cus-
 13 tody of the clerk of the circuit court of said county
 14 shall be indexed, *versus* and *adversus*, the names of each
 15 of the plaintiff or plaintiffs and defendant or defend-
 16 ants and may include such other data as the clerk may
 17 determine, for which services the court shall allow the
 18 clerk a fee of six cents for each deed or other writing
 19 so indexed, and to the clerk of the circuit court a
 20 reasonable fee for each suit or proceeding in said court
 21 so indexed, to be paid out of the county treasury; *pro-*
 22 *vided, however,* that any contracts that have heretofore
 23 been made by any county court for general indexes
 24 shall be construed to be legal; *provided,* this act shall
 25 not be construed to allow such compensation after Jan-
 26 uary first, one thousand nine hundred and twenty-one,
 27 *except, however,* in those counties where general indexes
 28 were contracted for and in course of preparation prior
 29 to January first, one thousand nine hundred and twenty-
 30 one and not completed or paid for, the same shall be
 31 completed and paid for as provided in the contract therefor.

CHAPTER 75

(Senate Bill No. 99—Mr. Stewart.)

AN ACT concerning conditional sales and to make uniform the law
 relating thereto.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the
 Governor April 30, 1921.]

SEC.

1. Definition of terms.
2. Primary rights of buyer.
3. Primary rights of seller.
4. Conditional sales valid except as otherwise provided.
5. Conditional sales void as to certain persons.
6. Place of recording of conditional sale contract; contract need not be acknowledged.

SEC.

7. Fixtures annexed to realty; when severable and when not severable.
8. Railroad equipment or rolling stock; contract to be acknowledged and recorded in office of secretary of state.
9. Conditional sale of goods for resale.

SEC.	SEC.
10. Recording contents; time marked on; fees for.	19. Compulsory resale by seller; notice of to buyer; posting and publication.
11. Recorded contract valid for three years when; for fifteen years, when; how extended.	20. Resale at option of parties; how procured and conducted.
12. Cancellation of contract by clerk upon statement from seller; fee for.	21. Proceeds of resale; how applied.
13. Prohibition of removal or sale without notice.	22. Deficiency on resale.
14. Re-recording on removal or reservation void.	23. Rights of parties where there is no resale.
15. Fraudulent injury, concealment, removal or sale; penalty for.	24. Election of remedies.
16. Retaking possession; right and manner.	25. Recovery of part payments.
17. Notice of intention to retake; when given and what to state.	26. Waiver of statutory protection.
18. Redemption; right of buyer; exceptions.	27. Loss and increase.
	28. Act prospective only.
	29. Rules for cases not provided for.
	30. Uniformity of interpretation.
	31. Title of act.
	32. Inconsistent laws repealed.

Be it enacted by the Legislature of West Virginia :

Section 1. [Definition of Terms.] In this act "conditional sale" means (1) any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (2) any contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value of the goods, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming the owner of such goods upon full compliance with the terms of the contract.

"Buyer" means the person who buys or hires the goods covered by the conditional sale, or any legal successor in interest of such person.

"Recording district" means the sub-division of the state in which conditional sale contracts, or copies thereof, are required by this act to be recorded.

"Goods" means all chattels personal other than things in action and money, and includes emblements, industrial growing crops, and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale.

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer, whether such event is the performance of an act by the buyer or the happening of a contingency.

28 "Person" includes an individual, partnership, corporation,
29 and any other association.

30 "Purchase" includes mortgage and pledge.

31 "Purchaser" includes mortgagee and pledgee.

32 "Seller" means the person who sells or leases the goods
33 covered by the conditional sale or any legal successor in inter-
34 est of such person.

Sec. 2. [Primary Rights of Buyer.] The buyer shall have
2 the right when not in default, to retain possession of the goods,
3 and he shall also have the right to acquire the property in the
4 goods on the performance of the conditions of the contract. The
5 seller shall be liable to the buyer for the breach of all promises
6 and warranties, express or implied, made in the conditional
7 contract, whether or not the property in the goods has passed
8 to the buyer.

Sec. 3. [Primary Rights of Seller.] The buyer shall be
2 liable to the seller for the purchase price, or for installments
3 thereof, as the same shall become due, and for breach of all
4 promises made by him in the conditional sale contract, whether
5 or not the property in the goods has passed to the buyer.

Sec. 4. [Conditional Sales Valid Except as Otherwise
2 Provided.] Every provision in a conditional sale reserv-
3 ing property in the seller after possession of the goods is deliv-
4 ered to the buyer, shall be valid as to all persons, except as
5 hereinafter otherwise provided.

Sec. 5. [Conditional Sales Void as to Certain Persons.]
2 Every provision in a conditional sale reserving property
3 in the seller, shall be void as to any purchaser from or creditor
4 of the buyer, who, without notice of such provision, purchases
5 the goods or acquires by attachment or levy a lien upon them,
6 before the contract or a copy thereof shall be recorded as herein-
7 after provided, unless such contract or copy is so recorded within
8 ten days after the making of the conditional sale.

Sec. 6. [Place of Recording.] The conditional sale contract
2 or copy shall be recorded in the office of the clerk of the
3 county court in the county in which the goods are first
4 kept for use by the buyer after the sale. It shall not be necessary
5 to the validity of such conditional sale contract, or in order to
6 entitled it to be recorded, that it be acknowledged or attested. This
7 section shall not apply to the contracts described in section eight.

Sec. 7. [Fixtures.] If the goods are so affixed to realty, at the time of a conditional sale or subsequently, as to become a part thereof and not to be severable wholly or in any portion without material injury to the freehold, the reservation of property as to any portion not so severable shall be void after the goods are so affixed, as against any person who has not expressly assented to the reservation. If the goods are so affixed to realty at the time of a conditional sale or subsequently as to become part thereof but to be severable without material injury to the freehold, the reservation of property shall be void after the goods are so affixed as against subsequent purchasers of the realty for value and without notice of the conditional seller's title, unless the conditional sale contract, or a copy thereof, together with a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto, shall be recorded before such purchase in the office where a deed of the realty would be recorded or registered to affect such realty. As against the owner of realty the reservation of the property in goods by a conditional seller shall be void when such goods are to be so affixed to the realty as to become part thereof but to be severable without material injury to the freehold, unless the conditional sale contract, or a copy thereof, together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto, shall be recorded before they are affixed, in the office where a deed would be recorded or registered to affect such realty.

Sec. 8. [Railroad Equipment or Rolling Stock.] No conditional sale of railroad, or street or interurban railway equipment or rolling stock shall be valid as against the purchasers and creditors described in section five, unless the contract shall be acknowledged by the buyer or attested in like manner as a deed of real property, and the contract, or a copy thereof, shall be recorded in the office of the secretary of state; and unless when any engine or car so sold is delivered there shall then be plainly and conspicuously marked upon each side thereof the name of the seller, followed by the word "owner."

Sec. 9. [Conditional Sale of Goods for Resale.] When goods are delivered under a conditional sale contract and the seller expressly or impliedly consents that the buyer may resell them prior to performance of the condition, the reservation of property

5 shall be void against purchasers from the buyer for value in
6 the ordinary course of business, and as to them the buyer shall
7 be deemed the owner of the goods, even though the contract or
8 a copy thereof shall be recorded according to the provisions of this
9 act.

Sec. 10. [Recording.] The recording officer shall mark upon
2 the contract or copy filed with him for record the day and hour of
3 filing and shall record the contract or copy in his office in a separ-
4 ate book kept for that purpose. Such book shall be indexed under
5 the names of both seller and buyer. For recording such contract or
6 copy the same fees shall be charged as are now provided by law for
7 recording deeds.

Sec. 11. [Recording.] The recording of conditional sale con-
2 tracts provided for in sections five, six and seven, shall be valid for
3 a period of three years only. The recording of the contract provided
4 for by section eight shall be valid for a period of fifteen years
5 only. The validity of the recording may in each case be extended
6 for successive additional periods of one year from the date of
7 re-recording by recording in the proper county a copy of the
8 original contract within thirty days next preceding the expiration
9 of each period, with a statement attached signed by the seller,
10 showing that the contract is in force and the amount remaining
11 to be paid thereon. Such copy, with statement attached, shall
12 be recorded in the same manner as a contract or copy
13 for the first time, and the recording officer shall be
14 entitled to a like fee as upon the original recording.

Sec. 12. [Cancellation of Contract.] After the performance
2 of the condition, upon written demand delivered personally or by
3 registered mail by the buyer or any other person having an in-
4 terest in the goods, the seller shall execute, acknowledge and de-
5 liver to the demandant a statement that the condition in the
6 contract has been performed. If for ten days after such demand
7 the seller fails to mail or deliver such a statement of satis-
8 faction, he shall forfeit to the demandant five dollars and
9 be liable for all damages suffered. Upon presentation of
10 such statement of satisfaction the recording officer shall record the
11 same and note the cancellation of the contract and the date thereof
12 on the margin of the page where the contract has been entered.
13 For recording the statement of satisfaction the recording
14 officer shall charge a fee of thirty-five cents, except that the

15 secretary of state shall charge a fee of fifty cents for
16 entering a statement of the satisfaction of a contract described
17 in section eight.

Sec. 13. [Prohibition of Removal or Sale Without Notice.]
2 Unless the contract otherwise provides, the buyer may, without
3 the consent of the seller, remove the goods from any
3-a county wherein the contract is recorded, and sell, mort-
4 gage or otherwise dispose of his interest in them; but
5 prior to the performance of the condition, no such buyer
6 shall remove the goods from a county in which the contract
7 or a copy thereof is recorded, except for temporary uses for a period
8 of not more than thirty days, unless the buyer not less than
9 ten days before such removal shall give the seller personally
10 or by registered mail written notice of the place to which the
11 goods are to be removed and the approximate time of such in-
12 tended removal; nor prior to the performance of the condition
13 shall the buyer sell, mortgage or otherwise dispose of his in-
14 terest in the goods, unless he, or the person to whom he is about
15 to sell, mortgage or otherwise dispose of the same, shall notify
16 the seller in writing personally or by registered mail of the name
17 and address of the person to whom his interest in the goods is
18 about to be sold, mortgaged or otherwise transferred, not less
19 than ten days before such sale, mortgage or other disposal. If
20 any buyer does so remove the goods, or does so sell, mortgage
21 or otherwise dispose of his interest in them without such notice or
22 in violation of the contract, the seller may retake possession of
23 the goods and deal with them as in case of default in payment
24 of part or all of the purchase price. The provisions of this
25 section regarding the removal of goods shall not apply, however,
26 to the goods described in section eight.

Sec. 14. [Re-recording on Removal.] When, prior to the per-
2 formance of the condition, the goods are removed by the buy-
3 er from one county in this state to another county in
4 this state in which such contract or a copy thereof is not recorded,
5 or are removed from another state into a county in this
6 state where such contract or copy is not recorded, the reservation of
7 the property in the seller shall be void, as to the purchasers and
8 creditors described in section five, unless the conditional sale con-
9 tract or a copy thereof shall be recorded in the county to
10 which the goods are removed, within ten days after the seller

11 had received notice of the county to which the goods have
12 been removed. The provisions of this section shall not apply,
13 however, to the goods described in section eight. The provisions
14 of section eleven regarding the duration of the validity of the
15 recording and the necessity for re-recording shall apply to contracts
16 or copies which are recorded in a county other than that where
17 the goods are originally kept for use by the buyer after the sale.

Sec. 15. [Fraudulent Injury, Concealment, Removal or Sale.]
2 When, prior to the performance of the condition, the buyer mal-
3 iciously or with intent to defraud, shall injure, destroy or con-
4 ceal the goods, or remove them to a county where the
5 contract or a copy thereof is not recorded, without having given the
6 notice required by section thirteen, or shall sell, mortgage, or
7 otherwise dispose of such goods under claim of full ownership,
8 he shall be guilty of a misdemeanor and upon conviction thereof
9 shall be imprisoned in the county jail for not more than one year,
10 or be fined not more than five hundred dollars, or both.

Sec. 16. [Retaking Possession.] When the buyer shall be
2 in default in the payment of any sum due under the contract,
3 or in the performance of any other condition which the contract
4 requires him to perform in order to obtain the property in the
5 goods, or in the performance of any promise, the breach of
6 which is by the contract expressly made a ground for the re-
7 taking of the goods, the seller may retake possession thereof.
8 Unless the goods can be retaken without breach of the peace,
9 they shall be retaken by legal process; but nothing herein shall be
10 construed to authorize a violation of the criminal law.

Sec. 17. [Notice of Intention to Retake.] Not more than
2 forty nor less than twenty days prior to the retaking, the seller,
3 if he so desires, may serve upon the buyer personally, or by reg-
4 istered mail, a notice of intention to retake the goods on account
5 of the buyer's default. The notice shall state the default and
6 the period at the end of which the goods will be retaken, and
7 shall briefly and clearly state what the buyer's rights under
8 this act will be in case they are retaken. If the notice is so served
9 and the buyer does not perform the obligations in which he has
10 made default before the day set for retaking, the seller may re-
11 take the goods and hold them subject to the provisions of sec-
12 tions nineteen, twenty, twenty-one, twenty-two and twenty-three
13 regarding resale, but without any right of redemption.

Sec. 18. [Redemption.] If the seller does not give the notice of intention to retake described in section seventeen, he shall retain the goods for ten days after the retaking within the state in which they were located when retaken, during which period the buyer, upon payment or tender of the amount due under the contract at the time of retaking and interest, or upon performance or tender of performance of such other condition as may be named in the contract as precedent to the passage of the property in the goods, or upon performance or tender of performance of any other promise for the breach of which the goods were retaken, and upon payment of the expenses of retaking, keeping and storage, may redeem the goods and become entitled to take possession of them and to continue in the performance of the contract as if no default had occurred. Upon written demand delivered personally or by registered mail by the buyer, the seller shall furnish to the buyer a written statement of the sum due under the contract and the expense of retaking, keeping and storage. For failure to furnish such statement within a reasonable time after demand, the seller shall forfeit to the buyer ten dollars and also be liable to him for all damages suffered because of such failure. If the goods are perishable so that retention for ten days as herein prescribed would result in their destruction or substantial injury, the provisions of this section shall not apply, and the seller may resell the goods immediately upon their retaking. The provision of this section requiring the retention of the goods within the state during the period allowed for redemption shall not apply to the goods described in section eight.

Sec. 19. [Compulsory Resale by Seller.] If the buyer does not redeem the goods within ten days after the seller has retaken possession, and the buyer has paid at least fifty per cent. of the purchase price at the time of the retaking, the seller shall sell them at public auction in the state where they were at the time of the retaking, such sale to be held not more than thirty days after retaking. The seller shall give to the buyer not less than ten days' written notice of the sale, either personally or by registered mail, directed to the buyer at his last known place of business or residence. The seller shall also give notice of the sale by at least three notices posted in different public places within the county where the goods are to be sold, at least five days

13 before the sale. If at the time of the retaking five hundred dollars
14 or more has been paid on the purchase price, the seller shall also
15 give notice of the sale at least five days before the sale by publica-
16 tion in a newspaper published or having a general circulation with-
17 in the county where the goods are to be sold. The seller may
18 bid for the goods at the resale. If the goods are of the kind de-
19 scribed in section eight, the parties may fix in the conditional
20 sale contract the place where the goods shall be resold.

Sec. 20. [Resale at Option of Parties.] If the buyer has not
2 paid at least fifty per cent. of the purchase price at the time of
3 the retaking, the seller shall not be under a duty to resell the
4 goods as prescribed in section nineteen, unless the buyer serves
5 upon the seller, within ten days after the retaking, a written
6 notice demanding a resale, delivered personally or by registered
7 mail. If such notice is served, the resale shall take place within
8 thirty days after the service, in the manner, at the place and upon
9 the notice prescribed in section nineteen. The seller may volun-
10 tarily resell the goods for account of the buyer on compliance with
11 the same requirements.

Sec. 21. [Proceeds of Resale.] The proceeds of the resale
2 shall be applied (1) to the payment of the expenses thereof, (2)
3 to the payment of the expenses of retaking, keeping and storing
4 the goods, (3) to the satisfaction of the balance due under the
5 contract. Any sum remaining after the satisfaction of such claims
6 shall be paid to the buyer.

Sec. 22. [Deficiency on Resale.] If the proceeds of the resale
2 are not sufficient to defray the expenses thereof, and also the
3 expenses of retaking, keeping and storing the goods and the bal-
4 ance due upon the purchase price, the seller may recover the
5 deficiency from the buyer, or from anyone who has succeeded to
6 the obligations of the buyer.

Sec. 23. [Rights of Parties Where There is no Resale.] Where
2 there is no resale, the seller may retain the goods as his own
3 property without obligation to account to the buyer except as pro-
4 vided in section twenty-five, and the buyer shall be discharged
5 of all obligation.

Sec. 24. [Election of Remedies.] After the retaking of
2 possession as provided in section sixteen the buyer shall be liable
3 for the price only after a resale and only to the extent provided
4 in section twenty-two. Neither the bringing of an action by the sel-

5 ler for the recovery of the whole or any part of the price, nor the
6 recovery of judgment in such action, nor the collection of a por-
7 tion of the price, shall be deemed inconsistent with a later retak-
8 ing of the goods as provided in section sixteen. But such right
9 of retaking shall not be exercised by the seller after he has col-
10 lected the entire price, or after he has claimed a lien upon the
11 goods, or attached them, or levied upon them as the goods of the
12 buyer.

Sec. 25. [Recovery of Part Payments.] If the seller fails to
2 comply with the provisions of sections eighteen, nineteen, twenty,
3 twenty-one and twenty-three after retaking the goods, the buyer
4 may recover from the seller his actual damages, if any, and in no
5 event less than one-fourth of the sum of all payments which have
6 been made under the contract, with interest.

Sec. 26. [Waiver of Statutory Protection.] No act or agree-
2 ment of the buyer before or at the time of the making of the
3 contract, nor any agreement or statement by the buyer in such
4 contract, shall constitute a valid waiver of the provisions of sec-
5 tions eighteen, nineteen, twenty, twenty-one and twenty-five except
6 that the contract may stipulate that on such default of the buyer
7 as is provided for in section sixteen, the seller may rescind the
8 conditional sale, either as to all the goods or as to any part there-
9 of for which a specific price was fixed in the contract. If the con-
10 tract thus provides for rescission, the seller at his option may retake
11 such goods without complying with or being bound by the pro-
12 visions of sections seventeen to twenty-five, inclusive, as to the
13 goods retaken, upon crediting the buyer with the full purchase
14 price of those goods. So much of this credit as is necessary to can-
15 cel any indebtedness of the buyer to the seller shall be so applied,
16 and the seller shall repay to the buyer on demand any surplus not
17 so required.

Sec. 27. [Loss and Increase.] After the delivery of the goods
2 to the buyer and prior to the retaking of them by the seller, the
3 risk of injury and loss shall rest upon the buyer. The increase
4 of the goods shall be subject to the same conditions as the orig-
5 inal goods.

Sec. 28. [Act Prospective Only.] This act shall not apply to
2 conditional sales made prior to the time when it takes effect.

Sec. 29. [Rules for Cases not Provided for.] In any case not
2 provided for in this act the rules of law and equity, including

3 the law merchant, and in particular those relating to principal
4 and agent and to the effect of fraud, misrepresentation, duress
5 or coercion, mistake, bankruptcy, or other invalidating cause, shall
6 continue to apply to conditional sales.

Sec. 30. [Uniformity of Interpretation.] This act shall be
2 so interpreted and construed as to effectuate its general purpose
3 to make uniform the law of those states which enact it.

Sec. 31. [Short Title.] This act may be cited as the Uniform
2 Conditional Sales Act.

Sec. 32. [Inconsistent Laws Repealed.] Except so far as
2 they are applicable to conditional sales made prior to the time
3 when this act takes effect, all acts and parts of acts inconsistent
4 herewith shall be and hereby are repealed.

CHAPTER 76

(House Bill No. 1—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section five of chapter one hundred
and thirty-seven of the code relating to fees of commissioners in
chancery.

Passed April 18, 1921. Effective ninety days from passage. Approved by
the Governor April 25, 1921.]

SE EC.

5. Commissioner in chancery; fees of;
not compelled to make report un-
till fees are paid, etc.

Be it enacted by the Legislature of West Virginia:

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

Section 5. For any service, such fees as the court of which he
2 is commissioner may from time to time prescribe (except as pro-
3 vided in chapter sixty-six of the code), not exceeding one dollar
4 where less than an hour is employed, and if more than
5 an hour be employed, not exceeding the rate of one dollar for
6 each hour, or in lieu thereof, twenty-five cents per hundred
7 words, as the commissioner may elect. A commissioner
8 returning a report shall annex thereto a certificate, under oath
9 that he was actually and necessarily employed for a number of
10 hours, to be stated therein, in performing the services for which

11 the fees stated at the foot thereof are charged. Until such certifi-
 12 cate is made, no such fees shall be allowed or paid. A commis-
 13 sioner shall not be compelled to make out or return a report until
 14 his fees therefor be paid or security given him to pay so much
 15 as may be adjudged right by the court to whom the report is
 16 to be returned, or if it be a circuit court, by the judge thereof
 17 in vacation, unless the court or judge see cause to order it to be
 18 made out and returned without such payment or security, and
 19 shall so order.

CHAPTER 77

(Senate Bill No. 309—Mr. Harmer.)

AN ACT to amend and re-enact section thirteen of chapter one hun-
 dred and twelve of the code.

[Passed April 22, 1921. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

SEC.

13. Special judge in criminal and civil
 cases; salary.

Be it enacted by the Legislature of West Virginia:

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

Section 13. The judge so elected or appointed, shall receive for
 2 his services, while sitting as such judge, fifteen dollars per day,
 3 to be certified by the court and paid out of the state treasury.
 4 This and the two next preceding sections shall apply as well to
 5 criminal as to civil causes.

CHAPTER 78

(House Bill No. 471—Mr. Stathers.)

AN ACT to amend and re-enact section four of chapter one hundred
 and nineteen, of the code of one thousand nine hundred and six-
 teen, relating to the prevention of the unlawful practice of law.

[Passed April 20, 1921. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

Sec.

4. Unlawful for any natural person to
 practice law, render legal ser-
 vices, etc., without license and
 having been admitted to practice
 law in a court of record in this
 state; oath required; penalty for
 violation.

Sec.

4-a. Same provisions as to corpora-
 tions and voluntary associations;
 penalty for violation; exceptions
 as to certain corporations.
 4-b. Act not to apply to licensed at-
 torney, if qualified at first term
 after suit instituted.

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and nineteen, of the code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 4. It shall be unlawful for any natural person to
2 practice or appear as an attorney-at-law or as attorney and coun-
3 selor-at-law for another in a court of record in this state, or to
4 make it a business to practice as an attorney-at-law or as an at-
5 torney and counselor-at-law for another in any of said courts, or
6 to make it a business to solicit employment for a lawyer or to fur-
7 nish attorneys or counsel or an attorney and counsel to render
8 legal services, or to hold himself out to the public as being entitled
9 to practice law as aforesaid, or in any other manner, or to assume,
10 use, or advertise the title of lawyer, or attorney and counselor-at-
11 law, or counselor, or attorney and counselor, or equivalent terms in
12 any language, in such manner as to convey the impression that he
13 is a legal practitioner of law, or in any manner to advertise that
14 he either alone or together with other persons, has, owns, or con-
15 ducts or maintains a law office, without first having been duly and
16 regularly licensed and admitted to practice law in a court of
17 record of this state, without having subscribed and taken the oath
18 required by section three of chapter one hundred and nineteen,
19 Barnes' code of one thousand nine hundred and eighteen. Any
20 person violating the provisions of this section shall be deemed
21 guilty of a misdemeanor and shall be fined not more than one
22 thousand dollars. It shall be the duty of the prosecuting attorneys
23 to enforce the provisions of this and the next succeeding section
24 and to prosecute all violations thereof.

Sec. 4-a. It shall be unlawful for any corporation or voluntary
2 association to practice or appear as an attorney-at-law for any
3 person in any court in this state or before any judicial body, or
4 to make it a business to practice as an attorney-at-law, for any
5 person in any of said courts or to hold itself out to the public
6 as being entitled to practice law, or to render or furnish legal
7 services or advice, or to furnish attorneys or counsel or to render
8 legal services of any kind in actions or proceedings of any nature,
9 or in any other manner to assume to be entitled to practice law
10 or assume, use or advertise the title of lawyer in such manner as
11 to convey the impression that it is entitled to practice law, or to
12 furnish legal advice, services or counsel, or to advertise that either

13 alone or together with or by or through any person, whether a
 14 duly and regularly admitted attorney-at-law, or not, it has, owns,
 15 conducts or maintains a law office for the practice of law, or for
 16 furnishing legal advice, services or counsel. It shall be unlawful
 17 further for any corporation or voluntary association to solicit itself
 18 or by or through its officers, agents or employees any claim or
 19 demand for the purpose of bringing an action thereon or of set-
 20 tling the estate of any insolvent debtor or of representing as attor-
 21 ney-at-law, or for furnishing legal advice, services or counsel to,
 22 a person sued or about to be sued in any action or proceeding or
 23 against whom an action or proceeding has been or is about to be
 24 brought, or who may be affected by any action or proceeding which
 25 has been or may be instituted in any court or before any judicial
 26 body, or for the purpose of so representing any person in the
 27 pursuit of any civil or criminal remedy. Any corporation or vol-
 28 untary association violating the provisions of this section shall be
 29 liable to a fine of not more than one thousand dollars and every
 30 officer, trustee, director, agent, or employee of such corporation or
 31 voluntary association who directly or indirectly engages in any of
 32 the acts herein prohibited or assists such corporation or voluntary
 33 association to do such prohibited acts shall be guilty of a misde-
 34 meanor and shall be fined not more than one thousand dollars.
 35 The fact that any such officer, trustee, director, agent or employee
 36 shall be a duly and regularly admitted attorney-at-law shall not
 37 be held to permit or allow any such corporation or voluntary
 38 association to do the acts prohibited herein nor shall such fact be
 39 a defense upon the trial of any of the persons mentioned herein
 40 for a violation of the provisions of this section. This section shall
 41 not apply to a corporation or voluntary association lawfully en-
 42 gaged in the examination and insuring the titles to real property
 43 nor shall it prohibit a corporation or voluntary association from
 44 employing an attorney or attorneys in and about its own immediate
 45 affairs or in any litigation to which it is or may be a party, nor
 46 shall it apply to organizations organized for benevolent or
 47 charitable purposes, or for the purpose of assisting persons without
 48 means in the pursuit of any civil remedy.

Sec. 4-b. But this act shall not apply to any attorney-at-law
 2 who institutes suits in the circuit courts after obtaining a license,
 3 if he shall qualify at the first term thereafter of the circuit court
 4 of any county of the circuit in which he resides.

CHAPTER 79

(Senate Bill No. 59—Mr. Sanders.)

AN ACT to amend and re-enact section fifty of chapter twenty-nine of the code of West Virginia relating to assessments.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

SEC.

30. Consolidation on land books by owner of contiguous tracts of land or any estate in the coal, oil, gas, ore, limestone or other

mineral substances; order for, what to show; duty of officer making out land books; penalty for failure; section not to apply to undivided interest.

Be it enacted by the Legislature of West Virginia:

That section fifty of chapter twenty-nine of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Section 50. Any owner of two or more contiguous tracts of
 2 land, or the surface of land, or of any estate in the coal, oil, gas,
 3 ore, limestone, fire-clay, or other minerals or mineral substances,
 4 in and under the same, or of the timber thereon, situated in whole
 5 or in part in the same magisterial district of any county, may upon
 6 application to the county court of such county and duly showing
 7 the relative location of said tracts, their ownership and present
 8 description on the land book, have the same by order of said
 9 court, consolidated with other like tracts or parts of tracts, and
 10 charged, by aggregating the quantities thereof, so far as lying in
 11 the same magisterial district, as one tract upon the land book
 12 of said county for the succeeding year and thereafter; *provided*,
 13 that for the purpose of consolidation of lands or the surface of
 14 lands or any estate in the coal, oil, gas, ore, limestone, fire-clay,
 15 or other minerals, or mineral substances in and under the same,
 16 or of the timber thereon, on the land books, any tract heretofore
 17 charged separately thereon, whether as fee (by which is meant not
 18 only the estate of the owner therein, but also the entire body of
 19 the land), or as one or more mineral interests, or other interests
 20 herein specified, or surface, or timber only, may be divided, and the
 21 divisions thereof be charged separately or be consolidated with
 22 other like tracts or parts of tracts.

23 In every case of consolidation the order directing the consolida-
 24 tion to be made shall so describe the several properties consoli-
 25 dated as to enable the same to be therein identified as separate
 26 parcels or to be so identified by reference therein made to a re-

27 corded instrument, or recorded instruments, or both by description
28 and reference to such instrument or instruments.

29 The officer whose duty it is to make out the land books, upon
30 presentation to him of a certified copy of said order showing the
31 consolidation or designation of said several tracts or parts of tracts
32 of land, surface or timber, or estates in the coal, oil, gas, ore,
33 limestone, fire-clay, or other minerals or mineral substances here-
34 in mentioned shall enter the same as one upon the land book for
35 the year next ensuing, and make a proper note opposite the last
36 entry of each of said several tracts so consolidated or designated
37 in whole or in part, referring to said order. and a like note op-
38 posite the entry of the tract so consolidated or designated. He
39 shall value the said tract at its proper value according to the rule
40 prescribed in section twelve of this chapter. Any such officer fail-
41 ing to comply promptly with any of the several duties imposed
42 by this section, shall be deemed guilty of a misdemeanor and upon
43 conviction thereof shall be fined not less than twenty-five and not
44 more than fifty dollars. *Provided*, that this section shall not
45 apply to any undivided interest in any estate in any land, coal, oil,
46 gas, ore, limestone, fire-clay or other mineral substances in or
47 under lands or of the timber on land.

CHAPTER 80

(Senate Bill No. 80—Mr. Harmer.)

AN ACT to amend and re-enact sections one, three and seven of chap-
ter eighty-two of the code of West Virginia, relating to guardians
and wards.

1 Passed April 7, 1921. In effect ninety days from passage. Approved by the
Governor April 18, 1921.]

SEC.

1. Appointment of guardian by will by father or mother.
3. County court may appoint guardian, preferring father or mother; if neither, then next of kin.
7. Guardian to have custody of

ward; to possess and manage estate; to provide maintenance and education; father and mother, if living together, joint guardians; duration of guardianship; marriage of ward; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, three and seven of chapter eighty-two of the code of West Virginia, be amended and re-enacted so as to read as follows:

Section 1. Every father or mother, may, by last will and testament, appoint a guardian for his or her child, born or to be born, and for such time during its infancy, as he or she may direct.

Sec. 3. The county court of any county in which any minor resides, or if he be a resident out of the state, in which he has any estate, may appoint a guardian for him, unless he have a guardian appointed, as aforesaid, by his father or mother. preferring first the father or mother; and if there be no father or mother living, then it shall appoint as such guardian, his nearest of kin residing in the county wherein such minor resides, or has any estate, competent to act as such guardian. And if there be no father or mother, or next of kin, the court shall appoint some suitable person guardian for such minor.

Sec. 7. Every guardian who shall be appointed as aforesaid, and give bond when required, shall have the custody of his ward, and the possession, care and management of his estate, real and personal, and out of the proceeds of such estate shall provide for his maintenance and education; but the father or the mother of such minor shall be entitled to the custody of the person of such minor, and to the care of his education. And the father and mother of such minor, if living together, shall be the joint guardians of their minor child or children, with equal powers, rights and duties in respect to their custody, control and of the services and earnings of such minor child or children; and neither the father nor the mother shall have any right paramount to that of the other in respect to the custody, control, services or earnings and care of the education of said minor children; *provided*, that if the father and mother be living apart, the court shall appoint such parent guardian, who, in its opinion, is best suited for the trust. And unless the guardian shall die, be removed or resign his trust (and the court that appointed him may allow him to resign), he shall continue in office until the minor shall attain the age of twenty-one years, notwithstanding the minor may marry before that time, or, in the case of a testamentary guardianship, until the termination of the period limited therefor. At the expiration of his trust, he shall deliver and pay all the estate and money in his hands, or with which he is chargeable; to those entitled thereto.

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

CHAPTER 81

(Senate Bill No. 86—Mr. Morton.)

AN ACT to amend and re-enact sections five and six of chapter one hundred and five of Barnes' code of one thousand nine hundred and sixteen, relating to reports filed by the commissioner of school lands of forfeited and delinquent real estate, and proceedings and suits to be had thereon.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

SEC.

5. Commissioner of school lands, duties: to file report with circuit court: report to (a) show claimants and identify property; (b) lands waste and unappropriated: report to be recorded and indexed: circuit clerk to report to county clerk adjudications of lands.

6. Procedure, suit for sale brought by state; tracts proceeded against

severally or collectively: parties to actions; tracts heretofore sold as forfeited unless forfeited for non-payment of taxes by purchaser: provisions governing resale: proceeds how applied: state right to amend bill: dismissal of suit: suit dismissed in part: contending claimants, costs to one prevailing: petition of non-resident, requisite for filing; provisions mandatory.

Be it enacted by the Legislature of West Virginia:

That sections five and six of chapter one hundred and five of Barnes' code of one thousand nine hundred and sixteen be amended to read as follows:

Section 5. The commissioner of school lands of each county shall tender and file a written report to the circuit court of his county from time to time, and at least once in each year a list of all tracts and parcels of land, lying in whole or in part in his county, reported to him by the auditor and surveyor as required by the second and third sections of this chapter, or which shall otherwise come to his knowledge, which in his opinion are liable to be sold for the benefit of the school fund.

The commissioner of school lands in such report as herein provided for, shall show, as far as practicable, the following:

(a) The name of the party, parties, firms or corporations claiming title to said land at the time said report is made, the number of the lot or acres as the case may be; the town, city, district, road, street or waters, in or on which the said real estate is located, and such other description as may reasonably be given in said report that will aid in identifying or locating the land, and the years constituting such forfeiture; the name or names of all known claimants, or adverse claimants, and all known occupants of said real estate, or any part thereof. If the said report contains any real estate as waste and unappropriated, such report shall contain the following:

22 (b) That the said tracts of real estate were waste and unap-
23 propriated and that the title thereto had not passed from the
24 commonwealth of Virginia or the state of West Virginia and the
24-a names of all claimants or occupants thereof.

25 When the said report is filed, the clerk of the circuit court
26 shall transmit to the clerk of the county court of such county an
27 attested copy of such report, which shall be by the clerk of the
28 county court recorded in his office in a well bound book for the
29 purpose, which shall be labeled on the back thereof, "report of
30 commissioner of school lands." The said clerk of the county
31 court shall index each tract or parcel of land so reported in the
32 name of the party or parties from whom the same became for-
33 feited; or, if such parcel or parcels should be waste and unappro-
34 priated, the same shall be indexed as to their location.

35 In any suit pending in the circuit court upon report made by
36 the commissioner of school lands, when redemption of a tract or
37 parcel of land has been made under a decree of such court, or
38 where a tract or parcel of land has been decreed and sold, or
39 where the court has decreed a tract or lot of land not forfeited
40 to the state as waste and unappropriated, the clerk of such
41 court shall, after each term thereof, report each tract or parcel
42 of land adjudicated by the said court, as the case may be, to the
43 clerk of the county court, who shall, upon the copy of said report
44 so recorded in his office, in the marginal space therein to be pro-
45 vided therefor, note in red ink opposite each tract the disposition
46 thereof made by any decree, showing the date of such decree and
47 its purport in respect to such tract by the words, "Redeemed."
48 "Decreed and sold" or "Not liable to sale," as the case may be.

Sec. 6. Every such report shall be recorded in the chancery
2 order book of said court and filed and preserved by the clerk of
3 said court in his office, and thereupon a suit or suits in chancery
4 shall be commenced and prosecuted, by and in the name of the
5 state of West Virginia, for the sale of every such tract and parcel
5-a of land, so reported, as required by section four of article thir-
6 teen of the constitution of this state. All such tracts or parcels
7 of land mentioned in any such report may be included in one
8 suit, but a separate suit may be brought and prosecuted for the
9 sale of each tract of land exceeding in quantity one thousand
10 acres; and the former owner of any such tract of land at the
11 time of the forfeiture thereof, or the person in whose name the

12 same is forfeited, shall, if known, be made a defendant in such
13 suit, and all persons claiming title to or interest in any such
14 lands shall, also, as far as known, be made defendants therein.
15 And there shall be filed as an exhibit with said bill, which shall
16 be treated as a part of the allegations thereof, a certified copy of
17 the commissioner's report mentioned in section five of this chap-
18 ter. And any person claiming an interest in any such land or
19 in the proceeds thereof, not so made defendant, may file his
20 petition in any such suit stating what interest he claims therein,
21 either in open court or before a commissioner in chancery, while
22 the suit is pending before him, or at rules, if the case be pending
23 at rules, and shall thereupon become a defendant therein, and
24 may defend and protect his interest, if he has any therein, to
25 the same extent as if he had originally been made a party de-
26 fendant therein. Any tract or parcel of land which has been
27 heretofore forfeited or treated as forfeited, waste and unappro-
28 priated or escheated to the state of Virginia or this state, and
29 which has been sold and conveyed as such under decree or order
30 of the circuit court in any suit or proceeding under chapter one
31 hundred and five of the code or other act at any time since one
32 thousand eight hundred and seventy-two, or which any instru-
33 ment executed under such decree or order purports to convey,
34 shall not again be proceeded against or sold in any suit or pro-
35 ceeding now pending or hereafter brought under said chapter
36 or otherwise, unless since the execution of such conveyance or
37 instrument such tract or parcel of land has become forfeited for
38 the non-payment of taxes charged or chargeable thereon, since
39 such conveyance or instrument, in the name of the purchaser
40 thereof, his heirs, devisees or assigns. No circuit court shall
41 have jurisdiction, power or authority to sell any such tract or
42 parcel of land or to permit any such tract or parcel to be re-
43 deemed by any party in any suit or proceeding now pending or
44 hereafter brought under chapter one hundred and five of the
45 code aforesaid, or otherwise, against any other grant, survey,
46 piece or boundary of land which has been or may be forfeited
47 or claimed to be forfeited and which may be claimed to embrace
48 such tract or parcel within its bounds and as part thereof, unless
49 the state alleges and proves by a certificate of the auditor of the
50 state, or of the clerk of the county court of the county where
51 such tract or parcel of land or the greater part thereof lies, that

52 such tract or parcel of land has since the date of such convey-
53 ance or instrument become and remain forfeited to the state in
54 the name of such purchaser, his heirs, devisees or assigns, or un-
55 less some other claimant of such land shall within the time
56 aforesaid by answer or petition filed for the purpose make such
57 allegation and file such proof. In the absence of such allegation
58 and proof the circuit court shall have no jurisdiction either to
59 sell such tract or parcel of land, or to allow the same to be re-
60 deemed by any party in such suit or proceeding now pending
61 or hereafter brought under chapter one hundred and five afore-
62 said, or otherwise, against any other grant, survey, piece or
63 boundary of land which may be claimed by any party to such
64 suit to embrace such tract or parcel, after the filing in such suit
65 of such conveyance or instrument made to such purchaser, his
66 heirs, devisees or assigns, or a certified copy from the record
67 thereof. After the filing in such suit of such conveyance or instru-
68 ment or certified copy the court, in the absence of such allegation
69 and proof by the state made and filed at or before the next regular
70 term of said court, shall thereupon enter an order dismissing the
71 suit as to any such tract or parcel of land and proceed no further
72 against the same. If any defendant to any suit now pending or
73 which may hereafter be brought under the chapter aforesaid, or
74 otherwise, which alleges the forfeiture of any particular grant,
75 survey, piece or boundary of land granted by the commonwealth
76 of Virginia, or this state, and prays that the same or some part
77 thereof may be sold for the benefit of the school fund, shall file
78 in such suit letters patent or a certified copy thereof, issued by
79 the governor of Virginia or of West Virginia granting or pur-
80 porting to grant any tract or parcel of land, and shall show by
81 proof or by the admission of the state of her attorney prose-
82 cuting such suit that such tract or parcel so granted, or pur-
83 porting to be granted, lies wholly or partly within what are
84 claimed either by the state in said suit, or by any other defendant
85 or party in said suit, as the bounds of the particular, grant, sur-
86 vey, piece or boundary of land mentioned in the said suit, then
87 the court shall dismiss the suit and all proceedings as to and
88 against so much of the land therein proceeded against as may
89 be embraced in the bounds of such letters patent or certified
90 copy so filed, unless, at or before the next regular

91 term of said court, the state shall amend her bill
92 and allege and show by the certificates of the auditor or
93 of the clerk of the county court as aforesaid that such tract or
94 parcel of land so granted is now forfeited to the state in the
95 name of the grantee named in such letters patent or copy
96 thereof so filed, his heirs, devisees or assigns, or unless some
97 other claimant of such land shall within the time aforesaid by
98 answer or petition filed for the purpose make such allegation
99 and file such proof. Whenever it shall appear to the court, by
100 motion or otherwise, in any such suit now pending, or that may
101 be hereafter brought, that any parcel or tract of land, or any
102 part thereof, mentioned or claimed in the suit as forfeited or
103 escheated to the state of Virginia or this state, or as waste
104 or unappropriated has been in the actual continuous possession,
105 under color or claim of title, for ten years, by any person who
106 or those under whom he claims shall have paid the state taxes
107 thereon for any five years during such possession, or if it shall
108 appear that any parcel or tract of such land mentioned or
109 claimed in the suit, to which any person shall have claim, or
110 title to, regularly derived, mediately or immediately from or
111 under a grant from the commonwealth of Virginia or this state,
112 not forfeited, which but for the title forfeited, would be valid,
113 and who, or those under whom he claims has, or shall have paid
114 all state taxes charged or chargeable thereon for five successive
115 years, after the year one thousand eight hundred and sixty-five,
116 or from the date of the grant, if it shall have issued
117 since that year, or if it shall appear that any parcel
118 or tract of such land mentioned or claimed in the suit
119 to which any person has had claim to and actual continuous
120 possession of, under color of title, for any five successive years
121 after the year one thousand eight hundred and sixty-five, and
122 on which all state taxes charged or chargeable for such period of
123 five years have been paid, the court shall thereupon enter an
124 order dismissing the suit as to any such parcel or tract of land,
125 and proceed no further against the same. And if at any
126 time during the pendency of any suit for the sale of school
127 lands, whether now pending or hereafter brought, the commis-
128 sioner of school lands of the county where such suit was or may
129 be instituted shall become satisfied that part or the whole of the
130 land sought to be sold therein is not liable to sale for the benefit

131 of the school fund, such commissioner shall report in writing to
132 the court the facts and reasons which lead him to that conclu-
133 sion, which report shall be filed and made part of the record;
134 and if the court upon consideration thereof, and upon such in-
135 quiry as it may be advised to make, shall concur in such report,
136 in whole or in part, it shall confirm the same to that extent,
137 and shall dismiss such suit as to the lauds embraced in such
138 report as far as it may be confirmed.

139 Where two or more defendants contend for, ask to redeem or
140 assert and claim title to the same land, or any part thereof,
141 under separate, distinct and hostile titles, the one, or ones fail-
142 ing to sustain his said claim, or to uphold his said title shall be
143 liable to the defendant, or defendants, sustaining his or their
144 claim, and prevailing as to his or their title for costs, and the
145 court shall decree the same accordingly. Before any non-resi-
146 dent defendant or petitioner, as is mentioned in this section,
147 shall be permitted to file his answer or petition, as provided
148 herein, he shall deposit with the clerk of said circuit court a
149 sum of money sufficient to cover any costs that might be decreed
150 against him, or give bond with security, to be approved by the
151 court or clerk, for the payment thereof, the amount of such
152 deposit and the penalty of such bond to be fixed by the court.

153 The provisions of this section as to the filing of any amend-
154 ments to the plaintiff's bill, the defendant's answers, petitions
155 and amendments thereto, the dismissal of the plaintiff's suit
156 upon the conditions herein specified, the recovery of costs and
157 the security therefor by non-residents shall be construed as
158 mandatory.

CHAPTER 82

(Senate Bill No. 87—Mr. Morton.)

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 thirty-four of the acts of one thousand nine hundred and thirteen, relative to the extension of time given sheriffs for collecting taxes.

[Passed April 7, 1921. In effect ninety days from passage. Approved by the Governor April 15, 1921.]

SEC.
14-a-1. Extension of time given
sheriffs for collection of taxes
by suit or distraint or sale.

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 thirty-four of the acts of one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

Section 14-a-1. The sheriffs of the several counties of the 2 state of West Virginia whose term of office expired on the thirty- 3 first day of December, one thousand nine hundred and sixteen, and 4 those whose term of office expired on the thirty-first day of De- 5 cember, one thousand nine hundred and twenty, shall be allowed 6 until the thirty-first day of December, one thousand nine hundred 7 and twenty-four within which to make distraint and sale for the 8 collection of taxes, with interest thereon, and costs of collection, 9 not returned delinquent for the years one thousand nine hundred 10 and thirteen, one thousand nine hundred and fourteen, one thou- 11 sand nine hundred and fifteen, one thousand nine hundred and 12 sixteen, one thousand nine hundred and seventeen, one thousand 13 nine hundred and eighteen and one thousand nine hundred and 14 nineteen; and the said sheriffs and their deputies and constables of 15 their respective counties are empowered to collect the said taxes, 16 either by suit or by making distraint and sale of the property of 17 the persons against whom such assessments for taxes were made 18 for the years one thousand nine hundred and thirteen, one thou- 19 sand nine hundred and fourteen, one thousand nine hundred 20 and fifteen, one thousand nine hundred and sixteen, one thousand 21 nine hundred and seventeen, one thousand nine hundred and 22 eighteen and one thousand nine hundred and nineteen, and which 23 taxes have not been returned delinquent for those years; and in 24 case any such person against whom such assessments were made 25 for those years has removed or shall remove to another county, 26 the said sheriff and his deputies are authorized to make distraint 27 and sale in such county to which any such person has removed or 28 shall remove. Such sheriff may send a statement of the taxes due 29 from any such person who has removed into another county to the 30 sheriff of the county to which he or she has removed, and the 31 sheriff of that county is authorized and empowered to make levy 32 and collection of the said taxes on assessments made in his own 33 county.

CHAPTER 83

(Senate Bill No. 56—Mr. Johnson.)

AN ACT to amend section six of chapter thirty-one of the Barnes' code of West Virginia relating to the publication of delinquent lists and sales of delinquent lands for taxes.

[Passed January 22, 1921. In effect from passage. Approved by the Governor January 22, 1921.]

SEC.

6. Sale of lands delinquent for taxes; publication of abstract of delinquent lists; sale; publication	and posting of notice; payment of taxes before sale; certain past sales affected by this act.
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Be it enacted by the Legislature of West Virginia:

That section six of chapter thirty-one of the Barnes' code of West Virginia, one thousand nine hundred and eighteen be amended, re-enacted and added to so as to read as follows:

Section 6. Within ten days after receiving such lists the sheriff or collector shall make out and cause to be published, once each week for four successive weeks, in some newspaper published in the county, prior to the day of sale, an abstract of such list, in form or effect as follows:

"Notice is hereby given that the following described tracts or lots of land in the county, of, which are delinquent, for the non-payment of taxes for the year (or years) 19. . . ., will be offered for sale by the undersigned sheriff (or collector) at public auction at the front door of the court house of said county, between the hours of ten in the morning and four in the afternoon on the day, 19. . . . Each tract or lot, or so much thereof as shall be necessary, will be sold for so much cash as is sufficient to satisfy the amount due thereon, as set forth in the following table:

Name of Person Charged with Taxes	Quantity of Land	Local Description.	Total amount of taxes, interest, costs of publication and commissions, being amount necessary to redeem before sale.	Total amount of taxes, interest, costs of publication, commissions and fee for receipt.

18 "Any of the aforesaid tracts or lots may be re-
 19 deemed by the payment to the undersigned sheriff
 20 (or collector), before sale, of the amount due there-
 21 on.

22 "Given under my hand this day of, 19

23 "A B,

24 "Sheriff (or collector)."

25 The real estate mentioned in such list, or so much thereof as
 26 shall be sufficient to satisfy the taxes, with the interest on the
 27 same, and a commission of five per cent. on the whole amount
 28 to the sheriff or collector, shall be sold at public auction between
 29 the hours of ten in the morning and four in the afternoon, on the
 30 first day of next November or December term of the circuit or
 31 county court of the said county, whichever may be held first after
 32 the posting of said list and the publication of said notice as herein
 33 required; or if no term of either court be held in said county in
 34 November or December, then on the second Monday in December
 35 next thereafter, unless the said taxes, interest and commissions
 36 are sooner paid to the sheriff or collector, or into the treasury
 37 of the state. He shall also as soon as such abstract is published
 38 the first time in a newspaper, as herein required, post one of
 39 the copies of the list received from the auditor, at the front
 40 door of the court house, with a like notice appended thereto.
 41 If the list herein named be not received by the sheriff in time
 42 to publish such notice and make such sale in the months of
 43 November or December, as herein provided for; or if by reason
 44 of lack of proper notice, or for any other cause, said sales be

45 not held in the months of November or December as herein pro-
46 vided for, said sales shall be commenced on the first day of a
47 circuit or county court for such county in the next succeeding
48 year and after publication of the notice of sale as herein pro-
49 vided for. The cost of publishing such notice in a newspaper,
50 as hereinbefore required, shall be equally distributed among the
51 several tracts or lots of land therein named, and the amount
52 thereby apportioned to each tract or lot shall be added to the
53 sum for which such tract is sold, and the same shall be paid
54 from the proceeds thereof by the sheriff or collector making the
55 sale, except that when any tract sold at such sale is purchased by
56 the state, the sum due for such publication shall be paid out
57 of the school fund in the treasury of the state upon the certifi-
58 cate of the auditor of the amount so due. But if any one or
59 more of the tracts or lots of land are, in any respect, not printed
60 in such newspaper as the same is stated and set out in the ab-
61 stract furnished by the sheriff for publication, no compensa-
62 tion shall be paid for the publication of such tract, and no sale
63 of any such real estate as is sold by such sheriff, as aforesaid,
64 or deed therefor to the purchaser thereof, shall be, in any way or
65 manner affected by reason of any mistake in the publication,
66 or posting, of such list or notice, or of the notice mentioned in
67 section forty-nine of this chapter, in any newspaper in which
68 the same is published, or by the sheriff or collector posting the
69 same, as to the name of the owner, the quantity or location
70 thereof, the amount for which it is to be sold, the year or years for
71 which it is delinquent, or otherwise. If there be no newspaper
72 published in the county, or if no newspaper therein will publish
73 said list and notice for the compensation provided by law, then
74 the sheriff shall set up one of the lists so received by him as
75 aforesaid at the front door of the court house of his county, with
76 the notice of sale therein provided for attached thereto, at least
77 four weeks before the time stated in such notice, at which such
78 sale will commence, and shall post a written or printed copy of
79 such notice (but not of such delinquent list) at some public
80 place in each magisterial district of his county, at least twenty
81 days before said sale. In such case the notice shall state that
82 the delinquent list has been posted at the door of the court house
83 of the county. Such taxes, interest, costs of publication and
84 commissions, may be paid to the sheriff or collector at any time

85 before such sale, and he shall make a list of the real estate with-
 86 in the county, the taxes on which were paid to him, as aforesaid,
 87 and return the same to the auditor. After such sale as in the
 88 succeeding section is mentioned, if any such real estate be not
 89 sold as therein required, it shall be presumed that such taxes,
 90 interest and commissions were paid, in the absence of proof to
 91 the contrary.

92 This act, and amendment thereto shall apply to all sales of
 93 land made in the year one thousand nine hundred and twenty-
 94 one for taxes delinquent prior thereto and to all sales which
 95 should have been made in the months of November and Decem-
 96 ber, one thousand nine hundred and twenty.

CHAPTER 84

(Senate Bill No. 105—Mr. Hager.)

AN ACT to amend and re-enact chapter one hundred and thirty-
 two of the acts of one thousand nine hundred and nineteen
 fixing the time of holding the circuit courts in the several
 judicial districts of the state.

[Passed April 25, 1921. In effect June 1, 1921. Approved by the Governor
 May 2, 1921.]

SEC. 1. Judicial circuits of state; of what counties composed.		SEC. 1-b to 1-c. Time for holding terms in the several courts.
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Be it enacted by the Legislature of West Virginia:

That chapter one hundred and thirty-two of the acts of one
 thousand nine hundred and nineteen be amended and re-enacted so as
 to read as follows:

Section 1. That on and after the first day of January in the
 2 year one thousand nine hundred and twenty-one, the several
 3 judicial circuits of this state shall be composed as follows: The
 4 counties of Brooke, Hancock and Ohio shall constitute the first
 5 circuit; the counties of Marshall, Tyler and Wetzel shall consti-
 6 tute the second circuit; the counties of Doddridge, Pleasants and
 7 Ritchie shall constitute the third circuit; the counties of Wood
 8 and Wirt shall constitute the fourth circuit; the counties of Cal-
 9 houn, Jackson, Mason, and Roane shall constitute the fifth cir-
 10 cuit; the counties of Cabell, Lincoln and Putnam shall constitute
 11 the sixth circuit; the counties of Logan and Wayne shall con-

12 stitute the seventh circuit; the counties of Mingo and Wyoming
13 shall constitute the eighth circuit; the counties of McDowell,
14 Mercer and Monroe shall constitute the ninth circuit; the counties
15 of Boone, Raleigh and Summers shall constitute the tenth cir-
16 cuit; the counties of Greenbrier and Pocahontas shall constitute
17 the eleventh circuit; the counties of Fayette and Nicholas shall
18 constitute the twelfth circuit; the counties of Clay and Kanawha
19 shall constitute the thirteenth circuit; the counties of Braxton,
20 Gilmer and Webster shall constitute the fourteenth circuit; the
21 counties of Harrison and Lewis shall constitute the fifteenth cir-
22 cuit; the county of Marion shall constitute the sixteenth circuit;
23 the county of Monongalia shall constitute the seventeenth circuit;
24 the county of Preston shall constitute the eighteenth circuit; the
25 counties of Barbour and Taylor shall constitute the nineteenth
26 circuit; the counties of Randolph and Upshur shall constitute the
27 twentieth circuit; the counties of Grant, Mineral and Tucker
28 shall constitute the twenty-first circuit; the counties of Hampshire,
29 Hardy and Pendleton shall constitute the twenty-second circuit;
30 and the counties of Berkeley, Jefferson and Morgan shall consti-
31 tute the twenty-third circuit.

32 There shall be elected on the Tuesday next after the
33 first Monday in November, one thousand nine hundred and
34 twenty, one judge in each of the circuits herein constituted, ex-
35 cept for the first circuit there shall be two judges elected.

36 On and after the first day of January in the year one thou-
37 sand nine hundred and twenty-one, the terms of the several cir-
38 cuit courts of the counties aforesaid shall commence and be held
39 as follows:

First Circuit.

Sec. 1-a. For the county of Ohio, on the second Monday in
2 January, the second Monday in April, and the second Monday in
3 September.

4 For the county of Brooke, on the first Monday in March, the
5 first Monday in June, and the first Monday in November.

6 For the county of Hancock, on the second Monday in March,
7 the second Monday in June, and the second Monday in November.

Second Circuit.

Sec. 1-b. For the county of Marshall on the first Monday in
2 January, the first Monday in May, and the first Monday in
3 September.

4 For the county of Tyler on the third Monday in March,
5 the third Monday in July, and the third Monday in November.

6 For the county of Wetzel on the second Monday in February,
7 on the second Monday in June, and on the second Monday in
8 October.

Third Circuit.

Sec. 1-c. For the county of Doddridge on the first Tuesday in
2 April, the first Tuesday in August, and on the fourth Tuesday in
3 November.

4 For the county of Pleasants on the second Tuesday in January,
5 the fourth Tuesday in April, and the second Tuesday in Sep-
6 tember.

7 For the county of Ritchie on the second Tuesday in February,
8 the second Tuesday in June, and on the second Tuesday in Oc-
9 tober.

Fourth Circuit.

Sec. 1-d. For the county of Wood on the fourth Monday in
2 January, the fourth Monday in April, and on the second Monday
3 in October.

4 For the county of Wirt on the first Monday in January, the
5 first Monday in June, and the second Monday in September.

Fifth Circuit.

Sec. 1-e. For the county of Roane, on the third Monday in
2 January the third Monday in May and the third Monday in Sep-
3 tember.

4 For the county of Jackson, on the first Monday in April, the
5 first Tuesday in August and the second Tuesday in November.

6 For the county of Calhoun, on the third Tuesday in April,
7 the third Tuesday in August, and the first Tuesday in November.

8 For the county of Mason, on the first Monday in January, the
9 first Monday in May, and the first Monday in September.

Sixth Circuit.

Sec. 1-f. for the county of Cabell, on the first Monday in Janu-
2 ary, the first Monday in May, and the second Monday in Septem-
3 ber of each year.

4 For the county of Lincoln, the third Monday in March, the
5 fourth Monday in July and the third Monday in November of
6 each year.

7 For the county of Putnam, the first Monday in March, the
8 fourth Monday in June, and the third Monday in October.

Seventh Circuit.

Sec. 1-g. For the county of Logan on the second Monday in
2 January, the second Monday in April, the second Monday in July
3 and the second Monday in October.

4 For the county of Wayne on the second Monday in February,
5 the second Monday in May, the second Monday in August, and
6 the second Monday in November.

Eighth Circuit.

Sec. 1-h. For the county of Mingo, on the second Monday in
2 January, the second Monday in April, the second Monday in July,
3 and the first Monday in September.

4 For the county of Wyoming, on the first Monday in March,
5 the first Monday in June, and the first Monday in November.

Ninth Circuit.

Sec. 1-i. For the county of McDowell, on the second Monday
2 in February, the second Monday in June, and the second Monday
3 in September.

4 For the county of Mercer, on the second Monday in May, the
5 second Monday in August, and the fourth Monday in November.

6 For the county of Monroe, on the second Monday in April, the
7 second Monday in July and the second Monday in November.

Tenth Circuit.

Sec. 1-j. For the county of Boone, on the first Monday in
2 February, the first Monday in May, the first Monday in August,
3 and the second Monday in November.

4 For the county of Raleigh, the third Monday in February,
5 the third Monday in May, the fourth Monday in August, and
6 the first Monday in December.

7 For the county of Summers, the third Monday in January, the
8 third Monday in April, the third Monday in July, and the third
9 Monday in October.

Eleventh Circuit.

Sec. 1-k. For the county of Greenbrier, on the third Tuesday
2 in January, second Tuesday in May and the second Tuesday in
3 September.

- 4 For the county of Pocahontas on the first Tuesday in April,
5 the first Tuesday in June and the first Tuesday in October.

Twelfth Circuit.

- Sec. 1-l For the county of Fayette on the first Tuesday in
2 January, April and July, and the third Tuesday in September.
3 For the county of Nicholas, on the third Tuesday in February,
4 May, August and November.

Thirteenth Circuit.

- Sec. 1-m. For the county of Clay, the third Monday in March,
2 the third Monday in July, and the third Monday in November.
3 For the county of Kanawha, the second Monday in January,
4 the second Monday in May and the second Monday in September.

Fourteenth Circuit.

- Sec. 1-n. For the county of Braxton, on the second Tuesday
2 in March, the second Tuesday in July, and the second Tuesday
3 in November.
4 For the county of Gilmer, on the second Tuesday in February,
5 the second Tuesday in June, and the second Tuesday in October.
6 For the county of Webster, the second Tuesday in April, the
7 second Tuesday in August and the second Tuesday in December.

Fifteenth Circuit.

- Sec. 1-o. For the county of Lewis, on the first Monday in
2 March, the first Monday in July, and the first Monday in No-
3 vember.
4 For the county of Harrison on the first Monday in January,
5 the first Monday in May, and the first Monday in September.

Sixteenth Circuit.

- Sec. 1-p. For the county of Marion, on the second Monday in
2 March, the second Monday in June, and the second Monday in
3 November.

Seventeenth Circuit.

- Sec. 1-q. For the county of Monongalia, on Thursday after
2 the first Monday in January, April, July and October.

Eighteenth Circuit.

- Sec. 1-r. For the county of Preston, on the second Tuesday in
2 March, the second Tuesday in June, and the third Tuesday in
3 November.

Nineteenth Circuit.

Sec. 1-s. For the county of Barbour on the second Monday in
2 January, the second Monday in April, and the first Monday in
3 October.

4 For the county of Taylor, on the third Monday in February, the
5 third Monday in May, and the second Monday in November.

Twentieth Circuit.

Sec. 1-t. For the county of Randolph, on the third Tuesday
2 in February, the third Tuesday in May, and the first Tuesday in
3 October.

4 For the county of Upshur, on the second Monday in January,
5 the second Monday in April, and the first Monday in September.

Twenty-first Circuit.

Sec. 1-u. For the county of Tucker, the third Monday in Jan-
2 uary, the third Monday in April, the fourth Monday in July, and
3 the third Monday in October.

4 For the county of Mineral, the second Tuesday in March, the
5 first Tuesday in June, the first Tuesday in September, and the
6 first Tuesday in December.

7 For the county of Grant, the first Tuesday in April, the second
8 Tuesday in July, and the third Tuesday in November.

Twenty-second Circuit.

Sec. 1-v. For the county of Hampshire, on the first Tuesday
2 in January, the first Tuesday in March, the first Tuesday in July,
3 and the third Tuesday in September.

4 For the county of Hardy, on the third Tuesday in February,
5 the third Tuesday in June, and the third Tuesday in October.

6 For the county of Pendleton, on the third Tuesday in March,
7 the fourth Tuesday in July, and the first Tuesday in December.

Twenty-third Circuit.

Sec. 1-w. For the county of Morgan, the first Tuesday in
2 January, the first Tuesday in April, and the first Tuesday in
3 September.

4 For the county of Jefferson, the third Tuesday in January, the
5 third Tuesday in April, and the third Tuesday in September.

6 For the county of Berkeley, the third Tuesday in February,
7 the third Tuesday in May, and the third Tuesday in October.

8 All acts and parts of acts in conflict or inconsistent herewith are
9 hereby repealed.

CHAPTER 85

(Senate Bill No. 83—Mr. Bloch.)

AN ACT to amend and re-enact section one-*a* of chapter one hundred thirty-two of the acts of one thousand nine hundred and nineteen (regular session).

[Passed January 24, 1921. In effect March 1, 1921. Approved by the Governor January 25, 1921.]

SEC.

1-*a*. Terms of court first judicial circuit.

Be it enacted by the Legislature of West Virginia:

That section one-*a* of chapter one hundred and thirty-two of the acts of one thousand nine hundred and nineteen (regular session), be amended and re-enacted so as to read as follows:

First Circuit.

Section 1-*a*. For the county of Ohio, on the second Monday in January, the second Monday in April, and the second Monday in September.

For the county of Brooke, on the first Monday in March, the first Monday in June, and the first Monday in November.

For the county of Hancock, on the second Monday in March, the second Monday in June, and the second Monday in November.

CHAPTER 86

(Senate Bill No. 160—Mr. Shaffer.)

AN ACT providing for the payment of office rent for the judges of the circuit courts of the several judicial circuits of this state, and providing an allowance for such judges for sufficient stenographic services and for office lights and fuel, stationery and postage.

[Passed April 25, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Allowance to circuit court judges for office rent.	SEC.	2. Same, for stenographic fees.
		3. Same, stationery, postage, heat and light.

Be it enacted by the Legislature of West Virginia:

Section 1. Each of the judges of the circuit courts in the several judicial circuits in this state, where the county court of the county in which such judge resides provides no suitable office room

4 for such judge, is hereby allowed a reasonable sum, not to exceed
5 forty dollars per month, as rent for an office room for
6 the use of such judge for the conduct of his official business, the
7 same to be payable at the times and in the manner provided for
8 the payment of the salary of such judge.

Sec. 2. Each of the judges of the circuit court of the several
2 judicial circuits of this state is hereby allowed such reasonable
3 amounts not to exceed fifty dollars per month, for the pay-
4 ment of necessary stenographic fees incurred by such judge in his
5 official duty as such, which sum shall likewise be paid at the same
6 time and in the same manner as provided for the salary of such
7 judge.

Sec. 3. Each of the judges of the circuit court of the several
2 judicial circuits of this state is hereby allowed his actual expenses
3 incurred for lighting and heating his official office, for official
4 stationery and postage used in his official business; *provided*, that
5 the allowance in this section shall not exceed the sum of twenty-
6 five dollars per month; which sum shall likewise be paid at the
7 time and in the same manner as provided for the salary of such
8 judge; *provided*, that no allowances shall be made under this
9 section until the judge submits an itemized statement covering the
10 same.

CHAPTER 87

(Senate Substitute for House Bill No. 356.)

(By the Committee on the Judiciary.)

AN ACT to amend and re-enact section seven of chapter one hundred
and twenty of the code of West Virginia, as amended and re-
enacted by chapter one hundred and seven of the acts of one
thousand nine hundred and seventeen.

[Passed April 26, 1921. In effect from passage. Became a law without the ap-
proval of the Governor.]

Sec.

7. Prosecuting attorney may appoint
assistant; oath and duties of;
removal of; compensation of; in
certain named counties, prosecut-
ing attorneys may employ stenog-

raphers, salary of stenographer;
prosecuting attorney and as-
sistant to control prosecutions;
when other counsel may be ap-
pointed by the court; fee for ser-
vices; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section seven of chapter one hundred and twenty of the
code, as amended and re-enacted by chapter one hundred and seven

of the acts of one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 7. Any prosecuting attorney may, with the assent of
2 the county court of his county, entered of record, appoint one
3 practicing attorney to assist him in the discharge of his official
4 duties for and during his term of office, and such assistant shall
5 take the same oath of office and may perform the same duties of
6 his principal; and he may be removed from office as such assistant
7 at any time by his principal; and, further, he may be removed
8 from his office as such assistant by the circuit court of the county
9 in which he is appointed. for any cause for which his principal
10 might be so removed. The compensation of such assistant shall
11 be paid by the principal from the income of the office; except in
12 the counties of Cabell, Boone, Brooke, Fayette, Hancock, Kan-
13 awha, Marion, Marshall, McDowell, Mercer, Mingo, Monongalia,
14 Nicholas, Putnam, Raleigh, Wyoming, Randolph, Webster, Sum-
15 mers, Wood, Ohio, Logan, Wayne, Berkeley and Harrison and in
16 said counties the county court thereof shall allow annually to such
17 assistant such compensation, to be paid out of the county treas-
18 ury as is deemed reasonable by the court; in the counties of
19 Fayette, Marion, Cabell, Summers, Wyoming, Wood and Logan, not
20 less than one thousand nor more than two thousand dollars an-
21 nually; in the counties of Harrison, Monongalia, Mingo, McDow-
22 ell, Mercer and Raleigh not less than fifteen hundred nor more
23 than three thousand annually; and in the county of Kanawha
24 not less than three thousand nor more than four thousand dollars
25 per annum, and in the county of Ohio, three thousand dollars
26 per annum, and in the counties of Berkeley and Wayne not
27 to exceed the sum of one thousand dollars annually, and in the
28 counties of Boone, Marshall, Nicholas, Lincoln, Mineral and Ran-
29 dolph not to exceed the sum of nine hundred dollars an-
30 nually; in the counties of Tucker and Webster not to exceed six
31 hundred dollars annually, and in the county of Putnam, the sum
32 of three hundred dollars annually; and in each of the counties ex-
33 pressly named herein, the prosecuting attorney may employ a sten-
34 ographer for his office at a salary of not less than nine hundred
35 nor more than eighteen hundred dollars; except in Putnam and
36 Ritchie counties, which counties shall pay seven hundred dollars
37 for such stenographer per annum, to be paid out of the county
38 treasury. In the counties of Barbour, Greenbrier, Pocahontas,

39 Clay and Taylor, the prosecuting attorney may employ a sten-
40 ographer for his office at a salary not to exceed twelve hundred
41 dollars per annum and in the county of Upshur the prosecuting
42 attorney may employ a stenographer for his office at a salary not
43 to exceed nine hundred dollars per annum to be paid out of the
44 county treasury. *Provided, however,* that in the counties of Berke-
45 ley and Webster, no stenographer shall be employed. The prosecu-
46 ting attorney and his assistant (if he has one) shall manage and
47 control all prosecutions for crimes and misdemeanors tried in
48 the circuit court, or in any other court, having concurrent juris-
49 diction with the circuit court, for the trial of crimes and misde-
50 meanors, of any county, for which such prosecuting attorney was
51 elected or appointed.

52 *Provided,* that in any case in which it would, in the opinion of
53 the court, be improper for the prosecuting attorney and his as-
54 sistant (if he has one) to act; or if the prosecuting attorney and
55 his assistant be unable to act, such court shall appoint some com-
56 petent practicing attorney to prosecute such case, and upon the
57 performance of the service for which he was appointed, said court
58 shall certify that fact, with its opinion of what would be a rea-
59 sonable allowance to such attorney for the service rendered, to
60 the county court of the county, and such sum, or a different sum,
61 when allowed by the county court, shall be paid out of the county
62 treasury; *provided, further,* that nothing in this section shall be
63 construed to prohibit the employment by any person, of competent
64 attorneys to assist in the prosecution of any person or corporation
65 charged with crime.

66 All acts or parts of acts inconsistent herewith are hereby re-
67 pealed.

CHAPTER 88

(House Bill No. 134—Mr. Sanders.)

AN ACT to amend chapter sixty-four of the code by adding an ad-
ditional section thereto to be known as section twenty.

[Passed April 15, 1921. In effect ninety days from passage. Approved by the
Governor, April 25, 1921.]

SEC.
20. Divorce commissioner; notice by of
execution of decree; service of
notice.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-four of the code of West Virginia be amended by adding thereto an additional section to be known as section twenty, which shall read as follows:

Section 20. The commissioner to whom a divorce case is referred shall, before proceeding to execute the requirements of the decree of reference, give to the parties or their attorneys, at least ten days notice of the time and place when and where he will commence proceedings, but if any party is not represented by an attorney and personal service cannot be had on the party on account of absence from the state or non residency, then it shall be sufficient to publish the notice in a newspaper of general circulation in the county wherein the suit is pending for such length of time as the court may direct.

CHAPTER 89

(House Bill No. 95—Mr. Downs.)

AN ACT to amend and re-enact section eight of chapter one hundred and fifty-four of Barnes' Code of West Virginia one thousand nine hundred and eighteen, and to add thereto sections twelve and thirteen, relating to coroners' inquests.

[Passed April 7, 1921. In effect ninety days from passage. Approved by the Governor April 16, 1921.]

SEC. 8. Provision for inquest over, burial and transportation, etc. of dead bodies of strangers; other cases; expense, how paid; when inquest not to be held; fee for examination.

SEC. 12. Coroners' record: what to contain; fee for certified copy.
13. Coroner to deliver records to his successor.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter one hundred and fifty-four of Barnes' code of West Virginia of one thousand nine hundred and eighteen be amended and re-enacted, and that sections twelve and thirteen be enacted and added to said chapter, so as to read as follows:

Section 8. If the dead person be a stranger, whether the inquest be taken or the coroner or justice called on to view the body, thinks it unnecessary to have an inquest, he shall cause the body to be decently buried, or forwarded to its proper destination. If the coroner or justice certify the deceased has not sufficient estate in this state to pay the expenses of the burial, the coroner's or

7 justice's fees, and the expenses of the inquest, if one was taken,
8 shall, when allowed by the county court of the county, be
9 paid out of the treasury of the county. In other cases, all such
10 charges shall be paid out of the estate of the deceased; or if it
11 prove insufficient, out of the treasury of the county, unless the
12 inquest be on the body of a convict in the penitentiary, in which
13 case the same shall be paid out the state treasury, after being
14 allowed by the executive. Each juror impaneled as herein pro-
15 vided, shall receive for his services two dollars for each day he shall
16 be necessarily engaged in holding the inquest and making the re-
17 turn thereof; the constable shall receive three dollars for summon-
18 ing a jury and witnesses for an inquest, and the coroner or justice
19 shall receive for his services five dollars for each day necessarily
20 engaged in holding the inquest and making return thereof, to be
21 allowed and paid as aforesaid. Should the coroner or justice, upon
22 such notice, make a preliminary examination of the facts connected
23 with a death by some probable unlawful act, and ascertain that
24 there was not good cause to believe it was by some unlawful act,
25 he shall not hold such inquest except by request of the prosecuting
26 attorney; and said coroner or justice, in case an examination is
27 made and no inquest held, shall be allowed a fee of two dollars
28 for such examination to be paid as herein provided.

Sec. 12. Every coroner shall keep a well bound record, denomi-
2 nated "Coroner's Record", furnished at the expense of the county,
3 in which he shall keep a record of all inquisitions and examina-
4 tions held and made by him or any justice of his county, and in
5 which he shall make entry such information he may be able to
6 obtain concerning the deceased, such as nationality, color, sex,
7 when and where born, married or single, residence, occupation,
8 date and probable cause of death, marks or scars of identification,
9 when and where buried, and the name and address of the under-
10 taker. The coroner, upon the request of any person, shall make
11 and certify a copy from his record of any inquisition or examina-
12 tion had before him or any justice, together with such informa-
13 tion that he may have on his record concerning the deceased, for
14 which services he shall be allowed to charge the person making
15 such request, a fee of one dollar.

Sec. 13. Every coroner upon the expiration of his office, shall
2 deliver to his successor his official record together with those of his
3 predecessors in office which he may have in his custody.

CHAPTER 90

(House Bill No. 431—Mr. Hugus.)

AN ACT to amend and re-enact section fifteen of chapter one hundred and forty-four, Barnes' code one thousand nine hundred and sixteen.

[Passe April 19, 1921. Effective ninety days from passage. Approved by the Governor April 23, 1921.]

Sec. 15.	Carnal knowledge of female, by force, under sixteen years of age;		penalty; when section does not apply.
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Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter one hundred and forty-four of the code of West Virginia, Barnes' code, one thousand nine hundred and sixteen, be and is hereby amended and re-enacted to read as follows:

Section 15. If any male person carnally know a female, not 2 his wife, against her will by force, or if any male person who is 3 over the age of sixteen years carnally know a female, not his 4 wife, under that age, he shall be punished with death or with con- 5 finement in the penitentiary for life, or if the jury add to its ver- 6 dict a recommendation for mercy, with confinement in the peni- 7 tentiary for not less than five nor more than twenty years, 8 *provided*, always that this section shall not apply to any male 9 person under sixteen years of age who carnally knows a female 10 over twelve years of age with her free consent.

CHAPTER 91

(House Bill No. 315—Mr. Haymond.)

AN ACT relating to money deposited or advanced upon a contract for the use or rental of personal property, and fixing the penalty for violation thereof.

[Passed April 20, 1921. Effective ninety days from passage. Approved by the Governor May 3, 1921.]

Sec. 1.	Money advanced on contract for use or rental of personal property; ownership of; disposition of; exceptions.		Sec. 2.	Penalty for violation; personal guilt of officer or agent of corporation violating.
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Be it enacted by the Legislature of West Virginia:

Section 1. Whenever money shall be deposited or advanced on 2 a contract for the use or rental of personal property thereafter to 3 be delivered, as security for performance of the contract or to be

4 applied to payments upon such contract when due, and such con-
5 tract is between a citizen of the state of West Virginia and a non-
6 resident thereof, such money, with interest accruing there-
7 on, if any, until repaid or so applied, shall continue to be the
8 money of the person making such deposit or advance and shall
9 be a trust fund in the possession of the person with whom such de-
10 posit or advance shall be made and shall be deposited in a bank or
11 trust company located in the state of West Virginia and shall not
12 be mingled with other funds or become an asset of such trustæ
13 until the said property is delivered, *Provided, however,*
14 that nothing herein contained shall apply to deposits or ad-
15 vance payment required by public service corporations under the
16 authority of the public service commission.

Sec. 2. Any person violating any provision of this act shall be
2 guilty of a misdemeanor and upon conviction shall be fined not
3 less than one hundred dollars and not more than one thousand dol-
4 lars, and, at the discretion of the court, may be confined in jail
5 not more than one year. The officer or agent of any corporation
6 who directly or indirectly participates in any transaction amount-
7 ing to a violation of this act shall upon conviction be punished as
8 aforesaid.

CHAPTER 92

(House Bill No. 79—Mr. McClintic, of Kanawha.)

AN ACT to fix the salaries of the elective state officers and other
than the governor and state superintendent of free schools, the
same being an emergency measure.

[Passed January 26, 1921. In effect from passage. Approved by the Governor
January 26, 1921.]

Sec.

1. Salaries of elective state officers,
other than state superintendent of
free schools; amount; how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. That on and after March fourth, one thousand nine
2 hundred and twenty-one, the salary of the secretary of state, audi-
3 tor, treasurer, attorney general and commissioner of agriculture
4 shall be five thousand (\$5,000.00) dollars each per annum, payable
5 monthly out of the state treasury.

CHAPTER 93

(House Bill No. 182—Mr. Weiss.)

AN ACT providing for the payment of salaries of the members of the senate and house of delegates pursuant to section thirty-three of article six of the constitution of the state, as amended. [Passed January 21, 1921. In effect from passage. Approved by the Governor January 23, 1921.]

SEC. 1. Salaries of members of legislature; amount; how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. The salaries of the members of the senate and house of delegates shall be five hundred dollars per annum, payable out of the treasury as follows, to-wit: 2 The sum of two hundred and fifty dollars shall be payable on 4 the third Wednesday in January of each year and the sum of 5 the third Wednesday in January of each year and the sum of 6 two hundred and fifty dollars shall be payable on the third Wednesday in March of each year.

CHAPTER 94

(House Bill No. 280—Mr. Strother.)

AN ACT authorizing the removal of officers and all employees that have been or may hereafter be appointed by the governor, at the will and pleasure of the governor.

[Passed April 8, 1921. In effect from passage. Became a law without the approval of the Governor.]

SEC. 1. Governor may at his pleasure, remove from office his appointees. SEC. 2. No cause for removal need be assigned. SEC. 3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That all persons that have been, or that may hereafter be appointed to any office or position of trust, under the laws of this state by the governor, whether their tenure of office is fixed by law or not, may be removed by the governor at his will and pleasure. Sec. 2. In removing such officer, appointee, or employee, it shall not be necessary for the governor to assign any cause for such removal. 4 All acts or parts of acts inconsistent with this act are hereby 5 repealed.

CHAPTER 95

(Committee Substitute for House Bill No. 383.)

(By the Committee on the Judiciary.)

AN ACT to amend and re-enact section fifteen of chapter one hundred and thirty-eight of the code, relating to legal notices.

[Passed April 14, 1921. In effect from passage. Approved by the Governor April 18, 1921.]

Sec.

12. Rate for publication of matter required by law to be published; when publication refused, newspaper in another county may be	used and notice posted and mailed; when taxed as costs; affidavit of publication and posting; mandamus to compel publication.
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Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter one hundred and thirty-eight of the code, be amended and re-enacted so as to read as follows:

Section 15. The price for publishing all advertisements and 2 publications required to be made by law, or by the order of a 3 court in any cause or proceeding therein, or by any provision of 4 a deed of trust, or where any publication is made pursuant to law, 5 shall not exceed two cents for each word for the first insertion, 6 and one cent a word for each subsequent insertion required to be 7 made; and if no newspaper in which such publication may be 8 made, will insert the same for the time required, or the price 9 aforesaid, then the notice may be published in some newspaper 10 issued from another county, and the notice shall be posted by the 11 person whose duty it is to have the publication made, at the front 12 door of the court house of the county in which the cause is pend- 13 ing, or the proceedings had, at least four weeks prior to the time 14 fixed for executing the order, decree or deed, or for the accom- 15 plishment of the purpose of said publication, and copies of said 16 notice shall be posted in at least four other public places in said 17 county at the same time, and a copy of the same shall be sent by 18 the person whose duty it is to post, by mail, postage paid, to each 19 party interested in such publication, directed to such person at his 20 last known post office address. In case of any publication made 21 by the order of a court in any case or proceeding therein, or by 22 any provision of a deed of trust, the price paid shall be taxed in 23 the bill of costs, and an affidavit shall be filed by the person pub- 24 lishing and posting the notice showing the fact that said notice 25 was published and posted as required by this section.

26 Any citizen, taxpayer, or the owner or publisher of any news- 27 paper entitled under the provisions of this act to have any pub- 28 lication made in his newspaper, which any county court or tri-

29 bunal created in lieu thereof, board of education, council of a
 30 municipal corporation, or public officer shall fail or refuse to
 31 make, may have a writ of mandamus to compel the making of
 32 said publication; provided the newspaper is willing to accept
 33 the price prescribed therefor by law.

CHAPTER 96

(House Bill No. 270—Mr. Caphart.)

AN ACT to prevent the crime of lynching and to provide punishment and penalties therefor.

[Passed April 14, 1921. In effect ninety days from passage. Approved by the Governor April 20, 1921.]

SEC.

1. "Mob" defined.
2. "Serious injury" defined.
3. Putting of any person to death by mob, murder; penalty for.
4. Intent to inflict damage or injury by mob; penalty for; infliction of, by mob, penalty for.
5. Infliction of serious injury by violence by mob, penalty for; remedy of person suffering injury.
6. County in which lynching occurs subject to forfeiture; action for; judgment for, how enforced.
7. When person put to death in an-

SEC.

- other county than where taken from officer, county where taking occurs liable; counties through which transported or lynched, not liable unless citizens of such counties abet the lynching.
8. What constitutes negligence on part of officer; negligent officer liable to county for forfeiture recovered from county.
9. Disqualification of certain power for jury services in prosecution under this act.
10. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That any collection of individuals, five or more
 2 in number, assembled for the unlawful purpose of offering vio-
 3 lence to the person or property of any one supposed to have been
 4 guilty of a violation of the law, or for the purpose of exercising
 5 correctional powers or regulative powers over any person or per-
 6 sons by violence, and without lawful authority, shall be regarded
 7 and designated as a "mob", or "riotous assemblage."

Sec. 2. That the term "serious injury", for the purposes
 2 of this act, shall include any injury to property, which shall
 3 cause damage to the owner thereof, or any injury to the person
 4 which shall temporarily or permanently disable the person in-
 5 jured from earning a livelihood.

Sec. 3. The putting to death of any person within this state
 2 by a mob or riotous assemblage, shall be murder, and every
 3 person participating in such mob or riotous assemblage by which
 4 a person is put to death, shall be guilty of murder, and upon the
 5 conviction thereof shall be punished as provided by chapter one
 6 hundred and forty-four of Hogg's code of West Virginia.

Sec. 4. Any person or persons who shall compose a mob or
2 riotous assemblage, with the intent to inflict damage or injury
3 to the person or property of any individual charged with crime,
4 or, under the pretense of exercising correctional powers over
5 such person or persons by violence, and without lawful authority,
6 shall be subject to a fine of not less than one hundred dollars,
7 nor more than one thousand dollars, and may be imprisoned in
8 the county jail not less than thirty days nor to exceed twelve
9 months for each and every offense. Any person or persons who
10 shall compose a mob or riotous assemblage and who inflict damage
11 or injury to the person or property of any individual charged
12 with crime shall be guilty of a felony and shall be imprisoned in
13 the penitentiary not less than one year nor more than ten years
14 for each and every offense.

Sec. 5. Any person or persons, composing a mob or riotous
2 assemblage under the provision of this act, who shall by violence
3 inflict serious injury to the property or to the person of any other
4 person upon the pretense of exercising correctional powers or
5 regulative powers over such person or persons, and without au-
6 thority of the law, shall be deemed guilty of a felony, and upon
7 the conviction thereof shall be punished by confinement in the
8 penitentiary not exceeding five years; and any person suffering
9 serious injury to his property or to his person by a mob, shall
10 have an action against the county or city in which such serious
11 injury is inflicted for such damages he may sustain, to an amount
12 not to exceed five thousand dollars.

Sec. 6. The county in which such person charged with a crime,
2 and wherein such person has been taken from a state, county or
3 municipal officer and lynched and put to death, shall be subject to
4 a forfeiture of five thousand dollars, which may be recovered by
5 appropriate action therefor, in the name of the personal represen-
6 tative of the person put to death, for the use of his dependent
7 family or estate. Such action may be brought in any state court.
8 If such forfeiture is not paid upon recover of judgment therefor,
9 the court rendering such judgment, shall have power to enforce
10 the payment thereof, and may compel the levy and collection of
11 a tax therefor. or otherwise compel the payment thereof by
12 mandamus or other appropriate process, and every officer of such
13 county, and every other person who disobeys or fails to comply
14 with any lawful order of the court, shall be liable to punishment
15 according to law as for contempt and to any other penalties pro-
16 vided by law therefor.

Sec. 7. That in the event any person so put to death, who shall
2 have been taken from any state, county or municipal officer in one
3 county, by a mob or riotous assemblage of five or more persons,
4 and transported out of such county before such killing shall have
5 taken place, and the fact that such killing occurred out of said
6 county from which such person may have been taken, shall not re-
7 lieve the said county from which he was taken from such state,
8 county or municipal officer from the liability provided by this act.
9 And if the person, who shall be taken from such officer or
10 officers, be transported from, and put to death and lynched in
11 another county outside of the county wherein he was taken from
12 such officer or officers, no county through which such person may
13 have been transported, or in which such person has been lynched
14 and put to death, shall be liable to damages hereunder, unless it
15 is clearly shown that the officers or citizens in such county or
16 counties participated in, aided, abetted or encouraged such un-
17 lawful putting to death.

Sec. 8. That every state, county or municipal officer having
2 the duty or power of preservation or conservation of the peace
3 at the time and place of any such putting to death, or the
4 committing of serious injury to the person or to the property
5 as prescribed in this act, who having reasonable cause to believe
6 that the same is to be done, or is attempted to be done, and ne-
7 glects or omits to prevent the same, and every such officer from
8 whose custody such person may be taken by such mob or riotous
9 assemblage, and put to death by the same, or whose property or
10 person suffers serious injury at the hands of said mob or riotous
11 assemblage, shall be guilty of negligence in the discharge of his
12 official duty, and the county or city which shall have been sued
13 and compelled to pay damages as herein provided, may recover
14 same from such negligent officer, by appropriate action upon
15 his official bond.

Sec. 9. That in any prosecution for any of the offenses defined
2 herein, and any action for the forfeiture imposed as herein pro-
3 vided, every person who has participated in the lynching or in
4 the putting to death of, or in the infliction of great bodily
5 violence or serious injury to the person or property of any per-
6 son, without authority of the law, and every person who enter-
7 tains or has expressed any opinion in favor of lynching or in
8 the justification or excuse thereof, or whose character, conduct,

9 or opinions have been or are such as, in the judgment of the
 10 court, may tend to disqualify him for impartial and unpreju-
 11 diced trial of the cause, shall be disqualified to serve as a juror,
 12 and in any such action or prosecution, any attorney, interested
 13 in the case, shall be entitled to make full inquiry thereof, and to
 14 produce evidence thereon; and every person who refuses to an-
 15 swer any inquiry touching his qualifications on the ground that
 16 he may thereby criminate himself shall be disqualified as afore-
 17 said.

Sec. 10. All acts or parts of acts in conflict herewith are
 2 hereby repealed.

CHAPTER 97

(House Bill No. 174—Mr. Post.)

AN ACT to prohibit the making, transmitting or circulating of any
 false or untrue statements derogatory to the financial condition,
 solvency, or financial standing of any bank, savings bank, bank-
 ing association, or trust company doing business in this state,
 and to prohibit the making, transmitting or circulating of any
 such untrue or false statements as to any banking corporation
 in this state, with the intent to depress the value of the stocks,
 bonds or securities thereof, and fixing a penalty therefor.

[Passed April 15, 1921. In effect ninety days from passage. Approved by
 the Governor April 25, 1921.]

<p>Sec. 1. Circulating, or inducing to cur- culate false statements deroga-</p>	<p>tory to financial institution, with intent to depress value of stocks, etc.; penalty for.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. Whoever, directly or indirectly, wilfully and know-
 2 ingly makes or transmits to another, or circulates, or counsels,
 3 aids, procures, or induces another to make, transmit or circulate,
 4 any false or untrue statement, rumor or suggestion derogatory
 5 to the financial condition, solvency or financial standing of any
 6 bank, savings bank, banking association, or trust company, doing
 7 business in this state, or with intent to depress the value
 8 of the stocks, bonds, or securities of any such banking
 9 corporation, directly or indirectly, wilfully and knowingly makes
 10 or transmits to another, circulates or counsels, aids, procures or
 11 induces another to make, transmit or circulate any false or un-

12 true statement, rumor or suggestion derogatory to the financial
 13 condition, or with respect to the earnings or management of the
 14 business of any banking corporation, or resorts to any fraudulent
 15 means with intent to depress in value the stocks, bonds or securi-
 16 ties of any banking corporation, shall be guilty of a misdemeanor,
 17 and, upon conviction shall be fined not to exceed three hundred
 18 dollars and the cost of the prosecution, or to imprisonment in the
 19 county jail not more than sixty days, or to both fine and imprison-
 20 ment.

CHAPTER 98

(Senate Substitute for House Bill No. 257.)

(By the Committee on the Judiciary.)

AN ACT to empower the judges of courts to appoint shorthand
 reporters, defining the duties of such reporters, the uses to
 which the records made by them may be put, providing the
 manner of their payment, and repealing all acts or parts of
 acts inconsistent herewith.

[Passed April 27, 1921. In effect from passage. Became a law without
 the approval of the Governor.]

SEC.

1. Shorthand reporters: authority to appoint; duties of; when may attend sessions of grand juries; official title of.
2. Same: copy of testimony as to shorthand notes and transfers.
3. Same: copy of testimony furnished by; fees for copies; certified copy of testimony authentic for all purposes; carbon copy filed in

SEC.

- office of clerk; cost of transcript, how paid.
4. Same: compensation and expenses of, how paid; a reporter's fee to be taxed as costs in each case reporter engaged in; how fee disposed of; salary of, how paid; fee for services, when salaried, how collected and disposed of.
5. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit courts of the several judicial circuits
 2 in this state, or the judges thereof in vacation, or the judges of
 3 any intermediate, criminal or common pleas court, are hereby
 4 empowered and authorized to employ and appoint competent
 5 shorthand reporters to take and report, under such regulations
 6 as said judges, or any of them, may prescribe, the proceedings
 7 had and the testimony given in any case, either civil or criminal,
 8 or in any other proceeding had in such court, including the taking
 9 of testimony before the grand jury of such court for the use
 10 of the prosecuting attorney of such court, and in proceedings
 11 before the judge of such court in vacation, and otherwise to
 12 aid the judge in the performance of his official duties.

13 Said reporter, when appointed, shall be qualified under oath,
14 and shall be authorized to attend the sessions of the grand jury,
15 but shall retire from said session when directed by the foreman,
16 or a majority of the grand jury, or when ordered to do so by
17 the court, and when the grand jury desires to consult or vote
18 upon any matters before them.

19 Said appointment and employment of such reporter may be
20 made by the judge of such court by an order entered of record,
21 and the reporter so appointed shall be designated as the "official
22 reporter" of the court for which he shall be appointed.

Sec. 2. It shall be the duty of such reporter to take full
2 shorthand notes of the testimony and proceedings in which his
3 services may be required, and such notes shall be deemed and
4 held to be official and the best authority in any matter in dispute,
5 and a transcript of the same, written out in longhand or type-
6 writing, made as herein provided, shall be used by the parties
7 to the cause in any further proceeding therein wherein the use
8 of the same may be required.

9 It shall be the duty of the said reporter to furnish a copy of
10 his notes, written out in longhand or typewriting, of the tes-
11 timony and proceedings, for the use and upon the request of
12 the judge, without extra charge in criminal cases, the copy to be
13 filed in the clerk's office.

Sec. 3. Said reporter shall furnish, upon request, to any
2 party to a case, a copy of the testimony or other proceedings,
3 written out in longhand or typewriting, and shall certify the
4 same as being correct, and shall be paid therefor at the rate of
5 twenty cents for each one hundred words so transcribed and
6 certified; (and for each carbon copy of such transcript, ordered
7 at the same time, he shall be paid six cents for each hundred
8 words so furnished.)

9 A copy of such testimony or proceedings, when certified by the
10 official reporter and by the judge of the court, shall be authentic
11 for all purposes, and may be used in making up the record on
12 appeal; and in all cases of appeal, such reporter shall also make
13 a carbon copy of the testimony and proceedings required, which
14 carbon copy shall be filed in the office of the clerk of the court
15 in which the trial or proceedings was had, to be used, if neces-
16 sary, in making up the record or appeal; and the said clerk shall
17 not be entitled to any fee for that part of the record in any

18 case wherein the testimony or proceedings so transcribed and
19 certified by said official reporter shall be used in said record.

20 And if upon appeal or writ of error the judgment or order
21 entered in the cause be reversed, the cost of such transcript shall
22 be taxed as other costs; and if said transcript be requested or
23 required for the purpose of demurring to the evidence, the cost
24 thereof shall be taxed in favor of the party prevailing on the
25 demurrer.

Sec. 4. Such official reporter shall receive such salary or other
2 compensation for his services and expenses as the judge may allow.
3 Such compensation and expenses in civil and misdemeanor cases
4 shall be certified by the court to the county court of the county in
5 which such services are rendered, and the same shall be paid
6 out of the county treasury. Such compensation and services in
7 felony cases shall be certified to the auditor of the state, and
8 paid by him out of the state treasury.

9 The clerk of the court in which such reporter is employed,
10 shall tax as a part of the costs, a reporter's fee of not less than
11 five dollars to be fixed by the court, for each case in which such
12 reporter was engaged; and when received by the clerk, such
13 costs shall be paid by him to the sheriff, and by the sheriff ac-
14 counted for and paid, in civil and misdemeanor cases, into the
15 county treasury, and in felony cases into the state treasury.

16 *Provided*, that if the salary be allowed in lieu of all other com-
17 pensation, it shall be paid quarterly, and, if the circuit consists
18 of more than one county, such salary shall be paid by the counties
19 composing the circuit in such proportion as the judge may fix,
20 by the several county courts of the counties constituting the
21 judicial circuit, out of their respective county treasuries. But
22 all fees for services rendered by the salaried official reporter in
23 the discharge of his duties as such, may be collected, and shall,
24 when collected by the sheriff or said official reporter, be paid into
25 the treasury of the county in which the services were rendered,
26 except that all fees paid by the state shall be refunded to the
27 state when collected, and it shall be the duty of such reporter to
28 make out, sign and deliver to the sheriff a fee bill in every case,
29 civil or criminal, giving the style thereof and the amount due,
30 and from whom, which amount may be collected or levied for by
31 the sheriff, and such fee bill shall have the force and effect of an
32 execution when levied. Said official reporter shall collect the

33 fees mentioned in section three of this act for any testimony or
 34 record furnished by him to any party, and pay the same over
 35 to the sheriff of the county, in which the services were performed,
 36 to be by him accounted for as herein provided.

Sec. 5. So far as any act or part of any act of the legislature
 2 is inconsistent with this act or any of its provisions, they shall
 3 not be applicable to the judge of the circuit court of the several
 4 judicial circuits nor said official reporters, and to the extent
 5 of such inconsistency, they are hereby repealed.

CHAPTER 99

(House Bill No. 472—Mr. Stathers.)

AN ACT to amend and re-enact sections one, eleven, twelve, thirteen
 and eighteen of chapter fifty-five-b of Barnes' code of one thou-
 sand nine hundred and sixteen; all relating to speculative
 securities.

[Passed April 27, 1921. In effect July 1, 1921. Approved by the Governor
 May 4, 1921.]

Sec.

1. No person to issue, sell, etc., specu-
 lative securities until statement,
 under oath, filed with auditor of
 state: contents of statement;
 compliance with this section *ipso*
facto appoints auditor as attor-
 ney in fact; duty of auditor when
 served with process; where suits
 may be commenced.
11. Agents; appointment and registra-
 tion of; authority of.
12. Sworn statements; when to be
 filed; what to show; filing fee
 for; penalty for failure to file.

SEC.

13. Control of auditor over persons
 operating under this act; duty of
 auditor, upon complaint act vio-
 lated.
18. Expenses and fees hereunder, how
 collected and disposed of, re-ap-
 propriation of same to carry act
 into effect; appointment of ad-
 ditional investigators by auditor;
 expenses of auditors and inves-
 tigators, how paid; appropriation
 of expenses and fees here-
 before collected.

Be it enacted by the Legislature of West Virginia:

That sections one, eleven, twelve, thirteen and eighteen of
 chapter fifty-five-b of Barnes' code of one thousand nine hundred and
 sixteen be amended and re-enacted so as to read as follows:

Section 1. That no person or persons mentioned in section
 2 six of this act, shall, as principal or agent, promote by advertise-
 3 ment, circular, prospectus, or any other form of public or general
 4 offering, inducement or persuasion, the issuance, transfer, dis-
 5 tribution, sale or negotiation of any speculative securities, as
 6 hereinafter defined in section two of this act, unless
 7 prior thereto he, or they, shall have filed with the
 8 auditor of this state, duly verified by his, or their,

9 oath or affirmation and accompanied by a filing fee
10 of twenty-five dollars, a statement containing the fol-
11 lowing; *provided, however*, that this section shall not
12 apply to a *bona fide* offer directly made to banks,
13 bankers, brokers or trust companies who deal in such
14 securities: (a) a copy of the securities so to be
15 promoted. (b) A copy of the charter, or article of
16 association, and by-laws, and such other information
17 as may be necessary to establish the character of
18 the promotion, and validity and value of the se-
19 curities, not otherwise referred to in this section.
20 (c) A statement in substantial detail of the assets
21 and liabilities of the person or company issuing such
22 securities and of any company or person guarantee-
23 ing the same, including specifically the total amount
24 of such securities and of any securities prior there-
25 to in interest or lien. (d) If such securities are
26 secured by mortgage or other lien, a copy of such
27 mortgage or of the instrument creating such lien,
28 and a competent appraisal or valuation of the property cov-
29 ered thereby with a specific statement of all prior liens thereon,
30 if any. (e) A full statement of facts showing the gross and net
31 earnings, actual or estimated, of any person or company issuing
32 or guaranteeing such securities, or of any property covered by any
33 such mortgage or lien. (f) All knowledge or information in the
34 possession of such promoter, relative to the character or value
35 of such securities, or of the property or earning power of the per-
36 son or company issuing or guaranteeing the same, including a
37 statement that such promoter has fully investigated the same
38 and believes the facts as stated to be reliable and true, with such
39 exceptions, if any, as may be stated. (g) A copy of any prospectus
40 or advertising matter which is to be used in connection with such
41 promotion. Such prospectus shall contain a clear and concise
42 statement of the amount of money estimated as necessary to carry
43 out the objects of the promotion; the price at which it is intended
44 to sell securities; the amount of promotion expense, commissions
45 and other overhead expenses contemplated, and the net amount
46 to be derived by the company from the sale of each share of stock,
47 bond, note, contract or other security, and no prospectus or other
48 advertising matter shall be used unless the same has been filed

49 hereunder. But in case no prospectus or advertising matter is
50 filed or used, a statement containing the information referred to
51 in this sub-section shall be filed with the auditor. (h) The
52 names and addresses of any agents by or through whom any
53 securities are to be sold in this state, and no agent shall be em-
54 ployed or act unless such statement with respect to them has been
55 filed hereunder. (i) The name and address of such promoter,
56 including the names and addresses of all partners, if the pro-
57 moter be a partnership, and the names and addresses of the direc-
58 tors or trustees (and of any and all persons owning ten per cen-
59 tum or more of the capital stock), if the promoter be a corpora-
60 tion or association.

61 Compliance by any person or persons mentioned in section six
62 of this act, with the provisions of this section, shall *ipso facto*
63 operate to appoint the auditor of this state as his, or their at-
64 torney in fact, irrevocable, for the specific purpose of receiving
65 service of notices and processes which may be issued against him
66 or them in any action arising out of the promotion, negotiation,
67 issuance, transfer, distribution, or sale by him, or them in this
68 state, or any of the speculative securities concerning which such
69 compliance is made, and the service of any such notice or process
70 on said auditor, or his acceptance or service endorsed thereon
71 shall be equivalent for all persons to, and shall be and constitute
72 due and legal notice of such notice or process upon any such
73 person or persons. Immediately after being served with or ac-
74 cepting any such process or notice, the auditor shall file a copy
75 of such process or notice with a note thereon endorsed at the
76 time of service or acceptance, as the case may be, and transmit
77 such process or notice by registered mail to the head office of such
78 person or persons. Suits and actions may be commenced against
79 such person or persons in the proper court of any county in this
80 state in which a cause of action may arise or in which the plain-
81 tiff may reside.

Sec. 11. Any person or persons mentioned in section six of
2 this act, and operating within the scope of sections one and two
3 of this act, may appoint one or more agents, but no agent shall
4 act, or attempt to act for or in behalf of his principal, until he
5 shall have first registered with the auditor as such agent, and for
6 each registration, such person or persons shall pay to said auditor
7 a registration fee of five dollars. Such registration shall author-

8 ize the agent to represent such person or persons so registering
9 him until the first day of July following, unless the registration
10 is theretofore cancelled and recalled by such person or persons, or
11 by the auditor, for failure to comply with the provisions of this
12 act, authority for which revocation or cancellation is hereby given
13 to such person or persons and to said auditor.

Sec. 12. Every person, or persons mentioned in section six
2 of this act, and operating within the scope of sections one and
3 two of this act, shall file at the close of business on June thir-
4 tieth of each year, and at such other times as may be required
5 by the auditor, a sworn statement in such form as may be pre-
6 scribed and furnished by the auditor, setting forth his or their
7 financial condition, the amount of assets and liabilities, and such
8 other information as the auditor may require. Every regular
9 statement of June thirtieth shall be accompanied by a filing
10 fee of ten dollars, and if such person or persons fail, neglect or
11 refuse to file his or their regular statement within fifteen days
12 from said date, or to file any other special report herein provided
13 for within thirty days from receipt of request therefor, then the
14 right of such person or persons to transact business in this state
15 shall be deemed to be in abeyance during the continuance of such
16 delinquency.

Sec. 13. The auditor shall have general supervision and con-
2 trol over any person or persons mentioned in section six of this
3 act, residing or doing business in this state, engaged in securing
4 subscriptions for, or in the issuance, transfer, sale, promotion,
5 negotiation or distribution of any speculative securities, and
6 every such person or persons shall be subject to examination by
7 said auditor, or by his duly authorized deputies, at any time he
8 may deem it advisable. The rights, powers and privileges of the
9 auditor in making such examinations shall be the same as now
10 provided with reference to the examination of insurance com-
11 panies by the insurance commissioner, and such person or persons
12 shall pay the expense of such examination, and their failure or
13 refusal to pay upon the demand of the auditor shall work a for-
14 feiture of their right to do business in the state. Upon com-
15 plaint of any person that any of the provisions of this act has
16 been violated, it shall thereupon become the duty of the auditor
17 to immediately investigate such complaint and if upon such in-
18 vestigation it would appear that this act has been violated in any

19 manner then the auditor shall diligently proceed to enforce the
20 provisions of this act in the manner hereinafter provided in section
21 fifteen of this act.

Sec. 18. All expenses and fees herein provided for shall be col-
2 lected by said auditor and shall be accounted for and turned into
3 the state treasury and the amount of expenses and fees so turned
4 into the state treasury are hereby re-appropriated to the said
5 auditor and such amount together with any appropriations that
6 may be made shall be expended, or such part thereof as may be
7 necessary, for the purpose of carrying this act into effect; and
8 the said auditor is hereby authorized to appoint such additional
9 investigators and assistants, not to exceed five in all, as may be
10 necessary to carry this act into full force and effect. All money
11 actually and necessarily paid out, or any expenses incurred by the
12 said auditor or any investigator or assistant under his direction,
13 under this act, shall be paid by the state treasurer out of such
14 sums for expenses and fees received under this act and any other
15 appropriations made for the purpose, upon the state auditor's
16 warrant, to be issued upon vouchers containing an itemized ac-
17 count of the salaries or expenses for which the same are used.
18 All expenses and fees which have been collected by the auditor
19 under the provisions of chapter fifteen of the acts of one thousand
20 nine hundred and thirteen, and now remaining in the state treas-
21 ury, are hereby appropriated to the said auditor for the pur-
22 poses of this act.

CHAPTER 100

(Senate Bill No. 177—Mr. York.)

AN ACT to amend and re-enact sections one, three, five and seven
of chapter twelve of the acts of the extraordinary session of the
legislature of West Virginia of one thousand nine hundred and
nineteen relating to the department of public safety.

[Passed April 15, 1921. In effect ninety days from passage. Approved by the
Governor May 3, 1921.]

SEC.

1. Department of public safety creat-
ed; superintendent, appointment;
term; age; salary.
3. Deputy, appointment and salary;
chief clerk, qualifications and
salary; two clerks; salary of.
5. Department to consist of four

SEC.

- companies or platoons; personnel
and salaries; bond of, amount,
approval and filing.
7. Preference in making appoint-
ments to be given ex-service
men; qualifications; terms; in-
creases in salary, when given.

Be it enacted by the Legislature of West Virginia:

That sections one, three, five and seven of chapter twelve of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and nineteen be amended and re-enacted so as to read as follows:

Section 1. A department of public safety is hereby created.
2 The executive and administrative head of which shall be a superin-
3 tendent who shall be appointed by the governor, by and with the
4 advice and consent of the senate for a term of four years. The
5 superintendent shall be on the date of his appointment at least
6 thirty years of age and shall not be more than fifty-five years of
7 age. He shall receive an annual salary of four thousand dollars
8 to be paid as provided by law.

Sec. 3. The superintendent with the advice and consent of the
2 governor shall appoint a deputy who shall receive an annual sal-
3 ary of three thousand dollars. The superintendent shall appoint
4 one chief clerk who shall be a competent bookkeeper and who shall
5 receive an annual salary of twenty-one hundred dollars and also
6 appoint two clerks; one a competent stenographer, whose salary
7 shall be fixed by the board of public works.

Sec. 5. The superintendent shall create, appoint and equip a
2 department of public safety which shall consist of four companies
3 or platoons.

4 Each company or platoon shall be composed of one captain, who
5 shall receive an annual salary of twenty-four hundred dollars.

6 One lieutenant who shall receive an annual salary of twenty-one
7 hundred dollars. One first sergeant who shall receive an annual
8 salary of fifteen hundred dollars. Five sergeants who shall re-
9 ceive an annual salary of thirteen hundred and eighty dollars.
10 Eight corporals who shall receive an annual salary of thirteen
11 hundred and twenty dollars and such number of privates as the
12 superintendent may decide best, but such number of privates shall
13 not at any time be less than thirty, or more than fifty-five in any
14 one company or platoon. Each private shall receive an annual
15 salary of twelve hundred dollars. Each member of the department
16 of public safety, except the superintendent, bookkeeper and clerks,
17 shall before entering upon the discharge of his duties execute a
18 bond with security in the sum of thirty-five hundred dollars, pay-
19 able to the state of West Virginia, conditioned for the faithful per-
20 formance of his duties as such, and such bond shall be approved,

21 as to form by the attorney general, and as to sufficiency by the
22 board of public works, and the same shall be filed with the secretary
23 of state and preserved in his office.

Sec. 7. Preference in making appointments shall be given
2 wherever possible to honorably discharged soldiers, sailors and
3 marines of the United States army and navy. He shall also be a
4 person not less than twenty-one or more than forty-five years of
5 age, able to ride horse back, of sound constitution, of good moral
6 character, and shall be required to pass such mental and physical
7 examinations as may be provided for by the rules and regulations
8 promulgated by the superintendent. No person shall be barred
9 from becoming a member of such department of public safety, be-
10 cause of his religious or political convictions. All members of the
11 department of public safety, including the deputy, chief clerk and
12 clerks, shall be appointed by the superintendent for the period
13 of two years and all the members of the department of public
14 safety, except the superintendent, deputy, captain, lieutenants,
15 chief clerk and clerks shall receive an increase of sixty dollars per
16 annum during continuous service after two years and an additional
17 increase of sixty dollars per annum during continuous service
18 after four years. *Provided*, that not more than two such increases
19 shall be made."

CHAPTER 101

(House Bill No. 386—Mr. McClintic, of Kanawha.)

AN ACT to empower the governor to make temporary appointments
to the office of United State senator in case of vacancies, until
the same shall be filled by election.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the
Governor May 3, 1921.]

<p>SEC. 1. Governor empowered to temporarily fill vacancy in state's representation in United States senate.</p>	<p>SEC. 2. Governor to deliver credentials to appointee; form of.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. When any vacancy shall happen in the representation of this state in the senate of the United States, the governor shall have power to fill such vacancy by temporary appointment of some qualified citizen of this state, until such vacancy shall be filled by an election held for the purpose, at the next general election thereafter.

Sec. 2. When the governor shall make any such temporary ap-
 2 pointment to fill such vacancy, he shall cause a credential, under
 3 his hand and the great seal of this state, to be delivered to the
 4 person so appointed, to the following effect:

5 STATE OF WEST VIRGINIA, to-wit:

6 A. B., who was according to the constitution
 7 of the United States, a senator from this state for the term ending
 8 on the third day of March, in the year.....,
 9 having died (resigned, or otherwise, as the case may be), I,.....
 10, governor of the state of West
 11 Virginia, do, by virtue of the said constitution and of the statutes
 12 passed in pursuance thereof, appoint C. D. of the county of
 13, a senator from this state in
 14 the senate of the United States, until the said office is filled by
 15 election as provided by law.

16 Given under my hand and the great seal of the state, this the
 17 day of.....

Sec. 3. Section nineteen of chapter forty-two of the acts of one
 2 thousand eight hundred and eighty-two, being section nineteen of
 3 chapter seven of Barnes' code of West Virginia of one thousand
 4 nine hundred and sixteen, is hereby repealed.

CHAPTER 102

(Committee Substitute for House Bill 443.)

(By the Committee on the Judiciary.)

AN ACT providing for the revision, codification and indexing, with
 suitable marginal citations and references, of the statute law
 of West Virginia; for the printing, publication and disposition
 thereof; to appoint commissioners therefor and to provide for
 the necessary clerical assistance to said commissioners.

[Passed April 13, 1921. In effect ninety days from passage. Approved by the
 Governor April 20, 1921.]

Sec.

1. Codification commission; number; how appointed; duties of.
2. Same; office at capitol; secretary and clerical help for; compensation of commission and clerical help.
3. Same; secretary of state to furnish codes and acts to.
4. Same; report by to the next legislature; to deliver report, or part, to printer; copies of report for legislature.
5. Code, when revised and codified to be printed; contents of.

Sec.

6. Same; secretary of state to secure copyright of.
7. Same; law in regard to public printing to be complied with in printing.
8. Same; number to be printed; with and without annotation.
9. Same; when adopted by legislature, to be received as evidence.
10. Notes of explanation of changes; to be delivered by commissioners; how printed and bound; number of copies of.

SEC.	SEC.
11. City and town councils and county courts to purchase codes; how distributed; secretary of state to furnish copies to certain officials;	12. title to codes so furnished. 13. Sale of supplies, price; disposition of proceeds. 14. Vacauy in comission; how filled.

WHEREAS, Thirty-nine years have elapsed since the last revision and codification of the statute law of West Virginia, and there exists an urgent need for a revision and codification thereof; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. The governor shall, from a list of ten lawyers, citizens of West Virginia, who shall be nominated by the supreme court of appeals of West Virginia, appoint three commissioners to revise, codify and index, with suitable marginal citations and references, the general statute law of this state, whose duty it shall be to collate, revise, and codify all the general statutes, civil and criminal, of this state, which may be in force at the time of the completion of their work, and properly index the same. They shall arrange all the statutes under proper titles and chapters, and divide the whole code into sections, numbering them consecutively from one to the end or by chapters having regard to the divisions into titles and chapters; they shall make or cause to be made such foot-notes, marginal citations or references as they may deem proper or helpful to a clear understanding of the statutes and prefix to each chapter a table, stating briefly the subject thereof, and inserting or omitting such captions to sections as they may deem fit; they shall in all respects execute and complete the revision and codification as hereby directed in such manner, as in their opinion, will harmonize the general statutes and make the code of statute law, as existing at the close of their work, as complete as possible, and they shall supervise the publication of the first edition of such revision and codification of the statutes, and examine, read and correct the proof thereof, until the said work shall have been fully completed and published, including a proper index.

Sec. 2. The board of public works of this state shall assign at the capitol of the state convenient office quarters, and furnish the same, for the use of said commissioners while engaged in said work. The said commissioners shall have power to appoint a competent secretary and to employ such additional clerical help as may be necessary, one of whom shall be a competent proof reader and to purchase such stationery and supplies

8 as shall be necessary. Each of the said commissioners shall
9 receive the sum of six thousand dollars per annum while ac-
10 tually engaged upon said revision and codification and the said
11 commissioners and all clerical help shall be paid monthly. War-
12 rants for the payment of the moneys hereby authorized to be ex-
13 pended shall be drawn by the auditor of the state, upon the
14 treasurer of the state on the order of said commissioners, or a
15 majority of them, approved by the governor.

Sec. 3. The secretary of state shall furnish to each of the
2 commissioners such copies of the several codes of the statute law
3 of this state, and of the acts of the legislature of this state,
4 as they may need in the prosecution of their work.

Sec. 4. The said commissioners shall make report of their
2 work when complete to the next legislature of this state, and, in the
3 meantime, they are hereby authorized to deliver the whole or
4 any part of their report at different times to the public printer,
5 who shall print five hundred copies thereof for the use of the
6 legislature.

Sec. 5. The said revision and codification, together with the
2 index, citations, and references, shall be published by the sup-
3 erintendent of public printing under the supervision, advice and
4 direction of the said commisssoners, in one volume, if practicable,
5 printed on good paper, in such types as may be prescribed by
6 the commissioners, well bound in calf, buckram or leather, and
7 lettered on the back, "Code of West Virginia". The said code
8 shall also contain the Declaration of Independence, the con-
9 stitution of the United States, and its amendments; the
10 laws of the United States governing naturalization, the
11 constitution of West Virginia, and its amendments, and a
12 complete index to the same, and it shall be the duty of the said
13 commissioners to prepare the same for publication.

Sec. 6. The secretary of state shall secure the copyright of
2 the said revision, and codification for the use and benefit of the
3 state of West Virginia.

Sec. 7. The superintendent of public printing, in having the
2 printing, binding and lettering aforesaid done, and in attending
3 to the publication of said revision and codification, shall in all
4 respects conform to the requirements of the law in regard to pub-
5 lic printing.

Sec. 8. When the said revision and codification of the statute law of this state shall have been completed and adopted by the legislature not over five thousand copies thereof shall, in the discretion of the revisers be printed by the superintendent of public printing without annotations and not over five thousand copies, with annotations, and the same shall be disposed of as hereinafter provided; and if at any time the said copies hereby authorized printed shall become exhausted, then the said secretary of state is hereby empowered to have printed from time to time as many copies of said code as he may deem requisite, but not to exceed ten thousand copies at any one time.

Sec. 9. The said revision and codification of the statutes, when so completed and adopted by the legislature of West Virginia, and published as in this act provided, shall be received as evidence for any purpose for which the original acts could be received, and with as much effect.

Sec. 10. The said commissioners shall, within six months after the publication of the revision and codification of the statute laws aforesaid, prepare and deliver to the superintendent of public printing, for publication in conformity with the requirements of the law in respect to public printing, such notes as they may deem useful in explanation of the changes made in the law by said revision and codification. The said notes, notations and citations shall be printed and bound in a separate volume in the same manner and form as the said code is herein required to be printed and bound, and the said commissioners shall superintend the publication thereof, and such publications shall be disposed of as shall be provided by law, of which five hundred copies thereof shall be printed and bound, and as many more as said secretary of state may deem requisite, not to exceed five thousand copies at any one time.

Sec. 11. It shall be the duty of the city council of each city, the town council of each town, and the commissioners of the county court of each county of this state to purchase from the secretary of state a sufficient number of the copies of said revision and codification, without annotations, for distribution in the following manner: A copy thereof to the mayor of each city or town; a copy to the clerk of the city and town council for use for the council only; a copy to each sheriff, clerk of the county court, clerk of the circuit court, and clerks of other courts of record, judges of the circuit, criminal and intermediate courts;

11 the prosecuting attorney, justices of the peace; superintendent
12 of schools, assessor, county road engineer and surveyor, and to
13 county superintendent of free schools. The secretary of state,
14 shall furnish free of charge, a copy of said code, to the head of
15 all departments of state and to the clerk and judges of the su-
16 preme court of the state.

17 The copies of the code so furnished to the officers so provided
18 shall remain the property of the city or town and county, and
19 state, as the case may be.

Sec. 12. The secretary of state shall be authorized to dispose
2 of the surplus of copies of said revision and codification in his
3 hands, after complying with the requirements of this act, at
4 the actual cost of same plus one dollar. All moneys realized
5 from the sale and disposition of said revision and codification and
6 commissioners' notes, shall be paid into the public treasury.

Sec. 13. In the event of the death, disability, resignation, or
2 removal of any of the commissioners appointed under this act
3 before the completion of said revision, his successor shall be ap-
4 pointed in the same manner provided in the first section of this
5 act.

CHAPTER 103

(House Bill No. 456—Mr. Barnes.)

AN ACT to amend and re-enact chapter forty-eight-*a* of the code of
West Virginia by the addition thereto of section twelve-*a* and
twelve-*b*.

[Passed April 21, 1921. In effect ninety days from passage. Approved by
the Governor April 29, 1921.]

SEC.
12-a. Power of officers named in sec-
tion eleven over buildings of
three or more stories.

SEC.
12-b. Same; orders by as to moving
picture shows and theatres; ap-
peal from to state fire marshall.

Be it enacted by the Legislature of West Virginia:

That chapter forty-eight-*a* of the code of West Virginia be amended
and re-enacted by the addition thereto of sections twelve-*a* and
twelve-*b* as follows:

Section 12-*a*. If any officer named in section eleven shall find
2 any building or other structure, of three stories or more in height,
3 except private dwellings, which by reason of its construction, use
4 situation or for any other cause is liable to cause loss of life in the

5 event of its destruction by fire, they shall have power to order the
6 installation of fire escapes and the necessary exits thereto.

Sec. 12-b. Any officer named in section eleven shall have the
2 power to issue regulations and orders to owners and proprietors
3 of moving picture shows and theatres providing for necessary
4 exits and aisles, or any other order for the purpose of safeguard-
5 ing lives. *However*, if the owner or proprietor of any building or
6 structure indicated in section twelve-a, or the owner or proprietor
7 of any moving picture show or theatre indicated in section twelve-b
8 deems himself aggrieved by an order of a subordinate officer named
9 in section eleven, he shall have the same right of appeal to the
10 state fire marshall as provided in section twelve.

CHAPTER 104

(House Bill No. 467—Mr. Strother.)

AN ACT to amend and re-enact section fourteen of chapter ten-a of
Barnes' code, one thousand nine hundred and eighteen, relating
to official bonds.

[Passed April 20, 1921. In effect ninety days from passage. Approved by the
Governor April 29, 1921.]

SEC.
14. Official bonds of county officers;
amounts; not to change amounts
required by special statute.

Be it enacted by the Legislature of West Virginia:

That section fourteen of chapter ten-a, of Barnes' code of one
thousand nine hundred and eighteen, be amended and re-enacted to
read as follows:

Bonds of County Officers.

Section 14. Every clerk of a circuit court shall give bond
2 with good security, to be approved by the circuit court, or the
3 judge thereof, in vacation; and every sheriff, surveyor of lands,
4 clerk of a county court, or other tribunal established in lieu thereof
5 every assessor, notary public, justice of the peace and constable
6 shall give bond with good security, to be approved by the
7 county court, or other tribunal established as aforesaid, of the
8 county in which such officer is to act. The penalty of the bond
9 of the clerk of the circuit court shall not be less than three
10 thousand nor more than ten thousand dollars; of the sheriff not

11 less than twenty thousand or more than one hundred and fifty
 12 thousand dollars; of surveyor of lands not less than one thousand
 13 nor more than three thousand dollars; of clerk of the county
 14 court or other tribunal established as aforesaid, not less than
 15 three thousand nor more than ten thousand dollars; of assessor
 16 not less than two thousand nor more than five thousand dollars;
 17 of notary public not less than two hundred and fifty nor more
 18 than one thousand dollars; of a justice of the peace not less than
 19 two thousand nor more than five thousand dollars; and of a
 20 constable not less than two thousand nor more than ten thousand
 21 dollars; *provided, however*, that the bond herein required to be
 22 given by a notary public may be given before the clerk of the
 23 county court, in vacation of said court, and approved by it at
 24 its next regular session; *provided, further*, that the re-enactment
 25 of this section shall not be construed as changing the amount of
 26 bond required of any officer named herein where the same has
 27 been changed by special statute dealing with any of said officers.

CHAPTER 105

(House Bill No. 477—Mr. Aleshire.)

AN ACT to amend and re-enact sections twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine of chapter fifty-four of the code of West Virginia, relating to the formation, rights and powers of building associations.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921.]

SEC.	SEC.
25. Building and loan associations; number of incorporators; purposes; powers.	28. Same; borrower from, may repay loan; refund to borrower; stockholder withdrawing; default of borrower.
26. Same; loans and premiums; by-laws as to premiums; when premium not usurious.	20. Same; to adopt by-laws; what by-laws to embrace.
27. Same; may levy, assess and collect	

Be it enacted by the Legislature of West Virginia:

That sections twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine of chapter fifty-four of the code of West Virginia, relating to the formation, rights and powers of building associations, be amended and re-enacted so as to read as follows:

Building and Loan Associations; Incorporation; Powers.

Section 25. Any number of persons, not less than nine, may form a building and loan association for the purpose of encouraging industry, frugality and home building, and saving among its members. Building and loan associations formed under this chapter shall have the right and power of loaning to its stockholders thereof, the moneys accumulated from time to time, as well as the right and power to purchase land or erect houses, and to sell, convey, lease or mortgage the same at their pleasure, to their stockholders, or others for the benefit of their stockholders. Such associations may acquire, hold, convey and encumber all such property, real and personal, as may be taken as security, or may be otherwise transferred to it in the due course of its business, and may secure the payment of loans and the performance of the other conditions upon which loans are to be made, or the payment of the purchase money for and property sold, by taking personal security, or by a mortgage or deed of trust, upon real or personal property, or by a transfer or pledge of its stock.

Loans—Premium.

Sec. 26. Every such association shall have the power to provide by its by-laws for selling to the stockholders the money in the treasury, at or above a minimum premium; the minimum premium and the mode of selling or loaning the money to stockholders to be fixed by the by-laws. But such premium must be a certain definite sum, fixed and determined at the time of the making of the loan. The by-laws of every such association shall set forth whether the premium on any such loan shall be deducted therefrom in advance or be paid in periodical installments. But whether the premium be deducted from the loan, or paid in periodical installments, the transaction shall not be deemed usurious, although any and all the dues, fines, premium and interest shall exceed the legal rate of interest on the amount of money received by the stockholders.

Dues, Interest and Fines.

Sec. 27. Every such association may levy, assess and collect from its stockholders, periodical dues upon every share of its stock; the amount of such dues to be fixed by the by-laws; but no periodical payment to exceed two dollars upon each share; and

5 said stock may be paid off and retired as the by-laws shall direct;
6 and may levy, assess and collect from the members to whom loans
7 have been made, interest upon the par value of the shares so
8 loaned; and may levy, assess and collect fines for the non-payment
9 of periodical dues, or for failure to comply with or perform any
10 other obligation or duty to the association. The amount of the
11 respective fines shall be fixed by the by-laws, and they shall be
12 imposed under regulations to be made by the by-laws; but such
13 fines shall be uniform, and where they are imposed for default
14 in the payment of dues, shall be in proportion to the amount of the
15 dues for the failure to pay which they are imposed; but no mem-
16 ber shall be fined more than once for the same default.

Repayment of Loans; Withdrawal; Default.

Sec. 28. A borrower from such association may repay the loan
2 at any time; and in case of the repayment thereof before the ma-
3 turity of the shares pledged for said loan, there shall be refunded
4 to such borrower, in case the premium shall have been deducted
5 in advance, such proportion of the premium paid, as the by-laws
6 may determine; but the borrower shall receive the withdrawing
7 value of the shares pledged for said loan, and the shares shall
8 revert back to the association. Stockholders withdrawing volun-
9 tarily shall receive such proportions of the profits of the associa-
10 tion, or such rate of interest as may be prescribed by the by-laws.
11 In case of default of a borrower to pay dues, interest or premium,
12 for the period of three months, payment of the same, together
13 with the full principal of the loan, may be enforced by pro-
14 ceedings on the securities according to law; and the money so
15 received shall be paid into the treasury of the association; and
16 if the moneys so recovered shall exceed the amount it would have
17 required to repay the loan under the first part of this section, to-
18 gether with all the expenses incurred by the association, such ex-
19 cess shall be paid to such borrower.

By-Laws.

Sec. 29. Every such association shall adopt by-laws, which
2 shall embrace all the provisions of the four preceding sections,
3 and such further provisions for its government and the manage-
4 ment of its business, not inconsistent with these sections, as it may
5 deem proper.

CHAPTER 106

(Committee Substitute for House Bill No. 15.)

(By the Committee on Labor.)

AN ACT to regulate the practice of the profession of engineering, and to create a state board of registration for engineers, and to prescribe penalties for the violation of the provisions thereof.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the Governor May 4, 1921.]

SEC.

1. Practicing professional engineers to be registered.
2. Who is not required to be registered.
3. State board of registration for engineers created; number, appointment, qualification and terms of; removal by the governor; vacancies; chief office at capitol.
4. Members of board; qualifications of.
5. Same; to receive certificate of appointment; oath of; to receive certificate of registration; attorney general to give services to board; power of board as to taking testimony, etc.; official seal and by-laws of.
6. Same; meetings of, regular and special; notice of meetings; organization; quorum.
7. Moneys received, how disposed of; compensation and traveling expenses; how paid; limit on; bond of secretary.
8. Records of proceedings and register of applicants; what to show; roster of registered engineers;

SEC.

- annual report and financial statement to governor.
9. To whom certificates of registration may be issued; who may not be registered; what facts established in application are *prima facie*; when further evidence as to qualification for registration admitted; registration fee returned if certificate denied; when certificates expire; renewals.
10. Revocation of certificate; procedure; re-issue of; notification of revocation; replacing lost certificate.
11. What certificate entitles registrant to do.
12. Attempt to practice without certificate, or on substitute certificate, or on certificate obtained by false evidence, etc.; penalty for.
13. Who are exempted from provisions of this act.
14. Corporations and partnerships; when may engage in practice of engineering.
15. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That the profession of engineering be regulated, and that there be created a state board of registration, and that the rules and regulations and penalties for violation thereof shall be as follows:

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice as a professional engineer in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided, and from and after six months after this act becomes effective, it shall be unlawful for any person to practice or to offer to practice in this state as a professional engineer, hereinafter called engineer, except under the provisions thereof.

Sec. 2. Nothing in this act shall be construed as requiring registration by an individual, firm or corporation for the purpose of practicing engineering on property owned or leased by said in-

4 dividual, firm or corporation, nor as requiring registration by any
5 person, who prior to the time of the passage of this act was engaged
6 in the practice of engineering; *provided, however,* such person
7 shall not represent himself as, or use the title of "registered pro-
8 fessional engineer" unless such person is qualified by registration
9 under this act.

Sec. 3. To carry out the provisions of this act there is hereby
2 created a state board of registration for engineers hereinafter
3 called the board, consisting of five members, who shall
4 be appointed by the governor within thirty days after this
5 act becomes effective. All members shall be registered engi-
6 neers. Not more than one member of the said board
7 shall be from the same branch of the profession of
8 engineering. The members of the first board shall
9 be appointed to serve for the following terms: Two
10 members for one year; two members for two years; one member for
11 three years; said terms ending on the thirtieth day of June of the
12 succeeding years. On the expiration of each of said terms, the
13 term of office of each newly appointed or reappointed member of
14 the board shall be for a period of four years and shall terminate
15 on the thirtieth day of June. Each member shall hold over after
16 the expiration of his term until his successor shall have been duly
17 appointed and qualified. The governor may remove any member
18 of the board at his will and pleasure. Vacancies in the member-
19 ship of the board, however created, shall be filled by appointment
20 by the governor for the unexpired term. The chief office of said
21 board shall be at the capitol.

Sec. 4. Each member of the board shall be a citizen of the
2 United States and a resident of this state at the time of his ap-
3 pointment. He shall have been engaged in the practice of his pro-
4 fession for at least five years and shall have been in responsible
5 charge of work for at least three years. He shall be a member in
6 good standing of a recognized society of engineers, and except as
7 provided in section five shall be a registered engineer.

Sec. 5. Each member of the board shall receive a certificate of
2 appointment from the governor, and before beginning his term
3 of office he shall file with the secretary of state the constitutional
4 oath of office. Each member of the board first created shall re-
5 ceive a certificate of registration under this act from the governor
6 of the state. The board or any committee thereof shall be en-

7 titled to the services of the attorney general, in connection with
8 the affairs of the board, and the board shall have power to com-
9 pel the attendance of witnesses, may administer oaths and may
10 take testimony and proofs concerning all matters within its juris-
11 diction. The board shall adopt and have an official seal which
12 shall be affixed to all certificates of registration granted; and shall
13 make by-laws and rules not inconsistent with law needed in per-
14 forming its duty.

Sec. 6. The board shall hold a meeting within thirty days
2 after its members are first appointed, and thereafter shall hold
3 at least two regular meetings each year. Special meetings shall
4 be held at such times as the by-laws of the board may provide.
5 Notice of all meetings shall be given in such manner as the by-
6 laws may provide. The board shall elect annually from its mem-
7 bers a president and a secretary. A quorum of the board shall
8 consist of not less than three members.

Sec. 7. The secretary of the board shall receive and account for
2 all moneys derived from the operation of this act and shall pay
3 them to the state treasurer, who shall keep such moneys in a
4 separate fund to be known as the "Fund of the board of reg-
5 istration for engineers", which fund shall be continued from year
6 to year and shall be drawn against only for the purpose of this
7 act as herein provided.

8 Each member of the board shall receive ten dollars per day for
9 attending sessions of the board or of its committees, and for the
10 time spent in necessary travel, and, in addition, shall be reim-
11 bursed for all necessary traveling, incidental and clerical ex-
12 penses incurred in carrying out the provisions of this act. All
13 expenses certified by the board as properly and necessarily incurred
14 in the discharge of its duties, including authorized compensations,
15 shall be paid out of said fund on the warrant of the auditor of
16 the state issued on requisitions signed by the chairman and the
17 secretary of the board; *provided, however*, that at no time after
18 this act shall have been in effect for one year shall the total of
19 warrants issued exceed the total amount of funds accumulated
20 under this act. The secretary of the board shall give a surety
21 bond satisfactory to the state treasurer conditioned upon the faith-
22 ful performance of his duties. The premium on said bond shall
23 be regarded as a proper and necessary expense of the board.

Sec. 8. The board shall keep a record of its proceedings and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted, and the date of such action. The books and register of the board shall be *prima facie* evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered engineers shall be prepared by the secretary of the board during the month of July of each year; such roster shall be printed out of the funds of the board as provided in section seven. On or before the thirtieth day of September of each year the board shall submit to the governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the board, certified by the president and the secretary, and a copy of the said roster of registered engineers. A copy of this report shall be filed with the secretary of state.

Sec. 9. The board shall, on application therefor on prescribed form, and the payment of a fee of twenty dollars, issue a certificate of registration as an engineer.

(a) To any person who submits evidence satisfactory to the board that he is fully qualified to practice engineering.

(b) To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of engineers are of a standard satisfactory to the board.

Provided, however, that no person shall be eligible for registration who is under twenty-one years of age, who is not a citizen of the United States or Canada, or who has not made declaration of his intention to become a citizen of the United States, who does not speak and write the English language, who is not of good character and repute, and who has not been actively engaged for six or more years in engineering work of a character satisfactory to the

22 board. However, each year of teaching, or of study satis-
23 factory completed of engineering in a school of engineering
24 of standing satisfactory to the board, shall be considered equiva-
25 lent to one year of such active engagement.

26 Unless disqualifying evidence be before the board, the following
27 facts established in the application shall be regarded as *prima*
28 *facie* evidence satisfactory to the board, that the applicant is fully
29 qualified to practice engineering:

30 (a) Ten or more years of active engagement in engineering or
31 land surveying work;

32 (b) Graduation, after a course of not less than four years
33 in engineering, from a school or college approved by the board as
34 of satisfactory standing, and an additional four years of active
35 engagements in engineering;

36 (c) Full membership in the American Association of Engi-
37 neers, American Institute of Chemical Engineers, American So-
38 ciety of Civil Engineers, American Institute of Electrical Engi-
39 neers, American Society of Mechanical Engineers, American Insti-
40 tute of Mining and Metallurgical Engineers, Society of Naval
41 Architects and Marine Engineers, or such other national or state
42 engineering societies as may be approved by the board, the re-
43 quirements for full membership in which are not lower than the
44 requirements for full membership in the professional societies
45 named above.

46 Applicants for registration, in cases where the evidence origi-
47 nally presented in the application does not appear to the board
48 conclusive or warranting the issuance of a certificate, may present
49 further evidence, which may include the results of a required ex-
50 amination, for the consideration of the board.

51 In determining the qualifications of applicants for registra-
52 tion a majority vote only of the board shall be required.

53 In case the board denies the issuance of a certificate to an ap-
54 plicant, the registration fee deposited shall be returned by the
55 board to the applicant.

56 Certificates of registration shall expire on the thirtieth day of
57 June following their issuance or renewal and shall become in-
58 valid on that date unless renewed. It shall be the duty of the sec-
59 retary of the board to notify by mail every person registered here-
60 under of the date of the expiration of his certificate and the
61 amount of the fee required for its renewal for one year; such
62 notice shall be mailed at least one month in advance of the date

63 of the expiration of said certificate. Renewal may be effected
64 at any time during the month of June by payment of a fee of ten
65 dollars. The failure on the part of any registrant to renew his cer-
66 tificate annually in the month of June as required above shall not
67 deprive such person of the right of renewal thereafter, but the fee
68 to be paid for the renewal of a certificate after the month of June
69 shall be increased ten per cent for each month, or fraction of a
70 month, that payment for renewal is delayed; *provided, however,*
71 that the maximum fee for a delayed renewal shall not exceed twice
72 the normal fee.

Sec. 10. The board shall have the power to revoke the certi-
2 ficate of registration of any engineer registered hereunder
3 who is found guilty of any fraud or deceit in obtaining
4 a certificate of registration or of gross negligence, incompetency or
5 misconduct in the practice of engineering. Any person may
6 prefer charges of such fraud, deceit, negligence, incompe-
7 tency or misconduct against any engineer registered here-
8 under; such charges shall be in writing and sworn to by
9 the complainant and submitted to the board. Such charges
10 unless dismissed without hearing by the board as unfounded
11 or trivial, shall be heard and determined by the board
12 within three months after the date on which they are preferred.
13 A time and place for such hearing shall be fixed by the board. A
14 copy of the charges, together with a notice of the time and place
15 of hearing, shall be legally served on the accused at least thirty
16 days before the date fixed for such hearing, and in the event that
17 such service can not be effected thirty days before such hearing
18 then the date of hearing and determination shall be postponed as
19 may be necessary to permit the carrying out of this condition. At
20 said hearing the accused shall have the right to appear personally
21 and by counsel and to cross-examine witnesses against him and to
22 produce evidence and witnesses in his defense. If after said hear-
23 ing three or more members of the board vote in favor of finding
24 the accused guilty of any fraud or deceit in obtaining a certifi-
25 cate, or of gross negligence, incompetency or misconduct in the
26 practice of engineering, the board shall revoke the certificate of
27 registration of the accused.

28 The board may re-issue a certificate of registration to any person
29 whose certificate has been revoked, provided three or more mem-
30 bers of the board vote in favor of such re-issuance for reasons the
31 board deem sufficient.

32 The board shall immediately notify the secretary of state and
33 the clerk of each county, town, and city in the state, of its find-
34 ings in the case of the revocation of a certificate of registration or
35 of its re-issuance of a revoked certificate of registration.

36 A new certificate of registration to replace any certificate lost,
37 destroyed or mutilated, may be issued, subject to the rules and
38 regulations of the board. A charge of one dollar shall be made
39 for such re-issuance.

Sec. 11. The issuance of a certificate of registration by this
2 board shall be evidence that the person named therein is entitled
3 to all rights and privileges of a registered engineer while the said
4 certificate remains unrevoked or unexpired.

5 Each registrant hereunder may, upon registration,
6 obtain a seal of the design authorized by the board,
7 bearing the registrant's name and the legend "Reg-
8 istered Professional Engineer". Plans, specifications, plats
9 and reports issued by a registrant may be stamped
10 with the said seal during the life of registrant's cer-
11 tificate, but it shall be unlawful for any one to stamp or seal any
12 documents with said seal after the certificate of the registrant
13 named thereon has expired, or has been revoked unless said certi-
14 ficate shall have been renewed or re-issued.

Sec. 12. Any person who, after this act has been in effect six
2 months, is not legally authorized to practice as an engineer
3 in this state according to the provisions of this act and
4 shall so practice, or offer so to practice in this state except
5 as provided in section thirteen of this act, and any one present-
6 ing or attempting to file as his own the certificate of registration
7 of another, or who shall give false or forged evidence of any kind
8 to the board, or to any member thereof, in obtaining a certificate
9 of registration, or who shall falsely impersonate any other practi-
10 tioner, of like or different name, or who shall use or attempt to use
11 an expired or revoked certificate of registration, shall be deemed
12 guilty of a misdemeanor and shall, for each such offense of which
13 he is convicted, be punished by a fine of not less than one hundred
14 dollars nor more than five hundred dollars or by imprisonment for
15 three months, or by both fine and imprisonment.

Sec. 13. The following shall be exempted from the provisions
2 of this act:

3 (a) Persons offering to practice in this state as an engineer,
4 by any one not a resident of and having no established place of
5 business in this state.

6 (b) Practice as an engineer in this state by any person not
7 a resident of and having no established place of business in this
8 state, when this practice does not aggregate more than thirty
9 days in any calendar year; *provided*, that said person is legally
10 qualified for such professional service in his own state or
11 country.

12 (c) Practice as an engineer in this state by any person not
13 a resident of and having no established place of business in this
14 state, or any person resident in this state, but whose arrival in
15 the state is recent; *provided, however*, such person shall have
16 filed an application for registration as an engineer, and shall have
17 paid the fee provided for in section nine of this act. Such exemp-
18 tion shall continue for only such reasonable time as the board
19 requires in which to consider and grant or deny the said applica-
20 tion for registration.

21 (d) Engaging in engineering work as an employee of a regis-
22 tered engineer, or as an employee of an engineer, au-
23 thorized by paragraphs two and three of this section;
24 *provided*, that said work may not include responsible charge of
25 design or supervision.

26 (e) Practice of engineering by any person not a resident of
27 and having no established place of business in this state, as a con-
28 sulting associate of an engineer registered under the provisions of
29 this act; *provided*, the non-resident is qualified for such profes-
30-31 sional service in his own state or country.

32 (f) Practice of engineering solely as an officer or as an em-
33 ployee of the United States or of a common carrier engaged in
34 interstate business.

35 (g) Practice of engineering solely as an employee of this state
36 or any political sub-division thereof, or of any corporation, firm
37 or individual when such engineer's time is devoted exclusively to
38 such employment, and such engineer does not offer his services
39 to the public generally for hire.

40 (h) Any engineer who shall not represent himself as, or use
41 the title of, "Registered Professional Engineer", unless such per-
42 son is qualified by registration under this act.

Sec. 14. A corporation or partnership may engage in the practice of engineering in this state provided the person or persons connected with such corporation or partnership in responsible charge of such practice is or are registered as herein required of engineers, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this act.

Sec. 15. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

CHAPTER 107

(House Bill No. 176—Mr. Wysong.)

AN ACT to define the qualifications for the practice of architecture in the state of West Virginia and to provide for the examination and registration of architects.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

- | SEC. | SEC. |
|--|---|
| 1. Board of examiners of architects created; appointed by governor; to make rules for examination, etc. | for examination; qualifications of applicant. |
| 2. Same; when appointed; qualifications, chairman pro tem. | 20. Examination on technical and professional subjects; when diplomas accepted in lieu. |
| 3. Same; terms; vacancy. | (a) Diploma or certificate from architectural school. |
| 4. Same; oath of office. | (b) Registration in another state or county. |
| 5. Same; organization. | 21. When only practical examination required. |
| 6. Same; to adopt rules to govern; meetings. | 22. Fee for examination, amount; for certificate, amount; for restoration, amount; renewal, amount; non-resident architects, amount. |
| 7. Same; quorum; three affirmative votes necessary for any action. | 23. Examination papers, etc., filed with board; record for public inspection, concerning granting or refusing certificates, what record to contain; recordation of certificate in county of principal office. |
| 8. Same; duty of secretary of. | 24. Renewal of certificate, fee for; failure to renew; date of expiration of certificate. |
| 9. Same; duty to enforce act; expense of, how paid. | 25. Revocation of certificates; notice and proof; when fraudulently obtained; holder guilty of fraud in practice or of a felony; gross incompetence or recklessness in planning buildings. |
| 10. Same; to file annual report with governor. | 26. Procedure for revocation of certificate. |
| 11. Fees; disposition of; expenses of board, how paid. | 27. Duty of present lawful user of title of architect, failure, penalty. |
| 12. Per diem of members. | 28. Use of title registered architect, without complying with this act; penalty. |
| 13. Mileage of members. | 29. Inconsistent acts repealed. |
| 14. Certificate of qualifications to practice as architect, who shall obtain. | |
| 15. One having certificate may be styled registered architect. | |
| 16. Right to use title, words, etc., indicating that person is architect; how secured. | |
| 17. Rights of lawfully registered architects as to draftsmen and other employees; when engineers and mechanics may make plans and supervise. | |
| 18. Certificate of registration without examination, to whom granted; fee for. | |
| 19. Who may apply for registration or | |

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a board of examiners and registration of architects, the members of which and their successors shall be appointed by the governor and which board, subject to the approval of the governor, shall make rules for the examination and registration of applicants for the certificates provided for by this act.

Sec. 2. The said board shall be appointed within ten days after this act shall become a law, and shall be composed of five architects who have been in active practice in the state of West Virginia for not less than ten years previous to their appointment. One member of said board shall be designated by the governor as chairman *pro tempore* until such time as permanent organization is effected.

Sec. 3. In making the first appointments under this act, the governor shall appoint one of the members of said board to hold office for a period of one year; one for two years; one for three years; one for four years, and one for five years; thereafter all appointments shall be for a period of five years. In case a successor is not appointed at the expiration of the term of any member, such member shall hold office until his successor has been duly appointed and has qualified. In the event of any vacancy occurring in the membership of said board in any manner other than by expiration of time, the governor shall fill said vacancy by appointment for the unexpired term.

Sec. 4. The members of said board shall, before entering upon the discharge of their duties, subscribe to and file with the secretary of state the constitutional oath of office.

Sec. 5. The board of examiners and registration of architects shall meet for organization within thirty days after its appointment, and shall elect from its membership a president and secretary.

Sec. 6. The said board shall adopt all necessary rules, regulations, and by-laws not inconsistent with this act, and the constitution and laws of this state and of the United States, to govern its times and places of meeting for organization and reorganization and the holding of examinations, the length of the terms of its officers and all other matters requisite to the exercise of its powers, the performance of its duties, and the transaction of its business under the provisions of this act. At least

9 one meeting shall be held each year for the purpose of exami-
10 nation and for registration.

Sec. 7. Three members of said board shall constitute a quorum,
2 but no action at any meeting shall be taken without at least three
3 votes in accord.

Sec. 8. The secretary of the said board shall keep a true record
2 of all proceedings of the board and may employ such clerical
3 assistance as the board may deem necessary.

Sec. 9. The said board shall be charged with the duty of en-
2 forcing the provisions of this act, and may incur such expense as
3 shall be necessary, all of which expenses shall be paid only out
4 of the revenue arising from this act in the manner hereinafter
5 mentioned and provided.

Sec. 10. The said board shall file annually with the governor
2 a full report of its operations.

Sec. 11. All fees provided for by this act shall be paid to and
2 receipted for by the treasurer of the state of West Virginia and
3 shall not be used for any purpose other than the purposes of this
4 act.

5 The expenses of the board of examiners and registration of
6 architects, subject to the approval of the state treasurer, shall
7 be paid by him upon written order and warrant of the president
8 and secretary of said board.

Sec. 12. Each member of the said board shall be entitled to
2 five dollars per diem while actually engaged in attendance at
3 meetings or in conducting examinations.

Sec. 13. The members of the said board shall each receive five
2 cents for each mile travelled in going to and returning from
3 the place of each board meeting by the most direct route.

Sec. 14. Any person residing in or having a place of business
2 in this state and wishing to practice architecture in this state, who,
3 before this act goes into effect, shall not have been engaged in the
4 practice of architecture in this state under the title of architect,
5 shall, before being entitled to be known and designated as an archi-
6 tect, secure from such board a certificate of qualifications to prac-
7 tice under the title of architect, as provided by this act.

Sec. 15. Any person having a certificate pursuant to the re-
2 quirements of this act may be styled or known as an architect
3 or registered architect.

Sec. 16. No person presumed to have the right to secure
2 such certificate, because of his or her use of the title architect prior
3 to the time this act goes into effect, shall assume any title indi-
4 cating that he or she is an architect, or any words, letters or fig-
5 ures to indicate that the person using them is an architect, unless
6 he or she shall have qualified and obtained a certificate of registra-
7 tion as an architect, or unless he or she shall have filed an affidavit
8 with said board establishing the fact that he or she was in prac-
9 tice as an architect in this state for five years previous to the pas-
10 sage of this act, and has a legal right to practice.

Sec. 17. Nothing contained in this act shall prevent drafts-
2 men, students, clerks-of-works, superintendents and other em-
3 ployees of those lawfully practicing as registered architects under
4 the provisions of this act, from acting under the instructions, con-
5 trol or supervision of their employers, or to prevent the employ-
6 ment of superintendents or the construction, enlargement or alter-
7 ation of buildings or any appurtenance thereto, or prevent such
8 superintendents from acting under the immediate personal super-
9 vision of the registered architect by whom the plans and specifi-
10 cations of any such building, enlargement or alteration were pre-
11 pared. Nor shall anything contained in this act prevent engi-
12 neers, mechanics, builders or any other persons from making plans
13 and specifications or supervising the erection, enlargement or
14 alteration of buildings, or any appurtenance thereto for other
15 persons, firms or corporations, or for themselves, *provided* that
16 the plans and specifications for such construction are signed by the
17 authors thereof with their true appellation of his or her actual
18 occupation in life, such as "engineer" or "mechanic" or "builder",
19 etc., without the use in any form of the word or title "architect"
20 or "architects".

Sec. 18. Any properly qualified person who shall have been
2 lawfully engaged in the practice of architecture in this state at
3 the time this act takes effect, may be granted a certificate of reg-
4 istration without examination by paying to the board the fee for
5 a certificate of registration as prescribed in section twenty-four
6 of this act, on condition that the applicant satisfies the board of
7 examiners that he is qualified to practice architecture.

Sec. 19. Any citizen of the United States or any person who
2 has declared his or her intention of becoming such citizen, being
3 at least twenty-one years of age and of good moral character, may
4 apply for a certificate of registration or for such examination as

5 shall be requisite for such certificate under this act; but before
6 receiving such certificate this applicant shall submit satisfactory
7 evidence of having completed the course in a high school or the
8 equivalent thereof, and of having subsequently thereto completed
9 such course in mathematics, history and language as may be pre-
10 scribed by the board of examiners and registration of architects.
11 The examination for the above academic requirements shall be
12 held by the board. In lieu of such examination the board may ac-
13 cept satisfactory diplomas or certificates, from institutions ap-
14 proved by the board, covering the course or subject-matter pre-
15 scribed for examination.

Sec. 20. Upon complying with the above requirements, the
2 applicant shall satisfactorily pass an examination in such tech-
3 nical and professional subjects as shall be prescribed by the board
4 of examiners and registration of architects. The board shall in
5 lieu of examination, accept satisfactory evidence of any one of
6 the qualifications set forth under sub-divisions (a) and (b) of
7 this section.

8 (a) A diploma of graduation or satisfactory certificate from
9 an architectural college or school that he or she has completed
10 a technical course approved by the board, together with and sub-
11 sequent thereto at least three years satisfactory experience in
12 the office of any reputable architect or architects.

13 The board may require applicants under this subdivision to
14 furnish satisfactory evidence of knowledge of professional prac-
15 tice.

16 (b) Registration or certification as an architect in another
17 state or county, where the qualifications prescribed at the time
18 of such registration or certification were equal to those prescribed
19 in this state at date of application.

Sec. 21. An architect who has lawfully practiced architecture
2 for a period of more than ten years outside of this state shall except
3 as otherwise provided in sub-division (b) of section twenty, be
4 required to take only a practical examination, the nature of which
5 shall be prescribed by the board of examiners and registration of
6 architects.

Sec. 22. The fee to be paid to the board by an applicant for
2 an examination to determine his fitness to receive a certificate
3 of registration as a registered architect shall be twenty five dol-
4 lars.

5 (a) The fee to be paid to the board by an applicant for a certi-
6 ficate of registration as a registered architect shall be fifteen dol-
7 lars.

8 (b) The fee to be paid to the board for the restoration of an
9 expired certificate of registration shall be fifteen dollars.

10 (c) The fee to be paid to the board upon renewal of a certifi-
11 cate of registration shall be ten dollars.

12 (d) The fee to be paid to the board by an applicant for a
13 certificate of registration, who is an architect registered or licensed
14 under the laws of another state or territory of the United States,
15 or of a foreign country or province under subdivision (b) of sec-
16 tion twenty or under section twenty-one of this act, shall be fifty
17 dollars.

Sec. 23. All examination papers and other evidences of quali-
2 fication submitted by each applicant shall be filed with the board
3 of examiners and registration of architects, and said board shall
4 keep a record, open to public inspection, at all reasonable times,
5 of its proceedings relating to the issuance, refusal, renewal, sus-
6 pension and revocation of certificates of registration.

7 This record shall also contain the names, known place of busi-
8 ness and residence, and the date and number of the certificate of
9 registration of every registered architect entitled to practice his
10 profession in the state of West Virginia.

11 Every person granted such certificate shall have the same re-
12 corded with the county clerk of the county in which his principal
13 office for the practice of architecture is located.

Sec. 24. Every registered architect in this state who desires
2 to continue the practice of his profession shall, annually during the
3 month of July, renew his certificate of registration, and pay to the
4 board the renewal fee required by section twenty-two under sub-
5 division (c).

6 A person who fails to renew his or her certificate of registra-
7 tion during the month of July in each year may not, thereafter,
8 renew his certificate except upon payment of the fee required by
9 section twenty-two under subdivision (b).

10 Every certificate shall expire on the thirtieth day of June fol-
11 lowing its issuance.

Sec. 25. The board of examiners and registration of architects
2 may revoke any certificate after thirty days notice with grant of
3 hearing to the holder thereof, if proof satisfactory to the board
4 be presented in the following cases:

5 (a) In case it is shown that the certificate was obtained
6 through fraud or misrepresentation.

7 (b) In case the holder of the certificate has been found guilty
8 by such board or by a court of justice of any fraud or deceit in his
9 professional practice, or has been convicted of a felony by a court
10 of justice.

11 (c) In case the holder of the certificate has been found guilty
12 by such board of gross incompetency or of recklessness in plan-
13 ning of buildings.

14 (d) In case it is proved to the satisfaction of such board that
15 the holder of the certificate is a habitual drunkard, or is habitually
16 addicted to the use of morphine, opium, cocaine or other drug
17 having a similar effect.

Sec. 26. Proceedings for the annulment of registration (that is
2 the revocation of a certificate) shall be begun by filing written
3 charges against the accused with the board of examiners and
4 registration of architects. A time and place for the hearing of the
5 charges shall be fixed by the board. Where personal service or
6 service through a counsel cannot be effected, service may be made
7 by publication. At the hearing the accused shall have the right
8 to be represented by counsel, to introduce evidence and to examine
9 and cross-examine witnesses. The board shall make a written
10 report of its findings which report shall be filed with the secre-
11 tary of state of the state of West Virginia.

Sec. 27. Every person who is lawfully making use of the title
2 of architect in this state before the going into effect of this act,
3 shall, within six months after this act becomes effective, record
4 his name with proof of his use of such title with the board of ex-
5 aminers and registration of architects. Such recording shall not
6 be interpreted as evidence of competency or ability unless appli-
7 cant applies for and is granted a certificate of registration.
8 Failure to record within such period the prior use of such title
9 shall bar the said person from thereafter claiming registration
10 under the provisions of section eighteen of this act.

Sec. 28. On and after this act becomes effective the use of
2 the title architect or registered architect, or the use of any other
3 word or any letters or figures indicated or intended to imply that
4 the person using the same is an architect or registered architect,
5 without compliance with the provisions of this act, or the mak-
6 ing of any wilfully false oath or affirmation in any matter or pro-

7 ceeding where an oath or affirmation is required by this act, shall
8 be deemed a misdemeanor punishable with a fine of not more than
9 two hundred dollars, or imprisonment for not more than one
10 year, or both.

Sec. 29. All acts or parts of acts heretofore passed which are
2 in conflict with the provisions of this act are hereby repealed.

CHAPTER 108

(House Bill No. 92—Mr. Midelburg.)

AN ACT to amend and re-enact sections one and two of chapter seventy-eight of the acts of the legislature of West Virginia of one thousand nine hundred and nine, and add thereto sections three and four, being section three-a of chapter seventy-four of Barnes' code of West Virginia, relative to the sale in bulk of a part or the whole of a stock of goods, wares, merchandise and fixtures, or goods, wares and merchandise, or fixtures, not in the ordinary course of business; providing certain requirements therefor; and imposing certain duties upon the seller and purchaser.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the Governor May 4, 1921.]

<p>SEC. 1. Sales in bulk, when fraudulent; what is required of seller and purchaser; when goods, etc. remain liable to creditors; when purchaser liable to creditors.</p>	<p>SEC. 2. Who are sellers and purchasers hereunder; to what sales act does not apply. 3. Notice to creditors, form of.</p>
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Be it enacted by the Legislature of West Virginia:

That sections one and two of chapter seventy-eight 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, and add thereto sections three and four:

Section 1. The sale in bulk, of any part, or the
2 whole, of a stock of goods, wares, merchandise and fix-
3 tures, pertaining to the conducting of said business,
4 otherwise than in the ordinary course of trade and in the
5 regular prosecution of the business of the seller, shall be fraudu-
6 lent and void as against the creditors of the seller, unless the seller
7 and purchaser, shall, at least fifteen days before the sale,
8 make a full detailed inventory, showing the quantity, and so far as

9 possible with the exercise of reasonable diligence, the cost price to
10 the seller of each article to be included in the sale and the price
11 to be paid therefor; and unless the purchaser demand and receive
12 from the seller, a written list of the names and addresses of the
13 creditors of the seller, with the amount of indebtedness due or
14 owing to each, and certified by the seller under oath, to be a full,
15 accurate and complete list of his creditors, and of his indebtedness;
16 and unless the purchaser shall, at least fifteen days before
17 taking possession of such goods, wares, merchandise and fixtures,
18 or goods, wares and merchandise, or fixtures, or paying therefor,
19 notify personally or by registered mail every creditor whose name
20 and address is stated in said list, or of which he has knowledge,
21 of the proposed sale and of the price, terms and conditions thereof.
22 If said seller shall fail to make such inventory of such goods,
23 wares, merchandise and fixtures, or goods, wares and merchandise,
24 or fixtures, or if such inventory shall fail to state the true value
25 of said goods as above required, or if said seller shall fail to make
26 such true schedule of creditors as above required, and the pur-
27 chaser shall have knowledge of that fact, or in event the seller
28 shall assert there are no debts against him, if the purchaser shall
29 fail to require the affidavit as above provided, or if the seller and
30 the purchaser shall fail to give each of said creditors named in said
31 schedule the notice above required in the manner above provided, or
32 if such notice shall not correctly state the amount of such goods,
33 wares, merchandise and fixtures, or goods, wares and merchan-
34 dise, or fixtures, proposed to be sold, and the consideration to be
35 paid therefor, and the time and manner of making the same, then
36 and in either of such events such sale shall *prima facie* be pre-
37 sumed to be fraudulent and void as against the creditors of such
38 seller, and the goods, wares, merchandise and fixtures, or goods,
39 wares and merchandise, or fixtures, in the hands of the purchaser,
40 or any part thereof, if it shall be found in his hands, shall be liable
41 to such creditors; and in event the same, or any part thereof, shall
42 be withdrawn or disposed of by said purchaser, then the purchaser
43 himself personally shall also be liable to said creditors of such
44 seller, in any action at law, to the extent of the value of the goods,
45 wares, merchandise and fixtures so received by him and thus with-
46 drawn or disposed of.

Sec. 2. Sellers and purchasers under this act shall include cor-
2 porations, associations, co-partnerships and individuals, but noth-
3 ing contained in this act shall apply to sales by executors, admin-

4 istrators, receivers, assignees under a voluntary assignment for
5 the benefit of creditors, trustees in bankruptcy, or by any public
6 officer under judicial process.

7 Sec. 3. The notice to creditors of the seller, as provided in sec-
8 tion one of this act, shall be sufficient if in form or effect as fol-
9 lows:

10 Notice to the creditors ofas
11 provided by the bulk sales law of West Virginia, as amended and
12 enacted by the acts of the legislature of one thousand nine hundred
13 and twenty-one.

14 To

15 Address

16 You are hereby notified that the undersigned
17 has contracted to buy in bulk (the whole) or (the part thereof as
18 hereinafter described) of the stock of goods, wares and merchan-
19 dise (and fixtures) of:..... doing business
20 under the name of, at.....,
21 county, West Virginia, otherwise than in the
22 ordinary course of trade and in the regular prosecution of the
23 business of the seller, the same being set forth in full in the de-
24 tailed inventory made by the seller and purchaser, a copy thereof
25 being now in the possession of the seller and purchaser.

26 The written list of the names and addresses of the creditors of
27 the seller furnished the purchaser, and under oath of the seller,
28 shows you to be a creditor of the seller in the amount of \$.....

29 The interest in the business of the seller proposed to be sold to
30 the purchaser is

31 The price, terms and conditions of the said proposed sale are as
32 follows:

33 Price \$..... Terms

34 Conditions

35 The said proposed sale will be consummated and possession of
36 the above mentioned property will be taken by the undersigned
37 purchaser on theday of,

38

39 Purchaser.

CHAPTER 109

(Committee Substitute for House Bill No. 156.)

(By the Committee on Taxation and Finance.)

AN ACT to amend and re-enact sections one, thirty-five, thirty-nine and sixty-four of chapter thirty-two of Barnes' code of West Virginia of one thousand nine hundred and eighteen, as amended and re-enacted by chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and section forty of chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and sections ninety-five, ninety-six, ninety-seven and one hundred of chapter thirty-two of Barnes' code of one thousand nine hundred and eighteen, and sections one hundred and five and one hundred and twenty of chapter thirty-two of the code of one thousand nine hundred and eighteen, as amended by chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and section one hundred and twenty-a of chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and adding to chapter thirty-two of the code, section forty-two-b, relating to licenses and license taxes.

[Passed April 29, 1921. In effect from passage. Approved by the Governor May 3, 1921.]

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| <p>SEC.
1. For what a state license is required.</p> <p>35. Certain licenses to designate house used for the business licensed; exclusive right of municipality over; other licenses co-extensive with county.</p> <p>35-a. License for bowling alley, etc.; how obtained; form of application for; duty of license as to playing games at, or loitering in; gambling on games forbidden; violation, penalty for; license forfeited; exclusive right of municipality to grant such licenses in municipality.</p> <p>35-b. License for taxi-cab stand; how obtained; provisions as to unnecessary noise, disorderly conduct, or bringing or storing of intoxicants in; penalty for violation; additional penalties; exclusive power of municipality over, in municipality.</p> <p>39. When license tax begins; when license expires; if for less than one year, how tax computed; minimum license tax.</p> <p>40. What licenses may be for year, three months or six months; amount of tax.</p> | <p>SEC.
42-b. Power of state tax commissioner to examine witnesses in connection with license taxes.</p> <p>64. Amount of license tax for hotels, lunch wagons and restaurants.</p> <p>95. Amount of license tax for stock-broker, etc.; real estate agent; carrying on of bucket shops or certain brokerage business a felony; penalty.</p> <p>100. Amount of license tax for junk dealers; junk dealer's agents, tax and how license obtained.</p> <p>105. Amount of license on taxi-cab stands; on roller-coaster, etc., on cane rack, etc.</p> <p>120. Amount of license for circus or menageries; on dog and pony or trained animal show; on side shows; street carnivals or shows connected with fair; on cane rack, etc., when located in vicinity of street fair or carnival; on any other show; when additional license for further or other show required.</p> <p>120-a. Amount of license tax on soft drinks, bevo, etc.; wholesaler or manufacturer; retailer; inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

That sections one, thirty-five, thirty-nine and sixty-four of chapter thirty-two of Barnes' code of West Virginia of one thousand nine hun-

dred and eighteen, as amended and re-enacted by chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and section forty of chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and sections ninety-five, ninety-six, ninety-seven and one hundred of chapter thirty-two of Barnes' code of one thousand nine hundred and eighteen, and sections one hundred and five, one hundred and twenty of chapter thirty-two of the code of one thousand nine hundred and eighteen, as amended by chapter one hundred and two of the acts of one thousand nine hundred and nineteen, and section one hundred and twenty-*a* of chapter one hundred and two of the acts of one thousand nine hundred and nineteen, be amended and re-enacted, and that sections thirty-five-*a*, thirty-five-*b* and forty-two-*b* be added thereto to read as follows:

Section 1. No person without a state license therefor, shall

2 (a) Keep a hotel, eating house, or restaurant; or

3 (b) keep for public use or resort, a bowling alley, pool table,

4 billiard table, bagatelle table, or any table of like kind; or

5 (c) sell at wholesale or retail patent or proprietary medicines;

5-*a* in incorporated cities and towns; or

6 (d) exhibit any circus, menagerie, circus and menagerie com-

7 bined, theatrical performance, street or other carnival, or public

8 show, to which admission is obtained for money or reward, except

9 for the benefit or under the auspices of a volunteer fire depart-

10 ment; or

11 (e) run or operate, for profit, a merry-go-round, or roller-

12 coaster, or scenic railway, or like device, or keep for public use

13 or resort, a shooting gallery, a skating rink; or run, or operate a

14 cauc rack, doll-baby rack, knife rack, striking machine, jingle

15 board, punch board, artful dodger, candy wheel, or other scheme

16 or device by which merchandise or other things of value are dis-

17 posed of by game of chance, or like device, or human laundry de-

18 vice, or dip device; or

19 (f) act as a hawker or peddler; *provided*, that *bona fide* farmers

20 vending farm products shall not be required to have a license; or

21 (g) act as an auctioneer; or

22 (h) practice the business of real estate agent, stock broker, or

23 other broker, by buying or selling for others, stocks, securities, or

24 any other property for a commission or reward; or

- 25 (i) practice the business of money broker, buying or selling un-
26 dercurrent or depreciated money or funds; or exchanging one kind
27 of money or funds for another, for benefit or reward; or
- 28 (j) practice the business of pawn broker by lending money or
29 other things for profit, for or on account of personal property de-
30 posited with the lender in pledge; or
- 31 (k) sell, or barter, or offer, or expose, for sale or barter, any pat-
32 ent right; or
- 33 (l) sell, offer, or expose for sale to merchants trading stamps,
34 premium stamps, or certificates of like nature or character, or
35 undertake with merchants to redeem such stamps or certificates in
36 money or goods: or
- 37 (m) sell any sewing machines, pianos, organs, victrolas, phono-
38 graphs, talking machines, or similar musical instruments, or being
39 a traveling agent, canvasser, or salesman, sell or contract to sell
40 any books, maps, prints, pamphlets, and periodicals, except such
41 books, pamphlets and periodicals that be of a religious or ethical
42 nature, whether manufactured within or without the state; or
- 43 (n) sell, offer, or expose for sale, or solicit, or receive orders for
44 manufactured tobacco, snuff, cigars, cigarettes, or other prepara-
45 tions of tobacco, or cigarette paper or wrapper, at wholesale or re-
46 tail; or
- 47 (o) carry on business of junk dealer, or act as agent, solicitor,
48 canvasser or salesman, for any junk dealer; or
- 49 (p) sell pistols, revolvers, or weapons of like kind; or
- 50 (q) maintain or occupy any houseboat, or like structure or ves-
51 sel, upon or along the bed, banks or shores of any navigable
52 stream; or
- 53 (r) maintain any slot machine or other automatic device,
54 which, for the same profit or reward, in each case, and without
55 any violation of the law, furnishes music, or exhibits pictures,
56 or provides facilities for weighing, or supplies any merchandise or
57 other thing, or renders any service; but no slot machine or other
58 automatic device with respect to which, or its operation, service,
59 or supplies, there is any element of chance (being a gaming table,
60 within the meaning of section one, of chapter one hundred and
61 fifty-one of the code), shall be protected by any license; or
- 62 (s) being a corporation, heretofore or hereafter chartered under
63 the laws of this state, whether its principal place of business or

64 chief works be within or without the state, do, or attempt to do,
65 any business by virtue of its charter or certificate of incorpora-
66 tion; or

67 (t) being a corporation chartered or organized under the laws
68 of any other state or county, hold property or transact business in
69 this state; or being a corporation, hold more than ten thousand
70 acres of land in this state; or

71 (u) solicit, carry on or practice the business of a collection
72 agency, or association, whether it be a person, firm or corporation;
73 or

74 (v) keep, or maintain, a public park, admission to which is ob-
75 tained for money or reward; or

76 (w) carry on the business of a labor agency; or

77 (x) any one manufacturing, selling or distributing,
78 either at retail or wholesale, any and all prepara-
79 tions of every kind, character or nature, such as
80 are prepared, mixed and sold at a soda fountain,
81 and all such preparations as bevo, pablo, milo, moxie,
82 ginger ale, near-beer, coca cola, pop, grape juice and all other prep-
83 arations of like nature and character commonly known as soft
84 drinks; or

85 (y) keep or maintain for public use or resort, a taxi-cab stand
86 or any place of like character.

87 *Provided*, that nothing in this chapter contained, and no license
88 or payment under the provisions hereof shall be taken to legalize
89 any act which otherwise may be in violation of law, or exempt any
90 person from any penalty prescribed for such violation.

Sec. 35. Every certificate issued as aforesaid, if it be to
2 authorize the keeping of a hotel or tavern, eating house, or res-
3 taurant, or bowling alley, billiard table or bagatelle, or any table
4 of like kind, taxi-cab stand, or any place of like kind,
5 shall specify the house in which it is to be kept or
6 carried on; and to keep or carry on the same at a different place
7 shall be deemed a violation of this chapter. *Provided*, that where
8 such place is situated in an incorporated city or town, the council
9 or other governing body thereof shall have exclusive power and
10 right to grant such licenses and shall have all the rights and
11 powers herein granted to the county court. Other licenses shall be
12 deemed co-extensive with the county subject to such regulations
13 as may be prescribed by the state tax commissioner, but of no
14 effect beyond the limits of the county unless otherwise herein pro-

15 vided; that where such place is situated in an incorporated city or
16 town the council or other governing body thereof shall have ex-
17 clusive power and right to grant such license and shall have all
18 the rights and powers herein granted to the county court.

Sec. 35-a. Every person desiring a license for the purpose of keep-
2 ing, for public use or resort, a bowling alley, pool table, billiard ta-
3 ble, bagatelle table or any table of like kind, shall apply in writing
4 to the county court, and such writing shall state the house and
5 fully describe the place for which such license is desired; and
6 the court may, at its discretion, grant or refuse such application.
7 The state tax commissioner shall prepare proper forms for the
8 application for such license, and all applicants shall use forms
9 substantially the same.

10 The licensee, his servants, agents and employees
11 shall not permit any person under the age of
12 eighteen years to play at any of the games re-
13 ferred to, and shall not permit any such person
14 under the age of eighteen years to remain or loiter, whether
15 playing at such games or not, in the room where such games
16 are played, and such licensee of such bowling alley,
17 pool table, billiard table, bagatelle table or any table of
18 like kind, his servants, agents or employees shall not in
19 any way, shape or form permit any one to bet anything
20 of value upon any such game. Such licensee, his servants, agents
21 or employees shall not permit any one to bring any intoxicating
22 liquors of any kind into such house in which such business is
23 carried on. Any licensee, his servants, agents or employees who
24 violates any of the provisions of this section shall be guilty of
25 a misdemeanor, and upon conviction thereof shall be fined by any
26 court; including justices of the peace having jurisdiction, and
27 police justices, not less than twenty-five dollars nor more than
28 two hundred dollars, and may be imprisoned not to exceed nine-
29 ty days, or both, at the discretion of the court. When any such
30 licensee, his servant, agent or employee is convicted under the
31 provisions of this section of any offense set out herein, in ad-
32 dition to all other punishments such licensee shall forfeit his
33 license, and in addition thereto no license shall be granted by
34 any county court for any of the purposes set out in this section for a
35 period of one year from and after the day of such conviction, in
36 the particular room for which license was granted.

Sec. 35-b. Every person desiring a license for the purpose of
2 keeping or maintaining a taxi-cab stand or any place
3 of like kind or character, for public use or resort, shall apply in
4 writing to the county court, and such writing shall state the
5 house and fully describe the place for which such license is de-
6 sired; and the court shall grant such license unless good cause
7 shall be shown it to the contrary. In the recess of the court, the
8 clerk of the county court can in the same manner grant the above
9 license. The state tax commissioner shall prepare proper forms
10 needed to obtain such license.

11 The licensee, his servants, agents and employees shall not per-
12 mit any unnecessary noise in such place or any disorderly conduct
13 and shall not bring or permit anyone else to bring any intoxicat-
14 ing liquors into such place nor permit anyone to store or keep
15 intoxicating liquors therein. Any licensee, his servants, agents
16 and employees who violates any of the provisions of this section
17 shall be guilty of a misdemeanor and upon conviction thereof
18 shall be fined by any court, having jurisdiction, including justices
19 and police justices not less than five nor more than fifty dollars
20 and may be imprisoned not to exceed thirty days, or both, at the
21 discretion of the court.

22 When any such licensee, his servants, agent or employee is con-
23 victed under the provisions of this section of any offense set out
24 herein, in addition to all other punishments such court may add
25 the further punishment that the licensee shall forfeit his license
26 and if any such person shall be convicted a third time for any such
27 offense, then the court shall, as a part of the punishment, forfeit
28 such license, and in addition thereto no license shall be granted
29 for any of the purposes set out in this section for a period of
30 sixty days from and after the day of such conviction for the place
31 for which such license was granted.

32 *Provided*, that where such place is situated in an incorporated
33 city or town the council or other governing body thereof shall
34 have exclusive power and right to grant such licenses and shall
35 have all the rights and powers herein granted to the county court.

Sec. 39. The license tax for all annual licenses named in
2 section one, shall begin with the first day of July, of each year, and
3 end with the thirtieth day of the following June. Every state
4 license for any other purpose named in section one (except as
5 herein otherwise provided), shall expire on the thirtieth day of

6 June. If granted for a less period than a year, the state tax
7 thereon shall be computed from the annual tax in proportion to
8 such time as the license has to run, unless specifically otherwise
9 provided; and *provided, further*, that no license for any purpose
10 or any length of time shall be issued for less than two dollars.

Sec. 40. The state license to sell patent rights, or act as
2 hawker or peddler; or run or operate for profit, a merry-go-round,
3 a cane rack, doll baby rack, knife rack, striking machine, jingle
4 board, punch board, artful dodger, candy wheel or other scheme
5 or device by which merchandise or other things of value is dis-
6 posed of by game of chance, or like device; or human laundry
7 device, or dip device, or roller coaster, or scenic railway, or like
8 device, or conduct a shooting gallery, or keep for public use or re-
9 sort a bowling alley, pool or billiard table, or any other table of
10 like nature at a public watering place or public park in this state;
11 or to keep or maintain a public park to which admission is ob-
12 tained for money or reward, or conduct a theatrical performance
13 on a showboat plying the navigable streams of this state, shall
14 be either for one year, three months, or six months from the com-
15 mencement thereof. If for three months, the state tax thereon
16 shall be one-third, and if for six months, three-fifths of the
17 annual tax.

Sec. 42-b. The state tax commissioner, or his agents, shall
2 have the power and authority to administer oaths and examine
3 witnesses in any matter, or investigation, in connection with the
4 collection of license taxes, or the enforcement of any of the pro-
5 visions of the license laws of this state.

Sec. 64. On every license to keep or maintain a hotel or tavern,
2 where rooms are kept or maintained for transient guests, the
3 charge for which is by the day or night, the annual license tax
4 shall be ten dollars. On every license to keep or maintain a lunch
5 wagon, five dollars; and on every license to keep or maintain a
6 restaurant or other eating place not operated in connection with a
7 hotel, ten dollars.

Sec. 95. On every license to practice the business of stock
2 broker, or other broker (other than that of a pawn broker) by
3 buying or selling for other stocks, securities, or property, for com-
4 mission or reward, one hundred dollars.

5 On every license to practice the business of real estate agent
6 or real estate broker, fifty dollars, in addition to all other taxes

7 prescribed by this chapter or by any other law. Such license shall
8 be co-extensive with the state. The term real estate agent shall in-
9 clude any person, partnership or corporation, that, for a commis-
10 sion, compensation or reward, is engaged in the selling of or who
11 negotiates the sale of real estate belonging to another or others, or
12 obtains or places loans for others on real estate, or advertises for
13 sale or solicits the sale of real estate for others on real estate, or ad-
14 vertises the sale or solicits the sale of real estate belonging to an-
15 other or others, or collects rent and attends to the letting and
16 sale of houses and land. If any person shall carry on in this state
17 what is commonly known as a bucket shop, or act as agent for any
18 person, firm or corporation carrying on such business; or engaged
19 in transactions for the purchase or sale for others of grain,
20 provisions, stocks, securities, merchandise or other property where-
21 in the parties thereto or the broker intend that such transaction
22 shall be settled according to the public market quotations on any
23 board of trade or exchange, or intend that such transaction may
24 be deemed terminated when such public market quotations shall
25 reach a certain figure, or intend that such property shall be re-
26 sold before or at the time fixed in such transaction for the delivery
27 of such property and that the difference between the contract price
28 and the market price thereof shall be paid or received without
29 the prior receipt or delivery of such property under the former
30 sale, he shall be guilty of a felony, and upon conviction thereof
31 shall be confined in the state penitentiary not less than two nor
32 more than five years.

Sec. 100. On every license to carry on the business of a junk
2 dealer, twenty-five dollars; on every agent, solicitor, canvasser or
3 salesman, appointed by any junk dealer for the purpose of buying
4 junk, ten dollars. A junk dealer agent's license shall be issued
5 only in the county where the junk dealer's place of business is
6 located; and, *provided*, that every dealer shall certify to the clerk
7 of the county court the name or names of the agents for whom
8 he desires a license certificate, and that he shall give to each agent
9 so employed by him a certificate of authority, which said agent
10 at all times shall keep with his license, and no such junk dealer
11 agent's license shall be valid and effective without such certificate
12 of authority.

Sec. 105. On every license to keep or maintain a taxi-
2 cab stand or any place of like kind or character the sum of ten

3 dollars. On every license to operate a roller-coaster; a merry-go-
4 round, scenic railway, or like device, for one week, ten dollars;
5 for three months, thirty dollars; for six months, fifty dollars; and
6 for one year, one hundred dollars. On every license to run or
7 operate a doll baby rack, or cane rack, or knife rack, striking
8 machine, jingle board, punch board, artful dodger, candy wheel,
9 or other scheme or device by which merchandise or other
10 thing of value is disposed of by game of chance, or like
11 device, or human laundry device, or dip device, the tax shall be
12 five dollars for one week; twenty dollars for four months; thirty
13 dollars for six months, and fifty dollars for one year; *provided*,
14 *however*, that licenses under this section may be issued for the
15 periods provided in section forty of this chapter and the license tax
16 charged as provided therein.

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

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

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

20 The state tax on every license to exhibit a street or other carni-
21 val, or any show connected with a county or other fair, five dol-
22 lars a week for each separate entertainment or exhibition for
23 which a fee is charged. The state tax on cane rack, doll baby
24 rack, knife rack, striking machine, jingle board, punch board,
25 artful dodger, candy-wheel, or other scheme or device by which

26 merchandise or other things of value are disposed of by game
27 of chance or like device, when such device is located in the vi-
28 cinity of a street fair or carnival, ten dollars a day.

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

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

Sec. 120-a. The state tax on every wholesaler, distributor, or
2 manufacturer engaged in the manufacturing, preparing, mixing,
3 compounding, selling or distributing of any and all preparations
4 of every kind, character and nature commonly called and known
5 as soft drinks, such as are prepared, mixed and sold at what is
6 commonly called a soda fountain, and all such preparations as
7 bevo, pablo, milo, moxie, ginger ale, near beer, coca cola, grape
8 juice, pop, and all other preparations, mixtures and compounds of
9 every kind and character, commonly called and known as soft
10 drinks, shall be on such manufacturer, wholesaler, or distributor,
11 the sum of one hundred dollars annually, and on each retailer
12 five dollars annually.

13 All acts or parts of acts coming within the purview of this act,
14 or inconsistent therewith, are hereby repealed.

CHAPTER 110

(Senate Bill No. 265—Mr. Lewis.)

AN ACT providing for the raising of additional public revenues by a
tax upon the privilege of engaging in certain occupations, and
upon the privilege of making sales of property; and by a similar
tax upon the gross earnings of public service companies and other
companies and persons, not derived from the sales of property;
and providing, also, for the repeal of certain statutes.

[Passed April 29, 1921. In effect July 1, 1921. Approved by the Governor May 3, 1921.]

SEC.

1. Definition of terms.
2. (a) Taxes levied on certain mineral products; amount, how determined; liability for tax; basis for assessment; tax commissioner to prescribe rules; determination of value; tax commissioner to prescribe rules; (b) tangible property taxed, amount; sales, how distinguished; exception from taxes; (c) banks and corporations; amount of tax; exception; (d) business or profession, amount of tax; gross incomes of persons and partnerships; tax, how computed; exemption; tax or exemption for fraction of year.
3. License to engage in business; year to end June 30.
4. Exemptions.
5. Tangible property on part payment; election of seller; excise taxes; computation.
6. Taxes payable in quarterly installments; tax-payer to make out estimate verified by oath, to be filed with tax commissioner; deduction; sum of taxes not exceeding one hundred dollars to be paid at end of year; tax-payer to show gross value and gross proceeds of sales; gross income; how compute tax; report to state tax commissioner; verified by oath; taxes remitted to state tax commissioner, deposited in state treasury; discretion of tax commissioner to extend time for payment.
7. Error in computing taxes; tax commissioner authorized to correct and re-assess; notice to tax-payer; recovery of taxes improperly collected.

SEC.

8. Failure or refusal to make return; remedy to assess and collect.
9. Taxes to constitute debt; to be collected by proper judicial proceeding; if not paid when due, penalty; collection not restrained by injunction; exceptions; tax paid, on improper charge, recovered by suit against tax commissioner.
10. Assessment and return for fiscal year ending June 30; exception.
11. Taxes imposed in addition to all other taxes.
12. Attempting to evade taxation; misdemeanor, penalty; additional offenses; penalties; court's jurisdiction to enforce penalties.
13. Tax commissioner authorized to investigate false or fraudulent returns; manner of investigation.
14. Tax commissioner to prescribe form for making returns; to prescribe rules for assessment and collection of taxes.
15. Administration of act vested in tax commissioner; enforced by attorney general through courts of state and prosecuting attorneys; with assent of board of public works may employ special counsel; compensation, how fixed and paid.
- 15-a. Board of public works not to exceed ten cent levy for 1921 and 1922, except levies under Virginia debt and good roads acts.
16. Certain sections repealed, except for collection of taxes for 1921, and imposition and collection of penalties accruing relative to taxes to June 30, 1921.

Be it enacted by the Legislature of West Virginia:

Definitions.

Section 1. That when used in this act the term "person" includes co-partnerships, associations and corporations, as well as individuals, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The terms "tax commissioner" and "state tax commissioner" mean the state tax commissioner of the state of West Virginia. The term "tax year" or "taxable year" mean either the calendar year, or the fiscal year, in accordance with the method of accounting regularly employed and in which the books of the tax payer are kept. The term "sale" or "sales" include the change of properties as well as the sale thereof for money,—every closed transaction constituting a sale; but a gift for religious,

13 charitable or educational purposes, or a conveyance or transfer
14 from parent to child, or from husband to wife, or wife to husband,
15 without consideration, or upon a nominal consideration, shall not
16 be deemed a sale. The word "tax-payer" means any individual,
17 corporation, or association liable for any tax hereunder. The
18 words "gross income" applied to wholesalers and jobbers under
19 clause (b) of section two of this act mean the gross difference
20 between the cost and selling price of the articles or merchandise
21 sold, without any deduction for cost of carrying on the business,
22 or without any deductions for losses or operating or other ex-
23 penses. Said words when used with reference to public service
24 and other corporations mentioned in and taxable under clause (c)
25 of section two of this act include all income from discounts, inter-
26 est, exchange and sales of services of every character, rentals,
27 dividends and all other receipts derived from the operation of the
28 business of the company, without any deductions for losses of
29 operating or other expenses. Said words when used in reference
30 to individuals and corporations taxable under clause (d) of sec-
31 tion two of this act shall include all of the income and receipts
32 derived from the business or profession of the tax-payer without
33 any deductions for losses or for the expenses of carrying on or
34 conducting the business or practicing the profession.

Sec 2. (a) That from and after June thirtieth, A. D., nine-
2 teen hundred and twenty-one, there is hereby levied and shall be
3 collected an annual privilege tax upon every person engaging or
4 continuing, within this state, in the business of mining and pro-
5 ducing for sale, or for profit, any coal, oil, natural gas, limestone,
6 sand, or other mineral product, the amount of each tax to be de-
7 termined and ascertained by the value of the articles produced
8 as shown by the gross proceeds derived from the sale thereof by
9 the producer, (except as hereinafter provided), which tax shall be
10 equal in amount to two-fifths of one per centum of the value of
11 the articles as so ascertained; and from and after said date there
12 is hereby levied and shall be collected an annual privilege tax
13 upon every person engaging or continuing within this state, in
14 the business of manufacturing, compounding, or preparing for
15 sale, any article or articles, substance or substances, commodity or
16 commodities, the amount of such tax to be determined and ascer-
17 tained by the value of the articles manufactured, compounded or

18 prepared for sale, as shown by the gross proceeds derived from the
19 sale thereof by the manufacturer or person compounding or pre-
20 paring the same, (except as hereinafter provided), which tax shall
21 be equal in amount to one-fifth of one per centum of the value of
22 the articles so ascertained.

23 If any person liable for any tax under paragraph (a) shall
24 ship or transport his products, or any part thereof, out of the
25 state, and before making sale of such products, shall further
26 manufacture, transform, or consume the same, the value of the
27 products or articles in the condition or form in which they existed
28 when transported out of the state, shall be the basis for the as-
29 sessment of the tax imposed in said paragraph; and the tax com-
31 missioner shall prescribe equitable and uniform rules for ascer-
32 taining such value.

33 In determining value, however, in cases of sales from one to
33-a another of affiliated corporations, or under other circumstances
34 where the relation between the buyer and seller is such that the
35 gross proceeds from the sale are not indicative of the true value
36 of the subject matter of the sale, the tax commissioner shall pre-
37 scribe uniform and equitable rules for determining the value
38 upon which such privilege tax shall be levied, corresponding, as
39 nearly as possible, to the gross proceeds from the sale of similar
40 products of like quantity by the other tax-payers where no com-
41 mon interest exists between buyer and seller, but otherwise under
42 similar circumstances and conditions.

43 (b) Upon the privilege of selling any tangible property what-
44 soever, real or personal, (not including, however, bonds or other
45 evidence, of indebtedness, or stocks), there is likewise hereby
46 levied, and shall be collected, a like tax of one-fifth of one
47 per centum of the gross proceeds of such sales: *Provided, how-*
48 *ever,* that in the case of sales of merchandise by wholesalers or
49 jobbers, as distinguished from sales at retail to the consumer or
50 users of the article sold, the tax shall be equal to one-third
51 of one per centum of the excess of the gross proceeds from the
52 sales over and above the purchase price paid by such wholesaler
53 or jobber, instead of one-fifth of one per centum of the gross pro-
54 ceeds of such sales; and there shall be excepted from the tax pro-
55 vided by this paragraph (b) the proceeds of any sale of articles,
56 substances, or commodities, by the person, firm or corporation
57 manufacturing, compounding or preparing the same for sale,

58 when such proceeds are included in determining the amount of
59 the tax imposed in paragraph (a) of this section; and there is ex-
60 cepted also from the tax provided in paragraph (b) of this section
61 sales of articles, substances or commodities for continuous trans-
62 portation and delivery outside this state, in commerce between
63 this state and other states of the United States, or between this
64 state and foreign countries, and sales of articles, substances or
65 commodities by the importer thereof from any foreign country or
66 from any other state of the United States, when sold in the origi-
67 nal package before being commingled with the mass of property
68 in the state.

69 (c) There is likewise levied, and shall be collected, upon the
70 privilege of engaging in their respective businesses, a tax of one-
71 fifth of one per centum upon the gross income of banks, banking
72 institutions, trust companies, railroad, street railroad (whether
73 steam or electric), telephone, telegraph, oil pipe line, water, navi-
74 gation, and express companies; excepting, however, from such
75 gross income so to be taxed, so much thereof as is derived from
76 business conducted in commerce between this state and other
77 states of the United States, or between this state and foreign
78 countries.

79 (d) There is likewise levied and shall be collected upon the
80 privilege of engaging in any gainful business or profession with-
81 in this state, not included in the preceding paragraphs (a), (b)
82 and (c), an annual tax equal to one-fifth of one per centum upon
83 the gross income derived from such businesses or professions, of
84 any individual or corporation engaging or continuing therein.

85 There shall be included in the gross income of any individual
86 taxable under paragraph (d) that part of the gross income not
87 taxed under clauses (a), (b) or (c) of this section, of any co-
88 partnership or association of which he is a member, represented
89 by his interest in, or share of, the co-partnership or association's
90 business.

91 In computing the amount of the tax levied hereunder, how-
92 ever, for any year, there shall be deducted in addition to the other
93 exemptions herein provided for, from the gross proceeds of sales,
94 or gross value of articles produced, manufactured, compounded
95 and prepared, mentioned in paragraph (a) and from the gross
96 proceeds of sales or gross income mentioned in paragraph (b),
97 and from the gross income mentioned in paragraphs (c) and (d),

98 respectively, of this section, of each tax-payer, an exemption of
99 ten thousand dollars of the amount of such gross proceeds of
100 sales or value of articles, or gross income, as the case may be.
101 Each person who shall engage in any business or profession, upon
102 which a tax is imposed under the provisions of this act, for any
103 fractional part of a tax year, shall be entitled to an exemption of
104 that part of the sum of ten thousand dollars which bears the same
105 proportion to the total sum that the period of time during which
106 he is engaged in such business or occupation bears to a whole
107 year.

Sec. 3. If any person shall, after the thirtieth day of June,
2 A. D., nineteen hundred and twenty-one, engage or continue in
3 any of the businesses or professions for which a privilege tax is
4 imposed by this act, he shall be deemed to have applied for and to
5 have duly obtained from the state of West Virginia a license to
6 engage in and to conduct such business or profession for the year
7 ending on the thirtieth day of June next following the date on
8 which he shall so engage therein, upon the condition that he shall
9 pay the tax accruing to the state of West Virginia under the pro-
10 visions of this act; and he shall hereby be duly licensed to en-
11 gage in and conduct such business or engage in such profession.

Sec. 4. There are, however, exempted from the provisions of
2 this act; (a) insurance companies which pay to the state of West
3 Virginia a tax of two per centum upon premiums levied under the
4 provisions of chapter seventy-seven of the acts of the legislature
5 A. D., one thousand, nine hundred and seven; (b) mutual savings
6 banks not having a capital stock represented by shares, and which
7 are operated exclusively for the benefit of their depositors; labor,
8 agricultural and horticultural societies and organizations not op-
9 erated for profit; cemetery companies which are organized and
10 operated exclusively for the benefit of their members; fraternal
11 benefit societies, orders or associations operating under the lodge
12 system, or for the exclusive benefit of the members of the frater-
13 nity itself operating under a lodge system, and providing for the
14 payment of death, sick, accident or other benefits to the members
15 of such societies, orders or associations, and to their dependents;
16 domestic loan and building associations operated exclusively for
17 the benefit of their members; corporations, associations or societies
18 organized and operated exclusively for religious, charitable, scien-
19 tific or educational purposes; business leagues, chambers of com-

20 merce, boards of trade, civic leagues, or organizations operated ex-
21 clusively for the benefit of the community and for the promotion
22 of social welfare; none of which companies, organizations, cor-
23 porations or societies named in this section are organized for
24 profit and no part of the net income of which inures to the benefit
25 of any private stockholder or individual.

Sec. 5. In case of a sale of tangible property in which the pay-
2 ment of a part of the consideration is deferred beyond the current
3 tax year, the seller may elect to pay the taxes thereon upon the
4 entire consideration in the year in which the sale is made, or he
5 may treat the amount of the consideration paid in each year as the
6 proceeds of a sale made in that particular year, or as a part of
7 the gross value of that year, in which event the privilege tax shall
8 be based upon, or the sales tax payable upon, the amount of the
9 consideration paid in the tax year in which the payment is made.
10 When goods are sold at a delivered price and estimated or act-
11 ual freight charges have been added to the price from the point of
12 shipment to the point of delivery the actual charges so added may
13 be deducted from the gross invoice price to ascertain the value
14 upon which to compute the tax. Trade discounts which are reg-
15 ularly allowed under similar conditions of sale may be allowed for
16 excise tax purposes if such discounts are allowed and deducted
17 upon the face of the invoice by the seller. Likewise cash dis-
18 counts may be allowed for excise tax purposes if allowed and de-
19 ducted on the face of the invoices by the seller.

Sec. 6. The taxes levied hereunder shall be payable in quar-
2 terly installments on or before the expiration of thirty days from
3 the end of the quarter in which the tax accrues. The tax-payer
4 shall, within thirty days from the expiration of each quarter,
5 make out an estimate of the tax for which he is liable for such
6 quarter, verify the same by oath, and mail the same together with
7 a remittance for the amount of the tax, to the office of the state
8 tax commissioner, at Charleston, West Virginia. In estimating
9 the amount of the tax due for each quarter the tax-payer may
10 deduct one-fourth of the total exemption allowed for the year.
11 *Provided, however,* that when the total tax for which any person
12 is liable under this act does not exceed the sum of one hundred
13 dollars in any year, the total amount of said tax shall be payable
14 at the end of the month next following the close of the tax year.
15 On or before thirty days from the end of any tax year, each

16 person liable for the payment of a tax under clause (a) of section
17 two of this act shall make a return showing the gross proceeds of
18 sales, or gross value of articles produced during the preceding tax
19 year; and if liable for a tax under clause (b) of section two of
20 this act, he shall make a return showing the gross proceeds of sales
21 for such tax year, or gross income, as the case may be; and if li-
22 able for a tax under clause (c) or (d) of section two of this act,
23 he shall make a return showing the gross income during such tax
24 year; and compute the amount of the tax chargeable against him
25 in accordance with the provisions of this act, and deduct the
26 amount of quarterly payments, if any made upon the tax for the
27 preceding tax year, and transmit with his report the residue of the
28 tax chargeable against him, to the office of the state tax com-
29 missioner; such return shall be verified by the oath of the tax-
30 payer, if made by an individual, or by the oath of the president,
31 vice-president, secretary or treasurer of a corporation, if made on
32 behalf of a corporation. If for any reason it is not practicable for
33 the individual tax-payer to make the oath, the same may be made
34 by any duly authorized agent.

35 All taxes shall be remitted to the state tax commissioner who
36 shall issue his receipts therefor to the tax-payers, and shall pay the
37 moneys into the state treasury to be kept and accounted for as
38 provided by law.

39 The tax commissioner may, for good cause shown, extend the
40 time for making a return on the application of any tax-payer and
41 grant such reasonable additional time within which to make the
42 same as may, by him, be deemed advisable.

Sec. 7. If the tax-payer shall make any error in computing
2 the tax assessable against him, or if the state tax commissioner
3 shall be dissatisfied with the tax as computed and paid, the tax
4 commissioner shall correct such error or re-assess the proper
5 amount of taxes, and notify the tax-payer of his action by mail-
6 ing to him promptly a copy of the corrected assessment, and any
7 additional tax for which such tax-payer may be liable shall be
8 paid within ten days after the receipt of such statement.

9 The tax-payer may recover any tax improperly collected, in the
10 manner prescribed in section nine of this act.

Sec. 8. If any person liable for the payment of a tax here-
2 under shall fail or refuse to make a return to the tax commis-
3 sioner as herein provided, and pay the tax, the tax commissioner
4 shall proceed to ascertain the facts and information necessary to

5 enable him to assess the proper tax against such person, and in so
6 doing he shall be entitled to call upon and require the assessor
7 of the county in which the tax-payer resides, as well as the prose-
8 cuting attorney of the county, to make investigation, examine the
9 books, records and papers of the tax-payer, and to take evidence
10 under oath; all of which shall be transmitted to the state tax com-
11 missioner.

12 From the information so obtained the state tax commissioner
13 shall assess the tax chargeable against the party, and the tax so
14 assessed shall at once become due and payable, and the party
15 charged with the same shall not be permitted to dispute or con-
16 test the amount of such tax until he shall first file with the tax
17 commissioner the return required of him under section six of
18 this act.

19 Upon receipt of such return the tax commissioner may correct
20 the assessment if erroneous or improper, and within ten days after
21 the same shall have been corrected, or after the tax commissioner
22 shall have refused to correct the same, the party liable for the tax
23 shall pay the tax so assessed, but if improperly assessed the tax-
24 payer may recover the same in the manner prescribed in the fol-
25 lowing section.

Sec. 9. A tax assessed under this act shall constitute a debt
2 due the state and may be collected by action of assumpsit or other
3 appropriate judicial proceeding. If not paid when due it shall
4 constitute a lien upon all the property of the tax-payer, and the
5 same shall be collected, together with a penalty of ten per centum
6 of the amount of the tax and the costs of collection.

7 No injunction shall be awarded by any court or judge to restrain
8 the collection of any tax imposed by this act, except upon the
9 ground that the assessment thereof was in violation of the consti-
10 tution of the United States or the constitution of the state of West
11 Virginia, or that the same was fraudulently assessed.

12 Any person improperly charged with any tax and required to
13 pay the same, may recover the amount paid, together with inter-
14 est, in any proper action or suit against the state tax commissioner
15 and the circuit court of the county in which the tax-payer resides
16 or is located shall have original jurisdiction of any action to re-
17 cover any tax improperly collected. It shall not be necessary for
18 the tax-payer to protest against the payment of the tax or to make
19 any demand to have the same refunded in order to maintain such

20 suit. In any suit to recover taxes paid or to collect taxes the
21 court shall adjudge costs to such extent and in such manner as
22 may be deemed equitable.

Sec. 10. The assessment of taxes herein made and the re-
2 turns required thereof shall be for the fiscal year ending on the
3 thirtieth day of June; *provided*, however, that if the tax-payer in
4 transacting his business keeps his books reflecting the same on the
5 basis of the calendar year, and makes the calendar year his annual
6 accounting period, the taxes chargeable against him shall be com-
7 puted on the basis of the calendar year, and the annual returns re-
8 quired of such tax-payer shall be for the calendar year. If the
9 tax-payer's annual accounting period is other than the fiscal year
10 or the calendar year, he may, with the assent of the tax commis-
11 sioner, make his annual returns and pay taxes for the year cov-
12 ering his accounting period as shown by the method of keeping
13 the books of his business.

Sec. 11. The tax imposed by this act shall be in addition to
2 all other licenses and taxes levied by law as a condition precedent
3 to engaging in any business, occupation, trade or profession, or
4 doing any act taxable hereunder, except as in this act otherwise
5 specifically provided.

Sec. 12. It shall be unlawful for any person to refuse to make
2 the return provided to be made in section six of this act; or
3 to make any false or fraudulent return or false statement in any
4 return, with intent to defraud the state or to evade the payment
5 of the tax, or any part thereof, imposed by this act; or for any
6 person to aid or abet another in any attempt to evade the payment
7 of the tax, or any part thereof, imposed by this act; or for the
8 president, vice president, secretary or treasurer to make or permit
9 to be made for any corporation any false return, or any false state-
10 ment in any return required in this act, with the intent to evade the
11 payment of any tax hereunder. And any person violating any of the
12 provisions of this section shall be guilty of a misdemeanor and
13 on conviction thereof shall be fined not more than five thousand
14 dollars, or imprisoned not exceeding one year in the county jail,
15 or punished by both fine and imprisonment in the discretion of
16 the court, within the limitations aforesaid. In addition to the
17 foregoing penalties, any person who shall knowingly swear to or
18 verify any false or fraudulent return, or any return containing
19 any false or fraudulent statement, with the intent aforesaid, shall

20 be guilty of the offense of false swearing, and, on conviction there-
21 for, shall be punished in the manner provided by law. Any cor-
22 poration for which a false return, or a return containing a false
23 statement as aforesaid shall be made, shall be guilty of a misde-
24 meanor and may be punished by a fine of not more than five thou-
25 sand dollars. The circuit and criminal courts of the county in
26 which the offender resides, or if a corporation, in which it carries
27 on business, shall have jurisdiction to enforce this section.

Sec. 13. If the tax commissioner shall have any reason to be-
2 lieve that any person liable for the payment of a tax has made a
3 false or fraudulent return and is thereby evading the payment of a
4 tax, or any part thereof, he may cause an investigation to be made
5 by the attorney general through the prosecuting attorney of the
6 county in which the tax-payer resides or is located. In order to
7 conduct such investigation the prosecuting attorney may notify
8 the tax-payer to appear before the circuit court of the county,
9 which court shall require the production of all books, papers, and
10 documents necessary to ascertain the facts in the premises, and
11 may examine the delinquent and other witnesses under oath, and no
12 witness shall be excused from testifying concerning any perti-
13 nent matter on the ground that his testimony might incriminate,
14 or tend to incriminate, him, or render him liable to punishment
15 or to any penalty. But no person shall thereafter be prosecuted
16 and punished or suffer any penalty in any court in the state for
17 any offense which he shall have been required to disclose, or about
18 which he shall have been required to testify in such proceedings.

Sec. 14. The state tax commissioner shall prescribe forms to
2 be used in making returns and in the assessment and payment of
3 the taxes imposed by this act, but all such forms shall be as simple
4 as practicable, and the tax-payer shall not be required to disclose
5 any matter not germane to the ascertainment of the amount of the
6 tax with which he is properly chargeable.

7 The tax commissioner may prescribe reasonable rules of pro-
8 cedure in conformity with this act for the ascertainment, assess-
9 ment and collection of the taxes imposed hereunder.

Sec. 15. The administration of this act is vested in and shall
2 be exercised by the state tax commissioner for the state of West
3 Virginia, but the enforcement of any of the provisions of this
4 act in any of the courts of the state shall be under the exclusive
5 jurisdiction of the attorney general of the state who may require

6 the assistance of and act through the prosecuting attorney of any
7 county, and he may, with the assent of the board of public works
8 of the state, employ special counsel in any county to aid the prose-
9 cuting attorney, the compensation of whom shall be fixed by, and
10 paid only upon, the order of the state board of public works.

11 Neither the attorney general nor any prosecuting attorney of any
12 county shall receive any fees or compensation for services rendered
13 in enforcing this act in addition to the salary paid by the state of
14 West Virginia, or by the county, to such officer.

Sec. 15-a. The board of public works shall not, for the year
2 one thousand nine hundred and twenty-one and for the year
3 one thousand nine hundred and twenty-two, lay any state levy
4 or levies exceeding in the aggregate the sum of ten cents, as now
5 authorized by law, except that such board shall lay such levies
6 as may be required under the Virginia debt act and under the
7 good roads bond act.

Sec. 16. Sections five to seventeen, both inclusive, of chapter
2 three of the acts of the legislature of West Virginia, of nineteen
3 hundred and fifteen, second extra session, and sections one to five,
4 both inclusive, of chapter six of the acts of the second extraordi-
5 nary session of the legislature of West Virginia of one thousand
6 nine hundred and seventeen, and chapter seven of the acts
7 of the legislature of West Virginia of nineteen hundred and nine-
8 teen, extra session, and sections one to nine both inclusive, of chap-
9 ter five of the acts of the legislature of West Virginia, extraordi-
10 nary session of one thousand nine hundred and nineteen, and all
11 other acts and parts of acts inconsistent with the provisions of this
12 act, are hereby repealed. *Provided, however,* that said sections
13 shall remain in force for the assessment and collection of all
14 taxes which have accrued thereunder up to and including June
15 thirtieth, one thousand nine hundred and twenty-one and for the
16 imposition and collection of all penalties which have accrued and
17 may accrue in relation to any such taxes up to and including
18 June thirtieth, one thousand nine hundred and twenty-one.

CHAPTER 111

(House Bill No. 351—Mr. Veach.)

AN ACT providing for the laying of a tax in cities and towns for the
creation of a municipal band fund and providing for an election
authorizing said levy.

[Passed April 28, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Levy for maintenance of municipal bands; not to be expended until contract for furnishing music is made.

SEC.

2. Act to be approved by voters; petition for election; how long discontinued.

Be it enacted by the Legislature of West Virginia:

Section. 1. Cities and towns shall levy a tax of not more than 2 one-half of one cent per annum on every one hundred dollars 3 valuation of the taxable property in such city or town, according to the 4 last assessment thereof, as may be authorized by the voters as 5 hereinafter provided, for a fund to be used in the maintenance of 6 a municipal band to give free public concerts. The funds received 7 from such levy shall be known as the municipal band fund and no 8 moneys shall be appropriated or used out of such fund until such 9 city or town shall have entered into a written contract with re- 10 sponsible band directors or bandsmen for the furnishing of music 11 in public places under such regulations as shall be provided in such 12 contract, and no voluntary donation or contribution shall be made 13 out of said fund except under the terms of such contract.

Sec. 2. The provisions of this act shall not apply until a major- 2 ity of the voters voting thereon of such city or town shall have 3 voted in favor of the same at a regular municipal election; and 4 said provisions of this act shall then remain in force until the 5 majority of the voters voting thereon at a subsequent or regular 6 municipal election shall have voted against same. When a petition 7 signed by at least ten per cent of the qualified voters of said city 8 or town, as shown by the last election of mayor of said city or town 9 has been presented to the council or governing body, the following 10 question shall be submitted to the voters: "Shall there be levied 11 a tax of mills for a municipal band fund?" That said 12 petition shall be filed, if for a regular municipal election at least 13 ten days before said election. And a petition, signed by at least 14 ten per cent of the qualified voters of said city or town, as shown 15 by the last election of mayor of said city or town, may be filed ten 16 days before any subsequent regular municipal election petitioning 17 the council or governing body of said city or town to discontinue 18 said levy and thereupon the council or governing body shall sub- 19 mit at such next municipal election the above question, and if 20 the same carries, the levy shall be continued, but if a majority of 21 the voters voting thereon shall vote against the same, said levy 22 shall be discontinued.

Sec. 3. This act, being deemed of immediate importance, shall
2 take effect from and after its passage and approval by the gover-
3 nor of West Virginia.

CHAPTER 112

(Senate Bill No. 339—Mr. McClaren, from the Committee on Roads and
Navigation.)

AN ACT providing for the co-operation of the state and federal governments in the construction and maintenance of public roads; creating a state road commission and defining the terms of office, salaries, qualifications, powers and duties of its members; providing for assistants and employees of such commission, and defining their powers and duties; providing for the establishment of a state road system connecting at least the various county seats of the state, and with the leading highways of adjacent states; providing for the taking over by the commission from counties, towns and cities (having a population of less than twenty-five hundred persons) of roads and routes constituting a part of the state road system, and relieving such political sub-divisions of any further obligations and expense to improve and maintain the same, and from further authority over them; providing for the purchase or condemnation by the commission of private roads and bridges, lands, rights, ways, and property necessary for road construction and maintenance, to make compensation therefor and the procedure therein; granting to the commission the power to make and enforce rules and regulations governing traffic on and the use of state roads, and to prescribe penalties for the violation of such rules and regulations, and for the violation of other provisions of this act; providing for the employment of state convicts and county prisoners on the public roads and elsewhere; providing a code of laws for the government and use of public roads by motor and other vehicles; regulating the powers and duties of electric and other railways at crossings of the public roads, and along the lines thereof, and the duties and liabilities of persons, firms and corporations excavating in, near or under public roads; providing a method of accounting for counties; providing for the construction, maintenance and repair of public roads, classifying and defining public roads, and providing for the construction, repair and maintenance of county-district roads

by the counties; creating the office of county road engineer and other offices and defining the powers and duties of such officers; providing methods for raising the necessary revenues by counties and districts for the construction and improvement of county-district roads; granting to counties the power to condemn and take lands, rights and ways for road purposes; regulating the power of the commission over bridges on county-district roads, and defining the duties of the commission to render assistance to counties in specified matters; providing for the repeal of certain acts relating to public roads, and all acts and parts of acts inconsistent herewith, and for other purposes.

[Passed April 21, 1921. In effect from passage. Approved by the Governor May 2, 1921.]

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| <p>SEC.</p> <p>1. Purpose of act.</p> <p>2. Assent of state to congressional acts relating to post roads.</p> <p>3. Definition of "roads," recordation of rights of way for county-district roads.</p> <p>4. Classification of state and county-district roads.</p> <p>5. State road commission; appointment; powers and duties; limitation on power of commission to appoint.</p> <p>6. Same; organization; rules and regulations governing.</p> <p>7. Same; provision for offices at Charleston; annual report to Governor.</p> <p>8. Same; attorney general and prosecuting attorneys to advise.</p> <p>9. Same; university staff to assist; school of good roads; to attend national road conventions and conferences.</p> <p>10. Same; to make highway plan of state; to fix standards for construction of roads.</p> <p>11. Same; control over state roads; control of county courts over county-district roads.</p> <p>12. Same; to make rules, etc., for preservation of state roads; publication of same; penalty for violation of.</p> <p>13. Same; power of commission and county court when damage is done by heavy loading.</p> <p>14. Same; powers of same when road is used in destructive manner.</p> <p>15. State road fund; how raised; how expended; how funds derived from sale of road funds expended.</p> <p>16. State road commission; to establish state road system; consideration governing.</p> <p>17. Same; to furnish maps and complete record plans for clerks of county courts.</p> <p>18. Copy of maps, plats, etc., as evidence.</p> <p>19. Width of bridges and rights of way.</p> | <p>SEC.</p> <p>20. State road commission; to take over approved roads; to certify order for same to clerk of county court.</p> <p>21. Same; to construct and maintain state road system at expense of state.</p> <p>22. Same; to take over parts of state road system not yet constructed.</p> <p>23. State road fund; method of distribution.</p> <p>24. Same; powers of commission, county courts and cities of less than 2500 persons over bond issues and special levies.</p> <p>25. Bids and contracts for state road work.</p> <p>26. State road commission; to approve plans and specifications before letting contract.</p> <p>27. Same; form of contract.</p> <p>28. How commissioners and employees paid; claims of contractors and others; how audited and paid; regulations governing reserve fund for commission.</p> <p>29. Road material; plants for manufacturing of; acquisition, transportation and manufacture of; sale of surplus.</p> <p>30. Material used to be tested and approved by commission.</p> <p>31. Right of eminent domain; county courts to pay for rights of way.</p> <p>32. State road commission; when state road closed, to establish detour; regulations governing detour.</p> <p>33. Same; regulations governing the laying of pipe, etc. in cities and incorporated towns.</p> <p>34. State convict force; requisition for by commission.</p> <p>35. Same; how and when employed.</p> <p>36. Same; how obtained by commission.</p> <p>37. Same; contracts for service of.</p> <p>38. Same; how guarded; wages of guard; trustees; hours of labor; government of convict camp.</p> <p>39. Same; quarters for.</p> |
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- SEC. 40. Same; transportation of.
41. Same; warden to provide clothing, etc., for.
42. Same; medical attention for.
43. Same; commission to furnish tools, etc., for.
44. Same; contracts for service of by others than commission.
45. Same; punishment for escape.
46. Same; discharge by warden at expiration of term.
47. Same; medical inspection of camp; report to governor and others; fees for inspection.
48. County prisoners; labor on county-district roads; regulations governing work of, on streets of municipalities.
49. Same; county court to provide for working and safe keeping of; jail limits; work outside county where convicted.
50. Same; when road labor omitted from sentence.
51. Same; penalty for escape.
52. Same; sheriff or other representative of county court to guard; wages of guards to be fixed by county court; monthly statement of jailer and party in charge of camp.
53. Same; certification of sentence and fine of, to jailer, sheriff or constable; form of commitment.
54. Persons charged with misdemeanor, unable to furnish bail bond, may elect to labor on county-district roads; credit for such labor.
55. County prisoners; deduction from sentence of, for good behavior.
56. State bridges; powers of commission to construct, condemn, etc.
57. Same; notices required regarding weight of load allowed; exceptions; damages from injury by excess load.
58. Same; speed on; penalty for speeding.
59. Same; penalty for obstruction of, or interfering with passengers, etc.
60. Same; inspection of; condemnation and reconstruction of.
61. Same; connecting with other states; state road commission may purchase, erect, etc., on approval of governor.
62. Improvements on state routes under supervision of state road commission; counties, etc., may provide funds.
63. Bond issues or levies by political sub-divisions for state routes; how expended; previous contracts to be completed.
64. County courts to continue charge of construction of class A roads, etc., until roads are taken over by state road commission.
65. Protection of road bed; conditions and restrictions governing railroad and electric crossings, pipe lines, telegraph and electric lines, canals, etc., crossing or touching road; alteration of lines; penalty for.
- SEC. 66. Uniform road sign system; directions for establishing names for roads; watering troughs.
67. Prohibition as to advertising, notices, signs, etc., penalty.
68. Penalty for using road before completed; for removing light or guard on closed road or damaged road or equipment.
69. Regulations governing structures being placed on roads and laying or placing pipe, sewers, poles, or wires; penalty.
70. State road commission may sell equipment; proceeds of sale.
71. State road commission and employees to enforce laws relating to state highways and make arrests; authorized to wear badges.
72. Expense of construction; how paid.
73. State road commission: to keep complete record of all proceedings; issue license permits, etc.; devise system of accounting; file annual statements with county clerks.
74. Same; to take over all moneys, property, etc., from present commission: to fill obligations of present commission.
75. Vehicle law: commission to have administration of, including collection of funds connected with; definition of various vehicles, equipment, roads, etc.
76. License required for driving motor vehicles; how obtained.
77. Registration of motor vehicles; number plates and tags.
78. When license may be refused or revoked.
79. Commission to prepare annually list of registered vehicles, showing licenses lost, stolen, etc.; and a pamphlet of laws relating to vehicles and roads; to keep a record of all applications for licenses.
80. National government, state, etc. exempt from license fees.
81. Separate application required for each vehicle; certificate to be carried on vehicle; registration plates furnished; form of; penalty for altering or failure to carry.
82. Formula for determining horse power of engines; schedule of fees for engines, dealers, etc.; permits required for carrying passengers, freight or merchandise for hire.
83. Fees charged for calendar year; loss or destruction of plates; expiration of certificates on transfer; certificate void, when; penalty for obtaining certificates, plates, etc., by misrepresentation.
84. Registration and licensing of operators and chauffeurs; qualifications, requirements, fees, etc.
85. Regulation governing owner or operator of vehicles not owned in this state.

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Be it enacted by the Legislature of West Virginia:

Section 1. The purpose of this act is to enact in one compre-
2 hensive statute, a complete system of laws for this state govern-
3 ing the construction, reconstruction, maintenance and repair of
4-5 all public roads, ways and bridges, and the regulation of traffic
6 thereon; to define and classify public roads and provide for a state
7 system of roads connecting at least the various county seats of the
8 state and with the leading highways of adjacent states; to provide
9 for the co-operation of the state and federal governments in the
10 construction and maintenance of roads; to create a state road
11 commission and define the terms of office, salaries, qualifications,

12 powers and duties of its members; to provide for a corps of as-
13 sistants and employees for such commission, and define their
14 powers and duties; to provide for the taking over by the com-
15 mission from counties, towns and cities (having a population of
16 less than twenty-five hundred persons) of roads and routes con-
17 stituting a part of the state road system, and relieving such po-
18 litical sub-divisions of any further obligation and expense to im-
19 prove and maintain the same, and from further authority over
20 them; to provide for the purchase or condemnation by the com-
21 mission of private roads and bridges, lands, rights, ways, and
22 property necessary for road construction and maintenance, to
23 make compensation therefor and the procedure therein; to grant
24 to the commission the power to make and enforce rules and reg-
25 ulations governing traffic on and the use of state roads, and to pre-
26 scribe penalties for the violation of such rules and regulations,
27 and for the violation of other provisions of this act; to provide for
28 the employment of state convicts and county prisoners on the pub-
29 lic roads and elsewhere; to provide a code of laws for the regula-
30 tion of the use of public roads by motor and other vehicles; to pro-
31 vide a method of accounting for counties; to provide for the con-
32 struction, maintenance and repair of public roads; and to provide
33 methods of raising revenue by counties and districts for road pur-
34 poses; to give to the commission and to counties the power of
35 eminent domain; to regulate the power of the commission over
36 bridges on county-district roads, and to define the duties of the
37 commission in relation to county courts, to require certain speci-
38 fied persons to furnish information to the commission, and to
39 provide for the extension of education pertaining to roads; to pro-
40 vide for the repeal of certain acts pertaining to public roads, and
41 all other acts and parts of acts inconsistent herewith, and for
42 other purposes.

Sec. 2. The legislature of the state of West Virginia hereby
2 assents to the provisions of the act of congress approved July the
3 eleventh, one thousand nine hundred and sixteen, entitled "An
4 act to provide that the United States shall aid the states in the
5 construction of rural post roads and for other purposes." The
6 state road commission is hereby authorized to enter into con-
7 tracts and agreements with the United States government relat-
8 ing to the survey, construction and maintenance of roads under
9 the provisions of the said act of congress, to submit such scheme
10 or program of construction and maintenance as may be required

11 by the secretary of agriculture, or other authorized representative
12 of the federal government, and to do all other things necessary
13 to carry out the co-operation contemplated and provided for by
14 the said act. For the construction and maintenance of rural
15 post roads, the good faith of the state is hereby pledged to the gov-
16 ernment of the United States to make available funds sufficient to
17 equal the sums apportioned to this state by the United States gov-
18 ernment during the period for which federal funds are appropri-
19 ated by section three of the said act, and to maintain the roads
20 constructed with the aid of funds so appropriated, and to make
21 adequate provision for carrying out such maintenance.

22 The state of West Virginia hereby further assents to any sim-
23 ilar provision or provisions that may be made by any subsequent
24 act of congress making appropriation for the survey, construction
25 and maintenance of rural post roads.

Definition and Classification of Roads.

Sec. 3. The term "Public Road", "Highway", or "Road". shall
2 be deemed to include the right of way, road-bed and all neces-
3 sary culverts, sluices, drains, ditches, waterways, embankments,
4 slopes, retaining walls, bridges, tunnels and viaducts necessary for
5 the maintenance of travel, dispatch of freight and communication
6 between individuals and communities; and such public road or
7 highway shall be taken to include any road to which the public
8 has access and which it is not denied the right to use, or any road
9 or way leading from any other public road over the land of one
10 or more persons to the land of another person, and which shall
11 have been established pursuant to law. Any road shall be con-
12 clusively presumed to have been so established when it has been
13 used by the public for a period of ten years, or more, and public
14 moneys or labor have been expended thereon, whether there be any
15 record of its dedication or appropriation to public use or not. In
16 the absence of any other mark or record, the center of the traveled
17 way shall be taken as the center of the road, and the right of way
18 shall be designated therefrom an equal distance on each side, but
19 a road may be constructed on any part of the located right of way
20 when it is deemed advisable so to do; *provided*, a proper record
21 of such right of way for a county-district road, showing the ex-
22 act location thereof, as soon as practicable after the passage of this
23 act, shall be entered by the county court of the county in which
24 such road is to be constructed; *provided further*, a proper
25 record of such right of way for a state road shall be entered by
26 the state road commission.

Sec. 4. The public roads of this state shall be divided into two classes, to be known respectively, as "State Roads" and "County-District Roads". "State Roads" shall include all roads which pursuant to the provisions of this act shall have been taken over for construction or maintenance by the state road commission. "county-district roads" shall include all other public roads except streets and other public ways in incorporated towns and cities.

State Road Commission—Its Powers and Duties.

Sec. 5. The term "Commission," or "Road Commission" when used in this act, shall mean, "The State Road Commission of West Virginia," created hereby, unless otherwise specified or clearly intended.

There shall be, and there is hereby created a commission to be known as "The State Road Commission of West Virginia," and the same is hereby made a body corporate, and by that name the commission may sue, and be sued; plead, and be impleaded; contract and be contracted with, and have a common seal. The said commission shall consist of three members of well known and successful business qualifications, who shall be appointed by the governor, with the advice and consent of the senate, not more than two of whom shall belong to the same political party. The governor shall appoint the said commission as soon as may be after this act becomes effective, and before the first day of June, one thousand nine hundred and twenty-one, and shall designate the chairman thereof at the time of such appointment and thereafter at his discretion. The said commissioners shall immediately enter upon their duties and hold office for two, four and six years, respectively, from the first day of June, one thousand nine hundred and twenty-one, the term of each to be designated by the governor, but their successors shall be appointed for the term of six years, excepting that any person appointed to fill a vacancy shall serve only for the unexpired term, and any commissioner shall be eligible for reappointment; *provided*, that not more than two of the commissioners serving at any one time shall have been appointed from the same political party. The commissioners, before entering upon their duties, shall take, subscribe and file with the secretary of state the oath prescribed by section five of article four of the constitution. The said commissioners shall each execute a bond, to be approved by the governor, in the penalty of ten thousand dollars, conditioned according to law, which

33 bond shall be filed with the secretary of state, and there pre-
34 served and recorded as are other bonds required of state officials.
35 The governor may remove any commissioner in the manner pro-
36 vided by the constitution of this state. No person while in the
37 employ of, or holding any official relation to any person, firm or
38 corporation selling or furnishing any materials entering into the
39 construction, reconstruction, repair or maintenance of any road
40 or highway of this state, or any part thereof, or who is pecu-
41 niarily interested therein, as a stockholder or otherwise, shall hold
42 said office; nor shall the said commission appoint hereunder any
43 person or persons as engineers, superintendents, or foremen sus-
44 taining such relation to such person, firm or corporation; nor shall
45 such engineers, superintendents, or foremen thereafter become in
46 any way connected with or interested in any such person, firm
47 or corporation while in the employ of the commission; nor shall
48 any of said commissioners or any engineer, superintendent or
49 foreman appointed by the commission be a candidate for, or
50 hold any public office other than that of commissioner, or of
51 employment under said commission, or be a member of any po-
52 litical committee either while acting as such commissioner or
53 while holding employment thereunder. In case any of said com-
54 missioners, or its servants or employees shall be a candidate for
55 or hold any other public office, or shall be a member of any po-
56 litical committee, his office as a commissioner or position as em-
57 ployee, as the case may be, shall be *ipso facto* vacated.

Sec. 6. Upon the appointment and qualification of the mem-
2 bers of the commission they shall at once proceed to organize.
3 The commission shall make necessary rules and regulations for
4 its own government, shall appoint a secretary, and shall have
5 power and authority to select all such other assistants, agents and
6 employees as may be necessary in the performance of its duties,
7 and for the purpose of carrying out the provisions of this act,
8 and shall fix their compensation, and require from them surety
9 or collateral bonds to be approved by the commission, condi-
10 tioned according to law; *provided, however*, that the total com-
11 pensation paid to any such assistants, agents and employees shall
12 not exceed in any one year the appropriation made by the
13 legislature for that purpose; and *provided further*, that any of
14 the county courts of the several counties of the state may enter
15 into an agreement with the said commission, by which services
16 shall be rendered to such court by any such assistant, agent or

17 employee, and such court shall provide for and pay the necessary
18 costs of such service. All appointees or employees of the com-
19 mission shall be subject to removal by it at its discretion. Each
20 commissioner shall devote his entire time to the performance
21 of the duties of his office, and shall receive a salary at the rate
22 of seven thousand five hundred dollars per annum, and the neces-
23 sary expenses incurred in the discharge of the duties of his office,
24 to be paid monthly.

Sec. 7. The state road commission shall be provided by the
2 state with suitable office rooms in the city of Charleston, and its
3 offices shall be open at all reasonable times for the transaction of
4 public business. The said commission shall make a full report
5 each year of its operations to the governor, showing the quantity
6 of earth and stone removed, and material prepared and manu-
7 factured; the number of miles and location of roads under con-
8 struction, and the number and location of roads completed, in-
9 cluding such roads as have been taken over by the commission
10 for maintenance, or construction; the cost of such construction
10-a and maintenance, and the materials prepared and used therein,
11 the condition and needed repairs of roads previously constructed
12 and taken over by the commission, together with the result of
13 their investigation respecting previously constructed roads and
14 the materials used therein, and the cost of maintenance thereof;
15 detailed statements of its expenses; and for the purpose of ob-
16 taining all necessary and detailed information to be used in the
17 preparation of said report, the said commission may require the
18 several county courts, or local road authorities, in whose counties
19 work is done, or contemplated, to furnish such monthly reports
20 as may be prescribed by said commission; and the commission
21 shall make such other reports concerning the roads of the state,
22 and particularly state roads and the progress of their improve-
23 ments, as may be proper or required by the governor; and may
24 make such recommendations or reports as in its judgment are
25 beneficial to the general public. The report herein provided to
26 be made to the governor shall be accompanied with a map or maps
27 showing the location and improvement of all roads receiving fed-
28 eral aid up to the time of the completion of said report.

Sec. 8. It shall be the duty of the attorney general of this
2 state and of his assistants, and of the prosecuting attorneys of
3 the several counties, to render to the commission, without addi-
4 tional compensation, such legal services as it shall require of

5 them in the discharge of its duties under the provisions of this
6 act.

Sec. 9. At the request of the state road commission it shall
2 be the duty of the dean of the college of engineering of the state
3 university, the director of the experiment station of said univer-
4 sity, and the heads of the several departments of science of said
5 institution, to render to the commission all necessary aid and as-
6 sistance in the performance of its duties as the requirements of
7 their respective offices and positions will permit, without extra
8 charge or compensation for such service. The state road com-
9 mission, in conjunction with the West Virginia University, may
10 hold annually a school of good roads of not less than three days
11 duration. All state and county road engineers, and county super-
12 visors and presidents or members of the county courts shall attend
13 said school and receive instruction in road building and main-
14 tenance. The commission shall fix the times for holding such
15 schools, and may conduct the same at the West Virginia Univer-
16 sity and other points in the state. The actual necessary expenses
17 incurred by said county road engineers, supervisors and presidents
18 or members of said county courts, shall be paid out of the county
19 treasury.

20 To provide the ablest talent, and to bring to the state the latest
21 improvements and methods in road construction and maintenance,
22 the commission shall be members of and attend national road
23 conventions and conferences of federal and state road officials,
24 and shall do everything necessary to carry to every section of the
25 state the most practical discoveries and economical methods of
26 road construction and maintenance. The actual necessary expenses
27 of the road commission, or of any of its division engineers attend-
28 ing any road school or convention, shall be paid by the commis-
29 sion out of the proper appropriation.

Sec. 10. The state road commission shall cause to be made
2 and kept for its department a general road or highway plan of
3 the state; and compile statistics and collect information relative
4 to the mileage, character and condition of the roads and high-
5 ways in the counties and magisterial districts of the state. It
6 shall investigate and determine upon the various methods of road
7 construction best adapted to the various sections of the state; and
8 establish standards for the construction and maintenance of roads
9 and highways in various sections, taking into consideration the
10 topography of the country, the natural conditions, and the char-

11 acter and availability of road building material, and the ability
12 of the counties and magisterial districts to build and maintain
13 roads under the provisions of this act. It may at all reasonable
14 times be consulted by any county, magisterial district, city or in-
15 corporated town officers concerning county-district roads, high-
16 ways, bridges and streets over which they have jurisdiction, re-
17 spectively, and shall, when requested, advise and give information
18 to such officers relative to the construction, repair, alteration and
19 maintenance of such roads, highways and bridges. It shall, at
20 all times, lend its aid in promoting road improvement through-
21 out the state, and shall prepare and compile all useful information
22 relative to road building and maintenance, and shall disseminate
23 such information by means of printed bulletins, or otherwise, is-
24 sued at such times and in such numbers as it may deem best.

Sec. 11. The authority and control over the construction,
2 maintenance and regulation of all public roads within the state
3 is hereby vested in the state road commission, and in the several
4 county courts, respectively, to the extent and under the provi-
5 sions and regulations herein prescribed. The state road com-
6 mission shall have and exercise the superintendence and admin-
7 istration of the construction, reconstruction, maintenance and re-
8 pair of state roads only, except as in this act specified. Such
9 county courts under the regulations aforesaid shall have the super-
10 intendence and administration of the construction, reconstruction,
11 repair and maintenance of county-district roads only, except as
12 may be specified in this act.

Sec. 12 The state road commission is hereby authorized and
2 empowered to make and enforce from time to time such rules, regu-
3 lations and orders as it may deem necessary, not inconsistent with
4 law or otherwise provided herein, for the preservation of state
5 roads, and to regulate the use of the same by tractors, traction
6 engines, wagons and such other vehicles or conveyances as by
7 such uses produce more than an ordinary amount of wear and
8 tear thereon. Every general regulation adopted by the commis-
9 sion shall state the date on which it takes effect, which shall not
10 be less than ten days after the date of publication. Such rules,
11 regulations and orders when and as promulgated or authorized,
12 shall be printed by the commission for free distribution to any
13 applicant therefor. A copy of such rules and regulations, duly
14 signed by the chairman and the secretary of the commission shall
14-a be sent by the secretary to the secretary of state, to each officer

15 and to each county court affected thereby. Any person violating
16 such order or regulation shall be deemed guilty of a misdemeanor,
17 and upon conviction thereof shall be fined not less than one, nor
18 more than one hundred dollars, or imprisoned for not less than
19 ten days nor more than three months, or both fined and im-
20 prisoned, at the discretion of the court or justice trying the
21 case.

Sec. 13. Whenever any person, firm or corporation has dam-
2 aged or is likely to damage by means of heavy loading or un-
3 usual traffic any county-district or state road to such an extent
4 that the cost of repairs or maintenance will be more than the aver-
5 age cost of repairs or maintenance of other roads of like type
6 and construction, the county court or the road commission as
7 the case may be, shall have power to regulate the loading of such
8 vehicles and to assess the excessive cost of repairs and maintenance
9 of such roads against the person, firm or corporation causing such
10 damage and require the payment thereof before further use of such
11 road by such person, firm or corporation is permitted.

Sec. 14. Nothing in the general rules contained in this act
2 regulating traffic shall be so construed as to authorize the use
3 of any road, street or alley by any person, firm or corporation in
4 such manner or for such purpose as would be destructive thereof.
5 Any person making use of any road, street or alley in this
6 state in such a manner or to such an extent as to be destructive
7 thereof or as is mentioned in the preceding section, shall be liable
8 to the state road commission, the county court or the munici-
9 pality, as the case may be, for damages by reason thereof and the
10 same may be recovered by appropriate action in any court having
11 jurisdiction thereof.

State Road Fund.

Sec. 15. There shall be, and there is hereby created a state road
2 fund. The said fund shall consist of the proceeds of all state
3 license taxes imposed upon automobiles or other motor or steam
4 driven vehicles, and collected from the owners thereof; the regis-
5 tration fees imposed upon all owners, chauffeurs, operators and
6 dealers in automobiles or other motor driven vehicles; all sums of
7 money which may be donated to such fund; all proceeds derived
8 from the sale of state bonds issued pursuant to any resolution or act
9 of the legislature carrying into effect the "Road Amendment" to

10 the constitution of this state, adopted, in the month of November
11 one thousand nine hundred and twenty; all moneys and funds
12 appropriated to it by the legislature; all moneys and funds al-
13 lotted or appropriated by the federal government to this state for
14 road construction and maintenance pursuant to any act of the con-
15 gress of the United States; the proceeds of all taxes imposed upon,
16 or collected from any person, firm or corporation for the benefit
17 of such fund; all taxes or charges imposed upon, or collected from
18 any county, district or municipality for the benefit of such fund;
19 the proceeds of all judgments, decrees or awards recovered and
20 collected from any person, firm or corporation for damages done
21 to, or sustained by any of the state roads or parts thereof; all
22 moneys recovered or received by reason of the violation of any
23 contract respecting the building, construction or maintenance of
24 any state road; and all penalties and forfeitures imposed, re-
25 covered or received by reason thereof, and any and all other moneys
26 and funds appropriated to, imposed and collected for the benefit
27 of such fund, or collected by virtue of any statute and payable to
28 said fund.

29 When any money is collected from any of the sources afore-
30 said, it shall be paid into the state treasury by the officer whose
31 duty it is to collect and account for the same, and credited to the
32 state road fund, and shall be used only for the purposes named in
33 this act, that is to say (1) to pay the principal and interest due
34 on all state bonds issued for the benefit of said fund, and set aside
35 and appropriated for that purpose; (2) to pay the expenses of the
36 administration of said road commission; (3) to pay the ex-
37 penses and costs of maintenance of all state roads; and (4) to pay
38 the expenses and costs of all construction, re-construction and
39 improvement of state roads; *provided*, that none of the funds de-
40 rived from the sale of state bonds for road purposes shall be used
41 or expended, except for construction and reconstruction of state
42 roads.

43 The net proceeds of all moneys heretofore collected by the
44 state road commission, or that shall hereafter be collected by the
45 commission created by this act, as license, registration and trans-
46 fer taxes, other than special privilege taxes, imposed upon the
47 owners of motor or steam driven vehicles, and the license taxes
48 imposed upon chauffeurs and operators of motor vehicles, or de-
49 rived from the government of the United States for road pur-

50 poses, for the calendar year one thousand nine hundred and twenty-
51 one, and not otherwise appropriated by act of the legislature, and
52 not appropriated and set aside by the commission under contracts
53 made pursuant to law with county courts, shall be used and ex-
54 pended by the commission for the construction and maintenance
55 of state roads to be taken over by the commission pursuant to
56 the provisions of this act.

57 All moneys heretofore collected, or that shall be hereafter col-
58 lected by the commission as special privilege taxes for the calendar
59 year one thousand nine hundred and twenty-one shall be ex-
60 pended for the purposes and in the manner provided by chapter
61 sixty-six of the acts of the legislature of one thousand nine hun-
62 dred and seventeen.

Location and Establishment of State Roads.

Sec. 16. As soon as may be after this act becomes effective, the
2 state road commission shall locate, establish, construct and main-
3 tain under the authority and as herein provided, a system of state
4 roads and highways connecting at least the various county seats
5 of the state and with important roads of adjoining states.

6 In the location and establishment of said system, the said com-
7 mission shall give due consideration to the roads and routes desig-
8 nated and approved as Class A roads and routes as of the date
9 of the passage of this act, and in so far as practicable, having re-
10 gard to alignment, distance, important cities and towns, facili-
11 ties of transportation, commercial centers and agricultural sec-
12 tions it shall adopt or take over so much thereof as may be nec-
13 essary or advisable for the completed system aforesaid and when
14 so located and established said system shall be designated and
15 known as the "State road system."

16 Any portion or section of the state road system, prior to its
17 being taken over by the commission shall be known and desig-
18 nated as a "State Route."

Sec. 17. The state road commission as soon as practicable
2 after it has located and established a system of state roads, as pro-
3 vided in the preceding section, shall furnish to the clerks of the
4 county courts of the several counties road maps of their several
5 counties, respectively, showing the state routes designated by
6 said commission constituting the state road system. As sections
7 of such routes are taken over by the state road commission for

8 maintenance or are constructed the commission shall as soon as
9 practicable deliver to the clerk of the county court of each county
10 in which such roads so taken over shall lie, complete record plans
11 of such roads, together with accurate descriptions by metes
12 and bounds of the rights of way thereof, and the said clerk shall
13 file in his office such record plans and record such descriptions of
14 rights of way in the road record book in his office.

Sec. 18. A copy of any map, plat, document, or writing of
2 any character, required to be filed or recorded, by any of the pro-
3 visions of this act, in the office of the state road commission or
4 in the office of the clerk of any county court, when duly certified
5 or attested by any member of the commission, or by the clerk of
6 the county court as the case may be, may be admitted as evi-
7 dence, in lieu of the original, in any of the courts of this state.

Sec. 19. No bridge hereafter constructed on any state road,
2 shall be less than eighteen feet wide. All state roads shall occupy
3 a right of way not less than forty feet wide, exclusive of land nec-
4 essary for slopes for cuts and fills, unless the commission shall
5 make an order for a different width, which order shall be recorded
6 in the office of the commission, and a duly certified copy thereof
7 shall be delivered by the commission to the clerk of the county
8 court of the county in which such roads shall lie, and the same
9 shall be recorded by the said clerk in the road record book in his
10 office.

Sec. 20. As soon as may be after the passage of this act, and
2 when funds are available for that purpose, the state road com-
3 mission shall, by an order entered of record, take over and assume
4 charge of the further construction, reconstruction and maintenance
5 of all roads, or sections of roads on the state routes in the several
6 counties which have been improved with a hard surface, and which
7 in the opinion of the commission shall have been constructed and
8 maintained in accordance with approved methods, or in accordance
9 with recognized standard plans and specifications, and said com-
10 mission shall also in like manner take over and assume charge of
11 the further maintenance of all graded earth roads on state routes
12 which have been constructed with the aid of the state
13 or federal moneys, or have been constructed in accordance
14 with the standards for state and federal aid road work; *provided*,
15 that no roads lying within any incorporated town or city having
16 a population of more than two thousand five hundred persons, ex-
17 cept the National or Cumberland road through the city of Wheel-

18 ing, in Ohio county, shall be so taken over by the commission;
19 *provided, further*, that certified copies of the order required herein
20 to be entered by the commission shall be delivered by it to the
21 clerks of the county courts of the several counties in which the
22 roads to be taken over as provided by this section shall lie; and
23 each of said clerks shall record in the road record book in his office
24 the copy so delivered to him.

Sec. 21. The state road commission is hereby empowered and
2 directed to construct, reconstruct, maintain and repair at the cost
3 and expense of the state, the roads forming the state road system
4 in the several counties of the state as soon as it shall have taken
5 over such roads in the manner herein provided, and to that end
6 the commission may purchase or lease all necessary equipment and
7 materials, and shall appoint and employ all necessary agents, ser-
8 vants and employees; and the commission shall have and pos-
9 sess, in the construction and maintenance of the roads constituting
10 parts of the state road system, in addition to the powers conferred
11 upon it by this act, all the rights and powers conferred by law on
12 county courts in the construction and maintenance of county-
13 district roads.

Sec. 22. All roads constituting parts of the state road system,
2 as designated and established by the commission, not yet construc-
3 ted, shall be taken over in part from time to time, in the manner
4 hereinbefore provided, as the commission shall be prepared to pro-
5 ceed with construction work thereon, until the whole of such roads
6 shall have been taken over by the said commission.

Method of Distribution of State Road Fund.

Sec. 23. On or before the first day of July, one thousand nine
2 hundred and twenty-one, and every two years thereafter, the state
3 road commission shall ascertain, fix and determine the total
4 amount of available funds for expenditure in the whole state for
5 the construction and reconstruction of state roads and highways
6 therein during such biennial period. Of the amount so ascer-
7 tained, fixed and determined, the commission may set aside as a
8 "Reserve Fund" not to exceed twenty per centum thereof, to be
9 used and expended by it at its discretion in making desirable
10 connections or economizing in construction. If at the end of any
11 biennial period any money in said reserve fund remains unex-
12 pended or unappropriated, it shall be placed in the general funds
13 for reserve and distribution during the next biennial period. The
14 remaining eighty per centum of the funds so fixed and determined,

15 shall be apportioned to the various counties of the state for the
16 construction and reconstruction of the state roads and highways
17 therein in the proportion that the mileage of Class A roads or
18 routes in each county, as heretofore designated and approved under
19 existing law, bears to the total Class A road mileage, as heretofore
20 designated and approved in the entire state. When the appor-
21 tionment aforesaid is made, work on construction and reconstruc-
22 tion in each county shall be commenced as soon thereafter as prac-
23 ticable, and prosecuted with all reasonable dispatch until appor-
24 tioned funds are expended, or until the construction, or recon-
25 struction of said roads therein is completed.

26 When all the state roads in any county shall have been construc-
27 ted or reconstructed, and surfaced, then the allotment for that
28 county shall cease, and the mileage of state roads and routes in
29 such county or counties shall not thereafter be taken into consider-
30 ation in future apportionments until the state roads in all the
31 counties are constructed and surfaced, or until further construc-
32 tion or reconstruction therein shall become necessary or advisa-
33 ble.

Sec. 24. Except as may be herein otherwise provided, any and
2 all moneys now or hereafter to come into the hands of any county
3 court or incorporated city or town having a population of less
4 than twenty-five hundred persons, as the proceeds of any bond
5 issue or special levy heretofore voted or authorized to be voted in
6-7 any such county, district or incorporated city or town
8 for the construction or improvement of roads or streets, shall be
9 paid out and expended by such court or incorporated city or town,
10 as the case may be, in the manner provided therefor at the time
11 such bond issue or such levy was authorized; *provided*, that the ex-
12 penditure of the proceeds of such special levies or bond issues for
13 the construction or improvement of roads or streets constituting
14 a part of the state road system, by any such county court or in-
15 corporated city or town, shall be made under the charge and su-
16 perintendence of the state road commission.

17 Any moneys so expended by said county or municipality upon
18 any such state road or route, shall be in addition to and not in di-
19 minution of the part of the state road fund to be apportioned to
20 such county under the provisions of section twenty-three of this act.

21 All county and district road levies heretofore authorized by any
22 county court, and all contracts heretofore entered into by it, re-

23 lating to the construction or improvement of roads, shall remain
24 valid and effective, and all orders of any county court heretofore
25 made respecting labor and commutation payments by virtue of
26 sections fifty-nine and sixty of chapter forty-three of the code, as
27 amended, shall remain in full force and effect.

28 The funds derived from such levies and commutation, not
29 needed in carrying out any contract heretofore entered into may
30 be expended on any of the roads in such county. Any county
31 court may contract or agree with the state road commission for
32 the expenditure of such fund or any part thereof on the state
33 roads or routes within said county, but the funds so expended shall
34 not be regarded as a part of the allotment of the state road funds to
35 be expended in such county; *provided, however*, that nothing
36 in this act shall be construed as compelling any such
37 county or municipality to issue or sell bonds which have been
38 authorized by it but have not been issued or sold; *provided, fur-*
39 *ther* that if said bonds have been sold, nothing herein shall be
40 construed as compelling the expenditure of the funds derived from
41 such sale upon any road designated as a state road.

42 Upon the completion of any such work of construction or im-
43 provement, the road or street so constructed shall be taken over by
44 the commission as a part of the state highway system in the man-
45 ner herein provided.

Bids and Contracts for State Road Work.

Sec. 25. All work of construction and reconstruction of state
2 roads and bridges, and the furnishing of all materials and sup-
3 plies therefor, and for the repair thereof, unless manufactured or
4 assembled by the commission, shall be done and furnished pursu-
5 ant to contract, except that the commission shall not be required
6 to award any contract for work or for materials or supplies for
7 an amount less than three thousand dollars. When the commis-
8 sion is about to construct, reconstruct or improve any road or
9 highway, it shall file with the clerk of the county court, or of the
10 municipality, as the case may be, in which such road lies, a certi-
11 fied copy of plans and specifications therefor, and a notice that
12 said commission is about to enter upon and proceed with the
13 work in question. If the said work is to be done, or the materials
14 therefor are to be furnished by contract, the commission shall
15 thereupon advertise for at least four weeks in two newspapers. of

16 opposite politics, if there be such, but if not then in one newspa-
17 per, published in each county or municipality in which the
18 road lies, and for one week in at least one daily newspaper pub-
19 lished in the city of Charleston, and in such other journals or mag-
20 azines as may to the commission seem advisable, for sealed pro-
21 posals for the construction or other improvement of said road, and
22 for the furnishing of materials required therefor, accurately de-
23 scribing the same, and stating the time and place for opening said
24 proposals, and reserving the right to reject any and all proposals.
25 Said proposals shall be publicly opened and read at the time and
26 place specified in said advertisement, and the contract for such
27 work, or for the supplies or materials required therefor, shall, if
28 let, be awarded by the commission to the lowest responsible bid-
29 der for the type of construction selected. In case the
30-a commission shall reject all bids, it may thereafter
30 do the work with its own forces or with prison labor, or it
31 may re-advertise in the same manner as before, and let a contract
32 for such work pursuant thereto, but no such contract shall be let at
33 a higher price than the lowest responsible bid theretofore received
34 for the same, without a re-advertisement. In any case where a
35 contract for work and materials shall be let as a result of compet-
36 itive bidding, the successful bidder shall promptly and within
37 twenty days after notice of award, execute a formal contract to be
38 approved as to its form, terms and conditions by the commission,
39 and shall also execute and deliver to the commission a good and
40 sufficient surety or collateral bond, payable to the state of West
41 Virginia, to be approved by the commission, in such amount as
42 the commission shall require, but not to exceed one-half of the
43 contract price. To all such bids there shall be attached the certi-
44 fied check of the bidder, or bidder's bond acceptable to the
44-a commission, in such amount as the commission shall
45 specify in the advertisement, but not to exceed five per centum of
46 the aggregate amount of the bid; *provided*, that such amount shall
47 never be less than five hundred dollars. The bidder who has the
48 contract awarded to him and who fails within fifteen days after no-
49 tice of award, to execute the required contract and bond, shall
50 forfeit the said check or bond and the said check or bond shall be
51 taken and considered as liquidated damages and not as a penalty
52 for failure of said bidder to execute said contract and bond. Upon
53 the execution of said contract and bond by the successful bidder,

54 his check or bond shall be returned to him. The checks or bonds
55 of the unsuccessful bidders shall be returned to them promptly
56 after the bids are opened and the contract awarded to the suc-
57 cessful bidder.

Sec. 26. Before the state road commission, or any political
2 subdivision shall let any contract for the paving of any road or
3 highway, it shall determine upon and approve plans and specifi-
4 cations for the construction of brick, concrete, asphalt, bituminous
5 or other standard types of paving, suitable for the project con-
6 templated, and shall include in the advertisement and proposals
7 for such work each type of paving so approved.

Sec. 27. Every contract made by the state road commission,
2 under the provisions of this act, shall be made in the name of the
3 state and shall be signed by the state road commission and by the
4 contractor, and shall be approved as to form and regularity by the
5 attorney general of the state or by other competent counsel.

Method of Disbursement.

Sec. 28. The chairman and the secretary of the state road
2 commission shall certify monthly to the state auditor the amount
3 due to each member and each employee of the commission for
4 services as such commissioners and employees, and the auditor
5 shall issue his warrant therefor on the state treasurer, payable
6 out of the state road fund appropriated for such purpose.

7 Any claim of a contractor or contractors or others, not herein-
8 after provided for, for labor done or for materials and supplies
9 furnished to the state road commission, pursuant to the pro-
10 visions of this act, shall be audited by the commission, and, if
11 found to be correct, the commission shall issue its requisition upon
12 the auditor of the state therefor, showing the nature of the said
13 claim and whether it is for labor done or materials and supplies
14 furnished for construction of state roads, or for other purposes,
15 and the said auditor shall issue his warrant upon the state treasur-
16 er therefor, and the treasurer shall pay the same to the person, firm
17 or corporation entitled thereto, out of the funds in the treasury
18 provided for that purpose.

19 To provide a fund for the purpose of making prompt payments,
20 refunds on license fees, and to secure cash discounts wherever pos-
21 sible, the state road commission may, from time to time, issue its
22 requisition upon the state auditor for such sum as may by it be

23 deemed necessary to pay such claims, and the said auditor shall
24 issue his warrant upon the state treasurer for such amount, sub-
25 ject to the limitation imposed by this section, and the treasurer
26 shall pay the same to the said commission out of the road fund
27 or funds provided for that purpose. The commission shall im-
28 mediately deposit such funds to its credit in some bank, or banks,
29 designated pursuant to chapter seventeen of the code of West
30 Virginia, as a state depository or depositories. Such requisition
31 upon the auditor shall be accompanied with a statement duly veri-
32 fied by a member of the commission, showing the amount of
33 money in the hands of the commission to the credit of the said
34 fund at the time said requisition is presented to the auditor. The
35 amount of such funds in the hands of the commission shall not
36 exceed at any one time the sum of five thousand dollars. When
37 the commission makes such requisition it shall at the same time file
38 with the state auditor an itemized statement, showing what items
39 and amounts have been paid by it out of such fund and for what
40 purpose, and such statement shall be accompanied with a voucher
41 for each item, duly signed by the party to whom payment was
42 made, in consideration of labor done or materials or supplies fur-
43 nished to the said commission. The amounts so reported as paid
44 by the commission, under its direction or authority, out of such
45 fund, if found to be correct, shall be reported by the auditor to the
46 said treasurer and credited by him to the commission on account
47 of the advances made to it pursuant to this section; *provided*, that
48 the commission may require any person, designated by it to make
49 payments or handle any funds pursuant to the provisions of this
50 section, to furnish a bond, conditioned according to law, payable
51 to the state of West Virginia, with good and sufficient surety or
52 sureties, acceptable to the commission, in a sum equal to at least
53 twice the amount of funds coming into the hands or under the
54 control of such person at any one time.

Plants for Manufacture of Road Materials.

Sec. 29. For the purpose of obtaining materials to be used in
2 the construction and maintenance of state roads and highways, the
3 state road commission is hereby authorized and empowered, on
4 behalf of the state, to establish stone quarries, stone crushing
5 plants, brick kilns, cement plants, and other plant or plants
6 deemed by it needful or necessary in the prosecution of its work,

7 as provided by this act, and to acquire lands and appurtenances
8 thereto. The commission shall also have the power to rent, pur-
9 chase or condemn, or to acquire by any other lawful means, stone
10 quarries, gravel, clay, sand, and other deposits, with rights of
11 way thereto, and wharves, landings and switches for shipping or
12 receiving materials; to acquire storage places; to hire and pur-
13 chase all means of transportation for the same; to remove such
14 materials from such lands and other places; to prepare the said
15 materials for use; and to manufacture such materials into road
16 making products; to purchase all necessary machinery, tools and
17 other equipment; to make such contracts and employ such labor as
18 may be needful or necessary to establish such plants; to acquire,
19 prepare, manufacture and transport such materials for use, and
20 to do all other things needful or necessary in connection with the
21 purchase, production, accumulation and distribution of such
22 materials for the uses aforesaid; and all costs and expenses in-
23 cidental thereto shall be paid out of the state road fund. The com-
24 mission may sell any surplus of such materials, products or equip-
25 ment to any county or counties, or to any municipality of the
26 state, or to any person, firm or corporation, at not less than actual
27 cost or value, exclusively for use in the building of roads, streets
28 and alleys, in this state, and the commission shall pay to the
29 state treasurer the funds received therefor, to be credited to the
30 state road fund.

31 Whenever the commission shall deem it necessary or desirable
32 to acquire such property, rights and easements for the purposes
33 aforesaid, it shall, when possible, enter into an agreement, with
34 the owner or owners of said property, as to the amount of damage,
35 if any, to be paid to them by the state; but in case an agreement
36 satisfactory to the commission and said owner or owners cannot
37 be made, the commission may proceed without delay to take, use
38 and enjoy such property, rights and easements, for the purposes
39 aforesaid; and the owner or owners of said property, rights and
40 easements, damaged thereby, may present their petition to the cir-
41 cuit court of the county wherein the property taken shall lie, or
42 where such rights and easements have been so taken and exercised,
43 for the appointment of viewers to ascertain and assess such dam-
44 ages, if any. The proceedings upon said petition and by the
45 viewers shall be governed by provisions of section one hundred
46 and thirty-eight of this act.

47 The commission is empowered to enter into contracts with the
48 proper authorities of other states to establish jointly plants for
49 the preparation and manufacture of cement, brick, stone, and
50 other materials to be used in the construction of roads as provided
51 for herein, and to operate such plants, and acquire all materials
52 and do all other things that may be deemed necessary for the
53 operation thereof and for the more economic prosecution of the
54 work of building and maintaining public roads as provided for
55 by this act.

Sec. 30. All materials of every kind used upon state roads
2 shall be carefully tested, or caused to be tested by the commission,
3 when by it deemed necessary, and no such materials shall be used
4 in the construction or maintenance of any such road until ap-
5 proved in writing by said commission. The county courts of the
6 several counties may make arrangements with said commission for
7 the testing of materials in the construction of county-district
8 roads.

Sec. 31. Whenever it shall be necessary from any cause to
2 acquire any lands for the purpose of constructing, widening,
3 straightening, grading or altering any state road which cannot be
4 acquired at a satisfactory price by purchase or grant, the said
5 commission is hereby empowered to condemn the necessary lands
6 therefor, together with all necessary rights and easements, under
7 the right of eminent domain, or it may proceed as provided in
8 section one hundred and thirty-eight of this act. The cost of
9 all rights of way acquired for any state or county-district road,
10 or roads, or for the purpose of widening, straightening, grading,
11 or altering any such road or roads, shall be paid by the county
12 court of the county in which such road or roads shall lie.

Sec. 32. Whenever the state road commission shall find it
2 necessary to close any state road, about to be constructed or re-
3 paired under the provisions of this act, so as to permit a proper
4 execution of such work, it may direct a detour by proper signs
5 and guides or provide a new location by the construction of a tem-
6 porary road to be used by the traveling public in lieu of the closed
7 public road and may erect temporary bridges when necessary.
8 For the purpose of locating such temporary road and bridge, the
9 engineer or other representative of the commission in charge may
10 enter upon the land adjoining or near the closed public road and
11 may, with the approval of the commission, agree with the owner

12 of such lands, for the damages, if any, caused thereby. If the
13 engineer or other representative of the commission is unable to
14 agree with such owner for the amount of damages, if any, the
15 amount thereof shall be ascertained, determined and paid in the
16 manner and pursuant to the procedure provided by section twenty-
17 nine of this act, and pending such determination the commission
18 may proceed without delay to take, use and enjoy such property
19 and easements for the purpose aforesaid.

Sec. 33. The state road commission shall not construct, re-
2 construct, improve or repair any section of a state road or high-
3 way within any city or incorporated town, until such city or in-
4 corporated town shall have been given notice and a reasonable
5 opportunity to lay all necessary pipes and make all necessary con-
6 nections for sewerage, water, gas, heating, lighting and any other
7 purpose whatsoever, where the duty to lay such pipes and make
8 such connections is imposed by law upon such city or town; and
9 shall, by ordinance duly passed by the city or town council, com-
10 pel all public service companies and abutting property owners to
11 lay all necessary pipes and to make all necessary connections for
12 sewerage, water, gas, heating, lighting or any other purposes what-
13 soever, along and in the line of said section of state road or high-
14 way before the work of construction, reconstruction or improve-
15 ment of the same is started; but in the event that such city or town,
16 after it shall have been served with notice in writing by said com-
17 mission of its intention to improve such street or highway, and
18 shall have been requested to lay all necessary pipe and make all
19 necessary connections, as aforesaid, and to compel all public
20 service companies and abutting property owners to lay all neces-
21 sary pipes and make all necessary connections for the purposes
22 aforesaid, shall fail to comply with such request, within
23 sixty days after service of such notice, the commission
24 may thereupon lay such pipes and make such connections,
24-a and the necessary cost and expense thereof shall be chargeable by
25 the commission against such city or town; and upon the neglect
26 or refusal of such city, town or public service company, to pay
27 such costs and expenses within sixty days after the completion of
28 the laying of such pipes and making such connections, the com-
29 mission may collect the same by proper action in any court hav-
30 ing jurisdiction thereof; *provided*, that such costs and expenses
31 shall not be chargeable against any such city or town to the extent

32 that the same would impose an indebtedness against such city
33 or town in excess of the amount allowed by existing law.

State Convict Road Force.

Sec. 34. All convicts confined in the state penitentiary of
2 this state and delivered to the state road commission upon its re-
3 quisition, as herein provided, shall, when so delivered, constitute
4 the "State Convict Road Force."

Sec. 35. The state convict road force, as now or hereafter con-
2 stituted shall, as far as practicable, except as is herein otherwise
3 provided, be employed in the construction and maintenance of the
4 state road system, and to this end may also be employed by the
5 commission in or about any stone quarries, gravel pits, sand banks,
6 crushers, brick kilns and other plants, and places in the acquisition
7 and manufacture of materials to be used in the construction, main-
8 tenance or repair of state roads, under the same rules and regula-
9 tions as are provided herein for working said force on the state
10 roads or highways.

Sec. 36. Convicts may be employed by the commission at
2 any place within the state under the regulations herein prescribed.
3 The board of control, with the advice and assistance of the warden
4 of the penitentiary, shall determine what prisoners therein con-
5 fined may, with safety and convenience, be assigned to such work,
6 selecting preferably such prisoners as are believed to be most
7 trustworthy. Whenever the commission shall desire to use such
8 prison labor for the construction, maintenance, improvement or re-
9 pair of any state road or highway in this state, or any part there-
10 of, or for the preparation or manufacture of road materials for
11 road construction and maintenance, it shall make requisition upon
12 the state board of control to send convicts to the place or places
13 where they are desired to be worked upon such road. Such
14 requisition shall be in form prescribed by the board of control,
15 and shall state the number of convicts desired, which shall not
16 be less than ten, and the length of time for which the commis-
17 sion desires to contract. The board of control shall grant all such
18 requisitions in so far as the number of prisoners in the peniten-
19 tiary available shall be sufficient to meet the requirements of the
20 commission; and if at any time the number of prisoners available
21 shall not be sufficient to meet the requirements of the commission,
22 the board of control shall file the requisitions, and supply the

23 prisoners required as soon as they may be available. The board
24 of control may, for good cause, refuse to honor any or all such
25 requisitions, in which event the cause of such refusal shall be
26 specified in writing to the commission.

Sec. 37. Whenever any such application shall be granted
2 by the board of control, a contract in writing, based thereon, shall
3 be entered into between the board of control and the commission,
4 which shall set forth the terms of the agreement, based on such
5 application.

Sec. 38. The state convict road force shall be guarded when
2 working on the roads of the state and in making road materials,
3 and when being transported to and from the penitentiary by
4 guards detailed by the warden of the penitentiary, who shall desig-
5 nate one guard as the superior, and the other or others as assist-
6 ants, and such superior may, by agreement with the commission,
7 act as and be the foreman in charge of such work. The state
8 guard and assistants shall obey the rules prescribed for the main-
9 tenance of prison camps. Any guard or assistants not obeying
10 such rules shall, on recommendation of the engineer in charge of
11 the work, be immediately recalled, and some other person detailed
12 in his stead. The wages of each guard, superior and assistant
13 shall be fixed by agreement between the commission and the warden
14 of the penitentiary. The warden, his assistants or guards, at the
15 request of the state road commission, may, as far as practicable,
16 make trusties of the state convict road force employed under this
17 act. All guards and prisoners shall be under the direction of the
18 state road commission, or its engineer in charge, and shall work
19 not to exceed sixty hours per week and each prisoner shall be
20 paid for such time in excess of nine hours per day at the con-
21 tract rate paid by the commission for such prisoner's labor. The
22 state board of health, state board of control and the state road
23 commission shall promptly formulate rules and regulations gov-
24 erning such camps, and the state board of control shall allow
25 such good time and other allowances as may be deemed wise for
26 the government of state prisoners and prison camps, in addition
27 to that allowed by law.

Sec. 39. The state road commission shall provide suitable
2 quarters, said quarters to be built as far as can be, with convict
3 labor; and shall supply all necessary cooking utensils, beds and
4 bedding, and wagons or other vehicles for transporting the convicts

5 and camp fixtures, for the camps or stations of said convict road
6 force.

Sec. 40. All convicts forming the state convict road force shall
2 be transported to and from the penitentiary under the direction
3 of the warden thereof, and the expense of such transfer shall be
4 paid in the same way as is now provided by law for transporting
5 convicts to the penitentiary; and such prisoners may be trans-
6 ported anywhere in the state, as may be required by the commis-
7 sion.

Sec. 41. The warden of the penitentiary shall provide in the
2 same manner as he now provides for convicts in the penitentiary,
3 all clothing, food, quarters and guards for the state convict road
4 force when at work on said state roads anywhere in the state.

Sec. 42. Whenever any prisoner working on such roads shall
2 become sick, or shall be disabled by accident or otherwise, he
3 shall be attended by the physician employed by the county court
4 to take care of the poor in the county, or by the jail physician in
5 such county wherein such prisoner is being employed, and the
6 fees of such physician shall be paid by the commission in such
7 sum as may be agreed upon by the commission with such phy-
8 sician. In any case of emergency the physician who can be most
9 conveniently reached shall attend such prisoner until the phy-
10 sician for the poor or the jail physician can attend, and the
11 reasonable fees of the physician first called shall be paid by the
12 commission.

Sec. 43. When the commission desires to obtain and employ
2 convict labor on state roads under the provisions of this act, it
3 shall supply all such equipment, materials, tools and teams as
4 may be necessary in the prosecution of such work.

Sec. 44. After the expiration of all contracts now existing be-
2 tween the state and any person, firm or corporation for the em-
3 ployment of convicts confined in the state penitentiary only such
4 contracts shall be renewed, or new contracts made, under the pro-
5 visions of law, as may be necessary to employ all convicts not oth-
6 erwise employed under the provisions of this act; *provided*, that
7 when convicts from the penitentiary are not required by the com-
8 mission for labor in the construction and maintenance of state
9 roads, or for the preparation or manufacture of materials therefor,
10 the board of control may, with the consent in writing of the state
11 road commission, grant application to any of the county courts of

12 this state for the use of such convicts, confined in the penitentiary,
13 in the construction and maintenance of county-district roads, as
14 may not be needed or required by the commission, and all such
15 prisoners shall be employed by the county courts as aforesaid only
16 upon the same conditions, and under the same laws, rules and reg-
17 ulations as are required by this act governing their use by the state
18 road commission.

Sec. 45. If any convict escapes from the state road force, he
2 shall be punished as now prescribed by law for the punishment of
3 convicts escaped from the penitentiary.

Sec. 46. The warden of the penitentiary shall have power to
2 discharge any of said prisoners working on said state convict
3 road force wherever they may be in the state, when the term of
4 said prisoner shall have expired, and section twenty-two of chap-
5 ter one hundred and sixty-three of the code of West Virginia, of
6 one thousand nine hundred and sixteen, shall apply to all convicts
7 working on said state road force.

Sec. 47. It shall be the duty of the state road commission to
2 designate some competent physician or physicians to make nec-
3 essary inspection of all camps where a convict road force is em-
4 ployed; and it shall be the duty of such physician to make monthly
5 thorough investigations of the sanitary conditions of such camps,
6 and make a regular report of every inspection to the governor to-
7 gether with such recommendations as it may deem necessary, and
8 to furnish a copy thereof to the warden of the penitentiary, to
9 the state board of health and the local board of health of the
10 county in which such camp may be located. The reasonable fees
11 of the physician rendering such services shall be paid by the com-
12 mission.

Labor of County Prisoners on County-District Roads.

Sec. 48. Whenever any able bodied male person over the age
2 of sixteen years shall be convicted of an offense punishable with
3 confinement in the county jail, before any court or justice of the
4 peace, and sentenced by such court or justice of the peace to im-
5 prisonment in the county jail and to pay a fine and costs, he shall
6 be sentenced by such court or justice of the peace to labor on the
7 county-district roads of the county, under the direction of the
8 county road engineer, or other representative of the county court

9 having such work in charge, during the time of such imprisonment,
10 and until said fine and costs are satisfied. Whenever any per-
11 son is imprisoned by virtue of section ten, chapter thirty-six of
12 the code of West Virginia, of one thousand nine hundred and
13 sixteen, and fails to execute the bond therein provided, he shall
14 be required to work on said roads until said fine and costs are paid
15 under the regulations prescribed by this act; *provided*, said work
16 shall not be required to be done on the streets or alleys of any city,
17 town or village which under its charter is required to keep its
18 own streets and alleys in order, unless the corporate authority
19 thereof shall first arrange with the county authorities to pay for
20 such work to the keeper of the jail of said county the amount to
21 which he shall be entitled for the board of such prisoners.

Sec. 49. The county court of each county shall provide for the
2 working of such prisoners, and for their safe keeping while per-
3 forming such work, and to this end the border lines of each county
4 shall constitute and be considered the walls of the jail of such
5 county, and the county engineer or other representative of the
6 county court having such work in charge shall be, and he is hereby
7 empowered to adopt safe and humane methods of discipline and
8 protection to enforce the provisions of this act and prevent the es-
9 cape of prisoners; *provided*, that it shall be lawful for any county
10 court to employ the prisoners of such county outside the county
11 where they were convicted or imprisoned upon the same terms and
12 conditions, and under the same rules and regulations, as now gov-
13 ern their employment within the county where they were convicted.

Sec. 50. The court or justice of the peace before whom any
2 such prisoner is convicted, or imprisoned for good cause appearing
3 and entered of record, may omit from the sentence that part of the
4 penalty requiring such person to work on the public roads of the
5 county.

Sec. 51. Whenever any such person shall escape while work-
2 ing on such public road, and be re-captured, he shall be taken by
3 the officers having him in custody before any justice of the peace
4 in the county where such escape was made, and such justice shall,
5 after a trial, and upon conviction for such escape, sentence him to
6 labor on the county-district roads of said county, in addition to
7 fine and sentence imposed for his previous trial, not less than sixty
8 days, nor more than six months, and to pay the cost of making the

9 arrest, including all costs of trial; and, in default of payment, he
10 shall sentence said prisoner to work out said costs on said roads,
11 as herein provided.

Sec. 52. The sheriff, upon recommendation of the county en-
2 gineer, or other representative of the county court having the
3 work in charge, and with the approval of the county court, shall
4 employ a sufficient number of persons to guard such prisoners, not
5 to exceed one for every ten or less number of prisoners so em-
6 ployed on such county roads, and the wages of such guards shall
7 be reasonable and shall be fixed by the county court and shall be
8 paid out of the county treasury when allowed by the county court.
9 Such guards when employed shall be subject to and under the di-
10 rection of the county road engineer, or other representative of the
11 county court having the work in charge. The keeper of the jail
12 shall file with the clerk of the county court a monthly statement
13 showing the number of prisoners in jail awaiting trial, the number
14 of prisoners sentenced to work upon the public roads, the number
15 of days work performed, the number of days idle, and the reasons
16 therefor. Whenever prisoners are worked from camps, or kept
17 outside of the jail, the person in charge of the camp shall furnish
18 the jailer with the information herein required, or file the same
19 with the clerk of the county court, under the direction of the
20 county road engineer, or another such representative of the court.

Sec. 53. The clerk of every court, or the justice of the peace
2 before whom any person is convicted of an offense and sentenced
3 to be confined in the county jail, or sentenced to pay
4 a fine and is confined for non-payment thereof, shall certify
5 to the jailer the length of sentence and the amount of fine in the
6 manner and form following:

7 "Commitment by , for
8 imprisonment for sen-
9 tence, fine and costs."

10 State of West Virginia, county ofss,
11 To the sheriff or any constable of said county, and to the jailer
12 of said county:

13 *Whereas*, was this day con-
14 victed of the crime of and was sen-
15 tenced to confinement in the county jail for the period of
16 days or months, from this date, and to pay the state a fine of
17 \$....., and costs incurred, amounting to the sum of

18 \$., itemized on the back hereof, and to labor on the
19 public roads in said county until said fine and costs are paid, as
20 provided in chapter of the acts of the legislature of
21 the said state for the year.

22 You, the said sheriff or constable, are hereby commanded in the
23 name of the state forthwith to safely convey the said
24 and deliver him to the said jailer with
25 this notice; and you,, the said
26 jailer, are hereby commanded in the name of the said state, to
27 receive and confine the said in
28 said jail, and to see that the said
29 labors according to law on the county-district roads until such sen-
30 tence, fine and costs have been satisfied, or until he is discharged
31 according to law.

32 Given under my hand and seal this day of
33, 19.

34
35 Clerk of court or justice of the peace.

Sec. 54. A person charged with a misdemeanor, who is unable
2 to furnish a recognizance or bail bond with satisfactory securities,
3 according to law, may, after being committed to jail, elect to la-
4 bor on the county-district roads of the county in which such crime
5 is alleged to have been committed; and in such case the circuit,
6 criminal or intermediate court of such county, or the judge
7 thereof in vacation may, in its discretion, enter an order in the or-
8 der book of such court permitting such person to labor upon the
9 county-district roads of said county as herein provided, until such
10 time as may be fixed by such court, or judge thereof in vacation.
11 If at the trial, such person is convicted and sentenced to impris-
12 onment in the county jail, or to labor on the county-district roads
13 of such county, he shall be credited on his term by the number of
14 days he has labored on such county-district roads; if fined he
15 shall be credited on the amount of fine and costs with one dollar
16 and fifty cents per day for each day he labored on such road, and
17 if acquitted, he shall be paid seventy-five cents for each day he
18 labored on said roads out of the road funds of the county or dis-
19 trict in which such work is chargeable, when allowed by the county
20 court.

Sec. 55. Each person sentenced to labor on county-district
2 roads, under the provisions of this act who faithfully complies

3 with all the rules and regulations which may be prescribed by the
4 county road authorities governing the working of prisoners on
5 the county-district roads, shall be entitled to a deduction from
6 his sentence of five days for each month on each jail sentence that
7 may be imposed upon him.

State Bridges.

Sec. 56. For the purpose of making and maintaining connec-
2 tions between state roads or highways, or the parts of any state
3 road or highway constructed or improved under the provisions of
4 this act, the state road commission shall have the power to build
5 bridges and acquire by purchase, condemnation or otherwise, (and
6 to maintain when so acquired) any existing bridges along, in the
7 line of, or connected with any such road or highway, together with
8 all land, roads, approaches, rights, franchises, and easements be-
9 longing to any person or corporation, and necessary or convenient
10 for the purpose aforesaid.

Sec. 57. It shall be the duty of the commission, the county
2 court of each county, and the incorporated towns and cities of this
3 state, to post and keep posted on or at each end of all bridges over
4 which they have jurisdiction, respectively, notices clearly legible
5 to the traveler upon the road, indicating the maximum safe load
6 or weight that may pass over such bridge at any one time; *pro-*
7 *vided*, that such notice shall not be required upon any small stone,
8 brick, concrete, arch or slab bridge whose capacity clearly exceeds
9 the weight that may lawfully pass over the adjoining road.

10 No city, town or county court shall be liable for any damage re-
11 sulting to any person or property, by reason of the breaking of
12 any bridge, by transportation at any one time on or over the same,
13 of any vehicle or animals weighing an amount in excess of that in-
14 dicated by such notices as the maximum safe load or weight, but
15 any owner or other person engaged in transporting, directing,
16 driving or conducting the same in excess of such weight over such
17 bridge, shall be liable for all damages resulting therefrom.

Sec. 58. No person shall drive or ride over any bridge faster
2 than a walk; *provided, however*, that any truck may be driven
3 over any bridge at a rate of speed not to exceed ten miles per hour,
4 and any motor vehicle used for carrying passengers at a rate of
5 speed not to exceed fifteen miles per hour. Any person violating
6 this section shall be guilty of a misdemeanor, and upon convic-

7 tion thereof shall be fined five dollars for the first offense, and
8 twenty-five dollars for each subsequent offense,

Sec. 59. Whoever shall obstruct or cause to be obstructed, any
2 walk or driveway to or upon any public bridge, or shall loiter
3 upon or about the entrance to the same, or in anywise interfere
4 with the gate-keeper or passengers upon such bridge, unless he be
5 an officer acting in the discharge of his duty, shall be guilty of a
6 misdemeanor, and upon conviction thereof shall be fined ten dol-
7 lars.

Sec. 60. The state road commission shall cause an inspection
2 to be made of any bridge upon any state road or highway which
3 is reported by any of its agents, servants or employees, to be un-
4 safe for public use and travel. If such bridge is found to be un-
5 safe for public use and travel, the commission shall condemn
6 such bridge and promptly close the same, so as to exclude travel
7 therefrom; and shall promptly reconstruct or repair the same.

Sec. 61. The state road commission is hereby authorized and
2 empowered, pursuant to a contract or contracts, entered into by
3 it with the proper authorities of any adjoining state, to pur-
4 chase or erect and to maintain any bridge or bridges across any
5 stream or streams separating this state from such adjoining
6 state or states in conjunction with the parties so contracted with,
7 when the same shall be deemed by it necessary or proper, to con-
8 nect up a state highway of this state with a public highway of
9 such adjoining state; *provided*, that such contract or contracts
10 shall not be entered into by the commission, except upon the ap-
11 proval of the governor, after the commission shall have filed with
12 the governor a report in writing, with necessary maps, plans and
13 specifications of the bridge or bridges desired to be purchased or
14 constructed, showing the estimated cost thereof, and all other
15 facts that it may deem necessary, or that may be required by the
16 governor.

Sec. 62. All improvements hereafter made on state routes,
2 including the construction of culverts and bridges, shall be under
3 the direction and supervision of the state road commission, and
4 all culverts and bridges thereon shall be constructed in accordance
5 with plans prepared or approved by the commission; *provided*,
6 that nothing herein contained shall be so construed as to prevent
7 any county, district or corporation from providing funds to be used
8 in the construction or improvement of such roads.

Bond Issues by Political Sub-Divisions.

Sec. 63. Any county, district, group of districts or municipal corporation may, in the manner provided by law, vote bonds or provide funds by levy or otherwise, for the improvement and paving of any roads constituting state routes lying within their respective boundaries and not theretofore taken over by the state road commission in the manner provided by this act, but such funds hereafter provided shall be expended under the charge and superintendence of the state road commission. Any such roads or portions thereof so improved with funds provided for that purpose by any county or political sub-division thereof shall, without unnecessary delay, be taken over by the state road commission in the manner hereinbefore provided, as a state road, and the commission shall thereafter maintain the same; *provided*, that where an agreement or contract exists between a county court or town having a population of less than twenty-five hundred persons, and any contractor, firm or corporation for the construction of any road so taken over by the state road commission as a part of the state road system, the same shall be performed and completed the same as though this act had not been passed; *provided, further*, that where, under a contract or franchise existing between any street railway company, or other corporation or firm, and any county court or town having a population of less than twenty-five hundred persons, such street railway company or other corporation or firm is required to maintain any road which has subsequently been taken over by the state as a part of the state road system, the said contract shall remain in force, and the state road commission shall succeed to and take over to itself all the rights of said county court or town existing under said contract or franchise. The said street railway company, or other corporation or firm shall be bound to carry out all of the requirements, and comply with all the terms and conditions of the said contract with the state road commission, the same as though the said contract had been originally made between the state road commission and the said street railway company or other corporation or firm.

Sec. 64. The county courts of the several counties in the state shall continue in charge of the construction, improvement and maintenance of all roads heretofore known as Class A roads located in their respective counties, and shall maintain them as county-district roads until such time as the state road commission

6 shall, by order entered of record, take them over, either for con-
7 struction or maintenance, after which they shall be and remain
8 under the exclusive authority and jurisdiction of the state road
9 commission.

Protection of Roadbed—Railroad Crossings.

Sec. 65. No railroad or electric or other railway shall be con-
2 structed upon the roadbed of any state road, except to cross the
3 same, nor shall any person, firm or corporation enter upon or
4 construct any works in or upon such road, or lay or maintain
5 thereon any drainage sewer or water pipes, gas pipes, electric con-
6 ducts or other pipes, upon or under such road, nor shall any
7 telephone, telegraph or electric line or power pole, or any other
8 structure whatsoever, be erected upon, in or over any portion of a
9 state road, except under such restrictions, conditions and regula-
10 tions as may be prescribed by the commission, notwithstanding any
11 consent or franchise granted by any county court, or by the muni-
12 cipal authorities of any city or town. Whenever any railroad or
13 electric or other railway heretofore or hereafter constructed shall
14 cross any public road it shall be required to keep its own road bed
15 and the bed of the said road or highway at such crossing, in pro-
16 per repair, or else to construct and maintain an over-head or
17 under-grade crossing, subject to the approval of the state road
18 commission; and the tracks of such railroad or railway at grade
19 crossings shall be so constructed as to give a safe and easy approach
20 to and across the same.

21 If the commission shall desire that the course of any railroad
22 or electric or other railway, turnpike, canal, pipe line, or any
23 stream which is not a public highway, shall be altered to avoid
24 the necessity of any crossing of a state road or highway or of
25 frequent crossings, or to facilitate the crossing thereof, or to
26 avoid a grade crossing, or that an overhead or under-grade cross-
27 ing should be constructed, the alteration may be made in such man-
28 ner as may be agreed upon between the commission and the rail-
29 road or railway, turnpike, canal, or pipe line company, or the
30 owner of the land to be affected by the alteration of the course
31 of such stream. In case the parties interested fail to agree upon
32 such crossing or alteration as is desired, the commission may
33 bring suit in equity, and in such suit the court may, in a proper
34 case, decree that such, or any proper crossing, or alteration, may

35 be made upon payment of damages to be ascertained, as provided
36 in chapter forty-two of the code, and that in case such railroad or
37 railway, turnpike, canal, or pipe line company, or the owner
38 of the land to be affected by the alteration of such stream, shall
39 fail or refuse to construct such crossing or make such alteration,
40 after due notice so to do, then the same may be constructed, or
41 the alteration made by the commission, and the cost thereof shall
42 be chargeable against such company or person, and may be col-
43 lected in any court having jurisdiction thereof. Any person, firm
44 or corporation violating this section shall be guilty of a misde-
45 meanor, and upon conviction thereof shall be punished with a
46 fine of not less than twenty-five dollars, nor more than one hun-
47 dred dollars for each day such violation continues.

Uniform Road Sign System

Sec. 66. As soon as may be after the passage of this act, the
2 state road commission shall devise a uniform road sign system
3 for all state and county-district roads in this state, and shall
4 without delay, give due notice to the several county courts of the
5 system devised for county-district roads, and it shall be the duty
6 of the several county courts, without undue delay thereafter,
7 to erect and thereafter to maintain signs upon all county-dis-
8 trict roads within their respective jurisdictions pursuant to the
9 system so devised. It shall likewise be the duty of the commis-
10 sion to mark all state roads with, and thereafter to maintain
11 suitable signs in keeping with the road sign system devised by it,
12 as soon as practicable after such roads are constructed or taken
13 over for maintenance. The several county courts shall designate
14 each of the different county-district roads in the several districts
15 of their respective counties by a separate number or name, and
16 as far as practicable give the same number or name to such road
17 in each of the districts into or through which it extends. In
18 making the designation aforesaid the order of the court shall
19 show the date of the establishment of the road, and the order
20 book and page showing such establishment and of each section
21 or portion thereof. If there be no such record, and the said
22 road has been open to travel to the public, and money or labor
23 has been expended thereon for a period of ten years or more then
24 such record shall state that fact, and describe the road with such
25 particularity as to show clearly its location. Likewise the said

26 commission shall give suitable names to the state roads or high-
27 ways, and may change the name of any road which becomes a part
28 of the state road system. The commission may establish and
29 maintain watering troughs upon state roads. The county road
30 engineer may authorize the owner or occupant of lands to con-
31 struct and maintain watering troughs beside county-district roads,
32 all such watering troughs to be supplied with fresh water, the
33 surface of which shall be at least two feet above the level of the
34 ground, and easily accessible for horses with vehicles. The county
35 road engineer shall annually give a written order upon the county
36 court for two dollars to be paid out of the road fund of the dis-
37 trict to each owner or occupant for maintaining such watering
38 trough, and keeping the same supplied with fresh water.

Sec. 67. Any person who in any manner paints or affixes any
2 advertisement, sign, notice or other written or printed matter,
3 other than notices posted in pursuance of law, on or to any stone,
4 tree, fence, stump, pole, building or other structure which is in
5 or upon the right of way of any public road or highway, shall be
6 guilty of a misdemeanor, and upon conviction thereof, shall be
7 punished with a fine of not less than five dollars, nor more than
8 one hundred dollars. The commission is empowered to remove
9 any such signs in place upon any road taken over by it for con-
10 struction or maintenance.

Sec. 68. Any person who shall ride, or drive, upon any new
2 roadbed or new repairs of any roadbed constructed or being con-
3 structed by or under the supervision of the state road com-
3-a mission or any county court before the same is open for
4 traffic, and any person who shall remove any light or
5 guard set up for the purpose of closing said road, or
6 any part thereof, to traffic, and any person who shall otherwise
7 maliciously injure or damage in any manner, any road
8 or highway built under the provisions of this act, either in the
9 course of its construction or thereafter, or who shall maliciously
10 injure or damage any work, equipment, material or structure used
11 in connection therewith, shall be guilty of a misdemeanor and on
12 conviction thereof, shall be fined not more than one hundred
13 dollars, or be imprisoned not more than three months, or in the
14 discretion of the court may be both fined and imprisoned, as afore-
15 said.

Sec. 69. No opening shall be made in any state road or high-

2 way, nor shall any structure be placed therein or thereover, nor
3 shall any structure, which has been so placed, be changed or re-
4 moved except in accordance with a permit from the commission.
5 No state road or highway shall be dug up for laying or placing
6 pipes, sewers, poles, or wires, or for other purposes, and no trees
7 shall be planted or removed or obstructions placed thereon, with-
8 out the written permit of the commission, or its duly authorized
9 agent, and then only in accordance with the regulations of said
10 commission; and the work shall be done under the supervision and
11 to the satisfaction of said commission; and the entire expense
12 of replacing the highway in as good condition as before shall be
13 paid by the persons to whom the permit was given, or by whom the
14 work done. A violation of any provision of this section shall
15 be a misdemeanor, and the person or corporation violating the
16 same shall upon conviction thereof, be fined not less than twenty-
17 five dollars, and not more than one hundred dollars for each of-
18 fense.

Sec. 70. The state road commission may, at either public or
2 private sale, as may seem to it most advantageous for the public
3 good, dispose of any equipment purchased by it for use in and about
4 the construction, maintenance and repair of public roads and
5 highways, when such equipment can no longer be used to advan-
6 tage by it; and the proceeds of such sale shall be paid by the com-
7 mission to the state treasurer and credited by him to the state road
8 fund.

Sec. 71. The state road commission and such of its employees
2 and servants as are designated by it, shall have authority to en-
3 force all laws of this state relating to state highways and to ar-
4 rest all violators of any of the provisions of law in reference to
5 state roads or highways or violators of the regulations and orders
6 of the state road commission in relation thereto. Every such em-
7 ployee or servant shall, in exercising any such authority hereunder
8 wear and display a metallic shield or badge indicating that he is
9 an employee or servant of the said commission; *provided, however,*
10 that no contractor, his employee or servant, shall be permitted
11 under this section to make any arrests. Any credible person may
12 make complaint before any justice of the peace, having jurisdic-
13 tion thereof, of any criminal offense under this act, and the same
14 proceedings shall be had before such justice as are now provided
15 for in other criminal cases before justices.

Sec. 72. The cost and expense of the construction, improvement or maintenance of all state roads shall be paid out of any moneys appropriated to the state road commission for that purpose.

Records of Commission.

Sec. 73. The state road commission shall keep a complete and adequate record of all its proceedings, and all its orders and resolutions shall be recorded in a book kept especially for that purpose. It shall issue all necessary notices, keep all books, maps, documents and papers ordered filed by it, and all orders, rules and regulations by it made or approved. It shall be responsible for the safe custody and preservation of all such documents and papers in its office.

Each member thereof may administer oaths in all parts of the state as far as the exercise of such power is properly incidental to the performance of the duties of the commission. It shall issue all license permits, registration certificates, receipts and other official documents provided for by this act; it shall publish, at its discretion, the rules and regulations promulgated by it, and keep the proper records thereof. It shall devise a system of accounting which shall show accurately and concisely the amounts of all moneys received and paid out by it, the sources from which received, and the purposes for which paid out, upon what roads or bridges, whether for construction, reconstruction or maintenance, and in what county expended.

It shall record and file all bonds and contracts taken by or entered into with it, and keep all other records and entries proper and necessary to show its acts, workings and official conduct. All such records shall be public, and shall be open to inspection during business hours.

At the end of every fiscal year, after the year one thousand nine hundred and twenty-one, and before the respective county courts are required by law to lay their levies for the ensuing year, the said commission shall make up and file in the office of the clerk of each of the county courts in this state, a statement showing the expenditures made by the commission in the county during the preceding year, upon what road or roads and for what purpose, and whether for construction or reconstruction, the character of same, and if for maintenance, the character of the roads so maintained; and at the same time, the commission

36 shall likewise file in the office of each of said clerks, an
37 estimate of the expenditures to be made by the commission upon
38 state roads in such county during the ensuing year, and upon what
39 road or roads, and for what purposes such expenditures are to be
40 made.

41 The said statement shall be so devised as to be uniform through-
42 out the state, and made out and furnished upon loose leaf forms,
43 so that the same may be bound in a book kept by said clerks for
44 that purpose. When the statement aforesaid is received by the
45 clerk of any county court, the same shall be filed in loose-leaf book
46 form, in a book to be furnished by the county court for that pur-
47 pose, and shall become a public record in his office.

Sec. 74. The state road commission, created by this act, shall
2 succeed to the office of the state road commission created by chap-
3 ter sixty-six of the acts of the legislature of West Virginia of one
4 thousand nine hundred and seventeen, and all supplies, moneys
5 papers, books, maps, files, records, documents, and other property
6 and equipment now belonging to, or in the custody of the said
7 state road commission shall, upon the organization of the state
8 road commission under this act, be immediately turned over to the
9 commission hereby created. Any powers, duties and obligations
10 imposed upon the state road commission, heretofore created, or
11 upon any of its officers, by virtue of any contract, heretofore en-
12 tered into by it, with contractors or other persons shall be carried
13 out and exercised by the commission, hereby created, or by its
14 regularly constituted agents or employees.

Administration of Vehicle Laws.

Sec. 75. The state road commission shall have charge of the
2 administration of the vehicle laws of this state, including the col-
3 lection of all license fees and charges, forfeitures, and costs, and
4 all other fees and charges arising therefrom or incidental thereto,
5 and for that purpose shall have power to employ such assistants,
6 deputies and employees as may be required to carry out the pro-
7 visions of this act, and to fix their salaries. The commission
8 shall also have power to dismiss or discharge such assistants, dep-
9 uties and employees at its discretion.

10

Definitions.

11 Whenever in this act, or in any regulations authorized by this

12 act, the following terms are used,, they shall be deemed and taken
13 to have the meanings herein ascribed to them:

14 *Vehicle.*

15 (a) Any mechanical device for the conveyance, drawing or
16 other transportation of persons or property upon the public roads
17 and highways, whether operated on wheels or runners or by other
18 means, except those propelled or drawn by human power or those
19 used exclusively upon tracks.

20 *Truck.*

21 (b) Any motor vehicle designed and used for carrying freight
22 or any regularly constructed passenger automobile regularly car-
23 rying freight, or any reconstructed motor vehicle used for such
24 purpose.

25 *Motor Vehicle.*

26 (c) Any self propelled vehicle not operated exclusively upon
27 stationary tracks, except tractors.

28 *Tractor.*

29 (d) Any self propelled vehicle designed or used as a traveling
30 power plant or for drawing other vehicles, but having no provis-
31 ions for carrying loads independently.

32 *Trailer.*

33 (e) Any vehicle without motive power designed for carrying
34 property or passengers, wholly on its own structure, and for being
35 drawn by a self-propelled vehicle, except those running exclusively
36 on stationary tracks.

37 *Semi-Trailer.*

38 (f) A vehicle of a trailer type so designed and used in con-
39 junction with a self-propelled vehicle that a considerable part of
40 its own weight or that of its load rests upon and is carried by the
41 towing vehicle.

42 *Pneumatic Tires.*

43 (g) Tires of rubber or other material inflated with air, and
44 depending solely upon confined air for the support of the load.

45 *Solid Tires.*

46 (h) Tires of rubber or similar elastic material that do not de-
47 pend upon confined air for the support of the load.

48 *Solid Tired Vehicle.*

49 (i) Any vehicle equipped with two or more solid tires.

50 *Manufacturer-Dealer.*

51 (j) Any person, firm or corporation actively engaged in the
52 manufacture, sale, purchase or exchange of motor vehicles, who
53 has an established place of business in this state.

54 *Owner.*

55 (k) Any person, firm, corporation or association holding title
56 to a vehicle.

57 *Operator.*

58 (l) Any person who drives or operates a motor vehicle or
59 tractor, except for hire.

60 *Chauffeur.*

61 (m) Any person who operates for hire, or who receives pay
62 directly or indirectly to operate, any motor vehicle, or tractor
63 upon the public highways.

64 *State.*

65 (n) The state of West Virginia, or other constitutional unit
66 or a territorial or federal district of the United States.

67 *Political Sub-Division.*

68 (o) Any county, city, town, or other similar governmental
69 unit of the state.

70

Local Authorities.

71 (p) Representatives of political sub-divisions of the state,
72 duly elected or appointed to administer the laws and ordinances of
73 the state.

74

Open Country Highway.

75 (q) A highway, or portion thereof, greater than one-fourth of
76 a mile in length, along either side of which the buildings average
77 more than three hundred feet apart.

78

Urban Street; Suburban Street.

79 (r) An urban street shall be a public road or highway, or por-
80 tion thereof other than an open country highway, or suburban
81 street. A suburban street shall be a public road, highway or
82 portion thereof, not less than one-fourth of a mile in length, on
83 either side of which the buildings average less than three hundred
84 feet, but more than fifty feet apart.

Section 76. No motor vehicle shall be driven upon the public
2 roads, or upon any road or street within any incorporated city,
3 town or village within the state, until the owner first shall have
4 obtained from the state road commission, as herein provided, a
5 license or certificate of registration therefor. An applicant de-
6 siring such license or certificate may obtain the same by filing
7 with the commission, by mail or otherwise, a statement setting
8 forth the character of the vehicle to be licensed, including the
9 name of the manufacturer, the style, color of body, motor num-
10 bers, type and factory number of such vehicle, the character of
11 the motor power and the amount of such motor power stated in
12 figures of horse-power as advertised by the manufacturer, the
13 name, age, residence and business address of the owner of such
14 motor vehicle, and the name of the county in which he resides;
15 *provided*, that if such motor vehicle is a taxi-cab or motor truck,
16 or motor vehicle used or to be used for commercial purposes, the
17 applicant shall so certify, and state in the application the factory
18 rated usual load capacity thereof.

Sec. 77. Upon receipt of any application for registration of a
2 motor vehicle, as provided in the preceding section, the commis-
3 sion shall cause such application to be filed, and upon the payment
4 of the fee hereinafter provided, the commission shall assign to

5 such vehicle a distinctive number and deliver to the owner a cer-
6 tificate of registration and number plate or plates as herein pro-
7 vided; and in the event of loss or destruction the owner may ob-
8 tain new plates upon the payment of a fee of one dollar, and giv-
9 ing satisfactory evidence of such loss or destruction. No motor
10 vehicle shall be driven upon the highways of this state without the
11 proper license or registration tag fastened thereon. An automo-
12 bile shall be required to carry two such tags, and any other motor
13 vehicle, required to be licensed under the provisions of this chap-
14 ter, shall carry one such license tag.

Sec. 78. The commission may refuse to license any vehicle
2 which is so constructed as to be a menace to the safety of its oc-
3 cupants, or to the traveling public, or for the violation of any of
4 the provisions of this chapter, governing the use of motor or other
5 vehicles, and may revoke any license already granted for like
6 reason.

Sec. 79. The commission shall prepare on or before the first
2 day of March of each year, a list of all vehicles registered up to,
3 and including January thirty-first of that year, and subsequently
4 beginning with February, shall issue in pamphlet form a list of
5 motor vehicles registered in each month during the license year,
6 together with a list of all licenses lost, stolen, cancelled or revoked.
7 The said monthly supplement shall be issued as soon after the last
8 day of the month as practicable.

9 Officers of the state entrusted with the enforcement of the laws
10 may be furnished with a complete list of vehicles registered and
11 of licenses issued, and such list may also be furnished to such
12 other interested parties as may be authorized by the governor or
13 by the commission. In addition to the officers of this state, the
14 commission may furnish lists of registration to similar officers in
15 adjoining states. Copies of lists of registration may also be fur-
16 nished to all other persons applying for the same, at a price to be
17 fixed by the commission.

18 The commission shall prepare in pamphlet form a brief synop-
19 sis of the law, or laws, of this state, relating to the use of vehicles
20 upon public roads, together with the table of fees charged, and
21 such other information as may be of interest to the owner or op-
22 erator of any vehicle upon the public roads. The pamphlet shall
23 be issued free of cost and one copy of the same shall be furnished

24 to persons granted a license under this act, and to any other citi-
25 zen of the state upon application.

26 The commission shall keep a record of all applications, and
27 statements, in connection therewith filed with it, and of all li-
28 cense certificates and permits issued by it, under the provisions of
29 this act, which information shall be open and available to the pub-
30 lic for inspection.

Sec. 80. The United States government, the state, or any po-
2 litical sub-division thereof, shall be exempted from the payment
3 of any fee on account of registration of any vehicle, owned or op-
4 erated by the United States government, state or any political
5 sub-division thereof, as the case may be; *provided*, that the proper
6 representative of the state, or of any such political subdivision shall
7 make, or cause to be made, on the form provided for that purpose
8 an application for registration of such vehicle so owned and op-
9 erated; *provided further*, that the registration plate, or plates
10 issued for such vehicle, shall be displayed or caused to be displayed
11 as provided in this act; *provided further*, that fire apparatus owned
12 by the United States government, the state or any political sub-
13 division of the state, shall be exempted from all the provisions of
14 this act, except such provisions as relate to the qualification and
15 licensing of drivers.

Sec. 81. Every owner of one or more vehicles, not expressly
2 exempted by this act, shall make a separate application for each
3 vehicle on a form provided by the commission, for permission to
4 operate the same on the public roads of this state. Said appli-
5 cation shall be accompanied with a certificate of ownership, on a
6 form prescribed by the commission, of the vehicle for which regis-
7 tration is requested, which certificate of ownership shall show the
8 name of the individual, firm or corporation from whom the said
9 vehicle was purchased. In such application for registration the
10 applicant shall furnish such other information as the commission
11 may require. Upon receipt of the application for registration to-
12 gether with the fees hereinafter provided for, the commission shall
13 file said application and give to the same a distinguishing mark
14 and number, and shall issue to the owner of the vehicle a certi-
15 ficate of registration, which shall contain the number or mark as-
16 signed said vehicle, the name and place of residence of the owner
17 and his postoffice address, if the same shall be different from his
18 place of residence. Such certificate shall be of convenient size

19 and form, and shall at all times be carried upon said vehicle, and
20 shall be subject to examination upon demand by any proper officer,
21 as herein provided. In addition to the certificate of registration
22 the commission shall, without additional charge, deliver to the
23 owner, metal plates bearing the abbreviation of the name of this
24 state, the year for which issued, and the distinguishing mark or
25 number assigned to such vehicle. Such plate, or plates shall be
26 known as registration plates. Each year there shall be chosen a
27 color, or combination of colors, for such registration plates, which
28 shall be as different as practicable from the color, or colors, used
29 on the plates of the preceding year, and the numerals and letters,
30 on said plates shall be of such color as to be shown in marked con-
31 trast with the remainder of the plate. The plates shall be of
32 such size as to properly accommodate the numerals, and other
33 marks. The distinguishing number shall be composed of num-
34 erals not less than four inches in height, and of such stroke as
35 to make them easily read, except that in case of plates for motor-
36 cycles, and similar small vehicles, the numerals and other marks
37 shall be not less than two inches in height, and the stroke thereof
38 not less than one-eighth of an inch in width.

39 Any person, firm, or corporation, failing to carry the certificate
40 of registration provided by this act, or who changes the name,
41 number, or other identification information on the certificate
42 of registration, or registration plates, shall be deemed guilty of
43 a misdemeanor, and shall, upon conviction, be fined not less than
44 ten dollars, nor more than one hundred dollars; *provided*, that
45 in the case of a person to whom a certificate has been issued,
46 but who at the time of arrest has not the same with him, the
47 minimum fine shall be one dollar, instead of ten dollars, as here-
48 inbefore prescribed.

49 The provisions of this act shall apply both to the operator, or
50 chauffeur, and to the owner who causes or permits his vehicle to
51 be operated without a certificate of registration as herein pro-
52 vided.

Sec. 82. For the purpose of determining the horse power of any
2 internal combustion engine used to propel a motor vehicle
3 coming within the provisions of this act, the following formula
4 shall be used.

5 Multiply the square of the diameter of the cylinders in inches

6 by the number of cylinders, and divide the product by two and
7 one half.

8 The horse power of an electric or steam motor shall be taken
9 as the manufacturer's rated horsepower for the individua
10 motor.

11 The following fees shall be paid to the commission for the cer-
12 tificate of registration and corresponding registration plates is-
13-14 sued by it in accordance with the provisions of this act.

15 *Class A*—The registration fee for all motor vehicles, other
16 than passenger vehicles operated for hire, equipped only with pneu-
17 matic tires shall be thirty cents per horsepower of motor, and in ad-
18 dition thereto thirty cents per hundred pounds of weight of the
19 vehicle and load, for the purpose of determining the weight of a
19--a vehicle and load, except those used for hire, the actual weight
20 of the vehicle shall be taken, and in addition thereto the adult
21 seating capacity multiplied by one hundred and twenty-five.

22 *Class B*—The registration fee for motor vehicles equipped
23 with solid rubber tires and used for the transportation of mer-
24 chandise, supplies and for any other purpose than the carrying
25 of passengers, shall be twenty-five dollars yearly for motor
26 vehicle of one ton or less capacity; fifty dollars yearly for a
27 vehicle of more than one ton and not more than two tons capacity;
28 seventy-five dollars yearly for a vehicle of more than two tons and
29 not more than three tons capacity; one hundred dollars yearly
30 for a vehicle of more than three tons and not more than four
31 tons capacity; and one hundred and fifty dollars yearly for a
32 vehicle of more than four tons and not more than five tons capaci-
33 ty; *provided*, that the manufacturer's rated capacity for the
34 chassis shall be used in determining the capacity of any vehicle
35 licensed under this class.

36 *Class C*—The registration fee for vehicles trailed or propelled
37 by any motor vehicle or tractor required to be registered shall be
38 ten dollars for a vehicle of one ton or less capacity, equipped
39 with tires of solid rubber or steel, and fifteen dollars for each
40 additional ton capacity, *provided*, that the fee in the case of a
41 vehicle equipped with only pneumatic tires shall be one-half that
42 shown for solid rubber or metallic tires.

43 *Class D*—Passenger vehicles operated for hire shall pay fifty
44 cents per horse power and fifty cents per hundred pounds weight
45 of vehicle and load, provided that the weight of the vehicle shall

46 include the chassis and body or bed, and the weight of the load
47 shall be the adult seating capacity multiplied by one hundred and
48 twenty-five.

49 *Class E*—The registration fee for each motorcycle shall be five
50 dollars yearly, and for each side car attached to a motorcycle, an
51 additional two dollars and fifty cents yearly.

52 *Class F*—The registration fees for all tractors, traction engines,
53 and similar vehicles used to propel, support, transport, or draw
54 a trailer, or trailers, or semi-trailer, or semi-trailers, upon the
55 roads of this state, except as herein provided, shall be as fol-
56 lows:

57 For such vehicle having a weight of two tons, or less, twenty
58 dollars; for such vehicle having a weight of not less than two
59 tons nor more than two and one half tons, twenty-five dollars; for
60 such vehicle having a weight of not less than two and one half
61 tons nor more than three tons, thirty dollars; for such vehicle
62 having a weight of not less than three tons nor more than three
63 and one half tons, thirty-five dollars; for such vehicle having a
64 weight of not less than three and one half tons nor more than
65 four tons, forty dollars; for such vehicle having a weight of not
66 less than four tons, nor more than four and one half tons, forty-
67 five dollars; for such vehicle having a weight of not less than four
68 and one half tons nor more than five tons, fifty dollars; for such
69 vehicle having a weight of not less than five tons nor more than
70 five and one half tons, sixty dollars; for such vehicle having a
71 weight of not less than five and one half tons nor more than six
72 tons, seventy dollars; for such vehicle having a weight of not less
73 than six tons nor more than six and one half tons, eighty dollars;
74 for such vehicle having a weight of not less than six and one half
75 tons, nor more than seven tons, ninety dollars; for such vehicle
76 having a weight of not less than seven tons nor more than seven
77 and one half tons, one hundred dollars; for such vehicle having
78 a weight of not less than seven and one half tons nor more than
79 eight tons, one hundred and ten dollars; for such vehicle
80 having a weight of not less than eight tons nor more than eight
81 and one half tons, one hundred and twenty dollars; for such
82 vehicle having a weight of not less than eight and one half tons
83 nor more than nine tons, one hundred and thirty dollars, for
84 such vehicle having a weight of not less than nine tons nor more
85 than nine and one half tons, one hundred and forty dollars; for

86 such vehicle having a weight of not less than nine and one half
87 tons nor more than ten tons, one hundred and six-
88 ty dollars; for such vehicle having a weight of eleven
89 tons, one hundred and eighty dollars. This charge
90 shall not be made in the case of tractors used exclusively
91 for agricultural purposes, provided that such rims or other suf-
92 ficient devices are used on the wheels of such tractors as will
93 protect the roads or highways traveled by them from any un-
94 usual damages thereto; *provided further*, that the owners of such
95 tractors shall be liable for any damages done by them to public
96 roads in excess of that done by ordinary travel thereon; *provided*
97 *further*, this charge shall not be made for traction engines and
98 rollers used in road construction or maintenance.

99 *Class G*—Each dealer in motor vehicles, except motorcycles,
100 shall pay a fee of thirty dollars yearly, in consideration of which
101 he shall receive two sets of special registration plates to be used
102 only on vehicles operated upon the highways for demonstration
103 purposes, leading to sale or exchange, and such plates may be
104 used on any vehicle owned by such dealer for the purposes afore-
105 said; *provided*, that in the case of sale or exchange of a vehicle,
106 the dealer may give permission in writing, to the new owner of
107 the vehicle to use said dealers' license plates for a period not to
108 exceed five days; *provided further*, that the dealer or new
109 owner shall at the time of such sale or exchange make applica-
110 tion in the name of the new owner for a proper license for said
111 vehicle. Upon the receipt of said license and registration plates in
112 the name of the owner of the vehicle, said owner shall thereupon
113 remove the dealer's registration plates and return the same
114 immediately to the dealer, and in all cases must such dealer's
115 plates be removed by the owner within five days from date of pur-
116 chase. Additional sets of plates shall be issued to any dealer
117 licensed in accordance with this act, upon application and pay-
118 ment of a fee of fifteen dollars for each additional set.

119 The commission shall have power to grant, in its discretion
120 special permits to a dealer for use on motor vehicles driven under
121 their own power from the factory or distributing place of a manu-
122 facturer, or other dealer, to the place of business of such dealer,
123 and the commission shall charge a fee of one dollar for each such
124 permit. Such special permit shall be good only for one trip and

125 for the specific vehicle upon which used, and such permit shall not
126 be used by such dealer in lieu of any registration certificate, or
127 plates, required by this act. No dealer shall use the dealer's
128 plates upon any vehicle used for transportation of freight, or
129 for passenger service, pleasure or hire.

130 *Class H*—Each dealer in motorcycles shall pay a fee of ten dol-
131 lars yearly, in consideration of which he shall receive two sets of
132 registration plates for dealers, and for each additional set of
133 plates such dealer shall pay five dollars: The conditions for use
134 of motor vehicles set forth under *Class G* shall apply also to mo-
135 torcycles and dealers in the same.

136 *Class I*—No motor or other vehicle shall be operated over any
137 public road or highway, or over any street or alley within an in-
138 corporated city or town in this state for the carriage of pas-
139 sengers, freight or merchandise for hire, in such manner as to
140 afford a regular means of transportation by indiscriminately re-
141 ceiving and discharging passengers, freight or merchandise along
142 the route on which the vehicle is operated, or for transporting
143 passengers, freight or merchandise for hire as a business between
144 fixed and regular termini, until the owner or operator of such
145 vehicle shall have first made application to and secured from
146 the proper licensing authority a permit to operate such vehicle.
147 If such applicant for license shall desire to operate such vehicle
148 wholly within any city or incorporated town, such authority shall
149 be the city or town council or corresponding body; in all other
150 cases such authority shall be the state road commission.

151 The application for such permit shall state the capacity of
152 such vehicle or vehicles, the purpose for which the same is to be
153 used, route over which the same shall travel and the rates proposed
154 to be charged, and such other matters as the commission, or other
155 licensing authority, as the case may be, shall from time to time
156 prescribe. Before issuing any such permit, the commission or
157 licensing authority, shall ascertain the public necessity for the
158 proposed service. Such permit in any case may be denied, where
159 public welfare will not be promoted by the granting thereof. If
160 the permit be granted, the state road commission, or other licens-
161 ing authority, as the case may be, shall prescribe the route, sched-
162 ule, fare or traffic in connection with such service, and may make
163 such other rules and regulations relative to the operation of such
164 vehicle or vehicles, as public justice may demand. When such

165 permit is issued, no such motor vehicle shall change its route,
166 schedule, fares or tariff, without the permission of the state road
167 commission, or other licensing authority, as the case may be. If
168 such motor vehicle be for the carriage of passengers, it shall be
169 plainly marked, so as to designate the route covered, and shall
170 have posted therein the schedule of fares charged; if such vehicle
171 be for the carriage of freight or merchandise, it shall be appro-
172 priately marked with plain letters and figures, showing the load
173 authorized to be carried. The driver of any such vehicle shall,
174 when requested, produce such permit, or a certified copy there-
175 of. The state road commission, or other licensing authority,
176 shall adopt and publish such rules and regulations as may be
177 found necessary to carry out the provisions of this section. Per-
178 mits, when granted shall be good until the first day of January
179 next following, and may be renewed at their expiration, unless for
180 some good cause the commission, or other licensing authority
181 shall refuse to reissue the same. Possession of such permit shall
182 not exempt any person, firm or corporation from the payment of
183 registration fees for vehicles as provided herein. Bond to be ap-
184 proved by the commission conditioned according to law shall be
185 required of each applicant to whom such permit is granted, in
186 the sum of not less than five hundred dollars and not more than
187 five thousand dollars.

188 Any person violating any of the provisions of this section shall
189 be guilty of a misdemeanor, and upon conviction thereof, shall
190 be punished with a fine of not less than five dollars, nor more
191 than two hundred dollars and in addition thereto, such permit
192 may be revoked, or the license taken away by the commission or
193 other licensing authority having jurisdiction thereof.

Sec. 83. The charges or fees herein prescribed shall be for the
2 entire calendar year; *provided*, that if a certificate of registration
3 be issued after the thirty-first day of July of any calendar year,
4 the charge therefor shall be one-half the fee for the entire year.

5 The commission shall have authority to determine the classifi-
6 cation in which any vehicle belongs, under any provision of this
7 act.

8 In the event of the loss or inadvertent destruction of any plate
9 issued under the provisions of this act, the commission shall in-
10 vestigate the circumstances of alleged loss or destruction, and if
11 satisfied that the loss or destruction has occurred as alleged, shall

12 issue a duplicate, or duplicates, or may in its discretion issue a
13 new set of plates with appropriate certificate of registration, at a
14 cost not to exceed one dollar.

15 The provision of this act, relating to the licensing of vehicles,
16 operators, chauffeurs, dealers, and others, shall go into effect at
17 midnight December thirty-first, one thousand nine hundred and
18 twenty-one; *provided*, that the commission shall have authority
19 to issue such licenses for the year one thousand nine hundred and
20 twenty-two, after October thirty-first, one thousand nine hundred
21 and twenty-one.

22 The registration certificates, and the right to use the correspond-
23 ing registration plates shall expire at midnight of December thirty-
24 first of the year for which issued.

25 Upon the destruction or permanent removal from the state of
26 any registered motor vehicle, its certificate of registration and the
27 right to use the number plates or markers thereon shall expire;
28 *provided*, that the commission shall permit the person to whom such
29 certificates and plates or markers were originally issued to sur-
30 render the same, and shall allow to him a refund of the amount
31 paid for registration markers and certificate for the quarterly
32 periods remaining wholly unexpired.

33 Upon the transfer of ownership of any motor vehicle its certi-
34 ficate of registration and the right to use the number plates or
35 markers shall expire, and it shall be the duty of the original owner
36 to immediately notify the commission of the name and address
37 of the new owner, and to deliver to the purchaser the license
38 certificate and plates or markers belonging thereto. It shall be
39 the duty of the purchaser immediately to file with the commission
40 an application for a transfer of such registration accompanied
41 with said certificate, for which the commission shall issue a trans-
42 fer certificate and charge a fee of one dollar. If such license cer-
43 tificate be not filed the purchaser shall be charged a fee of two
44 dollars for said license transfer certificate.

45 Any person who shall obtain a registration certificate or regis-
46 tration plates, or other licenses provided for in this act, by mis-
47 representation or by any other method not authorized by law,
48 and any person who shall violate any of the other provisions of
49 this section shall be guilty of a misdemeanor, and such person
50 upon conviction thereof, shall be punished with a fine of not less
51 than ten dollars, nor more than fifty dollars, and may be there-

52 after refused a license or certificate of registration. Said penalty
53 shall apply to the owner as well as to the operator of such
54 vehicle.

Registration and Licensing of Operators and Chauffeurs.

Sec. 84. No person shall operate a motor vehicle, tractor or
2 traction engine upon any road in this state until he or she shall
3 first have applied for and obtained a license for the purpose;
4 *provided*, that any person over fourteen years of age receiving in-
5 struction in the use of a motor vehicle may operate such vehicle
6 when accompanied by a licensed operator or chauffeur for a period
7 not to exceed three months. Such license in the case of operators
8 shall be good until revoked, and in the case of chauffeurs, shall be
9 good for the calendar year, unless sooner revoked.

10 Application for licenses shall be made upon blanks provi-
11 ded by the commission, and said application blanks shall be in
12 such manner and form not inconsistent with this act, as said com-
13 mission may determine.

14 Said license shall state the name, age, postoffice address of the
15 licensee, and the number assigned to him, and shall entitle
16 the licensee to operate any vehicle of any make unless otherwise
17 specified thereon. Said license shall have endorsed thereon in the
18 proper handwriting of the licensee the name of said licensee, and
19 when requested by a proper officer in the discharge of his duties
20 under the law, said licensee shall write his name in the presence
21 of said officer, to the end that the identity of said licensee may
22 be determined. A number shall be assigned to each of said licen-
23 sees and a proper record of all applications and licenses, and all
24 licenses issued, shall be kept by the commission, and shall be open
25 to public inspection.

26 The commission may require an actual demonstration or other
27 evidence of the qualifications of such applicant to operate such
28 motor vehicle, tractor, or traction engine, and may refuse to
29 issue a license, if in the commission's judgment the safety of the
30 public would be promoted thereby. The commission may also
31 after due hearing, upon not less than five days' notice in writing,
32 sent by registered mail to the address given by the operator or
33 chauffeur when applying for his license certificate, which shall
34 constitute a sufficient form of notice, suspend or revoke the
35 operator's or chauffeur's license issued to any person under this
36 act for any cause which the commission may deem sufficient. The

37 commission may take into consideration in refusing, suspending,
38 or revoking licenses, the penalties (except minor speed violations)
39 imposed by duly authorized officials in other states, where such
40 records are kept and reported, if the commission deem the acts
41 causing such penalties to be imposed to be of sufficient impor-
42 tance to justify such refusal, suspension or revocation.

43 No person shall, during the remainder of the calendar year in
44 which his license as operator or chauffeur is revoked, be eligible
45 to receive a new license, nor thereafter, except at the discretion
46 of the commission.

47 Any person whose license shall have been refused, suspended,
48 or revoked as aforesaid, and who shall operate a vehicle, or any
49 person who shall operate a vehicle the registration of which has
50 been refused, suspended or revoked as aforesaid, shall be deemed
51 guilty of a misdemeanor and punished with a fine of not less than
52 one hundred dollars, nor more than one thousand dollars, or with
53 imprisonment for not less than thirty days, nor more than one
54 year, or with both fine and imprisonment, such penalty to apply
55 to both owner and operator.

56 The fee for such operator's license issued under the provisions
57 of this act shall be one dollar. The fee for each chauffeur's
58 license issued under the provisions of this act shall be three
59 dollars, if the same is issued between January the first and July
60 the thirty-first, and shall be one dollar and fifty cents if issued
61 between July the thirty-first and December the thirty-first.

62 It shall be unlawful to allow an operator's or chauffeur's license
63 to be used by any person other than the one to whom it was issued
64 or to change the name of a licensee appearing upon any such
65 license issued by the commission. Any person violating any pro-
66 vision of this paragraph shall be deemed guilty of a misdemeanor
67 and shall be punished with a fine of not less than ten dollars, nor
68 more than one hundred dollars.

Sec. 85. The owner or operator of any vehicle not owned in
2 this state, or any operator not a resident of this state, may, for
3 a period not to exceed three months in any one year, use the roads
4 of this state without being registered or licensed as required in
5 this act; *provided*, that such vehicle or operator shall have been
6 licensed under the laws of the state in which such vehicle is owned
7 or such operator resides; *provided further*, that such vehicle shall
8 display its registration plates prominently and that such operator

9 shall on demand of the proper authorities present his operator's
10 or chauffeur's license; *provided further*, that the state or
11 federal district in which such vehicle is owned, or such operator,
12 or chauffeur resides, shall extend the same privileges to vehicles
13 owned in this state, and to operators, or chauffeurs, residing in
14 this state, *provided further*, this section shall not apply to motor
15 vehicles used for commercial purposes.

Sec. 86. Unless otherwise provided for herein, every duly reg-
2 istered vehicle shall at all times have displayed entirely unob-
3 scured and kept reasonably clean, and so fastened with the num-
4 bers in a vertical position as not to swing, the registration plate, or
5 plates, issued by the commission. In the case of motor vehicles
6 and tractors one plate shall be displayed on the front and the
7 other on the rear of said vehicle, and in the case of trailers, semi-
8 trailers, and motorcycles, one plate shall be used and displayed at
9 the rear thereof.

10 All vehicles used for commercial purposes shall have plainly
11 marked on the right side thereof in some conspicuous place the
12 actual weight of the vehicle with equipment, and the weight of the
13 seating or loading capacity of such vehicle.

14 Every motor vehicle shall be equipped with two sets of brakes
15 operating independently, except tractors and traction engines
16 which shall be provided with suitable brakes.

17 Every motor vehicle and tractor when in use on the roads shall
18 be equipped with a suitable horn or signaling device for produc-
19 ing an abrupt sound as a signal or warning of danger. The com-
20 mission shall have the power to make and enforce suitable regula-
21 tions governing the kind and use of such horns or signaling de-
22 vices.

•23 Every vehicle operated on any road in this state at night shall
24 be equipped with a lamp, or lamps, as hereinafter provided, of
25 sufficient power, and so adjusted and operated as to enable the op-
26 erator of such vehicle to proceed with safety to himself and to
27 other users of the road under all ordinary conditions of road and
28 weather.

29 Every motor vehicle and tractor shall have mounted on the
30 right and left sides of the front thereof a lamp, said lamps to be
31 of approximately equal candle power, and every motorcycle shall
32 have mounted on the front thereof one lamp. If said vehicles are
33 so mechanically constructed, governed, or controlled that they can-

34 not exceed a speed of fifteen miles per hour, they shall have front
35 lamps capable of furnishing light of sufficient candle power to
36 render any substantial object clearly discernible on a level road at
37 least fifty feet directly ahead, and at the same time at least seven
38 feet to the right of the axis of such vehicle for a distance of at
39 least twenty-five feet. If such vehicles can exceed a speed of fif-
40 teen miles per hour, then they shall have front lamps capable of
41 furnishing light of sufficient candle power to render any substan-
42 tial object clearly discernible on a level road at least two hun-
43 dred feet directly ahead, and at the same time at least seven feet
44 to the right of the axis of such vehicle for a distance of at least one
45 hundred feet; *provided*, that no front lamp capable of furnishing
46 more than four candle power light shall be used if equipped with
47 a reflector, unless so designed, equipped or mounted that no por-
48 tion of the beam of light when projected seventy-five feet or more
49 ahead of the lamp shall rise above a plane forty-two inches higher
50 than and parallel with the level surface upon which the vehicle
51 stands; *provided further*, that no electric bulb or other lighting
52 device of a greater capacity than thirty-two candle power shall be
53 used, no matter how the same may be shaded, covered or ob-
54 scured.

55 Every trailer and semi-trailer, except small two wheel trailers
56 of one thousand pounds capacity or less, towed closely behind
57 a motor vehicle, and semi-trailers when towed alone, whose over-
58 all length, in both cases, including towing vehicle and load, does
59 not exceed thirty feet when on the roads of this state at night, shall
60 carry at the front of its left side one lamp capable of throwing a
61 white light visible from both sides of such vehicle.

62 Every motor vehicle, tractor, trailer or semi-trailer, when on the
63 roads of this state at night, shall have on the rear thereof, and
64 to the left of the axis thereof, one lamp capable of displaying a red
65 light visible for a distance of at least one hundred feet behind
66 such vehicle; *provided*, that when a vehicle is used in conjunction
67 with another vehicle or vehicles, only the last of such vehicles shall
68 be required to carry such a lamp. Every motor vehicle, tractor,
69 trailer and semi-trailer, when on any road in this state at night,
70 shall carry a lamp illuminating with white light the registration
71 plate of such vehicle, so that the characters thereon shall be visible
72 for a distance of at least fifty feet. The commission shall have

73 power to make and enforce reasonable regulations regarding the
74 kind of lighting devices that shall be used on vehicles.

75 Every horse drawn vehicle, when at night on any road in this
76 state, shall display a light visible from every direction for at least
77 two hundred feet.

78 Trailers having more than two wheels, when operated on any
79 road in this state, shall be connected to the towing vehicle, or pre-
80 ceding trailer by at least one chain, in addition to the hitch bar,
81 of sufficient strength to hold the trailer on a hill if the hitch bar
82 becomes disconnected, or shall be provided with some other ade-
83 quate device to prevent rolling backward down hill.

84 Any person violating the provisions of this section shall be
85 deemed guilty of a misdemeanor and upon conviction thereof shall
86 be punished with a fine of not less than ten dollars, nor more than
87 one hundred dollars.

Sec. 87. No person shall operate or permit to to be operated
2 on any road or highway in this state a vehicle unless he shall dis-
3 play or cause to be displayed thereon the registration plate or
4 plates of such vehicle, as in this act provided. No person shall
5 operate or permit to be operated a vehicle registered in this state
6 upon which there is displayed the registration plate of another
7 state, or a fictitious registration plate, or the plate of another
8 vehicle, or the plate of a previous owner of the same vehicle; *pro-*
9 *vided, however,* that in the event of the sale of a vehicle the per-
10 son purchasing the same may for a period of not more than five
11 days operate such vehicle under the registration of its previous
12 owner and display the registration plate thereof; *provided further,*
13 that he shall have and display on the demand of any proper officer
14 the consent in writing of such previous owner so to use such regis-
15 tration. Any person violating any provision of this section shall be
16 deemed guilty of a misdemeanor and upon conviction thereof
17 shall be punished with a fine of not less than ten dollars, nor more
18 than fifty dollars.

Restrictions as to Operators.

Sec. 88. No person, whether a resident or a non-resident of
2 this state, under fourteen years of age shall operate a motor vehicle,
3 tractor or motorcycle upon any road or highway in this state, unless
3-a accompanied by his or her father or mother or owner of such ve-
4 hicle. A violation of this provision shall be a misdemeanor and shall

5 be punished with a fine of not less than ten dollars nor more than
6 one hundred dollars, or with imprisonment for not less than ten
7 days nor more than sixty days, or both; such fine and imprison-
8 ment to apply to both owner, if present, and operator.

9 No person shall drive or operate any vehicle, motor driven or
10 otherwise, upon any public road or street in this state, when in-
11 toxicated or under the influence of liquor, drugs or narcotics; and
12 any one violating this provision shall be guilty of a misdemeanor,
13 and upon conviction thereof shall be punished with a fine of not less
14 than twenty-five dollars, nor more than one hundred dollars, and
15 shall be confined in the county jail not less than sixty days nor
16 more than six months for the first offense; and for a second of-
17 fense, he shall be deemed guilty of a felony, and upon conviction
18 thereof shall be confined in the penitentiary not less than one nor
19 more than three years.

Sec. 89. Upon complaint and due proof to the state road com-
2 mission that any licensed operator or driver of any motor vehicle
3 has been convicted of a violation of any provision of this act gov-
4 erning the use of motor vehicles, the commission may revoke the
5 license of such operator or driver; and upon complaint and due
6 proof of a second conviction of any of such provisions by such op-
7 erator or driver, the commission shall revoke such license; and in
8 any case where such license is revoked, a license shall not again
9 be issued to such person within the calendar year in which such
10 conviction took place.

Sec. 90. No person, other than the duly authorized agent, ser-
2 vant or employee of the owner thereof, shall take, without the
3 knowledge and consent of the owner and operate upon any public
4 road, or highway in this state, any automobile or other motor ve-
5 hicle owned by another. Any person who, wilfully and without
6 the knowledge or consent of the owner or person in lawful charge
7 thereof, and with the intent to deprive said owner or person in
8 lawful charge of the possession or use thereof either temporarily
9 or permanently, shall take possession of, enter and drive or oth-
10 erwise take away from any street, road, alléy, public or parking
11 place, garage or other building or place, while the same is law-
12 fully therein or thereon, any automobile or other motor vehicle
13 belonging to another or in his lawful possession; and any person
14 or persons who shall assist, aid and abet or be present for the
15 purpose and with the intent to assist, aid and abet another person

16 or persons in such taking possession of, entering and driving or
17 otherwise taking away any such automobile or other motor ve-
18 hicle; and any person or persons, firm or partnership who shall
19 receive, buy, conceal, or otherwise dispose of any such automobile
20 or other motor vehicle, knowing the same to have been stolen or
21 taken without the knowledge or consent of the owner or person in
22 lawful charge thereof shall be deemed guilty of a felony and upon
23 conviction thereof shall be punished with a fine of not less than
24 two hundred dollars nor more than five thousand dollars and by
25 confinement in the penitentiary for not less than two years nor
26 more than ten years. If a corporation or joint stock company,
27 through or by any of its officers, members, agents, servants or
28 employees, under the circumstances and with the knowledge de-
29 fined in this section, shall receive, buy, conceal or otherwise dispose
30 of any such automobile or other motor vehicle, said corporation or
31 joint stock company shall upon conviction thereof, be punished
32 with a fine of not less than two thousand dollars nor more than ten
33 thousand dollars, and upon such conviction its charter shall be
34 revoked.

Sec. 91. The receiving, buying, concealing or otherwise dis-
2 posing of any automobile or other motor vehicle by any person
3 or persons, firm, partnership, corporation or joint stock company,
4 prior to a demand and receipt from the seller thereof or the person
5 or persons otherwise disposing of the same, of an authentic and
6 valid bill of sale or other instrument showing title to the same in
7 the person or persons so selling or disposing of the same, shall be
8 *prima facie* evidence that such person or persons, firm, partner-
9 ship, corporation or joint stock company, received, bought, con-
10 cealed or otherwise disposed of such automobile or other motor
11 vehicle knowing it to have been stolen or to have been taken
12 without the knowledge or consent of the owner or person in lawful
13 charge thereof, and with the intent to deprive said owner or per-
14 son in lawful charge of the possession or use thereof either tem-
15 pararily or permanently.

Sec. 92. Whoever maliciously or without the knowledge or
2 consent of the owner or the person in lawful charge thereof, or
3 with intent to steal or deprive the owner of the use or possession
4 thereof, either temporarily or permanently shall take and remove
5 from any automobile or other motor vehicle any part or portion
6 thereof or any thing attached thereto or contained therein; and

7 whoever shall assist, aid or abet or be present for the purpose
8 of assisting, aiding and abetting any person or persons in such
9 taking and removing from any automobile or other motor vehicle
10 of any part or portion thereof or anything attached thereto or
11 contained therein, without the knowledge or consent of the owner
12 or person in lawful charge thereof or with the intent to deprive
13 the owner or the person in lawful charge thereof of the use and
14 possession thereof either temporarily or permanently; and who-
15 ever shall buy, receive or have in his possession any of such ar-
16 ticles or any part thereof so unlawfully removed knowing them
17 to have been taken without the knowledge or consent of the owner
18 or person in lawful charge thereof or with intent to steal or de-
19 prive the owner or person in lawful possession thereof either tem-
20 porarily or permanently of the use and possession thereof, shall, if
21 the value of such article or articles so taken and removed be less
22 than twenty dollars, be deemed guilty of a misdemeanor and upon
23 conviction thereof, shall be punished with a fine of not less than
24 one hundred dollars nor more than five hundred dollars, and with
25 confinement in the county jail for not less than sixty days nor
26 more than six months. If the value of such article or articles
27 shall exceed twenty dollars, he shall be deemed guilty of a fel-
28 ony and shall be punished with a fine of not less than five hundred
29 dollars nor more than five thousand dollars and with confinement
30 in the penitentiary for not less than one year nor more than five
31 years.

Sec. 93. No vehicle shall be operated on any road or highway
2 in this state whose width, including load, is greater than ninety
3 inches (except traction engines, whose width shall not exceed one
4 hundred and eight inches), a greater height than twelve feet, or a
5 greater length than thirty feet, and no combination of vehicles
6 coupled together shall be so operated whose total length, including
7 load, shall be greater than sixty feet; *provided*, that in special
8 cases vehicles whose dimensions exceed the foregoing may be op-
9 erated under permits granted as hereinafter provided.

10 No vehicle, whose gross weight, including load, is
11 more than twenty-two thousand pounds; no vehicle includ-
12 ing load, having a greater weight than seventeen thousand
13 pounds on any one axle; no vehicle, including load, having a great-
14 er weight than nine thousand pounds on any one wheel; and no ve-
15 hicle, including load, having a weight upon any one wheel of more

16 than six hundred pounds per inch width of tire in actual contact
 17 with the road surface, shall be operated upon any road or highway
 18 in this state; *provided, however,* that in special cases vehicles, in-
 19 cluding loads, exceeding weights of those herein prescribed, may be
 20 operated under special permits granted as hereinafter provided.

Special Permits.

Sec. 94. The special permit herein required for the operation
 2 of a vehicle whose size or weight with load exceeds the limits pre-
 3 scribed in this act, shall be in writing, and be issued at the
 4 discretion of the commission, or of those officials in the state's
 5 political sub-divisions who have charge of the highways, roads,
 6 streets, alleys and bridges over which such vehicle is to operate.
 7 Such permit may be issued for a single trip or for a definite period
 8 not beyond the date of the expiration of the vehicle registration,
 9 and shall designate the roads and bridges to be used. Any person
 10 operating a vehicle under such permit shall pay to the commission
 11 or other authorities, having charge of the maintenance of said roads
 12 or bridges, the amount of any and all damage that may be caused
 13 to any road or bridge by reason of the operation of such vehicle
 14 thereon, and the possession of such permit shall not relieve any
 15 person from the liability for such damage.

16 No vehicle of the kinds and weights enumerated in this section
 17 shall be operated on the open country highways, suburban streets,
 18 or urban streets in this state at a greater rate of speed than herein
 19 prescribed.

Speed Limits.

Sec. 95.

2	Maximum			
3	Weight			
4	including			
5	Gross	On	On	
6	Weight of	Open	Sub-	On
7	Vehicle	Country	urban	Urban
8	and Load	Highway	Street	Street
9	Vehicles designed for			
10	carrying not more than			
11	seven passengers	6,000 lbs.	35 miles	20 miles 15 miles

12	Other vehicles equipped				
13	with pneumatic tires	.....	25 miles	20 miles	15 miles
14	Vehicles equipped with				
15	solid tires	.....	4,000 lbs.	20 miles	15 miles
16	Over	.....	4,000 lbs.	15 miles	15 miles
17	Steel tired vehicles over		2,000 lbs.	5 miles	5 miles

18 Any person who shall operate on any highway in this state a ve-
 19 hicle whose size or weight exceeds that herein prescribed, or who
 20 shall operate a vehicle at a greater rate of speed than that herein
 21 allowed shall be guilty of a misdemeanor, and upon conviction
 22 thereof shall be punished with a fine of not less than ten dollars,
 23 nor more than one hundred dollars, for the first offense, and not
 24 less than fifty dollars, nor more than five hundred dollars for any
 25 subsequent offense, and in addition thereto, the license of such per-
 26 son may be revoked, provided that on all county-district roads at
 27 the corporate limits of any city or town the council thereof shall
 28 maintain suitable signs indicating the speed limit for vehicles.

Sec. 96. Every person operating a vehicle upon any highway
 2 in this state shall observe the following traffic rules and regu-
 3 lations:

4 (a) All vehicles not in motion shall be placed with their sides
 5 as near the right hand side of the highway as practicable, except
 6 on city streets where traffic is obliged to move in one direction
 7 only.

8 (b) Slow moving vehicles shall at all times be operated as
 9 close to the right hand side of the highway as practicable.

10 (c) An operator meeting another vehicle coming from the op-
 11 posite direction on the same highway shall turn to the right of
 12 the center of the highway so as to pass without interference.

13 (d) An operator in rounding curves shall keep his vehicle
 14 as far to the right on the highway as reasonably possible.

15 (e) An operator of a vehicle overtaking another vehicle going
 16 in the same direction and desiring to pass the same shall pass
 17 to the left of the vehicle so overtaken, provided that the way
 18 ahead is clear of approaching traffic, but if the way is not clear
 19 he shall not pass unless the width of the roadway is sufficient to
 20 allow his vehicle to pass to the right of the center thereof in the
 21 direction in which his vehicle is moving; *provided further*, that
 22 no operator shall pass a vehicle from the rear at the top of a
 23 hill or on a curve where the view ahead is in any way obscured

24 or while the vehicle is crossing an intersecting highway. An
25 operator overtaking and desiring to pass a vehicle shall blow his
26 horn or sound his signal and the operator of the vehicle so over-
27 taken shall promptly, and upon such signal, turn his vehicle as
28 far as reasonably possible to the right in order to allow free pas-
29 sage on the left of his vehicle.

30 (f) An operator intending to turn his vehicle to the left shall
31 extend his arm in a horizontal position and slow down.

32 (g) An operator intending to turn his vehicle to the right
33 shall extend his arm with the forearm raised at right angles
34 and slow down.

35 (h) An operator intending to stop his vehicle shall extend
36 his arm and move it up and down in a vertical direction.

37 (i) An operator of a vehicle shall have the right of way
38 over the operator of another vehicle who is approaching from the
39 left in an intersecting highway, and shall give the right of way
40 to an operator of a vehicle approaching from the right on an
41 intersecting highway.

42 (j) An operator or chauffeur of a vehicle shall bring the same
43 to a full stop not less than five feet from any street car which
44 has stopped or is about to stop to receive or discharge passengers,
45 and shall remain standing until such car has taken on or dis-
46 charged said passengers; *provided, however*, that said operator or
47 chauffeur may pass such street car where a safety zone is es-
48 tablished by the proper authorities; *provided further*, that
49 said operator or chauffeur if he slows down and proceeds cau-
50 tiously, may pass such street car at a distance of at least eight
51 feet therefrom when outside the limits of any incorporated town
52 or city. Any person driving or operating a motor vehicle in
53 violation of this paragraph shall be guilty of a misdemeanor and
54 upon conviction thereof shall be punished with a fine of not less
55 than twenty-five nor more than one hundred dollars, or im-
56 prisoned in the county jail not less than one nor more than six
57 months, or both, at the discretion of the court or justice trying
58 the case.

59 (k) Upon approaching any person walking in the traveled
60 portion of any public highway, or a horse or any animal being
61 led, ridden or driven thereon, or a crossing of intersecting pub-
62 lic highways, or a bridge or a sharp turn, or a curve, or a deep
63 descent, and also in passing such person or such horse or other

64 animal, and in traversing such crossing, bridge, turn, curve or
65 descent, a person operating a motor vehicle or motorcycle shall
66 have the same under control and shall reduce its speed to a reason-
67 able and proper rate. If such horse, or other animal being so
68 led, ridden or driven shall appear to be frightened, or if the per-
69 son in charge thereof shall signal so to do by raising his or her
70 hand vertically, the person operating such motor vehicle or
71 motorcycle shall bring the same to a stop, and if traveling in the
72 opposite direction, shall remain stationery as long as may be
73 reasonable to allow such horse or other animal to pass, or if
74 traveling in the same direction, shall use reasonable caution in
75 thereafter passing such horse or animal, but no person shall
76 give such signal to stop unless necessary.

77 (l) An operator shall not use the cut-out of a motor vehicle
78 while on any highway in this state.

79 (m) An operator of a motor vehicle or tractor shall sound
80 his horn or other signaling device when approaching points on
81 the highways where the view ahead is not clear, or where the
82 view of the side of an intersecting highway is obstructed, pro-
83 vided that in no case shall such horn or signaling device be used
84 for the purpose of making any unnecessary noise.

85 (n) Whenever there is not sufficient light to render clearly
86 discernable a substantial object on the highway at a distance
87 of two hundred feet ahead, the operator of a vehicle shall light
88 and keep lighted all the lamps with which, under the provisions
89 of this act, said vehicle must be equipped; *provided*, that in the
90 event of a *bona fide* failure of one or more lights the operator
91 may proceed to destination; *provided further*, he sounds his horn
92 or other signaling device once in every four hundred feet, and pro-
93 ceeds at a rate of speed not greater than ten miles per hour to the
94 nearest place where he can put his lamps in order. Spot-lights
95 used on a vehicle having a left-hand drive shall be placed on the
96 left hand side of such vehicle, and the rays of such spot-lights
97 shall not be thrown to the left of the center of the vehicle for
98 more than one hundred feet in advance thereof, while the vehicle
99 is in motion. A spotlight used on a vehicle having a right hand
100 drive shall be placed on the right hand side of such vehicle and the
101 rays of such spotlight shall at all times be on the right of the
102 center line of the car. No person shall turn off any of the lights
103 of a vehicle for the purpose of avoiding arrest or identification.

104 (o) All vehicles carrying poles or other objects which pro-
105 ject more than five feet from the rear, shall, during the period of
106 from one-half hour after sunset to one-half hour before sun-
107 rise, carry a red light at or near the rear end of the pole or other
108 object so projecting. During the period of one-half hour be-
109 fore sunrise to one-half hour after sunset vehicles shall carry
110 a red flag as a danger signal at or near the rear end of the pole
111 or other object so projecting.

112 (p) Any person who shall be found guilty of violating any
113 of the provisions of this section unless otherwise provided, shall
114 be deemed guilty of a misdemeanor and upon conviction thereof
115 shall be punished with a fine of not less than ten dollars, nor more
116 than one hundred dollars.

Sec. 97. In case of an accident the operator of a vehicle shall
2 stop immediately, and upon request, give his name, address and
3 the number of his operator's license, and render such assistance
4 as may be reasonable or necessary; *provided*, that in all cases of
5 accident resulting in injury to any person the operator shall im-
6 mediately report the details of the same to the commission. Any
7 person violating any of the provisions of this section shall be
8 deemed guilty of a misdemeanor and shall be punished with a fine
9 of not less than twenty-five dollars, nor more than one hundred
10 dollars; *provided further*, that any person convicted of failing to
11 stop and give his name and render assistance in case of a serious in-
12 jury to any person shall be subject to a fine of not less than one hun-
13 dred dollars nor more than one thousand dollars, or to imprison-
14 ment for not less than thirty days nor more than one year. The
15 penalty shall apply to an owner as well as to an operator.

Sec. 98. Pedestrians and drivers of automobiles and other
2 vehicles, shall not congregate, or assemble such automobiles or
3 other vehicles upon, travel upon, or otherwise occupy or use any
4 public road in such a manner, or under such circumstances as to
5 obstruct unnecessarily the free use of the same for vehicular or
6 other traffic. Any person violating this section shall be guilty of
7 a misdemeanor, and upon conviction thereof shall be punished with
8 a fine of not less than five dollars nor more than one hundred dol-
9 lars.

Sec. 99. No person shall, without authority of the owner or
2 person in charge thereof, climb upon, or into, or swing upon, any
3 vehicle, whether the same is in motion or at rest, sound any horn

4 or any signaling device, or attempt to manipulate any of the
5 levers, the starter, brakes or machinery thereof, or set said vehicle
6 in motion, or damage, tamper or interfere with same. Any per-
7 son violating any portion of this section shall be deemed guilty of
8 a misdemeanor, and upon conviction thereof shall be punished
9 with a fine of not less than five dollars, nor more than twenty-five
10 dollars.

Sec. 100. The commission shall make a full and detailed semi-
2 monthly report in duplicate, on the first and third Tuesdays of
3 each month, to the treasurer and to the auditor of the state, of all
4 moneys collected by it from licenses or other fees, and all moneys
5 and funds coming into its hands from any source whatsoever, ex-
6 cept funds advanced to the commission pursuant to section twenty-
7 eight of this act, and shall at the same time pay to such treasurer
8 all moneys so collected by it. The moneys so paid by the commis-
9 sion shall be deposited by the state treasurer to the credit of the
10 state road fund; *provided*, that the commission may pay to the
11 said treasurer at any time such funds as may have been received
12 by it, and the treasurer shall deliver to the commission a receipt
13 therefor, and the commission shall be duly credited for such pay-
14 ments in its semi-monthly reports.

Sec. 101. The provisions of this act shall apply in general
2 throughout the state, and no political sub-division thereof shall
3 make or enforce any ordinance, order, rule or regulation impos-
4 ing fines and penalties other than those herein prescribed, or
5 decreasing the speed, size and weight of vehicles as herein defined;
6 *provided, however*, that any incorporated town or city in this state
7 shall have power to enact and enforce ordinances and regulations
8 limiting the speed, size and weight of vehicles upon such streets,
9 alleys and other public thoroughfares within its limits as are not
10 designated by the state road commission as connecting parts of
11 the state road system; *provided further*, that any incorporated
12 city or town shall have power to regulate or forbid the parking of
13 vehicles upon any designated streets, alleys and other public thor-
14 oughfares within its limits, and to regulate the progress of traffic
15 at street intersections in congested districts thereof.

Sec. 102. The state road commission is authorized and em-
2 powered to enter into such reciprocal contracts and agreements as
3 it may deem proper or expedient with the proper authorities of
4 adjoining states, regulating the use, on the roads and highways of

5 this state, of trucks, automobiles, and any other vehicles owned in
6 such adjoining states, and duly licensed under the laws thereof.
7 The commission is likewise authorized and empowered to confer
8 and advise with the proper officers and legislative bodies of this
9 and other states and federal districts of the United States with a
10 view to promoting and to promote reciprocal agreements under
11 which the registration of vehicles owned in this state, and the
12 licenses of operators and chauffeurs residing in this state shall be
13 recognized by such other states and federal districts.

Jurisdiction of County Courts over County-District Roads.

Sec. 103. In addition to the general county or district levy,
2 the county court may lay a county road levy not to exceed twenty-
3 five cents on each one hundred dollars' assessed valuation of all
4 taxable property in the county, the proceeds of which shall be
5 known as the "County Road Fund" and shall be expended for the
6 construction, improvement and maintenance of the county-district
7 roads in said county, and for the construction and maintenance of
8 the bridges thereon.

Sec. 104. The county court of any county may contract or
2 pay for making, improving and keeping in order the whole or any
3 part of any county-district road within the county. The court
4 may permanently improve by the use of asphaltum, concrete,
5 brick, stone, block, or by macadamizing or other process of equal
6 merit, the county-district roads within its county, and may con-
7 tract therefor with any contractor for the use of any of the fore-
8 going systems and take bonds and security in a penalty equal to
9 fifty per centum of the estimated cost of the work in question,
10 from any such contractor for the faithful performance of his con-
11 tract.

12 The county court shall have authority to designate as a connect-
13 ing part of a county-district road any street, or portion of a street,
14 in any incorporated city, town or village, having a population of
15 less than twenty-five hundred persons, and may expend labor and
16 money thereon as far as may be necessary to put the same in
17 good condition, and the municipality shall thereafter maintain
18 the same in good condition; but in case such municipality is
19 financially unable to maintain the same in good condition, or to
20 construct and maintain any bridge on any county-district road
21 within its corporate limits, the county court shall construct and

22 maintain the same, or aid in constructing and maintaining the
23 same to the extent that may be necessary in order to supplement
24 the funds of the municipality available or that may be made avail-
25 able for that purpose. A county court may purchase or construct
26 and maintain, or may aid any municipality within the county in
27 the purchase or construction and in the maintenance of any bridge
28 already constructed or in process of construction or which may
29 hereafter be constructed by such municipality, whether such
30 bridge be located or intended for location wholly within the
31 county or across the boundary thereof. The county court of
32 any county may take over any bridge, road or street theretofore
33 built by any municipality and lying within its limits and designated
34 by the county court as a connecting part of a county-district road,
35 when requested so to do by the authorities of such municipality,
36 and thereafter maintain the same.

Sec. 105. The county court of any county, when about to im-
2 prove any of the roads aforesaid, in the manner aforesaid, or to
3 construct any bridge, may apply to the state road commission for
4 standard plans and specifications of the character of road pro-
5 posed to be built, constructed, reconstructed or repaired, or of the
6 bridge proposed to be constructed. It shall be the duty of the said
7 commission upon such request to furnish such plans and specifi-
8 cations free of charge.

Sec. 106. Subject to the limitations of sections seven and eight
2 of article ten of the constitution, and when in the opinion of the
3 county court the levies provided by law, are insufficient to con-
4 struct any county-district road, and the bridges thereon, the said
5 court, when there is filed with the clerk thereof a petition, pray-
6 ing for such improvement, signed by twenty per cent of the legal
7 voters within any magisterial district, or each of two or more
8 magisterial districts in which such improvement is contemplated,
9 or in such county (such percentage to be determined on the basis
10 of the aggregate vote cast for governor at the last preceding gen-
11 eral election, by such county or magisterial district or districts,
12 as the case may be) the county court shall make an investiga-
13 tion of the proposed improvement as herein provided, and shall
14 submit the proposition of the issuance of bonds or for the author-
15 ization of a special road fund levy for a period of years, not to
16 exceed ten, to the legal voters of the county, district, or districts,
17 as the case may be. Such petition shall contain a statement speci-

18 fying the roads to be built and improved, and a prayer for the
19 submission of a road bond proposition or a special road fund levy
20 proposition to provide funds for such improvements. Upon the
21 filing of such petition with the clerk of the county court, said
22 court shall without delay instruct the county engineer, or some
23 other engineer specially employed by it, or apply to the state road
24 commission for an engineer to make an investigation and to report
25 to the court an estimate of the probable cost of the proposed
26 improvement. Upon the approval of such proposed plan, said court
27 shall submit to the legal voters of the county, district or dis-
28 tricts, a proposition for such issue and sale of bonds, or for such
29 special road fund levy, as the case may be. The order of the
30 county court submitting such proposition shall contain a summary
31 of the report herein provided for, setting forth the approximate
32 extent and estimated cost of the proposed road improvement, the
33 kind and class of work, the valuation of all the property of the
34 county, district or districts as the case may be, and the existing
35 indebtedness. Such order shall specify the work for which the
36 money to be raised by the sale of bonds or the laying of a special
37 road fund levy is to be appropriated, and shall provide that no part
38 of the proceeds of such bonds or levy shall be used for any other
39 purpose than the improvement of the road or roads specified in
40 such order; subject to the power and rights of the county court
41 to alter or change the location of any such road so as to obtain a
42 better grade or alignment thereof or to reduce the cost of con-
43 struction, improvement or maintenance. The county court shall
44 cause a vote to be taken upon the question of such bond issue or
45 such levy at the several voting places in said county, district or
46 districts, at the succeeding general election for state and county
47 officers, or any special election which is first held in the county
48 after such vote is ordered taken; or, if the petition so specifies, the
49 court shall order a special election for the purpose within ninety
50 days from the certification of approval of the engineer's report
51 herein provided for; but such order for any election on the ques-
52 tion of a bond issue or a special road fund levy together with a
53 summary of the engineer's report herein provided for, shall be
54 published throughout the said county, district or districts, in
55 which said vote is to be taken, in the following manner:

56 The clerk of the county court shall cause as many copies of such

57 order to be made or printed as may be necessary, and sign the
58 same; he shall forthwith post one in a conspicuous place in his
59 office, and one at the front door of the court house.

60 The court shall direct a copy to be published once each week
61 for four consecutive weeks prior to the date of said election in
62 two newspapers of opposite politics, if such there be, published
63 in said county, district or districts, or if there be no such news-
64 papers then in some newspaper of general circulation therein.

Sec. 107. A vote shall thereupon be taken and the result as-
2 certain under the regulations prescribed for a general elec-
3 tion of county and district officers; or, if the said vote is taken
4 at a special election ordered for the purpose, the same shall be
5 held by commissioners appointed for the purpose by the county
6 court at the time said election is ordered, and the result shall be
7 ascertained and certified according to the regulations prescribed
8 by law for ascertaining and certifying the election of county and
9 district officers.

10 The ballots used in taking such poll shall be the same as those
11 used in voting for officers at the general election for state and
12 county officers, except, when the same is taken at a special elec-
13 tion, as hereinbefore provided, and there shall be written or printed
14 thereon a brief statement of the question submitted, such as, in the
15 case of a bond election:

16 "Special election to authorize a bond issue for the construction
17 of county-district roads, according to the order of the.....
17-a entered on the.....day of.....," and
18 directly underneath, in two separate lines, shall be printed the
19 words:

20 "For Road Bond Issue and Levy for Payment."

21 "Against Road Bond Issue and Levy for Payment."

22 and in the case of an election on a special road fund levy propo-
23 sition:

24 "Special election to authorize a special road fund levy of
25cents annually for a period not to exceed.....
26 according to the order of the.....
27 entered on theday of....."; and directly
28 underneath, in two separate lines, shall be printed the words:

29 "For Special Road Fund Levy."

30 "Against Special Road Fund Levy."

31 If it shall appear by said poll that not less than three-fifths of

32 the voters of the county or magisterial district or group of dis-
33 tricts, who voted upon the proposed issuance of bonds or the pro-
34-35 posed special road fund levy, have voted in favor of the same, the
36 county court shall then have authority to issue the amount of
37 the bonds or to lay the levy so voted in the name of the county,
38 magisterial district, or magisterial districts grouped together for
39 the purpose of making one improvement, or any less amount, on
40 any such terms as they may deem advisable, and provide for the
41 payment of such bonds by taxation on the county, district or group
42 of districts, or to lay such levy, as the case may be.

43 The county court shall have authority to issue and shall issue
44 as provided by law, said bonds for and in the name of said county,
45 district or group of districts, and shall make provision for the
46 payment of principal and interest of the same by said county, dis-
47 trict or group of districts as is specified in the order under which
48 said vote is taken, or shall lay such levy on all the taxable property
49 of such county, district or group of districts, as the case may be.

50 The president of the county court shall have power, when so di-
51 rected by such court, by an order entered of record therein, to
52 execute, sell and deliver the bonds of said county, district or dis-
53 tricts and receive the proceeds therefrom. The said bonds of
54 said county, district or group of districts shall be valid and binding
55 thereon when signed by the president of the county court of such
56 county and countersigned by the clerk thereof, with the seal of
57 the county attached thereto.

Sec. 108. The proceeds of such bond issue or of such special
2 road fund levy shall constitute a fund to be expended by the
3 county court for the purpose specified in the order under which
4 said vote was taken, and for no other purpose. This section and
5 the two sections hereof immediately preceding shall be so con-
6 strued as to permit a single district or group of districts to issue
7 bonds or authorize such levy for the construction and improve-
8 ment of county-district roads in such district or districts; *pro-*
9 *vided, however,* that the interest accruing from the deposit of
10 funds derived from the sale of county or district road bonds in
11 any and all county depositories shall be credited to the county or
12 district road bond fund, as the case may be, by the sheriff of the
13 county.

Sec. 109. No county wherein any magisterial district or dis-
2 tricts have heretofore issued bonds for the construction of roads

3 and such district bonds, or any part thereof, are still outstanding
4 and unpaid, shall authorize the issuance of county road bonds
5 or authorize a special county road fund levy as provided in sec-
6 tion one hundred and six and section one hundred and seven of
7 this act, unless three-fifths of the voters of each of such district or
8 districts, who vote on any such county or district bond proposi-
9 tion or such county or district proposition for a special road fund
10 levy, shall vote in favor of such bond proposition, or such special
11 road fund levy proposition in an election at which such county
12 or district proposition may be submitted under the provisions of
13 this act.

Sec. 110. In addition to the general county and district levy,
2 the county court shall lay a district levy not to exceed fifteen cents
3 on each one hundred dollars' assessed valuation of all taxable
4 property in each of the several districts of said county, the pro-
5 ceeds of which shall be known as the district road fund of such
6 district, and shall be expended only for the construction, improve-
7 ment and maintenance of the county-district roads and parts
8 thereof in said district, and for the construction and maintenance
9 of bridges thereon after said roads are properly located. In case
10 of calamity, such as floods and the like, which shall result in un-
11 usual damage, or the washing away of bridges or roads,
12 or other urgent necessity, the county court of any county, with the
13 written approval of the state tax commissioner, may lay a special
14 emergency district levy in excess of the district road levy hereinbe-
15 fore provided, not to exceed ten cents on each one hundred dollars'
16 assessed valuation of the taxable property of the district, for such
17 year or years as may be named in such approval, but in no case
18 shall the combined district road levy and emergency district levy,
19 exceed twenty-five cents on each one hundred dollars' assessed val-
20 uation of the taxable property of said district.

21 Nothing contained in section two of chapter twenty-eight-a of
22 the code shall be so construed as to limit the power and authority
23 of the county court to lay the respective county and district road
24 levies provided for in this act, though by so doing the total levies
25 laid may exceed the limit provided by said section.

Sec. 111. The county court of each county shall levy for road
2 purposes a capitation tax of one dollar on each male inhabitant
3 of the county who has attained the age of twenty-one years and

4 who is not a pauper or of unsound mind; such capitation tax
5 shall be collected by the assessor as provided by section fifty-three
6 of chapter twenty-nine of the code, and the proceeds thereof shall
7 be credited to the county road fund.

County Road Engineer.

Sec. 112. There is hereby created in the several counties of
2 the state the office of county road engineer. The county court in
3 each of the counties in this state may appoint as county road en-
4 gineer some engineer who is a practical road builder and com-
5 petent to perform the duties relating to the roads and keeping
6 records prescribed by this act, and who holds a certificate of effi-
7 ciency from the state road commission. In the event that the
8 county court shall not appoint a county road engineer as herein
9 provided, then it may appoint a competent man as road supervisor
10 for such county; but if a county road engineer be appointed he
11 shall be *ex officio* the road supervisor for his county, and any such
12 official so appointed or designated by the county court to have
13 charge of road work in any county shall be deemed a surveyor of
14 roads within the meaning of the constitution. Every county road
15 engineer and road supervisor provided for in this act shall, before
16 entering upon the duties of his office, give bond, with security to
17 be approved by the county court of the county, in such sum as
18 may be required by said court, the same to be payable to the
19 county court of the county, and to be conditioned for the faithful
20 performance of his duties. The county court of any county not
21 appointing an engineer, as in this section provided, may employ
22 a competent engineer for such time, and for such purpose, and
23 upon such terms as may be agreed upon between the said court
24 and said engineer.

25 Such county road engineer or supervisor shall hold office for
26 the term of two years from and after the first day of January fol-
27 lowing his appointment, and until his successor is appointed and
28 qualified, unless sooner removed. He shall receive such expenses
29 and compensation, either by salary or per diem as may be fixed by
30 order of the county court of the county. Vacancies in the office
31 of county road engineer, may be filled by appointment for the un-
32 expired term. It shall be the duty of the clerk of the county court
33 to give written notice to the county road engineer or road super-
34 visor of his appointment, as soon thereafter as practicable; and each

35 person so appointed shall, within ten days after having been no-
36 tified of such appointment, qualify by giving bond as provided
37 herein, and by taking the oath prescribed by section five of article
38 four of the constitution. Such road engineer or supervisor shall
39 be provided with office room free of rent by the county court.

40 Any county road engineer or road supervisor may be removed
41 at any time by the county court of the county at will.

Sec. 113. The county road engineer or road supervisor ap-
2 pointed as provided in this act shall in all matters co-operate with
3 the state road commission in such manner and to such extent as
4 may be required by said commission in its rules and regulations,
5 and shall at the same time act as the agent of the county court of
6 the county for which he was appointed, as to the supervision of
7 roads and other duties provided herein. He shall be subject to
8 the general authority of the county court and to the rules and
9 regulations prescribed by the state road commission, have general
10 charge and supervision as the representative of the county court
11 of all the county-district roads and bridges thereon within his
12 county, and shall see that the same are improved, repaired and
13 maintained as provided by law, and shall have the general super-
14 vision of the work of constructing, repairing and improving such
15 roads and bridges in his county; shall superintend the construc-
16 tion and improvements made upon said roads and bridges under
17 the provisions of this act, and other work of like nature under-
18 taken by the county court of the county, and shall make reports
19 thereon from time to time as the court may direct; shall advise
20 and direct those employed by or under him, including the road su-
21 perintendent herein provided for, as to the best methods of re-
22 pairing, maintaining and improving such roads and bridges; shall
23 examine the various formations and deposits of gravel and stone
24 in his county for the purpose of ascertaining the materials which
25 are most available and best suited for the improvement of the
26 public roads therein, and when required by the state road commis-
27 sion shall submit samples of such materials and make a written
28 report in respect thereto; shall establish or cause to be estab-
29 lished such grades and recommend such means of drainage, repair
30 and improvement as may seem to him necessary, when requested
31 by the county court; and shall, under the direction of the county
32 court, as aforesaid, perform all such duties as may be required to
33 keep such roads in open and passable condition and in the best

34 repair possible with the means at his disposal; and shall perform
35 such other duties, regarding county-district roads as may be re-
36 quired by the county court.

Sec. 114. By and with the advice and consent of the county
2 court, the county road engineer, or supervisor, may employ such
3 assistants, clerks, foremen, inspectors, agents and employees as
4 may be deemed necessary to properly plan, locate, construct, main-
5 tain and care for the roads, payrolls, files, communications and
6 records under his charge; and he may discharge such agents and
7 employees at pleasure. Such agents and employees may receive
8 such compensation per day, month or year as may be determined
9 by the county court of the county, according to the services ren-
10 dered.

Sec. 115. It shall be unlawful for any county court or any
2 county engineer or supervisor to appoint or employ, as a laborer
3 on the public roads, the father, son, son-in-law, grandson, brother,
4 brother-in-law, nephew or first cousin by blood of any member of
5 such court or of such engineer or supervisor; *provided*, a suffi-
6 cient amount of other efficient labor can be secured within the vi-
7 cinity. Any person violating this provision shall be guilty of a
8 misdemeanor, and on conviction thereof, shall be fined not less
9 than ten dollars nor more than one hundred dollars.

10 Each county road engineer or supervisor shall make to the
11 county court at each regular term thereof, and at such other times
12 as the court may require, a full itemized statement of the expen-
13 ditures made by him since his last report, giving number and
14 names of hands and number of horses employed by him, the time
15 each was employed, the amount paid to or for each, and such other
16 matter as he may deem necessary or the court may require. Such
17 statements of account shall first have been prepared according to
18 the public accounting laws of this state and have been certified to
19 by the agent or agents of the county road engineer or supervisor
20 having charge of the work.

Sec. 116. The county road engineer or supervisor with the ap-
2 proval of the county court, may purchase for the use of the county
3 upon county-district roads, stone crushers, road rollers, traction
4 engines, road machines for grading and scraping, tools and other
5 implements, which shall be paid for from such road fund as the
6 county court may direct, but any contract for the purchase of
7 such equipment shall not be valid until approved by the county

8 court. Such engineer or supervisor may in like manner lease or
9 hire any of such equipment, the same to be paid for out of said
10 county road fund.

Sec. 117. The county road engineer or supervisor may, with
2 the approval of the county court, purchase any gravel, stone, earth
3 or wood necessary in the construction, repair or maintenance of
4 any county-district road, from any owner of such materials with-
5 in or without the county. If such officer or the county court
6 shall not be able to agree with such owner upon the price to be
7 paid for such material, the said court may proceed to acquire such
8 property and shall have the right to take and remove the same by
9 condemnation proceedings if the same is located within the county.
10 Any such road officer shall also be authorized to enter upon any
11 land adjacent to a county-district road for the purpose of opening
12 any existing drain or ditch or for digging any ditch or drain for
13 the free passage of water in order to drain such road; and to enter
14 upon any land adjoining rivers, streams or creeks to drive piles,
15 throw up embankments or perform any other labor necessary to
16 keep such rivers, streams and creeks within their proper channel
17 and prevent their encroachment upon such roads or abutments of
18 bridges, or any other damage to such roads or bridges, or for the
19 purpose of constructing and providing detours for travel during
20 the construction or improvement of any county-district road, and
21 for any damage done to such lands by entry thereon as aforesaid,
22 the county court may make a reasonable and proper allowance to
23 the owner. All moneys provided by this section to be paid as com-
24 pensation or damages shall be paid from the respective funds appli-
25 cable to the maintenance of the roads benefitted.

Sec. 118. It shall be the duty of the county road engineer or
2 supervisor at the end of each fiscal year to ascertain and report
3 in writing to the county court of the county, the estimated amount
4 of money necessary to open, construct and keep in repair all
5 county-district roads in each of the magisterial districts of the
6 county, payable during the next ensuing fiscal year, and it shall
7 be the duty of the said court to carefully examine such report,
8 and estimates therein contained, and to make such alterations and
9 corrections therein as the court may think proper. Said report
10 shall show the amounts, estimated for the maintenance of county-
11 district roads, and the same shall be used by the court as the basis
12 of laying all levies provided for in this act.

13 Whenever in regard to the provisions of this act the same powers
14 or duties have been conferred on, or prescribed for, two or more
15 officials or agencies, or whenever any question as to a conflict of
16 authority shall arise, the power and authority of the state road
17 commission shall prevail over that of the county court, the county
18 court over the county engineer or supervisor, and the county engi-
19 neer or supervisor over any other official or employee engaged in
20 work on the county-district roads.

District Road Superintendent.

Sec. 119. The office of district road superintendent is hereby
2 created. The county court of each county may between the first
3 day of January, and the first day of April of each year, appoint a
4 road superintendent for each magisterial district, who shall be an
5 able-bodied man, and a resident of such county. The term of
6 office of such superintendent shall begin on the first day of April
7 and continue for one year, unless sooner removed.

Sec. 120. The county court may fill any vacancy occurring in
2 said office, and may remove a superintendent at will.

3 Each superintendent of roads shall enter into a bond with the
4 county court, with security to be approved by the court, in the
5 sum of not less than five hundred dollars, conditioned for the
6 faithful performance of his duties, and to account for and pay over
7 and deliver all moneys, tools and materials that may come into his
8 hands by virtue of his office.

Sec. 121. The clerk of the county court shall, upon the ap-
2 pointment of a road superintendent by the county court, make out
3 and deliver to said road superintendent a certificate showing his
4 appointment, upon which certificate shall be printed a statement
5 of the general duties of said superintendent as hereinafter pro-
6 vided.

Sec. 122. It shall be the duty of each road superintendent,
2 with the funds at his command, to keep open all drains and cul-
3 verts extending along, under or over county-district roads, to see
4 that all such roads are well drained and kept clear of rocks, fallen
5 timber, land slides, unnecessary shade, and other obstructions of
6 every kind and character. He shall have police supervision and
7 control over the placing of private foot crossings across any county-
8 district road in his district; shall remove or cause to be removed all
9 dead timber standing within fifty feet of such road. Across each

10 stream crossing a county-district road, said superintendent, where
11 necessary, shall see that there is placed and kept a sufficient bridge,
12 bench, or log for the accommodation of foot passengers; shall in-
13 spect all county-district bridges within his district and see that
14 the same are in a safe condition; inspect the railing on said bridges
15 and see that the same is kept in good repair, and subject to the
16 direction of the county road engineer or county road supervisor,
17 as the case may be. Said superintendent shall perform such
18 other duties with respect to the county-district roads of his dis-
19 trict as the county court may prescribe.

Sec. 123. Such superintendent shall have general police super-
2 vision over all county-district roads within his magisterial dis-
3 trict; including the streets and alleys of unincorporated villages,
4 and shall have authority to require abutting property owners to
5 remove and keep removed all garbage, refuse, and filth of every
6 kind and character that may accumulate on said streets and alleys
7 and order opened any street or alley on any town plat which is of
8 record in the clerk's office of the county court.

Sec. 124. The county court shall provide the road superin-
2 tendent with such equipment and supplies, as may be necessary to
3 the proper discharge of his duties under this act, the same to be
4 paid for out of any district road funds applicable thereto.

Sec. 125. Every superintendent of roads shall turn over all
2 accounts, moneys and papers pertaining to his office, and all ma-
3 terials, tools, and equipment belonging to the said district or
4 county, to his successor, taking receipt therefor in duplicate, one
5 of which shall be kept by the outgoing superintendent, and the
6 other filed with the clerk of the county court; if he fails to do so,
7 he shall be liable to a fine and imprisonment as provided in the
8 next section.

Sec. 126. Any superintendent who has been duly appointed to
2 and accepted the office, failing to perform the duties as per-
3 scribed in this act, without just cause therefor, shall be guilty of a
4 misdemeanor; and upon conviction thereof, shall be fined not less
5 than twenty-five dollars nor more than one hundred dollars, and,
6 moreover, shall be liable on his official bond for the breach of any of
7 its terms and conditions.

Sec. 127. Every superintendent of roads shall be allowed for
2 his services by the county a reasonable compensation for every
3 day necessarily employed by him in performing his official duties.

4 His account thereof when certified to by the county engineer or
5 supervisor and when audited and allowed by the court, shall be
6 paid as hereinbefore provided, out of the taxes collected for dis-
7 trict road purposes, and constituting the district road fund.

Sec. 128. The interest which heretofore belonged to the state
2 in any of the roads or bridges thereof and which have here-
3 tofore by legislative enactment been transferred to and vested in
4 the various county courts of the state shall remain as vested, ex-
5 cept as to state roads and highways which may be established,
6 taken over or incorporated into the system of state roads and
7 highways provided for in this act.

Sec. 129. The roads, bridges, and landings transferred by the
2 state to the several counties in which they are located shall here-
3 after be regarded as public roads, bridges and landings.

Sec. 130. No bridge unless it be exclusively for footmen and
2 no county-district road shall be less than fourteen feet wide. All
3 county-district roads which are now or which may hereafter be
4 established in any of the counties of this state as public roads,
5 shall occupy a right of way not less than thirty feet wide, exclu-
6 sive of slopes for cuts and fills, unless the county court shall
7 have made a special order for a different width, which order shall
8 be a matter of record in the office of the county clerk.

Sec. 131. The grade of any county-district road to be hereafter
2 established shall not exceed five feet rise per hundred feet, unless
3 specially authorized by the county court when such grade is
4 impracticable as to distance or cost of construction, and in no
5 case shall a county-district road be established having a grade ex-
6 ceeding ten feet rise per hundred feet.

Sec. 132. Not more than two acres of land shall be condemned
2 for any landing, and no road or landing shall be established by the
3 county court of the county upon or through any lot of any in-
4 corporated city, town or village without the consent of the owner
5 thereof except as herein otherwise provided.

Sec. 133. When any road is altered, the former road shall be
2 discontinued to the extent of such alteration, and no further, and
3 the new one established, unless otherwise ordered by the court.

Sec. 134. Nothing in this act shall be so construed as to pre-
2 vent any county court from acquiring any land for county-dis-
3 trict road purposes as provided in this chapter, but the title
4 to all rights of way, whether secured by gift, purchase of condem-

5 nation and all discontinuances of county-district roads shall be
6 reported by the county engineer or supervisor to the county clerk
7 and recorded in the road record book in his office.

Sec. 135. With the consent of the owner of land in which a
2 change is proposed to be made, given in writing, setting forth the
3 exact changes proposed, the county road engineer or supervisor
4 may change any county-district road in his county; *provided*,
5 such change does not materially increase the length or grade or
6 require more work to keep the road in repair, or place the same
7 on worse ground than it was before such change, or render the
8 said road in any respect worse than it was before the change.

Sec. 136. The county court of the county may, upon petition,
2 direct that any county-district road, bridge or landing other
3 than a turnpike, or bridge or landing in which private citizens
4 may hold a majority of the stock, be discontinued, but notice of
5 such petition must be published according to the provisions of this
6 act, and in addition, notices must be placed at three public places
7 in every district in which any part of the said road or landing may
8 be. Upon such petition, after notice given as aforesaid, the
9 county court shall appoint two or more viewers or a committee of
10 their own body, who, together with the county road engineer, shall
11 view such road or landing and report in writing whether, in their
12 opinion, any, and if so, what inconvenience would result from dis-
13 continuing the same. Upon such report and other evidence, if any,
14 the court may discontinue the road, bridge or landing, taking care
15 in the case of an established post road, not to discontinue the
16 same until another has been established.

Sec. 137. When any person desires the establishment or altera-
2 tion of a county-district road, bridge or landing in any county,
3 he shall petition the county court of the county in which the
4 road, bridge or landing is situated, setting forth in his peti-
5 tion specifically the nature and location of the proposed work,
6 and the county court shall thereupon (and they may do so without
7 such petition in any case in which they deem the interests of the
8 people of the county require it) appoint two or more viewers, or a
9 committee of their own body, who together with the county road
10 engineer, shall view the ground and report in writing the advan-
11 tages and disadvantages which, in their opinion, will result as
12 well to individuals as to the public from the proposed work and
13 the grades and bearings of the proposed roads and the facts and

14 circumstances that may be useful to enable the county court to
15 determine whether such work ought to be undertaken by the
16 county, or if the petition be for the establishment or alteration of
17 a county-district road leading from another public road or roads,
18 whether such road should be established, stating specifically
19 whether it would be necessary to take any burying ground, garden,
20 yard, orchard or any part thereof or to injure or destroy any
21 buildings and the probable cost of the work, the names of the land
22 owners whose property would have to be taken or injured, which
23 of them would require compensation and the probable amount to
24 which each of them would be entitled. They shall make careful
25 examination of other routes or locations than that proposed or
26 petitioned for, keeping in view at all times the possible future
27 development of the country and the accommodation of the general
28 traveling public, and shall report in favor of the one they prefer,
29 with the reasons for their preference. A map giving the grades
30 and bearings of the routes and locations shall be returned with
31 their report. The report may be recommitted by the court, with
32 or without special instructions, or upon petition, or upon their
33 own motion the court may appoint a special committee of viewers,
34 who shall make examination and report according to the provisions
35 of this section. In any case where it shall appear to the county
36 court that the interests of the general public may be promoted
37 thereby, they shall personally examine the proposed work, or shall
38 appoint a committee of their own body to make examination as
39 herein provided.

40 If the court at any time have sufficient evidence before it to
41 enable it to ascertain what would be a just compensation to the
42 proprietors and tenants, and if such proprietors and tenants are
43 willing to accept what the court deems just, the said court upon
44 such acceptance, being reduced to writing and signed by the
45 proprietors and tenants, may determine to undertake the work.

Sec. 138. Upon hearing the parties interested in an applica-
2 tion for a county-district road, said county court shall decide for
3-4 or against undertaking the proposed work on behalf of the county.
5 If it decides in favor of the same and the compensation for dam-
6 ages, if any, to be paid to any proprietor or tenant be not fixed by
7 agreement, it shall order proceedings to be instituted and pre-
8 sented in its corporate name in the circuit court of the county,
9 pursuant to chapter forty-two of the code of West Virginia, to ascer-

tain what will be a just compensation, if any, to each proprietor or tenant for the land proposed to be taken, and the said court shall lay a sufficient levy for that purpose. But when such compensation, if any, shall be so ascertained, it shall be at the option of the county court to pay the same or to abandon the proposed undertaking. If it decides to pay the same, it shall lay a sufficient levy, for that purpose as provided in this act. In any case where the petition is for the establishment or alteration of a county-district road leading from the main public road or roads, the court may refuse to undertake the proposed work, unless the petitioner or some one for him, shall deposit with said county court a sufficient sum to pay all damages and costs sustained by reason of the establishment or alteration of such road. In such case, if it seems proper so to do, the court may establish any such road, upon conditions that the petitioner shall pay all costs and damages as aforesaid, and make and keep in repair such road, and erect and maintain in good repair one or more gates across such road where the road passes through a fence or fences, as is provided in section one hundred and sixty-nine of this act; and the court may also impose upon such petitioner, his heirs or assigns, and upon the public such other conditions in reference to such road as the court may deem just. In the event that any of the conditions, so imposed by the court are not fully complied with, the court at any time, after giving at least sixty days notice to the public and to the petitioner, his heirs or assigns, in such manner as the court may prescribe, may discontinue or abandon such road.

But the court, instead of proceeding in the manner hereinbefore provided in this section, is authorized to enter upon any lands, other than those prohibited by law, and locate and build said road, and sixty days after said road is completed, cause to be summoned thirteen freeholders, to be nominated by the court, of whom the court may strike off four or any less number from the list, and the property owners or their representatives, or such of them as appear, may also strike off four or any less number, and after eight names are stricken from the list the remaining five shall be commissioners appointed to assess the damages herein-after provided. But where there is no appearance for the property owners, or if they appear and do not agree as to any one or more of the names to be stricken off on their behalf, or the right to strike off any one or more names is waived on the part of either

50 of the property owners, or their representatives, or from any
51 cause the full number shall not be stricken off by the court or
52 the parties aforesaid, the names or additional names, as the case
53 may be, to be stricken from the list in order to reduce the number
54 to five, shall be ascertained by lot under the direction of the court.
55 Vacancies shall be filled, and any commissioner, for good cause
56 shown, may be removed by the court.

57 The said freeholders or commissioners shall go upon the land
58 and assess the damages and benefits, taking into consideration the
59 benefits accruing to the property and the damages to it sustained,
60 and shall fix the compensation or damages as said commissioners
61 may see proper, and the amount so fixed shall be paid out of the
62 road fund of the county or district at the discretion of the court.

63 If the damage so assessed be not satisfactory to the property
64 owner or owners, proprietor or tenant, or to the court, he or they,
65 or said court, may within six months after the assessment afore-
66 said, appeal or apply to the circuit court of the county and de-
67 mand a trial therein, as in other condemnation proceedings; pro-
68 vided, however, before entering upon said land as authorized by
69 this section, it shall be the duty of the county court or its repre-
70 sentative to serve notice upon the owner or owners of said land,
71 as provided by law, notifying such owner or owners that the road
72 is to be located upon their land under the authority of this sec-
73 tion. Any person who shall obstruct said road while in process
74 of construction or repair, or interfere with the engineer or other
75 persons in charge of said work or construction, their agents or
76 employees, shall be guilty of a misdemeanor and upon conviction
77 thereof shall be fined not to exceed fifty dollars, and may be
78 imprisoned not to exceed one month, or both, in the discretion
79 of the court.

80 In any proceeding authorized by this section, the revenues ap-
81 plicable to the payment of any damage assessed shall be deemed
82 sufficient security, and to have been pledged for the payment
83 thereof.

Sec. 139. When it is necessary to build or repair a toll
2 bridge on any county-district road, or to purchase any existing
3 toll bridge on such road within any county, or across the boundary
4 thereof, the county court of the county may contract for the same,
5 or any part thereof on such terms as may be agreed upon and take
6 bond and security from the contractors in the sum of fifty per

7 cent of the amount of such contract, and pay for the same out of
8 the county treasury or out of the funds of the district or districts
9 in which said improvement is located, or by issuing bonds or other
10 evidence of debt for the amount as may be agreed upon; and to
11 this end they shall appoint a competent engineer to make a thor-
12 ough investigation and estimate of the cost of such improvement.
13 Upon receiving the estimate of cost, the court, being satisfied with
14 the correctness of same and the necessity and importance of such
15 improvement, may advertise for and receive proposals and make
16 such other orders in the premises from time to time as shall be
17 necessary and proper.

Sec. 140. When it becomes necessary to build or repair any
2 bridge across any stream on a county-district road on the line
3 between two counties, or to keep in repair any county-district
4 road or roads between two counties, or along the boundary lines
5 thereof, the county courts of such counties may enter into such
6 agreement therefor, as to them shall seem best; but if they dis-
7 agree in relation thereto, it shall be the duty of the county
8 court of each county to appoint two special commissioners, who,
9 together with the county road engineer or road supervisor of each
10 county, shall meet and arrange the matter, and if they should
11 disagree, or if the court of either county, upon being required so
12 to do, shall fail to appoint commissioners, or if either court
13 shall fail in any respect to fulfill its part of the agreement with
14 respect to the work, the remedy by mandamus shall lie before
15 the circuit court of the county whose county court is complained
16 of on behalf of the county court of the other county, and the
17 circuit court shall compel the county court complained of, to do
18 what ought to be done in the matter.

Sec. 141. The county courts of any two or more adjoin-
2 ing counties are hereby authorized and empowered, where the
3 interests of the public in both or all of such counties will be
4 served thereby, to join in the construction and maintenance of
5 bridges at points convenient to the public, and may locate such
6 bridge wholly within one county; but before beginning the con-
7 struction of such bridge the county court of the counties inter-
8 ested shall enter into a contract designating the location of such
9 bridge and agreeing upon the proportionate part of the cost of con-
10 struction and maintenance thereof to be borne by each county,
11 which contract shall be entered of record in each of said counties;

12 *provided, however,* that no county shall join in the construction of
13 a bridge wholly within another county when such bridge is located
14 more than one mile from the line of either county; *provided,*
15 *further,* that any county in which such bridge is located shall
16 pay at least one-half of the cost of the construction and main-
17 tenance thereof.

Sec. 142. If the county courts shall determine to make
2 such improvements, they shall have prepared plans and speci-
3 fications for such work, and shall advertise for bids as provided
4 in section one hundred and fifty of this act in each of the counties,
5 and the contract shall be awarded to the lowest responsible bid-
6 der who shall furnish satisfactory security to be approved by said
7 county courts, and said county courts voting separately shall ap-
8 prove the plans and specifications, and shall jointly award the
9 contract.

10 The commissioners of said county courts with the county road
11 engineer of each of the counties, shall constitute a joint com-
12 mittee and such joint committee shall receive the bids at the
13 time and place specified in the advertisement and shall open and
14 publicly announce the items comprising each bid according to the
15 provisions of section one hundred and fifty of this act, and the
16 members of the committee from each county shall forthwith re-
17 port such bids to their respective county courts for action there-
18 on.

Sec. 143. The contract for such work shall specify such
2 share or portion of the costs thereof as is to be borne and paid
3 by each county court, and each county court shall be sev-
4 erally liable for such share or proportion.

Sec. 144. After the completion of the work, the improvement
2 so made shall be maintained by the county court or courts
3 or other authorities of the counties or other political sub-divisions
4 joining in the improvement, which shall bear and pay the same
5 share and cost of maintenance and repair that they severally
6 bore toward the cost of the improvement,

Sec. 145. It shall be the duty of the clerk of the county
2 court to keep a complete record in the road record book in
3 his office of all titles to rights of ways, all maps, plats and sur-
4 veys, and all discontinuances of county-district roads within
5 the county, which are now, or may hereafter be reported to the
6 county court of the county.

Sec. 146. Any person or persons who may desire to do so, 2 with the permission of the state road commission as to state 3 roads, and the county court as to county-district roads, may build 4 a sidewalk, composed of plank, gravel, concrete or other suitable 5 material, along the side of any public road in this state; *pro-* 6 *vided* that the construction and repairing of the same and the 7 use thereof shall be without expense of any kind to the public 8 or to any person who may want to use the same; *provided* 9 *further*, that all persons who may desire, be permitted to use the 10 same and that said sidewalk does not in any way interfere with 11 the traveling public on any public road; and such sidewalk shall 12 be removed if ordered by the commission or by the county court, 13 as the case may be; *provided further*, that if it is desired to build 14 any such walk in a city or incorporated town, the consent of the 15 council of such city or town shall be obtained before such walk 16 is built.

Sec. 147. Any person or persons who shall in any manner de- 2 stroy, take up, or in any way injure any sidewalk already con- 3 structed, or that may hereafter be constructed according to the 4 provisions of the foregoing section, and shall fail to repair the 5 same, shall be deemed guilty of a misdemeanor, and on conviction 6 thereof, shall be fined not less than five nor more than fifty dollars.

Sec. 148. Nothing contained in this act shall be construed to 2 take from the jurisdiction, charge or control of the council, trus- 3 tees or other authority of any incorporated city, town or village, 4 so much of any county-district road, bridge landing or wharf, as 5 by the laws now in force, is exclusively under such jurisdiction, 6 charge or control, and authority is hereby given to such cities, 7 towns, and villages to make and enforce by-laws, resolutions, 8 ordinance or other appropriate orders, rules and regulations 9 governing the streets and alleys within their respective bor- 10 ders and the traffic thereon; *provided, however*, that where any 11 street or alley in such municipality constitutes a connecting link 12 in the system of state roads and highways, the speed and load limit 13 shall be in conformity with that prescribed on state roads and 14 highways.

Sec. 149. In addition to and independently of the powers and 2 duties given to and imposed upon the state road commission, upon 3 the county courts of the several counties of the state, and the coun- 4 cils, or other municipal authorities acting in lieu thereof, of in-

5 incorporated cities and towns, by the general traffic rules and regu-
6 lations in this act prescribed, the said commission as to state
7 roads, the county courts as to county-district roads, and the coun-
8 cils or other bodies acting in lieu thereof as to streets and alleys
9 in incorporated cities and towns, (except as to streets forming
10 a part of the state road system,) shall have power and authority
11 to classify their respective roads, streets and alleys and designate
12 such class of vehicles, kind of wheel base or bearing and loading
13 that may travel thereon. Such regulation shall be by proper order
14 or ordinance duly made and entered designating the road or roads,
15 street or streets affected thereby.

Bids and Contracts for County-District Road Work.

Sec. 150. All bids for work to be done by contract under the
2 authority of the county court, under the provisions of this act,
3 shall be received at the court house of the county in which such
4 road is to be constructed at the time specified in the advertise-
5 ments and shall be opened only in open court and the amount and
6 items comprising each bid shall be publicly announced and the con-
7 tract, if let, shall be let to the lowest responsible bidder for the
8 type of construction selected, who shall give bond with satisfac-
9 tory security in an amount equal to fifty per cent of the amount
10 of such contract, conditioned for its faithful performance.

11 After such bids have been opened, as herein provided, it shall be
12 the duty of the county court or other tribunal acting in lieu thereof,
13 to publish in two newspapers of opposite politics, if there be such,
14 published in the county, but if not, then in some newspaper of
15 general circulation therein, which publication shall be made in the
16 first issue of such newspaper after the bids are opened, the names
17 of all persons bidding on such contract, together with the itemized
18 amount of their respective bids, designating the person to whom
19 such contract was awarded, if awarded, together with the amount
20 of his bid.

21 Any person who shall open any of the bids, at any other time
22 or place than herein provided, or shall make known the name of
23 the bidder, or the amount of his bid, otherwise than as herein pro-
24 vided, shall be guilty of a misdemeanor, and upon conviction there-
25 of shall be fined not less than fifty dollars nor more than two hun-
26 dred dollars, and be imprisoned in the county jail not less than
27 one or more than six months. And any member of the county

28 court or other tribunal acting in lieu thereof, who shall violate
29 the provisions of this act, shall be deemed guilty of misconduct in
30 office, and shall forfeit his office, and in addition thereto shall be
31 guilty of a misdemeanor and upon conviction thereof shall be
32 fined not less than fifty dollars nor more than two hundred dol-
33 lars and imprisoned in the county jail not to exceed six months.

34 The county court may reserve from payment not more than
35 twenty per cent of the amount accruing on any contract until the
36 completion of said work and the approval thereof.

37 The court may reject any and all bids and may thereafter have
38 the work done in any other manner that may seem advisable. In
39 the event there shall be two bids of the same amount for any section
40 of road or any other improvement thereon, the county court shall
41 have the power to accept either of such bids.

42 In the event the county court shall decide to have the work done
43 otherwise than by contract, then the work shall be done under the
44 direction of the county road engineer, or the court may appoint
45 a competent superintendent who under the direction of the county
46 road engineer, shall have the supervision of the road or roads of
47 the district or section for which he was appointed. He shall devote
48 his entire time and attention to the work or so much thereof
49 as the court may direct, and he shall receive such compensation
50 for his services as may be determined by said court, or in case the
51 court does not have a county road engineer, or for any reason
52 the court deems it advisable, where there is a county road engineer,
53 to appoint a special, competent district engineer to take charge of
54 any district, special or particular piece of work the court shall
55 have the power so to do and fix the compensation of said district
56 engineer.

57 All notices and advertisements for the letting to contract for
58 construction of county-district roads or any part thereof under the
59 provisions of this act, or for the purposes of procuring supplies,
60 equipment or material, shall, unless otherwise provided, be pub-
61 lished for at least four consecutive weeks preceding the date of the
62 letting of said contract, at least once each week in two newspapers
63 of general circulation and different politics, if there be such, with-
64 in the county; if not, then in one paper of general circulation
65 therein.

66 No such contract shall be let to any person, association of per-
67 sons, firm, company or corporation, who or which, is or are con-

68 nected, directly or indirectly, with any combination in the form
69 of an unlawful trust in restraint of trade, or who, or which
70 enters, or has heretofore entered, or shall hereafter enter into
71 any understanding, directly or indirectly, to limit, in any man-
72 ner, competition in bidding upon the construction of any public
73 road or bridge, or for furnishing any materials used thereon and
74 entering therein. Any such combination or unlawful trust is
75 hereby forbidden. Any person, association of persons, firm or
76 corporation entering into, or being a part of any such combina-
77 tion or unlawful trust, shall be guilty of a misdemeanor, and,
78 upon conviction thereof, shall be fined not exceeding one thousand
79 dollars; and every person, county or state officer or any employee
80 of any county of the state, or of the state road commission or
81 other person connected therewith, directly or indirectly, and any
82 officer or member of any corporation, who shall be engaged in any
83 way in promoting any such combination or unlawful trust, or in
84 aiding or abetting the same, or knowingly committing any acts in
85 pursuance thereof, in addition to being subject to the fine afore-
86 said, may in the discretion of the court, be imprisoned not ex-
87 ceeding six months.

Sec. 151. Any person, firm or corporation offering for sale or
2 selling any paints, metal or metal culverts, fence or fencing or
3 any other materials or supplies for use upon or in the construc-
4 tion of any road or bridge or part thereof to any county, city or
5 town within the state, shall if requested furnish therewith a cer-
6 tificate of its purity showing its chemical constituents and the
7 percentage of impurities contained therein. Any person, firm
8 or corporation making or furnishing a false certificate shall be
9 guilty of perjury and upon conviction shall be fined not less than
10 twenty-five dollars nor more than two hundred dollars, and may
11 be imprisoned not less than one month nor more than twelve
12 months and any contract made by reason of any false statement
13 or representation may be cancelled by order of the court.

Sec. 152. All claims of any contractor or contractors or others,
2 which may under the provisions of this act be due to such con-
3 tractor or contractors or other persons for labor done or mater-
4 ials furnished in and about the construction or improvement of
5 county-district roads, shall, when certified by the county road
6 engineer, be presented to the county court at the proper session
7 thereof, and if by it found correct, shall, upon the order or war-

5 rant of said court, signed by the president and clerk thereof, be
9 paid by the sheriff; *provided*, that it shall be the duty of the said
10 road engineer to furnish the county court at such time as he may
11 be directed by it so to do with a certified statement showing
12 the amount of each claim so due such contractor or contractors;
13 *provided further*, that in contracts for the construction of new
14 roads, the payment shall be conditioned as set out in the original
15 contract therefor, with the privilege to the court of reserving not
16 more than twenty per cent of payments on all estimates until the
17 work is completed; *provided further*, that no county road en-
18 gineer shall certify the claim of any such contractor or contractors
19 until upon examination, he shall find that the provisions of the
20 contract have been strictly complied with.

Sec. 153. If it shall appear necessary to the engineer or other
2 representative of the county court in charge to close a county-
3 district road, which is being constructed or repaired under this
4 act, so as to permit a proper completion of such work, he shall
5 execute a notice in duplicate, stating the necessity for closing
6 such public road, and describing the portion to be closed; he
7 shall cause to be posted at each end of the portion to be closed a
8 copy of said notice and may have the same published in one or
9 more newspapers in the county one week and shall thereupon
10 close the same to public travel by erecting suitable obstruc-
11 tions and posting conspicuous notices. In the event such road is
12 closed, the engineer or other representative of the county court
13 in charge shall direct a detour by proper signs and guides or
14 provide a new location by the construction of a temporary road
15 to be used by the traveling public in lieu of the closed public
16 road and may erect temporary bridges when necessary. For the
17 purpose of locating and constructing such temporary road and
18 bridge, the engineer or other representative of the county court
19 in charge may enter upon the land adjoining or near the closed
20 public road and may, with the approval of the county court agree
21 with the owner of such lands, for the damages, if any, caused
22 thereby; if the engineer or other representative of the county
23 court in charge is unable to agree with such owner for the amount
24 of damage, if any, the amount thereof shall be ascertained, de-
25 termined and paid as provided in this act. When such road shall
26 have been closed to the public as provided herein, any person who
27 disregards the obstruction and notice and drives or rides over

28 the portion of the public road so closed, or in any way injures the
29 same, shall be liable for the damages done to any section or por-
30 tion of the road being constructed, and shall be guilty of a misde-
31 meanor and upon conviction thereof may be fined not less than
32 five dollars nor more than fifty dollars.

Sec. 154. The county court, for the purpose of meeting and
2 taking care of the necessary charges and expenses which may be
3 incurred by the county road engineer or other representative of
4 the county court having any road work in charge during the re-
5 cess of the court, in performing the duties required of him under
6 the provisions of this act, may at any regular term of the court
7 set apart and appropriate out of the road fund of the county or
8 any magisterial district thereof, and not otherwise appropriated,
9 funds sufficient to pay said expenses. Said appropriation shall
10 be based on a written itemized estimate to be certified and fur-
11 nished to the county court by said engineer or other representa-
12 tive of the court having said work in charge.

13 After the appropriation shall have been made as aforesaid the
14 said engineer, or other representative having said work in charge,
15 shall certify to the clerk of the county court the amount each per-
16 son is entitled to receive by virtue of any work or labor performed
17 or materials furnished, and sign the same in his official capacity;
18 whereupon, the clerk shall have authority to issue an order pay-
19 able out of the proper fund to the person entitled thereto. which
20 order shall be paid as other orders issued by the clerk, payable out
21 of the several road funds of the county or district.

22 The clerk shall keep a record of all claims so issued, showing the
23 amount thereof, to whom issued, upon the authority of what road
24 official and for what purpose, and make report thereof to the
25 court at each of its regular sessions.

26 The clerk shall not issue orders or drafts in excess of the
27 amount of money appropriated by the court for the particular
28 work mentioned in the estimates aforesaid.

29 It shall be the duty of the road engineer, or other representative
30 of the court having said work in charge, at each successive regular
31 session of the court, to make a report in writing, showing what
32 orders he has given authorizing the clerk to issue drafts or orders
33 as aforesaid, under the provisions of this act, to whom payable
34 and for what services. The said report of the county clerk and
35 that of the road engineer, or other representative of the county

36 court shall be audited by said court, filed and recorded in its road
37 record book. Said county road engineer, or other representative
38 of the court having the said work in charge, shall not expend
39 money or issue orders to the clerk, in excess of the amount appro-
40 priated by the court for the purpose or purposes aforesaid. If
41 any county road engineer, or other representative of the county
42 court, or the clerk of said court, shall issue, or cause to be issued,
43 any order or orders herein authorized, in excess of said appropr-
44 iation, or improperly issue any such orders, or cause the same to
45 be done, which are paid in the manner provided by law, said
46 county road engineer, or other representative, or the clerk of said
47 court, shall be liable for the same on his or their official bonds.
48 Nothing herein contained shall be construed as authorizing the
49 payment to any road contractor or contractors, of any sum which
50 may be due to such contractor, or contractors, under the terms or
51 provisions of his contract, or under the provisions of this act, until
52 the estimate provided by such contract, or contracts, and by law
53 has been made and certified as in said contract, or the law is pro-
54 vided, and approved by the county court. It shall be unlawful
55 for the county road engineer or other representative of the county
56 court having said work in charge, to directly or indirectly, dis-
57 count any of the claims or orders authorized under this section.
58 Any one violating this section shall be guilty of a misdemeanor,
59 and upon conviction thereof shall be fined not less than ten dollars
60 nor more than twenty-five dollars.

61 It shall be the duty of the county court to furnish to the county
62 road engineer, or other representative having said work in charge,
63 proper blank forms upon which to certify to the clerk of the court
64 the amounts which the several persons performing labor or fur-
65 nishing material by virtue of this section are entitled to receive.

County Court Records and Accounting.

Sec. 155. It shall be the duty of the state road commission to
2 devise a uniform system of accounting for road moneys expended
3 by the several county courts of this state, and to see that the same
4 are properly installed and kept; and it shall likewise be the duty
5 of the several county courts to adopt promptly such system of ac-
6 counting when presented to them, respectively, for that purpose
7 by the commission.

8 It shall be the duty of each of the county courts of this state to

9 procure a record book to be kept in the office of their respective
10 county clerks, to be known as the "road record", in which shall
11 hereafter be recorded all orders and other papers or documents re-
12 quired by this act, pertaining to road matters in their respective
13 counties, and such books shall be used for that purpose only.

14 The said county courts shall also provide their respective clerks
15 with a record book to be known and designated as the "Financial
16 Road Record", in form and as prescribed by the state road commis-
17 sion, in which shall be kept all records of the county road funds,
18 and of the road funds of the several districts thereof. Such record
19 shall show the road upon which each item was spent, whether for
20 construction or reconstruction, and the kind thereof, or for main-
21 tenance, and the character of the road maintained, and shall show
22 whether the construction and maintenance was upon bridges or
23 the road-bed proper.

Toll Roads and Bridges.

Sec. 156. When any joint stock company has been heretofore incor-
2 porated by this state to construct a road or bridge wholly or in
3 part in any county, the county court of such county may subscribe
4 for, take, hold and dispose of stock in such company under the
5 regulations, and subject to the restrictions prescribed by law.

Sec. 157. No tolls shall be charged or collected for traveling
2 upon any of the public roads, except those which are now being
3 collected according to the laws of this state.

Sec. 158. A collector of tolls on any turnpike authorized by
2 law to receive tolls, may refuse to allow any person, animal or
3 vehicle to pass on such road until the lawful toll is paid. If any
4 person, animal or vehicle pass a toll gate on such road, or if any
5 person misrepresent the distance he may have traveled on such
6 road, such person in possession of such animal or vehicle shall be
7 guilty of a misdemeanor, and upon conviction thereof shall be
8 punished with a fine not exceeding twenty dollars, and the like
9 penalty shall be incurred when any person, animal or vehicle sub-
10 ject to toll is passed through any private gate, bars or fence for
11 the purpose of evading the payment of toll. Whoever shall de-
12 fraud or attempt to defraud the company by evading or attempt-
13 ing to evade the payment of toll for crossing a bridge, or aid an-
14 other to do so, shall be guilty of a misdemeanor and for every
15 such offense, upon conviction, shall be fined ten dollars.

16 A gatekeeper on any toll bridge shall keep such money of small
17 denomination on hand, as may reasonably be required in the ordi-
18 nary course of business, for making change for passengers, and it
19 is the duty of passengers to offer money for passage of a denomi-
20 nation as near as possible to the amount charged for such passage.
21 This section shall not apply to persons now having a lawful right
22 to pass on such roads without the payment of toll.

Sec. 159. On all turnpikes now owned wholly or in part by
2 individuals or corporations in this state tolls not exceeding the
3 following rates may be received in any section of five miles which
4 has been completed, to-wit: For a single horse, mare, gelding,
5 mule, jack or jennet, three cents; and for every horse, mare, mule,
6 jack or jennet in addition, one cent, if the same be not hitched to
7 any vehicle; for twenty sheep or hogs five cents; and for twenty
8 cattle, ten cents; and so on in proportion for a greater or less num-
9 ber; for a riding carriage, whether two or four wheeled, if the
10 road be a macadamized road or a brick road or some other perman-
11 ently improved road ten cents; but if not macadamized or not a
12 brick road or other permanently improved road, five cents; and for
13 a cart or wagon, if the tires of the wheels are less than four inches
14 wide, three cents for each animal drawing it. For a fractional part
15 of a section, tolls may be received bearing the same proportion to
16 the tolls for a full section that the said fractional part bears to
17 such full section; *provided*, that when the toll from the fractional
18 part would be less than one cent, they may charge and receive
19 one cent; *provided further*, that all coaches, carriages, vehicles
20 and horses used by persons in going to and from divine worship,
21 funerals, and grist mills for the purpose of having grinding done,
22 shall be exempt from tolls.

Sec. 160. The said tolls may be demanded and collected of
2 every person passing the toll gate, whether he shall have traveled
3 the whole or only a part of the section or fractional part; *provided*,
4 that the said toll road or turnpike shall be made so as to conform
5 to the following specifications: All roads or turnpikes shall have
6 a smooth road bed of not less than fifteen feet in width, exclusive
7 of ditches, and shall be well side-ditched and drained. All cross-
8 drains shall be under-drained or riprapped, when necessary.
9 All running streams requiring bridges of fifty feet in length or less,
10 and such others as the county court of the county may direct,
11 shall have a bridge or culvert across the same sufficiently strong

12 and sufficiently wide to insure safe passage to all kinds of vehicles;
13 *provided further*, that no toll shall be collected unless said toll
14 road or turnpike be constructed in accordance with this section,
15 but no such toll shall hereafter be imposed and collected in Ohio
16 county, Jefferson county or Brooke county; *provided, further*,
17 that any citizen of this state may bring an action or suit to pre-
18 vent the unlawful collection of such toll.

Sec. 161. Whenever the collection of tolls for traveling over
2 or upon any toll road or turnpike has been abandoned by any
3 county, person, company or corporation, or is prevented by law or
4 by final order of any court having competent jurisdiction, or when-
5 ever any of the county-district roads are improved under the pro-
6 visions of section one hundred and four of this act, it shall be the
7 duty of the county court of the county wherein such road or turn-
8 pike, or any part thereof, is located, to keep the same in good re-
9 pair, and to pay for the work and all expenses incident thereto
10 out of the county road fund.

Sec. 162. Whenever complaint in writing on oath shall be
2 made to the county road engineer of the county in which there
3 shall be, in whole or in part, any toll bridge, belonging to any
4 person or corporation, representing that such toll bridge has be-
5 come, or is unsafe for public use, the county road engineer shall
6 forthwith cause to be made a careful and thorough examination of
7 such toll bridge, and if upon examination thereof, he shall be of the
8 opinion that the same has, from any cause, become dangerous or
9 unsafe for public use, he shall thereupon give immediate notice
10 to the owner of such toll bridge or to any agent of such owner act-
11 ing as the agent, in respect to such bridge, that he has on com-
12 plaint made, carefully and thoroughly examined the bridge and
13 found it to be unsafe for public use. Such owner shall thereupon
14 immediately commence repairing the same and cause such re-
15 pairs to be made within one week from the day of such notice
16 given, or within such reasonable time thereafter as may be neces-
17 sary to thoroughly repair the bridge, so as to make it in all re-
18 spects safe and convenient for public use. For neglect to take
19 proper and effective measures to repair such bridge, its owner
20 shall forfeit fifty dollars and shall not demand or receive any toll
21 for using the same until it shall be fully repaired. The county road
22 engineer shall cause such repairs to be made and the owners of
23 the bridge shall be liable for the expense thereof and for the ser-

24 vice of a foreman at three dollars per day, and upon the neglect
25 or refusal to pay the same upon presentation of an account there-
26 of, the county road engineer may recover the same by action in the
27 name of the county.

Sec. 163. Any person desiring the privilege of erecting a wharf
2 at or on any public landing, not a part of a state road, may pre-
3 sent a petition to the county court of such county for such privi-
4 lege; but notice of the petition or of his intention to present the
5 same, must be posted at the front door of the county court house
6 and at three public places in the district in which it is proposed to
7 erect such wharf, three weeks at least before the petition is acted
8 upon. The said court upon petition and notice, may grant such
9 privilege upon such conditions and limitations, and fix such rates
10 and charges for wharfage as it sees fit. But it may at any time
11 afterwards, upon ten days notice to the owner of such wharf, or his
12 tenants, revoke such privilege or alter such conditions or limita-
13 tions, or regulate the rates of charges.

Sec. 164. Any person owning land upon a water course may
2 erect a wharf on the same, or a pier or bulkhead in such water
3 course, opposite his land, so that the navigation be not obstructed
4 thereby, and so that such wharf, pier or bulkhead, shall not other-
5 wise injure the rights of any person. But the county court of
6 the county in which such wharf, pier or bulkhead shall be, after
7 causing ten days notice to be given to the owner thereof of its
8 intention to consider the subject, if it be satisfied that such
9 wharf, pier or bulkhead obstruct the navigation of the water
10 course, or so encroaches on any public landing as to prevent the
11 free use thereof, may abate the same.

Miscellaneous Provisions.

Sec. 165. Whenever it shall be necessary, in order to carry
2 out the provisions of this act, for the state road commission, or
3 any county court, to acquire any land or water or any interest
4 therein, or any rights, ways, or easements, it shall be lawful for
5 the commission, or such court, to acquire the same by condem-
6 nation pursuant to chapter forty-two of the code of West Virginia
7 of one thousand nine hundred and sixteen.

Sec. 166. So far as any road, bridge or public landing be-
2 longs to or is under the care or control of a county, it shall be
3 the duty of the county court to cause the same to be kept in

4 good repair and condition. And when any county acquires the
5 interest of the state, or any other stockholder in any road, bridge
6 or public landing, under any of the preceding sections,
7 the county court of such county shall have all powers, rights and
8 privileges, perform all the duties and be subject to the same lia-
9 bilities that were vested in, held, exercised or required to be per-
10 formed by or imposed upon the state or other former stock-
11 holders therein.

Sec. 167. Any person who sustains an injury to his person
2 or property by reason of any county-district road or bridge, street,
3 sidewalk or alley in any incorporated city, town or village, being
4 out of repair, may recover all damages sustained by him by
5 reason of such injury, in an action on the case in any court of
6 competent jurisdiction, against the county court, city, town or
7 village in which such road, bridge, street, sidewalk or alley may
8 be, except that such city, town or village shall not be subject
9 to such action unless it is required by its charter to keep the
10 road, bridge, street, sidewalk or alley therein at the place where
11 such injury is sustained, in repair. If it is not so required, the
12 action and remedy shall be against the county court. When
13 judgment is obtained against the county court, such court shall,
14 at the time of laying the next annual levy, levy upon the taxable
15 property of the district in which such injury is sustained, a
16 sufficient sum to pay such judgment with interest and costs, and
17 the cost of collecting the same, and when it is obtained against
18 the city, town or village, the proper corporate authorities thereof
19 shall lay such levy, at the time of laying the next annual levy,
20 on the property subject to taxation in such city, town or village.
21 And in case of a failure by either so to do, or to pay the judgment
22 as required by law, the circuit court of the county shall compel
23 the laying of such levy, or the payment of such judgment, or
24 both, by mandamus. The summons in such case against the
25 county, shall issue against such court and be served as provided
26 by chapter thirty-nine of the code of West Virginia, and if the
27 case be against a city, town or village, it shall issue against the
28 same by its corporate name and be served on the mayor, recorder,
29 treasurer or two councilmen.

Sec. 168. Any person who may be injured as aforesaid by
2 reason of a turnpike, road or bridge belonging to any company,
3 or person, or to any county in its corporate capacity, being

4 out of repair, may recover all damages sustained by him by rea-
5 son of such injury, in the manner prescribed in the preceding
6 section, against such company, person or county, or against the
7 lessee for the time being of any such road or bridge. Any judg-
8 ment against a city, town, village or county under this section
9 may be enforced by the circuit court by writ of mandamus. The
10 enactment of this section shall not affect any action or suit now
11 pending against any such company as is mentioned herein, but
12 the same may be prosecuted and judgment enforced with like
13 effect, as if this section had not been enacted.

Sec. 169. The county court of a county may upon petition,
2 permit gates to be erected across any county-district road therein,
3 or cause any gate erected across a county-district road to be
4 removed, but notice of every petition for that purpose must be
5 first posted at the front door of the court house, and at three
6 public places in the vicinity of the gate proposed to be erected
7 or removed, at least three weeks before the meeting at which
8 such order is made.

Sec. 170. The owner or occupant of every dam shall, as far
2 as the road passes over the same, keep such dam in good order
3 at least fourteen feet wide at the top; and also keep in good order
4 a bridge of like width over the pier-head, flood gates or any waste
5 cut through or around the dam; and shall erect and keep in
6 good order, a strong railing on both sides of such bridge or
7 dam. If he fails to comply with this section he shall be guilty
8 of a misdemeanor and upon conviction thereof shall be fined for
9 every twenty-four hours failure, two dollars, but the fine shall
10 not in any one prosecution exceed fifty dollars; and where a mill
11 dam is carried away or destroyed, the owner or occupant thereof
12 shall not henceforth be subject to such fine until one month
13 after the mill shall have been put in operation. And every
14 owner of a dam hereafter, which dam, by the backing of water or
15 otherwise, obstruct any public road, or if any race or ditch con-
16 nected therewith shall materially obstruct any such road, shall,
17 whenever it may be necessary for the safe and convenient cross-
18 ing of the same, or the pond created thereby, build and keep in
19 repair over and across the said dam, pond, race or ditch, a bridge
20 of like kind and description as hereinbefore specified, and for
21 the failure so to do every such owner or occupant shall be guilty

22 of a misdemeanor, and upon conviction thereof shall be fined
23 as hereinbefore provided.

Sec. 171. The county court of any county in the state of
2 West Virginia, through which the Shenandoah river runs, may
3 establish on and across said river not more than three fer-
4 ries; and such ferries shall be provided with sufficient landings
5 and boats, and such attendants for said boats as may be neces-
6 sary to accommodate public travel. The court shall pay all ex-
7 penses of establishing such ferries, providing and maintaining
8 the necessary boats and the necessary attendants therefor out of
9 the county treasury.

Sec. 172. Delinquent lists of taxes uncollected under the pro-
2 visions of this act shall be returned and disposed of as school and
3 other district levies are returned and disposed of according to law.
4 Such delinquent taxes shall be collected at the same time, and by
5 the same officer and in the same manner as state and county taxes
6 are collected, pursuant to chapter thirty-one of the code.

Sec. 173. It shall be the duty of the owner or occupant of land
2 situated along any state or county-district road, to remove all ob-
3 structions within the bounds of the road which have been placed
4 there either by himself or by his consent.

Sec. 174. It shall be the duty of all telephone, telegraph, elec-
2 tric railway or other electrical companies, to remove and re-set
3 telephone, telegraph, trolley and other poles and the wires con-
4 nected therewith when the same constitute obstructions to the use
5 of a state or county-district road by the traveling public.

Sec. 175. It shall be the duty of all pipe line companies whose
2 lines have been laid across or along any state or county-district
3 road in this state for the purpose of transporting any natural gas,
4 oils, or water or any other substance, to fill up all excavations
5 made thereby and to make the road in all respects as good as it
6 was before the excavation was made and to keep the same in like
7 good condition. If such obstructions, poles or wires are not re-
8 moved, or such poles with wires re-set, or such excavations are not
9 properly filled and maintained, within ten days after the serving
10 of a notice, by the state road commission or the county road engi-
11 neer, as the case may be, personally or by mail upon such owner or
12 occupant or upon such company at its principal place of business
13 or upon an agent of the company within the county, requesting the
14 same to be done, the commission, or the county road engineer, as

15 the case may be, shall cause such obstructions to be removed and
16 such poles and wires to be re-set and such repairs on the excava-
17 tion to be made as may be necessary to place the same in its or-
18 iginal condition. The expenses thereby incurred shall be paid in
19 the first instance, out of moneys levied and collected and available
20 therefor, and the amount thereof shall be charged against such
21 owner, occupant or company and levied and collected, as provided
22 in section one hundred and sixty-four of this chapter.

Sec. 176. It shall be unlawful for the county court of any
2 county in this state or any other tribunal acting in lieu thereof,
3 to grant any permit or franchise to any corporation, individual
4 or person in this state, or to any foreign corporation, the right to
5 operate or maintain any gas main line or lines with
6 a diameter exceeding four inches along any of the public roads or
7 highways in this state; *provided, however,* that this act shall not
8 prevent any oil or gas company or person from transporting oil or
9 gasoline along the public highways of this state, and that nothing
10 herein contained shall be construed to give such company an unlim-
11 ited franchise without paying to the land owners through whose
12 lands such road runs or passes, the usual and customary compensa-
13 tion paid, or to be paid to the land owners for such right of
14 way. Such grant, if made, shall be construed to give such company
15 or person only the right to use the easement in said public road
16 and not to vest the right of eminent domain therein.

Sec. 177. The county road engineer or supervisor shall assess the
2 cost of removing obstructions from county-district roads and remov-
3 ing and re-setting poles and wires pursuant to sections one hun-
4 dred and eighty-four and one hundred and eighty-five of this act,
5 against the owner, occupant or company neglecting to perform
6 their duty imposed by the sections above referred to.

7 Such county road engineer or supervisor shall serve personally
8 or by mail, upon such owner, occupant or company, a written no-
9 tice stating that, at the time and place specified therein, he or his
10 agents will assess such costs against the owner, occupant or com-
11 pany neglecting to perform such duty. Such notice shall be
12 served at least ten days previous to the time specified therein. If
13 directed against a company, it may be served upon it at its prin-
14 cipal place of business or upon any agent of the company within
15 the district of the county. At the time and place so specified he

16 shall hear the parties interested and shall thereupon complete the
17 assessment, stating therein the names of the owner, occupant or
18 company, the amount assessed against him or it and shall return
19 such assessment to the county court of the county who shall cause
20 the amount stated therein to be levied against the owner, occupant
21 or company, and any uncollected tax shall be a lien upon the prop-
22 erty affected. The amount so levied shall be collected as other
23 taxes levied by such court, and shall be paid into the district road
24 fund to be applied in reimbursing the fund from which such cost
25 was defrayed.

Sec. 178. The county court of a county in which any county-
2 district road or any portion thereof, has been taken for railroad
3 purposes by any other corporation than a street railway company,
4 unless such road or portion thereof is in an incorporated city,
5 town or village which has the control of all its roads, streets and
6 alleys, or has been constructed since the construction of such rail-
7 road, may upon petition of any party interested, served upon
8 said company as is any other civil process, appoint a committee of
9 three to inquire whether such public road or portion thereof is
10 unsafe for travel by reason of such railroad, or whether an alter-
11 ation of such public road or the construction of a new public road
12 is thereby rendered necessary for the public safety and conven-
13 ience; and such committee shall view the ground where such dan-
14 ger is alleged to exist and shall also give written notice both to the
15 parties making the complaint and the parties complained of, or
16 their agents in the county, and an opportunity to be heard, not
17 less than fifteen days after the service upon such parties of a copy
18 of such notice, and after the hearing, shall report thereon to said
19 court which may make any proper order in the premises; and if
20 it shall order any such alteration or construction, and said com-
21 pany shall neglect or refuse to comply with such order, the county
22 court of the county shall alter or construct such public road and
23 may recover the expense thereof from said company.

Sec. 179. The county road engineer may, by an order in
2 writing, authorize the owners of property adjoining the county-
3 district roads at their expense to locate and plant shade trees, fruit
4 trees or nut-bearing trees suitable for shade along such roads
5 Such trees shall not be planted within less than fifteen feet of the
6 center of the road. Such trees shall be planted at least sixty feet

7 apart and according to plans and regulations sent out by the state
8 road commission.

Sec. 180. The county road engineer shall have the full care
2 and control of all such public shade trees on county-district roads
3 in his county, and shall prosecute complaints for malicious injury
4 to, or unlawful acts concerning such shade trees.

Sec. 181. The owner or tenant of land fronting on any
2 state road shall construct and keep in repair, all ap-
3 proaches or drive-ways to and from the same, under the direction
4 of the state road commission, and likewise, the owner or tenant of
5 land fronting on any county-district road shall construct and keep
6 in repair all approaches or driveways to and from the same, under
7 the direction of the county road engineer, and it shall be unlawful
8 for such owner or tenant to fill up any ditch, or place any material
9 of any kind or character in any ditch so as in any manner to ob-
10 struct or interfere with the purposes for which it was made.

Sec. 182. Every state or county road official who is
2 now in office or who may hereafter be in office by virtue of this
3 chapter shall, at the expiration of his term of office pay over to his
4 successor all the money in his hands by virtue of his office, taking
5 duplicate receipts therefor, one of which shall be filed with the
6 state road commission or the clerk of the county court, as the case
7 may be. If he fail to do so, he shall be liable to double the amount
8 in his hands, to be recovered by the commission or by the county
9 court, as the case may be, before any justice or court having juris-
10 diction.

Sec. 183. Every railroad company heretofore or hereafter in-
2 corporated which has by the building of its road, or otherwise,
3 obstructed, or shall hereafter obstruct any state or county-district
4 road, shall, as far as possible, put the road so obstructed in as good
5 condition as it was in before the obstruction. Every railroad com-
6 pany which has changed, or shall hereafter change the grade or
7 location of any state or county-district road, shall put the same in
8 as good condition and repair, and on as practical a grade as such
9 road was before its change; and if said road, after construction,
10 becomes damaged or injured or is caused to be damaged or in-
11 jured by reason of the construction of any railroad, the said rail-
12 road company shall be liable for all damages occasioned thereby
13 and for all costs incurred in repairing and keeping in repair the
14 road so damaged or injured as aforesaid.

Sec. 184. If any person without lawful authority so to do, injure or deface any of the milestones or posts, parapets, walks, culverts, bridges, masonry of any kind of gates belonging to any state or county-district road, or toll houses belonging to any road authorized by law to receive tolls, or shall turn any stream of water from its regular course towards or upon such road so as to injure the same or shall obstruct any of the gutters, drains or culverts of such road, or shall connect any public or private road with such road, without securing such road from injury by reason of such connection, or by the flow of water at the place of such connection, or shall place or leave on such road, any earth, ashes, stone or other obstruction to the travel and use of such road, or shall place or leave thereon any vehicle or conveyance of any kind, so as to interfere with such travel, or remove, injure, or destroy, any materials or equipment used or intended for use in the construction, reconstruction, repair or maintenance or any such road, he shall upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars; and in addition thereto he shall be liable in damages for such injury. Such obstructions shall be considered within the bounds of the state or county-district road whenever any part of the same shall occupy any part of the right of way provided by law or acquired for road purposes, not including the additional land acquired for slopes for cuts and fills, If such obstructions are not removed, the state road commission or the county court, as the case may be, by one of its agents in person or by mail, shall serve notice upon the person, persons, firm or corporation who shall or whose agents shall have caused such obstructions to be placed within the bounds of such road, to remove such obstructions; if such obstructions shall not be removed within ten days after said notice is served, the said person, persons, firm or corporation shall be liable in damages of not less than one, nor more than five dollars per day from the date of the service of such notice until such obstructions are removed, and the same may be collected in any action before any justice of the peace or other tribunal having jurisdiction thereof, and the fund so collected shall be paid into the fund to be applied in reimbursing the fund from which said road is being constructed or maintained.

Sec. 185. Obstructions within the meaning of this act shall include trees which have been cut or have fallen either on adjacent

3 land or within the bounds of the public roads in such manner as
4 to interfere with the travel therein; limbs of trees which have
5 fallen within the public road or branches of trees overhanging the
6 public road, so as to interfere with travel therein, land slides,
7 carcasses of dead animals, lumber, wood or logs piled within the
8 bounds of the public road, machines, vehicles, conveyances and
9 implements abandoned or habitually placed within the bounds of
10 the public road; fences, buildings, or other obstruction within the
11 bounds of the public road; earth, stone or other material placed in
12 any ditch or waterway along the public road; telegraph, telephone,
13 trolley, or other poles and wires connected therewith, erected on
14 the public road in such a way as to interfere with the use thereof,
15 or any other thing which will prevent the easy, safe and conveni-
16 ent use of such public road for public travel.

Sec. 186. Any person who shall park, except with its lights
2 dimmed, any automobile or other motor vehicle, on any public
3 road or highway outside the limits of any incorporated town or
4 city, between thirty minutes after sundown and thirty minutes
5 before sunrise, shall be guilty of obstructing such road or high-
6 way, and upon conviction thereof shall be fined not less than ten
7 dollars nor more than fifty dollars, or imprisoned in the county
8 jail not less than ten or more than thirty days.

Sec. 187. Any person who shall kill a tree and leave it standing
2 within a distance of fifty feet of any public road, or without law-
3 ful authority, shall wilfully break down or destroy any bench or
4 log placed across a stream for the accommodation of travelers, or
5 destroy, injure, deface or alter any guideboard, milestone or mile-
6 post, or obstruct or injure any road or any ditch made for the
7 purpose of draining a road, or injure any statue, monument,
8 chair or other seat or lamp or lamp post, constructed or being
9 in any public road, space or park, or any railing or fencing erect-
10 ed for public use or enclosing any such space, or park, or any
11 walk or crossing for foot passengers, or any sewer, curbing or
12 paved gutter, or throw or place, or cause to be thrown or placed
13 upon any highway, any tacks, nails, scrap metal, bottle, glass,
14 crockery, wire or other substance injurious to the feet of persons
15 or animals or the tires of vehicles, shall be guilty of a misde-
16 meanor and, upon conviction thereof, shall be fined not less than
17 ten nor more than fifty dollars.

Sec. 188. Any person who shall use on any public road not covered with ice a vehicle with a chained or rough-locked wheel, unless the same rests upon a shoe, at least six inches wide and twelve inches long, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished with a fine of not less than five dollars nor more than twenty-five dollars. Every person who shall draw upon the public road any log, stone or other heavy object, with the end thereof dragging on the ground so that the road shall be injured thereby and shall not immediately put such road in as good repair as before, shall be fined not less than five dollars nor more than twenty-five dollars, and in addition thereto shall be liable for the cost of repair of said road.

Sec. 189. Any person who shall make a false affidavit where an affidavit is required under any of the provisions of this act, shall be deemed guilty of perjury, and shall, except as herein otherwise provided, be subject to the same penalties as though such false swearing had occurred in an action in any circuit court of this state.

Sec. 190. Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the misdemeanor penalties prescribed by this act.

Sec. 191. The county court shall see that all its appointees and employees faithfully perform their respective duties, obey its orders and expend all moneys and perform labor as ordered and directed by the court and as required by this act.

Sec. 192. The violation of any of the provisions of this act for which no punishment is herein elsewhere specifically provided, shall be deemed a misdemeanor, and any person found guilty thereof shall be punished with a fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 193. If any section, sub-section, sentence, clause or phrase of this act for any reason shall be held unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Sec. 194. Chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, chapters thirty-nine and one hundred and twenty-one of the acts of the regular session of the legislature of one thousand nine hundred and nine-

5 ten, chapter six of the acts of the extraordinary session of the 6 legislature of one thousand nine hundred and nineteen and all 7 other acts and parts of acts inconsistent with this act, are hereby 8 repealed; *provided, however*, that the provisions of chapter sixty- 9 six of the acts of the legislature of one thousand nine hundred 10 and seventeen, as amended, relating to the licensing of vehicles, 11 chauffeurs, dealers and others, and to the issuance by the state, 12 road commission created by said act, of registration certificates 13 and the right to use the registration plates and the collection 14 of license taxes and registration fees, and to the collection and dis- 15 bursement of special privilege taxes, shall remain in full force 16 and effect until the thirty-first day of December, one thousand nine 17 hundred and twenty-one, and the commission hereby created 18 shall succeed to and exercise all the powers, and perform all the 19 obligations imposed upon the commission created by said act un- 20 der the clauses in this proviso mentioned and described.

CHAPTER 113

(Committee Substitute for House Bill No. 522.)

(By the Committee on Taxation and Finance.)

AN ACT authorizing the issuance and sale of not exceeding fifteen mil-

lion dollars of bonds of the state of West Virginia to raise money for road construction purposes under and by virtue of the "Good Roads Amendment" to the constitution adopted at the general election held November, one thousand nine hundred and twenty; and to provide for the levy and collection of an annual state tax and other revenue sufficient to pay semi-annually the interest on said bonds and the principal thereof within twenty-five years.

[Passed April 27, 1921. In effect from passage. Approved by the Governor May 4, 1921.]

<p>1. Sale of state bonds to build roads authorized.</p> <p>2. Bonds: date: payable serially; transfer of registered bonds, fee for: bonds exchanged to be cancelled: where bonds payable: rate of interest: when interest due and where payable: interest on registered bonds: bonds payable in gold coin: exempt from taxation.</p> <p>3. Form of bonds.</p> <p>4. Form of coupons: how signed and numbered.</p> <p>5. Coupon and registered bonds to be separately listed by auditor.</p> <p>6. State road sinking fund created: kept: treasurer to pay interest what to constitute: how fund</p>	<p>11. Auditor custodian of unsold bonds. execution of this act.</p> <p>10. Payment of expense incurred in property of state.</p> <p>9. Dates from which bonds printed, sales.</p> <p>8. (Government to sell all bonds upon recommendation of state road commission: provisions as to interest.</p> <p>7. Annual state tax to be levied to pay interest and one-twenty-fifth of total issue: when other funds may be used to pay bonds and</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That bonds of the state of West Virginia of the 2 par value of fifteen million dollars are hereby author- 3 ized to be issued and sold for the purpose of raising funds to build, 4 construct and maintain a system of state roads and highways in 5 the state of West Virginia, as authorized by the "Good Roads 6 Amendment" to the constitution of said state adopted at the 7 general election held in November, one thousand nine hundred 8 and twenty.

Sec. 2. Said bonds shall be dated July first, one thousand 2 nine hundred and twenty-one, and shall become due and payable 3 serially in equal amounts beginning July first, one thousand nine 4 hundred and twenty-seven and ending July first, one thousand nine 5 hundred and forty-six, and may be coupon or registered and in such 6 denominations as the governor may determine.

7 The auditor and treasurer are authorized to arrange for the 8 transfer of registered bonds and for each such transfer a fee of 9 fifty cents shall be charged by and paid to the state of 10 West Virginia to the credit of the "State Road Sinking Fund." 11 Bonds taken in exchange shall be cancelled by the auditor and 12 treasurer and be carefully preserved by the treasurer.

13 All of such bonds shall be payable at the office of the treasurer 14 of the state of West Virginia, or, at the option of the holder of 15 said bonds, at some designated bank in the city of New York. 16 to be designated by the governor. Said bonds shall be interest 17 bearing at the rate of not exceeding five per centum per annum and 18 the said interest shall be payable semi-annually on the first day 19 of January and July of each year to bearer at the office of the treas- 20 urer of the state of West Virginia at the capitol of said state, 21 or, at the option of the holder, at some designated bank in New 22 York City, to be designated by the governor upon presentation and 23 surrender of the interest coupons representing interest then due, 24 in the case of the coupon bonds. In the case of registered bonds. 25 the treasurer of the state of West Virginia shall issue his check 26 for the payment of interest on the first day of January and July 27 of each year for the amount of registered bonds outstanding as 28 shown by the records of his office.

29 Both the principal and interest of said bonds shall be payable 30 in gold coin of the United States of the present standard of weight

31 and fineness. All said bonds shall be exempt from taxation by
 32 the state of West Virginia, or by any county, district, or munici-
 33 pality thereof, which fact shall appear on the face of the bonds
 34 as part of the contract with the holder thereof.

Sec. 3. Said bonds and coupons shall be engraved and the
 2 bonds shall be signed, on behalf of the state of West Virginia, by
 3 the treasurer thereof, under the great seal of the state, and counter-
 4 signed by the auditor, and shall be in the following form or to
 5 the following effect, as near as may be, namely:

6 **COUPON GOLD BOND**
 7 (or Registered Gold Bond,
 8 as the case may be)
 9 of the
 10 State of West Virginia.

11 \$. Number.
 12 The state of West Virginia, under and by virtue of authority of
 13 an act of its legislature passed at the regular session of one thous-
 14 and nine hundred and twenty-one, on the day of
 15, one thousand nine hundred and twenty-one
 16 and approved by the governor on the day of
 17 one thousand nine hundred and twenty-one, reference to which is
 18 hereby made as fully and at length as if set forth herein, acknowl-
 19 edges itself to be indebted to, and hereby promises to pay to the
 20 bearer hereof (in the case of a coupon bond) or to,
 21 or assigns, (the owner of record, in the case of registered bonds)
 22 year after the date of this bond, to-wit on the
 23 day of, 19 . . ., in gold coin of the United
 24 States of America of the present standard of weight and fineness,
 25 at the office of the treasurer of the state of West Virginia, at the
 26 capitol of said state, or at the option of the holder at bank in
 27 the city of New York, the sum of dollars, with interest
 28 thereon at per centum per annum from date, payable semi-
 29 annually in gold coin of the United States of America, at the
 30 treasurer's office or bank aforesaid, on the first day of January
 31 and first day of July of each year, (and in the case of coupon
 32 bonds) according to the tenor of the annexed coupons, bearing
 33 the engraved fac-simile signature of the treasurer of the state of
 34 West Virginia.
 34 To secure the payment of this bond, principal sum and inter-
 35 est, when other funds and revenues sufficient are not available for

36 that purpose, it is agreed that the board of public works of the
37 state of West Virginia shall annually cause to be levied and col-
38 lected an annual state tax on all property in the state, until said
39 bond is fully paid; sufficient to pay the annual interest on said
40 bonds and the principal sum thereof within the time this bond
41 becomes due and payable.

42 This bond is hereby made exempt from any taxation by the
43 state of West Virginia, or by any county, district or municipal
44 corporation thereof.

45 In testimony whereof, witness the signature of.....
46, treasurer of the state of West Virginia, and the counter
47 signature of....., auditor of said state hereto affixed
48 according to law, dated the.....day of.....one thou-
49 sand nine hundred and....., and the seal of the state of West
50 Virginia.

51
52 (Seal) Treasurer of the State of West Virginia.

53 Countersigned:

54

55 Auditor of the state of West Virginia.

Sec. 4. The form or coupons shall be substantially as follows,

2 to-wit: State of West Virginia

3 Bond No..... Coupon No.....

4 On the first day of....., 19....., the state of West
5 Virginia will pay to bearer, in gold coin of the United States of
6 the present standard of weight and fineness, at the office of the
7 treasurer of the state, or at the option of the holder at.....

8bank in New York City, the sum of.....

9dollars, the same being the semi-annual interest on Bond
10 No....., series of one thousand nine hundred and twenty-
11-12

13 Treasurer of the State of West Virginia.

14 The signature of the treasurer to said coupons shall be by his
15 engraved fac-simile signature, and each coupon shall be impressed
16 on the back with its number in order of maturity from number
17 one consecutively. Said bonds and coupons may be signed by
18 the present treasurer and auditor, or by any of their respective
19 successors in office; but no change in such signatures shall be
20 necessary by reason of any change of said officers.

Sec. 5. All coupon and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and, in case of registered bonds, the name of persons, firm, or corporation to whom issued.

Sec. 6. A fund is hereby created, designated as the state road sinking fund. Into this fund shall be paid all moneys received from the annual state tax levy on the taxable property in the state for state road sinking fund purposes, from any and all appropriations made by the state from other sources for the purposes of paying the interest on said bonds or paying off and retiring same, from fines, forfeitures and penalties, if any made applicable by law for the payment of said bonds or the interest thereon, from transfer fees as here-
in provided, and from any source whatsoever, which is made liable by law for the payment of the principal of said bonds or the interest thereon.

All such funds shall be kept by the treasurer in a separate account, under the designation aforesaid, and all money belonging to said fund shall be deposited in the state treasury to the credit thereof.

Said fund shall be applied by the treasurer of the state, first to the payment of the semi-annual interest on said bonds as it becomes due as herein provided. The remainder of said fund shall be turned over by the state treasurer to state sinking fund commission, whose duty it shall be to invest the same in the bonds of the government of the United States, the bonds of the state of West Virginia, or any political sub-division thereof; *provided, however,* that bonds so purchased by the said state sinking fund commission shall mature so as to provide sufficient money to pay off all bonds herein provided to be issued as they may become due; and said state road sinking fund shall be expended for the purpose of paying the interest and principal of the bonds hereby provided for, and for no other purpose, except that said fund may be invested until needed, as herein provided.

Sec. 7. In order to provide the revenues necessary for the payment of the principal and interest of said bonds, as hereinbefore provided, the board of public works is authorized, empowered and directed to lay annually a tax upon all real and personal

5 property subject to taxation within this state, sufficient to pay
6 the interest on said bonds accruing during the current year and
7 one-twenty-fifth of the total issue (at par value) of said bonds, for
8 such number of years, not exceeding twenty-five, as may be nec-
9 essary to pay the interest thereon and to pay off the principal sum
10 of said bonds; and said taxes, when so collected, shall not be liable
11 for or applicable to any other purpose

12 *Provided, however,* if there be other funds in the state treasury,
13 or in the state road fund, in any fiscal year, not otherwise appro-
14 priated, or if other sources of revenue be hereafter provided by
15 law for the purpose, the board of public works is authorized, em-
16 powered and directed to set apart, in any year there be such funds,
17 or other sources of revenue provided for such purpose, a sum
18 sufficient to pay the interest on said bonds accruing during the
19 current year, and to pay off and retire the principal of said bonds,
20 or any part thereof, at maturity.

21 The authority hereby vested in the board of public works shall
22 be in addition to the authority now vested in it by present law.

Sec. 8. The governor shall sell all bonds herein mentioned
2 at such time or times as he may determine necessary to provide
3 funds for road construction purposes, as herein provided, upon
4 recommendation of the state road commission. All sales shall
5 be at not less than par and interest accrued since the last semi-
6 annual dividend period. All interest coupons becoming pay-
7 able prior to said sale date shall be cancelled by the treasurer and
8 rendered ineffective before the delivery of the bonds so sold. Reg-
9 istered bonds shall bear interest only from the date of delivery.

Sec. 9. The plates from which the bonds authorized by this
2 act are printed shall be the property of the state of West Virginia.

Sec. 10. All necessary expenses incurred in the execution of
2 this act shall be paid out of any money in the treasury of the
3 state of West Virginia, not otherwise appropriated, on warrants
4 of the auditor of the state drawn on the state treasurer.

Sec. 11. The state auditor shall be the custodian of all un-
2 sold bonds issued pursuant to the provisions of this act.

CHAPTER 114

(Senate Bill No. 216—Mr. Henshaw.)

AN ACT to refund license fees heretofore collected on tractors and traction engines used exclusively for hauling threshing outfits, clover hullers, hay balers, binders and other similar farming implements not designed for hauling.

[Passed April 27, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SE.

1. State road commission authorized to refund certain taxes collected on tractors, etc.

Be it enacted by the Legislature of West Virginia:

Section 1. The state road commission is hereby authorized to
 2 refund all license fees heretofore collected under section one
 3 hundred and seventeen of chapter sixty-six of the acts of the
 4 legislature of West Virginia for the year one thousand nine hun-
 5 dred and seventeen, on tractors and traction engines used ex-
 6 clusively for hauling threshing outfits, clover hullers, hay balers,
 7 binders and other similar farming implements not designed for
 8 hauling purposes.

CHAPTER 115

(Senate Bill No. 308—Mr. Harmer.)

AN ACT to amend and re-enact sections three, four and five of chapter thirty-two-a, of the code, as amended by chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, and sections fifteen, sixteen and twenty-four of chapter thirty-two-a of the code, and section thirty-one of chapter thirty-two-a of the code as amended by chapter fifty-eight of the acts of one thousand nine hundred and seventeen, as amended by chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, and sections thirty-one-a, thirty-one-b and thirty-seven of chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, relating to the manufacture, sale and storage of intoxicating liquors.

[Passed April 21, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

SEC.	SEC.
3. Sale, etc. of intoxicating liquors; penalty; second offense, felony; penalty; indictment to show whether it is second offense; form of indictment.	toxicating liquors for any purpose; penalty; second offense; penalty; indictment to charge with offense; unlawful for carrier to carry or permit passenger to carry any quantity of liquors; penalty; jurisdiction of court of equity.
4. What things act does not prohibit; affidavit required of purchaser of wine for sacramental purposes; sales to certain persons prohibited; penalty; form of indictment against druggist.	31-a. Unlawful to order, sell or purchase liquors to be transported in state; penalty; second offense, penalty.
5. False affidavit; penalty; second offense; penalty.	31-b. Unlawful for non-resident vendor to sell or furnish intoxicating liquors; penalty; second offense; penalty.
15. Office of state commissioner of prohibition created; appointment, term, oath, bond; removal; salary and travelling expenses; office at capitol; deputies, their powers and duties; "commissioner" defined; transfer of records.	37. Unlawful to own, operate, maintain or have in possession "moonshine still;" same defined; a penalty; abetting another, penalty; form of indictment; possession of moonshine liquor a misdemeanor; penalty; violator immune from prosecution, when; the making of other concoctions prohibited; penalty; form of indictment; other sections to apply as far as applicable; justice authorized to accept bond from person held for felony; moonshine stills etc., to be destroyed; inconsistent acts repealed.
16. Commissioner and deputies to enforce prohibition laws of this state; powers of deputies; rights to carry firearms; prosecuting attorneys or attorney general not relieved of any duties imposed by law.	
24. Manufacture and sale of wine and alcohol to be under the supervision of the commissioner.	
31. Unlawful to carry into or within this state any quantity of in-	

Be it enacted by the Legislature of West Virginia:

That section three, four and five of chapter thirty-two-a of the code, as amended by chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, and sections fifteen, sixteen and twenty-four of chapter thirty-two-a of the code, and section thirty-one of chapter 32-a of the code, as amended by chapter fifty-eight of the acts of one thousand nine hundred and seventeen, as amended by chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, and sections thirty-one-a, thirty-one-b and thirty-seven of chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, be amended and re-enacted so as to read as follows:

Section 3. Except as hereinafter provided, if any person
 2 acting for himself, or by, for or through another shall sell, keep,
 3 store, offer, or expose for sale; or solicit or receive orders for
 4 any liquors, or absinthe or any drink compounded with absinthe,
 5 he shall be deemed guilty of a misdemeanor for the first offense
 6 hereunder, and upon conviction thereof shall be fined not less
 7 than one hundred dollars nor more than five hundred dollars, and
 8 imprisoned in the county jail not less than two nor more than

9 six months; and upon conviction of the same person for the
 10 second offense under this act, he shall be guilty of a felony and
 11 be confined in the penitentiary not less than one nor more than
 12 five years; and it shall be the duty of the prosecuting attorney
 13 in all cases to ascertain whether or not the charge made by the
 14 grand jury is the first or second offense; and if it be a second
 15 offense, it shall be so stated in the indictment returned, and the
 16 prosecuting attorney shall introduce the record evidence before the
 17 trial court of the conviction of said first offense, and shall not be
 18 permitted to use his discretion in charging said second offense, or
 19 in introducing evidence and proving the same on trial; and any
 20 person, except a common carrier, who shall act as the agent or em-
 21 ployee of such seller, or person so keeping, storing, offering or ex-
 22 posing for sale said liquors, or act as the agent or employee of the
 23 purchaser of such liquors, shall be deemed guilty of such selling,
 24 keeping, storing, offering or exposing for sale, as the case may be.
 25 An indictment for any first offense under this section shall be
 26 sufficient if in the form or effect following:

26-a State of West Virginia,

27 County of to-wit:

28 In the circuit court of county:

29 The grand jurors in and for the body of the said county of
 30, upon their oaths do present that A. B., within
 31 one year next prior to the finding of this indictment, in the said
 32 county of, did unlawfully sell, offer, keep,
 33 store and expose for sale and solicit and receive orders for liquors,
 34 and absinthe and drink compounded with absinthe, against the
 35 peace and dignity of the state.

Sec. 4. The provisions of this act shall not be construed to pre-
 2 vent any one from manufacturing (other than by "moonshine
 3 still") from fruit grown exclusively in this state, wine for his own
 4 domestic consumption; or to prevent the manufacture from fruit
 5 grown exclusively within this state of vinegar and non-intoxicating
 6 cider for use or sale; or to prevent the manufacture and sale at
 7 wholesale to druggists only of pure grain alcohol for medicinal,
 8 pharmaceutical, scientific and mechanical purposes, or wine for
 9 sacramental purposes by religious bodies; or to prevent the sale and
 10 keeping and storing for sale by druggists of wine for sacramental
 11 purposes, by religious bodies, or any United States pharmaco-
 12 poeia or national formulary preparation in conformity with the

13 West Virginia pharmacy law, or any preparation which is exempt-
14 ed by the provisions of the national pure food law, and the sale of
15 which does not require the payment of a United States liquor deal-
16 er's tax; or to prevent the sale by druggists, through pharmacists
17 of pure grain alcohol for medicinal, scientific, pharmaceutical and
18 mechanical purposes; or to prevent the use of such alcohol by
19 physicians, dentists and veterinarians in the practice of their
20 profession; or to prevent the purchase and use in the manufacture
21 of medicinal preparations and compounds by wholesale druggists
22 only of sherry wine in quantities not exceeding twenty-five wine
23 gallons during any period of ninety days, *provided*, such alcohol and
24 sherry wine are purchased, sold and used under permits issued
25 by the federal prohibition commissioner and in accordance with
26 regulations issued in pursuance of the "National prohibition
27 act;" and, *provided, further*, that the state commissioner of pro-
28 hibition has issued permits for the purchase, sale and use of such
29 alcohol and sherry wine under such regulations as he may
30 prescribe.

31 It shall be lawful for a druggist to sell wine for sacramental
32 purposes of religious bodies, only, to any person, not a minor, and
33 who is not of intemperate habits, or addicted to the use of narcot-
34 ic drugs, who shall, at the time and place of such sale, make an
35 affidavit in writing signed by himself before such druggist, or a
36 registered pharmacist at the time and place in the employ of such
37 druggist, stating the quantity and the time and place and fully
38 for what purpose and by whom such wine is to be used; that
39 affiant is not of intemperate habits or addicted to the use of any nar-
40 cotic drug; and that such wine is not to be used as a beverage,
41 or for any purpose other than that stated in such affidavit. Such
42 affidavit shall be filed and preserved by such druggist and be sub-
43 ject to inspection at all times by any state, county or municipal
44 officer, and a record thereof made by such druggist in the record
45 book mentioned in this section, showing the date of the affidavit, by
46 whom made, the quantity of such wine and when, where, for what
47 purpose and by whom to be used. Only one sale shall be made
48 upon such affidavit, and only in the county where the same is made,
49 and no greater quantity than is therein specified. For the pur-
50 pose of this act, any druggist or registered pharmacist making such
51 sale shall have authority to administer such oath.

52 . If any druggist, owner of a drug store, registered pharmacist,

53 clerk or employee shall upon such affidavit, or otherwise, knowing-
 54 ly sell or give any such wine to any person who is of intemperate
 55 habits or addicted to the use of any narcotic drug, or knowingly
 56 sell or give the same to any one to be used for any purpose other
 57 than that named in said affidavit, or who shall sell or give any wine
 58 without such affidavit, he shall be deemed guilty of a misdemeanor
 59 and punished by a fine of not less than one hundred nor more than
 60 five hundred dollars and confined in the county jail not less than
 61 thirty days nor more than six months. In any prosecution against
 62 a druggist, owner of a drug store, registered pharmacist, clerk or
 63 employee, for selling or giving liquor contrary to law, if a sale or
 64 gift be proven, it shall be presumed that the same was unlawful in
 65 the absence of satisfactory proof to the contrary and the presenta-
 66 tion of such affidavit by the defendant at the time of the trial for
 67 such sale or gift, shall be sufficient to rebut the presumption aris-
 68 ing from the proof of such sale or gift. *Provided*, the jury shall
 69 believe, from all the evidence in the case, that such sale or gift was
 70 made in good faith under the belief that such affidavit and state-
 71 ments therein were true; and, *provided, further*, that such drug-
 72 gist, owner of a drug store, registered pharmacist, clerk or em-
 73 ployee shall have complied with all other provisions of this act
 74 relating to the sale or gift.

75 An indictment against any druggist, registered pharmacist,
 76 clerk, or employee, for any offense committed under the provisions
 77 of this section, shall be sufficient, if in the form and effect follow-
 78 ing:

79 State of West Virginia,

80 County of, to-wit:

81 In the circuit court of said county:

82 The grand jurors in and for the body of the said county of
 83, upon their oaths do present that A. B., within
 84 one year next prior to the finding of this indictment, in the said
 85 county of did unlawfully sell, give, of-
 86 fer, expose, keep and store for sale and gift, liquors, against the
 87 peace and dignity of the state.

Sec. 5. If any person who is of intemperate habits or addicted
 2 to the use of any narcotic drug shall make the affidavit mentioned
 3 in the preceding section, or if any person making such affidavit
 4 shall use as a beverage, or for any purpose, or at any place other
 5 than that stated in such affidavit, or shall knowingly permit an-
 6 other to do so, said wine, or any part thereof, or shall knowingly

7 make any false statement in such affidavit, he shall be guilty of
8 a misdemeanor and upon conviction be punished by a fine of not
9 less than one hundred nor more than five hundred dollars, and
10 be confined in the county jail not less than two nor more than six
11 months for the first offense hereunder; and for the second offense
12 he shall be deemed guilty of a felony and punished by confine-
13 ment in the penitentiary not less than one nor more than five
14 years.

Sec. 15. The office of state commissioner of prohibition is
2 hereby created. The governor, on or before October first, one
3 thousand nine hundred and twenty-one, by and with the advice
4 and consent of the senate, shall appoint as state commissioner of
5 prohibition some citizen of this state entitled to vote, whose term
6 of office shall begin at the date of appointment, and shall con-
7 tinue for the term of four years and until the successor of such
8 commissioner is appointed and qualified, unless sooner removed.
9 The person so appointed shall take the oath or affirmation pre-
10 scribed by section five of article four of the constitution of West
11 Virginia, and such oath shall be certified by the person who admin-
12 isters the same, and shall be filed in the office of the secretary of
13 state. Any person so appointed commissioner of prohibition shall
14 give bond with good security, to be approved by the governor,
15 in the penalty of five thousand dollars, and such bond shall be
16 filed in the office of the secretary of state. The governor may
17 remove such officer in case of incompetence, neglect of duty, gross
18 immorality or malfeasance in office, and in case of a vacancy,
19 whether occurring by reason of removal or otherwise, may de-
20 clare the office vacant, and fill the same by appointment for the
21 unexpired term. The salary of the state commissioner of prohi-
22 bition shall be five thousand dollars a year. He shall be repaid
23 his actual disbursements for traveling expenses, an itemized ac-
24 count of which shall be filed with the auditor to be audited by him
25 before payment thereof. He shall be provided with an office in
26 the capitol, and with such furniture and clerical assistance as
27 shall be necessary.

27-a The commissioner of prohibition shall have authority to appoint
28 deputies and agents, and to issue to them such certificates of au-
29 thority as he may deem advisable. The commissioner of prohi-
30 bition, his agents and deputies shall have authority to summon,
31 either orally or in writing, any male citizen of the county who

32 has attained the age of twenty-one years, to aid and assist in
33 making an arrest or a raid for any violation of the provisions of
34 this act, and he and his deputies and agents shall have the same
35 power and authority as sheriffs and constables under section five
36 of chapter forty-one of the code, and the duties, penalties, and
37 obligations therein provided shall apply to any person who may
38 be deputized or summoned under the authority of this act.

39 Whenever the word "commissioner" or the phrase "state tax
40 commissioner" is used in this act, it shall mean and be taken to
41 mean, the state commissioner of prohibition, and upon the taking
42 effect hereof, the commissioner shall have all the power and au-
43 thority over cases pending in the courts and now under investi-
44 gation that is now vested in the state tax commissioner.

45 All office records of the department of prohibition, as the same
46 have heretofore been kept by the state tax commissioner, *ex-officio*
47 state commissioner of prohibition, shall be transferred to the state
48 commissioner of prohibition, upon the assumption of his duties of
49 office to be used, kept and preserved by him as a part of the
50 records of his office.

Sec. 16. It shall be the duty of the commissioner, his depu-
2 ties and agents, to superintend the enforcement of all provisions
3 of this act, and of laws of this state affecting the manufacture,
4 sale, keeping, exposing or offering for sale, or giving or soliciting
5 or receiving orders for liquors, or laws connected in any way
6 with the liquor traffic, to diligently inform themselves of all
7 violations of such laws and either make report thereof to the
8 prosecuting attorney of the proper county, who shall forthwith
9 prosecute the same as provided by law, or said commissioner, his
10 agents or deputies, shall make complaint of any violations of
11 such laws before the proper court or committing justice, and con-
12 duct the prosecution thereof in any court in the state having
13 jurisdiction of such matters; and for the purpose of enforcing
14 such laws, the said commissioner, his agents and deputies, shall
15 have all the powers now vested in the prosecuting attorneys of
16 this state and the attorney general thereof, and of sheriffs, their
17 deputies, and constables and police officers of the state. And any
18 deputy or agent employed or appointed by the commissioner in
19 the capacity of a detective or police officer shall have the right
20 to carry firearms and concealed weapons without taking out a
21 state license therefor. *Provided*, such deputy or agent shall give
22 bond before the clerk of the circuit court of the county of his res-

23 idence conditioned as required in section seven of chapter one
24 hundred and forty-eight. *Provided, further,* that nothing in this
25 act shall be construed to take from such prosecuting attorneys or
26 the attorney general, or his assistants, any of the powers now con-
27 ferred upon them by law, except as herein provided, or to relieve
28 any of the said officers from any duty imposed upon him by any
29 statute of this state.

Sec. 24. The manufacture of alcohol and wine, and the sale
2 of the same by the manufacturer and by wholesale druggists,
3 shall be under the supervision of the commissioner and under
4 such rules and regulations as he may from time to time prescribe.

Sec. 31. It shall be unlawful for any person to bring or carry
2 into the state or carry from one place to another within the state,
3 or to have or carry in or on any passenger train or other vehicle
4 of conveyance, in any manner whatsoever, whether in his personal
5 baggage or otherwise, any quantity of intoxicating liquors, whether
5-a such liquors are intended for personal use or any other
5-b purpose, and whether or not any such person shall
6 be an intra-state or interstate passenger. If any person
7 shall bring, or carry into the state, or from one place to
8 another within the state, or shall have or carry in or on
9 any passenger train or other vehicle of conveyance, in any man-
10 ner whatsoever, whether in his personal baggage or otherwise, any
11 quantity of intoxicating liquors, whether the same is intended for
12 personal use or for any other purpose, and whether any such person
13 shall be an intra-state or interstate passenger or not, he shall be
14 deemed guilty of a misdemeanor, and upon conviction thereof,
15 shall be fined not less than one hundred dollars nor more than five
16 hundred dollars, and imprisoned in the county jail not less than
17 two nor more than six months. And upon conviction of the same
18 person for the second offense under this act, he shall be guilty of
19 a felony, and be confined in the penitentiary not less than one nor
20 more than five years; and it shall be the duty of the prosecuting at-
21 torney in all cases, to ascertain whether or not the charge made
22 by the grand jury is the first or second offense; and if it be a
23 second offense, it shall be so stated in the indictment returned, and
24 the prosecuting attorney shall introduce the record of the first con-
25 viction as evidence before the trial court of said second offense, and
26 shall not be permitted to use his discretion in charging said second
27 offense, or in introducing evidence and proving the same on the
28 trial.

29 It shall be unlawful for any carrier operating in this state know-
30 ingly to carry for a passenger, or for any of its employees, or know-
31 ingly to permit any person or employee to carry into this state, or
32 from one place to another within the state, or knowingly to permit
33 any passenger or employee to have or carry in or on any of its
34 trains, any quantity of intoxicating liquors as baggage. If any
35 carrier shall knowingly carry for a passenger, or knowingly permit
36 a passenger to carry into the state, or from one place to another
37 within the state, or knowingly to permit any passenger or any per-
38 son in its employ to have or carry in or on any of its trains, any
39 quantity of intoxicating liquors as personal baggage, the carrier
40 shall be deemed guilty of a misdemeanor, and upon conviction
41 thereof shall be fined not less than two hundred dollars nor more
42 than one thousand dollars. And a court of equity, upon showing
43 that a carrier has knowingly carried for a passenger or an em-
44 ployee, or knowingly permitted a passenger to carry into the state,
45 or from one place to another within the state, any quantity of in-
46 toxicating liquors as personal baggage, or through the want of due
47 caution and care, has carried for a passenger or employee, or per-
48 mitted a passenger or employee to carry into the state, or from one
49 place to another within the state, any quantity of intoxicating
50 liquors as personal baggage, shall have jurisdiction to entertain
51 such suit and to enter such decree and take such proceedings as
52 are provided for in section seventeen.

Sec. 31-a. It shall be unlawful for any person to order, pur-
2 chase, sell, or cause intoxicating liquors, to be transported into the
3 state, or from one place to another within the state, in
3-a any manner, except pure grain alcohol, for medicinal,
4 pharmaceutical, scientific and mechanical purposes, and wine for
5 sacramental purposes to be used by religious bodies, as now pro-
6 vided by law. If any such person shall order, purchase, sell or
7 cause intoxicating liquors, in any quantity, to be transported into
8 the state, or from one place to another within the state, in any
9 manner, except for the purposes herein specified, he shall be
10 deemed guilty of a misdemeanor for the first offense; and upon
11 conviction of the same person for the second offense hereunder, he
12 shall be guilty of a felony, and the punishment of each offense
13 hereunder shall be the same as that prescribed for offenses arising
14 under section thirty-one of this act.

Sec. 31-b. It shall be unlawful for any non-resident vendor, 2 dealer, or other person, to sell or furnish intoxicating liquors, with 3 the exception of persons coming within the purview of section thirty-one-a to any person who intends to, and does, transport or carry 4 such liquors into this state contrary to the laws thereof, when such 5 non-resident vendor, dealer or other person knows, or has cause to 6 believe, that such liquors are intended to be so unlawfully transported and carried into this state. Any non-resident vendor, 7 dealer or other person, so offending, shall be deemed an aider and 8 abettor to any person so purchasing or receiving and unlawfully 9 carrying or transporting such liquors into this state, and such non-10 resident vendor, dealer or other person, shall be held equally guilty 11 with the person carrying such liquors, who shall be deemed the 12 principal in the offense, and the principal and abettor may be 13 charged in the complaint or indictment, either jointly or separately. 14 The first offense hereunder shall be a misdemeanor, and 15 the second offense shall be a felony, and each offense shall be punished 16 as provided in section thirty-one of this act. 17 18

Sec. 37. It shall be unlawful for any person to own, operate, 2 maintain or have in his possession, or any interest in any apparatus 3 for the manufacture of intoxicating liquors, commonly 4 known as "moonshine still," or any device of like kind or character. 5 For the purposes of this act, any mechanism, apparatus or device 6 that is kept or maintained in any desert, secluded, hidden, secret 7 or solitary place, away from the observation of the general public, 8 or in any building, dwelling-house or other place, for the purpose 9 of distilling, making or manufacturing intoxicating liquors, or 10 which by any process of evaporation, separates alcoholic liquor 11 from grain, molasses, fruit or any other fermented substance, or 12 that is capable of any such use, shall be taken and deemed to be 13 a "moonshine still"; and the owner or operator of any such 14 "moonshine still" shall be deemed a "moonshiner." Any person 15 owning, operating, maintaining or having in his possession, or 16 having any interest in any "moonshine still," shall be guilty of a 17 felony, and upon conviction thereof shall be fined not less than 18 three hundred dollars nor more than one thousand dollars, and 19 be confined in the penitentiary not less than two nor more than 20 five years. Any person who aids or abets in the operation or maintenance 21 of any "moonshine still" shall be guilty of a felony, and

22 upon conviction thereof shall be fined not less than two hundred
23 dollars nor more than five hundred dollars, and confined in the
24 penitentiary not less than one nor more than three years.

25 An indictment of a principal under this section shall be suffi-
26 cient if in the form or effect following:

27 State of West Virginia,

28 County of, To-wit:

29 In the circuit court of said county:

30 The grand jurors of the state of West Virginia, in and for the
31 body of the county of, and now attending said
32 court, upon their oaths do present that A. B., on the day
33 of, 19.., and in the county of,
34 did unlawfully and feloniously own, operate, maintain, possess,
35 and have an interest in a certain apparatus, mechanism and de-
36 vice for the manufacture of intoxicating liquors, commonly known
37 as a "moonshine still," against the peace and dignity of the state.

38 Any person who has in his possession any quantity of "moonshine
39 liquor" shall be guilty of a misdemeanor, and upon conviction there
40 of shall be fined not less than one hundred dollars nor more than
41 three hundred dollars, and confined in the county jail not less than
42 thirty nor more than ninety days; *provided*, that if any such per-
43 son shall fully and freely disclose the name or names of any per-
44 son or persons from whom he received said moonshine liquor, and
45 give any other information that he may have relative to the manu-
45-a ufacture and distribution of the same, and shall truthfully tes-
46 tify as to any such matters of information, he shall be immune
47 from further prosecution or punishment; and *provided, further*
48 that the finding of any quantity of intoxicating liquor in the
49 possession of any person other than commercial whiskies which
50 were obtained and stored in homes for domestic use at a time when
51 it was lawful so to do, shall be *prima facie* evidence that the
52 same is "moonshine liquor."

53 It shall be unlawful for any person to make, or to have in his
54 possession, or on his premises, or on the premises of another, or
55 elsewhere, or to have under his control, or an interest in any mix-
56 ture of fermenting substances or materials, such as corn meal, or
57 other crushed or ground cereals, fruits or roots combined with wa-
58 ter or other liquids or substances, commonly known as "mas!", or
59 any mixture of like kind or character, for the purpose of making
60 intoxicating liquors.

61 Any person who makes, has, or has in his possession, or on his
62 premises, or on the premises of another, or who has under his con-
63 trol, or an interest in any mixture of fermenting substances or ma-
64 terials, such as corn meal, other crushed or ground cereals, fruits
64-a or roots combined with water or other liquids and
65 substances, commonly known as "mash," or any mixture of
66 like kind or character, shall be guilty of a misdemeanor,
67 and upon conviction thereof, shall be confined in the county jail
68 not less than two months nor more than six months, and fined not
69 less than one hundred dollars, nor more than five hundred dollars.

70 An indictment for an offense hereunder shall be sufficient if in
71 the form and effect following:

72 State of West Virginia,

73 County of, To-wit:

74 In the Circuit Court of said County:

75 The grand jurors in and for the body of the said county of
76, upon their oaths do present that A. B., within
77 one year next prior to the finding of this indictment in the said
78 county of, did unlawfully make, and have in
79 his possession, and under his control, and did have an interest in a
80 certain mixture of fermenting substances and materials, commonly
81 known as "mash", for the purposes of making intoxicating liquors,
82 against the peace and dignity of the state.

83 Sections nine, ten, eleven, twelve and thirteen of chapter thirty-
84 two-a of Barnes' code, one thousand nine hundred and sixteen,
85 relating to searches and seizures and procedure, shall apply to
86 and govern the offenses under this section, so far as they are
87 applicable; *provided*, that any person held by a justice under this
88 section to answer for a felony, shall give a bond in the penalty of
89 not less than one thousand dollars to appear at the next term of the
90 circuit, criminal or intermediate court of the county having juris-
91 diction, to answer an indictment, if one be preferred against him;
92 and *provided, further*, that it shall be the duty of the officers to
93 seize and forthwith destroy all "moonshine stills" and liquors and
94 paraphernalia found in connection therewith.

95 All acts and parts of acts coming within the purview of this act
96 or inconsistent herewith are hereby repealed.

CHAPTER 116

(Committee Substitute for House Bill No. 266.)

(By the Committee on Game and Fish.)

AN ACT to amend and re-enact chapter sixty-two of the code of West Virginia, of one thousand nine hundred and sixteen, as last amended and re-enacted by chapter fifty-two of the acts of the legislature of West Virginia, of one thousand nine hundred and nineteen, regular session, all relating to the protection and preservation of certain animals, birds and fishes, forests and streams.

[Passed April 26, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. (a) Game and fish commission created; appointment; terms; vacancy in, how filled.
- (b) Same; removal by Governor.
- (c) Same; no compensation for services; provisions as to expenses.
- (d) Office of commission; regular and special meetings.
- (e) Game protectors; appointment terms, salary; office stenographer and office clerk for commission.
- (f) Commission; powers of as to frogs, fish, wild animals and birds, reserves, refuges, etc., as to fishing and hunting licenses, etc.
- (g) Records of commission; annual reports; chairman of commission, term of.
- (h) Records; how kept.
- (i) Commissioners; bonds of; oath of office.
2. (a) Game protectors; supervised by commission; powers of with and without warrants.
- (b) Certain officers and state police to be game protectors; powers of.
- (c) Game protector; right of search.
- (d) Same; powers, state wide; license of, to carry revolver.
- (e) Powers of officers mentioned same as sheriff.
- (f) Commission may employ attorney and prosecute violation without sanction of prosecuting attorney; fee for such attorney.
- (g) Rewards for information regarding violation of act.
- (h) Hindering etc., commissioners and other officers in discharge of duty, misdemeanor; penalty.
3. Ownership and title to fish, wild birds, etc., vested in state.
4. (a) Unnaturalized citizens not permitted to hunt, etc., or to possess fire arms.
- (b) Game animals and birds defined.
- (c) Hunting and fishing license; how procured; fees for.
- (d) Form of license; tags, what to contain.
- (e) License must be in actual possession of person; when exhibited on demand.

Sec.

- (f) License; duration of.
- (g) License not transferable.
- (h) Violation of provisions of this section a misdemeanor; penalty for.
5. (a) Money for licenses; disposition of.
- (b) Money credited to game and fish fund; how expended.
6. (a) Revocation and refusal of license by commission.
- (b) Procedure when license refused; duty of clerk upon notice.
- (c) When license revoked; license and tag returned.
- (d) Unlawful use of license.
- (e) Violation of provision of this section, a misdemeanor; penalty.
7. (a) When an uncased gun may be carried.
- (b) When inspection of license may be demanded by owner of land, or officer.
- (c) License in actual possession while hunting or fishing.
- (d) Violation of provisions of this section a misdemeanor; licenses issued for 1921 good for that year.
8. Game refuges; how designated; penalty for unlawful hunting upon; power of commission as to title to and over game, etc., in; investigation of streams as to availability for.
9. Frog and fish refuges; penalty for unlawful fishing in.
10. Bounties.
11. Closed season for elk; violation penalty for.
12. (a) Same; for deer until 1923.
- (b) Unlawful to hunt elk or deer with dogs.
- (c) Unlawful to hunt deer, when.
- (d) Unlawful hunting and killing of deer; report to commission.
- (e) Same; of wild turkey; report to commission.
- (f) Same; of grouse, quail, wild duck, woodcock, certain birds, snipe and soultrrels.
- (g) Closed season for frogs.
- (h) Violation of certain sub-sections, a misdemeanor; penalty, etc., caught in this state.

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| <p>13. Unlawful hunting of rabbits and red foxes; provisions as to snares and steel traps; penalty for violation of section.</p> <p>14. (a) Unlawful hunting of polecat or skunk; penalty for violation of section.</p> <p>(b) Unlawful to hunt certain pheasants and foreign game birds; penalty for violation.</p> <p>15. (a) Unlawful catching of jack salmon, white salmon, pike, pickerel or trout; length of, how determined.</p> <p>(b) Closed season for salmon, trout, bass, pickerel and pike.</p> <p>(c) Unlawful to fish on enclosed land without written consent of owner.</p> <p>(d) Unlawful use of seines, nets, traps, etc., draining of ponds; use of dynamite, etc.</p> <p>(1) Use of seines in Ohio river.</p> <p>(2) Seines may be used to procure minnows.</p> <p>(3) Commission may use for the propagation of fish.</p> <p>(e) Violation of provisions of this section; penalties.</p> <p>16. Commission; authority to capture, etc., for purpose of propagation, etc.</p> <p>17. Unlawful use of seine, net, bait, etc., for wild turkey, pheasant, etc., same for deer and elk; penalty for violation.</p> <p>18. Sunday; unlawful to hunt on; penalty for violation.</p> <p>19. Fish ladders at obstructions in streams; penalty for failure to provide.</p> <p>20. Pollution of streams; provisions for mine drainage; penalty for violation.</p> <p>21. Prosecution; courts and justices to have jurisdiction of.</p> <p>22. Possession, purchase, transportation of certain wild birds, unlawful; exceptions.</p> <p>23. Unlawful to wilfully destroy nest or eggs of any wild bird, etc.; exceptions.</p> <p>24. Violations of two proceeding sections; penalty for.</p> <p>25. (a) Possession with intent to transport or transportation of certain game birds, animals and fish unlawful.</p> <p>(b) Purchase or sale, etc. of certain game birds, animals and fish unlawful; transportation of same by person or common carrier for sale, unlawful.</p> <p>(c) When unlawful to hire one to hunt or fish, or to receive wages for doing so.</p> | <p>Sec.</p> <p>(d) Unlawful to serve for pay in public eating places, game fish, etc., caught in this state.</p> <p>(e) Violation of provisions of this section; penalty for.</p> <p>26. Negligent wounding or killing of human beings or live stock while hunting; penalty for.</p> <p>27. Unlawful discharge of fire arms; penalty for.</p> <p>28. Unlawful to hunt, camp, etc. on enclosed land without written permission of owners, etc.; penalty for violation; police power of owner, etc.</p> <p>29. When consent required to hunt, etc. on unenclosed land; penalty for violation.</p> <p>30. (a) Commission; power to protect forests from fire; local protectors; powers in fighting fires; refusal to assist in fighting; penalty for.</p> <p>(b) What services at forest fires a county charge.</p> <p>(c) Duty of builder of fires to extinguish same; penalty for failure; penalties for neglecting or wilfully setting woods on fire.</p> <p>(d) Duties of railroad companies to prevent or extinguish fires on rights of way; reports of by trainmen to station agent and duty of agent.</p> <p>(e) Persons giving origin to fire to pay cost of extinguishing; Weeks law; establishment and maintenance of patrol routes and lookout stations, paid from license fund and contributions.</p> <p>31. Commission; power to purchase suitable lands for forest, game and fish reserves; consent of governor; how purchase price paid; regulations of unkeep; gifts of land for.</p> <p>32. Violation of provisions of act not specified a misdemeanor; penalty for.</p> <p>33. Dogs chasing, etc., sheep may be killed.</p> <p>34. Damages recoverable from owner of certain dogs; proof; when county may recover; harboring of sheep killing dogs; penalty for.</p> <p>35. When owner of dog to kill same; procedure on refusal of owner.</p> <p>36. Unlawful for unnaturalized foreign born resident of this state to own or keep a dog.</p> <p>37. Violation of certain sections; penalties.</p> <p>38. Commission; powers to suspend and prohibit hunting and fishing for fixed period; publication of notice; penalty for violation.</p> <p>39. Inconsistent acts repealed.</p> |
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Be it enacted by the legislature of West Virginia:

That chapter sixty-two of the code of West Virginia, of one thousand nine hundred and sixteen, as last amended and re-enacted by chapter fifty-two of the acts of the legislature of West Virginia, of ed and re-enacted so as to read as follows:

Section 1. (a) The game and fish commission of West Virginia, to be composed of three competent citizens of this state who shall be appointed by the governor, no two of whom shall be residents of the same senatorial district, is hereby created. When this act takes effect, the governor shall appoint one member thereof for the term of three years from the first day of July one thousand nine hundred and twenty-one, one member thereof for the term of two years from said date, and one member thereof for the term of one year from said date, and thereafter the governor shall each year appoint a member for the full term of three years as the terms of such commissioners shall expire, except where appointment is made to fill a vacancy. A vacancy in said commission shall be filled by appointment by the governor for the unexpired term. All appointments so made shall be with the advice and consent of the senate, except where otherwise provided by law.

(b) The governor may remove any member for incompetency, neglect of duty, gross immorality or malfeasance in office.

(c) The commissioners shall receive no salary or other compensation for their services, but shall be allowed and paid their actual necessary expenses in traveling and other personal expenses incurred in the performance of their duties; *provided*, that in no case shall such total amount so allowed for traveling and other personal expenses exceed in any one year the sum of fifteen hundred dollars for all of said commissioners. No expense account shall be paid unless a statement of the items thereof together with the time of expenditure and the person or persons by whom expended shall be certified by at least two of the members of the commission to be a true statement of money actually expended, at the times designated, for traveling and other personal expenses in the performance of duty as such commissioners.

(d) The commission shall maintain an office at the capital of the state and shall hold regular meetings at such office on the first Thursdays of January, April, July and October, and may hold special meetings at such times and places in said state as it may deem necessary. Such special meetings may be called either by the chairman or by any two members, by giving reasonable notice thereof to each member.

41 (e) The commission shall have power and authority to ap-
42 point a chief game protector and additional other competent
43 men who shall be designated game protectors, each of whom
44 shall hold office at the pleasure of the commission, and the com-
45 mission may, at its discretion, with or without cause, summarily
46 remove any person appointed by it and fill such vacancy so cre-
47 ated by removal. The commission shall fix the salary to be paid
48 to the chief game protector and the compensation of said game
48-a protectors but the chief game protector shall not be
49 paid a yearly salary of more than the sum of three
50 thousand dollars, exclusive of his expenses. The com-
51 mission may rent an office adequate for its purposes, furnish
52 the same, secure necessary supplies for the keeping of its re-
53 cords and the conduct of its business, and may employ, with the
54 right of removal as aforesaid, one person to act as clerk at said
55 office, at a salary of not more than two thousand dollars a year,
56 and a stenographer at not more than fifteen hundred dollars
57 per year.

58 (f) The commission shall, in addition to the duties herein-
59 after specifically prescribed, have entire charge, control and
60 supervision of the conservation, protection, propagation and
61 distribution of the fish, frogs, wild animals, and the wild birds
62 and fowl of the state, the conduct, control, operation and
63 management of all state wild birds, wild fowl or wild game
64 farms, reserves and refuges, and fish hatcheries and reserves and
65 refuges, and all other fish, frog, wild game, wild bird and fowl
66 plants and places now or hereafter to be established in the state
67 for the propagation and protection of fish, frogs, wild game
68 and wild birds and fowl; supervise and direct the granting and
69 the cancellation or revocation of all game and fish, hunting or
70 other licenses, provided by this chapter to be granted, and the
71 payment, collection and expenditure of all moneys derived from
72 said licenses, and otherwise collected or appropriated for the
73 operation of the game and fish department; supervise and direct
74 and have charge of the enforcement of all laws enacted for the
75 propagation, preservation, conservation, protection and distri-
76 bution, or in relation to the pursuit, hunting, catching, capturing
77 and killing of the fish, frogs, the wild animals, the wild birds,
78 and the wild fowl of the state; and do and perform all acts and
79 things expressly provided or implied to be done by the commis-
80 sion under the provisions of this act or by law.

81 (g) The commission shall keep records of all its acts and
82 doings in relation to its duties and it shall preserve the same
83 at its office, and shall make a report to the governor not later
84 than the 10th day of December of each year, or oftener if re-
85 quired by the governor, of the conduct of its affairs during said
86 current year, including a statement of receipts and disburse-
87 ments and such recommendations as the commission may desire
88 to make in relation to the matters within its duties and pur-
89 poses. The commission shall choose yearly at the first meeting
90 held after the thirty-first day of May, a chairman who shall be
91 such for one year from the said thirty-first day of May of each
92 year, or until his successor shall be elected and qualified in his
93 stead.

93-a (h) The commission shall keep its records and books in the
94 manner to be prescribed by the public accounting department
95 of the state, and shall submit the same to said accounting de-
96 partment for inspection at such time as said accounting de-
97 partment may require.

98 (i) The commissioners shall each give bond in the sum of
99 two thousand dollars, and in case surety companies execute the
100 same the premiums therefor shall be paid out of the funds of the
101 commission, for the faithful performance and discharge of their
102 duties as commissioners, and the commissioners, chief game pro-
103 tector and the game protectors shall each give, sign and execute
104 a written oath of office in form to be prescribed by the attorney
105 general of this state before entering upon the performance of
106 their duties. The written oath of office may be administered to
107 the chief game protector and game protectors by any com-
108 missioner or any other person authorized by law to administer
109 oaths, and all said written obligations shall be returned to and
110 filed with the commission.

Sec. 2. (a) The chief game protector and the game protec-
2 tors and all other officers of the state of West Virginia, while en-
3 gaged in the enforcement of the provisions of this act, shall be
4 under the supervision and direction of the commission. The chief
5 game protector and the game protectors shall have full power and
6 authority to execute and serve any warrant, notice or any process
7 of law issued under this act or any law enacted relating to the
8 game, the fish, the frogs, the wild birds and wild fowl, and the
9 game animals and forests, issued by any justice of the peace or by
10 any court having jurisdiction thereof, in the same manner and

11 with the same power and authority and to and with the same legal
12 effect as any constable or sheriff can serve or execute such war-
13 rant, notice or process; may arrest on sight, without a warrant
14 or other court process, any person or persons detected by them
15 in the violation of any of the provisions of this act or of any
16 law of this state relating to the game, the fish, frogs, wild birds
17 and fowl and the game animals and the forests; and said chief
18 game protector and game protectors under the supervision and
19 direction of said commission, shall do all things necessary to
20 properly carry into effect the provisions of this act.

21 (b) The sheriffs, deputy sheriffs and constables in the several
22 counties of the state shall be, within their respective jurisdiction,
23 game protectors, and in like manner the police officers of any city
24 shall be, within their jurisdiction, game protectors, and mem-
25 bers of the department of public safety, hereinafter called state po-
26 lice, each vested within his respective jurisdiction, with all the
27 powers and authority of game protectors, but no oath shall be re-
28 quired of said sheriffs, deputy sheriffs, constables, state police or
29 police officers, and each shall, when making an arrest or executing
30 other court process under the provisions of this chapter, make re-
31 port of the same to the commission.

32 (c) The chief game protector and game protectors, including
33 said sheriffs, deputy sheriffs, constables, state police and police
34 officers, while engaged in the enforcement of any of the pro-
35 visions of this act, shall have the power, in manner provided by
36 law, to search and examine any boat, vehicle, automobile, convey-
37 ance, express or railroad cars, fish box, fish buckets or creel,
38 game bag or game coat, or any other receptacle in which game
39 birds, game animals or fish or frogs could be packed, concealed
40 or conveyed, whenever they have reason to believe that they will
41 thereby secure or discover evidence of the violation of any pro-
42 vision of this act, and the said officers shall have, in manner pro-
43 vided by law, the same right to execute a search warrant as is
44 now conferred upon sheriffs in their respective counties.

45 (d) The authority and powers and duties of the chief game
46 protector and game protectors shall be state wide and after they
47 are appointed as such, each can obtain from the circuit court of
48 the county of his residence, a license to carry a pistol or revolver,
49 by giving bond in the sum of thirty-five hundred dollars, con-
50 ditioned as provided in section seven of chapter one hundred and
51 forty-eight of the code, and no notice or other application, ex-

52 cept the presentation of his commission as such game protector
53 shall be required of him before such license is granted.

54 (e) Any of the officers herein mentioned, whose duty it is to
55 enforce provisions of this act, shall have the same rights and
56 powers as sheriffs have in their respective counties to summon
57 aid in making arrests, seizures or executing any warrants, notices
58 or court process.

59 (f) The commission may cause complaints to be made and pro-
60 ceedings to be instituted and prosecuted against any violators
61 under this chapter, without the sanction of the prosecuting at-
62 torney of the county wherein such proceedings are instituted, and
63 in all such cases no security for costs shall be required of the
64 commission. The commission may employ an attorney to repre-
65 sent it in any prosecution under this act, and in such case there
66 shall be taxed as costs, in case of conviction, the sum of ten dol-
67 lars in each case, in addition to the usual amount lawfully taxed,
68 and which ten dollars shall be for the benefit of and paid to said
69 attorney as and for his compensation.

70 (g) The commission shall have the right to offer and pay, in its
71 discretion, rewards for information respecting the violation or
72 for the apprehension and conviction of any violators, of any of
73 the provisions of this act.

74 (h) Any person who hinders, obstructs or interferes with, or
75 attempts to hinder, obstruct or interfere with, the game and fish
76 commission, or any member thereof, or any game protector, or
77 any other officer named herein in the performance of his duties,
78 shall be deemed guilty of a misdemeanor and upon conviction
79 shall be fined not less than fifty and not more than two hundred
80 dollars, or may be confined in jail not more than six months, for
81 each offense, or, in the discretion of the court may be both fined
82 and imprisoned within the limitations aforesaid.

Sec. 3. The ownership of, and the title to, all wild game,
2 wild birds, both resident and migratory, and all fishes and
3 frogs in the state of West Virginia, are hereby declared to be
4 in the state, and no such game, birds, or fishes or frogs shall
5 be taken or killed in any manner, or at any time, except the per-
6 son so taking or killing the same, shall consent that the title
7 thereto shall be and remain in the state of West Virginia, for
8 the purpose of regulating the use and disposition of the same after
9 such taking or killing. The taking or killing of wild game birds
10 or fishes or frogs at any time or in any manner or by any person,

11 shall be deemed a consent of such person that the title thereto
12 shall be and remain in the state, for the purpose of regulating the
13 use, and disposition of the same.

Sec. 4. No person not a citizen of the United States of America
2 shall at any time hunt, pursue, kill or catch any wild game
3 animals, or wild game birds or wild game fowl in this state, or have
4 in his possession fire arms of any kind for such or any of said
5 purposes, or fish for, capture, catch or kill any fish, frogs or
6 turtles, in this state.

7 (b) For the purpose of this chapter the following are game ani-
8 mals: elk, deer, rabbit squirrel and skunk or polecat. The following
9 are game birds or game fowl: the anatadae, commonly known as
10 ducks, geese, swan and brant; the rallidae commonly known as mud
11 hens, rails, coots and gallinules; the limicolae, commonly known
12 as shore birds, plover, snipe, woodcock, tatlens, curlews, ortolan,
12-a sand piper; and the gallinae, commonly known as wild turkey,
13 ruffed grouse or pheasant, quail or bob-white.

14 (c) No person above the age of fifteen years, who is a citi-
15 zen of the United States, shall, at any time, hunt, pursue,
16 kill or catch any wild game animals, or wild game birds or wild
17 game fowl, in this state, or fish for, capture, catch or kill any
18 fish or frogs of any kind whatsoever, without first having secured
19 a license so to do as herein provided, and then only during the
20 respective periods when it shall be made lawful to hunt such wild
21 game animals and wild game birds and wild game fowl, or to fish
22 for, capture, catch or kill such fish or frogs. Such license may be
23 procured in the following manner: the applicant who is a resident
24 of this state shall go before the clerk of the county court of the coun-
25 ty of his residence and in ink fill out and sign his name to a blank
26 application, which blank application shall be prepared by said com-
27 mission and furnished to said clerk by it, and which shall state,
28 among other things to be provided therein by said commission, the
29 citizenship, name, age, occupation or profession, weight, height,
30 place of county resident, color of hair, eyes and complexion of
31 the applicant, and said applicant shall in person make oath there-
32 to before, and file said application with, said clerk. If the ap-
33 plicant be a non-resident of this state, he shall make, sign, swear
34 to and file the like form of application, but such application
35 may be signed and sworn to by him before any person authorized
36 in the state of his residence to administer oaths, but said offi-

37 cer taking such affidavit shall affix his seal thereto, and such
38 application may be filed with, and such license may be granted
39 by, any clerk of the county court of any county in this state to
40 whom such application is made. If applicant is a *bona*
41 *fide* resident and citizen of this state, he may fill out
42 said application and swear to the same before some
43 one authorized to administer oaths and send the same
44 to the county clerk of the county or his residence to-
45 gether with the amount of license tax herein prescribed
46 and sufficient postage for the return of the license, and
47 such clerk shall thereupon issue and send him such li-
48 cense. Before any such license shall be issued to a cit-
49 izen who is a resident of the state of West Virginia,
50 said application shall be made and filed as aforesaid
51 and the applicant shall pay to said clerk so issuing
52 the same the sum of one dollar, and before any such
53 license shall be issued to a citizen who is a non-resi-
54 dent of the state of West Virginia said application
55 shall be made and filed as aforesaid and said applicant
56 shall pay to said clerk the sum of fifteen dollars, *pro-*
57 *vided*, that a *bona fide* land owner of this state, resid-
58 ing herein, or his resident children, or his *bona fide*
59 resident tenant, may hunt, pursue, kill or catch any of
60 the game animals or game birds and fowl, or fish for
61 capture or kill any of the fish or frogs of this state
62 on this land, during the hunting or fishing season there-
63 for, but under the regulations and laws herein expressly
64 made for hunting and fishing, without obtaining a li-
65 cense so to do, *provided, however*, said land shall not have
66 been designated and made, in manner provided by law, a state game
67 refuge or preserve. Nothing herein shall be construed to permit
68 any resident or non-resident member of any club or organization
69 or association of persons owning or leasing a game or fish pre-
70 serve in this state to hunt or fish without having secured such
71 license therefor.

72 (d) The clerk shall issue and deliver to the applicant, upon
73 the granting of such license, a form of license prepared by the
74 commission, which shall be signed by said clerk and be under the
75 seal of the county court of which he is a clerk, and which license

76 shall bear a number according to the serial order in which it was
77 issued. The clerk shall, at the same time, deliver to the applicant
78 a tag which shall be prepared and delivered to the clerk by the
79 commission, bearing on it the serial number and county of said
80 license and the name and residence of the applicant, and contain-
81 ing the words "resident" or "non-resident" as the case may be.
82 Said clerk shall keep an accurate list of all licenses issued by them
83 and of moneys received therefor.

84 (e) No person to whom such license is granted shall be entitled
85 to hunt, pursue, kill or catch any wild game animals or wild game
85-a birds or wild game, fowl, or fish for capture, or kill any fish or
86 frogs, unless, at the time thereof, he shall have such license in his
87 actual possession, and he shall, on demand, exhibit the same to
88 any officer of this state, or to the owner, tenant or lessee of any
89 land on which he is hunting or fishing.

90 (f) Such license shall be issued only until the last day of the
91 calendar year in which the same is issued, and shall permit the
92 holder thereof, in the year in which issued and then only during
93 the times in such year when it is made lawful so to do, to hunt
94 and fish in any of the counties of the state.

95 (g) No person securing such license and tag shall transfer the
96 same to any other person or permit any other person to have or
97 use the same. No person shall have, use or exhibit any license
98 or tage which has not been issued to him in manner provided
99 by law.

100 (h) If any person shall violate any of the provisions of this
101 section, he shall be deemed guilty of a misdemeanor; and upon
102 conviction shall be fined not less than twenty and not more than
103 two hundred dollars, or may be confined in jail not less than
104 ten nor more than sixty days, for each offense, or, at the dis-
105 cretion of the court may be both fined and imprisoned within
106 the limitations aforesaid.

Sec. 5. (a) All moneys received by or paid to any officer or
2 other person of this state for licenses as aforesaid, shall be paid to
3 said commission, in the manner and at the times as hereinafter
4 provided, and said commission shall, on receipt of the same by it,
5 forthwith pay over to the state treasurer such money so received,
6 accompanying such money with a statement showing in detail the
7 source of such money and the purposes for which the same was
8 originally paid. Such officers and other persons so receiving

9 such money shall, on the first day of each month, pay over to said
10 commission all moneys so paid to them during the preceding
11 month, and each such officer and persons shall accompany such
12 payment with a report showing, in case of license money, the
13 name of the county, the names and addresses of the persons pay-
14 ing the same and the date of the receipt thereof. All such money so
15 paid for licenses shall be credited to and kept separately in a
16 "Game and Fish Fund" and shall be used and paid out solely,
17 upon the order of the commission, for the conservation, protection,
18 propagation and distribution of the fish, frogs, wild game and wild
19 birds and fowls of this state, in the enforcement of the fish and
20 game laws of this state. for any of the purpose in this act provided,
21 and for the operation of the commission.

22 (b) All the money so credited to the game and fish fund and
23 applicable as aforesaid to the up-keep and conduct of the com-
24 mission, shall be withdrawn from the state treasury and expended
25 only upon the written voucher of the commission, authorized by it
26 at a meeting duly held, and signed by the chairman of such com-
27 mission.

Sec. 6. (a) All licenses herein authorized to be granted
2 shall be deemed to have been granted by the commission, and the
3 power and authority to revoke said license is vested in the com-
4 mission subject to the rights of a court of competent jurisdiction to
5 exercise general jurisdiction in relation thereto. The violation of
6 any of the provisions of this act by any person holding a license
7 shall be sufficient cause for the refusal of the commission to grant
8 in any year a license to the person so violating any such pro-
9 vision.

10 (b) In case the commission desires to refuse a license to any
11 person, it shall notify the clerk of the county court of the residence
12 of such person, or any such clerk where it is expected such license
13 shall be sought, of the name and address of such person, and such
14 other information in relation thereto as it may desire to give, and
15 such clerk shall not issue a license to such person thereafter, and
16 shall report to the commission any application made therefor. In
17 case any clerk shall, after receiving such notice, knowingly issue
18 such license, he shall be guilty of a misdemeanor and upon convic-
19 tion thereof shall be fined not less than ten dollars and not more
20 than one hundred dollars for each offense. The commission may
21 revoke any such license so wrongfully issued.

22 (c) Upon the revocation of any license, the one to whom the
23 same was issued, shall, upon having knowledge of such revocation,
24 forthwith deliver the said license and tag so issued to him to the
25 clerk of the county court of the county who issued the same to him
26 and said clerk shall thereupon transmit the same to the commis-
27 sion.

28 (d) It shall be unlawful for any person in any manner to alter
29 or change any license or tag, issued under the provisions of this
30 act, or to buy or sell, or offer to buy or sell the same, or to transfer
31 the same to another, or to permit another to use it, and it shall
32 be unlawful for any person to use or wear any such license tag or
33 either of them, which has been issued to any other person than
34 himself.

35 (e) A violation of any of the provisions of this section for
36 which no specific punishment is fixed, shall be deemed a misde-
37 meanor, and upon conviction the accused shall be fined not less
38 than twenty or more than one hundred dollars, or confined in jail
39 not less than ten nor more than one hundred days for each offense,
40 or by both fine and imprisonment, within the limitations afore-
41 said.

Sec. 7. (a) No person shall carry any uncased gun in any
2 of the fields or woods of this state, unless he has such properly is-
3 sued and valid license, or unless such person be the bona-fide owner
4 of such field or woods, or his child, tenant or lessee, and the car-
5 rying of such uncased gun in any of the fields or woods of this
6 state by any person not having a license to do so, as aforesaid, or
7 by any person not then such owner, tenant or lessee of such field
8 or woods, or a child of such owner, tenant or lessee, shall be deemed
9 *prima facie* evidence that the person so carrying such uncased gun
10 is hunting game animals or game birds or fowl.

11 (b) Any person having in his possession in the fields or woods
12 in or about the streams or waters of this state any gun or other
13 hunting paraphernalia of any fishing rod or paraphernalia, except
14 it be such owner of such field, woods, stream of water, or the child,
15 tenant or lessee of such owner, shall, upon the demand of any offi-
16 cer mentioned in this act, or by the owner, tenant, lessee, or the
17 agent of the owner of such fields or woods, produce and exhibit his
18 license to such officer or person for inspection, and shall give to
19 said officer or person his correct name and address.

20 (c) No person, to whom such license is issued, shall hunt,
21 pursue, catch or kill game animals, game birds or fowl, or fish for,
22 catch, capture or kill fish or frogs in this state, unless at the time
23 he shall have such license in his actual possession and upon his
24 person.

25 (d) If any person shall violate any of the provisions of this
26 section, he shall be guilty of a misdemeanor, and upon convic-
27 tion thereof shall be fined not less than twenty and not more than
28 one hundred dollars, or be confined in jail not less than twenty and
29 not more than one hundred days, for each offense, or by both fine
30 and imprisonment within the limitations aforesaid. All licenses
31 issued for one thousand nine hundred and twenty-one under the
32 law in force before this act takes effect shall be good for hunting
33 or fishing during such year.

Sec. 8. The commission may, with the consent of the owner or
2 owners of any land in this state, set the same, or any part thereof,
3 aside as a game refuge for the propagation or protection of the
4 wild game animals, wild birds or fowl shall be declared
5 by publication of such fact and the period of time
6 the same shall so remain such refuge, together with a
7 reasonably definite statement of the location and bound-
8 aries of such land or stream, in at least two newspapers pub-
9 lished in the county or each of the counties in which the same is
10 located, or if there be but one then in one such paper, and the com-
11 mission shall post and keep posted thereon or thereabout placard
12 notices of the fact of such refuge. During the time of the mainte-
13 nance of the same as a refuge, no person shall hunt, pursue, kill
14 or catch thereon any wild game or non-game animals or wild birds
15 or fowl, except under the rules and regulations prescribed by the
16 commission for the killing of birds and animals of prey not pro-
17 tected under the law of this state, and upon conviction thereof
18 shall be punished by a fine of not less than ten nor more than
19 one hundred dollars, or by confinement in jail not less than ten nor
20 more than one hundred days, or by both fine and imprisonment
21 within the limitations aforesaid, for each offense. The said com-
22 mission shall have power to take and hold all lands conveyed to
23 or vested in it by deed, contract or will, whether donated by indi-
24 viduals, corporations or associations, or purchased by the state,
25 and preserve and protect the same for park or game preserve pur-
26 poses, and shall have power to preserve and protect the fish,

27 wild animals and birds on the same, and to prescribe and enforce
28 rules, consistent with the laws of this state in order to carry out
29 that object; and may prescribe and enforce rules prohibiting all
30 fishing and hunting and all catching, trapping, capturing and kill-
31 ing of fish, wild animals and birds upon such park and game pre-
32 serve lands, for such a length of time as it may deem proper.

33 Said commission shall investigate the waters of the Gauley,
34 Williams, Greenbrier, Elk, Cheat, Tygarts Valley, New, Blue-
35 Stone, Coal and Guyandotte rivers and report to the governor
36 what lands thereon are suitable for the purposes of a state park
37 and game preserve, together with all information obtainable as
38 to the probable value and the adaptability of such lands for such
39 purposes.

Sec. 9. The commission may, with the consent of the owner of
2 any land or stream in this state, by publication and by posting of
3 notice as aforesaid as provided in section eight of this act, be-
4 cause of drought, forest fires, diseases existing among the fish, or
5 for the purpose of the conservation, protection or propagation of
6 fish and frogs, declare any such stream in this state or any part
7 thereof, a fish or frog refuge and thereafter maintain the same as
8 such. After such declaration no person shall, during the time the
9 same is made a refuge, fish for, capture, catch or kill any fish or
10 frogs in said stream or in any manner pollute the waters thereof,
11 and upon conviction thereof the accused shall be punished by a
12 fine of not less than ten nor more than one hundred dollars or by
13 confinement in jail not less than ten nor more than one hundred
14 days, or by both fine and imprisonment within the limitations
15 aforesaid, for each offense.

Sec. 10. The commission may, in its discretion, offer and
2 pay, from time to time, under such regulations as it may pre-
3 scribe, such bounties on the killing and destruction of wild non-
4 game animals and wild non-game birds which prey upon and de-
5 stroy game animals and game, song and insectivorous wild birds
6 and fowl of this state, as said commission shall deem necessary.

Sec. 11. No person shall hunt, chase, capture, wound or kill
2 any elk in this state at any time for a period of ten years from and
3 after the passage of this act; *provided*, that the owner of any elk
4 which shall be kept in any park or field sufficiently enclosed to rea-
5 sonably prevent their escape therefrom, shall have the right to kill
6 any such elk of his own; and *provided, further*, that such owner

7 may pursue, recapture or kill any of his elk that may escape from
8 his enclosure. Any person violating this section shall be guilty
9 of a misdemeanor, and upon conviction, shall be fined not less than
10 twenty dollars and not more than two hundred dollars and may be
11 confined in the county jail not to exceed sixty days.

Sec. 12. No person shall hunt, capture or kill any deer in this
2 state at any time until the fifteenth day of October, one thousand
3 nine hundred and twenty-three; *provided*, that the owner of any
4 deer which shall be kept in any park or field sufficiently enclosed
5 to reasonably prevent their escape therefrom, shall have the right
6 to kill any such deer of his own; *provided, further*, that such owner
7 may pursue, recapture or kill any of his deer that may escape from
8 his enclosure. Any person violating this section shall be guilty
9 of a misdemeanor and upon conviction shall be fined not less than
10 twenty-five dollars nor more than two hundred dollars, and may be
11 confined in the county jail not more than sixty days.

12 (b) No person or persons shall chase or hunt elk or deer with
13 dogs in this state at any time, or permit his dog or dogs to hunt
14 or chase elk or deer.

15 (c) It shall be lawful to hunt and kill any deer from the fif-
16 teenth day of October, one thousand nine hundred and twenty-three
17 until the thirtieth day of November, one thousand nine hundred
18 and twenty-three, and during such period of time in each year
19 thereafter; *provided*, that tame deer shall be excluded from this op-
20 eration as aforesaid.

21 (d) No person shall kill more than one deer in any one season
22 of each year. No person shall hunt, pursue, catch or kill any
23 deer between nightfall of one day and daylight of the next day.
24 No person shall at any time kill any fawn, doe, or any other deer
25 than bucks with horns or antlers over four inches in length, or
26 have the fresh skin of any doe or fawn in his possession. Each
27 person killing a deer in this state in any season when it is lawful
28 so to do, shall, within twenty days thereafter, inform the commis-
29 sion in writing of such fact, and shall also specify in writing the
30 date and place of such killing, the person by whom killed, the per-
31 sons hunting with him at such time, the estimated age of said deer,
32 the length of its horns or antlers, and what was done with said
33 deer.

34 (e) No person shall hunt, pursue, capture, wound or kill any
35 wild turkey between the first day of December of any one year and

36 the fifteenth day of October of the following year, nor shall any
37 person during said period when it shall be lawful to hunt, pursue,
38 catch and kill wild turkeys, engage therein between nightfall of one
39 day and daylight of the next day, nor shall any person kill more
40 than one wild turkey in any one day, or more than four wild tur-
41 keys in any one open season. In the month of December of each
42 year, it shall be the duty of each person who has killed a wild tur-
43 key in this state to make report of the number killed by him, dur-
44 ing the open season of that year, to the commission, designating
45 whether the same were male or female.

46 (f) It shall be unlawful for any person to hunt, pursue, catch,
47 capture or kill any ruffed grouse between the first day of Decem-
48 ber of one year and the fifteenth day of October of the following
49 year, or any quail or Virginia partridge between the first day of
50 December of one year and the first day of November of the fol-
51 lowing year. Nor shall any person kill more than ten quail or
52 four ruffed grouse in any one day, nor more than sixty quail or
53 twenty ruffed grouse in any one year. No person shall hunt, pur-
54 sue, catch, capture or kill any wild duck, goose or brant, between
55 the first day of January and the fifteenth day of October of any
56 year; *provided*, that the wood duck shall not be killed at any time
57 within this state. No person shall hunt, pursue, catch, capture or
58 kill any woodcock in this state between the thirtieth day of Novem-
59 ber of one year and the fifteenth day of October of the following
60 year; or any plover, ortolan, or sandpiper between the thirty-first
61 day of December of one year and the sixteenth day of September
62 of the following year; or any snipe between the fifteenth day of
63 December of one year and the fifteenth day of October of the fol-
64 lowing year; or any gray, black, fox or red squirrel between the
65 first day of December of any year and the first day of September
66 of the following year. No person shall kill more than eight squir-
67 rels in any one day nor more than sixty in any one open season.

68 (g) No person shall hunt, capture, gig, catch or kill frogs be-
69 tween the first day of April and the first day of June of any year.

70 (h) Any one violating any provision of sub-sections (b), (c),
71 (d), (e), (f), or (g) of this section shall be guilty of a misde-
72 meanor and upon conviction shall be fined not less than twenty nor
73 more than one hundred dollars, or confined in jail not less than
74 ten nor more than one hundred days, for each offense, or by both

75 fine and imprisonment within the limitations aforesaid. The un-
76 lawful killing or capturing of each game animal, game bird, or
77 game fowl shall be deemed a separate offense.

Sec. 13. It shall be unlawful for any person to hunt, catch,
2 wound or kill any rabbit between the first day of January and
3 the first day of October following; *provided*, that it shall be lawful
4 for any person, or the children or the agent of any such person,
5 to hunt, catch or kill any rabbit upon his own land or any land
6 of which he may be a tenant at any time. No person shall at any
7 time hunt, pursue, catch or kill rabbits with ferrets, excepting that
8 the owner of any land, or his children, or his lessee or agent, may
9 lawfully hunt and kill rabbits with a ferret on said land when
10 it is necessary so to do for the protection of the said land or any-
11 thing thereon. It shall be unlawful for any person to catch, kill
12 or injure by means of a gun, snare, trap or poison any red fox,
13 between the first day of February and the first day of Decem-
14 ber following, except in the following named counties: Poca-
15 hontas, Monongalia, Marion, Randolph, Ritchie, Fayette, Pen-
16 dleton, Monroe, Jefferson, Hardy, Wayne, Wood, Gilmer, Han-
17 cock, Lincoln, Hampshire, Braxton, Raleigh, Webster, Putnam,
18 Preston, Lewis, Jackson, Mercer, Nicholas, Greenbrier, Marshall,
19 Berkeley, Tyler, Boone, Logan, Clay, Barbour, Mineral, Mc-
20 Dowell, Tucker, Grant, Ohio and Calhoun; *provided, however*,
21 that it shall be lawful for any person at any time or by any
22 means to catch, kill or pursue any red fox upon his own land,
23 or any lands upon which he may be an actual *bona fide* tenant
24 or resident, and also for the agent of the owner or tenant of
25 such land to so hunt and kill any red fox thereon by the direc-
26 tion of such owner or tenant. It shall be unlawful for any per-
27 son at any time to set or maintain any snare upon the improved
28 or inclosed lands of another without the express permis-
29 sion of the owner or tenant of such lands, or at any time to
30 set or maintain any steel or spring bear trap upon any lands
31 not his own. If any person violate any of the provisions of this
32 section he shall be guilty of a misdemeanor, and upon conviction
33 thereof shall be punished by a fine of not less than ten dollars nor
34 more than one hundred dollars or by confinement in jail of not
35 less than ten days nor more than one hundred days for each of-
36 fense, or by both fine and imprisonment within the limitations
37 aforesaid.

Sec. 14. (a) It shall be unlawful for any person to catch, 2 kill or injure any polecat or skunk between the first day of Febru- 3 ary of any year and the first day of December of the same year, ex- 4 cept that it shall be lawful for the owner of any land, his children, 5 lessee or agent to hunt or kill sunks thereon at any time, and any 6 person violating this section shall upon conviction be punished by 7 a fine of not less than ten dollars nor more than one hun- 8 dred dollars, or by confinement in jail for not less than ten days 9 nor more than one hundred days, or by both fine and imprison- 10 ment within the limitations aforesaid.

11 (b) It shall be unlawful, at any time, to hunt, pursue, catch, 12 capture or kill any Hungarian pheasant or quail, Reeve's pheasant, 13 English pheasant (not meaning thereby ruffed grouse), Lady Am- 14 herst's pheasant, Chinese pheasant, Caporcalzie, or any other for- 15 eign game bird introduced into this state by the commission, or 16 any song or insectivorous bird, and a violation thereof shall be 17 deemed a misdemeanor, and upon conviction the accused shall be 18 punished by a fine or not less than ten nor more than one hun- 19 dred dollars, for each offense, or by confinement in jail of not 20 less than ten nor more than one hundred days, or by both fine 21 and imprisonment within the limitations aforesaid, and the killing 22 of each of any bird so prohibited shall constitute and be a sepa- 23 rate offense.

Sec. 15. (a) It shall be unlawful for any person to catch 2 and keep, or not to return to the water immediately after catching, 3 any jack salmon, commonly called jack fish, or any white sal- 4 mon, less than seven inches in length, or any pike or pickerel of 5 less than ten inches in length, or any bass less than eight inches 6 in length, or any trout less than six inches in length. Fish less 7 than the length prescribed herein shall be returned to the water 8 immediately after being caught with as little injury as possible. 9 The measurement of the fish shall be taken from the end of the 10 nose to the center fork of the tail.

11 (b) It shall be unlawful to fish for, catch, take, kill or destroy 12 any jack salmon, jack fish, or white salmon in any manner be- 13 tween the first day of April and the thirtieth day of May of each 14 year; or any trout or landlock salmon in any manner between the 15 first day of August and the first day of May following; or any 16 black bass, green bass, willow bass, rock-bass, pickerel or wall- 17 eyed pike between the first day of April and the thirtieth day of 18 May of each year.

19 (c) It shall be unlawful for any person to catch or destroy
20 fish in any dam or pond or stream on the enclosed land of any
21 person, except with the written consent of the owner of such dam
22 or pond or stream, unless such dam or pond or stream be a part
23 of the rivers of this state.

24 (d) It shall be unlawful for any person to kill or catch or
25 attempt to kill or catch any fish in this state, or in any water
26 subject to the jurisdiction of this state, at any time, by means of
27 seines, nets or traps, or devices of like nature, unless written con-
28 sent shall have been given by the commission for the use of such
29 seines as hereinafter provided; or by draining water out of
30 any pool, pond, or any stream known to contain trout or bass
31 with the intent to take or injure the fish therein; or by the use
32 of dynamite or any like explosive, or other explosive mixture, or
33 any poisonous drug or substance, or by the use of electricity or
34 lime; or by the use of a gun, rifle, pistol or any other like weapon;
35 or by any other means whatsoever except by rod, line and hook or
36 hooks with natural or artificial lures; *provided*, (1) that it shall
37 be lawful to kill or catch fish in the Ohio river by means of seines
38 between the first day of September of one year and the first day of
39 March of the year following, if and when permission so to do shall
40 have been given in writing by the commission, and in such case
41 upon such terms and conditions as the commission may fix, and
42 *provided*, (2) that any person may employ a seine not more than
43 eight feet in length for the purpose of securing minnows other
44 than salmon, bass, shad, pike and trout, for use in angling, and
45 *provided* (3) that the commission may, at any time, catch fish,
46 with nets, seines or otherwise for the purpose of propagation and
47 protection of the fish of this state; *provided*, that it shall be law-
48 ful to gig any species of fish not mentioned in this section.

49 (e) Any person violating any provision of this section shall
50 be guilty of a misdemeanor, and upon conviction thereof shall
51 be fined not less than ten dollars, nor more than one hundred dol-
52 lars, and may, at the discretion of the court or justice trying the
53 case, be confined in the county jail not exceeding thirty days for
54 each offense, or both fine and imprisonment within the limita-
55 tions aforesaid. *Provided*, that for killing fish by dynamite or
56 other explosive, or poisons, the punishment shall be as follows:
57 any person convicted thereof shall be confined in the county jail
58 for a period of not less than two months, nor more than twelve

59 months, and shall, at the discretion of the court, be fined not less
60 than twenty-five dollars nor more than one hundred dollars; but
61 upon conviction of the same person for the second offense in this
62 state, he shall be guilty of a felony and be confined in the peni-
63 tentiary not less than one nor more than three years.

Sec. 16. The game commission may hunt, capture and main-
2 tain in captivity, at any time, for the purpose of propagation,
3 protection and distribution, any of the game animals, game birds,
4 game fowl, fish or frogs or any of the wild animals, wild birds
5 and wild fowl of this state.

Sec. 17. It shall be unlawful for any person, at any time,
2 to catch, capture or kill, or attempt to catch, capture, or kill,
3 at any time by seine, net, bait, trap or snare or like device of
4 any kind, any wild turkey, ruffed grouse, pheasant, quail, or catch,
5 capture or kill any elk or deer by means of any poison, bait, trap
6 or snare, or any other like means or device, and any person vio-
7 lating any of the provisions of this section shall be guilty of a mis-
8 demeanor, and upon conviction thereof shall be fined not less
9 than ten nor more than one hundred dollars, or by confinement in
10 jail not less than ten nor more than one hundred days, or by both
11 fine and imprisonment within the limitations aforesaid.

Sec. 18. It shall be unlawful to hunt, catch, kill or injure,
2 or pursue with intent to catch, kill, or injure any game animals,
3 game birds, game fowl, or any other animal or bird or fowl pro-
4 tected under the provisions of this chapter, on the first day of a
5 week commonly known as Sunday, and any person violating any
6 provision of this section shall be guilty of a misdemeanor and
7 upon conviction thereof fined not less than ten nor more than
8 one hundred dollars for each offense, or by confinement in jail
9 not less than ten nor more than one hundred days, or by both
10 fine and imprisonment within the limitations aforesaid.

Sec. 19. No. person, firm or corporation shall build, erect,
2 keep or maintain any dam or any other structure in any river,
3 creek or water course in this state, which shall in any way pre-
4 vent or obstruct the free and easy passage of the fish up or down
5 such river, creek or other water course, without first building, or
6 erecting as a part of such dam or other structure, a good and
7 sufficient ladder or way so constructed as to allow fish easily to
8 ascend or descend the same, and such ladder or way shall be con-
9 structed only upon plans, in a manner and at a place satisfactory to

10 the commission. Any person, firm or corporation violating any
11 of the provisions of this section shall be guilty of a misdemeanor
12 and upon conviction shall be fined not less than ten nor more than
13 one hundred dollars, and such person, or in case of violation by
14 a corporation the officers or agents thereof violating this section
15 may be punished further by imprisonment in jail not less than
16 ten days nor more than one hundred days, or upon conviction
17 thereof by both fine and imprisonment within the limitations
18 aforesaid. Each day such dam or structure is maintained shall
19 constitute and be a separate offense and punishable as such.

Sec. 20. It shall be unlawful for any person, firm or corpora-
2 tion to throw, discharge or cause to enter into any stream, water-
3 course or water in this state saw dust, or other matter deleterious
4 to the propagation of fish. It shall be lawful, however, to drain or
5 cause to be drained from any mine in this state by the owner or
6 operator thereof the water that naturally collects in such mine
7 and the water from any coal washery, and to discharge the same
8 into any stream, water-course or water in the state; *provided,*
9 *however,* that any mine from which the water is so discharged or
10 drained shall be kept in a sanitary condition and the water drain-
11 age or flowing from such mine, and from such washery, shall,
12 while in the mine and on the premises of the mine owner or
13 operator, be kept free from pollution by human or animal excre-
14 ment or substance deleterious to health. And the state board
15 of health, its agents, employees and servants shall at all seasonable
16 times have authority to enter upon the premises and into any
17 such mine in order to see that the same is kept in a sanitary con-
18 dition and that the waters draining therefrom are free from the
19 objectionable substance named herein; with the right to the state
20 board of health to prevent any mine owner or mine operator who
21 fails to comply with the provisions of this act from draining or
22 discharging the water or waters, from his or its mine into any
23 stream, water or water-course in the state: *provided fur-*
24 *ther,* that any mine owner or operator having one suit-
25 able, convenient and sufficient outlet for the water from
26 his or its own mine into one stream shall not cause
27 the same to be drained into any other stream. Any
28 person, firm or corporation violating any of the provisions
29 of this section shall be guilty of a misdemeanor, and fined not less
30 than ten nor more than one hundred dollars, and such person

31 violating this section, and the officer or agent of any corporation,
32 who directs or participates in the violation of this section, may
33 be imprisoned in jail not less than ten nor more than one hundred
34 days, or both such fine and imprisonment may be imposed for
35 such violation.

Sec. 21. All prosecutions under this chapter shall be in the
2 name of the state of West Virginia and the justices of the peace
3 in their respective jurisdiction shall, in all misdemeanors, have
4 concurrent jurisdiction with the circuit or other criminal courts
5 of any county.

Sec. 22. No person shall, within the state of West Virginia
2 kill or catch, or have in his possession, living or dead, any wild
3 bird other than a game bird or a wild bird for which a bounty
4 has been offered by the commission; or purchase, offer or ex-
5 pose for sale. transport within or without the state, any such bird,
6 except as aforesaid. No part of the plumage, skin or body of
7 any bird protected by this section shall be sold or had in pos-
8 session for sale irrespective of whether said bird was captured
9 within or without the state, except the English or European
10 sparrow, owls, hawks, eagles, crows, king fishers and the common
11 black bird, sometimes called the "crow" black bird, which are not
12 included among the birds protected by this chapter, and the killing
13 thereof at any time is lawful.

Sec. 23. No person shall wilfully or needlessly destroy or
2 attempt to destroy the nest or the eggs of any wild bird, or have
3 such nest or eggs in his possession, except it be the nest or eggs of
4 a bird for which a bounty has been offered by the commission, or
5 unless such person be acting under a certificate issued by the com-
6 mission to any person for the purpose of collecting birds, their
7 nests or eggs, for scientific purposes.

Sec. 24. Any person violating any of the provisions of sec-
2 tions twenty-two and twenty-three shall be guilty of a misde-
3 meanor and upon conviction thereof shall be punished by a fine
4 of not less than ten nor more than one hundred dollars or by con-
5 finement in jail not less than ten nor more than one hundred days,
6 or by both fine and imprisonment within the limitations aforesaid.

Sec. 25. No person shall, at any time, kill or have in his pos-
2 session any deer, quail, pheasant, or ruffed grouse, wild turkey,
3 squirrel, or any part of the same, or any game fish or frog
4 killed, caught or captured in this state, with the intention of trans-

5 porting the same or having the same transported beyond the limits
6 of the state. No person shall transport beyond the limits of this
7 state any elk, deer, quail, pheasant, or ruffed grouse, wild turkey,
8 squirrel, wild duck or wild goose or game fish or frog, so
9 killed, caught or captured within this state.

10 (b) It shall be unlawful for any person at any time to pur-
11 chase, or offer to purchase, or to sell, or offer to sell, or expose for
12 sale, or have in his possession for the purpose of selling any elk,
13 deer, squirrel, wild turkey, ruffed grouse, quail, woodcock, wild
14 duck, wild goose, wild swan, wild brant, snipe, sandpiper, or any
15 of the song or insectivorous birds of this state, and it shall be un-
16 lawful for any person at any time to purchase, or offer to purchase,
17 or sell or expose for sale any trout of any species, salmon of any
18 species, pike, or any bass of any species, or perch, or any frog,
19 caught or captured within the state, and it shall be unlawful for
20 any person or common carrier to transport, carry or convey or to
21 receive for such purpose, any of the animals, birds or fowls afore-
22 said, or any part of the same or said fish or frogs so caught or killed
23 within the state, knowing or having reason to believe that said
24 animals, birds, fish or frogs had been or were to be sold. The sell-
25 ing or exposing for sale, having in possession for sale, transport-
26 ing and carrying, contrary to the provision of this section of each
27 and every animal, fish, or bird, the sale of which is prohibited in
28 this section shall constitute and be a separate offense.

29 (c) It shall be unlawful for any person, firm or corporation to
30 employ or hire, or to induce or persuade, by the use of money or
31 other thing of value, or by any means to induce, any person to
32 hunt, watch, or kill for such other person, firm or corporation,
33 any game animal, game bird or game fowl, or any other bird or
34 fowl for which no bounty has been offered by the commission, or
35 to fish for, catch or kill any fish or frog which is protected under
36 any of the provisions of this chapter, or the sale of which is pro-
37 hibited by this chapter. It shall be unlawful for any person to
38 charge, accept, receive or take money, wages, hire or reward of any
39 kind, to hunt, pursue, capture or kill, for any other person, any
40 game animal, or game bird or game fowl, or any song or insectiv-
41 ous bird, or any game fish or frog.

42 (d) It shall be unlawful for any person to serve for pay, either
43 directly or indirectly, at any hotel, restaurant, or other licensed eat-
44 ing place in this state, or in any eating place in this state, any

45 game animal, game bird, or game fowl, or any part thereof whether
46 caught within or without this state or any game fish or frog, caught
47 within this state.

48 (e) Any person violating any of the provisions of this section
49 shall be deemed guilty of a misdemeanor and upon conviction shall
50 be fined not less than ten nor more than two hundred dollars, or by
51 confinement in jail not less than ten nor more than one hundred
52 days, or by both fine and imprisonment within the limitations
53 aforesaid, and in the case of violation by a corporation every offi-
54 cer or agent directing or engaged in the violation shall be guilty,
55 and, in the discretion of the court punishment may be by both fine
56 and imprisonment.

Sec. 26. It shall be unlawful for any person while engaged in
2 the hunting or pursuing game animals, game birds or game fowl
3 carelessly or negligently to shoot or wound or kill any human being
4 or any live stock or destroy or injure any other chattels or prop-
5 erty, and any one violating this section shall be deemed guilty of
6 misdemeanor, and upon conviction thereof may be fined not exceed-
7 ing one thousand dollars, and, in the discretion of the court trying
8 the case, may in addition thereto be confined in the county jail for
9 a period conceeding one year.

Sec. 27. It shall be unlawful for any person to shoot or dis-
2 charge any firearms across or in any public road in this state, at
3 any time, or within four hundred feet of any school house or
4 church, or five hundred feet of any dwelling house, or on or near
5 any park or other place where persons gather for purposes of
6 pleasure, and any person violating this section shall be deemed
7 guilty of a misdemeanor and upon conviction thereof shall be fined
8 not less than ten nor more than one hundred dollars, or at the dis-
9 cretion of the court may be imprisoned not more than one hundred
10 days for each offense.

Sec. 28. It shall be unlawful for any person to shoot, hunt,
2 fish or fowl upon the enclosed or improved grounds of another
3 person, or to camp, peel trees, cut trees, or timber, build fires or
4 do any other act or thing thereon in connection with or auxiliary
5 to shooting, hunting, fishing or fowling on the lands of another
6 person without permission in writing from the owner, lessee or
7 other person entitled to the possession of such lands or the tenant or
8 agents of such owner, lessee or person entitled to the possession
9 thereof, duly authorized to give such written permission, and every

10 person hunting, fishing, shooting or fowling upon such lands shall
 11 have such written permission, with him when so doing. Any per-
 12 son violating any of the provisions of this section shall be deemed
 13 guilty of a misdemeanor, and upon conviction thereof shall be
 14 fined not less than ten dollars nor more than fifty dollars and may
 15 in the discretion of justice, be confined in the county jail not more
 16 than thirty days; and if any person be convicted a third time of
 17 such offense, he shall be confined in the county jail for a period of
 18 not less than three nor more than thirty days in addition to any
 19 fine imposed, and in all cases he shall be confined in the county
 20 jail until such fine and costs are paid; *provided*, that such time
 21 shall not exceed thirty days. It shall be lawful for the owner, les-
 22 see, or the person entitled to the possession of such lands or the
 23 agent thereof, to arrest any such person found violating this sec-
 24 tion and immediately take him before a justice of the peace for
 25 trial, and such owner, lessee, person or agent, is hereby vested with
 26 all the powers and rights of a game protector for such purpose; and
 27 it is hereby made the duty of the game protectors to see that this
 28 section is enforced, if requested so to do by such owner, lessee, per-
 29 son or agent, but not otherwise.

Sec. 29. It shall be unlawful to fish for, catch, capture or take,
 2 or attempt to catch, capture or take, any fish in or from any
 3 spring, brook, stream or run, situate on unenclosed land which is
 4 the property of any person, firm or corporation, except with the
 5 consent of the owner of such unenclosed land; *provided*, (1), that
 6 the owner of such unenclosed land shall have erected and does
 7 maintain, at conspicuous and frequent places about said spring,
 8 or about and along said brook, stream or run, signs or placards at
 9 least one foot square on which shall be the words "no fishing or
 10 trespassing allowed here", together with the name of the person so
 11 owning such unenclosed land, which signs shall be placed in the
 12 case of a brook, stream or run, at or near the point where the same
 13 enters, and another at or near the point where the same leaves the
 14 land of such person and at least another one for each mile of said
 15 stream placed about an equal distance from each other. Any per-
 16 son violating this section shall be guilty of a misdemeanor, and
 17 upon conviction shall be fined not less than ten and not more than
 18 two hundred dollars, or may be confined in jail not less than ten
 19 and not more than one hundred days, or may be both fined and im-
 20 prisoned within the limitations aforesaid.

Sec. 30. (a) The commission is vested with authority and power to protect the forest against injury or destruction by fire, and for which purposes they may appoint local protectors for each county, with pay at the rate of three dollars and fifty cents per day when actually engaged in fighting fire. And it is made the duty of the commission, the chief game protector and the game protectors, upon receiving notice of any such forest fire to employ all the necessary means to confine or extinguish the same. For this purpose authority is given to destroy fences, plough lands or in cases of extreme emergency, to set back fires. The chief game protector and game protectors may, under the general supervision of the commissioner, in case of emergencies, summon or employ persons to assist in fighting fires, who shall be paid at the rate of three dollars a day for the actual time so employed in fighting such fires. Any person who shall fail or refuse to assist in the fighting of such fires shall, unless such failure is due to physical inability, be convicted of a misdemeanor, and upon conviction be fined not less than ten nor more than twenty dollars for each offense.

(b) All services rendered at forest fires except that rendered by a chief game protector or game protectors, shall be charged against the county in which the fire was, and each game protector shall render to the county court, within twenty days after such fire, and also to the commission, a sworn statement of the time used in fighting such fires with the name or names of all persons who were summoned and assisted thereat and the amount of money due each therefor.

(c) Whoever by himself, or by his servants, agents or guide, or the servant, agent or guide of any other person, shall build any fire, or use an abandoned fire in a field, public or private road, or adjacent to, or in any woods or forest in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so, such person, or persons, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars and costs of the prosecution, and upon default in paying said fine and costs shall be confined in the county jail not more than ninety days unless said fine and costs be sooner paid. If any person, or persons, negligently set on fire any woods, fields or lands within this state, so as thereby to occasion loss, damage or injury to any other person, he shall be guilty of a misdemeanor and upon conviction thereof, shall be fined

41 not less than fifty dollars nor more than five hundred dollars, and
42 in the discretion of the justice of court trying the case, be impris-
43 oned in the county jail not to exceed one year, and upon default in
44 payment of the fine and costs, he shall be imprisoned in the county
45 jail not to exceed six months, and if any person or persons wilfully
46 set on fire any woods, fields or lands within the state, not his own
47 so as thereby to occasion damage or injury to any other person, he
48 shall be guilty of a felony and on conviction thereof, shall be con-
49 fined in the penitentiary not less than one nor more than two years.

50 (d) Every railroad company shall on such part of its road as
51 passes through forest lands or lands subject to fires from any cause,
52 cut and remove from its right of way along such lands, at least
53 twice a year, all grass, brush and other inflammable materials and
54 employ in seasons of drought and before vegetation has revived in
55 the spring, sufficient trackmen to promptly put out fires on its right
56 of way; provide locomotives thereon with netting of steel or iron
57 so constructed as to give the best practicable protection against the
58 escape of fire and sparks from the smoke stacks thereof, and ade-
59 quate devices to prevent the escape of fire from ash pans and fur-
60 naces which shall be used on such locomotives.

61 No railroad company or employee thereof, shall deposit fire coals or
62 ashes on its track or right of way near such lands. In case of fire
63 on its own or neighboring lands, the railroad company shall use all
64 practicable means to put it out. Engineers, conductors or trainmen
65 discovering or knowing of fires in fences or other material along or
66 near the right of way of the railroad in such lands, shall report the
67 same at the first station to the station agent, and such station agent
68 shall forthwith notify the nearest game protector and use all neces-
69 sary means to extinguish the same. And any officer or employee of
70 a railroad company violating any provisions of this section shall be
71 guilty of a misdemeanor and upon conviction thereof, shall be fined
72 a sum not less than twenty nor more than two hundred dollars.

73 (e) The commission shall in the name of the county in which
74 any forest fire has occurred, and which has been extinguished, or
75 suppressed by its efforts, recover from the person or persons, firm
76 or corporation giving origin to such fire, the amount so expended
77 in extinguishing said fire and the costs thereof, and the same shall
78 not bar the rights of damage between the parties thereto.

79 The commission may do all things required to meet the con-
80 ditions and requirements of the federal government in securing

81 federal co-operation under the provisions of the Weeks law, for
82 the purpose of preventing and controlling forest fires, and for
83 the purpose of aid and co-operation with the federal government
84 in this respect, the sum of ten thousand dollars is hereby appropri-
85 ated.

86 The commission may co-operate with owners of forest lands and
87 receive financial assistance from them for the purpose aforesaid
88 and do any and all things necessary therefor, including the estab-
89 lishment and maintenance of patrol routes and lookout stations;
90 *provided*: that the commission shall expend therefor only such
91 moneys as shall be appropriated for that purpose by the state and
92 such moneys as may be contributed therefor by the private owners
93 and such part of the funds divided from amounts paid for, the
94 game and fish licenses as it shall think best, except that the com-
95 mission shall not in any one year expend out of such fund derived
96 from the amounts paid for licenses for such fire prevention and
97 control purposes more than twenty-five per cent of such year's li-
98 cense fund.

Sec. 31. The commission, by and with the consent of the gov-
2 ernor, shall have the power and right to purchase, in the name of
3 the state, lands suitable for forest culture or game and fish re-
4 serves, out of any unused funds in the hands of the commission
5 under this chapter, but such purchases may be made on not less
6 than one-third of the purchase price to be paid down at the time of
7 the conveyance and the residue in not less than one and two years
8 after date, and when so purchased the commission may maintain
9 the same as a forest, game and fish reserve and make such regu-
10 lations for the upkeep, protection and operation of the same as
11 said commission may deem necessary, and for the purpose of
12 establishing such forest, game and fish reserves the commission
13 may take any gift of any land. In the case of gifts or purchases
14 the absolute fee simple shall pass to the state except for the reser-
15 vation of minerals and the mining rights to remove such min-
16 erals.

Sec. 32. Any person violating any of the provisions of this act
2 the punishment for which is not expressly fixed, shall be deemed
3 guilty of a misdemeanor, and shall be fined not less than ten and
4 not more than one hundred dollars, or confined in jail not less
5 than one hundred days, or may be punished by both fine and
6 imprisonment, at the discretion of the court, but within the limi-

7 tations aforesaid, and in a case of a corporation all the agents and
8 officers of such corporation directing or engaged in or about
9 such violation may be punished aforesaid.

Sec. 33. Any person may kill any dog that he may see chasing,
2 worrying, wounding or killing any sheep, lambs, goats or kids
3 outside of the enclosure of the owner of such dog, unless the
4 same be done by the direction of the owner of such sheep, goats
5 or kids.

Sec. 34. If any dog shall have killed or assisted in killing,
2 wounding or worrying any sheep, lambs, goats or kids out of the
3 enclosure or the owner of such dog, the owner or keeper of such
4 dog shall be liable to the owner of such sheep, lambs, goats or kids
5 in the amount of the damages sustained, to be recovered in action
6 before any court or justice having jurisdiction of such action; and
6-a it shall not be necessary to sustain such action, to prove that the
7 owner of such dog, knew such dog was accustomed to do such wor-
8 rying, killing or wounding; but a recovery under this section shall
9 bar and preclude the owner of such sheep, lamps, goats, or kids
10 from obtaining compensation from the county court and when
11 compensation is obtained from the county court under any law
12 which is now or may hereafter be in force, then the county wherein
13 the payment is made, is authorized to sue under this section, and
14 recover as the owner of the sheep, lambs, goats or kids, might
15 have done, and the amount so recovered shall be paid into the
16 county treasury; but no suit shall be commenced unless authorized
17 by the county court. Any person who shall harbor or secrete or
18 aid in secreting any dog which he knows or has reasons to believe
19 has worried, chased or killed any sheep, lambs, goats or kids, not
20 the property of the owner of such dog, out of his enclosure, or
21 knowingly permits the same to be done on any premises under
22 his control, shall be guilty of a misdemeanor, and upon con-
23 viction thereof before any court or justice having jurisdiction
24 thereof, in the county in which the offense is committed, be fined
25 not less than ten dollars nor more than fifty dollars, and at the
26 discretion of the court or justice, imprisoned in the county jail
27 not more than thirty days; and each day that such dog is harbored,
28 kept or secreted, shall constitute a separate offense.

Sec. 35. The owner or keeper of any dog that has been worry-
2 ing, wounding, chasing or killing any sheep, lambs, goats or kids,
3 not the property of such owner or keeper, out of his enclosure,

4 shall, within forty-eight hours after having received notice thereof
5 in writing from reliable and trustworthy source, under oath, cause
6 such dog to be killed; if the owner or keeper refuse to kill said
7 dog as hereinbefore provided any justice of the peace upon infor-
8 mation, shall summon the owner or keeper of said dog, and after
9 receiving satisfactory proof that his dog did the mischief, shall
10 issue a warrant on application being made by the owner of the
11 sheep, lambs, goats or kids killed, and give it into the hands of the
12 constable, special constable or sheriff, who shall kill the dog forth-
13 with; the cost of said proceedings shall be paid by the owner of
14 the dog so killed, including a fee of fifty cents to the officer
15 killing the sai dog; the owner of said dog so killed, shall, in
16 addition to the costs, be liable to the owner of the sheep, lambs,
17 goats, or kids, or to the county court for the value of the sheep,
18 lambs, goats or kids so killed or injured.

Sec. 36. It shall be unlawful for any unnaturalized foreign
2 born resident of this state to own or keep a dog of any kind in this
3 state.

Sec. 37. Any person violating any provision of section thirty-
2 three, thirty-four, thirty-five and thirty-six of this act or failing
3 or neglecting to perform any duty imposed by said sections thirty-
4 three, thirty-four and thirty-five shall be liable, in an action of pros-
5 ecution before any court or justice having jurisdiction, for the
6 amount of damage sustained, and also for a fine of not to exceed
7 one hundred dollars and the cost of prosecution, or to imprison-
8 ment in the county jail for not more than thirty days, or to both
9 fine and imprisonment.

Sec. 38. The commission shall have the power to suspend and
2 prohibit for certain and definite fixed periods, the catching of fish
3 in any stream or part of stream in this state, but before such sus-
4 pension and definition shall become effective, it shall give notice by
5 publication, once a week for two successive weeks, in the newspa-
6 pers of the county, or each county, when such stream is located of
7 such suspension and prohibition, and definitely fix by proper de-
8 scription in such notice such stream and state therein the period of
9 such suspension and prohibition.

10 The commission shall have the power to suspend and prohibit
11 the hunting or killing of any of the game animals or birds men-
12 tioned in this chapter for a definite and fixed period in any county
13 in the state of West Virginia, but not to exceed one year at a time.

14 Before such suspension and prohibition shall become effective, the
 15 commission shall give notice of that fact by publication in all the
 16 newspapers of such county at least once in each week for two weeks
 17 before the date of the beginning of such suspension and prohibi-
 18 tion, and such notice shall state the time of such suspension and
 19 prohibition and name the birds and animals, the killing of which is
 20 therein prohibited. The commission shall also have the power in
 21 like manner to change the dates of the hunting of quail or Virginia
 22 partridge in any county; but the open season shall not in any event
 23 be for more than thirty days in any year.

24 When the commission shall have done any of the things set out
 25 in this section and given notices as set out in this section, then any-
 26 one fishing in such streams or hunting or killing any of the ani-
 27 mals or birds, the killing of which is prohibited at any time by
 28 this chapter, shall be guilty of a misdemeanor and upon conviction
 29 thereof shall be fined not less than ten nor more than one hundred
 30 dollars, and may be confined in the county jail for the period of
 31 sixty days, or both, in the discretion of the court.

Sec. 39. All acts or parts of acts inconsistent with this act are
 2 hereby repealed.

CHAPTER 117

(Committee Substitute for House Bill No. 428.)

(By the Committee on Military Affairs.)

AN ACT to amend and re-enact sections, one, seven, nine, ten, nine-
 teen, forty-four and fifty-four of chapter eighteen of the code, re-
 lating to the military code or national guard of West Virginia,
 and to repeal sections eleven, twelve, sixteen, twenty-one and
 forty-five of said chapter eighteen of the code.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the
 Governor May 3, 1921]

SEC.		SEC.	
1-a.	Governor to appoint adjutant general; to re-organize national guard of West Virginia.	10.	Federal law to control number of officers and enlisted men; officers of staff and departments appointed by governor; qualifications and terms of; vacancies.
7.	State to govern national guard; purpose of the force, national defense; upon what efficiency depends; duty of Governor as to federal laws relating to militia.	10.	Governor to be Commander-in-chief; to appoint and commission officers.
9.	National guard personal; power, authority and duty of governor over; rank; number and duties of officers of.	44.	Compensation and expense of members of guard; how paid; transportation, how secured and paid.
		54.	When governor may call national guard into active service.

Be it enacted by the Legislature of West Virginia:

That sections eleven, twelve, sixteen, twenty-one and forty-five of chapter eighteen of the code be and the same are hereby repealed, and that sections one, seven, nine, ten, nineteen, forty-four and fifty-four of chapter eighteen of the code, be amended and re-enacted so as to read as follows:

Section 1. This chapter shall be known as the military code.

2 The governor of this state is authorized to reorganize the national
3 guard of West Virginia under the provisions of the national de-
4 fense act, of June third, one thousand nine hundred and sixteen,
5 and amendments thereto. He is authorized to appoint an adjutant
6 general under whose direction the national guard shall be reorgan-
7 ized and maintained.

Sec. 7. The duty of maintaining and governing the national
2 guard not in the service of the United States rests upon the state,
3 subject to the constitutional authority of congress. The pur-
4 pose of the force is national defense. Its efficiency as an agent
5 for national defense necessarily depends upon systematic uniform-
6 ity in the organization, composition, arms, equipment, training
7 and discipline of its component parts. The attainment of such
8 uniformity and efficiency require on the part of each state a
9 rigid adherence to federal laws and regulations relating to the
10 militia. Therefore, the governor shall cause the national guard
11 of this state always to conform to all such federal laws and
12 regulations as are now or may hereafter from time to time
13 become operative and applicable, notwithstanding anything in the
14 laws of this state to the contrary.

Sec. 9. The national guard of West Virginia shall consist
2 of the commissioned officers, enlisted men, staff, corps, depart-
3 ments and organized militia of West Virginia regularly organ-
3-a ized and maintained pursuant to law. The governor shall
4 have power to alter, divide, annex, consolidate, disband
5 or reorganize the same and create new organizations when-
6 ever, in his judgment, the efficiency of the state force will be
7 thereby increased, except in so far as such action would be con-
8 trary to the provisions of the regulations of the war department
9 governing the organized militia; and he shall at any time have
10 power to change the organization of departments, brigades, regi-
11 ments, batallions and companies so as to conform to any organi-
12 zation, system of drill, or instruction now or hereafter adopted for

13 the army of the United States, and for that purpose the number
14 of officers of the brigade, regiments, battallions and companies may
15 be increased or diminished and their rank increased or reduced
16 to the extent made necessary by such change. The officers of the
17 foregoing departments shall be of like rank as officers of similar
18 departments of the army of the United States and shall perform
19 like duties; the number of such officers to be determined by the
20 commander-in-chief, but this number shall be limited to the
21 actual requirements of the different departments, and the com-
22 mander-in-chief may designate one officer as chief of a number
23 of different departments, unless such action would be contrary to
24 the regulations provided by the war department for the govern-
25 ment of the organized militia. The governor shall have the power
26 in case of war, insurrection, invasion or imminent danger thereof,
27 to increase the force beyond the minimum now established by law
28 and to organize the same with the proper officers as the exigencies
29 of the service may require. In the event of the formation of any
30 such new organizations, officers holding commissions in the
31 national guard as organized at such time, shall be eligible for com-
32 mission in said new organizations with like or higher grade and rank
33 if found capable, after examination by a regular authorized board
34 and shall be given preference over the one not holding commission
35 at the time.

Sec. 10. The number and grades of officers and enlisted men
2 in the staff corps and departments, shall be as prescribed by fed-
3 eral law and regulations thereunder issued by direction of the
4 secretary of war. In case of emergency, line officers of the
5 national guard, active or reserve, may be temporarily detailed by
6 the governor for staff duty.

6-a All officers of the staff corps and departments shall be appointed
7 by the governor from officers or ex-officers who have had previous
8 military experience of not less than two years, and shall hold their
9 respective grades until they reach the age of sixty-four years,
10 unless they resign or are discharged for disability, or by reason
11 of the findings of a court-martial legally convened for the trial
12 of such officer, and vacancies shall be filled by appointment of per-
13 sons fulfilling the above requirements of this section.

Sec. 19. The governor shall be commander-in-chief of all
2 military forces of the state except those which may be in the ser-
3 vice of the United States and during such service. It shall be

4 the duty of the governor to appoint and commission all officers
5 of the military forces of the state, who shall be selected from the
6 classes prescribed in the national defense act, and to issue neces-
7 sary regulations for the government of such forces.

Sec. 44. The pay for officers and enlisted men of West Vir-
2 ginia national guard for service at camps of instruction, rifle
3 practice, practice marches and maneuvers, or duties ordered by
4 the President of the United States shall be such as are provided
5 in the national defense act or amendments thereto. Officers and
6 enlisted men, when employed in the actual service of the state, as
7 defined and provided in this act, beginning on the day they as-
8 sembled at their amories, or other designated places, until the day
9 they have returned thereto and been properly relieved, inclusive,
10 fractional parts of a day, counting as a full day, shall receive pay
11 and allowances at the following daily rates.

12 Officers, the same base pay which is now in effect or which may
13 hereafter be provided for like grades in the army of the United
14 States. Transportation and subsistence will be provided for by
15 the state; *provided*, officers detailed in adjutant general's office
16 shall not receive subsistence.

17 Enlisted men, twice the base pay now or hereafter provided for
18 like grades in the United States army.

19 All payments made under the provisions of this chapter except
20 for active service, shall be paid out of the military fund and all
21 expenses incurred in active service shall be paid out of any moneys
22 in the treasury not otherwise appropriated. The military fund
23 shall be disbursed on warrant of the adjutant general, properly
24 drawn and in such manner as the governor may order, but no
25 warrant nor funds signed by him shall be honored by the auditor
26 until such adjutant general shall have executed and filed such
27 bond as may be required by the commander-in-chief. Payments
28 shall be made on proper vouchers, which vouchers shall show
29 the authority under which the expenditure is made, contain an
30 itemized statement of the transaction and be filed for record in the
31 office of the adjutant general. All claims for services rendered or
32 material furnished shall be approved by the officers ordering the
33 work or material and shall be over his certificate to the effect that
34 the amount is just and reasonable and that it had not been pre-
35 viously paid. No expenditures shall be made by any officer until
36 an estimate of the amount and a statement of the necessity there-

37 for shall have been made before the adjutant general and his approval received. Where practicable, competitive bids shall be received for all work or material involving an expenditure of more than two hundred dollars and the contract will be let to the lowest responsible bidder, who, if required by the commander-in-chief, shall enter into a good and sufficient bond for the proper performance of his contract.

43 The several railroads and other transportation companies in this state shall furnish transportation for all officers and enlisted men in the national guard, together with the stores, ammunition, and equipments when traveling on duty under orders from competent authority, under request of the officer desiring transportation, which request will state the number of persons to be carried and their destination, and for such transportation, said companies shall be entitled to receive compensation from the state at the rate specified.

Sec. 54. In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrence of any said events, or in event of public disaster, the governor shall have power to order the West Virginia national guard or any part thereof into the active service of the state, and to cause them to perform such duty as he shall deem proper.

CHAPTER 118

(Senate Bill No. 197—Mr. York.)

AN ACT to amend and re-enact section seven of chapter thirty-two of the acts of one thousand nine hundred and nineteen amending and re-enacting chapter ten of the acts of one thousand nine hundred and fifteen.

[Passed April 22, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921.]

SEC. 7. Chief of department of mines to divide state into mining districts: number of districts: appointments and terms of inspectors.

Re it enacted by the Legislature of West Virginia:

That section seven of chapter thirty-two of the acts of one thousand nine hundred and nineteen be amended and re-enacted so as to read as follows:

Section 7. As soon as practicable after this act becomes a law, the chief of the department of mines, by and with the approval of the governor, shall divide the state into twenty-two mining districts in such manner as to equalize as far as practicable the work of each inspector. The chief of the department of mines shall appoint one inspector for each mining district within the state, whose term of office shall expire on the thirty-first day of December, one thousand nine hundred and twenty-one, unless sooner removed as provided by law; and he shall direct and prescribe in which of said districts each of the said inspectors shall serve. After December thirty-first, one thousand nine hundred and twenty-one, appointments of all inspectors shall be for a term of four years, except those appointments made to fill out unexpired terms. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 119

(House Bill No. 87—Mr. Freed.)

AN ACT to amend and re-enact sections eight and eleven of an act of the legislature passed February seventeen, one thousand nine hundred and seventeen, regarding the public service of stallions and jacks and providing penalty for violation thereof.

[Passed April 19, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 8. Registration of pure bred bull, etc.; to file certificate with commissioner of agriculture; commissioner's duty; copy of certificate on stall; unlawful to keep breeding animals for public service for hire, unless pure bred.

Sec. 11. Fraudulent representation by owner that animal is pure bred, or use of false certificate, or use of animal for breeding purposes with certificate, a misdemeanor; penalty for.

Be it enacted by the Legislature of West Virginia:

That sections eight and eleven of an act of the legislature of one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 8. Any owner of any bull, ram, or boar, kept for public service within the state of West Virginia, or any owner or keeper of any bull, ram, or boar, kept for sale, exchange or transfer, who represents such animal to be pure bred, may cause the same to be registered in some herd, flock or record book as the case may be, recognized by the United States department of agri-

7 culture at Washington, D. C., for the registration of pedigrees, and
8 obtain a certificate of registration of such animal. He may then
9 forward the same to the commissioner of agriculture of the state
10 of West Virginia, whose duty it shall be to examine and pass upon
11 the correctness or genuineness of such certificate filed for en-
12 rollment. In making such examination said commissioner of
13 agriculture shall use as his standard the record books recognized
14 by the United States department of agriculture at Washington,
15 D. C., and shall accept and enroll as pure bred, any animal reg-
16 istered in such record book. If such registration is found to be
17 correct and genuine, he shall issue a certificate of enrollment under
18 the seal of the department of agriculture of the state of West Vir-
19 ginia, which certificate shall set forth the name, breed, age and
20 color of the animal and also the volume and name of the herd, flock
21 or swine record book in which said animal is registered. Any own-
22 er or keeper of any bull, ram, or boar, kept for public service with-
23 in the state of West Virginia, who represents or holds such animal
24 as pure bred, may place on the door or stall where the animal is
25 usually kept, a copy of the certificate of enrollment from the com-
26 missioner of agriculture as provided in section one of this act.
27 *Provided*, that it shall be unlawful on and after January 1, one
28 thousand nine hundred and twenty-three, for any person to keep
29 any breeding animal for public service for pay, which is not pure
30 bred and which has not been properly registered in accordance with
31 this act.

Sec. 11. Any person who shall fraudulently represent any
2 animal, horse, cattle, sheep or swine to be pure bred, or any per-
3 son who shall post or publish, or cause to be posted or published
4 any false pedigree or certificate, or shall use any stallion or other
5 male breeding animal for public service, exchange or transfer any
6 such animal for service within the state of West Virginia, repre-
7 senting such animal to be pure bred without first having such
8 animal registered, and obtaining the certificate of commissioner of
9 agriculture as hereinbefore provided, or who shall violate any of
10 the provisions of this act, shall be guilty of a misdemeanor and
11 shall be punished by a fine of not more than one hundred dollars
12 or be imprisoned in the county jail not exceeding thirty days,
13 or by both fine and imprisonment, and it is hereby made the
14 duty of the prosecuting attorney of the county in which the viola-
15 tion takes place to prosecute the action.

CHAPTER 120

(House Bill No. 336—Mr. Hersman, of Roane.)

AN ACT to revise, amend and re-enact section twenty-eight of chapter thirty-nine of the code of West Virginia, authorizing county courts to aid county farm bureaus in the employment of county agricultural agents.

[Passed April 21, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.	28. County agricultural agents; when county court may levy for or appropriate for salary; how money appropriated shall be		spent; duplicate of vouchers to be filed with agricultural extension division; duty of extension division to co-operate; joint co-operation of county courts.
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Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter thirty-nine of the code of West Virginia be revised, amended and re-enacted so as to read as follows:

Section 28. Whenever a number of farmers, not fewer than one hundred and fifty, file with the county court of the county a memorandum of understanding with the agricultural extension division of the college of agriculture, West Virginia University, whereby the extension division of the college of agriculture agrees to provide part of the salary of county agent or agents to the end of the next succeeding fiscal year, then the county court of such county is hereby authorized to, and it shall levy for or appropriate from the general fund an amount not to exceed one and one-half cents on the one hundred dollars assessed valuation. The money so appropriated shall be used for the payment of part of the salary and expenses of person or persons to encourage demonstrations of improved methods on the farm and in the home and to give free advice and practical instruction in agriculture and home economics in such county, in co-operation with and under the supervision of the said agricultural extension division. Such person or persons as employed shall be nominated by the agricultural extension division of the West Virginia University. All moneys so appropriated shall be expended upon orders of the county court as other county funds are expended, and a duplicate of all salary vouchers and expense accounts shall be filed with the said agricultural extension division in such form as will comply with the provisions of the act of Congress approved May eighth, one thousand nine hundred and

25 fourteen, known as the "Smith-Lever act"; but no part of any
 26 money so appropriated shall be used to compensate any representa-
 27 tive of the West Virginia University or any other person except
 28 the persons who may be employed under this act. It shall be the
 29 duty of the agricultural extension division to co-operate with
 30 each county court appropriating money under this act. Any
 31 county court may co-operate with the county court of one or more
 32 adjoining counties in carrying out the purposes of this act.

CHAPTER 121

(House Bill No. 346—Mr. Downs.)

AN ACT to provide for the formation of co-operative agricultural or horticultural associations, instituted for the purpose of mutual help, and not having capital stock or conducted for profit, and for other purposes.

[Passed April 28, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Explanation of "associations", "members" and "person."
2. Co-operative agricultural or horticultural associations; how formed.
3. Services association may perform as agent for its members.
4. Articles of associations; what to contain; to be signed, acknowledged and sent to secretary of state for recordation.
5. Same; how amended; signing, etc. of amendments.
6. Powers of association.
7. Members of association; terms of admission; forfeiture of membership.
8. Certificate of membership; not transferable.
9. Voting; when by registered mail.
10. Liability of members for debts, etc. of association; right of action to and against; how indebtedness may be limited.

SEC.

11. Association may act as agent for non-member; liability of non-member; charge for services to non-members.
12. First meeting; by-laws to be adopted; what by-laws to prescribe.
13. What by-laws may require of members; when member fails to perform obligation to association.
14. Board of directors; number; terms; vacancies in; duties of.
15. Director or officer may be removed from office; procedure.
16. Officers; name and number; how selected; vacancies; when bond required.
17. Expenses; how raised; excess fund returned to members.
18. Committee appointed to examine records and property; audit accounts; written report of audit; copies furnished U. S. department on request; penalty for violating provisions.

Be it enacted by the Legislature of West Virginia:

That there be established and formed, co-operative agricultural and horticultural associations for the purpose of mutual help and not having capital stock or conducted for profit, in the manner hereinafter set forth:

Section 1. In this act, unless the context otherwise require, 2 "association" means an association formed under this act; "member" means a member of an association; "person" includes a cor-

4 poration or partnership or two or more persons having joint or
5 common interest; words used import the singular or the plural as
6 the case may demand.

Sec. 2. Co-operative agricultural or horticultural associations,
2 instituted for the purpose of mutual help, and not having capi-
3 tal stock or conducted for profit, may be formed, under the
4 provisions of this act, by any number of persons, not less than
5 five, engaged in agriculture or horticulture.

Sec. 3. An association may, as agent for its members or any
2 of them, perform for them, services connected with the production,
3 preservation, drying, canning, storing, handling, utilization,
4 marketing or sale of agricultural and horticultural products pro-
5 duced by them, and for the agricultural or horticultural purposes
6 of such members, may perform for them services connected with
7 the purchase or hiring for, or use by, them, of supplies, including
8 live stock, machinery and equipment, and the hiring of labor,
9 or any one or more of the kinds of service specified in this sec-
10 tion.

Sec. 4. The persons uniting to form an association shall en-
2 ter into articles of association in writing, which shall state—

3 (a) The name of the association, which shall include the
4 word "co-operative," which name shall not be the same as that
5 of any other association or corporation formed or doing business
6 in this state or so similar to such name as to be likely to be
7 confused therewith;

8 (b) The class of service to be performed for its members by
9 the association, which services shall be among those mentioned
10 in section three of this act;

11 (c) The place where its principal operations are to be carried
12 on, which shall be a place within this state;

13 (d) The term for which such association is to exist;

14 (e) Any other provisions, not inconsistent with law, which
15 the association may see fit to adopt, governing the regulation and
16 conduct of its affairs.

17 The articles of association shall bear the signatures and post
18 office addresses of the persons uniting to form the association,
19 and shall be acknowledged by not less than five of such persons,
20 before an officer duly authorized to administer oaths in this
21 state, which acknowledgment shall be authenticated by the seal of
22 such officer. The articles of association, so acknowledged and
23 authenticated, together with a true copy thereof, shall be trans-

mitted to the secretary of state, who shall, if in his opinion the provisions of law applicable thereto have been complied with; file and record the same. He shall issue his certificate showing such filing.

Sec. 5. The articles of association may, pursuant to an affirmative vote of two-thirds of all of the members, be amended at any regular meeting, or at any special meeting called for the purpose due notice of the time, place, and object of which regular or special meeting shall have been given as prescribed in the by-laws. Copies of such amendment, signed and acknowledged by not less than three directors, shall be filed and recorded in the manner and in the respective offices, prescribed in section four for the articles of association.

Sec. 6. Upon the filing by the clerk of the county court of a copy of the articles of association, transmitted to him by the secretary of state, the association shall have power, within the limitations of this act:

- (a) To adopt and use a common seal and to alter it at pleasure;
- (b) To have succession for the term prescribed in its articles of association, unless sooner dissolved by operation of law or under the provisions of this act;
- (c) To perform for members the services described in its articles of association;
- (d) To make contracts necessary in the conduct of its operations;
- (e) To purchase, lease, or receive by gift, bequest, or devise, and to hold personal and real property necessary in the conduct of its operations, and to dispose of the same;
- (f) To borrow money necessary in the conduct of its operations, to issue notes and bonds therefor, and to give security, in the form of mortgage or otherwise, for the repayment thereof;
- (g) To sue and be sued by the name specified in its articles of association, as fully as natural persons;
- (h) To adopt, and alter or amend when necessary, by-laws not inconsistent with law, regulating its conduct and management;
- (i) To elect a board of directors, which shall have power to appoint a president, vice-president, secretary, treasurer, and other officers, and agents and employees deemed necessary, to prescribe their duties not inconsistent with the by-laws, to require bonds

28 of them and fix the penalty thereof, and to dismiss at pleasure
29 any agent or employee.

30 (j) To co-operate, through membership or otherwise, with any
31 other association not conducted for profit, whether formed under
32 this act or otherwise, for the purpose of promoting any enterprise,
33 which may be lawfully carried on, relating to the respective author-
34 ized operation of such associations, and which enterprise does not
35 relate to or involve fixing wages, limiting production, destroying
36 products, or fixing the selling price, or delegating the control, of
37 the products of the members of either association ;

38 (k) To foster membership in the association by advertising or
39 by educational or other lawful means.

40 (l) To exercise such incidental powers as shall be necessary
41 in the conduct of its operations.

Sec. 7. Any association may admit as members, under terms
2 and conditions prescribed in its by-laws, persons engaged in agri-
3 culture or horticulture. Any member shall forfeit its membership
4 upon proof being made to the association that he has ceased to be
5 engaged in agriculture or horticulture. For the purpose of this
6 act a member, other than an individual, shall be represented by an
7 individual associate, officer, or partner thereof, duly authorized.

Sec. 8. Every association shall issue a certificate of member-
2 ship to each member. Such certificate of membership shall not
3 be transferable, and no person who may acquire same by operation
4 of law, or otherwise than as may be prescribed in this act, and the
5 articles of association and by-laws of the association, shall be en-
6 titled to become a member by virtue of such certificate.

Sec. 9. Each member shall be entitled to one vote only, and
2 no vote by proxy shall be permitted. Except in case of the removal
3 of a director or officer, as provided in section fifteen of this act,
4 absent members may, under rules prescribed in the by-laws, be
5 permitted to vote on specific questions by ballots transmitted to
6 the secretary, or other proper officer of the association, by regis-
7 tered mail; and such ballots to be counted only in the meeting at
8 the time at which such vote is taken.

Sec. 10. Each member shall be responsible, as his original
2 liability, for his per capita share of all contracts, debts, and
3 engagements of the association existing at the time he becomes a
4 member and created during his membership; but if any member's
5 share of such contracts, debts and engagements shall prove to be

6 uncollectible, each remaining member shall be responsible, as his
7 additional liability, for such unpaid share or part thereof to an
8 amount equal to such remaining member's original liability or
9 to such further amount as may be prescribed in the articles of
10 association. No member shall be liable to the association for any
11 contract, debt or engagement arising out of any specific trans-
12 action between the association and any member or members there-
13 of in which he does not participate unless and until the associa-
14 tion shall have exhausted every legal recourse and failed to en-
15 force satisfaction from the member or members participating
16 therein. In all cases any member who, voluntarily or otherwise,
17 contributes to the payment of the debt or obligation of another
18 member or other members shall have an action, several or joint,
19 as he may elect, against such defaulting member or members
20 for reimbursement. Any association may, in its articles of asso-
21 ciation, limit the amount of indebtedness or obligation which may
22 be incurred by or on behalf of the association, and no member
23 shall be liable for any debt or obligation in excess of the terms
24 of such limitations.

Sec. 11. The association, as agent for a non-member, may
2 buy farm supplies for him, sell his agricultural or horticultural
3 products and charge for the use of community equipment, and, as
4 a condition of its contract with such non-member, may impose
5 upon him any liability for the contracts, debts and engagements
6 of the association which does not exceed the liability of a mem-
7 ber; but in no case shall it charge a non-member for such services
8 more than the actual cost thereof, including the pro rata part of
9 all overhead expenses.

Sec. 12. Within forty days after the filing a copy of the arti-
2 cles of association in the office of the clerk of the county court.
3 a call, signed by not less than a majority of the directors, shall
4 be issued for a meeting of the members. At such meeting, or
5 any adjourned session or sessions thereof by-laws regulating the
6 conduct and management of the association, shall be adopted.
7 Such by-laws shall, within the limitations of this act, prescribe:
8 (a) The time, place, and manner of calling and holding meet-
9 ing;
10 (b) The number and qualifications of members, the conditions
11 under which membership shall be granted and terminated, rules
12 governing the exercises of the privileges of membership and the

13 issuance, transfer and cancellation of membership certificates, and
14 the manner of ascertaining the interests of members in the as-
15 sets, if any, in the possession of the association.

16 (c) The number of the directors, the time and manner of
17 their election and removal, their powers and duties, the number
18 not less than a majority, necessary to the exercise of their powers,
19 and their compensation, if any;

20 (d) The officers, their terms of office, the time and manner of
21 their appointment and removal, their powers and duties, and their
22 compensation, if any;

23 (e) The manner of fixing and collecting fees, dues and other
24 assessments or charges for services to its members.

25 (f) Any other provisions proper and necessary to carry out
26 the purposes for which the association was formed.

Sec. 13. The by-laws may require the members to sell all or
2 any part of their specifically enumerated agricultural and horti-
3 cultural products, and to buy all or any part of their specifically
4 enumerated farm supplies, exclusively through the association;
5 but, in such case, shall specify a reasonable period, in each year,
6 during which any member, by giving to the association the notice
7 prescribed in the by-laws may withdraw and be released, from
8 his obligation to employ the services of the association in respect
9 to such products and supplies. The by-laws may fix as liquidated
10 damages, specific, reasonable sums, in amounts fairly related to
11 the actual damages ordinarily suffered in like circumstances, to
12 be paid to the association, to reimburse it for any damage which
13 it or the members may sustain by the failure of any member to
14 perform any obligation to the association, under the articles of
15 association, the by-laws, or any contract with the association, and
16 any such provision shall be valid and enforceable in the courts
17 of this state.

Sec. 14. The board of directors of every association shall con-
2 sist of not less than five members, who shall be divided, as nearly
3 equally as practicable, into three classes. At the first regular
4 meeting of the association, a quorum as prescribed by the by-
5 laws being present, the members shall elect from among them-
6 selves directors of the first class for a term of one year, directors
7 of the second class for a term of two years, and directors of the
8 third class for a term of three years. At the expiration of the
9 terms of the directors so elected their successors shall be elected

10 in like manner, for terms of three years. Directors shall hold office
11 until their successors shall have been elected and qualified and
12 shall enter upon the discharge of their duties. Vacancies shall be
13 filled, for the unexpired terms, at any regular meeting or at
14 any special meeting called for the purpose, in the manner pro-
15 vided for the original election of directors. The board of direc-
16 tors shall manage the affairs of the association and shall perform
17 the duties specifically imposed upon the board by this act.

Sec. 15. Any director or officer of an association may, for
2 cause, at any regular meeting or at any special meeting called for
3 the purpose, at which a majority of the members shall be present,
4 be removed from office by vote of not less than two-thirds of the
5 members present. Reasonable notice of the time, place and ob-
6 ject of any such meeting shall be given, in the manner pre-
7 scribe in the by-laws, to the members, and to the director or offi-
8 cer against whom charges are to be presented. Such director
9 or officer shall, at the same time, be informed in writing of such
10 charges, and at such meeting shall have an opportunity to be
11 heard in person, by counsel, and by witnesses, in regard thereto.

Sec. 16. The officers of every association shall include a presi-
2 dent, vice-president, secretary and treasurer, who shall be ap-
3 pointed annually by the board of directors. The president and
4 vice-president shall be appointed from among the directors. The
5 secretary and treasurer may be non-members. The offices of sec-
6 retary and treasurer may be combined and one individual ap-
7 pointed thereto. Vacancies shall be filled for the unexpired terms
8 by the board of directors in the manner provided for the original
9 appointment of officers. The board of directors shall require the
10 treasurer and all other officers, agents and employees charged by
11 the association with responsibility for the custody of any of its
12 funds or property to give bond with sufficient security for the
13 faithful performance of their duties as such.

Sec. 17. An association may provide for the payment of ex-
2 penses, necessary in the performance of its services to its mem-
3 bers, by the creation of a working fund or otherwise, through
4 fees, dues, assessments, or charges for the services, to be fixed
5 and collected in such manner as may be prescribed in the by-
6 laws. Such fees, dues, assessments, or charges shall be limited
7 to the amounts necessary to meet expenses already incurred, or
8 reasonably estimated as essential to be incurred, by the associa-

9 tion in conducting its operations. Whenever any association shall
10 find that it has accumulated funds in excess of those necessary to
11 meet expenses already incurred, or reasonably estimated as es-
12 sential to be incurred, by it in conducting its operations, it shall
13 return such excess to, or deduct it from future fees, dues, assess-
14 ments, or charges of, the members who contributed to such ex-
15 cess, in the proportions of their respective contribution.

Sec. 18. Every association shall, from time to time, appoint
2 a committee of three members, who shall not be directors, officers,
3 agents, or employees of the association, which committee shall,
4 at least once in each quarter of each fiscal or business year of such
5 association, make an examination of its records and property, and
6 shall within one month after such examination, report in writing
7 the results thereof to the association. Immediately after the close
8 of each fiscal or business year of the association, a complete audit
9 of its operations shall be made for the fiscal or business year. A
10 written report of the audit, including statements of services
11 rendered by the association, the balance sheets, receipts and dis-
12 bursements, assets and liabilities, members admitted and with-
13 drawn, total numbers of members, and other proper information,
14 shall be submitted to the members at their next regular meet-
15 ing. The association may file copies of the report of the audit
16 with the secretary of state, and the commissioner of agriculture
17 within three months after the close of the fiscal or business year
18 for which made. The secretary of state shall, upon request, fur-
19 nish a copy of such report to the United States department of
20 agriculture. No person shall, without the consent of the associa-
21 tion, except in obedience to judicial process, make or permit any
22 disclosure whereby any information contained in said report may
23 be identified as having been furnished by said association. Any
24 person violating or failing to comply with the provision of this
25 section shall be deemed guilty of a misdemeanor and upon con-
26 viction thereof, shall be punished by a fine of not more than five
27 hundred dollars.

CHAPTER 122

(House Bill No. 160—Mr. Nicely.)

AN ACT providing state aid for the encouragement of agricultural
fairs, and making appropriations therefor.

[Passed April 29, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Incorporated agricultural association: to receive state aid.
2. Same: when more than one in a county, how aid apportioned.
3. Same: what must do to receive aid.
4. Same: hereafter incorporated, when entitled to receive aid.
5. Same: to file annual premium list, with state department of agriculture.

SEC.

6. Same: to file with secretary of state annually a sworn statement; what statement to show.
7. Same: payments to; how and when made.
8. Same: to prohibit gambling and immoral shows; horse racing and horse shows permitted.

Be it enacted by the Legislature of West Virginia:

That agricultural fairs be encouraged and aided in the manner hereinafter provided, as follows:

Section 1. For the purpose of encouraging agriculture, any incorporated agricultural association or any unincorporated association which has conducted fairs for three successive years prior to the passage of this act, and which upon becoming properly incorporated, and conforming to the requirements of this act, shall receive from the state of West Virginia, an annual sum not exceeding ten thousand dollars, equal to the amount paid by such association as premiums for exhibits at its annual exhibition, exclusive of premiums, on speed contests and exhibitions.

Sec. 2. In case there is more than one association holding annual exhibitions in a county, such associations shall be entitled to receive from the state a sum not exceeding in the aggregate the sum of ten thousand dollars, to be apportioned among such associations according to the amount of premiums paid for exhibits at the last exhibition of such associations exclusive of premiums paid for speed contests. No association shall receive from the state a greater sum than that paid by the association as premiums on exhibitions exclusive of premiums paid for speed contests.

Sec. 3. No incorporated agricultural association shall be entitled to the benefits of this act unless it shall hold an annual exhibition in the interest of stock raising, grain, poultry, handicraft, dairy products, fruit and vegetable growing, and the like. Such exhibitions shall continue at least three successive days and shall pay premiums on exhibitions aforesaid.

Sec. 4. Agricultural associations hereafter incorporated shall have the benefits of this act only after they shall have held three consecutive annual exhibitions of the character by this act desig-

4 nated, but agricultural associations purchasing or leasing the
5 grounds and buildings of an association entitled to the benefits
6 of this act, shall also be entitled to such benefits.

Sec. 5. Any agricultural association claiming the benefits of
2 this act shall, each year, file with the state department of agricul-
3 ture a copy of its annual premium list, not later than one month
4 before the opening of its exhibition, and the said department of
5 agriculture shall have the right to inspect and supervise all ex-
6 hibits of said exhibition.

Sec. 6. On or before the fifteenth day of November in each
2 year an association applying for the benefits of this act shall file
3 with the secretary of state a statement sworn to by its president
4 and attested to by its secretary, with its corporate seal attached,
5 setting forth the name of the corporation, the time and place of
6 the exhibition, and the amount of premiums actually paid, giv-
7 ing the names and addresses of the persons to whom such prem-
8 iums were paid, and in what class, kind, and department.

Sec. 7. Payments to incorporated agricultural associations un-
2 der the provisions of this act shall be made out of the state
3 treasury on or before the first day of December of the year in
4 which the exhibition is held, and after the statement provided
5 for in section six has been filed.

Sec. 8. No incorporated agricultural association which is
2 the recipient of state aid under this act shall operate or permit
3 to be operated in conjunction with the fair any gambling device
4 or any indecent or immoral shows. Any association violating
5 the provisions of this section thereby forfeits all right to state
6 aid for a period of three years.

7 This, however, shall not be so construed as to prevent horse
8 racing or horse shows, at any fair receiving state aid.

CHAPTER 123

(Senate Bill No. 298—Mr. Stewart.)

AN ACT to establish, equip, maintain and operate a "4-H" camp in-
stitute and state exhibit of boys' and girls' club work.

[Passed April 22, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

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| <p>SEC.
1. "4-H" camp institute established; purpose; state board of control to secure site and erect suitable buildings; operated by college of agriculture.</p> | <p>SEC.
2. Equipment may be rented when not in use; rent to be turned over to state board of control.
3. Appropriations hereunder to be expended through the state board of control.</p> |
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Be it enacted by the Legislature of West Virginia:

That there be established an arrangement made to maintain and operate a "4-H" camp institute in this state as follows:

Section 1. There is hereby established at some suitable location a "4-H" camp institute and state exhibit of boys' and girls' club work for the purpose of teaching boys and girls the "4-H" standards of living and to inspire them to lift themselves toward these standards, and to discover and train boys and girls for leadership and for the purpose of teaching standards of excellence in agriculture and home economics. It shall be the duty of the state board of control to secure a site for the aforesaid camp institute and state show, and to erect the necessary buildings, and provide necessary and suitable equipment. It shall be the duty of the state board of control when said grounds and buildings are provided and equipped, as above stated, to turn them over to the college of agriculture of West Virginia University to be operated by the extension division in carrying out the purposes and intents herein set forth.

Sec. 2. When not in use by the extension division and under their regulations this equipment may be rented to other organizations for convention use. Any money derived from such rent shall be turned over to the state board of control.

Sec. 3. Any appropriations hereafter made to carry out the provisions and purposes of this act shall be expended through the state board of control.

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

CHAPTER 124

(House Bill No. 434—Mr. Hiner.)

AN ACT to amend and re-enact an act of the legislature passed February seventh, one thousand nine hundred and seventeen, entitled an act for the control and eradication of dangerously contagious and infectious diseases among honey bees in West Virginia, and providing for their inspection and eradication.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

SEC.

1. Definitions of terms.
2. Entomologist to examine apiaries; instructions to owners; when to burn colonies.
3. Sale of diseased bees, honey and appliances forbidden; penalty for violation.
- 3 (a) Certificate required for honey sold in state and for honey and

SEC.

- bees shipped into this state; duty of transportation company.
4. Powers to enforce act; penalty for resisting officers; commissioner to make and enforce regulations.
5. Duties required of persons raising queen bees; penalty for violation.

Be it enacted by the Legislature of West Virginia:

That the acts of the legislature passed February seventh, one thousand nine hundred and seventeen, reading, "An act for the control and eradication of dangerously contagious and infectious diseases among honey bees, and providing for their inspection," be amended and re-enacted so as to read as follows:

Section 1. (a) The word "commissioner" as used in this act shall mean the state commissioner of agriculture.

(b) The word "entomologist" as used in this act shall mean the state entomologist, who is in charge of the enforcement of law for the control and eradication of crop pest and plant diseases.

(c) The word "inspector" as used in this act shall mean the commissioner of agriculture, the state entomologist, or any person duly authorized and employed to carry out any of the provisions of this act.

Sec. 2. The entomologist or other person duly authorized by the commissioner shall, so far as practicable, upon information exchanged, examine all reported apiaries and other apiaries in that locality not reported, to ascertain the existence of any of the aforesaid diseases affecting bees, and if satisfied of the existence of any such diseases, he shall give the owner or person in charge of the diseased apiary full instructions how to treat them. The entomologist or assistant shall visit all said diseased apiaries a second time after a period of ten days, and if necessary, burn all colonies of bees that he may find not properly treated and cured of such disease, together with all honey and appliances which would spread disease.

Sec. 3. If the owner of an apiary, honey or appliances wherein diseases exist, shall sell, barter or give away or remove, without the consent of the inspector, any such diseased or infected bees (be they queens, workers, or colonies) honey or appliances, or expose other bees to the danger of such diseases, or fail to notify the inspector of the existence of such diseases, said owner shall

7 be guilty of a misdemeanor and upon conviction before a justice
8 of the peace, shall, in the discretion of the court, be liable to a
9 fine not to exceed one hundred dollars.

Sec. 3-a. It shall be unlawful to sell honey in this state
2 to which is not attached a signed statement or certificate of the
3 producer that the apiary from which this honey was drawn was
4 free from contagious and infectious bee diseases and it shall be un-
5 lawful to ship honey or bees from another state into this state to
6 which is not attached a certificate of the inspector or duly author-
7 ized officer of the state from which the shipment is made, certifi-
8 ing that said bees are free from contagious and infectious disease
9 or that the honey so shipped was drawn from apiaries free from
10 disease, and it shall be unlawful for any transportation company
11 to convey such bees or honey unaccompanied by the certificate
12 as aforesaid.

Sec. 4. For the enforcement of the provisions of this act the
2 commissioner, the entomologist, the inspector, or other duly au-
3 thorized agents, shall have access, ingress and egress, to all aparies
4 or places where bees are kept, and any person who shall resist or
5 hinder in any way the said officers in the discharge of their duties
6 under the provisions of this act, shall be guilty of a misdemeanor,
7 and upon conviction thereof, shall be liable to a fine not to ex-
8 ceed one hundred dollars in the discretion of the court.

9 The commissioner of agriculture is hereby authorized to make
10 and enforce any regulations in his judgment necessary to carry out
11 the full spirit of this act.

Sec. 5. It shall be the duty of any person in West Virginia
2 engaged in the raising of queen bees for sale to boil for at least
3 thirty minutes the honey used in the mailing cages for the trans-
4 portation of honey bees. Any such person engaged in the raising
5 and selling of queen bees shall have his queen raising apiary in-
6 spected at least twice during the summer season by the entomolo-
7 gist or any other duly authorized person, and upon the discovery
8 of the existence of any of said diseases injurious to bees in their
9 egg, larval, pupal or adult stages, such person shall at once cease
10 to ship queen bees from such apiary until the inspector shall de-
11 clare the same to be free from said diseases.

12 Any person engaged in raising queen bees for sale who shall vio-
13 late the provisions of this section shall be guilty of a misdemeanor
14 and subject to a fine of not more than one hundred dollars in the
15 discretion of the court.

CHAPTER 125

(House Bill No. 446—Mr. Lyttleton.)

AN ACT to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, as amended and re-enacted by chapter nine of the acts of the legislature of one thousand nine hundred and nineteen, relating to the salary of the state fire marshal and his assistants.

[Passed April 20, 1921. In effect from passage. Approved by the Governor April 20, 1921.]

SEC. 15. State and deputy fire marshals; salaries and expenses of; au-	thorized to employ stenographers, clerks and incur necessary expense.
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Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter forty-eight-a of the code, as amended by chapter nine of the acts of the legislature of one thousand nine hundred and nineteen, be, and the same is, hereby amended and re-enacted so as to read as follows:

Section 15. The state fire marshal shall receive an annual 2 salary of four thousand dollars, and the deputy fire marshal shall 3 receive an annual salary of two thousand five hundred dollars. 4 The state fire marshal shall be authorized to employ stenographers 5 and clerks, and incur such other expenses as may be necessary in 6 the performance of the duties of his office, including the necessary 7 traveling expenses, not to exceed, including salary, such sums as 8 may be paid into the state treasury in the manner hereinafter 9 provided, or by appropriation or contribution.

CHAPTER 126

(House Bill No. 130—Mr. Sanders.)

AN ACT to amend and re-enact sections twelve and fourteen of chapter fifty-four-c of the code of West Virginia, relating to surety companies.

[Passed April 20, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

SEC. 12. Certain companies incorporated under this act; to file yearly with secretary of state certificate, showing capital; when to file statement with clerk of county court; what statement to show; recordation of and fee for; pen-	SEC. 14. What offenses by companies are misdemeanors; penalty for; publication by auditor as to fraudulent acts of company.
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Be it enacted by the Legislature of West Virginia:

That sections twelve and fourteen of chapter fifty-four-c of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 12. That no company incorporated under this act shall exercise any such power or right as is mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh and twelfth clauses of section one hereof until there has been filed with the secretary of state, a duly authenticated certificate showing the capital of such company to be at least six hundred thousand dollars, fully paid and unimpaired. And such duly authenticated certificate shall be filed with the secretary of state in the month of January of every year thereafter. Every company exercising rights or powers such as are mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh and twelfth clauses of section one hereof shall before commencing business and thereafter within the first ten days of each of the months of January and July of each year, file with the clerk of the county court of each county in which it proposes to transact or is transacting business, a statement certified by the secretary, treasurer or other officer of such corporation, under oath or affirmation, showing the financial condition of the company on the first day of the month in which such statement is filed; which statement shall show all the resources and liabilities of the company and the nature of its investments, and such statement shall be made a part of the public records of each county, and be recorded in a well bound book to be kept for such purposes, and to be called "surety company statements;" for which filing and recording the clerk of the county court shall be allowed a fee of fifty cents to be paid by the company making such statement. Any officer or employee of any such company who shall knowingly make any fraudulent, false or misleading statement, under the provisions of this act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not less than five hundred dollars and not more than twenty-five hundred dollars. *Provided*, that no company that is now qualified to do business in this state and has heretofore made a deposit with the state auditor under the former provisions of this act, shall withdraw the same until the auditor of the state shall be satisfied that all claims existing against such company on liabilities where notice

38 has already been given to the surety company of liability or
39 judgment entered against it on any liability existing against
40 such company or its deposit, has been fully adjusted and settled
41 with all claimants or assignees thereof.

Sec. 14. That any company exercising or attempting to exer-
2 cise any of the rights or powers mentioned in the first, second,
3 third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh and
4 twelfth clauses of section one hereof without having fully com-
5 plied with the provisions of section four hereof by filing certi-
6 ficate required with the secretary of state or by making and filing
7 the statements required to be made and filed with the clerks of
8 the county courts, or any company violating the provisions of sec-
9 tion five hereof, by accepting money on deposit, or acting in a
10 fiduciary capacity, shall be guilty of a misdemeanor, and, upon
11 conviction thereof, shall be fined not less than five hundred dol-
12 lars; and in such cases, whether or not there be a prosecution for
13 the misdemeanor, the auditor, upon being satisfied of the facts,
14 shall publish by at least two insertions, at the expense of such com-
15 pany, in a paper of general circulation in each of the cities of
16 Wheeling, Parkersburg, Huntington, Charleston; Clarksburg,
17 Bluefield, Sistersville and Martinsville, West Virginia, an ad-
18 vertisement of the fact that such company is not entitled to exer-
19 cise the powers and rights mentioned in section one, or is trans-
20 acting, or attempting to transact, a banking or other busi-
21 ness in violation of the provisions of section five, as the case may
22 be.

CHAPTER 127

(House Bill No. 295—Mr. Post.)

AN ACT to provide for the licensing of non-resident insurance
brokers.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the
Governor May 3, 1921.]

SEC.
1. License to act as insurance brok-
ers: what application for to
show; revocation and expiration
of license; renewal of.
2. License certificate of agent re-
voked, when.

SEC.
3. Tax, fines, penalties, etc., im-
posed by other states on brokers
residents of this state, same to
be imposed by this state on brok-
ers resident in such other states;
provision as to licensing of non-
resident insurance agents.

Be it enacted by the Legislature of West Virginia:

Section 1. The insurance commissioner may, upon receipt of ten dollars, except as hereinafter provided, issued to any suitable person, resident in any other state, a license to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with the authorized agent of any qualified domestic insurance company, or with the authorized agent in this state of any foreign insurance company duly admitted to do business in this state, and not otherwise, upon the following conditions:

The applicant for such a license shall file with the insurance commissioner an application which shall be in writing upon a form to be provided by the insurance commissioner, and shall be executed by the applicant under oath and kept on file by the insurance commissioner. Such application shall state the name, age, residence and occupation of the applicant at the time of making application, his occupation for five years next preceding the date of filing the application and shall state that the applicant intends to hold himself out and carry on business in good faith as an insurance broker and shall give such other information as the commissioner may require. The application shall be accompanied by a statement upon a blank furnished by the insurance commissioner as to the trustworthiness and competency of the applicant, signed by at least three reputable citizens of this state. If the insurance commissioner is satisfied that the applicant is trustworthy and competent and intends to hold himself out and carry on business in good faith as an insurance broker, he may issue to him the license applied for. The commissioner may at any time after the granting of a broker's license, for cause shown and after a hearing determine that the licensee has not complied with the insurance laws or is not trustworthy or competent, or is not holding himself out and actually carrying on business as an insurance broker, or is not a suitable person to act as such broker, or has placed insurance on risks in this state in companies or other insurers not authorized to transact business in this state, and he shall thereupon revoke the license of such broker and notify him that the license has been revoked. Such broker's license shall expire on the last day of February after its issue unless sooner revoked by the insurance commissioner for cause, as above provided. The insurance commissioner shall publish a notice of the

40 revocation of a broker's license in such manner as he deems proper
41 for the protection of the public. Broker's licenses issued on appli-
42 cation, as herein provided, may in the discretion of the insurance
43 commissioner, be renewed upon the payment of the proper fees
44 without his requiring anew the details required in the original
45 application.

Sec. 2. Any insurance agent who shall accept any contract
2 of insurance from any non-resident of West Virginia not a duly
3 licensed broker, as provided in this act, and who shall pay to said
4 non-resident any commission thereon or accept said contract at
5 lower than the published rate, shall have his certificate of authority
6 revoked for the period of one year.

Sec. 3. When by the laws of any other state, district, territory
2 or nation, any tax, fines, penalties, license fees or other obliga-
3 tions or prohibitions are imposed on agents or brokers residents
4 of this state, the same fines, penalties, license fees or other obli-
5 gations or prohibitions shall be imposed upon agents or brokers of
6 such other state, district, territory or nation doing business or
7 seeking to do business in this state, excepting that the minimum
8 broker's license fee shall be ten dollars; and *provided* that noth-
9 ing in this act shall authorize the licensing of non-resident insur-
10 ance agents in contravention of the resident agent's law.

CHAPTER 128

(House Bill No. 296—Mr. Post.)

AN ACT authorizing the valuation of bonds and other securities held
by life insurance companies, assessment life associations, and fra-
ternal beneficiary societies, by the amortization method.

[Passed April 25, 1921. In effect ninety days from passage. . Approved by the
Governor May 2, 1921.]

SEC.

1. Authorizing valuation of bonds and securities by the amortization method.

Be it enacted by the Legislature of West Virginia:

Section 1. All bonds or other evidences of debt having a fixed
2 term and rate, held by any life insurance company, assessment
3 life association or fraternal beneficiary societies, authorized to do
4 business in this state, may, if amply secured and not in default as

5 to principal and interest, be valued as follows: If purchased at
6 par, at the par value; if purchased above par or below par, on the
7 basis of the purchase price adjusted so as to bring the value to par
8 at maturity and so as to yield in the meantime the effective rate
9 of interest at which the purchase was made; *provided*, that the pur-
10 chase price shall in no case be taken at a higher figure than the
11 actual market value at the time of purchase; and, *provided, fur-*
12 *ther*, that the insurance commissioner shall have full discretion in
13 determining the method of calculating values according to the
14 foregoing rule.

CHAPTER 129

(House Bill No. 491—Mr. Dunfee, by request.)

AN ACT to amend and re-enact sections fifteen-c and seventy-three
of chapter thirty-four of Barnes' code of West Virginia.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the
Governor May 2, 1921.]

<p>SEC. 15-c. Licensed insurance agent may apply for license for solicitors; duty of insurance commissioner; duty of solicitor; how license</p>	<p>SEC. 73. Annual license tax of foreign in- surance company; disposition of; amount of.</p>
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Be it enacted by the Legislature of West Virginia:

That sections fifteen-c and seventy-three of chapter thirty-four of
Barnes' code of West Virginia be amended and re-enacted to read as
follows:

Section 15-c. Any duly licensed insurance agent for companies
2 other than life may, with the approval of such companies,
3 apply to the insurance commissioner for licenses for not to ex-
4 ceed two solicitors. If, after due investigation, the insurance com-
5 missioner finds the person or persons for whom such license is
6 applied, competent and trustworthy and resident in this state, he
7 shall issue such solicitors' licenses which shall be subject to the
8 same law as to revocation, expiration and renewal as the agent's
9 license, and the fee for which shall be one dollar for each license.
10 Each solicitor shall solicit and receive applications for insur-
11 ance for the appointing agent only, and he shall report all busi-
12 ness through him. The expiration, cancellation, or revocation of
13 the license of the appointing agent shall automatically cancel the

14 solicitor's license, and the appointing agent may cancel his license
15 at any time by request to the insurance commissioner.

16 In no case shall a solicitor's license be requested when the prin-
17 cipal use of such license is to effect insurance on the property,
18 person or liability of the solicitor, or to circumvent the enforce-
19 ment of the anti-rebate act.

Sec. 73. Every foreign insurance company doing business in
2 this state shall pay the said commissioner an annual license tax
3 based on the amount of the business done in this state, which
4 license tax shall be paid into the state treasury for the benefit of
5 the state fund. The annual license tax of every such company
6 shall be a sum equal to two per cent of the gross premiums re-
7 ceived by it on the business written or renewed in this state, less
8 premiums returnable for cancellation, and including any so-
9 called dividends on participating life insurance policies actually
10 applied in reduction of premiums.

CHAPTER 130

(Senate Bill No. 241—Mr. Porter.)

AN ACT to amend and re-enact section seventy-six-a-three of chap-
ter thirty-four of the code and to add an additional section
thereto known as section seventy-six-a-five-and-one-half.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the
Governor April 30, 1921.]

<p>SEC. 76-a-3. Before permit issued, deposit of bonds and securities with insur- ance commissioner required;</p>		<p>SEC. amount; additional deposit, pro- visions concerning. 76-a-5½. Liability defined.</p>
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Be it enacted by the Legislature of West Virginia:

That section seventy-six-a-three of chapter thirty-four of the code
be amended and re-enacted, and an additional section added thereto
to be known as section seventy-six-a-five and one-half to read as fol-
lows:

Section 76-a-3. Before a permit to transact business in this
2 state shall be issued by the insurance commissioner to any per-
3 son, association, or corporation within the purview of section one
4 of this act, the insurance commissioner shall require said appli-
5 cant to deposit with the insurance commissioner in trust, for the
6 benefit of its contract holders, bonds and securities approved
7 by said insurance commissioner to the amount of one hundred

8 thousand dollars, and in addition to said deposit, said person,
9 association or corporation shall maintain at all times a deposit
10 with the insurance commissioner of bonds and securities approved
11 by said insurance commissioner to an amount equal to one hun-
12 dred per cent of the liability on all outstanding contracts.

13 *Provided*, that when, by the laws of any other state, any such
14 person, association or corporation shall have been required to
15 make and shall have made such deposit in said state, equal or
16 greater in amount for the benefit of contract holders in said
17 state; upon the filing of a certificate from the proper officer in
18 said state; with the insurance commissioner of this state, such
19 person, association or corporation shall not be required to make
20 such deposit with the insurance commissioner of this state for the
21 benefit of its contract holders in said state; and, *provided, further*,
22 that when the laws of any other state require such a deposit less
23 in amount, such a person, association or corporation shall file a
24 certificate from the proper officer in said state with the insur-
25 ance commissioner of this state showing the amount of the de-
26 posit made, and shall deposit with the insurance commissioner
27 of this state an amount which, together with the deposit made in
28 said state, shall make up the total amount required by this
29 state to be deposited by said person, association or corporation,
30 and said contract holders in said states shall not be entitled to
31 the benefit of the securities deposited with the insurance commis-
32 sioner of this state under this act, except so much of said de-
33 posit which may be made to complete the total amount re-
34 quired by this act where the law of any other state requires a
35 lesser amount. Said permit shall be issued for one year, or the
36 fractional part of a year, and for issuing same a fee of ten dol-
37 lars shall be charged.

Sec. 76-a-5 $\frac{1}{2}$. One hundred per cent. of the liability on all
2 outstanding contracts as used in this act is hereby defined to
3 mean the total amount which such person, association, or corpo-
4 ration may be liable to pay in cash to the holders of all con-
5 tracts under the terms thereof at the time of the deposits.

CHAPTER 131

(House Bill No. 363—Mr. Barnes.)

AN ACT to establish a state training school for mental defectives, and to amend and re-enact sections four, six, eight, nine, ten, eleven, twelve, thirteen, nineteen, twenty, twenty-three, twenty-seven, twenty-eight, twenty-nine, thirty-three and thirty-four, of chapter fifty-eight of the code of one thousand nine hundred and sixteen.

[Passed April 27, 1921. In effect from pasage. Approved by the Governor May 4, 1921.]

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| <ol style="list-style-type: none"> 1. West Virginia training school for mental defectives established; management and control; qualifications of superintendent; appointed by Governor. 2. Site to be selected by state board of control; control of educational affairs by a state board of education. 3. Who shall be admitted. 4. How mental defectives admitted; (a) free mental defectives. (b) mental defectives on trial; provisions as to these two classes; (c) mental defectives, inmates of state institution. 5. Training and treatment of persons admitted; medical treatment of. 6. Parole of inmate by superintendent. 7. Sections re-enacted. 4. County mental hygiene commission; of whom composed; duties; expenses of. 6. Removal of lunatic to county of his residence; expenses of, how paid. 8. Admittance to state hospitals; conditions of. 9. Examination required; disposition made, if sane or insane. 10. Compensation of physicians, etc., by county court. | <ol style="list-style-type: none"> SEC. 11. Voluntary patients admitted; rules for same. 12. Eligible patients; classes not eligible. 13. Restoration; discharge; action to secure. 19. Petition for release of certain patients. 20. Guardian or committee for insane persons. 23. Petition of guardian to mortgage, lease or sell real estate belonging to insane ward. 27. Non resident of state or county; provisions concerning. 28. Private hospital for insane or mental defectives; permit for. 29. Physicians fined or imprisoned for making of false certificates; malicious application by others. 33. Payments for patients by county to state; levy for; list of patients certified to auditor by superintendent; duty of auditor. 34. Recovery of money paid out by county court; duty of guardian or committee of inmate; duties of clerk and sheriff. 8. Inconsistent acts repealed. |
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Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established for the treatment and training of mental defectives a state institution to be known as the "West Virginia Training School." It shall belong to that class of institutions mentioned in section three, chapter fifteen-*m* of the code, and shall be managed and controlled as provided in said chapter, all the provisions whereof shall be applicable to said school except as in this act provided. The chief executive officer thereof shall be a superintendent, who shall be a legally qualified physician, scientifically trained in mental medicine and of not less than five years' experience in the treatment and care of insane persons and mental defectives, and who shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. As soon as practicable hereafter the state board of control shall select and acquire a suitable site and adequate lands, construct the necessary buildings and purchase the necessary equipment for said school. The state board of education shall have general control and management of the educational affairs of said school when established and shall employ professors and teachers for said school and shall fix a yearly and monthly salary to be paid to each person so employed, to be approved by the state board of control, according to law.

Sec. 3. There shall be admitted to said school any person with mental defectiveness from birth or an early age, so pronounced that he or she is unable to care for himself or herself and manage his or her affairs with ordinary prudence, and who because of mental defect is a menace to the happiness and welfare of himself or herself or of others in the community, and therefore requires care, training or control for the protection of himself or herself or of others, and yet who is not insane. This type of persons, commonly classed as feeble-minded, including idiots, imbeciles and morons, shall be known and designated as mental defectives for the purposes of this act. Should the school at any time not be able to accommodate all persons of such class offered for admission, preference in admission shall be given to children and women of child-bearing age.

Sec. 4. Mental defectives shall be admitted to said school in the following manner:

(a) The county mental hygiene commission shall have jurisdiction of all applicants for commitment of persons to said school. Any relative of a person affected may make application, by complaint under oath, to have the person adjudged a mental defective; but when the relatives of a mentally defective person either neglect or refuse to place said person in said school, or in some private institution of a like nature, and shall permit him or her to go at large, then any reputable citizen of the county may, by complaint under oath, make application to the mental hygiene commission for such commitment; and said complaint shall not be subject to exception for defects of form. When application is filed for commitment of an alleged mentally defective person, the commission shall appoint two physicians to examine such person and determine whether or not he is mentally defective. Both of these physicians shall be selected as being the most ca-

18 pable physicians available because of knowledge of and training
19 in mental medicine, and neither of them shall be related in
20 any wise to the person sought to be committed.

21 (b) Where any court of the state has on trial before it a
22 prisoner for an offense, and the judge shall have cause to believe
23 that the prisoner is mentally defective, he may appoint two phy-
24 sicians as aforesaid to examine the prisoner, to ascertain whether
25 or not he is in reality mentally defective; and if said physicians
26 shall pronounce said prisoner to be mentally defective, the judge
27 may commit him to said school.

28 In either of the cases named above, the physicians making the
29 examination shall be required to make such examination com-
30 plete and thorough, both mentally and physically, and shall be
31 required to make to the commission or court appointing them
32 certification as to their findings in the matter. This certifica-
33 tion shall be in the form prescribed by the state board of control,
34 and shall be made in duplicate, one copy of the same being sent
35 with the patient when committed to the school, and the other
36 copy being filed with the commission or court committing such
37 person; and it shall be the duty of the superintendent of said
38 school to refuse admission to any person unless he or she shall
39 present a copy of said certification.

40 The commission or court, by order, shall designate some rep-
41 utable person to convey such mentally defective person to the
42 school and to protect such person until such time as he or she
43 can be conveyed to the institution. In the case of a female be-
44 ing taken to the school, a female attendant must be provided.

45 All expenses connected with the commitment of persons here-
46 under and conveying of such mentally defective person to the
47 school shall be borne by the county in which said person has legal
48 settlement.

49 (c) The relative, guardian or friend of any inmate of any
50 state institution shall have the right and power to apply to the
51 mental hygiene commission for an order directing an examination
52 of said inmate, in the manner aforesaid, to determine whether
53 or not he or she is mentally defective, then the said commission
54 shall have the right to remove him or her from the institution
55 in which said inmate may be, and commit him or her to the
56 "West Virginia Training School"; *provided*, that this clause
57 shall apply only to those who might in the first instance have
58 been committed to said school.

Sec. 5. The training and treatment of persons admitted to 2 the school shall be along such educational, medical and indus- 3 trial lines as have proved most effective in approved institu- 4 tions for mental defectives. The medical staff of such institu- 5 tion, and the medical staffs of Weston, Spencer and Huntington 6 state hospitals, are hereby authorized to administer such medical 7 treatment and perform such surgical operations for the inmates 8 therein as may be necessary and expedient for the cure and pre- 9 vention of mental defectiveness or disease.

Sec. 6. When, in the judgment of the superintendent of the 2 school, a patient or inmate thereof shall, under the treatment and 3 training given therein, improve mentally and physically to such 4 an extent as no longer to constitute a menace to himself or 5 others, the superintendent shall have the right and it shall be 6 his duty to parole such person, under such rules and regulations 7 as the board of control may prescribe.

Sec. 7. That sections four, six, eight, nine, ten, eleven, twelve, 2 thirteen, nineteen, twenty, twenty-three, twenty-seven, twenty-eight, 3 twenty-nine, thirty-three and thirty-four of chapter fifty-eight 4 of the code of one thousand nine hundred and sixteen, be amended 5 and re-enacted so as to read as follows:

“Sec. 4. There is hereby established in each county a mental 2 hygiene commission, to be composed of the president of the 3 county court, the prosecuting attorney and the clerk of the county 4 court, who shall serve as such without compensation, except for 5 traveling or other necessary expenses incurred in the discharge 6 of their duties as members of the commission, which expenses 7 shall be audited by the county court and paid out of the county 8 treasury; *provided*, that if the president of the county court 9 shall not reside conveniently to the county seat and for that 10 reason, or for other reason, shall desire not to serve as a mem- 11 ber of the commission, the county court may choose one of its other 12 members as a member of said commission. The president of 13 the county court, or other member thereof chosen in his stead, 14 as above provided, shall be the chairman of the commission. In 15 his absence, the prosecuting attorney shall act as such chair- 16 man, the clerk of the county court shall be the clerk of the com- 17 mission, and shall keep in a proper book provided for the pur- 18 pose the full and careful proceedings of all the acts, orders and 19 resolutions of the commission. Two members of the commission 20 shall be a quorum thereof.

"Sec. 6. If the person so found to be a lunatic by the commission is a resident of another county of this state, the commission shall make up and transmit to the sheriff of its county a copy of the evidence taken on the examination of such person, and shall find and certify to the sheriff the following facts concerning such person, namely: His name, color, age and sex, and the county of which he is a resident, giving the name of the city, town or postoffice of such residence, if known. Such certificate and copy of the evidence shall be signed by the chairman and clerk of the commission, attested by the seal of the county. Upon receipt of such certificate and copy of evidence, the sheriff shall thereupon remove such person to the county of which he is a resident and deliver him into the custody of the clerk of the county court; or, in his absence, to the sheriff, and take a receipt in writing for him, which shall show the name of such insane person, the date of delivery, the person who delivered him and the person receiving him. The sheriff shall make due return to the clerk of the county court of his county, showing the manner in which he removed such insane person, making the above mentioned receipt part of such return. Such return shall be entered by the county clerk in the record of the proceedings of the county mental hygiene commission. The expenses necessarily incurred in effecting such removal, including the compensation to the person making the same, not to exceed three dollars per day, and one guard when necessary, not to exceed one dollar and a half per day, for each day actually so employed, shall be paid out of the county treasury, and shall be refunded to the county paying the same by the county court of the county to which such lunatic was removed and of which he was a resident. The mental hygiene commission of the last named county shall proceed in the case of such lunatic as in the case of a person brought before them charged with being a lunatic, and in such case may consider the evidence and certificate delivered to them by the commission of the other county.

"Sec. 8. The superintendent of the hospital to whom application is made as hereinbefore provided, shall, on receipt of such application, carefully consider the same, and if he be of the opinion that the person named is a proper one to be admitted to his institution, and there is room for him therein, he shall, without delay, cause such person to be brought to his hospital by one of

7 the attendants thereof, the actual expenses whereof shall be paid
8 out of the proper fund of the hospital, and repaid to the state by
9 the county as hereinafter provided. If there be no room in the
10 hospital to which the application is made, the superintendent
11 thereof shall immediately communicate the fact to the state board,
12 which he may do when deemed necessary by telegraph or tele-
13 phone, and transmit the commitment papers to the state board,
14 whose duty it shall be to ascertain whether there is room in any
15 one of the other hospitals, and if there is, to cause him to be
16 admitted thereto, and the superintendent thereof to send attendant
17 for such person; *provided*, that any reputable and trustworthy
18 relative or friend of such insane person may be allowed by the
19 county mental hygiene commission to deliver him to the hospital,
20 if such relative or friend will do so, without expense to the county
21 or state.

“Sec. 9. When a person committed to a state hospital is re-
2 ceived therein he shall be carefully examined by the superintend-
3 ent and the assistant thereof, who are hereby constituted the
4 examining board of such institution. Such examination shall be
5 made as soon after such person is received in the hospital as may
6 be prudent; and, if from such examination (or from a subsequent
7 examination, if the first one be not satisfactory to the examining
8 board) he is found to be insane and a proper person to be re-
9 ceived therein, he shall be registered as an inmate of such hos-
10 pital, and receive maintenance, treatment and care therein; but
11 if he is not a proper person to be received in such hospital, or
12 if in the opinion of the examining board such person be not in-
13 sane, the superintendent shall cause him to be returned by an
14 attendant to the sheriff of the county from which he was received.
15 On receiving any such person it shall be the duty of the sheriff
16 immediately to notify the clerk of the county court thereof; and
17 it shall be the duty of the mental hygiene commission of such
18 county promptly to consider and dispose of such case.

“Sec. 10. The county court of any county may make contract
2 with two or more competent physicians respecting the compensa-
3 tion to be paid to them for their services in examining lunatics
4 and other persons brought before the mental hygiene commission
5 of the county, the county court, or the circuit court, or confined
6 in jail. The compensation of physicians, of all witnesses, and
7 of all other persons and officers whose compensation is not fixed

8 in this chapter or by any other law, employed in examination of
9 such persons, or for their care and maintenance, or for other
10 services in connection therewith, unless the same shall have been
11 agreed upon before or at the time such service was performed,
12 or is fixed by law, shall be such as may be prescribed by the county
13 court of the county, and shall be paid out of the county treasury.

“Sec. 11. Any resident of this state who is in the early stages
2 of insanity, or believes himself about to become insane, or any
3 epileptic who is not insane, or any other person so afflicted as to
4 believe that treatment in one of said hospitals would be beneficial
5 to him, may make application to the state board for the benefit
6 of treatment in one of the state hospitals, as a voluntary patient.
7 The application must be in writing, in such form as the state
8 board may prescribe, and be signed by the applicant, who shall
9 acknowledge his signature before a justice or a notary public.
10 The state board may require the certificate of one or more phy-
11 sicians and such other evidence of the mental and bodily condi-
12 tion of the applicant as they may think proper; and the board may
13 admit him for treatment in any state hospital upon such terms and
14 conditions, and with such security for payment of the price agreed
15 upon for treatment and maintenance therein, as the board may
16 deem proper. A voluntary patient may be discharged upon cer-
17 tificate of the superintendent of the hospital, because he is cured
18 or because further treatment therein is unnecessary or undesir-
19 able. A voluntary patient shall have the right to leave the hos-
20 pital at any time if in the judgment of the superintendent he is
21 in fit condition, and it is prudent for him to go at large, by
22 giving five days' notice of his desire to do so. Any relative or
23 friend of any such person, may make application to the state
24 board for his treatment in a state hospital, and the board may take
25 such action thereon as is provided above in this section, all the
26 provisions of which shall apply to such case, so far as applicable,
27 as when the application is made by the person himself.

“Sec. 12. There shall also be admitted to the Huntington state
2 hospital such patients as the state board may deem eligible; but
3 in no case to include tubercular, cancerous or leprous persons.
4 Such persons shall be committed by county courts, or in such
5 other manner as the state board may prescribe, and according
6 to regulations prescribed by said board.

“Sec. 13. When any patient in any state hospital is restored to sanity the superintendent shall give him a certificate of restoration and discharge him from custody. Any patient out on parole, or on bond, or otherwise temporarily released from a hospital, who has been restored to sanity, may present himself to the superintendent. If after examination the superintendent shall find him sane, he shall give him a certificate of restoration and a discharge. Any person who has been found insane by a county mental hygiene commission or any other board or tribunal other than a circuit court, and any person who is confined in any hospital or other place of confinement or otherwise restrained of his liberty in violation of law, or a patient who has been restored to sanity and to whom the superintendent of the hospital refuses to give a certificate of restoration and discharge, may present his petition, or any relative or friend may present a petition in his behalf, to the circuit court of the county in which the hospital is located in case of a patient denied the certificate of restoration, and in other cases to the circuit court of the county in which the person is confined or is in custody, stating the facts. The courts shall treat such petition as an application for a writ of *habeas corpus*, so far as applicable and necessary, and cause such process to issue as the court may deem proper, and fix a time for the hearing of the case, which may be heard by the court either with or without a jury, as the court may order; and if the person is found sane, or it is found that he is held in custody in violation of law, he shall be discharged. In cases of patients who have been denied certificates of restoration and discharge by the superintendent of a hospital, or in which it is alleged that a patient is held in custody illegally in any state hospital, the superintendent shall have at least five days' notice of the time and place of the trial in the circuit court. In all such cases the prosecuting attorney shall represent the sheriff or other county officer or the commission who shall be a defendant in such proceedings; and the attorney general shall represent the superintendent of any hospital who is a defendant. In case the decision shall be against the applicant, he or his bondsmen (if any), or the person signing the petition, shall pay the costs of the proceeding. In any case in which a court may find a person sane upon an inquest or trial respecting his sanity, he shall be discharged and entitled to a certified copy of the order of

41 the court made in the case. Nothing in this section shall be con-
42 strued as applying to patients charged with or convicted of crime,
43 as provided in section fifteen hereof.

“Sec. 19. If any reputable person present to the clerk of the
2 county court of a county wherein a person is confined as a lunatic,
3 other than one charged with or convicted of crime, or other than
4 one confined in a state hospital, or a duly licensed private hos-
5 pital, an application in writing for the discharge of such lunatic
6 on the ground that he has been restored to sanity, the mental
7 hygiene commission for the county must consider the same, and
8 may proceed to make an inquest upon such lunatic as is herein-
9 before provided. If the commission find that such person has
10 been restored to sanity, they shall set him at liberty, if they have
11 authority to do so; and if they have not such authority, they shall
12 give a certificate of their finding to the person making the ap-
13 plication, who may present it to the proper court.

“Sec. 20. When a person is found insane or to be mentally de-
2 fective, by the county mental hygiene commission, or be committed
3 to a state hospital by the county court, the county court shall
4 appoint a guardian or a committee for him; and when a person
5 is found insane by the circuit court, such court shall appoint
6 a guardian or committee for him.

“Sec. 23. If the personal estate of such insane person or men-
2 tally defective, be insufficient for the discharge of his debts, or
3 if such estate or the residue thereof after payment of the debts,
4 and the rents and profits of his real estate, be insufficient for his
5 maintenance and that of his family, if any, the guardian or
6 committee of such person may petition the circuit court of the
7 county in which he was appointed, for authority to mortgage,
8 lease or sell so much of the real estate of such insane person as
9 may be necessary for the purposes aforesaid, or any of them;
10 setting forth in the petition the particulars and the amount of
11 the estate, real and personal, the application which may have
12 been made of any personal estate, and an account of the debts
13 and demands existing against the estate.

“Sec. 27. For the purposes of this chapter no person shall be
2 considered a resident of this state unless he is a citizen of the
3 United States and has been a *bonu fide* resident of this state for
4 at least one year, and was not insane when he came into this state.
5 And as among the counties, no person shall be considered a res-

6 ident of a county who is not a resident of the state as above de-
7 fined, and has been a resident of the county for at least sixty
8 days, and was not insane when he came into the county. In the
9 inquest on a person before them suspected of insanity, the county
10 mental hygiene commission, if it appear that he is not a resident
11 of this state, shall make diligent inquiry to ascertain his residence,
12 and if it be ascertained, shall state in the commitment papers
13 as definitely as their information shall justify, the city, town or
14 other place, as well as the state or country, of which he is a
15 resident. When a person who is a non-resident of the state is
16 sequestered as an inmate of a state hospital, the superintendent
17 thereof shall immediately report the fact to the state hospital
18 board. The board shall take proper steps to cause such a per-
19 son to be deported, if an alien; or, if otherwise a non-resident
20 of this state, to be taken to the state, territory or place of his resi-
21 dence and delivered to the proper authorities thereof.

“Sec. 28. No private hospital for the care and treatment of the
2 insane or mental defectives for compensation shall be established
3 unless a permit therefor shall be first obtained from the state
4 board. The application for such permit must be accompanied by
5 the plan of the premises to be occupied, and with such other data
6 and facts as the board may require, who may make such terms
7 and regulations in regard to the conduct of such hospital as it
8 may think proper and necessary. The state board, or any mem-
9 ber thereof, or any person by the board authorized to do so, shall
10 have full authority to investigate and inspect such private hos-
11 pital; and the state board may revoke the permit of any such hos-
12 pital for good cause, after reasonable notice to the superintend-
13 ent or other person in charge thereof.

“Sec. 29. Any physician who shall sign a certificate respecting
2 the sanity of any person without having made the examination
3 as provided for by this chapter, or shall make any statement in
4 any such certificate maliciously for the purpose of having such
5 person declared insane, and any person who shall maliciously make
6 application to any mental hygiene commission or other tribunal
7 for the purpose of having another person declared insane, shall
8 be fined not exceeding five hundred dollars, or imprisoned not
9 exceeding one year, or both fined and imprisoned at the discretion
10 of the court. Not more than one physician of any firm or asso-

11 ciation of physicians practicing medicine together, shall sign a
12 certificate provided for in this chapter respecting the mental or
13 bodily condition of any person suspected of insanity.

14 "Sec. 33. Every county shall pay into the state treasury at the
15 rate of fifty dollars per annum for every epileptic, idiot, imbecile,
16 or such other incurable defective heretofore or hereafter admitted
17 as a patient or inmate to a state hospital or training school from
18 such county, but the counties shall not be required to pay at said
19 rate of fifty dollars per annum or any other sum to the state
20 for the maintenance of any insane person proper, anything in
21 this act or any provision of the laws of this state to the contrary
22 notwithstanding. At every levy term of each county court it shall
23 estimate for and levy a sufficient amount to meet all such expenses.
24 The superintendent of said hospital, on or before the tenth day of
25 January of each year, shall certify to the auditor a list of all
26 the patients in the said hospital during the whole or any part
27 of the preceding year for which the counties are to pay, show-
28 ing on such list under the name of the county, the number from
29 each county and the length of time he was in said hospital dur-
30 ing the year, and showing the amount due from each county for
31 each patient, and the total amount due from each county for the
32 year. As soon as such list is received by the auditor he shall
33 charge to each county the amount appearing to be due from the
34 the certificates of the said superintendent. Within ten days after
35 the receipt of such certificate the auditor shall make out a copy
36 thereof for each county and certify the same to the county court
37 thereof, which list shall show the name of each patient in said
hospital from the county during the year, the length of time he
was in such hospital during the year, the amount charged for
each patient, and the total amount charged on account of all
such patients from the county; and said total amount shall con-
stitute a debt against the county due the state. Whenever there is
in the state treasury a sum of money due any county from any
source the same shall be at once applied on the debt aforesaid
against the county, and the fact of such application of such fund
shall be reported by the auditor to the county court of the county,
which report shall be a receipt for the amount therein named.
All moneys paid into the state treasury by counties as herein pro-
vided shall be credited by the auditor to the current expense or
maintenance fund of said hospital, and shall be subject to be

38 drawn out of the state treasury on the requisition of the state
39 board of control for the current expenses of the said hospital,
40 and all such moneys are hereby appropriated for that purpose.

“Sec. 34. All moneys which any county shall pay or become
2 liable for under the provisions of this chapter on account of any
3 inmate from the county in any state hospital or training school,
4 the county court of the county may recover, within five years
5 after payment of the same by the county or from the time the
6 county became liable therefor, from the persons and in the man-
7 ner following, namely: If the inmate be a minor, from his guar-
8 dian; or, if he have no estate, or it be insufficient, from his father;
9 or, if he have no father or his estate be insufficient, from his
10 mother. If the inmate be an adult, from his or her estate;
11 but if such estate be insufficient, and the inmate be a wife, from
12 the estate of her husband; or, if his estate be insufficient, from
13 the estate of her children, or such of them as have sufficient es-
14 tate. If the inmate be a husband, and his estate be insufficient,
15 from the estate of his wife; or, if her estate be insufficient from
16 the estate of his children, or such of them as have sufficient es-
17 tate. It shall be the duty of the guardian or committee of any
18 such inmate to pay to the county of which his ward is a resi-
19 dent, if he have sufficient estate in his hands to do so, the money
20 so due to the county from his ward. The county court may order
21 its clerk to make out a bill against any such inmate for the sum
22 so due to the county, which bill shall show the different items
23 and the amount of each, and be certified by the clerk as correct,
24 and by him delivered to the sheriff for collection. The clerk shall
25 charge against the sheriff the amount of each of such bills, show-
26 ing the date when delivered to the sheriff. It shall be the duty of
27 the sheriff to collect the same from the proper person, or the
28 guardian or committee of such inmate. Within sixty days after
29 receiving any such bill, or at the next session of the county court
30 held after the expiration of such sixty days, the sheriff shall make
31 a report to the county court of his acts in respect thereto and re-
32 turn all such bills he has been unable to collect. The county court
33 may re-deliver any of such bills to the sheriff for collection, and
34 in respect thereto the sheriff shall make report as above provided.”

Sec. 8. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 132

(House Bill No. 121—Mr. Hugus, by request.)

AN ACT to amend and re-enact section six of chapter one hundred and eleven of the acts of the legislature of the state of West Virginia, for the year one thousand nine hundred and nineteen, entitled "An Act to amend and re-enact chapter forty-six-a of the code of West Virginia (Barnes' one thousand nine hundred and sixteen), relating to the care and disposition of delinquent children."

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

SEC.

6. Probation officers; appointment; qualifications; duty; number; salary; power; how competency determined.

Be it enacted by the Legislature of West Virginia:

That section six of chapter one hundred and eleven, of the acts of the legislature of West Virginia for the year one thousand nine hundred and nineteen, entitled "An Act to amend and re-enact chapter forty-six-a of the code of West Virginia (Barnes' one thousand nine hundred and sixteen), relating to the care and disposition of delinquent children, be, and is hereby amended and re-enacted to read as follows:

Section 6. The circuit courts and other inferior courts of the 2 several counties in this state which have chancery jurisdiction 3 shall have authority to appoint any number of discreet persons of 4 good moral character to serve as probation officers during the 5 pleasure of the court; said probation officers to receive no com- 6 pensation from the county treasury except as herein provided. It 7 shall be the duty of the clerk of the court, if practicable, to notify 8 the said probation officer when any child is to be brought before 9 the court, or judge, and it shall be the duty of such probation 10 officer to make investigation of such case, to be present in court 11 or before said judge to represent the interests of the child when 12 the case is heard, to furnish such information and assistance as 13 the court or judge may require, and to take charge of any child 14 before and after the trial as may be directed by the court or judge. 15 The number of probation officers who may receive compensation 16 from the county, named and designated by the court, shall be as 17 follows: In counties having a population of over forty-eight

18 thousand, one or two probation officers may be appointed, in the
19 discretion of the judge. If two are appointed, one shall be desig-
20 nated as chief probation officer and the other as assistant proba-
21 tion officer. The chief probation officer shall receive a salary not
22 exceeding eighteen hundred dollars per year, and the assistant
23 shall receive a salary not exceeding twelve hundred dollars per
24 year, and expenses shall be allowed each probation officer in a sum
25 not exceeding one hundred dollars per year; *provided*, that in
26 counties having a population over sixty thousand the county
27 court may pay the chief probation officer the sum of three hundred
28 dollars per annum for each ten thousand of its population or
29 fraction thereof; *provided*, that the maximum sum paid any
30 probation officer under this act shall not exceed three thousand
31 dollars per annum, in counties having a population of over
32 eighteen thousand and less than forty-eight thousand, one proba-
33 tion officer may be appointed at a salary not to exceed six hundred
34 dollars per year except the county of Berkeley whose salary shall
35 not exceed nine hundred dollars per annum and expenses of pro-
36 bation work shall be allowed by the county in a sum
37 not to exceed one hundred dollars per year. In all
38 counties of over fifteen thousand population probation offi-
39 cers receiving compensation from the county may be appointed
40 by the judge of the circuit court, or other court having juris-
41 diction, and the said salary or expenses shall be paid in monthly
42 installments from the county treasury. In any county of
43 less than eighteen thousand population, one prohibition officer, at
44 a salary of not to exceed three hundred dollars per year, to be paid
45 as provided for probation officers in other counties, shall be ap-
46 pointed by the circuit judge or judge of inferior courts having
47 jurisdiction whenever in the opinion of the judge, the county
48 superintendent of schools and a majority of the board of county
49 commissioners of such county it shall be necessary to so care for
50 the delinquent children of the county. The county superintendent
51 of schools and the county commissioners in their respective
52 counties shall constitute a board to investigate the competency of
53 any person appointed to act as a probation officer whenever such
54 probation officer is to receive from the county a salary or other
55 compensation provided for under this act. Any judge appointing
56 such probation officer shall transmit such appointment to such
57 board of the county in which such appointment is made, and it

58 shall be the duty of a majority of said board to approve or dis-
59 prove of such appointee, within thirty days after submission there-
60 of by the said judge, and a failure to act thereon within such time
61 shall constitute an approval of such appointment; if a majority
62 of such board are of the opinion that such appointee does not pos-
63 sess the qualifications for a probation officer, they shall notify the
64 judge of their conclusions within thirty days from the submission
65 of such appointments to the respective members thereof, whereupon
66 it shall be the duty of the judge to withdraw such appointment and
67 appoint some one who shall receive the approval of said board. The
68 court or judge having jurisdiction may apportion the allowance to
69 probation officers between any two or more of them, but not ex-
70 ceeding the total amount fixed herein as may be deemed best.

71 Probation officers receiving a salary or other compensation from
72 the county, provided for by this act, are hereby vested with all
73 the power and outhority of police or sheriffs to make arrests and
74 perform any other duties ordinarily required by policemen and
75 sheriffs which may be incident to their office or necessary or con-
76 venient to the performance of their duties; *provided* that other pro-
77 bation officers may be vested with like power and authority upon a
78 written certificate from the judge that they are persons of dis-
79 cretion and good character, and that it is the desire of the court
80 to vest them with all the power and authority conferred by law
81 upon probation officers receiving compensation from the county.

82 In counties of over thirty thousand population, whenever in the
83 opinion of the judge, the board of county commissioners, and the
84 superintendent of schools, additional probation officers to those
85 allowed by law are necessary for the care of the delinquent
86 children, not to exceed two assistant probation officers, in addi-
87 tion to the ones provided for herein, may be appointed in the man-
88 ner provided by this act, at a salary of not to exceed six hundred
89 dollars per year.

90 Salaries or compensation of paid probation officers shall be fixed
91 by the judge, not to exceed the sums herein provided for, shall be
92 certified to by the judge or being necessary in and about the
93 performance of the duties of probation officer or officers. The ap-
94 pointment of probation officers and the approval thereof as to
95 the qualification of such officers by the board herein designated,
96 shall be filed in the office of the clerk of the court. Probation
97 officers shall take oath such as may be required of other county

98 officers to perform their duties and file it in the office of the
 99 clerk of the court, by which they have been appointed.
 100 Nothing herein contained, however, shall be held to limit or
 101 abridge the power of the judge to appoint any number of per-
 102 sons or probation officers, whom said judge may see fit to ap-
 103 point and who may be willing to serve without pay from the
 104 county for such services as probation officers.

CHAPTER 133

(House Bill No. 284—Mr. Strother.)

AN ACT to amend and re-enact sections thirty-seven and forty-four
 of chapter one hundred and eleven of the acts of one thousand
 nine hundred and nineteen, relating to delinquent children

[Passed April 12, 1921. In effect from passage. Approved by the Governor
 April 20, 1921.]

SEC.
 37. Detention home for delinquent chil-
 dren: establishment of, submitted
 to vote by county court.

SEC.
 44. Same: commitments to; cost of
 keeping, paid by parents, if able
 to do so; provisions as to exist-
 ing detention homes.

Be it enacted by the Legislature of West Virginia:

That sections thirty-seven and forty-four of chapter one hundred
 and eleven of the acts of the legislature for one thousand nine hun-
 dred and nineteen be amended and re-enacted to read as follows:

Section 37. When it shall appear to the county court of any
 2 county in the state, that a necessity exists for the establishment
 3 of a detention home for the temporary care and custody of de-
 4 linquent, truant children, the court may submit the question of
 5 locating, purchasing, erecting, leasing or otherwise providing
 6 and establishing, and supporting and maintaining such deten-
 7 tion home, and to levy and collect a tax to cover the cost of the
 8 same, to the legal qualified voters of the county as hereinafter
 9 provided.

Sec. 44. Any court acting under and in pursuance of this
 2 act or any amendments thereto, may commit any child coming
 3 within the terms of said act to said home, temporarily, and shall
 4 require the parents of such child to pay into the county treasury,
 5 monthly, a sum equal to the cost of keeping such a child so
 6 long as it may be confined in the detention home; *provided*, that

7 if any such parent shows to the court, by satisfactory evidence,
 8 that he is unable to pay such amount, then the court may remit
 9 such charge. *Provided, however,* that in counties in this state
 10 where the county courts have already located sites for such
 11 homes, and purchased real estate for such purpose, under the
 12 laws, as existing at the time, they shall not be required to sub-
 13 mit the question to the legal qualified voters as to the establish-
 14 ment and maintenance of such homes, but such homes shall be
 15 established and maintained.

CHAPTER 134

(House Bill No. 65—Mr. Barnes.)

AN ACT to amend and re-enact chapter one hundred and ten of the acts of nineteen hundred and nineteen, creating a state board of children's guardians and defining and prescribing its functions, duties and powers.

[Passed April 20, 1921. In effect ninety days from passage. Approved by the Governor April 20, 1921.]

SEC.

1. State board of children's guardians; appointments; qualifications and terms; removals and vacancies; organization and officers; meetings; financial supervision of; per diem; biennial report.
2. Skin and blood tests by state department of health; printing.
3. Board shall make by-laws; appoint agents, fixing duties and compensation; number and sex of agents.
4. To take custody or control of children as follows:
 - (a) Dependent children; definition of.
 - (b) Neglected children; definition of.
 - (c) (a) and (b) on petition to courts may be placed in custody of board; must be mentally normal; physical and mental examinations of.
 - (d) Expenses of; county court to pay.
 - (e) Investigation by board of applications.
 - (f) Act construed for proper guardianship; care and education for such children.
 - (g) Children declared public wards to remain so until they reach majority.
5. Supervision of dependent children at home; appointment of suitable guardian by court; commitment to state institution or association.

SEC.

6. Appointment by court of officer of institution or association as guardian.
7. Board to have control and supervision over children; enticing child away a misdemeanor; penalty; justices to have jurisdiction.
8. Board to place children in institutions; rights and duties of same.
9. Board may place children in private homes.
10. Investigations and reports of paroled youths by board; when made; other investigations by board, when requested; expenses of, how paid.
11. Visitation of certain institutions by board; certificates to proper institutions; suggestions by board to institutions.
12. Certain proposed articles of incorporation must be approved and certified by board; also amendments.
13. Adoption of children; duty of guardian; evidence concerning.
14. Guarantees required from certain associations as to non-resident children; penalty for violation of.
15. Children placed in homes or associations of same religious belief as parents.
16. Court order for support of child by parents; allowance may be altered by court.

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17. Order on wages or salary of person ordered to support child; penalty for failure to obey.
18. Guardianship of estate of child not included.
19. Causing or contributing to dependency of child; penalty for.
20. Child may remain with person con-

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- tributing to its dependency, when; suspended sentence.
21. What constitutes violation of the two preceding sections.
22. Duty of board as to legislation and problems connected with dependent, delinquent and defective children.
23. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and ten of the acts of nineteen hundred and nineteen be amended and re-enacted so as to read as follows:

Section 1. There is hereby created a state board of children's 2 guardians, which shall be a corporation, and as such may con- 3 tract and be contracted with, plead and be impleaded, sue and be 4 sued, and have and use a common seal. It shall consist of three 5 members, who shall be citizens of the state, one of whom shall be 6 a woman, and not more than two of whom shall be chosen from 7 the same political party. They shall be appointed by the governor, 8 by and with the consent of the senate. The members first ap- 9 pointed shall hold office as designated by the governor for the 10 period of two, four and six years, respectively, beginning the first 11 day of July, one thousand nine hundred and nineteen. Subse- 12 quent appointments shall be made as above provided, and, except 13 to fill vacancies, each appointment shall be for a term of six years. 14 The board shall biennially choose one of its members to be president 15 thereof. The governor may remove any member for incompetency, 16 neglect of duty, gross immorality, malfeasance in office or for 17 other good cause; and in case of vacancy occurring by death, 18 resignation, removal or otherwise, may declare the office vacant 19 and fill the same by appointment for the unexpired term. The 20 board shall be provided by the board of public works with offices 21 at the state capital.

22 The board shall hold its annual meetings as soon as practicable 23 after the close of each fiscal year. There shall be not more than 24 four regular meetings each year.

25 The financial transactions of the board shall be supervised by 26 the state board of control. The members of the board shall be 27 paid a per diem of eight dollars for time actually employed or 28 assigned and necessary traveling and hotel expenses; *provided*, no 29 member shall be assigned more than five days in any one month.

30 The board shall make a biennial report to the governor, cover- 31 ing fully all its work, investigations, needs, and recommendations.

Sec. 2. Without charge to the board, the state department of health shall make such skin and blood tests and the public printer shall do such printing for said board as its work and needs may require.

Sec. 3. The board shall make such by-laws, rules and regulations relative to its management, government and work, not contrary to law, as it may deem proper and shall appoint such officers, employees and general and district agents as it may deem necessary to carry on the operations of said board, designating their duties and fixing their compensation; *provided*, that said district agents shall not exceed ten in number; and *provided*, *further*, that at least five of such agents shall be women.

Sec. 4. It shall be lawful for the board, its officers or agents, to take or receive into its custody or control children as herein after provided.

(a) The term dependent children, as used herein or in any statute concerning the care, custody or control of children, shall mean any boy under the age of sixteen years and any girl under the age of eighteen years, who is dependent upon public charity or who is destitute, homeless, or abandoned.

(b) The term neglected children as used herein, shall mean any boy sixteen years or under or any girl eighteen years or under who has not proper parental care or guardianship; or who habitually begs or receives alms, or who is found living in any house of ill fame, or with any vicious or disreputable persons; or whose home by reason of neglect, cruelty or disrepute on the part of its parents, guardians or other persons in whose care it may be, is an improper place for a child to live, or whose environment is such as to warrant the state in the interest of the child in assuming its guardianship.

(c) Whenever the board, any member, officer or agent thereof or any reputable person shall have probable cause to believe that a child is dependent or neglected, said board, member, officer, agent or person may at any time present a petition setting forth such facts, verified by the oath of some credible person having a personal knowledge thereof, to the circuit, common pleas, criminal, intermediate or juvenile court (or to the judge thereof in vacation) of the county in which said child resides, which or who may require such child to be delivered into the custody of said board, or such other custody as the court or judge may deem

29 proper, to care for such child until a hearing can be had upon
30 such petition; and reasonable notice of the time and place of such
31 hearing shall be given to the local district agent of said board and
32 served upon the person from whose custody said child was taken,
33 or who is sought to be deprived of the custody of said child; and
34 such agent or any parent or other persons legally entitled to stand
35 in *loco parentis* or other relative of such child may appear and
36 be heard at such hearing.

37 If the facts set forth in said petition, constituting dependency
38 or neglect, shall on the hearing be maintained, and it shall appear
39 to the judge or court that the interest and welfare of such child
40 require the custody thereof to be changed, the judge or court
41 shall order the custody thereof to be changed, and may by order
42 commit the child to the care of said board. No child shall be
43 committed to the board who is not mentally normal, and all
44 children committed to the board shall first receive a physical and
45 medical examination based upon blank forms to be provided by
46 said board. All pertinent information adduced or developed at
47 such hearing regarding the history and situation of the child,
48 its parents and forebears shall be supplied by the court or judge to
49 the board at the time of its commitment, on blank forms to be
50 provided by the said board, to enable the board to deal intelli-
51 gently with the child and eventually to provide the child with such
52 information as is deemed advisable by the said board. All such
53 information shall be kept by the board in permanent form and
54 shall be in the custody of its secretary. Such record shall be
55 open to inspection only by permission granted by said board.

56 (d) All costs and expenses necessary or proper in connection
57 with a hearing or commitment under this section shall be a proper
58 charge against the county in which the hearing is held, and shall
59 be paid by the county court thereof upon submission to it of an
60 itemized statement thereof, verified by affidavit of an agent of the
61 board. The fees allowed for such hearings shall be the same as
62 are allowed in proceedings for the commitment of boys to the
63 West Virginia industrial school for boys.

64 (e) Whenever application is made to the board to accept the
65 care and custody of children hereunder, said board shall make a
66 careful and thorough investigation; and, if it is found that it is
67 a case of a poor but otherwise worthy parent or guardian, the
68 board may upon application to said court or judge secure an

69 order for the maintenance of said parent and children, which
70 maintenance, when so fixed, shall be a proper charge against the
71 county in which such parent and children reside and shall be
72 paid by the county court thereof, and furnished under the
73 mother's pension act or otherwise according to law.

74 (f) This act shall be liberally construed to the end that proper
75 guardianship may be provided for such children as are herein-
76 before described, and that said children may be educated, and
77 cared for, as far as practicable, in such manner as best subserves
78 their moral, intellectual and physical welfare, and as far as prac-
79 ticable in proper cases that the parent or persons having such
80 children in their care, custody or control may be enabled and com-
81 pelled to perform their moral and legal duty in the interests of
82 such children.

83 (g) All children declared public wards under the provisions
84 of this act shall remain public wards until they reach the age of
85 twenty-one years, unless they shall upon a proper showing made
86 be returned by order of the board to their parents, or other
87 guardian, or shall be adopted in the manner prescribed by law.

Sec. 5. If the court or judge shall find any male child under
2 the age of sixteen years or female child under the age of eighteen
3 years to be dependent or neglected within the meaning of this act,
4 the court or judge may allow such child to remain at its home
5 subject to the friendly visitation of an agent of the board or to
6 report to the court, judge or such agent from its home or school
7 at such times as the court, judge or board may require. And if
8 the parent, guardian or custodian consent thereto, or if the court
9 or judge shall further find that the parents, parent, guardian or
10 custodian of such child are unfit or improper guardians or are
11 unable or unwilling to care for, protect, train, educate in accord-
12 ance with the general school law of the state, correct or discipline
13 such child and that it is for the interest of such child and of the
14 people of this state that such child be taken from the custody
15 of its parents, parent, custodian or guardian, the court or judge
16 may make an order appointing as guardian of the person of such
17 child some reputable citizen of good moral character; or the
18 court or judge may enter an order committing such child to some
19 suitable state institution, organized for the care of dependent or
20 neglected children, or to some training or industrial school or
21 children's homefinding society, or to some association embracing

22 in its objects the purpose of caring for or obtaining homes for
23 neglected or dependent children, which association shall have
24 been accredited as hereinafter provided.

Sec. 6. In every case where such child is committed to an
2 institution or association, the court or judge shall appoint the
3 president, secretary or superintendent of such institution or asso-
4 ciation, guardian over the person of such child, and shall order
5 such guardian to place such child in such institution or with such
6 association whereof he is such officer, and to hold such child, care
7 for, train and educate it therein subject to the rules and laws
8 that may be in force from time to time governing such institu-
9 tion or association.

Sec. 7. All children surrendered to the care or committed to
2 the custody of such board shall be under its supervision and con-
3 trol in the manner herein provided, until they are received into an
4 orphan asylum or children's home, or other suitable home, as
5 herein provided, or until otherwise ordered by the said circuit,
6 criminal, intermediate, common pleas or juvenile court in session
7 or the judge thereof sitting in vacation. Any person who shall
8 either personally or by agent entice or attempt to entice away a
9 child from the custody of such board, its officers or agents, or
10 private homes in which such child may be placed hereunder, or
11 who shall by threats, menace or force, deprive or attempt to
12 deprive the board, its officers or agents, or such home, of the
13 custody of a child, shall be guilty of a misdemeanor, and shall
14 be fined not less than ten nor more than one hundred dollars and
15 may at the discretion of the court be imprisoned in the county
16 jail not less than one nor more than six months; and justices of
17 the peace shall have concurrent jurisdiction with the circuit,
18 criminal and intermediate courts, in the trial of such offenses.

Sec. 8. Said board may place any of such children in any
2 orphan asylum or children's home, incorporated under the laws of
3 the state of West Virginia and approved by said board, and it shall
4 be lawful for any orphan asylum or children's home to receive
5 from said board, its officers or agents, any such children. As to
6 any child or children so received, such orphan asylum or children's
7 home shall have the same rights, powers, privileges and authority
8 and be subject to the same duties, requirements and responsibili-
9 ties as in the case of children placed under its care and manage-
10 ment in any of the modes now allowed by law.

Sec. 9. Said board may, when in its discretion it shall appear
2 proper, place any of said children in suitable private homes, and,
3 in such cases the said board and the person or persons with
4 whom said child or children are placed, shall observe and be gov-
5 erned by all the provisions of the laws of this state concerning the
6 placing of children in private homes and the rules and regulations
7 of said board.

Sec. 10. The said board shall, upon request of the state board
2 of control, make investigations, visitations and reports to the said
3 board of control of youths paroled from the state industrial
4 home for girls, the state industrial school for boys, or the state
5 colored orphans' home, or on the homes to or in which youths
6 from said institutions are about to be or have been paroled or
7 placed.

8 Said board may upon the request of the principal of the schools
9 for the deaf and the blind also investigate applications for admis-
10 sion to such schools, and upon request of the state board of con-
11 trol investigate applications for admission to the state hospitals
12 for orthopedic treatment, and in all such cases covered by this
13 paragraph said board shall have authority to procure proper
14 medical and surgical examinations; and all expenses of such ex-
15 aminations and of transportation of the applicant to the hospital
16 and therefrom to the home of the applicant shall be a proper
17 charge against the county from which the applicant comes, and
18 shall be allowed by the county court thereof, upon the submission
19 to it of an itemized statement of such expenses, verified by the
20 affidavit of an agent of said board.

Sec. 11. All institutions, hospitals, lying-in or maternity
2 homes, or associations receiving children for the purpose of care,
3 training or placing in other institutions or in private homes under
4 this act shall be subject to visitation, inspection and supervision by
5 the state board of children's guardians, other than state institutions
6 subject to the management of the state board of control, and it
7 shall be the duty of the state board of children's guardians to
8 pass annually upon the fitness of every such institution, hospital,
9 home or association as may receive, or desire to receive children
10 for the purposes aforesaid and every such institution, hospital,
11 home or association shall make report thereto, showing its con-
12 dition, management and competency to adequately care for or
13 train such children as are or may be received by or committed

14 to it, and such other facts as said board may require, annually at
15 such time as the said board may direct; and upon said board being
16 satisfied that such association or institution is competent, and has
17 adequate facilities to care for or train such children, the board
18 shall issue to the same a certificate to that effect, which certificate
19 shall continue in force for one year, unless sooner revoked by
20 said board, and no child shall be received by or committed to any
21 such institution or association which shall not have received such
22 certificate within eighteen months next preceding the commit-
23 ment. The board may, at any time, require from any association
24 receiving or desiring to receive children for the purpose of care,
25 training or placing in other institutions or private homes, such
26 reports, information and statements as the board shall deem
27 proper or necessary for its action.

28 On the basis of its investigations and of the reports submitted
29 to it, the board may offer to the officials in charge or to those in
30 control of eleemosynary, charitable and correctional institutions
31 included in this act and to those dispensing relief funds, such
32 suggestions as in its judgment it shall deem expedient; and it is
33 authorized to institute proceedings for the revocation of charters
34 of such institutions, organizations or societies as wilfully fail to
35 establish within a reasonable length of time such standards of
36 work as are suggested by said board. All proceedings under this
37 section shall be included by the board in its biennial report to the
38 governor.

Sec. 12. No association whose objects embrace the training,
2 caring for or placing in institutions or private homes dependent
3 or neglected children shall hereafter be incorporated unless the
4 proposed articles of incorporation shall first have been submitted
5 for examination by the state board of children's guardians, and
6 the secretary of state shall not issue such a certificate of incorpo-
7 ration unless there shall first be filed in his office the certificate
8 of said board that it has examined the said articles of incorpora-
9 tion, that in its judgment the incorporators are reputable, reliable
10 and responsible persons, that the proposed work is needed and that
11 the incorporation of such association is desirable for the public
12 good and the welfare of dependent or neglected children. Any
13 amendment proposed to the article of incorporation of any such
14 association now existing or hereafter created shall be submitted in
15 like manner to the state board of children's guardians, and the

16 secretary of state shall not record such amendment or issue his
17 certificate thereof unless there shall be filed in his office the cer-
18 tificate of said board that it has examined said amendment, that
19 the association in question is, in the judgment of said board, per-
20 forming in good faith the work undertaken by it, and that the
21 said amendment is, in the judgment of the board, a proper one
22 for the public good, and in the interest of neglected and dependent
23 children.

Sec. 13. Whenever a petition filed as provided in section four
2 hereof, or a supplemental petition filed at any time after the ap-
3 pointment of the guardian, shall pray that the guardian appointed
4 or to be appointed shall be authorized to consent to the legal
5 adoption of the child, and the court upon the hearing shall find
6 that it is to the best interests of such child that the guardian be
7 given such authority, the court may, in its order appointing such
8 guardian, empower him to appear in court where any proceedings
9 for the adoption of such child may be pending, and to consent to
10 such adoption. Such consent shall be sufficient to authorize the
11 court where adoption proceedings are pending to enter a proper
12 order or decree of adoption without further notice to, or consent
13 by, the parents or relatives of such child; *provided, however*, that
14 before entering such order the court shall find from the evidence
15 (1) the parents or surviving parent of a legitimate child or the
16 mother of an illegitimate child, or if the child has no parents
17 living, the guardian of the child, if any, or if there is no parent
18 living, and the child has no guardian or the guardian is not
19 known to the petitioner, then a known near relative of the child,
20 if any there be, consents to such order; or (2) that one parent
21 consents and the other is unfit for any of the reasons hereinafter
22 specified to have the child, or that both parents are, or that the
23 surviving parent is unfit, or that the mother of an illegitimate
24 is so unfit for any such reasons—the grounds of unfitness being
25 (a) depravity, (b) open and notorious adultery or fornication,
26 (c) habitual drunkenness for the space of one year prior to the
27 filing of the petition, (d) extreme and repeated cruelty to the
28 child, (e) abandonment of or (f) desertion of the child for more
29 than six months next preceding the filing of the petition; and (3)
30 that such child, if of the age of fourteen years or over, consents to
31 such order.

Sec. 14. No association, incorporation or unincorporated, existing under the laws of any other state shall place any child in any family home within this state, either with or without indenture or for adoption, unless the said association shall have furnished the state board of children's guardians with such guaranty as it may require that no child shall be brought into the state by such society or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association shall promptly receive and remove from the state any child brought into the state by its agent, which shall become a public charge within the period of five years after being brought into this state. Any person who shall receive to be placed in a home, or shall place in a home any child in behalf of any such association of any other state, which shall not have complied with the requirements of this act shall be guilty of a misdemeanor, and upon conviction thereof be imprisoned in the county jail not more than thirty days, or fined not less than five dollars nor more than one hundred dollars, or both, in the discretion of the court.

Sec. 15. The board in placing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents or relatives of said child, or with some association which is controlled by persons of like religious belief with that of the parents of the said child.

Sec. 16. If it shall appear upon the hearing of the case that the parents, parent, or any person or persons named in the petition mentioned in section three hereof, who are in law liable for the support of such child, are able to contribute to the support of such child, the court or judge shall enter an order requiring such parents, parent or other person to pay to the guardian so appointed or to the institutions, associations, society or persons to whom such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and may order such parents, parent or other person to pay to the guardian so appointed or to the institution, association, society or person, to which such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and may order such parents, parent or other persons to give reasonable security for the payment of such sum or sums, and upon failure to pay, may enforce obedience to such order by

17 proceeding as for contempt of court. The court or judge may, on
18 application and on such notice as the court or judge may direct,
19 from time to time, make such alterations in the allowance as shall
20 appear reasonable and proper.

Sec. 17. If the person so ordered to pay for the support,
2 maintenance or education of a dependent or neglected child shall
3 be employed for wages, salary or commission, the court or judge
4 may also order that the sum to be paid to him shall be paid to the
5 guardian or institution, who has custody of such child, out of his
6 wages, salary or commission, and that he shall execute an assign-
7 ment thereof *pro tanto*. The court or judge may also order the
8 parent or the person so ordered to pay the sum of money for the
9 support, maintenance or education of a child, from time to time
10 to make discovery to the court or judge as to his place of employ-
11 ment and the amount earned by him. Upon his failure to obey the
12 order of court or judge he may be punished as for contempt of
13 court.

Sec. 18. Nothing in this act shall be construed to give the
2 guardian appointed hereunder the guardianship of the estate of
3 the child, or to change the age of minority for any other purpose
4 except the custody of the child; *provided*, any guardianship of the
5 estate of a child committed to guardianship hereunder shall from
6 time to time furnish full information concerning the property of
7 the child to said board according to such rules and regulations as
8 it may prescribe.

Sec. 19. Any person who shall by any act cause, encourage or
2 contribute to the dependency of a child, as these terms with refer-
3 ence to children are defined by the statutes of this state, or who
4 shall for any cause be responsible therefor, shall be guilty of a
5 misdemeanor, and upon trial and conviction thereof, shall be fined
6 in a sum not to exceed five hundred dollars or imprisoned in the
7 county jail for a period not exceeding one year, or by both such
8 fine and imprisonment.

Sec. 20. The court or judge may permit any child to remain
2 in the custody of the person found guilty by this act of con-
3 tributing to its dependency, under such suspended sentences and
4 upon such conditions for the treatment and care of such child as
5 may seem to be for its welfare, or may be calculated to secure
6 obedience to the law or to remove the cause of such dependency
7 or neglect, and while such conditions are accepted and complied

8 with by any such person such sentence may remain suspended
 9 subject to be enforced upon the violation of any of the conditions
 10 so imposed; and any bond given for their performance may be
 11 forfeited upon a failure to comply with any such conditions, as
 12 well as upon the failure to pay any amount required for the main-
 13 tenance of such child.

Sec. 21. In order to find any person guilty of violating the two
 2 preceding sections of this act it shall not be necessary to prove
 3 that the child has actually become dependent; *provided*, it ap-
 4 pears from the evidence that through any act of neglect or omission
 5 of duty or by the improper conduct on the part of any such per-
 6 son the dependency of any child may have been caused or merely
 7 encouraged.

Sec. 22. The said board shall gather statistics and study legis-
 2 lation and problems connected with dependent, delinquent and
 3 defective children and publish the results from time to time. It
 4 shall also make available, as far as practicable, to officials dealing
 5 with these problems and with the said classes, such literature as
 6 shall tend to increase their efficiency.

Sec. 23. All acts or parts of acts inconsistent with this act,
 2 or any part thereof are hereby repealed.

CHAPTER 135

(Senate Bill No. 98—Mr. Stewart.)

AN ACT creating a child welfare commission.

[Passed April 11, 1921. In effect ninety days from passage. Approved by the
 Governor April 11, 1921.]

SEC.

1. Child welfare commission created; nine members; term, two years; appointed by Governor.
2. Duty of commission; to report to next session of the legislature.
3. To draft bills to carry out recom-

SEC.

4. Vacancies to be filled by Governor.
- mendations; employ executive secretary and incur such expenses as approved by the Governor, but not to exceed appropriation.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a child welfare commission,
 2 to be composed of nine members, whose term shall be for two years,
 3 who shall serve without compensation, and who shall be appointed
 4 by the governor within thirty days after this act takes effect.

Sec. 2. It shall be the duty of the commission, hereby created,
 2 to study and investigate the laws and conditions existing in this

3 state relating to dependent, neglected, defective and de-
4 linquent children, and the entire question of child wel-
5 fare, and such other subjects as it finds in the course of its in-
6 vestigation to be connected therewith, and shall report the result of
7 its investigation, together with its recommendations, to the next
8 session of the legislature.

Sec. 3. The commission shall draft such bills as may be neces-
2 sary to carry out its recommendations and submit them with its
3 report, and may employ an executive secretary and incur such
4 necessary expenses as may be approved by the governor, not to ex-
5 ceed the amount of money appropriated by the legislature for
6 that purpose.

Sec. 4. Any vacancies that may occur in the commission shall
2 be filled by the governor.

CHAPTER 136

(House Bill No. 224—Mr. McClintic, of Greenbrier.)

AN ACT to amend and re-enact section nine, chapter one hundred
and fifty Barnes' code, one thousand nine hundred and sixteen,
relating to qualifications of those desiring to practice medicine in
the state of West Virginia.

[Passed April 28, 1921. In effect ninety days from passage. Became a law
without the approval of the Governor.]

Sec.

1. Requirements necessary to practice
medicine in state; public health
council may accept certificates
from other states; public health
council to hold examinations; du-

ties and powers of public health
council as to examinations; phy-
sicians living in other states,
called in consultation; midwif-
ery; medical officers of the
United States army or navy.

Be it enacted by the Legislature of West Virginia:

That section nine, chapter one hundred and fifty Barnes' code
of the year one thousand nine hundred and sixteen be amended and
re-enacted to read as follows:

Section 1. The following persons and no others shall here-
2 after be permitted to practice medicine in this state. (1) All
3 such persons as shall be legally entitled to practice medicine in
4 this state at the time of the passage of this act. (2) All such
5 persons as shall be graduates of class "A" medical schools as classi-
6 fied by the council on education of the American medical associa-
7 tion and American association of medical colleges and then
7-a only from such schools when so classified as do re-

8 quire as a condition to entrance upon the study of
9 medicine at least two years of academic work of collegiate
10 grade in a standard college of arts and sciences of equal rank
11 with the college of arts and sciences in the University of West
12 Virginia, who shall pass an examination before said public health
13 council and shall receive a certificate therefrom as hereinafter
14 provided. *Provided, however,* that the public health council, or a
15 majority of them, may accept, in lieu of an examination, the cer-
16 tificate of license to practice medicine legally granted by the state
17 board of registration or examination or licensing board of an-
18 other state, territory or any foreign country whose standard of
19 qualification for the practice of medicine is equivalent to that of
20 this state, and grant to the said applicant a certificate of license
21 to practice medicine in this state; provided such states, territories
22 or foreign countries accord like privileges to licentiates of this
23 state. The public health council shall at such times as a ma-
24 jority of them deem proper, hold examinations for the licensing
25 of practitioners of medicine; such examinations shall not be less
26 than two during the year, and shall be held at such points in the
27 state as shall be most convenient for those presenting themselves
28 for examination, or to the public health council; at such examina-
29 tions, written and oral questions shall be submitted for the appli-
30 cants for license, covering all the essential branches of the sciences
31 of medicine and surgery, and the examination shall be a thorough
32 and decisive test of the knowledge and ability of the applicants.
33 The president and secretary of the public health council shall issue
34 certificates to all who successfully pass the said examination and
35 to all those whose certificates said public health council or a major-
36 ity of them shall accept in lieu of an examination as hereinbefore
37 provided, except that in all the certificates issued to applicants who
38 adhere to the osteopathic school it shall appear that it is for the
39 practice of osteopathy, and such certificates after being duly re-
40 corded as hereinafter provided, shall be deemed licenses to prac-
41 tice medicine, surgery and osteopathy in all their branches in this
42 state. The public health council shall give timely notice of the
43 time and place of holding such examinations in at least three
44 newspapers of general circulation in this state, and all such per-
45 sons wishing to present themselves for examination shall notify
46 the secretary and comply with the rules of the public health
47 council. No applicant for license to practice medicine in this
48 state shall be rejected because of his or her adherence to any par-

49 ticular school or theory of medicine. The public health council
50 shall call to their assistance in the examination of any applicant
51 who professes the homeopathic, osteopathic or eclectic school of
52 medicine, a homeopathic, osteopathic or eclectic physician en-
53 titled to practice medicine in this state under this act, and such
54 homeopathic, osteopathic, or eclectic physician so called to the
55 assistance of the public health council, shall be allowed per diem
56 and actual expenses incurred hereinbefore allowed the regular
57 members of the public health council; *provided, however*, that the
58 provisions of this and the preceding section shall not apply to phy-
59 sicians living in other states and duly qualified to practice medi-
60 cine therein, who shall be called in consultation into this state, by
61 a physician legally entitled to practice medicine in this state un-
62 der this chapter, and, *provided, further*, that the provisions of this
63 chapter shall not apply to females practicing midwifery, or to
64 commissioned officers of the United States army and navy and
65 marine hospital service when in the actual discharge of their
66 duties as such commissioned officers.

CHAPTER 137

(Committee Substitute for House Bill No. 40.)

(By Committee on Medicine and Sanitation.)

AN ACT to provide for adequate registration of all births, deaths
and marriages and to repeal certain sections of chapters sixty-
three and one hundred and fifty of the code of West Virginia.

[Passed April 22, 1921. In effect from passage. Became a law without the
approval of the governor.]

1.	Duties of state department of health as to registration of births, deaths and marriages.
2.	State commissioner of health to have supervision over division of vital statistics; state registrar of vital statistics; appointment, qualification, terms; office at capitol.
3.	State to be divided into registration districts.
4.	Local registrars; appointment, term, removal of; county clerk as local registrar; deputy and sub-registrars, appointment and duties.
5.	Provisions governing bodies of dead; duties of registrars in connection with; transit or removal permits for dead bodies transported from other states.
6.	Provisions governing still-born children; medical certificates concerning.
7.	Certificates of death; form of; by whom signed.
8.	Death occurring without medical attention; duties of undertaker, coroner.
9.	Undertaker to file certificate of death with registrar and obtain removal or burial permit; to present certificate to attending physician; further duties of provincial death certificate in emergency.
10.	When interment in state; wording of burial permit.
11.	Burial; removal or transit permits required by persons in charge of funerals where interments are made; regulations governing birth of every child born in state to be registered.
12.	Certificate of birth to be filed with registrar by physician, midwife or others in attendance at birth; duties of registrar.
13.	

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| <p>Sec.
14. Certificate of birth; form.
15. Certificates of birth of a living un-named child, supplemental reports.
16. Superintendents, or managers of hospitals, etc., to make report relative to inmates; physician in charge to make entry in record; information for record, how obtained.
17. Blanks and forms for registering, etc.; state registrar to prepare and examine when returned; duty of physicians and others to furnish information on demand of state registrar; no certificate filed to be changed, except by amendment; binding, preservation and indexing of certificates by state registrar; state registrar to inform local registrars as to infections, etc., diseases; genealogical records, index and transcripts of.</p> | <p>Sec.
18. Certificates; local registrar to furnish blank forms; to examine for defects; written in ink or type-writer; when burial or removal permit to issue; duty of registrars as to certificates.
19. Compensation of local registrars; how paid.
20. State registrar to supply certified copy of the record of birth or death registered; fees for; to keep records of fees; certificates furnished without fee, to whom.
21. Marriages to be registered; duty of county clerk; duty of person solemnizing marriage.
22. Certain sections and inconsistent acts repealed.
23. What are offenses under this act; penalty.
24. Local registrar charged with strict enforcement of act in his district; state registrar in all parts of state.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. That the state department of health shall have
2 charge of the registration of births, deaths and marriages; shall
3 prepare the necessary instructions, forms and blanks for obtain-
4 ing and preserving the state records, and shall procure the faith-
5 ful registration of the same in each primary registration district
6 as constituted in section three of this act, and in the central
7 division of vital statistics at the capital of the state, and that
8 each county may have a complete record of births, and deaths
9 occurring in said county, the state department of health shall
10 furnish, as hereinafter provided, to the several county clerks,
11 duplicate records of all births and deaths occurring in their re-
12 spective counties, which records shall be entered by the clerk in
13 a systematical and orderly way in a register of births and a
14 register of deaths for that county. The said department shall be
15 charged with the uniform and thorough enforcement of the law
16 throughout the state.

Sec. 2. That the state commissioner of health shall have gen-
2 eral supervision over the division of vital statistics, which shall
3 be under the immediate direction of a state registrar of vital
4 statistics, who shall be appointed by the state commissioner of
5 health, with the advice of the public health council, within thirty
6 days after the taking effect of this law, and who shall be a med-
7 ical practitioner of not less than five years practice in his pro-
8 fession and a competent vital statistician. The state registrar of
9 vital statistics shall hold office for four years and until his suc-
10 cessor has been appointed and has qualified, unless such office

11 shall sooner become vacant by death, disqualification, operation
12 of law, or other causes. Any vacancy occurring in such office
13 shall be filled for the unexpired term by the state commissioner
14 of health. At least ten days before the expiration of the term
15 of office of the state registrar of vital statistics, his successor
16 shall be appointed by the state commissioner of health. The state
17 commissioner of health shall provide for such clerical and other
18 assistance in the division of vital statistics as may be necessary
19 for the purposes of this act. The custodian of the capitol shall
20 provide for the division of vital statistics at the state capitol at
21 Charleston, suitable offices, which shall be properly equipped with
22 fireproof vault and filing cases for the permanent and safe preser-
23 vation of all official records made and returned under this act.

Sec. 3. That for the purposes of this act the state shall be
2 divided into registration districts as follows: Each city, each
3 incorporated town, and each magisterial district shall constitute
4 a primary registration district for births and deaths, and each
5 county shall constitute a primary registration district for mar-
6 riages, *provided*, that the state department of health may com-
7 bine two or more registration districts for births and deaths or
8 divide such districts when necessary to facilitate registration.

Sec. 4. That within ninety days after the taking effect of this
2 act, or as soon thereafter as possible, the state registrar shall
3 appoint a local registrar of vital statistics for the registration
4 of births and deaths in each registration district in the state.
5 The term of office of each local registrar so appointed shall be
6 four years and until his successor has been appointed and has
7 qualified, unless such office shall sooner become vacant by death,
8 disqualification, operation of law, or other causes; *provided*,
9 that in cities where health officers or other officials are, in the
10 judgment of the state registrar, conducting effective registra-
11 tion of births and deaths under local ordinances at the time
12 of the taking effect of this act, such officials may be appointed
13 as registrars in and for such cities and shall be subject to the
14 rules and regulations of the state registrar, and to all of the pro-
15 visions of this act. Any vacancy occurring in the office of
16 local registrar of vital statistics for births and deaths shall be
17 filled for the unexpired term by the state registrar. At least
18 ten days before the expiration of the term of office of any such

19 local registrar, his successor shall be appointed by the state reg-
20 istrar. For the registration of marriages, the county clerk of
21 each county shall act as local registrar.

22 Any local registrar appointed for the registration of births
23 and deaths, who, in the judgment of the state registrar of vital
24 statistics, fails or neglects to discharge efficiently the duties of his
25 office as set forth in this act, or to make prompt and complete
26 returns of births and deaths as required thereby, shall be forth-
27 with removed by the state registrar, and such other penalties
28 may be imposed as are provided under section twenty-three of
29 this act.

30 Each local registrar for the registration of births and deaths,
31 shall immediately upon his acceptance of appointment as such,
32 appoint a deputy, whose duty it shall be to act in his stead in
33 case of his absence or disability, and such deputy shall in writing
34 accept such appointment, and be subject to all rules and regula-
35 tions governing local registrars. And when it appears necessary
36 for the convenience of the people in any district, the local regis-
37 trar is hereby authorized, with the approval of the state reg-
38 istrar, to appoint one or more suitable persons to act as sub-
39 registrars who shall be authorized to receive certificates and to
40 issue burial or removal permits in and for such portions of the
41 district as may be designated; and each sub-registrar shall note,
42 on each certificate, over his signature, the date of filing, and
43 shall forward all certificates to the local registrar of the dis-
44 trict within ten days, and in all cases before the third day of
45 the following month; *provided*, that each sub-registrar shall be
46 subject to the supervision and control of the state registrar, and
47 may be by him removed for neglect or failure to perform his
48 duty in accordance with the provisions of this act or the rules
49 and regulations of the state registrar, and shall be subject to
50 the same penalties for neglect of duty as the local registrar.

Sec. 5. That the body of any person whose death occurs in
2 this state, or which shall be found dead therein, shall not be
3 interred, deposited in a vault or tomb, cremated, or otherwise
4 disposed of, or removed from or into any registration district,
5 or be temporarily held pending further disposition more than
6 seventy-two hours after death, unless a permit for burial, removal,
7 or other disposition thereof shall have been properly issued by
8 the local registrar of the registration district in which the death

9 occurred or the body was found. And no such burial or removal
10 permit shall be issued by any registrar, until, wherever practi-
11 cable, a complete and satisfactory certificate of death has been
12 filed with him as hereinafter provided; *provided*, that when a
13 dead body is transported from outside the state into a registra-
14 tion district in West Virginia for burial, the transit or removal
15 permit, issued in accordance with the law and health regulations
16 of the place where the death occurred, shall be accepted by the
17 local registrar of the district into which the body has been trans-
18 ported for burial or other disposition, as a basis upon which he
19 may issue a local burial permit; he shall note upon the face of
20 the burial permit the fact that it was a body shipped in for
21 interment, and give the actual place of death; and no local regis-
22 trar shall receive any fee for the issuance of burial or removal
23 permits under this act other than the compensation provided in
24 section nineteen.

Sec. 6. That a stillborn child shall be registered as a birth and
2 also as a death, and separate certificates of both the birth and
3 the death shall be filed with the local registrar, in the usual form
4 and manner, the certificate of birth to contain in place of the
5 name of the child, the word "stillbirth"; *provided*, that a certifi-
6 cate of birth and a certificate of death shall not be required for
7 a child that has not advanced to the fifth month of uterogestation
8 or to a total length of ten inches. The medical certificate of the
9 cause of death shall be signed by the attending physician, if any,
10 and shall state the cause of death as "stillborn," with the cause
11 of the stillbirth, if known, whether a premature birth, and if
12 born prematurely, the period of uterogestation, in months, if
13 known; and a burial or removal permit, of the prescribed form
14 shall be required. Stillbirths occurring without attendance of
15 a physician, shall be treated as deaths without medical attendance,
16 as provided for in section eight of this act.

Sec. 7. That the certificate of death shall contain the follow-
2 ing items, which are hereby declared necessary for the legal, so-
3 cial and sanitary purposes subserved by registration records.

4 (1) Place of death, including state, county, district, village
5 or city. If in a city, the ward, street and house number; if in
6 a hospital or other institution, the name of the same to be given
7 instead of the street and house number. If in an industrial
8 camp, the name of the camp to be given.

- 9 (2) Full name of decedent. If an unnamed child, the sur-
10 name preceded by "unnamed."
- 11 (3) Sex.
- 12 (4) Color or race—as white, black, mulatto, (or other negro
13 descent) Indian, Chinese, Japanese or other.
- 14 (5) Conjugal condition, as single, married, widowed or di-
15 vorced.
- 16 (6) Date of birth, including the year, month and day.
- 17 (7) Age, in years, months and days. If less than one day,
18 the hours or minutes.
- 19 (8) Occupation. The occupation to be reported of any per-
20 son, male or female, who had any remunerative employment with
21 the statement of:
- 22 (a) trade, profession or particular kind of work;
- 23 (b) General nature of industry, business or establishment in
24 which employed (or employer).
- 25 (9) Birthplace; at least state or foreign country, if known.
- 26 (10) Name of father.
- 27 (11) Birthplace of father; at least state or foreign country, if
28 known.
- 29 (12) Maiden name of mother.
- 30 (13) Birthplace of mother; at least state or foreign country,
31 if known.
- 32 (14) Signature and address of informant.
- 33 (15) Official signature of registrar, with the date when cer-
34 tificate was filed, and registered number.
- 35 (16) Date of death, year, month and day.
- 36 (17) Certification as to medical attendance on decedent, fact
37 and time of death, time last seen alive, and the cause of death,
38 with the contributory (secondary) cause of complication, if any,
39 and duration of each, and whether attributed to dangerous or
40 unsanitary conditions of employment; signature and address of
41 physician or official making the medical certificate.
- 42 (18) Length of residence (for inmates of hospitals and other
43 institutions; transients or recent residents) at place of death
44 and in the state, together with the place where the disease was
45 contracted, if not at the place of death, and former or usual resi-
46 dence.
- 47 (19) Place of burial or removal; date of burial.
- 48 (20) Signature and address of undertaker or person acting
49 as such.

50 The personal and statistical particulars (items 1 to 13) shall
51 be authenticated by the signature of the informant, who may
52 be any competent person acquainted with the facts. The medical
53 certificate shall be made and signed by the physician, if any,
54 last in attendance on the deceased, who shall specify the time in
55 attendance, the time he last saw the deceased alive and the hour
56 of the day at which the death occurred. And he shall further
57 state the cause of death, so as to show the course of disease or
58 sequence of causes resulting in the death, giving first the name
59 of the disease causing death (primary cause), and the contrib-
60 utory (secondary) cause, if any, and the duration of each. In-
61 definite and unsatisfactory terms, denoting only symptoms of
62 disease or conditions resulting from disease will not be held suffi-
63 cient for the issuance of a burial or removal permit; and any
64 certificate containing only such terms shall be returned to the
65 physician or person making the medical certificate for correction
66 and more definite statement. Causes of death which may be the
67 result of either disease or violence shall be carefully defined;
68 and if from violence, the means of injury shall be stated, and
69 whether (probably) accidental, suicidal, or homicidal. And for
70 deaths in hospitals, institutions, or of non-residents, the physi-
71 cian shall supply the information required under this head
72 (Item 18) if he is able to do so, and may state where, in his opin-
73 ion, the disease was contracted.

Sec. 8. That in case of any death occurring without medical
2 attendance, it shall be the duty of the undertaker or person act-
3 ing as undertaker, to notify the local registrar of such death,
4 and when so notified the registrar shall, prior to the issuance of
5 the permit, inform the local health officer and refer the case to
6 him for immediate investigation and certification; *provided*, that
7 when the local health officer is not a physician, or when there is
8 no such official, and in such cases only, the registrar is author-
9 ized to make the certificate and return from the statement of
10 relatives or other persons having adequate knowledge of the facts;
11 *provided, further*, that if the registrar has reason to believe that
12 the death may have been due to unlawful act or neglect, he shall
13 then refer the case to the coroner or other proper officer for his
14 investigation and certification. And the coroner or other proper
15 officer whose duty it is to hold an inquest on the body of any
16 deceased person, and to make the certificate of death required for
17 a burial permit, shall state in this certificate the name of the

18 disease, causing death, or if from external causes, (1) the means
19 of death; and (2) whether (probably) accidental, suicidal, or
20 homicidal; and shall, in any case, furnish such information as
21 may be required by the state registrar in order properly to classify
22 the death.

Sec. 9. That the undertaker, or person acting as undertaker,
2 shall file the certificate of death with the local registrar of the
3 district in which the death occurred and obtain a burial or re-
4 moval permit prior to any disposition of the body. He shall
5 obtain the required personal and statistical particulars from the
6 person best qualified to supply them, over the signature and ad-
7 dress of his informant. He shall then present the certificate to
8 the attending physician, if any, or to the health officer or coroner,
9 as directed by the local registrar, for the medical certificate of
10 the cause of death and other particulars necessary to complete the
11 record, as specified in sections seven and eight. And he shall
12 then state the facts required relative to the date and place of
13 burial or removal, over his signature and with his address, and
14 present the completed certificate to the local registrar in order to
15 obtain a permit for burial, removal or other disposition of the
16 body. *Provided*, that in an emergency where it is necessary to ship
17 a body or where for other good and sufficient reasons, an under-
18 taker or person acting as such, is unable to comply with the require-
19 ments of this section, he may file a provisional death certificate with
20 the local registrar and secure from that official a burial, removal
21 or transit permit; *provided*, that within a period of ten days the
22 undertaker or person acting as such, shall exchange for the pro-
23 visional death certificate previously filed, a death certificate com-
24 pletely and satisfactorily made out, as contemplated in section nine
25 of this act. The undertaker shall deliver the burial permit to the
26 person in charge of the place of burial, before interring or other-
27 wise disposing of the body; or shall attach the removal permit
28 to the box containing the corpse when shipped by transportation
29 company; said permit to accompany the corpse to its destination,
30 where, if within the state of West Virginia, it shall be delivered
31 to the person in charge of the place of burial.

Sec. 10. That if the interment, or other disposition of the
2 body is to be made within the state, the wording of the burial
3 or removal permit may be limited to a statement by the regis-
4 trar, and over his signature, that a satisfactory certificate of

5 death having been filed with him as required by law, permission
6 is granted to inter, remove or otherwise dispose of the body, stat-
7 ing the name, age, sex, cause of death, and other necessary de-
8 tails upon the form prescribed by the state registrar.

Sec. 11. That no person in charge of any premises on which
2 interments are made shall inter or permit the interment or other
3 disposition of any body unless it is accompanied by a burial, re-
4 moval or transit permit, as herein provided. And such person
5 shall indorse upon the permit the date of interment, over his sig-
6 nature and shall return all permits so indorsed to the local regis-
7 trar of his district within ten days from the date of interment,
8 or within the time fixed by the local board of health; he shall
9 keep a record of all bodies interred or otherwise disposed of on
10 the premises under his charge, in each case stating the name of
11 each deceased person, place of death, date of burial or disposal,
12 and name and address of the undertaker; which record shall at
13 all times be open to official inspection; *provided*, that the under-
14 taker or person acting as such, when burying a body in a ceme-
15 tery or burial ground having no person in charge, shall sign
16 the burial or removal permit giving the date of burial, and shall
17 write across the face of the permit the words "No person in
18 charge," and file the burial or removal permit within ten days
19 with the registrar of the district in which the cemetery is
20 located.

Sec. 12. That the birth of each and every child born in this
2 state shall be registered as hereinafter provided.

Sec. 13. That within ten days after the date of each birth,
2 there shall be filed with the local registrar, of the district in
3 which the birth occurred a certificate of such birth, which certi-
4 ficate shall be upon the form adopted by the state department of
5 health with a view to procuring a full and accurate report with
6 respect to each item of information enumerated in section four-
7 teen of this act.

8 In each case where a physician, midwife, or person acting as
9 midwife was in attendance upon the birth, it shall be the duty of
10 such physician, midwife or person acting as midwife, to file in
11 accordance herewith the certificate herein contemplated.

12 In each case where there was no physician, midwife, or person
13 acting as midwife, in attendance upon the birth, it shall be the
14-15 duty of the father or mother of the child or the manager
16 or superintendent of the public or private institution where the

17 birth occurred, each in the order named within ten days after
18 the date of such birth, to report to the local registrar the fact
19 of such birth. In such case and in case the physician, midwife, or
20 person acting as midwife, in attendance upon the birth is unable
21 by diligent inquiry, to obtain any item or items of information
22 contemplated in section fourteen of this act, it shall be the duty
23 of the local registrar to secure from the person so reporting or
24 from any other person having the required knowledge such
25 information as will enable him to prepare the certificate of
26 birth herein contemplated, and it shall be the duty of the person
27 reporting the birth or who may be interrogated in relation there-
28 to to answer correctly and to the best of his knowledge, all ques-
29 tions put to him by the local registrar, which may be calculated
30 to elicit any information needed to make a complete record of
31 the birth as contemplated by said section fourteen, and it shall
32 be the duty of the informant as to any statement made in ac-
33 cordance herewith to verify such statement, by his signature when
34 requested so to do by the local registrar.

Sec. 14. That the certificate of birth shall contain the fol-
2 lowing items which are hereby declared necessary for the legal,
3 social and sanitary purposes subserved by registration records.

4 (1) Place of birth, including state, county, district, village
5 or city. If in a city, the ward, street, and house number; if in
6 a hospital or other institution, the name of the same to be given
7 instead of the street and house number.

8 (2) Full name of child. If the child dies without a name,
9 before the certificate is filed, enter the words "Died unnamed."
10 If the living child has not yet been named at the date of filing
11 certificate of birth, the space for "full name of child" is to be
12 left blank, to be filled out subsequently by a supplemental report,
13 as herein after provided.

14 (3) Sex of child.

15 (4) Whether a twin, triplet, or other plural birth. A
16 separate certificate shall be required for each child in case of
17 plural births.

18 (5) For plural births, number of each child in order of
19 birth.

20 (6) Whether legitimate or illegitimate.

21 (7) Date of birth, including the year, month and day.

22 (8) Full name of father.

23 (9) Residence of father.

- 24 (10) Color or race of father.
- 25 (11) Age of father at last birthday, in years.
- 26 (12) Birthplace of father; at least state or foreign coun-
27 try, if known.
- 28 (13) Occupation of father. The occupation to be reported
29 if engaged in any remunerative employment, with the statement
30 of:
- 31 (a) Trade, profession, or particular kind of work;
- 32 (b) General nature of industry, business or establishment
33 in which employed (or employer.)
- 34 (14) Maiden name of mother.
- 35 (15) Residence of mother.
- 36 (16) Color or race of mother.
- 37 (17) Age of mother at last birthday, in years.
- 38 (18) Birthplace of mother; at least state or foreign country,
39 if known.
- 40 (19) Occupation of mother. The occupation to be reported,
41 if engaged in any remunerative employment, with the statement
42 of:
- 43 (a) Trade, profession, or particular kind of work;
- 44 (b) General nature of industry, business or establishment
45 in which employed (or employer).
- 46 (20) Whether or not prophylactic was used in each eye of the
47 child.
- 48 (21) Number of children born to this mother, including
49 present birth.
- 50 (22) Number of children of this mother living.
- 51 (23) The certification of attending physician or midwife as
52 to attendance at birth, including statement of year, month, day
53 (as given in item seven) and the hour of birth, and whether the
54 child was born alive or stillborn. This certification shall be
55 signed by the attending physician or midwife with the date of
56 signature and address; if there is no physician or midwife in at-
57 tendance then by the father or mother of the child, or manager or
58 superintendent of public or private institution where the birth oc-
59 curred, or other competent person whose duty it shall be to notify
60 the local registrar of such birth, as required by section thirteen of
61 this act.
- 62 (24) Exact date of filing in office of local registrar, attested
63 by his official signature, and registered number of birth, as here-
64 inafter provided.

Sec. 15. That when any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

Sec. 16. That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, which are required in the forms of the certificates provided for by this act, as directed by the state registrar; and thereafter such record shall be, by them, made for all future inmates at the time of their admittance. And in the case of persons admitted for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars, and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

Sec. 17. That the state registrar shall prepare, print, and supply to all registrars, all blanks and forms necessary for the registering, recording, and preserving of the state records, and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the state registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the state registrar, in person, by

17 mail, or through the local registrar; *provided*, that no certificate
18 of birth or death, after its acceptance for registration by the local
19 registrar, and no other record made in pursuance of this act, shall
20 be altered or changed in any respect otherwise than by amendments
21 properly dated, signed and witnessed. The state registrar shall
22 further arrange, bind and permanently preserve the certificates in
23 a systematic manner, and shall prepare and maintain a compre-
24 hensive and continuous index of all births and deaths regis-
25 tered; said index to be arranged alphabetically, in the case of
26 deaths, by the names of decedents, and in the case of births, by
27 the name of the fathers and mothers. He shall inform all regis-
28 trars what diseases are to be considered infectious, contagious, or
29 communicable and dangerous to the public health, as decided by the
30 public health council, in order that when deaths occur from such
31 diseases proper precautions may be taken to prevent their spread.
32 If any cemetery company or association, or any church or historical
33 society or association, or any other company, society, or associa-
34 tion, or any individual, is in possession of any record of births or
35 deaths which may be of value in establishing the genealogy of any
36 resident of this state, such company, society, association or individ-
37 ual, may file such record, or a duly authenticated transcript
38 thereof with the state registrar, and it shall be the duty of the
39 state registrar to preserve such record or transcript and to make
40 a record and index thereof in such form as to facilitate the finding
41 of any information contained therein. Such record and index shall
42 be open to inspection by the public, subject to such reasonable
43 conditions as the state registrar may prescribe. If any person
44 desires a transcript of any record filed in accordance herewith, the
45 state registrar shall furnish the same upon application, together
46 with a certificate that it is a true copy of such record, as filed in
47 his office, and for his services in so furnishing such transcript and
48 certificate, he shall be entitled to a fee of fifty cents per hour or
49 fraction of an hour necessarily consumed in making such trans-
50 cript, and to a fee of twenty-five cents for the certificate, which fees
51 shall be paid by the applicant.

Sec. 18. That each local registrar shall supply blank forms of
2 certificates to such persons as require them. Each local registrar
3 shall carefully examine each certificate of birth or death when pre-
4 sented for record, in order to ascertain whether or not it has been
5 made out in accordance with the provisions of this act, and the

6 instructions of the state registrar; and if any certificate of death
7 is incomplete or unsatisfactory, it shall be his duty to call attention
8 to the defects in the return, and to withhold the burial or removal
9 permit until such defects are corrected. All certificates, either of
10 birth or of death, shall be written legibly, in durable black ink or
11 with a typewriter, and no certificate shall be held to be complete
12 and correct that does not supply all of the items of information
13 called for therein or satisfactorily account for their omission. If
14 the certificate of death is properly executed and complete, he shall
15 then issue a burial or removal permit to the undertaker; *provided*,
16 that in case the death occurred from some disease which is held by
17 the Public Health Council to be infectious, contagious, or com-
18 municable and dangerous to the public health, no permit for the
19 removal or other disposition of the body shall be issued by the reg-
20 istrar, except under such conditions as may be prescribed by the
21 state commissioner of health. If a certificate of birth is incomplete,
22 the local registrar shall immediately notify the informant, and
23 require him to supply the missing items of information if they can
24 be obtained. He shall number, consecutively, the certificates of
25 birth and death, in two separate series, beginning with number
26 one (1) for the first birth and the first death in each calendar
27 year, and sign his name as registrar in attest of the date of filing
28 in his office. He shall also make a complete and accurate copy of
29 each birth and each death certificate registered by him, which copy
30 shall be sent to the county clerk of the county in which the birth or
31 death occurs, to be used by that official in compiling a set of local
32 records. The local registrar shall, on or before the tenth day of
33 each month, transmit to the state registrar all original certificates
34 registered by him for the preceding month. And if no births or no
35 deaths occurred in any month, he shall, on the tenth day of the
36 following month, report that fact to the state registrar, on a card
37 provided for such purpose.

Sec. 19. That each local registrar shall be paid the sum of
2 twenty-five cents for each birth certificate and each death certifi-
3 cate properly and completely made out and registered with him,
4 and correctly recorded and promptly returned by him to the state
5 registrar, as required by this act. And in case no births or no
6 deaths were registered during any month, the local registrar shall
7 be entitled to be paid the sum of twenty-five cents for each report
8 to that effect, but only if such report be made promptly as required

9 by this act. All amounts payable to a local registrar under the pro-
10 visions of this section shall be paid by the treasurer of the county in
11 which the registration district is located, upon certification by the
12 state registrar. And the state registrar shall annually certify to
13 the treasurers of the several counties the number of births and
14 deaths properly registered, with the names of the local registrars
15 and the amounts due each at the rates fixed therein.

Sec. 20. That the state registrar shall, upon request, supply to
2 any applicant a certified copy of the record of any birth or death
3 registered under provisions of this act, for the making and certifi-
4 cation of which he shall be entitled to a fee of fifty cents, to be
5 paid by the applicant. And any such copy of the record of a
6 birth or death, when properly certified by the state registrar, shall
7 be *prima facie* evidence, in all courts and places, of the facts
8 therein stated. For any search of the files and records when no
9 certified copy is made, the state registrar shall be entitled to a
10 fee of fifty cents for each hour or fractional part of an hour of
11 time of search, said fee to be paid by the applicant. And the state
12 registrar shall keep a true and correct account of all fees by him
13 received under these provisions and turn the same over to the
14 state treasurer; *provided*, that the state registrar shall, upon
15 request, of any parent or guardian, supply without fee, a certificate
16 limited to a statement as to the date of birth of any child when the
17 same shall be necessary for admission to school, or for the purpose
18 of securing employment. And *provided further*, that the United
19 States Census Bureau may obtain, without expense to the state,
20 transcripts or certified copies of births and deaths without payment
21 of the fees herein prescribed.

Sec. 21. That all marriages taking place within the state shall
2 be registered with the state registrar of vital statistics, at the place
3 where records of births and deaths are filed, in the manner here-
4 inafter provided.

5 On or before the tenth day of each month the county clerk
6 of each county shall forward to the state registrar of vital statis-
7 tics a certified copy of all marriage records made by him during
8 the previous month.

9 The state registrar of vital statistics shall preserve and index
10 all records thus received and shall, when applied to, issue a certi-
11 fied copy of the same, which shall be *prima facie* evidence in all
12 courts in the state of the facts stated therein.

13 Every county clerk issuing a marriage license shall collect a fee
14 of at least one dollar as a state registration fee as provided in
15 section seven of chapter one hundred and thirty-seven of the code,
16 and all such fees so collected shall be paid into the state treasury.
17 Every person solemnizing a marriage shall take up the license
18 authorizing such marriage, and on or before the fifth of each month
19 shall forward to the county clerk issuing such license, all such li-
20 censes in his possession, with an endorsement thereon of the fact
21 of such marriage and the time and place of celebrating the same.

Sec. 22. That sections thirteen, fifteen, eighteen, nineteen,
2 twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-
3 five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty,
4 thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-
5 six, thirty-seven, thirty-eight, thirty-nine, of chapter sixty-three,
6 Barnes' code of West Virginia and sections twenty-three to twenty-
7 nine inclusive of chapter one hundred and fifty of Barnes' code of
8 West Virginia, together with all acts or parts of acts inconsistent
9 with the provisions of this act are hereby repealed.

Sec. 23. That any person, who for himself or as an officer,
2 agent, or employee of any other person, or of any corporation or
3 partnership,

4 (a) Shall inter, cremate, or otherwise finally dispose of the dead
5 body of a human being, or permit the same to be done, or shall re-
6 move said body from the primary registration district in which
7 the death occurred or the body was found without the authority
8 of a burial or removal permit issued by the local registrar of
9 the district in which the death occurred, or in which the body
10 was found; or

11 (b) Shall refuse or fail to furnish correctly any information
12 in his possession, or shall furnish false information affecting any
13 certificate or record, required by this act; or

14 (c) Shall wilfully alter, otherwise than is provided by sec-
15 tion seventeen of this act, or shall falsify any certificate of birth
16 or death or any record established by this act; or

17 (d) Being required by this act to fill out a certificate of
18 birth or death and file the same with the local registrar, or de-
19 liver it, upon request, to any person charged with the duty of
20 filing the same, shall fail, neglect, or refuse to perform such duty
21 in the manner required by this act; or

22 (e) Being a local registrar deputy registrar or subregistrar,
23 shall fail, neglect, or refuse to perform his duty as required by
24 this act and by the instructions and directions of the state regis-
25 trar thereunder, shall be deemed guilty of a misdemeanor and
26 upon conviction thereof shall be fined not less than one
27 nor more than five dollars. Justices of peace shall have concur-
28 rent jurisdiction to try and determine all offenses arising under
29 this act.

Sec. 24. That each local registrar is hereby charged with
2 the strict and thorough enforcement of the provision of this act
3 in his registration district, under the supervision and direction
4 of the state registrar. And he shall make an immediate report
5 to the state registrar of any violation of this law coming to his
6 knowledge, by observation or upon complaint of any person, or
7 otherwise.

8 The state registrar is hereby charged with the thorough and
9 efficient execution of the provisions of this act in every part of
10 the state, and is hereby granted supervisory power over local
11 registrars, deputy local registrars, and subregistrars, to the end
12 that all of its requirements shall be uniformly complied with.
13 The state registrar, either personally or by an accredited repre-
14 sentative, shall have authority to investigate cases of irregularity
15 or violation of law and all registrars shall aid him, upon request,
16 in such investigations. When he shall deem it necessary, he shall
17 report cases of violation of any of the provisions of this act
18 to the prosecuting attorney of the county, with a statement of
19 the facts and circumstances; and when any such case is reported
20 to him by the state registrar, the prosecuting attorney shall forth-
21 with initiate and promptly follow up the necessary court pro-
22 ceedings against the person or corporation responsible for the
23 alleged violation of law.

CHAPTER 138

(Senate Bill No. 71—Mr. York.)

AN ACT declaring certain diseases to be venereal, and as such that
they are infectious, contagious, communicable, and dangerous
to the public health; declaring certain practices as being pro-
lific sources of such diseases; providing for the establishment
of clinics for the treatment of such diseases and for the estab-

lishment of places of detention for persons infected with such diseases, or suspected of being so infected; providing for the examination and treatment of persons infected and for the reporting of all such diseases by physicians and other parties; prohibiting the sale of certain remedies by druggists and others, and providing penalties for violations of the provisions of this act.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

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| <p>SEC.</p> <ol style="list-style-type: none"> 1. Certain diseases declared venereal and infectious. 2. Duty of health officers as to venereal disease. 3. Health officer may establish medical clinics and places of detention. 4. <i>Prima facie</i> grounds for suspecting infection with venereal disease. 5. Person convicted of sex-immorality not released from custody until examination as to venereal infection is made; expense of detention. 6. Duty of physician diagnosing or treating venereal disease to make reports; same as to superintendents of hospital, etc.; what report to show; filing and inspection of. 7. Failure to make, or making of false report, penalty for; second conviction; grounds for revoking license; false statement by person infected, penalty for. 8. By whom blanks for reports furnished; fee for reports. 9. Person infected venereally to have and follow advice and treatment of physician treating him; penalty for violation; on failure to return for treatment, physician to report; duty of health officer when report received. 10. Minor venereally infected; parents, guardian or judge of juvenile court to be notified; power of health officer when parents fail to control minor. 11. When conduct of one venereally infected exposes others to infection; local health officer to be notified; duty of health officer, upon notice. 12. Duty of health officer, when person venereally infected is not under treatment. 13. When hotel, etc., source of infection, duty of health officer; if place reported reputed to be place of prostitution, arrest of proprietor and inmates. | <p>SEC.</p> <ol style="list-style-type: none"> 14. When local health officer may issue his warrant for person infected with venereal disease. 15. Proceedings upon warrant; form of. 16. Hearing upon warrant; powers of health officer. 17. When party examined has venereal infection but not in infectious stage, agreement to be signed; penalty for violation of agreement; form of. 18. Employments forbidden to one venereally diseased in infectious stage; report of physician to show if forbidden employment; duty of health officer, the party diseased and his employer. 19. Voluntary examination; election as to treatment, if diseased; cost of treatment; to sign and observe agreement; disposition of money collected. 20. Unlawful for person with infectious venereal disease to do anything to expose others to infection; what physicians certificates may state. 21. Quarantine; when may be established; if no place provided, then in jail; quarantine rule. 22. Physician treating venereal diseases to file statement showing his qualifications; penalty for failure. 23. Only licensed physicians to prescribe, recommend or sell drugs, etc., for cure of venereal diseases; prohibition as to compounding drugs, etc., by druggist or others, drug store open to inspection of health officer. 24. Expense of carrying out provisions of act, general charge against county or municipality; joint places for treatment. 25. Penalty, where no other punishment is provided; jurisdiction of justices; costs when complaint of an offense hereunder made by citizen. |
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Be it enacted by the Legislature of West Virginia:

Section 1. Syphilis, gonorrhoea, and chancroid, herein designated as *venereal diseases*, are hereby declared to be infectious, contagious, communicable, and dangerous to the public health.

4 Prostitution is hereby declared to be a prolific source of such dis-
5 eases; and the repression of prostitution is hereby declared to be
6 a health measure.

Sec. 2. It shall be the duty of all municipal and county
2 health officers to use every available means to ascertain the ex-
3 istence of, and to investigate all cases of syphilis, gonorrhoea, and
4 chancoid, coming within their respective jurisdictions, and, when
5 it is necessary, have all such cases treated, if they are not already
6 under treatment, and to ascertain the sources of such infection,
7 and to institute measures for the protection of other persons from
8 infection by such venereally infected person, or from persons rea-
9 sonably suspected of being so infected, and for the protection of
10 the public health at all times, and to this end said health officer, if
11 he be a municipal health officer, may designate any member of
12 the city police or health department to make any investigation
13 contemplated hereunder; and if a county health officer he may
14 designate any discreet person to do so, and while such persons are
15 conducting such investigations they shall have all authority nec-
16 essary for the purpose. the same as the health officer himself.

Sec. 3. In order to carry out the provisions of the last section,
2 any health officer may, if he be municipal health officer, with the
3 consent of the municipal council or other body having proper au-
4 thority; or if he be a county health officer, with the consent of the
5 county commissioners or other tribunal, establish either inde-
6 pendently or in co-operation with other agencies, one or more
7 medical clinics within their respective jurisdictions, and may also
8 with like consent, establish or provide one or more places for de-
9 tention and quarantine of such persons as may come within the
10 purview of this act.

Sec. 4. The following shall be *prima facie* grounds and rea-
2 sons for suspecting that such persons are infected with a venereal
3 disease, that is with syphilis, gonorrhoea, and chancroid:

- 4 (a) Being a common prostitute, that is, a person commonly
5 reputed in the neighborhood where they live, as practicing promis-
6 cuous sexual intercourse, whether such person be male or female.
- 7 (b) Being a person known to be associating with prostitutes.
- 8 (c) Being a person that has been convicted in any court, or
9 before a police judge, or before a justice of the peace, upon any
10 charge growing out of sex-immorality, such as keeping a house of
11 ill-fame or bawdy house, or loitering in any such house, or of
12 street-walking, fornication or adultery.

13 (d) Being a person heretofore arraigned upon any charge as
14 set out in last sub-section, where the evidence does not justify a
15 conviction but does raise the inference that such person is infected
16 with a venereal disease.

17 (e) Being a person heretofore reported by a physician as in-
18 fected with a venereal disease, where such person is afterwards
19 reported as having failed to return for treatment.

20 (f) Being a person designated in a venereal disease report as
21 the source of such infection of the person reported.

Sec. 5. When any person has been tried and convicted in any
2 police court, or in any criminal or circuit court, or before a jus-
3 tice of the peace, upon any charge or offense growing out of sex-
4 immorality, such as has been set out in the last preceding section,
5 said person shall not be released from custody by the judge, justice,
6 or police officer trying the case until the local health officer hav-
7 ing proper jurisdiction has been notified and has had time to make
8 all necessary tests and examinations to ascertain whether in fact
9 such person be infected with a venereal disease, and all necessary
10 expenses for holding such person in custody pending examination
11 and treatment, if needed, shall be a proper charge against the mu-
12 nicipality, if the offense was committed within it, or against the
13 county in which the offense was committed, if committed outside
14 of a municipality; and every municipality whether it be a county
15 seat or not shall be liable under this section.

Sec. 6. It shall be the duty of every practicing physician or
2 other person who makes a diagnosis in, or treats a case of syphilis,
3 gonorrhoea or chancroid, if the party for whom the diagnosis was
4 made or case treated lives within any municipality having a health
5 officer, and if not then otherwise, to make two reports of the case,
6 as follows: One report shall be made to the local municipal
7 health officer, or if outside then to the county health officer where
8 the person lives that had had a case diagnosed or started taking
9 treatment; the second report shall be made to the director of bu-
10 reau of venereal diseases, of the state. And every superintendent
11 or manager of a hospital, dispensary, or charitable or penal in-
12 stitution in which there is a case of venereal disease shall report
13 the same under like conditions.

14 Said reports as above required shall be made by number and ad-
15 dress of the person reported, the age, sex, color, marital state, the
16 occupation of the diseased person, the date of the onset of the dis-

17 ease, the source of infection, and whether said disease is in an
18 infectious stage, and whether or not the person reported is at the
19 time of making report engaged in any occupation forbidden
20 under this act, and to be hereafter mentioned. Said reports so
21 required, when made out shall be mailed or handed to the par-
22 ties to whom they are directed to be made within forty-eight hours
23 after a diagnosis is made or treatment started; and the municipal
24 health officer or county health officer as the case may be shall file
25 and preserve said reports, and they shall be open to inspection by
26 the director of the bureau of venereal disease of the state, or to
27 any proper person an employee of said bureau whose duties may
28 be connected with the enforcement of laws against venereal dis-
29 eases, and to any member of the state health council, and to mem-
30 bers of the local health officers, or officers whose duties are con-
31 nected with executing the laws against these diseases.

Sec. 7. Any physician or other person required to make re-
2 ports of a venereal disease hereunder, or who is required to report
3 the failure of any patient to return for further treatment, who
4 fails or refuses to make any such reports, or who knowingly re-
5 ports a person under a false or fictitious name or address, or who
6 makes any other statements on any report which he has reason to
7 believe are untrue, shall be guilty of a misdemeanor, and shall
8 be punished as hereinafter provided; and each report that should
9 have been made, and each name that should have been given, and
10 each address that should have been given, or have been wrongfully
11 reported or given, shall be a separate offense; and a second con-
12 viction of a physician for failure to comply with any provisions
13 of this section shall be sufficient grounds and reasons for the state
14 health council to revoke the license of any practicing physician
15 coming within the purview of this act. Any person suffering
16 with a venereal disease whose name is required to be reported
17 hereunder, who gives to the physician or person required to make
18 reports herein required, a false or fictitious name or address, or
19 who shall fail or refuse to answer any proper question required
20 to be reported hereunder, or who makes any false statement in
21 answer to any such question, shall be guilty of a misdemeanor,
22 and shall be punished as hereinafter to be provided.

Sec. 8. It shall be the duty of the local health officers to fur-
2 nish physicians or other persons that need them, report blanks
3 for the purpose of making reports that are to be made to them, and

4 for the director of bureau of venereal diseases to furnish blanks for
5 reports to be made the said bureau; and counties and municipal-
6 ities may if they choose pay persons for making such reports as
7 are to be made to county and municipal health officers, the sum
8 of not to exceed twenty-five cents for each report so made.

Sec. 9. It shall be the duty of every physician or other person
2 who examines or treats a person having syphilis, gonorrhoea, or
3 chancroid, to instruct said person in measures for preventing the
4 spread of such disease, and to inform him of the necessity of tak-
5 ing treatment until cured, and all such persons who were examined
6 and found infected, or are being treated as above set out, shall
7 follow such directions and take such precautions as are necessary
8 and are recommended, and all persons starting to take treatment
9 shall continue such treatment until discharged by said physician
10 or other person treating him, and any failure to return for further
11 treatment within ten days after the last date set by said physician
12 or other person for said patient to return for further treatment,
13 without lawful excuse therefor, shall be a misdemeanor and such
14 person shall be punished as hereinafter to be set out. After the
15 ten days mentioned above for the patient to return for treatment,
16 shall have expired, the physician or other person to whom said
17 patient should have returned for treatment, shall, unless he has
18 knowledge of good reasons why said patient failed to return, make
19 a report of the facts in the case to the local health officer having
20 proper jurisdiction, and said local health officer shall at once make
21 an investigation to ascertain why said patient failed to return, and
22 shall take any steps necessary in the matter to protect the public
23 health, and to this end he may arrest, detain and quarantine said
24 patient so failing to return for treatment.

Sec. 10. Whenever a venereal disease report shows that the
2 person infected is a minor, then the local health officer to whom
3 the report is made shall at once notify the parents of such minor
4 of the facts appearing upon the report, or the guardian if no par-
5 ents, and if the minor be under eighteen years of age, said local
6 health officer may notify the judge of the juvenile court, or other
7 court having jurisdiction, and if the parents or guardian fail or
8 refuse to assist in controlling the minor and securing treatment
9 therefor, and if after five days from the time said parent should
10 have received said notice and nothing has been heard from them,
11 said local health officer shall take any other steps necessary to pro-
12 tect the public health.

Sec. 11. Whenever any attending physician or other person
2 knows or has good reasons to believe that any person having syph-
3 ilis, gonorrhoea or chancroid, is so conducting himself or herself,
4 or is about to so conduct himself or herself, in such manner as to
5 expose other persons to infection, such physician or other person
6 shall at once notify the local health officer having jurisdiction, of
7 the facts in the case, giving the name and address of the party;
8 and said local health officer upon receipt of such notice shall at
9 once cause an investigation to be made to ascertain what should
10 be done in the premises, and may do whatever is necessary to pro-
11 tect the public health.

Sec. 12. Where a venereal disease report shows the person is
2 suffering with such disease in an infectious stage, and is not under
3 treatment, said local health officer shall at once investigate and as-
4 certain whether such person so reported is conducting himself
5 so as to endanger others to infection, and said health officer shall
6 take such action as is necessary to protect the public health, and
7 may arrest, detain and quarantine if necessary.

Sec. 13. Whenever it shall appear from any venereal disease
2 report made by a physician, or other person, or otherwise, or when-
3 ever other reasonable facts are brought to the attention of any
4 local health officer having proper jurisdiction which show that
5 any hotel, boarding-house, rooming-house, or other house, place
6 or thing is the source of an infection of a venereal disease, with-
7 out such report or other facts showing the particular person or
8 thing therein as the source of such infection, then the local health
9 officer shall at once notify the owner, proprietor or person operat-
10 ing, running or managing said hotel, boarding-house, rooming-
11 house, or other house, or place, of the essential facts in the case;
12 and if the place reported as being the source of such infection be
13 a place or house, commonly reputed in the neighborhood to be a
14 house or place of prostitution, or house or place of like character
15 or kind, or is commonly known to be such by the police of the
16 city (if in any municipality), then the proprietor, manager or
17 operator of such house and all the inmates therein shall be ap-
18 prehended and dealt with the same as are other persons arrested.
19 detained, examined, quarantined, and treated, if found infected
20 with a venereal disease.

Sec. 14. Upon receipt of a written report or of any other
2 reasonable information by the local health officer, that any person
3 infected with a venereal disease in an infectious stage, is con-

4 ducting himself, or herself, or is about to conduct himself or her-
5 self so as to infect others, or expose others to infection; or that a
6 person infected with a venereal disease under treatment has failed
7 to return for further treatment; or that any person is a prostitute,
8 or person associating with prostitutes, is reasonably suspected of
9 being infected, or of conducting himself or herself so as to infect
10 others; or that a person has been convicted in any court, or mu-
11 nicipality, or before a justice of the peace, of an offense growing
12 out of sex-immorality; or that a person is being held by any such
13 court, municipality, or justice of the peace, pending an examina-
14 tion for a venereal disease; or that a certain person has been re-
15 ported in a venereal disease report as the source of a venereal dis-
16 ease; or when any other facts are brought to the attention of the
17 local health officer having proper jurisdiction, showing that any
18 person is reasonably suspected of being infected with a venereal
19 disease, or is about to conduct himself or herself so as to infect
20 others, said health officer shall at once issue his warrant or order,
21 if the party be not already in custody, and shall proceed as herein-
22 after provided.

Sec. 15. Such warrant or order as mentioned in the preceding
2 section shall be directed to the chief of police if within a munici-
3 pality, or to any sheriff or constable if without, or to any other
4 officer qualified to execute process, directing said officer to ap-
5 prehend the person mentioned therein, and to bring said party
6 before the said health officer at a time and place set out in the war-
7 rant or order, there to be further dealt with as provided by law;
8 and said officer to whom the warrant is directed shall execute the
9 same as are other papers of like character or kind. And pending
10 a hearing in the matter said officer may, for safe-keeping, lodge
11 said person so apprehended under warrant, in jail, or in any other
12 place of detention that may have been provided for such persons;
13 but the health officer may by endorsement on the warrant at the
14 time of its issuance direct any other disposition to be made of
15 the person arrested, before trial, as to him shall appear
16 proper, and said officer executing the warrant shall be guided
17 thereby, but said officer shall not be held responsible should the
18 person arrested make escape. Said warrant above required to be
19 issued shall be sufficient if it is in words and figures as follows
20 (the blanks to be filled as necessary in each case):

21 State of West Virginia, Office of

22 County, (or City) ofCounty (or City) of.....

23 Officer.

24 To, Chief of Police, Sheriff

25 or Constable of, City, or County of

26 It having been brought to the attention of the undersigned

27 health officer for (city or county) of West

28 Virginia, that reported as living or re-

29 siding at in said (city or county),

30 is infected with, or is reasonably suspected of being infected, with

31 one or more venereal diseases, to wit: syphilis, gonorrhoea, and

32 chancroid, by reason of the fact that said

33 has been reported as (set out any reasons set in section 14, or

34 other reasons)

35

36 and therefore reasonably suspected of being so infected; and as

37 such diseases have been declared to be infectious, contagious, com-

38 municable, and dangerous to the public health,

39 These are therefore to command you to apprehend the said

40, if found within your bailiwick, and

41 to bring, before me at my office in the city or county

42 of....., on the..... day of.....

43 19...., at.....o'clock,M, there to be further dealt with

44 as provided by law.

45 Given under my hand, this the day of 19....

46

47 Health Officer or Commissioner.

48 City (or County) of.....

49 West Virginia.

Sec. 16. When a party is brought in for a hearing upon ar-

2 rest under the warrant provided in the preceding section, the

3 health officer shall at once proceed to ascertain the facts in the

4 case, and to this end he may summons witnesses, and administer

5 oaths to such witnesses touching their testimony, and may com-

6 mit for contempt for failure to answer proper questions, and may

7 if proper, discharge the party from further custody; but if from

8 the testimony it appears that the party so apprehended is properly

9 classifiable under any sub-section of section four of this act, touch-

10 ing persons reasonably suspected of being infected with a venereal

11 disease, then such party shall not be released from custody until

12 proof has been made showing the party is already under treatment
 13 from a reputable physician, or other person, or until an examina-
 14 tion has been made to ascertain whether in fact said party is so
 15 infected, and results of all tests and examinations are known, and
 16 shall make all orders touching the care, custody, and examination
 17 of the party as are reasonably necessary in the premises, and if it
 18 is found that said party is infected, then he may make any other
 19 orders that may be necessary touching the treatment of such
 20 party, and if said party is suffering with one or more venereal dis-
 21 eases in an infectious stage, said party shall not be released from
 22 custody, until the diseases are past such infectious stage, and said
 23 party may be detained or quarantined in any place or institution
 24 provided for the purpose, or in the patient's own home if the
 25 health officer thinks best; and if no other place is available for
 26 such purposes then such party shall be detained in the city or
 27 county jail as the case may be. And it shall be the duty of every
 28 city, and of every county in the state to take this contingency in
 29 hand when they are making up their estimates for taxation and
 30 levy purposes, and to provide therefor.

Sec. 17. If as a result of the tests and examination provided
 2 to be made in the preceding section, it is shown that the party so
 3 examined is suffering with a venereal disease not in an infectious
 4 state, said party may be released from further detention upon
 5 signing the agreement herein required to be provided, and which
 6 agreement shall be signed by the persons who have become non-
 7 infectious under treatment and detention, but who have not been
 8 cured. All persons signing the agreement mentioned above shall
 9 observe its provisions; and any failure to do so shall be deemed
 10 a misdemeanor, and shall be punished as hereinafter to be pro-
 11 vided. The agreement mentioned above shall be sufficient, if in
 12 words and figures following after the blanks have been filled to suit
 13 each individual case:

14 *Agreement* to be signed by persons who are suffering with a ve-
 15 nereal disease and are to be released from detention or quarantine,
 16 before being cured, or by persons who voluntarily submit them-
 17 selves for treatment to the health clinics as provided by law.

18 State of West Virginia,

19 County (or city) of.....

20 WITNESSETH, That I,

21 residing at in the county of

22 , state of West Virginia. do hereby acknowledge the
 23 fact that I am at this time infected with a venereal disease ,to-wit:
 24 with.....
 24-a. and that I agree to place myself under the care of.....
 25 within hours hereafter, and that I will remain
 26 under treatment of said physician or clinic until released by the
 27 health officer of or until my case
 28 is transferred with the approval of said health officer to another
 29 regularly licensed physician or approved clinic; and that I further
 30 agree to report to the health officer above, within four days after
 31 beginning treatment from the above physician or clinic, of the med-
 32 ical treatment applied in my case, and that I will report thereafter
 33 as often as may be required of me by the health officer; and that I
 34 further agree to take all the precautions recommended by the health
 35 officer to prevent the spread of the above disease to other persons,
 36 and to this end that I will perform no act that might expose other
 37 persons to the above disease; and that I further agree, until finally
 38 released by the health officer, to notify him of any change in my
 39 address, and to obtain his consent before moving my abode outside
 40 his jurisdiction.

41 Witness my hand, this the day of 19....

42

43 (Signature of Patient)

44 Approved, this the.....day of.....19....

45

46 (Local Health Officer)

Sec. 18. It shall be unlawful for any person having a venereal
 2 disease in an infectious stage, to be engaged as a barber in any
 3 barber shop in the state, or to be engaged in any capacity in any
 4 bakery in the state, or to be employed at any hotel, restaurant,
 5 eating house, lunch counter, or other public place, as a cook, or
 6 cook's helper, or as a waiter, or in any other capacity whatever,
 7 where liable to come in contact with food about to be served;
 8 and it shall be the duty of every physician or other person re-
 9 porting a case of venereal disease hereunder required, to state in
 10 said report whether or not said person so reported is so engaged,
 11 and if so, to give the place where such party is so employed;
 12 and it shall be the duty of the local health officer upon receipt of
 13 a report showing a person is so engaged to at once notify the party
 14 to discontinue such employment; and if said party so notified fails

15 or refuses to discontinue such employment within twenty-four
16 hours after notice, then the party or parties employing said in-
17 fected person shall be notified of the fact, and if such employer
18 fails or refuses to take steps to have such infected person discon-
19 tinue work within twenty-four hours after receiving notice from
20 the health officer, he shall be guilty of a misdemeanor, and every
21 twenty-four hours thereafter that such infected party continues in
22 the employment of said employer shall be a separate offense upon
23 the part of said employer. In the meantime said health officer
24 may, if the infected party is not under treatment, have the in-
25 fected person arrested, detained and quarantined, or otherwise
26 dealt with as may seem best to said health officer.

Sec. 19. Any resident of the state may at any time report to
2 any municipal or county health officer having jurisdiction in the
3 case, and voluntarily submit himself to all tests and examination
4 as are necessary to ascertain whether in fact the person submitting
5 himself for examination is infected with a venereal disease; and
6 said health officer to whom any party has applied as above for
7 tests and examination shall provide for making all such tests
8 and examinations as are necessary to ascertain whether in fact
9 said party so applying be so infected with a venereal disease.
10 If such tests and examinations shows said party so applying to be
11 so infected, then said party so applying shall elect whether he
12 will take treatment of a private physician, or whether he will
13 take treatment to be provided by the health officer through a
14 clinic or otherwise, and if he elects to take treatment through the
15 local health officer's arrangement, he may be required to pay for
16 such treatment at a charge which shall in no case exceed the
17 sum of five dollars for each dose of "*neo*" or *arsphenamine* ad-
18 ministered for syphilis, and at a nominal cost for other medicines
19 used; but if the patient is unable to pay anything, he shall be
20 treated free of charge under the direction of the local health
21 officer, at a clinic or otherwise. All proper charges for such ex-
22 amination and treatment as may be necessary hereunder shall be a
23 proper charge against the municipality or county, as the case may
24 be whether said party so taking treatment lived in or out of a
25 municipal corporation. And whether said person proposing to
26 take treatment as provided hereunder, elect to take from a private
27 physician or elects to take treatment under the direction of the
28 local health officer, he shall first sign the agreement required to

29 be signed by persons about to be released from detention or
30 quarantine, and shall observe all its provisions, and so long as
31 such person so signing shall so observe these provisions he need
32 not be detained or quarantined pending treatment, except that
33 no person who is known as a prostitute, or as a person associating
34 with such, or as a person who resides in any house having the
35 reputation of being a house of prostitution, or who frequents the
36 same, shall be allowed at liberty if infected with a venereal disease
37 in an infectious stage, even though he does voluntarily submit for
38 examination and treatment and does take treatment under the
39 provisions of this section.

40 All money collected under this section shall be paid into a clinic
41 fund, if one is provided, and if not then into the county or city
42 treasury, as the case may be; and the local health officer having
43 jurisdiction shall provide for collecting and accounting for such
44 funds collected hereunder.

Sec. 20. It shall be unlawful for any person suffering with an
2 infectious venereal disease to perform any act which exposes
3 another person to infection with said disease, or to knowingly
4 infect, or expose another person to infection of such disease; and
5 no physician, health officer or other person shall give any certifi-
6 cate showing a person to be free from a venereal disease, but such
7 certificate shall simply state the results of tests and examinations
8 as may have been made, and what tests were made to arrive at
9 the results stated.

Sec. 21. In establishing quarantine for a venereal disease un-
2 der the provisions of this act, said health officer establishing said
3 quarantine may confine any person infected, or reasonably sus-
4 pected of having such venereal disease, or any other person liable
5 to spread such disease, to the house or premises in which they
6 live, or he may require any such person to be quarantined in any
7 other place, hospital or institution in his jurisdiction that may
8 have been provided. And if no such place has been provided, then
9 such person shall be confined in the county or city jail under a
10 quarantine order, and such jails shall always be available for such
11 purposes. But if such person is to be quarantined in his home,
12 then said health officer shall designate the area, room, or rooms
13 that such person is to occupy while so confined, and no one
14 except the attending physician, or his immediate attendants shall
15 enter or leave such room or rooms so designated without permis-
16 sion of said health officer, and no one except the local health

17 officer shall terminate said quarantine, and this shall not be done
18 until the diseased person has become non-infectious as determined
19 by thorough clinical tests, or permission has been given by the
20 state health council or by the director of the bureau of venereal
21 diseases for the state. If to make any quarantine effective as
22 provided herein, it becomes necessary the local health officer may
23 summons a sufficient guard for the enforcement of his orders in
24 the premises. And every person who fails or refuses to obey or
25 comply with any order made by said health officer hereunder, or
26 under any other section concerning quarantine, and every per-
27 son summoned as a guard who shall without a lawful excuse
28 therefor, fail or refuse to obey the orders and directions of the
29 health officer in enforcement of said quarantine, shall be guilty of
30 a misdemeanor, and shall be punished as hereinafter provided.

Sec. 22. It shall be the duty of every physician or other per-
2 son in the state who proposes to treat or does treat venereal dis-
3 ases therein, to file within ninety days after this act shall become
4 effective, with the director of the bureau of venereal diseases of the
5 state, upon a blank to be furnished by said director, a statement
6 showing something of the preparation, experience, and facilities,
7 of, and available to the physician proposing to treat such dis-
8 eases, and any failure or refusal to make such statement within
9 the time aforesaid, or to treat a patient after the time aforesaid
10 has expired for making said statement without statement having
11 been made, shall be a misdemeanor, to be punished as hereinafter
12 to be provided.

Sec. 23. No druggist or other person, not a licensed physician
2 under the laws of the state, shall prescribe, recommend, or sell,
3 to any person any drugs, medicines, or other substances, to be
4 used for the cure or alleviation of syphilis, gonorrhoea, or chan-
5 croid, no matter whether said drugs, medicines or substances
6 are patented, or proprietary, or otherwise; nor shall such drug-
7 gist or other person, compound or mix any drugs, medicines or
8 other compounds for any of said purposes aforesaid, from any
9 written formula or order, not written for the person for whom
10 the drugs or medicines are compounded, and not signed by a
11 physician licensed to practice, under the laws of the state. All
12 drugs, medicines or substances that are commonly known to the
13 medical profession as being commonly used for such purposes
14 as aforesaid for the cure or alleviation of said diseases whether

15 the name is on the bottles, or labels or not, shall be con-
16 strued as coming within the prohibition above; and all drug
17 stores shall be at all times open to the inspection of any local
18 health officer, or to any party designated by the director of the
19 bureau of venereal diseases of the state, to see whether the pro-
20 visions of this section are being carried out by said druggists or
21 stores. A sale by a clerk shall also be considered as a sale by the
22 owner or proprietor, and both may be prosecuted hereunder, for
23 a misdemeanor.

Sec. 24. All costs and expenses necessary to reasonably carry
2 out the provisions of this act, touching the care, custody, detention,
3 and treatment of persons coming within the purview of its pro-
4 visions shall be a general charge against the municipalities or
5 counties as the case may be, unless special arrangements have
6 been made to defray such expenses. Where conditions and loca-
7 tions are such that more economical results may be secured, one
8 or more municipalities, or counties and municipalities may join
9 together and establish one or more places for treatment and de-
10 tention, as may be arranged by the several parties concerned, and
11 to be supported upon a basis to be determined between them.
12 and when this agreement has been made a matter of record by
13 each party thereto, funds may be levied and expended in pur-
14 suance to such agreement, by the several parties.

Sec. 25. Any person violating any provision of this chapter,
2 where no other punishment is provided, shall be punished by a
3 fine of not less than ten nor more than one hundred dollars, and
4 may in addition thereto, at the discretion of the judge or justice
5 trying the case, be imprisoned in jail for a period of not to ex-
6 ceed thirty days.

7 Justices of the peace shall have jurisdiction to try and determine
8 all offenses arising under any provision of this chapter, and the
9 provisions of section two hundred and twenty-one to two hundred
10 and thirty of chapter fifty of the code of West Virginia are to be
11 applicable to proceedings hereunder.

12 Any citizen of the state may make a complaint before a justice
13 of any offense hereunder, and all proceedings are to be in the
14 name of the state, and security for costs shall not be required,
15 nor shall costs be adjudged against complainant unless it appears
16 that no reasonable grounds for making complaint existed, and
17 only then when it is made to appear that complainant acted in
18 bad faith.

CHAPTER 139

(House Bill No. 45—Mr. Howard.)

AN ACT relating to mouth hygiene and the treatment of pupils in the public schools, the same to be section sixty-four-*a* of chapter two of the acts of nineteen hundred and nineteen, regular session.

[Passed April 8, 1921. In effect ninety days from passage. Approved by the Governor April 20, 1921.]

SEC.

64-*a*. Boards of education may establish and maintain dental clinics or courses for teaching mouth hy-

giene; may furnish treatment on request; expense paid out of building fund.

Be it enacted by the Legislature of West Virginia:

That chapter forty-five of the code, as amended by section sixty-four of chapter two of the acts of one thousand nine hundred and nineteen, be amended and re-enacted by adding thereto section sixty-four-*a*.

Section 64-*a*. The board of education in any school district may, at its discretion, establish and maintain dental clinics or courses for teaching mouth hygiene; and may provide for and furnish treatment, if requested by the parent or guardian or deemed necessary by the board of education, of such children who have defective teeth or mouth conditions, and who shall be found by such board of education, or persons deputized for that purpose, to be unable otherwise to procure such treatment. Any expense incurred in connection herewith shall be paid out of the maintenance building fund of said district.

CHAPTER 140

(Committee Substitute for House Bill No. 485.)

(Committee on Medicine and Sanitation.)

AN ACT to provide for the licensing of dental hygienists and regulating the practice of same.

[Passed April 29, 1921. In effect ninety days from passage. Approved by the Governor May 4, 1921.]

SEC.

1. Dental hygienists; may do certain dental work; be employed by and work under supervision of registered dentists; state board may revoke license, when.

2. Same; examination of required; fees for examination; certificate to practice; qualifications.

2-b. Acting assistants eligible to examination, when.

SEC.

2-c. Examinations, nature of; what applicant for, shall furnish.

3. Board of dental examiners; may issue and revoke certificates, when.

3-a. Practicing as dental hygienists unlawfully; penalties for.

3-b. Dental hygiene; definition of.

4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any registered or licensed dentists may employ
2 assistants who shall be known as dental hygienists. Such dental
3 hygienists may remove the lime deposits, accretions and stains
4 from the exposed surfaces of the teeth and directly beneath the
5 free margin of the gum, or administer preliminary or post opera-
6 tive treatment for any dento-surgical operation, or administer
7 prophylactic treatment to teeth and gums, but shall not perform
8 any other operation on the teeth or on any diseased tissues of the
9 mouth. They may practice in the office of any registered or
10 licensed dentists under his direct supervision or in any industrial
11 clinic, school clinic or state institutional clinic where they may
12 practice under the general supervision of a registered or licensed
13 dentist. The state board of dental examiners may revoke the
14 license of any dental hygienist who shall perform any operation
15 other than that permitted under the provisions of this section.

Sec. 2. No person shall enter practice as a dental hygienist
2 in this state until he or she has passed an examination given
3 them by the board of dental examiners of this state, under such
4 rules and regulations as it may deem fit and proper to formu-
5 late. The fee for said examination shall be ten dollars, (\$10.00),
6 and any applicant failing to pass such examination shall be en-
7 titled to one additional examination without further cost. The
8 fee for such re-examination after the first shall be five dollars,
9 (\$5.00). The said board of dental examiners shall issue certifi-
10 cates of ability to practice as dental hygienists in this state to
11 those who have passed such examination; *provided, however*, that
12 no person shall be entitled to such certificate unless they shall at
13 least be eighteen years of age, of good moral character, and shall
14 be a graduate of a class "A" high school or its equivalent and a
15 graduate of a training school for dental hygienists approved by
16 state board of dental examiners, or where the applicant is not per-
17 mitted to attend such school for dental hygienists which may be
18 approved by said board, then said certificates shall be issued as
19 herein provided, which shall entitle all those to practice as dental
20 hygienists in this state who may possess all other requirements
21 herein mentioned and pass the required examination.

Sec. 2-b. It is further provided that any person acting as an
2 assistant to any licensed dentists in this state for two consecu-
3 tive years or more previous to this bill becoming a law in effect

4 shall be eligible to examination for dental hygienist without
5 further requirements; *provided*, application for such examination
6 be made within six months after the passage of this act.

Sec. 2-c. The examination of applicants shall be both practical and theoretical, as follows:

3 *Practical Examination.*

4 Each applicant must bring a patient upon whose teeth tartar
5 deposits can be distinctly seen. The patient must have at least
6 twenty-four (24) natural teeth present in the mouth. No attempt
7 must be made to cleanse the mouth previous to the examination.

8 The examination will consist of (a) scaling and polishing the
9 teeth of this patient; (b) instructing the patient on the home
10 care of the mouth, including instruction in the use of the tooth
11 brush; (c) oral quizzing by the examiners.

12 The applicant must come provided with suitable instruments
13 and accessories, including two tooth brushes, to perform the above-
14 mentioned operations.

15 Chairs, tables and cuspidors only will be furnished by the board.

16 *Theoretical Examination.*

17 (1) anatomy; (2) physiology; (3) dental histology; (4) bac-
18 teriology and sterilization; (5) dental caries and malocclusion;
19 (6) oral prophylaxis.

Sec. 3. The board of dental examiners of this state may, at its
2 discretion, without the examination as herein provided, issue its
3 certificate to any applicant therefor who shall furnish proof satis-
4 factory to said board that they have been duly licensed to prac-
5 tice as a dental hygienist in another state after full compliance
6 with the requirements of its dental laws; *provided, however*, that
7 their professional and preliminary education shall not be less than
8 that required in this state, and that they have been in active prac-
9 tice at least two years previous to their application for certificate.
10 The board of dental examiners may revoke the registration and
11 license of any dental hygienist violating any provision of this act.

Sec. 3-a. Any person who shall practice as a dental hygienist
2 without first having complied with the provisions of this act shall
3 be guilty of a misdemeanor, and upon conviction thereof, shall be
4 fined not less than fifty dollars (\$50.00) and not more than five-
5 hundred dollars (\$500.00), and may be imprisoned not more

6 than thirty (30) days, or both, at the discretion of the court,
7 to which fine shall be added the costs of the prosecution.

8 Sec. 3-b. Any person other than a regularly licensed dentist
9 shall be said to be practicing dental hygiene within the meaning
10 of this act, who shall remove deposits, accretions and stains from
11 the exposed surface of the teeth and polish same, or who shall
12 practice the use of escharotic drugs in or about the teeth, or who
13 shall make dental examination of teeth and diagnosis disease of
14 same.

15 Sec. 4. All acts and parts of acts inconsistent herewith are
16 hereby repealed.

CHAPTER 141

(House Bill No. 376—Mr. Hersman, of Roane.)

17 AN ACT providing for the payment to the county commissioners for
18 services performed, other than for services in court, in counties
19 having a population of less than twenty-five thousand inhabitants.

[Passed April 21, 1921. In effect ninety days from passage. Became a law
without the approval of the Governor.]

SEC. 1. Payment to county commissioners | other than in court; amount.
in certain counties for services, | 2. Services to be performed by com-
missioners.

Be it enacted by the Legislature of West Virginia:

Section 1. There shall be allowed and paid out of the county
2 treasury, as other salaries are paid, beginning on the first day of
3 January, one thousand nine hundred and twenty-one, to each
4 county commissioner in each county, which has now, or may have
5 at any decennial census of the United States, less than twenty-
6 five thousand inhabitants, for services performed for such county,
7 concerning roads, bridges and other county business by said com-
8 missioners (other than services in court) the sum of twenty-five
9 dollars per month for each month of their terms of service re-
10 spectively. *Provided*, that in any county where there are more
11 than three commissioners the amount such commissioner in such
12 county shall receive shall not in the aggregate exceed the amount
13 herein provided to be paid on a basis of three commissioners.

Sec 2. It shall be the duty of the county commissioners in each
2 of such counties to visit and inspect monthly, and oftener if needed
3 all roads and bridge construction therein, and from time to time

4 to visit and inspect all the roads of the county and the county in-
5 firmary or poor farm.

Sec. 3. All acts and parts of acts in conflict herewith are here-
2 by repealed.

CHAPTER 142

(Senate Bill No. 246—Mr. Harmer.)

AN ACT to amend and re-enact section two of chapter forty-seven of
the code of West Virginia.

[Passed April 12, 1921. In effect ninety days from passage. Approved by the
Governor April 19, 1921.]

SEC.

2. Incorporation of towns and vil- lages; charter; how secured; re- quirements; circuit court to grant charter; forfeiture and dissolu-	tion of charter; petition for re- incorporation; vote as to contin- ing charter rights; petition for; form of ballot.
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Be it enacted by the Legislature of West Virginia:

That section two of chapter forty-seven of the code of West
Virginia be amended and re-enacted so as to read as follows:

Section 2. Any part of any district or districts not included
2 within any incorporated city, town or village, and containing a
3 resident population of not less than one hundred persons, and if
4 it shall include within its boundaries a territory of not less than
5 one-quarter of one square mile in extent, and not more than a
6 reasonable amount of territory proportionate to the number of
7 residents therein (the exact extent of the territory to be included
8 therein to be within the discretion of the circuit court granting
9 the charter) may be incorporated as a city, town or village, under
10 the provisions of this act; and any city, town or village heretofore
11 incorporated under the provisions of this chapter or which shall
12 hereafter be incorporated under the provisions of this act, and
13 which has no bonded indebtedness, and which shall fail for one
14 year to exercise its corporate powers and privileges, or which has
15 not twenty legal voters residing therein, or in which there were
16 not twenty legal votes cast at its last election, or the population of
17 which shall be reduced below seventy-five persons and so remain
18 for six months, shall, in either event thereby forfeit its charter so
19 granted, and all rights, powers and privileges so conferred to
20 such city, town or village. And the circuit court of the county
21 where any such city, town or village is located within this state
22 shall have jurisdiction to hear and determine all matters relating

23 to the forfeiture and dissolution of all such charters granted as
24 hereinbefore provided, upon the petition of one or more of its in-
25 habitants, or any ten free-holders of the county wherein such
26 city, town or village is located, to annul and declare forfeited such
27 charter and shall dissolve the corporation. Ten days' notice of
28 the filing of such petition with the clerk of the circuit court
29 of the county wherein such city, town or village is located, served
30 upon the mayor and recorder thereof shall be sufficient notice
31 upon which the judge of such court shall so act, and upon proper
32 proof of the allegations of such petition, all such charters so
33 granted shall be declared forfeited and the corporation dissolved.
34 But if the territory so incorporated, or a major part thereof,
35 either in area or in population, shall, within one year next after
36 such declaration of forfeiture and dissolution by the circuit court,
37 be re-incorporated as a city, town or village, then the auditor
38 of the state of West Virginia shall convey unto such new incor-
39 poration all of the rights of the state of West Virginia in and to
40 the corporate property, moneys, claims, demands and taxes col-
41 lected or uncollected, of the former corporation so dissolved.

42 Upon the petition of twenty-five per cent of the voters of
43 any incorporated town or village containing not more than fifteen
44 hundred inhabitants, the council thereof shall submit to the
45 voters of said town or village at the next municipal elec-
46 tion or at a special election called for that purpose, the ques-
47 tion of continuing or discontinuing the charter rights of said
48 town or village. The ballots used in voting shall have written
49 or printed upon them the words: "For continuance of charter,"
50 and "For discontinuance of charter." If a majority of the votes
51 cast be "For discontinuance of charter," then the charter rights
52 and privileges of said town or village shall cease with the terms
53 of office of the council then in existence; *provided*, that all debts
54 or other obligations outstanding against said corporation shall
55 be settled in full.

56 All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 143

(House Bill No. 192—Mr. Hutchinson.)

AN ACT to amend and re-enact section twenty-eight, chapter forty-seven, Barnes' code, one thousand nine hundred and eighteen, relating to the powers of municipal corporations chartered under said chapter.

- [Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

SEC.
28. Powers of councils.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter forty-seven of Barnes' code of West Virginia, one thousand nine hundred and eighteen, relating to the powers of municipal corporations, be and the same is hereby amended and re-enacted so as to read as follows:

Section 28. The council of such city, town or village shall have plenary power and authority therein to lay off, vacate, close, open, alter, curb, pave and keep in good repair, roads, streets, alleys, sidewalks crosswalks, drains and gutters, for the use of the public, or any of the citizens thereof, and to improve and light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, crosswalks, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereon, or of the real property next adjacent thereto; to establish and regulate markets, to prescribe the time of holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep or other animals, and fowls of all kinds, from going at large in said city, town or village; to protect places of divine worship in and about the premises where held; to arrest, convict and punish any person for keeping a house of ill-fame, or for leasing or letting to another person any house or other building for the purpose of being used or kept as a house of ill-fame, or knowingly permitting any house owned by him or under his control, to be kept or used as a house of ill-fame, or loafing, boarding or loitering in a house of ill-fame, or frequenting same; to arrest, convict and punish any person for importing, printing, publishing, selling or distributing any book or other thing containing obscene language; to

25 arrest, convict and punish any person for cruelty, unnecessarily
26 or needlessly beating, torturing, mutilating, killing or over-load-
27 ing and over-driving, or wilfully depriving of necessary suste-
28 nance, any horse or other domestic animal; to arrest, convict and
29 punish any person for gambling or keeping gaming tables, com-
30 monly called A, B, C, or E, O, table or faro bank or keno table.
31 or table of like kind, under any denomination, whether the
32 game table be played with cards, dice or otherwise, or shall be a
33 partner or concerned in interest, in the keeping or exhibiting such
34 table or bank, or keeping or maintaining any gaming house or
35 place, or betting or gambling for money or anything of value;
36 to license, or prohibit, the operation of pool and billiard rooms and
37 maintaining for hire of pool and billiard tables, and in event any
38 such business is licensed in such town, to make and enforce reason-
39 able ordinances regulating the same; to arrest, convict and punish
40 any person for carrying about his person any revolver or other pis-
41 tol, dirk, bowie-knife, razor, slung-shot, billy, metallic or other
42 false knuckles, or any other dangerous or other deadly weapon of
43 like kind or character; to provide penalties for the offenses and
44 violations of law mentioned herein an addition to the penalties
45 provided in section twenty-nine of this chapter but which shall not
46 exceed the penalties provided for like offenses and violations in
47 this chapter and in chapters one hundred and forty-eight, one
48 hundred and forty-nine and one hundred and fifty-one of the code
49 of West Virginia, of one thousand eight hundred and ninety-
50 nine; to abate or cause to be abated anything which, in the opinion
51 of a majority of the whole council, shall be a nuisance; to regu-
52 late the keeping of gun-powder and other combustibles; to acquire
53 by purchase, condemnation and otherwise, land in or near the
54 city, town or village for providing and maintaining proper
55 places for the burial of the dead and to regulate interments there-
56 in upon such terms and conditions as to price and otherwise as
57 may be determined; and in order to carry into effect
58 the foregoing provisions the council may acquire any cem-
59 etery or cemeteries already established to provide for the regu-
60 lar building of houses or other structures, and for making of
61 division fences by the owners of adjacent premises and the drain-
62 age of lots by the proper drains and ditches; to make regula-
63 tions guarding against danger or damage by fire; to prevent
64 the illegal sale of all intoxicating liquors, drinks, mixtures and

65 preparation therein; to protect the persons and property of the
66 citizens of such city, town or village, and to preserve peace and
67 good order therein, and for this purpose to appoint when nec-
68 essary a police force to assist the sergeant in the discharge of his
69 duties; to prescribe the powers and define the duties of the officers
70 appoint by the council, fix their terms of service and compen-
71 sation, require and take from them bonds, when deemed necessary,
72 payable to such city, town or village, in its corporate name, with
73 such sureties and in such penalty as the council may see fit,
74 conditioned for the faithful discharge of their duties; to erect, or
75 authorize or prohibit the erection of gas works, electric light
76 works or water works in the city, town or village; to prevent injury
77 to or pollution of the same, or to the water or healthfulness
78 thereof; to regulate and provide for the weighing of hay, coal
79 and other articles sold or for sale in the city, town or village; to
80 provide a revenue for the city, town or village, and appropriate the
81 same to its expenses; to provide for the annual assessment of tax-
82 able personal property therein; to impose a license tax on persons
83 or companies keeping for hire carriages, hacks, buggies, or wagons,
84 or for carrying passengers for pay in any such vehicle, in such
85 city, town or village; to adopt rules for the transaction of bus-
86 iness, and the government and regulations of its own body.

CHAPTER 144

(Senate Bill No. 224—Mr. Harmer.)

AN ACT to amend and re-enact chapter forty-five of the code as amended by sections one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four and one hundred and seventy-five of chapter two of the acts of one thousand nine hundred and nineteen, regular session, and adding thereto sections one hundred and seventy-five-*a*, one hundred and seventy-five-*b*, one hundred and seventy-five-*c*, one hundred and seventy-five-*d*, one hundred and seventy-five-*e*, one hundred and seventy-five-*f*, one hundred and seventy-five-*g*, one hundred and seventy-five-*h*, one hundred and seventy-five-*i*, one hundred and seventy-five-*j*, one hundred and seventy-five-*k*, one hundred and seventy-five-*l*, one hundred and seventy-five-*m*, and one hundred and seventy-five-*n*, relating to the West Virginia industrial home.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

Sec.		Sec.	
172.	West Virginia industrial home; location; purposes and management of; who may and may not be admitted; persons prohibited admission; officers and servants for internal management to be women.		physician and matron's fees, how fixed and paid.
173.	Who may be committed to; causes and manner of commitment.	175-d.	Commitment at instance of parent, guardian or next friend; payment of maintenance; treatment of.
174.	Procedure upon complaint made; jury trial; appeal.	175-c.	Board of control authorized to make rules and regulations governing industrial home; authority to parole; re-arrest of girl paroled; expenses of, how paid.
175.	Examination by physician before commitment; physicians' certificate to accompany commitment; certain persons not to be committed; girls suffering with venereal disease or pregnant to be transferred to Fairmont Hospital No. 3 for treatment and detention; buildings and equipment to be provided by board of control; provision for commitment to Florence Crittenden Home; judge to notify director of bureau of venereal diseases of commitment of girl infected; duty of superintendent to notify director when girl is received and transferred.	175-f.	Commitment of person detrimental to other girls or to industrial home; may be re-sentenced to penitentiary; governor's power to remit sentence.
175-a.	Justice or judge committing to annex to commitment names and addresses of witnesses and substance of testimony; procedure where girl is ineligible for admission; board of control may transfer temporarily; expenses paid by county from which girl is committed.	175-g.	Provision for arrest of girl escaping from industrial home; expenses, how paid; board may offer reward.
175-b.	Commitment papers to be forwarded by justice or police judge; woman escort for girl; girl not to be lodged in jail while waiting to be conducted to industrial home; expenses of detention, how paid.	175-h.	Aiding or abetting girl to escape from industrial home; selling or giving inmate certain articles forbidden; other offenses against home or girl; penalty.
175-c.	Expenses of trial and commitment; amount, how paid;	175-l.	Board of control authorized to transfer girls to other institutions under certain circumstances.
		175-j.	Premises of industrial home private grounds; penalty for trespassing.
		175-k.	Payment by counties of cost of detention; reimbursement by parent or guardian; appropriation for current expenses of home.
		175-i.	Lists of inmates for auditor; duty of auditor as to charging county.
		175-m.	Certification of list and credit to county court; levy; compelling payment.
		175-n.	Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter forty-five of the code, as amended, by section one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four and one hundred and seventy-five of chapter two of the acts of one thousand nine hundred and nineteen, regular session, be amended and re-enacted and that sections one hundred and seventy-five-a, one hundred and seventy-five-b, one hundred and seventy-five-c, one hundred and seventy-five-d, one hundred and seventy-five-e, one hundred and seventy-five-f, one hundred and seventy-five-g, one hundred and seventy-five-h, one hundred and seventy-five-i, one hundred and seventy-five-j, one hundred and seventy-five-k, one hundred and seventy-five-l, one hundred and seventy-five-m, and one hundred and seventy-five-n, be added thereto (all relating to the West Virginia industrial home,) as hereinafter set forth:

Section 172. The West Virginia industrial home, established
2 by chapter eight of the acts of one thousand eight hundred and
3 ninety-seven, shall be and remain where now located, at Indus-
4 trial, in Harrison county, and shall be exclusively charged with
5 the care, training and reformation of girls between the ages of
6 twelve and eighteen years; but white and colored girls shall be kept
7 separate as far as practicable. Said home shall be managed,
8 controlled and governed by the state board of control, as herein
9 provided, and as provided in chapter fifty-eight of the acts of
10 one thousand nine hundred and nine; but no girl shall be
11 committed thereto as an inmate thereof, who is of unsound
12 mind or imbecilic, or idiotic, or has epilepsy.

13 All agents, officers and servants for the internal management
14 of said home shall be women.

Sec. 173. Any girl, a legal resident of the state, between the
2 ages of twelve and eighteen years, may be committed to and be
3 received into the West Virginia industrial home, for any one of
4 the following causes, and in the manner following:

6 *First*—By a justice of the peace of the county in which said
7 girl resides, on complaint under oath, and due proof made
8 to him, by the parent, guardian or other person having the
9 custody or control of such girl, that by reason of incorrigible
10 or vicious conduct such girl has rendered her control beyond the
11 power of such parent, guardian, or other person, and made it
12 manifestly for the best interests of such girl and of society that
13 she be placed in said home.

14 *Second*—By a justice of the peace of the county in which said
15 girl resides, upon complaint under oath, and due proof made to
16 him by three reputable citizens that such girl is a vagrant, or
17 is incorrigible or vicious in disposition and conduct, and that
18 her parents, guardian, or other person having custody of, or
19 authority to control her, are depraved or otherwise unfit, unable
20 or unwilling to exercise proper care and discipline over such
21 girl, or has been convicted before any justice of the peace in said
22 state for any offense involving sex immorality upon the part of
23 said girl; and vagrancy as herein contemplated shall be con-
24 strued to include, among other things, the following: loitering
25 for purposes of prostitution; street-walking or loitering on public
26 roads or streets at night, without good excuse; living, working or
27 residing in, or loitering or loafing in or about any house of ill-

28 fame or bawdy house or house of like character or kind; automo-
29 bile joy riding at unseemly hours in the night time when unac-
30 companied by parents or other proper persons, frequenting or
31 loitering or loafing in any and around any public dance hall or
32 public show; and associating with prostitutes or other persons of
33 low morals, either male or female.

34 *Third*—By the judge of the police or municipal court of any
35 town or city in this state upon complaint made to him under
36 either the first or second clause of this section; or upon due com-
37 plaint and proof made to such judge that such girl is under the
38 age of sixteen years, and has been found in a house of ill-fame or
39 assignation house.

40 *Fourth*—By any criminal, intermediate, circuit or other court
41 of this state, when any girl who is a resident of this state, and
42 under the age of eighteen years shall have been convicted in
43 said court of a felony, or of a misdemeanor punishable by im-
44 prisonment, in which case the judge of said court, in his discre-
45 tion, instead of sentencing such girl to be confined in the peni-
46 tentiary or the county jail, may order her to be removed to said
47 West Virginia industrial home, there to remain until she shall
48 have attained the age of twenty-one years, unless sooner dis-
49 charged or parolled by the state board of control. Any such girl
50 convicted as aforesaid in any of the courts of the United States
51 of the districts of West Virginia, may also be received in said
52 home, upon such regulations and terms as to her maintenance
53 and support, as may be agreed upon by the state board of
54 control, and the proper authorities of the United States.

Sec. 174. When any such complaint as is named in the
2 next preceding section is made to a justice or the judge of a
3 police or municipal court, he shall issue his warrant, directing
4 such girl to be brought before him at the time named therein.
5 Upon the hearing before him such justice or judge shall appoint
6 some discreet and disinterested person other than the person
7 making the complaint, as a guardian *ad litem* for such girl, whose
8 duty it shall be to represent her interests and see that no injustice
9 is done her. Such guardian, or the girl, shall have the right
10 to demand a jury of six citizens to try the truth of the charges
11 made against her; and in such case the jury shall be selected
12 and the trial conducted in the manner provided for the trial of
13 criminal cases before justices by juries. Such guardian or the

14 girl, shall have the right of appeal from any final decision made
15 against her in any such proceeding, either upon a trial by jury or
16 otherwise, as is provided by law in other criminal cases tried be-
17 fore justices. If the jury finds the girl guilty, or if the hearing
18 be without a jury, and the justice or the judge be of opinion that
19 it is best for the morals and future welfare of such girl, and the
20 peace and good order of society, that she shall be committed to
21 said home, he shall order her to be committed thereto, there to be
22 kept until she is twenty-one years of age, unless sooner released
23 or discharged by the state board of control. If an appeal is
24 taken in the case, the finding or sentence of the justice or the
25 judge shall be suspended.

Sec. 175. Before committing a girl to the industrial home,
2 the justice or other authority committing her, shall cause her
3 to be examined by a reputable physician, who is authorized to
4 practice medicine in this state, in order to ascertain whether such
5 girl is sound in mind, and whether or not she is an imbecile or an
6 idiot, or is pregnant, or afflicted with epilepsy, syphilis, gonor-
7 rhoea or any other infectious or contagious disease, and as to any
8 other particulars that may be prescribed in the rules and regula-
9 tions of the state board of control. Such examinations shall be
10 made in private; but there shall be present during such examina-
11 tion a woman of good character, and of mature years, to be named
12 by the justice or the judge. The physician making such exami-
13 nation shall make out a statement, under oath, respecting the
14 particulars named in the form prescribed by the state board of
15 control, which certificate of the physician shall accompany the
16 commitment. If it shall appear from such examination or other-
17 wise that such girl is of unsound mind, or is imbecilic or idiotic,
18 or has epilepsy, or any other contagious or infectious
19 disease, or, being over sixteen years of age, is or has
20 been an inmate of a house of ill-fame, or, an assigna-
21 tion house, she shall not be committed to said home, and
22 the superintendent of the home shall not receive any girl into
23 said home unless the commitment is accompanied by a certificate
24 of health, signed by a reputable physician, showing that she is not
25 of unsound mind, and is not an imbecile or idiot, and is not preg-
26 nant, nor afflicted with epilepsy, syphilis, gonorrhoea or any
27 other infectious or contagious disease, nor one, who, being over
28 sixteen years of age, is or has been an inmate of a house of ill-

29 fame or an assignation house; *provided, however*, that upon
30 examination being made, it shall appear that said girl as above de-
30-a scribed is suffering with a venereal disease in any stage
31 said judge or justice committing said girl shall make
32 an order committing said girl to said industrial school,
33 and shall make an additional order directing said girl
34 to be first transferred to the Fairmont Hospital No. 3, for
35 treatment and detention pending said treatment until cured
36 of said venereal disease or rendered completely non-infectuous
37 therefrom, after which time said girl shall be transferred to the
38 industrial home at Salem, there to be kept as provided by law.
39 and it shall be the duty of the superintendent of said hospital at
40 Fairmont to receive into said hospital all girls that may be com-
41 mitted thereto, as provided herein, and to care for, detain and
42 treat the same until cured or rendered completely non-infectuous,
43 and as soon thereafter as convenient to transfer said girls to said
44 industrial school at Salem. The board of control of the state of
45 West Virginia is hereby authorized and directed to provide suit-
46 able buildings, wards and equipment at said hospital as may be
47 necessary to carry out the provisions of this section, including
48 the expense of transferring the girls to Salem.

49 It is provided, however, that any girl who is committed under
50 the provisions of this act and found to be pregnant, shall first be
51 sent to the Florence Crittenden Home at Elm Grove and later
52 transferred to Fairmont or Salem, as her condition may appear to
53 demand.

54 It shall be the duty of justices or judges of court upon com-
55 mitting a girl who is infected with a venereal disease to the Fair-
56 mont hospital No. 3 or to the industrial school, as provided
57 herein, to notify the director of the bureau of venereal diseases of
58 West Virginia of the fact, giving name, age and address of the
59 girl and the diseases from which she is suffering; and it shall be
60 the duty of the superintendent of the hospital receiving such girl
61 as provided herein, to notify said director when any girl is re-
62 ceived and when she is transferred to the industrial school, as pro-
63 vided herein.

Sec. 175-a. It shall be the duty of the justice of the peace,
2 police or municipal court judge, when committing a girl to said
3 home under the first, second or third clause of section two of
4 this act, to annex to the commitment the names and residences of

5 all the witnesses examined before him, and the substance of the
6 testimony given by each, on which the adjudication was founded,
7 the name and place of residence of the girl, the names of her par-
8 ents, and their residences, if known, together with full answers to
9 such interrogatories respecting the history of the case and the
10 mental and physical health and condition of the girl, as shall be
11 prescribed by the state board of control, and furnished in printed
12 form, on application, by the state board of control, or by the
13 superintendent of said home. If it be found at the time of, or
14 after her admission to said home, that any girl was pregnant, or
15 had syphilis, gonorrhoea, or any other infectious or contagious
16 disease, at the time of her commitment, or was otherwise ineligible
17 for admission, or should she become incorrigible or unmanageable,
18 such girl may be returned to the court or officer by whom she was
19 committed to said home; or, at the discretion of the state board
20 of control, may be transferred temporarily to some other institu-
21 tion for care or treatment, or otherwise disposed of as in the
22 judgment of said board may be best. The expense incurred in
23 returning such girl to the court or officers by whom she was com-
24 mitted for any or all of the above stated reasons, or by reason
25 of transfer to any other state institution, shall be borne by the
26 county court out of the treasury of the county from which the
27 girl was committed to the school.

Sec. 175-b. Whenever a girl is committed to said industrial
2 home, or to said Fairmont hospital No. 3, or to the said Florence
3 Crittenden home, by a justice, a judge of a police or municipal
4 court, or by any of the courts herein named, it shall be the duty of
5 the justice, or police or municipal court judge hearing the case,
6 or of the clerks of the court before whom the trial was held to
7 6-a make out the commitment papers in the case and forward the
8 same by mail without delay to the superintendent of said in-
9 dustrial home, or to the superintendent in charge of said Fairmont
10 hospital No. 3, or to the superintendent of the said Florence Crit-
11 tenden Home at Elm Grove, as the case may appear to demand.
12 10-a On receipt of such commitment papers, the superintendent
13 10-b of the home, if the commitment is found by her to
14 10-c conform to the provisions of this chapter, and there is room in
15 said home, shall promptly so advise the authority making the com-
16 mitment, who shall at once send the girl so committed to the said
17 home, under escort of a discreet woman of mature age. Such

14 escort shall be designated by the authority by whom the commit-
15 ment was made, and her compensation, which shall be fixed by the
16 same authority and not exceed three dollars per day, of twenty-
17 four hours, and her charges, or the girl's necessary travel-
18 ing expenses, fully itemized and sworn to by the escort, shall be
19 paid out of the treasury of the county from which the commit-
20 ment was made, by the county court thereof. No girl committed
21 to said industrial home shall be lodged in any jail or lock-up;
22 but the authority committing her shall designate an officer or
23 other proper person, preferably a woman, in whose custody she
24 will be kept until she is delivered to the person duly authorized to
25 conduct her to said home. The expenses of keeping such girl shall
26 be paid like any other expense of the hearing or trial.

Sec. 175-c. Justices, constables, jurors and witnesses shall re-
2 receive the same fees in proceedings for committing a girl to the
3 said industrial home, or to the said Fairmont hospital No. 3, or
4 to the said Florence Crittenden Home, held before a justice or a
5 judge of a police or municipal court, as are allowed by law for sim-
6 ilar services in misdemeanor cases; and such fees shall be paid in
7 like manner as fees of such officers and persons are paid in misde-
8 meanor cases. The compensation of the physician for examin-
9 ation, and of the woman or matron present at such examination,
10 shall be fixed by the justice or such police or municipal court
11 judge, when the hearing is held before him, and paid in the same
12 manner as the other costs of the case are paid, as in this section
13 provided. The compensation of such physician and matron in
14 trials before a criminal, intermediate or circuit court shall be
15 fixed by the court and taxed and paid as the other costs of the
16 case are taxed and paid: *provided*, that the compensation of the
17 physician shall not exceed three dollars and of the matron shall
18 not exceed one dollar, for each examination.

Sec. 175-d. Girls eligible to admission to the industrial home
2 may be admitted thereto at the instance of their parents, guard-
3 ians, or next friends, under such agreement as to payment for
4 their maintenance, as may be made with the state board of control;
5 but all such girls shall be subject to the same treatment, training
6 and discipline, as the other inmates of the home, and shall be
7 discharged or paroled only in such manner and under such rules
8 and regulations as are provided for those who have been regularly
9 committed.

Sec. 175-e. The state board of control has authority to make
2 such rules and regulations relative to the management and govern-
3 ment of said industrial home, and the instruction, discipline, train-
4 ing, employment and disposition of the girls of the home and their
5 transportation to and from the home, not contrary to law, that
6 they may deem proper. And said board has authority, also,
7 under such rules and regulations as they may prescribe, to grant,
8 on recommendations of the superintendent, a discharge or parole
9 to any inmate of the home; but while any inmate is on such
10 parole and until she is finally discharged, she shall remain in the
11 legal custody of the board, and shall be subject to be returned to
12 the home at any time when, in the judgment of the board, the
13 interests of such paroled inmate will best be served thereby. The
14 written order of said board, countersigned by the superintendent,
15 shall be sufficient warrant for any officer or person named therein
16 to arrest and return to the home any paroled inmate named in
17 such order; and it is hereby made the duty of any such officer or
18 person to make such arrest, and return such girl to the home.
19 Expenses incurred in returning to the home paroled inmates shall
20 be paid out of the funds provided for the support of the home,
21 when such inmates are returned upon order of said board.

Sec. 175-f. In any case where a girl is committed to the in-
2 dustrial home for an offense punishable by confinement in the
3 penitentiary, and it is found by the state board of control that
4 said home is unable to benefit such girl, and that her presence is
5 a detriment and menace to the other girls in said institution, or
6 to the general good of the home, she may be returned to the
7 custody of the court from which she was committed to said home,
8 and thereupon such sentence may be passed upon her as to con-
9 finement in the penitentiary, as may be proper in the premises,
10 or as might have been passed had such girl not been committed
11 to said industrial home. The governor shall have power, when,
12 in the judgment of the warden of the penitentiary and of the
13 superintendent of the industrial home, it is advisable, to remit the
14 penalty of any girl under the age of eighteen years who is con-
15 fined in the penitentiary, to a commitment to said industrial
16 home, there to be kept until she is twenty-one years of age, unless
17 sooner paroled or discharged, or upon the order of the governor,
18 returned to the penitentiary.

Sec. 175-g. If any girl shall escape from said industrial home, 2 the superintendent or any assistant thereof, or any other person 3 authorized by the superintendent, or any person who may see a 4 girl escaping or know that she has escaped, may arrest her and 5 return her to the home. It shall be the duty of every sheriff, 6 constable or other peace officer to arrest any such fugitive, and re- 7 turn her to the home, whenever in his power to do so. The ex- 8 pense of the arrest and return of such fugitive shall be paid out of 9 the funds provided for the support of the home. With the ap- 10 proval of the state board of control, the superintendent may offer 11 a reward for the arrest and return to the home of any girl escaping 12 therefrom.

Sec. 175-h. If any person shall entice or attempt to entice 2 away from the industrial home any girl legally committed thereto, 3 or shall aid or abet any girl to escape therefrom, or shall harbor, 4 conceal, or aid or abet in harboring or concealing any girl who 5 shall have escaped therefrom; or shall, without the permission 6 of the superintendent of said home, give or sell to any girl in 7 said home, whether on the premises of said institution or else- 8 where, any money, intoxicating drink, tobacco, cigarettes or any 9 other article or articles whatsoever; or shall, in any way, cause or 10 influence or attempt to cause or influence any girl in said home to 11 violate any rule of the institution, or to rebel against the govern- 12 ment of the home in any particular; or shall receive from any in- 13 mate of said home anything of value, whether belonging to the state 14 or otherwise; or shall interfere, or attempt to interfere, with the 15 custody or control of any person having any such girl lawfully 16 under his control, or in his keeping while she is out of said home 17 on parole, or other lawful temporary release; or shall have, or 18 attempt to have any improper or unlawful communication or 19 intercourse with any such girl while she is in said home, knowing 20 her to be an inmate thereof, shall be guilty of a misdemeanor; and 21 on conviction thereof, shall be fined not less than ten nor more than 22 one hundred dollars, or be imprisoned not exceeding six months; 23 or, in the discretion of the court, be both fined and imprisoned. 23-a If any person shall entice any girl away from said industrial 24 home, or attempt to do so, for the purpose of having sexual inter- 25 course with her, or for any other immoral or unlawful purpose, 26 he shall be guilty of a misdemeanor; and, on conviction thereof, 27 shall be fined not less than ten nor more than one hundred dollars,

28 and be imprisoned not less than thirty days nor more than six
29 months. If any person shall aid or abet the commission of any
30 of the offenses named in this section, or aid or abet an attempt
31 to commit the same, he shall be punished as herein provided the
32 same as if he were the principal. In the trial of an indictment
33 for committing any of the offenses named in this section, the
34 accused may be found guilty of an attempt to commit the same,
35 or of aiding or abetting another in committing or attempting to
36 commit the same.

Sec. 175-i. The state board of control has authority to trans-
2 fer any girl who is an inmate of the industrial home, who is insane,
3 or an imbecile, or an idiot, to any state institution charged with
4 the care and treatment of such persons; to transfer to the home
5 for children or orphans, any girl in said industrial home under
6 the age of twelve years; to transfer any girl in such home who
7 is blind or deaf, or whose sight or hearing is so impaired as to
8 make it desirable, to the schools for the deaf and blind; and to
9 transfer to the said hospital No. 3 any girl infected with syphilis or
10 gonorrhoea, and to transfer to the said Florence Crittenden Home
11 any girl who is pregnant.

Sec. 175-j. The enclosed premises of said industrial home are
2 hereby declared private grounds; and if any person be found
3 thereon without authority or permission, he shall be deemed a
4 trespasser; and, on conviction thereof, shall be fined not less than
5 five nor more than twenty-five dollars; and, if it appear that he
6 was on such premises for any unlawful or immoral purpose, in
7 addition to being sentenced to pay such fine, he shall be imprisoned
8 not exceeding thirty days.

Sec. 175-k. *Payment by counties of cost of detention—reim-*
2 *burement.*—The county court of every county shall pay into the
3 state treasury the sum of fifty dollars a year on account of each
4 girl from the county who shall be received in said home of the
5 first, second, or third classes mentioned in section two. But in all
6 cases of girls received in said home of the first class mentioned in
7 section two, the parent, if of sufficient means, and the guardian
8 where the girl has sufficient estate, shall annually reimburse the
9 county the amount paid into the state treasury, by virtue of this
10 section, on account of such girl mentioned in the first class of
11 section two, and the county court of such county shall have a right
12 to recover the same of such parent or guardian in any court of

13 competent jurisdiction. The income derived from the payment
14 of such costs of detention is hereby appropriated for the current
15 expenses of the home subject to the requisition of the state board
16 of control.

Sec. 175-l. *Lists of inmates for auditor—Application of county
2 funds.*—The superintendent of said home, the superintendent of
2-a the said Fairmont hospital No. 3, or superintendent
2-b of the Florence Crittenden home, shall before the tenth
3 day of January of each year, make out and certify to the audi-
4 tor and the state board of control each a list by counties of all
5 such girls as are mentioned in the preceding section, who are
6 kept in the home during the preceding year or any part of it.
7 showing as to each girl what part of the year she was so kept in the
8 home, and to which class she belonged. On receiving such list
9 the auditor shall charge to each county fifty dollars on account
10 of each girl who was kept in such home during the preceding year,
11 and a proportionate amount on account of each girl kept in the
12 home for any part of such year less than the whole. Any money
13 in the treasury of the state to the credit of any such county from
14 whatever source, arising and not appropriated to pay any other
15 debt of the county to the state, shall be applied, so far as necessary,
16 to the payment of the sums so charged; if any sum in the treasury
17 due the county shall not be sufficient to pay the whole amount so
18 charged against it, such sum shall be applied as a credit on the
19 amount charged, and the balance shall remain a charge against
20 the county.

Sec. 175-m. *Certification of list and credit to county court—
2 levy—compelling payment.*—Within ten days after receiving such
3 list the auditor shall certify to the county court of such county a
4 list of the girls from the county in such home, or Fairmont hos-
4-a pital No. 3 or the said Florence Crittenden home, stating the
5 class to which each belongs, the length of the term during the year
6 she was in such home, as shown by the list certified by the superin-
7 tendent and the amount due from the county on her account and
8 the total amount due on account of all. He shall credit on such
9 statement whatever amount has been applied as a payment thereon
10 from any funds of the county in the treasury. Such statement shall
11 be a receipt to the county for any amount so credited, and shall
12 be a bill for any amount still appearing to be due from the county.
13 Unless the bill shall have been paid by the application of funds

14 of the county in the state treasury, the county court shall at its
15 next levy term provide for the payment of the same, or such part
16 as may not have been paid, and cause the amount to be paid into
17 the state treasury. If the amount so due from any county be not
18 paid in a reasonable time after such levy term, the auditor may,
19 in the name of the state, apply to the circuit court of the county
20 for a mandamus to require the county court to provide for and pay
21 the same, or he may proceed in the name of the state by any other
22 appropriate remedy to recover the same.

Sec. 175-n. All acts and parts of acts coming within the pur-
2 view of this act and inconsistent herewith are hereby repealed.

CHAPTER 145

(House Bill No. 423—Mr. Davis, of Taylor.)

AN ACT to prohibit children placed in the West Virginia indus-
trial school for boys and the West Virginia industrial home for
girls working in the industries of this state without first se-
curing permits as provided by the child labor law.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the
Governor April 30, 1921.]

Sec.

1. Children in state industrial schools:
labor permit required for employ-
ment of, in factories and work-
shops outside of schools.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for superintendents or other
2 persons in whose custody children of the West Virginia indus-
3 trial school for boys and West Virginia industrial home for girls
4 are placed to permit said children to be employed in the fac-
5 tories or workshops outside of these institutions without first se-
6 curing for them the permits required by the child labor law of
7 West Virginia.

CHAPTER 146

(Senate Bill No. 248—Mr. McClaren.)

AN ACT to create a bureau of negro welfare and statistics; providing for the appointment of a director and fixing his salary.

[Passed April 20, 1921. In effect from passage. Approved by the Governor April 29, 1921.]

SEC.

1. Bureau of negro welfare and statistics created; director, appointment; term.

SEC.

2. Duties of director.

3. Salary and travelling expenses of director, how paid.

Be it enacted by the Legislature of West Virginia:

That the bureau of Negro welfare and statistics be hereby created as follows:

Section 1. There shall be created the "Bureau of negro welfare and statistics." Said bureau shall be in charge of a director who shall be a member of the negro race, to be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for four years, unless sooner removed according to law.

Sec. 2. The duties of the director shall be to study the economic condition of the negro throughout the state; to inspect negro hotels, restaurants, pool rooms and barber shops and to report to responsible officials conditions that are not conducive to the health and morals of the community; to encourage the ownership of homes and farms in this state by negroes, and to furnish such information to persons and corporations interested in securing homes and farms for negroes in this state as may be requested; to stimulate and encourage thrift, industry and economy among negroes and to promote the general welfare and uplift of the negro race in this state; to consider all questions pertaining to the negro that may be referred to said director by any and all departments of the state government and recommend a solution of any and all problems so submitted; to prepare and keep records of the number of negroes employed in the several industries, trades, professions, and upon the farms of the state, of the number and location of industries, businesses, plants, homes and farms owned and operated by negroes, with the number and sex of persons employed by them; to promote and encourage friendly and harmonious relations between the white and negro races, and to report to the legislature, through the governor, all his acts and doings, and to make such recommendations for the solution of any problem or problems affecting the negro that they may deem advisable.

Sec. 3. The salary of the director shall be three thousand six hundred dollars per annum and actual necessary traveling expenses, to be paid in the same manner as other state officials are paid.

Sec. 4. The board of public works shall provide an office for the bureau and provide such clerical assistants as may be necessary.

CHAPTER 147

(Senate Bill No. 276—Mr. Shaffer.)

AN ACT authorizing the auditor to prepare an index to the land grants of West Virginia, on record in the auditor's office, and providing for the printing and sale thereof.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

Sec.

1. Index to land grants to be prepared by auditor; appropriation for expense of.

Sec.

2. Number of copies of index to be printed; form of.
3. Same; sale of; price; auditor to secure copyright.

Be it enacted by the Legislature of West Virginia:

That the auditor of this state be authorized to prepare an index to the land grants of West Virginia and Virginia, in accordance with the following act:

Section 1. The auditor shall prepare from the records on file in his office a suitable index of the patents and grants of land situate in West Virginia, made by the states of Virginia and West Virginia, indexing the original patentee or grantee and his assignee, if any, the same to be known as "Index to Land Grants in West Virginia." For this purpose he shall be authorized to employ such additional clerks and stenographers as may be necessary to complete the work within a reasonable time, to pay which the sum of thirty-five hundred dollars is hereby appropriated.

Sec. 2. Two thousand copies of said index shall be printed by the public printer, in the form and according to the specifications furnished by the auditor, but the form, style, quality of printing and binding shall conform as nearly as may be to that now in use in the West Virginia reports.

Sec. 3. When said index is ready for distribution, it shall be placed on sale in the office of the secretary of state, under the same regulations as are provided for the sale of the West Virginia re-

4 ports. The secretary of state shall also secure the copyright to
 5 said index for the benefit of the state. The price to be received
 6 for said index shall be ten dollars per volume.

CHAPTER 148

(Senate Bill No. 274—Mr. Hunter.)

AN ACT to amend and re-enact section four-a of chapter one hundred
 and sixty-three of the code relating to guards at the state pen-
 itentiary.

[Passed April 26, 1921. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

<p>Sec. 4-a. Board of control to appoint guards for penitentiary; right of</p>	<p>guards to carry firearms without state license; inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia

That section four-a of chapter one hundred and sixty-three of
 the code be amended and re-enacted so as to read as follows:

Section 4-a. The board of control shall appoint a sufficient
 2 number of guards to preserve order and enforce discipline among
 3 the convicts, to prevent escapes, and to remove all persons con-
 4 victed and sentenced to the penitentiary from the place
 5 where confined, all of whom shall be under the control
 6 of the warden; but the number thereof shall not be in-
 7 creased or diminished except upon the recommendation of
 8 the warden. Any guard appointed by the board of
 9 control, as herein provided, shall have the right to carry
 10 firearms and concealed weapons while on duty and without
 11 a state license therefor; and such right and privilege shall be
 12 extended to him in traveling from place to place within the state
 13 for the purpose of removing prisoners from county jails to the
 14 penitentiary and pursuing and apprehending escaped convicts
 15 and for any other matters within the line of his duty. Such
 16 guard, so appointed, as aforesaid, shall carry with him a cer-
 17 tificate of authority bearing the official signature of the warden
 18 of the state penitentiary.

19 All acts and parts of acts coming within the purview of this
 20 act, or inconsistent herewith, are hereby repealed.

CHAPTER 149

(Senate Bill No. 301—Mr. Bloch.)

AN ACT to amend and re-enact section one of chapter twenty of the acts of the legislature of West Virginia of one thousand nine hundred and thirteen, being section seventy-six-b-one of chapter thirty-four, Barnes' code of West Virginia of one thousand nine hundred and eighteen, providing for the supervision of rate-making associations.

[Passed April 27, 1921. In effect ninety days from passage. Approved by the Governor April 30, 1921.]

SEC.

1. Rate making bureaus for insurance underwriters; to file agreement and certificate of incorporation with state insurance commissioner; to be subject to visitation and supervision of insurance commissioner or deputy; to make public and report result of examination to legislature; schedule of rates to be filed with insurance commissioner; discriminatory rates and schedules pro-

hibited; insurance commissioner to investigate rates discriminatory; investigation, how made; order subject to review by supreme court of appeals; order suspended during pendency of review; rate making organization to keep record and furnish certain information; provision for change in schedules; insurance commissioner may allow changes upon less notice than specified herein.

Be it enacted by the Legislature of West Virginia:

That section one of chapter twenty of the acts of the legislature of West Virginia of one thousand nine hundred and thirteen, being section seventy-six-b-one of chapter thirty-four, Barnes' code of West Virginia of one thousand nine hundred and eighteen, be amended and re-enacted so as to read as follows:

Section 1. Every corporation, association or bureau which now exists or hereafter may be formed, and every person who maintains 2 or hereafter may maintain a bureau or office, for the purpose of 3 suggesting, approving or making rates to be used by more than 4 one underwriter for insurance on property or risks of any kind 5 located in this state, shall file with the insurance commissioner 6 a copy of the article of agreement, association or incorporation. 7 and the by-laws and all amendments thereto under which such 8 person, association or bureau operates or proposes to operate, 9 together with his or its business address and a list of the mem- 10 bers or insurance corporations represented or to be represented by 11 him or it, as well as such other information concerning such 12 rating organization and its operation, as may be required by the 13 insurance commissioner. 14

15 Every such person, corporation, association or bureau, whether 16 before or after the filing of the information specified in the last

17 preceding paragraph, shall be subject to the visitation, super-
18 vision and examination of the insurance commissioner, who shall
19 cause to be made an examination thereof, as often as he deems
20 it expedient, and at least once in three years. For such purpose
21 he may appoint as examiners one or more competent persons and
22 upon such examination he, his deputy or any examiner, author-
23 ized by him shall have the power to examine under oath the of-
24 ficers or agents, and all persons deemed to have material infor-
25 mation regarding the business of, or manner of, operation by
26 every such person, corporation, association, bureau or board. The
27 insurance commissioner shall make public the result of such ex-
28 amination, and shall report to the legislature in his annual re-
29 port on the methods of such rating organization and the manner
30 of its operation.

31 Each such person, corporation, association or business shall file
32 with the insurance commissioner, whenever he may call therefor,
33 any and every schedule of rates or such other information con-
34 cerning such rates as may be suggested, approved or made by
35 any such rating organization for the purposes specified in the
36 first paragraph of this section. No such person, corporation,
37 association or bureau shall fix or make any rate or schedule of
38 rates which is to or may apply to any risk within this state on
39 the condition that the whole amount of insurance on such risk or
40 any specified part thereof, shall be placed at such rates or with
41 the members of, or subscribers to, such rating organization.
42 No such person, corporation, association or bureau, or
43 any person, association or corporation authorized to transact
44 the business of insurance within this state, fix or make any rate
45 or schedule of rates or charge a rate which discriminates un-
46 fairly between risks within this state of essentially the same haz-
47 ard, or, if such rate be a fire insurance rate, which discrimi-
48 nates unfairly between risks in the application of like charges
49 or credits, or which discriminates unfairly between risks of
50 essentially the same hazard and having substantially the same
51 degree of protection against fire. The insurance commissioner
52 shall, upon written complaint that discrimination in rates ex-
53 ists between risks in the application of like charges or credits, or
54 discrimination between risks of essentially the same hazard and
55 having substantially the same degree of protection against fire,
56 order a hearing for the purpose of determining such questions of

57 discrimination, and the review of such questions and the rates
58 complained of before said insurance commissioner shall be had
59 only after due notice to all parties interested, and if upon such
60 hearing the commissioner shall determine that the rate com-
61 plained of is discriminatory, he shall have power to
62 order the discrimination removed, but no such dis-
63 crimination shall be removed by increasing the rate or
64 rates on any risk or class of risks affected by such
65 order unless it shall be made to appear to the commis-
66 sioner that such increase is justifiable and an order of approval
67 has been filed in the office of the insurance commissioner. Any
68 party in interest being dissatisfied with any order of the in-
69 surance commissioner may, within thirty days from the issue
70 of such order and notice thereof, commence an action in the
71 supreme court for the purpose of reviewing such order and
72 such cause shall be duly set for hearing and proceed as in other
73 cases. During the pendency of such court proceedings the order
74 shall be suspended, and in the event of final determination
75 against any insurer, any overcharge during the pendency of
76 such proceedings shall be refunded by the insurer to the per-
77 sons entitled thereto.

78 Every such rating organization shall keep a careful record
79 of its proceedings, and shall furnish upon demand to any per-
80 son upon whose property or risk a rate has been made, or to his
81 authorized agent, full information as to such rate and if such
82 property or risk be rated by schedule, a copy of such schedule.

83 No change shall be made in the schedules which have been
84 filed in compliance with the requirements of this act, except
85 after fifteen days notice to the insurance commissioner, which
86 notice shall plainly state the changes proposed to be made in
87 the schedules then in force and the time when such changes
88 shall go into effect; and such changes shall be shown by filing
89 new schedules or shall be plainly indicated on the schedules
90 in force at the time; *Provided*, that the insurance
91 commissioner may, in his discretion and for good cause shown,
92 allow changes upon less than the notice specified herein, either in
93 particular instances or by a general order applicable to special or
94 peculiar circumstances or conditions.

CHAPTER 150

(Senate Bill No. 316—Mr. McClaren.)

AN ACT to amend and re-enact sections one, three, four, nine, fifteen, and nineteen of chapter fifteen-o, of the code of West Virginia relating to the public service commission of West Virginia.

[Passed April 29, 1921. In effect from passage. Approved by the Governor May 3, 1921.]

Sec.

1. Public service commission created; number; appointment; qualifications, terms; oath; removal, chairman; quorum; who prohibited from acting as members; restrictions on members; secretary; duties; salary; fees; salary of commissioners; general office; times and places of hearings; attorney general to be legal advisor; other counsel; duties; compensation.
3. Jurisdiction of commission; "public service corporation" defined.
4. Duties of public service corporations to furnish safety appliances, etc.; tolls, etc. to be just and reasonable; switch connections;

Sec.

- duties of transportation companies; discontinuance of passenger trains or change of schedule.
9. Notice required to modify, change or cancel rate; discretion of commission; authority to suspend operation of schedule; burden of proof to show the rate sought is just when decision of rates to be announced.
15. Special license fee; how fixed; how apportioned; amount; fund set aside for expenses of commission; salaries of commission paid out of state fund.
19. Duties of secretary; commission to adopt seal and provide schedule of fees; disposition of fees.

Be it enacted by the Legislature of West Virginia:

That sections one, three, four, nine, fifteen, and nineteen of chapter fifteen-o of the code be amended and re-enacted so as to read as follows:

Section 1. There shall be, and there is hereby created, a public service commission of West Virginia, and by that name the commission may sue and be sued.

The public service commission shall consist of three members who shall be appointed by the governor with the advice and consent of the senate, and who shall have and possess all the powers and duties provided in this chapter as hereby amended.

On or before the first day of June, one thousand nine hundred and fifteen, the governor shall appoint three commissioners, who shall be citizens and residents of this state, one of whom shall be a lawyer of not less than ten years actual experience at the bar. Said commission shall immediately enter upon their duties and hold office for two, four and six years, respectively, from the first day of June, one thousand nine hundred and fifteen, the term of each to be designated by the governor, but their successors shall be appointed for the term of six years each, except that any person appointed to fill a vacancy shall serve only for the term of the commissioner whom he succeeds.

19 The commissioners, before entering upon their duties, shall take,
20 subscribe and file with the secretary of state the oath provided by
21 section five of article four of the constitution.

22 The governor may remove any commissioner for incompetency,
23 neglect of duty, gross immorality or malfeasance in office.

24 The governor shall annually designate one of the commissioners
25 as chairman thereof.

26 The concurrent judgment of two of the commissioners shall be
27 deemed the action of the commission when in session as a board,
28 and no vacancy in the commission shall embarrass the right of
29 the remaining commissioners to exercise all of the powers of the
30 commission.

31 No person while in the employ or holding any official relation
32 to any public service corporation subject to the provisions of this
33 act, or holding any stocks or bonds thereof, or who is pecuniarily
34 interested therein, shall enter upon the duties of or hold said
35 office. Nor shall any of said commissioners be a candidate for or
36 hold public office, or be a member of any political committee while
37 acting as such commissioner; nor shall any commissioner or em-
38 ployee of said commission receive any pass, free transportation
39 or other thing of value, either directly or indirectly, from any
40 person, firm or corporation subject to the provisions of this act.
41 In case any of said commissioners shall become a candidate for
42 any public office, or shall become a member of any political com-
43 mittee, his office as commissioner shall be *ipso facto* vacated.

44 The commission shall appoint a secretary, whose salary shall
45 be fixed by the commission, and all fees and emolu-
46 ments coming into his hands shall be turned into the
47 special license fund, and such other employees as may be neces-
48 sary to carry out the provisions of this act, and fix their compen-
49 sation, who shall hold office during the pleasure of the commission.
50 It shall be the duty of the secretary to keep a full and true record
51 of all proceedings of the commission, to issue all necessary pro-
52 cess returns and notices, to keep all books, maps, documents and
53 papers ordered filed by the commission, and all orders made by
54 the commission or approved and confirmed by it and ordered to
55 be filed; and shall be responsible to the commission for the safe
56 custody and preservation of all such documents in his office.
57 He may administer oaths in all parts of the state, so far as the

58 exercise of such power is properly incidental to the performance
59 of his duty or that of the commission.

60 Each of the commissioners shall receive a salary of six thou-
61 sand dollars per annum, to be paid monthly. The general office
62 shall be kept at the capitol of the state, and kept open each
63 working day between the hours of nine o'clock a. m., and five
64 o'clock p. m., and in charge of the secretary or some other com-
65 petent person. But hearings and the taking of evidence may be
66 had at such times and places and in each particular case as the
67 commission may designate.

68 The attorney general shall perform legal services under this
69 act when required by the commission; *provided, however,* that
70 the governor may appoint counsel for the commission, who shall
71 act as legal advisor to the commission, and who shall perform
72 such other legal services in representing the people in matters
73 under the jurisdiction of the commission as the governor shall
74 direct. It shall be the duty of such counsel to appear for the
75 people in all cases where they are not represented by counsel,
76 but he shall not have control of cases, either before the com-
77 mission or on appeal therefrom, where the people are represented
78 by counsel. The compensation of such counsel shall be fixed
79 by the commission and he shall be paid as other employees of
80 the commission.

Sec. 3. The jurisdiction of the commission shall extend to
2 and include:

3 (a) Common carriers, railroads, street railroads, express com-
4 panies, sleeping car companies, freight lines, car companies, toll
5 bridges, wharves, ferries and steam and other boats engaged in
6 the transportation of freight or passengers; and

7 (b) Telegraph and telephone companies and pipe line com-
8 panies for the transportation of oil, gas or water; and

9 (c) Gas companies, electric lighting companies and munici-
10 palities furnishing gas, or electricity for lighting, heating or
11 power purposes; and

12 (d) Hydro-electric companies for the generation and trans-
13 mission of light, heat or power, and water companies and munici-
14 palities furnishing water; and

15 (e) All other public service corporations, and all persons, as-
16 sociations, corporations and agencies employed or engaged in
17 any business hereinbefore enumerated.

18 The words "public service corporation" used in this act shall
19 include all persons, associations of persons, firms, corporations,
20 municipalities and agencies engaged or employed in any business
21 herein enumerated, or in any other public service business whether
22 above enumerated or not, whether incorporated or not.

Sec. 4. Every person, firm or corporation engaged in a public
2 service business in this state, shall establish and maintain adequate
3 and suitable facilities, safety appliances or other suitable devices,
4 and shall perform such service in respect thereto as shall be
5 reasonable, safe and sufficient for the security and convenience of
6 the public, and the safety and comfort of its employees, and in
7 all respects just and fair, and without any unjust discrimination
8 or preference. All charges, tolls, fares and rates shall be just
9 and reasonable, and no change shall be made in any tariffs, rates,
10 joint rates, fares, tolls, schedules or classifications in force at the
11 time this act takes effect except as hereinafter provided. Every
12 railroad shall permit switch connections for intra-state business
13 to be made with its tracks at suitable and safe points by other
14 carriers or shippers, upon such terms and conditions as the com-
15 mission may prescribe, whenever the business to be offered by the
16 connecting company or shipper, in the judgment of the commis-
17 sion justifies it. Every railroad and other transportation com-
18 pany may be required by the commission to establish and main-
19 tain such suitable public service facilities and conveniences as
20 may be reasonable and just, to make reasonable connection with
21 trains on branch lines of such railroads and with all connecting
22 railroad lines; to require any passenger trains to stop at junctions
23 or intersections with other railroads; and may prescribe the num-
24 ber of men required to constitute safe crews for the handling of
25 trains on any steam railroad in this state or any division of any
26 such railroad. No steam railroad or other public service cor-
27 poration shall discontinue any regular passenger train, or other
28 public service facility, or change any regular passenger train
29 schedule or time table, without first obtaining authority from
30 the commission so to do, unless the same be done under uniform
31 rules and regulations filed by such railroad or public service cor-
32 poration with the public service commission and approved by
33 said commission.

Sec. 9. No person, firm or corporation subject to the provisions
2 of this act shall modify, change, cancel or annul any rate, joint

3 rate, fares, classifications, charge or rental except after thirty
4 days' notice to the commission and the public, which shall plainly
5 state the changes proposed to be made in the schedule then in
6 force and the time when the changed rates, fares or changes
7 shall go into effect; but the commission may enter an order sus-
8 pending the proposed rate and prohibiting such person, firm or
9 corporation from putting such proposed new rate into effect pend-
10 ing the hearing and final decision of the matter, and in which
11 case the proposed new rate shall stand suspended until it is de-
12 termined by the commission whether or not the same is just or
13 reasonable. The proposed changes shall be shown by printing
14 new schedules, or shall be plainly indicated upon the schedules
15 in force at the time, and kept open to public inspection; *provided*,
16 *however*, that the commission may, in its discretion, and for good
17 cause shown, allow changes upon less time than the notice herein
18 specified, or may modify the requirements of this section in re-
19 spect to publishing, posting and filing of tariffs, either by par-
20 ticular instructions or by general order.

21 Whenever there shall be filed with the commission any schedule
22 stating a change in the rates, fares or charges, or joint rates,
23 fares or charges, or stating a new individual or joint rate, fare or
24 charge or joint classification or any new individual or joint regu-
25 lation or practice effecting any fare, rate or charge, the com-
26 mission shall have, and it is hereby given authority, either upon
27 complaint or upon its own initiative without complaint, at once,
28 and, if it so orders, without answer or other form of pleading by
29 the interested parties, but upon reasonable notice to enter upon
30 a hearing concerning the propriety of such rate, fare, charge,
31 classification, regulation or practice; and pending such hearing
32 and the decision thereon the commission upon filing with such
33 schedule and delivering to the carrier or carriers or public service
34 corporation affected thereby a statement in writing of its reasons
35 for such suspension, may suspend the operation of such schedule
36 and defer the use of such rate, fare, charge, classification, regu-
37 lation or practice, but not for a longer period than one hundred
38 and twenty days beyond the time when such rate, fare, charge,
39 classification, regulation or practice would otherwise go into ef-
40 fect; and after full hearing, whether completed before or after
41 the rate, charge, fare, classification, regulation, or practice goes
42 into effect, the commission may make such order in reference

43 to such rate, fare, charge, classification, regulation or practice
44 as would be proper in a proceeding initiated after the rate, fare,
45 charge, classification, regulation or practice had become effective;
46 *provided*, that if any such hearing cannot be conducted within
47 the period of suspension, as above stated, the commission may in
48 its discretion extend the time of suspension for a further period,
49 not exceeding six months. At any hearing involving a rate
50 sought to be increased or involving the change of any fare, charge,
51 classification, regulation or practice, after the passage of this
52 act, the burden of proof to show that the increased rate or pro-
53 posed increased rate, or the proposed change of fare, charge,
54 classification, regulation or practice is just and reasonable shall
55 be upon the public service corporation making application for
56 such change. When in any case pending before the commission
57 all evidence shall have been taken, and the hearing completed,
58 the commission shall, within three months, render a decision in
59 such case.

Sec. 15. There shall be paid by all public service corporations
2 subject to the provisions of this act, a special license fee in addi-
3 tion to those now required by law. Such fees shall be fixed by
4 the auditor upon each of such public service corporations, accord-
5 ing to the value of its property as ascertained by the last pre-
6 ceding assessment, and shall be apportioned among such public
7 service corporations upon the basis of such valuation, so as to
8 produce a revenue of eighty thousand dollars per annum,
9 or so much thereof as may be necessary, which shall be paid on
10 or before the twentieth day of January in each year. Such sum
11 of eighty thousand dollars, or so much thereof as may be
12 necessary, is hereby appropriated and set aside for the purpose
13 of paying the expenses of the commission, and the salaries, com-
14 pensations, costs and expenses of its employees. The salaries of
15 the members of the commission shall be payable out of the state
16 fund, in the same manner as the salaries of other officers are paid,
17 and charged to the appropriations which have been and shall here-
18 after be made from time to time by the legislature for the ad-
19 ministration of this act.

Sec. 19. The secretary shall keep a record of all proceedings,
2 acts, orders and judgments of the commission, certified copies of
3 which shall be admitted as evidence in any court of this state.
4 The commission shall adopt a seal which shall be affixed to all

5 papers under such regulations as the commission may prescribe.
 6 The commission shall likewise prescribe a schedule of fees to be
 7 charged for the certification of all records and papers, and sums
 8 to be paid witnesses and other costs necessary and incident to
 9 hearings before it and order the same paid by the unsuccessful
 10 party. All sums collected by the secretary, except witness fees,
 11 shall be paid by him into the special license fund as provided in
 12 section fifteen. The witness fees shall be paid to the person to
 13 whom they are allowed. The sums to be paid into the special
 14 license fund representing the collections of any month shall be
 15 so paid on or before the tenth of the following month.

CHAPTER 151

(Senate Bill No. 346—Mr. Hager.)

AN ACT to amend and re-enact section twelve, chapter seventy-three of the code and to add thereto section thirteen.

[Passed April 27, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

12. Recordation of plat of tracts of land sub-divided into lots; penalty for each failure to file such plat for record; division of amount recovered.

13. When sub-division is situate within corporate limits of any munic-

ipality plat of sub-division to be submitted to the council or commissioners of said municipality; engineers in charge to have corner-stones of certain dimensions placed at important corners; no certificate of acknowledgment to plat necessary.

Be it enacted by the Legislature of West Virginia:

That section twelve of chapter seventy-three of the code be amended and re-enacted and that section thirteen be added to said chapter so as to read as follows:

Section 12. When any tract or parcel of land within the limits of any county of the state of West Virginia, which has been or shall be hereafter sub-divided into lots by any partition of land or by order of the owner or agent, or otherwise, and any lot or lots have been sold or conveyed, or are offered for sale from the tract or parcel of land so divided according to said plan or plat of sub-division, without said plat of sub-division having been filed for record, it shall be the duty of the owner of said tract of land or the legal representative thereof, authorizing said plat or plan of sub-division of such tract of land to be laid out to file for record, said plat showing the several metes and bounds of

12 such sub-division in the office of the clerk of the county court; and
13 the office of the county assessor, wherein such land so divided is
13-a situate.

14 Upon sixty days' notice to file the same from the clerk of the
15 county court wherein such land so divided is situate, or upon
16 notice from any person owning a lot or lots in any such tract
17 or parcel of land so divided to the owner or the legal represen-
18 tative thereof that the plan or plat of sub-division has not been
19 properly filed they then shall cause the same to be properly filed
20 for record.

21 If such owner, or owners, or the legal representatives thereof,
22 shall fail to cause said plat of said sub-division of said tract of
23 land as aforesaid to be filed in said offices, such owner, or owners,
24 or the legal representatives thereof, shall forfeit and pay the
25 sum of two hundred dollars for each failure to file such plat of
26 such tract or parcel of land. Said sum or sums to be recovered,
27 as debts of like amount are by law recoverable in the suit of
28 any party or parties, giving such notice. The party bringing such
29 suit shall be entitled to one-half of the amount so recovered and
30 the other half shall go to the county fund of said county.

Sec. 13. In case a proposed sub-division of any lot or parcel of
2 land is situate within the corporate limits of any municipality, or
3 abutting thereon, it shall be the duty of the owner, or owners, or
4 the legal representatives thereof, to submit a plat or plan of said
5 sub-division, to the council or commissioners of said municipi-
6 pality, showing the street and alley connections that the said
7 sub-division makes with the said municipality, and that the pro-
8 posed sub-division does not impede nor prevent the further de-
9 velopment and extension of the said municipality, where the said
10 sub-division is situate; and that before any sub-division is laid
11 out, it shall have the approval of the council or commissioners
12 of the municipality wherein the sub-division is situate, and that
13 such approval and the date thereof shall be indicated on the plan
14 or map of said sub-division before the same is finally filed in the
15 office of the clerk of the county court and the county assessor's
16 office.

17 It shall be the duty of the engineer in charge, or the owner,
18 or the owners, or the legal representatives thereof, of any sub-
19 division of land in this state, to have permanent corner-stone
20 monuments, of stone or concrete, not less than twenty-four inches

21 in length by six inches square at the top, or not less than six
 22 inches in diameter with proper centers, placed at the most im-
 23 portant corners (where permanent corners do not already exist)
 24 so that there shall not be less than two permanent corners to
 25 each lot or block of any sub-division thereafter made, and the
 26 position of the same indicated on the plan or map when finally
 27 filed for record. No other certificate of acknowledgment, or other
 28 proof thereof shall be necessary or prerequisite to the recordation
 29 of such plat, map or plan.

CHAPTER 152

(Senate Bill No. 225—Mr. Sanders.)

AN ACT to amend and re-enact sections one and two of chapter twenty-nine of Barnes' code of one thousand nine hundred and eighteen, and sections six, seven, eight and ten thereof, as amended and re-enacted by chapter twenty-seven of the acts of one thousand nine hundred and nineteen, and section eleven of chapter twenty-nine of the code, and section twelve thereof, as amended and re-enacted by chapter twenty-seven of the acts of one thousand nine hundred and nineteen, and section fourteen of the code of one thousand nine hundred and eighteen, and section twenty-five thereof, as amended and re-enacted by chapter twenty-seven of the acts of one thousand nine hundred and nineteen, and sections forty-two, fifty-three, fifty-nine, ninety-three and one hundred and eight of the code relating to the assessment of taxes.

[Passed April 21, 1921. In effect from passage. Became a law without the approval of the Governor.]

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| <p>SEC.</p> <ol style="list-style-type: none"> 1. State tax commissioner, office created; appointment; term; oath; bond; removal; salary and travelling expenses; how paid; office in capitol. 2. Same; duties, to appraise property values; duties and powers of examiners; failure of assessor to discharge duty; penalty; authority to appear before court. 6. Assessment district; assessors in office to hold until expiration of term; eligibility; office at county seat; may appoint clerk or stenographer; salary; how paid and amount; assistant assessors; number; "transfer assistant" duties and salary; "office assistant," duties and salary. | <p>SEC.</p> <ol style="list-style-type: none"> 8. Assistants, how appointed; removal; oath; vacancies. 10. Assessors, salary; commission of capitation taxes; salary of assistant. 11. Same; limit of authority and duty. 12. Assessment of property; assessed as of January 1, at true and actual value; on failure to so assess tax commissioner to cause re-assessment; special assessors; their powers, duties and compensation; penalty for failure or refusal to make assessment according to law. 14. Assessment, work to begin January 1; to be completed by May 20; manner of making assessment. |
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<p>SEC. 25. Assessment of property omitted from land or personal property books; penalty for failure to assess.</p> <p>42. Assessment of new buildings or building material; penalty for failure to assess.</p> <p>53. Capitation tax, who liable for; how assessed; proceeds, how used; power to distraint for collection; duty of assessor to remit to sheriff and auditor; to report to county court at levy term; sheriff to collect delinquent capitations; delinquencies charged</p>	<p>SEC. to assessor; additional bond of assessor; tax tickets and forms; failure of assessor to account for; moneys; penalty.</p> <p>59. Persons to be assessed.</p> <p>93. Assessment of public service corporations by board of public works; assessment, how made; record of assessments; material of public service corporations to be assessed as personal property; notice of assessment to owner.</p> <p>108. Personal property books; what to show; inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

That sections one and two of chapter twenty-nine of Barnes' code of one thousand nine hundred and eighteen, and sections six, seven, eight and ten thereof, as amended and re-enacted by chapter twenty-seven of the acts of one thousand nine hundred and nineteen, and section eleven of chapter twenty-nine of the code, and section twelve thereof, as amended and re-enacted by chapter twenty-seven of the acts of one thousand nine hundred and nineteen, and section fourteen of the code of one thousand nine hundred and eighteen, and section twenty-five thereof, as amended and re-enacted by chapter twenty-seven of the acts of one thousand nine hundred and nineteen, and sections forty-two, fifty-three, fifty-nine, ninety-three, and one hundred and eight of the code, relating to the assessment of taxes, be amended and re-enacted so as to read as follows:

Section 1. The office of state tax commissioner is hereby created.

2 The governor, upon the expiration of the term of office of the 2-a present tax commissioner, by and with the advice and consent of 3 the senate, shall appoint as state tax commissioner some citizen 4 of this state entitled to vote, whose term of office shall begin 5 at the date of appointment, and shall continue for six years 6 and until the successor of such commissioner is appointed and 7 qualified, unless he be sooner removed. The person so appointed 8 shall take the oath or affirmation prescribed by section five of 9 article four of the constitution, and such oath shall be certified 10 by the person who administers the same and shall be filed in 11 the office of the secretary of state. He shall give bond with good 12 security, to be approved by the governor, in the penalty of five 13 thousand dollars, and such bond shall also be filed in the office 14 of the secretary of state. The governor may remove such officer 15 for incompetency, neglect of duty, gross immorality or 16 malfeasance in office, and in case of a vacancy, whether occur-

17 ring by reason of removal or otherwise, may declare the office
18 vacant, and fill the same by appointment for the unexpired term.
19 The salary of the state tax commissioner shall be six thousand
20 dollars a year. He shall be re-paid his actual disbursements for
21 traveling expenses, not exceeding one thousand dollars in any
22 one year, an itemized account of which shall be filed with the
23 auditor, to be audited by him before payment thereof. He shall
24 be provided with an office in the capitol and with such furniture
25 and clerical assistance as shall be necessary.

Sec. 2. It shall be the duty of the state tax commissioner to
2 see that the laws concerning the assessment and collection of
3 all taxes and levies, whether of the state or of the county, district
4 or municipal corporation thereof, are faithfully enforced. To
5 this end he shall prepare all proper forms and books for the
6 use and guidance of assessors, and shall perform all such other
7 duties as may be required by law. He shall from time to time
8 visit the several counties and municipal corporations of the state;
9 shall inspect the work of the several assessors, boards
9-a of review and equalization, justices, prosecuting attor-
10 neys, clerks of the courts, sheriffs, constables and col-
11 lecting officers, among whom are included commissioners of school
12 lands, and shall confer with them respecting such work for the
13 future. In such conference, or by writing or otherwise, he may
14 inquire into the proceedings of any such officer, make to him
15 such suggestions respecting the discharge of his duty as may
16 seem proper, and give such information and require such action
17 as will tend to produce full and just assessments throughout the
18 state, and the diligent collection of all taxes and levies, including
19 licenses and collateral inheritance taxes, and of fines.

20 The tax commissioner may, with the approval of the
20-a board of public works, appoint competent persons to ap-
21 praise property values, and may employ experts to examine and
22 report upon the different kinds and classes of property in the
23 state, with a view to ascertaining the true and actual value
24 thereof for assessment purposes, to the end that he may furnish
25 to county assessors, county boards of review and equaliza-
25-a tion, and the state board of public works more ac-
26 curate information, and more effectively aid and supervise the
27 assessors and the county boards of review and equalization
27-a in their work of assessment and valuation of property

28 for purposes of taxation. Any such appraiser, or expert person,
29 so appointed by the tax commissioner for the purpose of ascer-
30 taining property values, as aforesaid, shall have authority to
31 examine, under oath, the owner or owners, of any property sub-
32 ject to taxation in this state as to any matters touching the value
33 thereof; and he may examine, under oath, any other person as to
34 any pertinent facts, or matters, within his knowledge relative
35 to the character and value of any such property. And, for the
36 purposes of this provision, such appraisers and expert examiners
37 shall have authority to administer oaths and to subpoena wit-
38 nesses. If any person refuse to appear and to testify in response
39 to any subpoena issued by such appraiser or expert examiner, he
40 may apply to any judge of any criminal, intermediate, common
41 pleas or circuit court, or the clerk thereof either in
42 term time or in vacation, for subpoena or other proper process,
43 for any such witness, the judge of the court, or such
44 clerk shall thereupon issue a subpoena, or other proper
45 process, requiring the attendance and testimony of any
46 such person before such appraiser, or examiner, and if any such
47 person refuse to obey any such order, he shall be guilty of con-
48 tempt and punished accordingly.

49 Upon the application of any officer concerned with the assess-
50 ment or collection of taxes, he shall as to any matter specified by
51 such officer, make like suggestions and give like information. In
52 case of the failure of any assessing or collecting officer in the
53 discharge of any duty, imposed upon him by law, the said tax
54 commissioner shall, after due notice to any such assessor or col-
54-a lecting officer, proceed to enforce such penalty as may be
55 provided by law, including in any proper case the removal of
56 such officer, and to that end he is authorized to appear before
57 any court or tribunal having jurisdiction. He may cause any
58 violations of laws respecting the assessment or collection of taxes
59 to be prosecuted. He may also be heard before any court, council
60 or tribunal, in any proceeding in which an abatement of taxes is
61 sought.

Sec. 6. Each county in the state shall constitute one assess-
2 ment district, and shall elect one assessor, whose term of office
3 shall be four years. The assessors now in office shall serve until
4 the expiration of the term for which they were elected, and their
5 successors shall be elected at the general election of one thousand

6 nine hundred and twenty-four, and every four years thereafter.
7 No person shall be eligible to the office of assessor
8 who is not a resident of the county at the time
9 of his election. The county court shall provide the assessor with
10 an office properly equipped at the county seat, which shall be kept
11 open throughout the year. With the consent and approval of the
12 county court, the assessor may appoint a clerk or stenographer to
13 assist him in the office for such period as may be necessary.
14 The compensation of such clerk or stenographer shall be paid
15 out of the county treasury and shall not exceed one hundred and
16 fifty dollars per month for the time actually employed.

Sec. 7. In every county whose population as shown by the
2 next registration of male and female voters last preceding the
3 election of an assessor, on the basis of a population of three for
4 each voter so registered, does not exceed twenty thousand, there
5 shall be appointed two assistant assessors; in each county whose
6 population is thus shown to exceed twenty thousand and not to
7 exceed thirty thousand, there shall be appointed three assistant
8 assessors; in every county whose population is thus shown to
9 exceed thirty thousand and not to exceed sixty thousand, there
10 shall be appointed five assistant assessors; in every county whose
11 population is thus shown to exceed sixty thousand and not to
12 exceed seventy thousand, there shall be appointed seven assistant
13 assessors; in every county whose population is thus shown to
14 exceed seventy thousand, there shall be appointed nine assistant
15 assessors; and in every county whose population is thus shown to
16 exceed sixty thousand, there shall be appointed one additional
17 assistant assessor to be known as "transfer assistant" who shall
18 have the same power to assess and list property as the assessor
19 and other assistants and who shall be paid not less than one hun-
20 dred and twenty-five dollars nor more than two hundred dollars
21 per month.

22 There may be appointed in each county one assistant to be
23 known as the "office assistant" who shall have the same power
24 to assess property as to the assessor and other assistants and who
25 shall devote his entire time throughout the year to the work of
26 the office. The salary of such assistant shall be fixed by the
27 county court and shall not exceed two hundred dollars per month
28 but which shall in no event exceed the amount paid to the assessor.

Sec. 8. The assistant assessors, including the "transfer" and

2 "office assistants," shall be appointed by the assessor with
3 the advice and consent of the county court, and may be
4 removed at any time in the discretion of the assessor. They shall
5 take the same oath of office as that prescribed for the assessor.
6 Vacancies occurring from any cause in the office of any assistant
7 assessor shall be filled by the assessor.

Sec. 10. The annual salary of the assessor in each
2 county shall be as follows:

3 Barbour county, two thousand dollars; Berkeley county,
4 two thousand dollars; Boone county, two thousand dol-
5 lars; Braxton county, one thousand eight hundred dol-
6 lars; Brooke county, one thousand eight hundred dollars; Cabell
7 county, three thousand six hundred dollars; Calhoun county,
8 one thousand three hundred dollars; Clay county, one thousand
9 six hundred dollars; Doddridge county, one thousand six hun-
10 dred dollars; Fayette county, three thousand five hundred dol-
11 lars; Gilmer county, one thousand eight hundred dollars; Grant
12 county, one thousand dollars; Greenbrier county,
13 three thousand dollars; Hampshire county, one thou-
14 sand six hundred dollars; Hancock county, one thousand eight
15 hundred dollars; Hardy county, one thousand five hundred dollars;
16 Harrison county, four thousand dollars; Jackson county, one
17 thousand seven hundred dollars; Jefferson county one thou-
18 sand four hundred dollars; Kanawha county, five thousand dollars;
19 Lewis county, two thousand seven hundred dollars; Lincoln county
20 two thousand dollars; Logan county, three thousand
21 dollars; Marion county, three thousand dollars; Mar-
22 shall county, two thousand four hundred dollars; Mason county,
23 two thousand dollars; Mercer county, three thousand six hundred
24 dollars; Mineral county, two thousand dollars; Mingo county, two
25 thousand eight hundred dollars; Monongalia county, two thousand
26 four hundred dollars; Monroe county, one thousand five hundred
27 dollars; McDowell county, three thousand six hundred dollars,
28 Morgan county, one thousand two hundred dollars; Nicholas coun-
29 ty, one thousand eight hundred dollars; Ohio county, three thou-
30 sand six hundred dollars; Pendleton county, one thousand five hun-
31 dred dollars; Pleasants county, one thousand two hundred dollars;
32 Pocahontas county, two thousand two hundred dollars; Preston
33 county, two thousand six hundred dollars; Putnam county, two
34 thousand dollars; Raleigh county, three thousand

35 dollars; Randolph county, two thousand four hundred
36 dollars; Ritchie county, one thousand six hundred dollars; Roane
37 county one thousand eight hundred dollars; Summers county,
38 one thousand five hundred dollars; Taylor county, one thousand
39 eight hundred dollars; Tucker county, one thousand six hundred
40 dollars; Tyler county, one thousand nine hundred dollars; Up-
41 shur county, two thousand two hundred dollars; Wayne county
42 two thousand six hundred dollars; Webster county, one thousand
43 five hundred dollars; Wetzel county, two thousand six hundred
44 dollars; Wirt county, one thousand one hundred dollars; Wood
45 county, two thousand one hundred dollars; Wyoming county, one
46 thousand seven hundred dollars.

47 In addition to the above salary each assessor shall receive a
48 commission of ten per centum on all state and road capitation taxes
49 collected by him. *Provided, however,* that the above sal-
50 ary, and commissions shall be in lieu of all other re-
51 muneration provided by law for assessors. The salaries of
52 assessors shall be paid out of the county fund at the time and in
53 the manner now provided by law for paying other county
54 officers.

55 The salary of all assistant assessors shall be fixed by the assess-
56 or and the county court, and shall not be less than three hundred
57 dollars nor more than two thousand four hundred dollars, which,
58 in no event shall exceed the amount paid the assessor

Sec. 11. The authority and duty of the assessor elected for
2 each county shall extend to the limits of his county.

Sec. 12. All property, both real and personal, in any county,
2 whether it be assessed by the assessor, assistant assessor or by the
3 board of public works, or any other person or officer or tribunal,
4 after July first, one thousand nine hundred and twenty-one, shall
5 be assessed as of the first day of January at its true and actual value,
6 (that is to say, at the price for which such property would sell if
7 voluntarily offered for sale by the owner thereof, upon such terms
8 as such property, the value of which is sought to be ascertained,
9 is usually sold, and not the price which might be realized if
10 such property were sold at a forced sale). It shall be the duty
11 of the assessor in each county to assess the value of all real estate
12 annually in said county as well as the value of all personal prop-
13 erty therein, at the true and actual value. If at any time after
14 the beginning of the assessment year, it be ascertained by the state

15 tax commissioner that the assessor or his assistant, of any county
16 is not complying with this provision or that he has failed, neg-
17 lected, or refused, or is failing, neglecting or refusing after five
18 days notice to list and assess all real and personal property therein
19 at its true and actual value, as in this section provided, the state tax
20 commissioner may order and direct a re-assessment of any or all of
21 the property in any county, district or municipality, where any as-
22 sessor, or assistant, fails, neglects or refuses to assess the property
23 in the manner herein provided. And, for the purpose of making
24 such assessment and correction of values, in accordance with this
25 provision, the commissioner may appoint one or more special asses-
26 sors, as necessity may require, to make such assessment in any such
27 county, and any such special assessor or assessors, as the case may
28 be, shall have all the power and authority now vested by law in
29 assessors, and the work of such special assessor or assessors shall
30 be accepted and treated for all purposes by the county boards of re-
31 view and equalization and the levying bodies, subject
32 to any revisions of value on appeal, as prescribed in
33 section one hundred and twenty-nine, as the true and lawful
34 assessment of that year as to all property valued by him or them.
35 The state tax commissioner shall, with the approval of the board
36 of public works, fix the compensation of all such special
39 assessors as may be designatel by him, which, together
38 with their actual expenses, shall be paid out of the county fund by
35 the county court of the county in which any such assessment is
36 ordered, upon the receipt of a certificate of the state tax commis-
37 sioner filed with the clerk of the court showing the amounts due
38 and to whom payable, after such expenses have been audited by the
38-a county court.

39 Any assessor who knowingly fails, neglects or refuses to
40 assess all the property of his county, as herein pro-
41 vided, shall be guilty of malfeasance in office, and upon conviction
42 thereof he shall be fined not less than one hundred dollars nor
43 more than five hundred dollars, or imprisoned in the county
44 jail not less than three nor more than six months or both, in the
45 discretion of the court, and upon conviction, his office shall *ipso*
46 *facto*, be vacated.

Sec. 14. On the first day of January, in each year, the assessors
2 and their assistants shall begin the work of assessment in their
3 respective counties, and shall from that date, diligently and

4 continuously pursue with all reasonable dispatch their work of
5 assessment until the same is completed; *provided, however*, that
6 the assessor and his assistants shall finish their work of assess-
7 ment, and complete the land and personal property books not later
8 than the twentieth day of May. Beginning on the first day of Jan-
9 uary, as aforesaid, each assessor and assistant shall call upon every
10 person in the territory, appointed to such assessor and assistant, who
11 is liable to assessment, and thereupon such person shall furnish
12 to said assessor, or his assistant, a full and correct description of all
13 of the real estate and personal property of which he was the owner
14 on the first day of January of the current year, fixing what he
15 deems to be the true and actual value of each item of property,
16 both real and personal, for the guidance of the assessor, who shall
17 finally settle and determine the actual value of each item of such
18 property by the rule prescribed in section twelve of this chapter;
19 such person shall also, at the same time, make separate, full and
20 true statements, in like manner, and upon similar blanks to be
21 furnished him, distinctly setting forth in each a correct descrip-
22 tion of all the property, real and personal, held, possessed or con-
23 trolled by him, as executor, administrator, guardian, trustee, re-
24 ceiver, agent, partner, attorney, president or accounting officer
25 of a corporation, consignee, broker, or in any representative or
26 fiduciary character, and he shall fix what he deems the true and
27 actual value thereof to each item of such property which valuation
28 shall be subject to revision and change by the assessor in like
29 manner as property owned by such person in his own right; *and*
30 *provided, however*, that no person shall be compelled to furnish
31 the list mentioned in this section sooner than the tenth day of
32 January of the current year.

Sec. 25. When the assessor shall ascertain that any land or
2 personal property in his county liable to taxation has been omitted
3 from the land or personal property books for a period of less than
4 five years, he shall make an entry thereof in the proper book and
5 of the name of the owner, in the land books of the year in which
6 said omission was discovered, and of the personal property books for
7 the current year, and assess the same at its true and actual value
8 according to the rule prescribed in section twelve of this chapter,
9 and shall charge the same with all taxes chargeable against it at
10 the rate of levy for the year or years the same was omitted, to-
11 gether with interest thereon at the rate of six per centum per

12 annum for the years the same was omitted from the books. Any
13 assessor failing to make such entry, when discovered by him, or
14 called to his attention by any taxpayer interested therein, shall
15 forfeit twenty dollars.

Sec. 42. No new building, addition or improvement shall be
2 assessed until it is so far finished as to be fit for use, but the
3 material in the same shall be entered in the personal property
4 books and assessed as provided by this chapter. Any assessor
5 who refuses to comply with this or any of the preceding sections
6 shall forfeit fifty dollars.

Sec. 53. While making such assessment, it shall be the duty
2 of the assessor and assistants to see every person in his county
3 who is liable to taxation therein upon property or capitation, and
4 obtain from him the sworn statement of his personal property,
5 but it shall likewise be the duty of every person liable to taxation
6 to make a report of his property to the assessor, whether called
7 upon to do so or not; he shall at the same time collect from every
8 male person, over the age of twenty-one years, a capitation tax of
9 one dollar for the support of free schools, and shall also collect
10 the road capitation tax from all persons liable therefor, and de-
11 liver to such person a receipt therefor; in case any person liable
12 therefor shall fail or refuse to pay such capitation, the assessor
13 shall levy upon and take into his possession property or effects
14 of the delinquent sufficient to pay said capitation taxes and the
15 cost of levy and sale; the assessor shall have, as to said capitation
16 taxes, the same powers of levy and sale and of collection as is vested
17 in the sheriff for the collection of taxes and he shall be entitled to
18 the same fees; the assessor shall, not later than the fifteenth day of
19 each month, turn over to the auditor all capitations for state school
20 purposes collected by him during the previous month and not
21 paid over, less commissions of ten per cent, to which the assessor
22 shall be entitled for collection; he shall also at the end of each
23 month turn over to the sheriff all capitations collected for district
24 road purposes and not paid over. At the levy term of the county
25 court the assessor shall make report to said court of all capitations
26 collected for state school purposes, and all capitations collected
27 for district road purposes, the names of those from whom collected,
28 the names of all delinquents, and the cause of delinquency in each
29 case; the said report shall be verified by the affidavit of the
30 assessor; said assessor shall not thereafter for the year have

31 authority to collect capitations, but a copy of said report shall be
32 by the county court turned over to the sheriff, who shall forth-
33 with proceed to collect all capitations remaining unpaid whether
34 or not they appear upon said report; the assessor shall be charged
35 by the county court with all delinquencies appearing in his said
36 report, and likewise with all delinquencies not reported by him
37 but afterwards ascertained or reported by the sheriff, or ascer-
38 tained in any other way, and credited with all collections on that
39 account made and paid over to the sheriff; he shall also be credited
40 with such delinquencies as the county court shall be satisfied
41 could not have been collected either by the assessor or sheriff, by
42 the exercise of due diligence, and in case the sheriff shall fail to
43 use due diligence in the ascertainment and collection of such
44 delinquencies, he and his sureties, on his official bond, shall be
45 liable to the assessor for all damages sustained by him, on that
46 account; the assessor shall, in addition to other bonds required of
47 him, give bond in a penalty to be fixed by the county court, of
48 not less than four thousand dollars nor more than twenty thousand
49 dollars, and conditioned for the faithful performance of his duties
50 under this chapter.

51 It shall be the duty of the state tax commissioner to prepare
52 and furnish to the assessors all tickets, blanks and forms necessary
53 for the purpose of this section; the tickets so furnished for each
54 county shall be numbered consecutively, and the assessor shall
55 account for each ticket furnished him, as well as for the taxes
56 collected.

57 Any assessor, assessors or assistant assessors failing to account
58 for and to turn over, within the time herein fixed any money or
59 moneys collected by them under the provisions of this section, shall
60 be guilty of embezzlement.

Sec. 59. Every assessor shall ascertain and list for taxation all
2 white and colored persons over the age of twenty-one years,
3 residing in the county on the first day of the assessment year, and
4 not exempted by the county court from taxation on account of
5 bodily infirmity, and shall include in the said list all persons
6 who remove into said county between the first day of the assess-
7 ment year and the time the assessor's books are made out; but
8 persons who pay the capitation tax in one county shall be exon-
9 erated from paying the same in any other for that year, but as

10 evidence of payment must produce the capitation tax receipt when
11 required by the assessor to do so.

Sec. 93. As soon as possible after the board of public works
2 shall have procured the necessary information to enable it to do
3 so, and, at the latest, before the first day of June, said board shall
4 proceed to assess and fix the true and actual value of all property
5 of said owner or operator hereinbefore required to be returned, so
6 far as the said board has been able to ascertain the same, in each
7 county through which the railroad, car line, cars, express, telegraph
8 telephone or pipe line of any such owner or operator runs, and in
9 which any property to be assessed is located. In ascertaining such
9-a value the board shall consider the return, if any,
10 made by the owner or operator, and any return which
11 may have been previously made by such owner or operator,
12 and all the evidence and information it has been able
13 to procure by the means aforesaid, and such as may be
14 offered by such owner or operator. When the board of public
15 works has assessed any property hereby required to be returned,
16 and has determined the valuation thereof, such assessment and
17 valuation shall be entered of record in the book of minutes of its
18 proceedings, and shall be certified by the secretary of the board to
19 the auditor. Nothing in this chapter contained shall be construed
20 to require the assessment by the board of public works of any part
21 of the railroad, telegraph, telephone or pipe line until such part
22 is so far completed as to be fit for use. But material held by any
23 railroad, telegraph, telephone or pipe line company shall be re-
24 turned to the board of public works for assessment
25 as personal property. As soon as such assessment is
26 made, the secretary of the board shall notify the owner or
27 operator affected thereby of the amount thereof by written notice
28 deposited in the postoffice, addressed to such owner or operator at
29 the principal office or place of business of such owner or operator.
30 Such assessment and valuation shall be final and conclusive, unless
31 the same be appealed from in the manner following, within thirty
32 days after such notice is so deposited.

Sec. 108. From the information obtained, as aforesaid, the
2 assessor shall proceed to make up his personal property book as
3 follows: He shall enter therein the names and postoffice addresses
4 of the owners of personal property and of other persons liable
5 to capitation tax, alphabetically arranged by districts; and op-

6 posit the name of each person, in separate columns, the persons
7 and subjects of taxation with which he is chargeable; that is to
8 say: (a) the number of white male and female residents over
9 the age of twenty-one, not exempt from taxation on account of
10 bodily infirmity; (b) the number of colored male and female
11 residents over the age of twenty-one, not exempt from taxation
12 on account of bodily infirmity; (c) the number of horses, mules,
13 asses and jennies, and the value thereof; (d) the number of
14 cattle and the value thereof; (e) the number of sheep and the
15 value thereof; (f) the number of hogs and the value thereof;
16 (g) the value of farming and gardening utensils and implements;
17 (h) the value of agricultural products and products of animals;
18 (i) the value of mined or manufactured products; (j) the number
19 of automobiles and the value thereof; (k) the num-
20 ber of bicycles, carriages, carryalls, gigs, buggies, coaches, hacks,
21 wagons, carts, drays, and other vehicles not included as farming
22 utensils and the value thereof; (o) the value of household furni-
23 ture, furnishings and equipment, including musical instruments,
24 gold and silver plate, jewelry, time pieces, etc.; (but articles
25 assessed as property used in connection with any trade or business,
26 or as tangible personal property of any incorporated company,
27 shall not be enumerated under items g, h, i, j, k, or o); (p) the
28 value of all tangible personal property of any incorporated com-
29 pany, and of the tangible personal property used in connection
30 with any trade or business; (pp) the value of all chattels real of
31 every person, firm or incorporated company; (q) the value of
32 all tangible property not otherwise assessed; (u) all money, bonds,
33 credits and investments; (v) in case the shares of
34 any bank, trust company or banking association are assessed, the
35 names of the owners thereof, and the value thereof, which names
36 shall be arranged alphabetically under the names of each bank, in
37 a separate list following the other entries in said book, for the
38 magisterial district in which shares are assessed; (w) the total
39 amount of all personal property included in the foregoing terms;
40 (x) the aggregate of the indebtedness allowed to be deducted un-
41 der section sixty-seven of this chapter; (y) the net sum shown
42 after deducting such indebtedness from the total amount of
43 money, credits and investments; (z) the whole amount of the
44 taxes due from each corporation, firm and individual and not

45 assessed on the land books, which taxes shall be assessed on the
46 net sum shown as aforesaid.

47 All acts and parts of acts coming within the purview of this act
48 and inconsistent therewith, are hereby repealed.

CHAPTER 153

(Senate Bill No. 239—Mr. Chapman.)

AN ACT to amend and re-enact sections six and forty-nine of chapter thirty-one of the code concerning sales of lands delinquent for the non-payment of taxes, and providing for publications of notices of sales, and lists of lands sold for such delinquent taxes.

[Passed April 27, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 6. Sale of lands delinquent for taxes: form of notice; time, manner and place of sale; posting of notice from auditor; cost of publication, how paid; sheriff to post notices; if newspapers refuse to publish; taxes costs, etc., may be paid sheriff before sale; sheriff to

make return to auditor.
49. Publication of notice of sales of property sold for taxes; form of; sale; costs of publication, how paid; where no newspaper will publish sheriff must post lists of property sold.

Be it enacted by the Legislature of West Virginia:

That sections six and forty-nine of chapter thirty-one of the code of West Virginia, be and the same are hereby amended and re-enacted so as to read as follows:

Section 6. Within ten days after receiving such lists the sheriff or collector shall make out and cause to be published, once in each week for four successive weeks, in two newspapers representing the two political parties casting the greater vote in the county, if two such newspapers are so published, otherwise in some newspaper published in the county, prior to the day of sale, an abstract of such list, in form or effect as follows:

“Notice is hereby given that the following described tracts or lots of land in the county of....., which are delinquent for the non-payment of taxes for the year (or 19.....) will be offered for sale by the undersigned sheriff (or collector) at public auction at the front door of the court house of said county, between the hours of ten in the morning and four in the afternoon on the.....day of..... 19.... Each tract or lot, or so much thereof as shall be neces-

16 sary, will be sold for so much cash as is sufficient to satisfy the
 17 amount due thereon, as set forth in the following table :

NAME OF PERSON CHARGED WITH TAXES	Quantity of Land.	Local Descriptions.	Total amount of taxes, interest, costs of publication and commissions, being amount necessary to redeem before sale.	Total amount of taxes, interest, costs of publication, commission and fee for receipt.
18 "Any of the aforesaid tracts or lots may be redeemed by the 19 payment to the undersigned sheriff (or collector) before sale, 20 of the amount due thereon. 21 Given under my hand this day of 22 19..... 23 24				

A..... B.....
 Sheriff (or collector)."

25 The real estate mentioned in such list, or so much thereof as
 26 shall be sufficient to satisfy the taxes, with the interest on the
 27 same, and a commission of five per cent on the whole amount to
 28 the sheriff or collector, shall be sold at public auction between
 29 the hours of ten in the morning and four in the afternoon, on
 30 the first day of next November or December term of the circuit
 31 or county court of the said county, whichever may be held first
 32 after the posting of said list and the publication of said notice as
 33 herein required ; or if no term of either court be held in said
 34 county in November or December, then on the second Monday in
 35 December next thereafter, unless the said taxes, interest and com-
 36 missions are sooner paid to the sheriff or collector (or into the

37 treasury of the state. He shall also, as soon as said abstract
38 is published the first time in newspapers, or a newspaper as the
39 case may be, as herein required, post one of the copies received
40 from the auditor, on the front door of the court house, with a
41 like notice appended thereto. If the lists herein named be not
42 received by the sheriff in time to publish such notice and make
43 such sale in the month of November or December, as herein
44 provided for, said sale shall be commenced on the first day of a
45 circuit or county court, whichever may be held first in the suc-
46 ceeding year next after the publication of such notice of sale.
47 The costs of publishing such notice in newspapers, as herein
48 required, shall be equally distributed among the several tracts or
49 lots of land therein named, and the amount thereby apportioned
50 to each tract or lot shall be added to the sum for which such
51 tract or lot is sold, and the same shall be paid from the pro-
52 ceeds thereof by the sheriff or collector making the sale, except,
53 that when any tract sold at such sale is published by the state,
54 the sum due for such publication shall be paid out of the school
55 fund in the treasury of the state upon the certificate of the auditor
56 of the amount so due. But if one or more of the tracts or lots are,
57 in any respect, not printed in such newspaper as the same is
58 stated and set out in the abstract furnished by the sheriff for
59 publication, no compensation shall be paid for the publication of
60 such tract, and no sale of any such real estate as is sold by such
61 sheriff as aforesaid, or deed thereafter to the purchaser thereof,
62 shall be, in any way or manner affected by reason of any mistake
63 in the publication, or posting of such list or notice, or of the
64 notice mentioned in section forty-nine of this chapter, in any
65 newspaper in which the same is published, or by the sheriff or
66 collector posting the same, as to the name of the owner, the
67 quantity or location thereof, the amount for which it is to be
68 sold, the year or years for which it is delinquent, or otherwise.
69 If there is no newspaper published in the county, or if no news-
70 paper published therein will publish such list and notice for
71 the compensation provided by law, then the sheriff shall set
72 up one of the lists so received by him as aforesaid at the
73 front door of the court house of his county, with the
74 notice of sale therein provided for attached thereto,, at least
75 four weeks before the time stated in such notice, at which
76 such sale will commence, and shall post a written or print-

77 ed copy of such notice (but not of such delinquent list)
78 at some public place in each magisterial district of his county,
79 at least twenty days before sale. In such case the notice shall
80 state that the delinquent list has been posted at the door of
81 the court house of the county. Such taxes, costs of publication and
82 commissions, may be paid to the sheriff or collector at any time
83 before such sale, and he shall make a list of the real estate within
84 the county, the taxes on which were paid to him, as aforesaid,
85 and return the same to the auditor. After such sale as in the
86 succeeding section is mentioned, if any of such real estate be not
87 sold as therein required, it shall be presumed that such taxes,
88 interest and commissions were paid, in the absence of proof to the
89 contrary.

Sec. 49. It shall be the duty of the sheriff or other officer
2 making sales of lands by virtue of this chapter, within one month
3 after such sales are closed, to cause to be published in two news-
4 papers representing the two political parties casting the greater
5 vote in the county, if two such newspapers are so published, other-
6 wise in some newspaper published in the county (if only one be
7 printed therein), a list of all the sales made by him as aforesaid,
8 describing the tracts as well as the quantity of land sold, and to
9 whom sold, once each week for four successive weeks, which
10 publication shall be made, in all respects, subject to the provisions
11 of section six of this chapter, and shall be in form or effect as
12 follows:

13 "List of real estate sold in the county of....., in
14 the month (or months) of....., 19...., for the
15 non-payment of taxes charged thereon for the year (or years)
16 19.... and purchased by individuals:

NAME OF PERSON CHARGED WITH TAXES	Local Description of Lands.	Quantity of Land Charged.	Quantity of Land Sold.	Name of Purchaser.	Whole Amount Paid by the Purchaser.

17 The owner of any real estate above described and sold, his heirs
 18 or assigns, or any person having a right to charge such real estate
 19 for a debt, may redeem the same by paying to the purchaser, his
 20 heirs or assigns, within one year from the sale thereof, the amount
 21 specified in the last column of the above table, and such additional
 22 taxes thereon as may have been paid by the purchaser, his heirs or
 23 assigns, with interest on such purchase money and taxes at the
 24 rate of twelve per centum per annum, from the time the same
 25 may have been so paid.

26 Given under my hand this.....day of..... 19....

27 A..... B.....

28 Sheriff (or collector)."

29 The sheriff shall include in the costs of publication to be paid
 30 by the purchaser, the costs of such publication as fixed by law,
 31 which shall be the amount so fixed by law to each newspaper
 32 publishing the same. If there be no newspaper published in the
 33 county, or if no newspaper published therein will publish such
 34 notice for the compensation provided by law, it shall be the duty
 35 of the sheriff to post in the most public place, in each magisterial
 36 district in his county, a list of all sales by him so made, describing
 37 the tracts as well as the number of acres sold, and to whom sold.

CHAPTER 154

(House Bill No. 53—Mr. Nutter.)

AN ACT providing for the establishment of the state industrial home for colored girls.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

Sec.

1. Establishing the state industrial home for colored girls; qualification and duties of superintendent.
2. By whom, site, plans and buildings to be selected.

Sec.

3. Girls eligible for admission to home; when committed on complaint of parents, etc.; when committed after convicted of crime.
4. Control of educational affairs of institution.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established a state institution to be known as the state industrial home for colored girls. 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 home 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 citizen of the state of West Virginia, and 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 advisory council to the state board of education, shall jointly select a suitable site for such home and provide plans for the necessary buildings as soon as practicable after this act shall go into effect; and thereafter all the provisions of said chapter fifty-eight of the acts of one thousand nine hundred and nine, and of chapter twenty-seven of the acts of one thousand nine hundred and eight and of chapter forty-five of Barnes' code of one thousand nine hundred and sixteen shall govern herein as far as applicable.

Sec. 3. Girls eligible to be received into said home are those who are from seven to eighteen years of age, and who may be committed by any justice of the peace of this state, on complaint and due proof made to him by the parents, guardian or next friend of such girl, that by reason of incorrigible or vicious conduct, such girl has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly best that such

8 girl should be placed in said home; or by any criminal, circuit
 9 or intermediate court of this state. Girls may be so committed
 10 for vagrancy up to eighteen years of age, or where parents, guard-
 11 ian or next friend agree and contract with the board of control
 12 for their support and maintenance, or girls up to fifteen years of
 13 age, who may be found in houses of ill fame or assignation houses,
 14 upon conviction thereof before any justice of the peace, mayor of
 15 a town or city; or girls convicted by any of the courts of this
 16 state of felony or misdemeanor, punishable by imprisonment, the
 17 judge in his discretion, instead of confining such girl in the county
 18 jail or sending her to the penitentiary, may transfer such girl so
 19 convicted to said home, from any county of this state; *provided*
 20 there is room there for such girl. Every girl committed to said
 21 home shall remain there until she is twenty-one years of age,
 22 unless sooner discharged.

Sec. 4. The state board of education and the advisory council
 2 thereto shall have supervision and control over the educational
 3 affairs of this institution.

CHAPTER 155

(House Bill No. 54—Mr. Nutter.)

AN ACT providing for the establishment of the state industrial
 school for colored boys.

[Passed April 25, 1921. In effect ninety days from passage. Approved by the
 Governor, May 2, 1921.]

Sec.

1. State industrial school for colored boys established: how managed; qualifications and appointment of superintendent.
2. Site and plans for buildings, how selected.

Sec.

3. Commitments to school, by justices of the peace.
4. Same, by courts of record, state and national.
5. Control of educational affairs of school.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established a state institution to
 2 be known as the state industrial school for colored boys. It shall
 3 belong to that class of institutions mentioned in section three of
 4 chapter fifty-eight of the acts of one thousand nine hundred and
 5 nine, and shall be managed and controlled as provided in said
 6 act, all the provisions whereof shall be as applicable to said school
 7 as if the same were named in said section three of said act. The
 8 chief executive officer thereof shall be the superintendent, who

9 shall be a citizen of the state of West Virginia, and a person of good
10 executive ability, and shall be appointed by the governor with the
11 advice and consent of the senate.

Sec. 2. The state board of control and the advisory
2 council to the state board of education shall jointly se-
3 lect a suitable site for such school and provide plans
4 for the necessary buildings as soon as practicable after
5 this act shall go into effect; and thereafter all provisions of said
6 chapter fifty-eight of the acts of one thousand nine hundred and
7 nine, and of chapter seventy of the acts of one thousand nine hun-
8 dred and thirteen and chapter forty-five of Barnes' code of one
9 thousand nine hundred and sixteen shall govern herein as far
10 as applicable.

Sec. 3. Any male youth under the age of eighteen, and not
2 under the age of ten years, may be committed to and received into
3 the state industrial school for colored boys, for the reason and in
4 the manner following: (a) By a justice of the peace of the
5 county in which he resides, on complaint under oath and due proof
6 made to him by the parent, guardian or other persons having the
7 custody and control of such youth, that by reason of incorrigible
8 or vicious conduct such youth has rendered his control beyond
9 the power of the parent, or guardian or such other person, and
10 made it manifestly requisite that, from regard for the morals and
11 future welfare of such youth and the peace and order of society,
12 he shall be placed in said school. (b) By the same authority,
13 upon complaint under oath, and due proof before the justice that
14 such youth is a vagrant, incorrigible or vicious in disposition and
15 conduct, and that his parents, guardian, or other person having
16 custody of or authority to control him, are depraved or otherwise
17 unfit, unwilling or unable to exercise care or discipline over such
18 youth.

Sec. 4. Whenever any male youth under the age of eighteen
2 years, shall be convicted in any of the courts of this state of felony
3 or a misdemeanor, punishable by imprisonment, the judge of said
4 court in his discretion, and with reference to the character of the
5 industrial school as a place of correction and not punishment, in-
6 stead of sentencing said youth to be confined in the penitentiary or
7 county jail, may order him to be removed to and confined in the
8 said industrial school, to remain until he shall have arrived at the
9 age of twenty-one years, unless sooner discharged by the state

10 board of control. Male youth under eighteen years of age, con-
 11 victed in any of the courts of the United States for the districts
 12 of West Virginia, of any offense punishable by imprisonment, may
 13 also be received into said industrial school upon such regulations
 14 and such terms as to their maintenance and support as may be
 15 prescribed by the state board of control, and assented to by the
 16 proper authorities of the United States.

Sec. 5. The state board of education and the advisory board
 2 thereto shall have supervision and control over the educational
 3 affairs of said school.

CHAPTER 156

(House Bill No. 196—Mr. McClintic, of Kanawha.)

AN ACT to provide for the employment of counsel in counties with a
 population of one hundred thousand or more for the purpose of
 furnishing legal advice to the county court, to conduct litigation
 of a civil character to which the county court is a party and
 to fix the compensation of such counsel.

[Passed April 19, 1921. In effect from passage. Approved by the Governor
 April 30, 1921.]

SEC. 1. Certain county courts, together with judge of circuit court to		employ legal counsel in matters of a civil nature; county court to fix compensation; removal.
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county, having a popula-
 2 tion, according to the last official census of one hundred thousand
 3 or more, together with the judge of the circuit court of such
 4 county, shall have authority to employ such legal counsel as they
 5 may deem necessary for the purpose of advising such county court
 6 touching all matters of a civil character and to conduct any litigation
 7 of a civil character to which the county is a party. The
 8 county court shall also have authority to fix the compensation of
 9 any cotounsel so employed which shall not exceed the sum of four
 10 thousand dollars annually and to pay the same out of the county
 11 treasury. Any such counsel so employed may be removed at the
 12 pleasure of the county court.

CHAPTER 157

(House Bill No. 246—Mr. McClintic, of Kanawha.)

AN ACT to create a commission, known as the "State Sinking Fund Commission", and to prescribe its powers and duties relating to administering interest and sinking funds for the bond issues of the several counties, districts, school districts, independent school district and municipalities of the state.

[Passed April 14, 1921. In effect ninety days from passage. Approved by the Governor April 22, 1921.]

SEC.

1. Creating "State Sinking Fund Commission;" members and organization; record of proceedings.
2. Commission; authorized to appoint assistant secretary and other necessary assistants; expenses of, how paid.
3. Same; duty to administer interest and sinking funds of bond issue of counties, etc.
4. Same; to invest sinking fund; provisions governing investments.
5. Same; to keep separate accounts for each bond issue; to render statements to taxing districts having outstanding bonds; surrender coupons and bonds paid; state treasurer to be custodian of bonds.

SEC.

6. Same; to make annual statement to taxing districts of levy required; officers of taxing districts to make reports to commission.
7. Interest or interest coupons and bonds of taxing districts payable at office of state treasurer.
8. Provisions for deposit of interest and sinking funds; if deposit insufficient, taxing district to remit; duty of state officials in connection with money collected by them.
9. Bond issues to be offered to commission; action of commission; not to conflict with investment of workmen's compensation fund.
10. When act does not apply; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. A commission to be known as the "State Sinking Fund Commission" is hereby created. The state tax commissioner, secretary of state, state auditor and state treasurer shall be *ex-officio* members of and constitute said commission. The state tax commissioner shall be chairman and the secretary of state, secretary of said commission. A minute record shall be kept by said commission, in which shall be entered a record of all of its proceedings.

Sec. 2. The commission is hereby authorized to employ an assistant secretary and such other employees as may be necessary to carry out the purposes of this act, who shall hold their positions at the pleasure of the commission. All expenses incurred by the commission in the administration of this act, including traveling expenses, when absent from the capital and engaged in the business of the commission, shall be paid as other claims against the state out of any appropriations made by the legislature for such purpose.

Sec. 3. It shall be the duty of the state sinking fund commission to administer all interest and sinking funds required for the bond issues of the several counties, districts, school districts, independent school districts and municipalities of the state.

Sec. 4. It shall be the duty of said commission to keep all sinking funds, under its control, invested. The sinking fund shall be first invested in the taxing districts' own bonds, if the same are available for purchase. If no such bonds can be purchased for investment or retirement, then it shall be the duty of the commission to invest the sinking funds in bonds issued by other taxing districts of the state. *Provided, however,* that the bonds so purchased mature before the bonds mature for which the sinking fund was created. Before any bond shall be purchased by said commission, either for investment or retirement (unless the same mature according to the condition of the bond), the purchase must be authorized by a recorded vote of said commission, showing the approval of three-fourths of all the members. No bond shall be purchased at a greater rate than par and accrued interest. The interest fund shall be used for the purpose of paying the interest on the outstanding bonds as the same falls due.

Sec. 5. Separate accounts shall be kept for each bond issue of each taxing district of the state, showing in detail all receipts and disbursements. Every six months, said commission shall render to each taxing district of the state, having outstanding bonds, a statement showing the condition of its interest and sinking funds, together with all receipts and disbursements of the preceding six months. At the same time the commission shall surrender to the taxing district the coupons and bonds paid, which have been cancelled. All bonds purchased by the commission as an investment for the funds shall remain in the custody of the state treasurer, until the same mature and are cancelled.

Sec. 6. The commission shall, annually, at least thirty days before the time for making up the estimate for levy purposes, render to each taxing district having outstanding bonds, a statement showing the levy required to pay the interest on and create a sinking fund for the retirement of the district's outstanding bonds.

The officers of each taxing district having outstanding bonds or issuing bonds shall make reports relating thereto to the state sinking fund commission, in the manner and form prescribed by the chief inspector and supervisor of public offices.

Sec. 7. All interest or interest coupons and bonds (at their maturity) of the several taxing districts of the state shall be payable at the office of the state treasurer out of the fund provided by section eight of this act.

Sec. 8. All interest and sinking funds on hand July first of 2 each year and belonging to the counties, districts, school districts, 3 independent school districts or municipalities of the state, shall be 4 by the treasurer or collector thereof, not later than the following 5 December, deposited in a state depository within the county or 6 within the district or municipality, if there be a state depository 7 therein, to the credit of the state. *Provided, however,* that one- 8 half of all interest and sinking funds on hand July first, nineteen 9 hundred and twenty-one, shall be so deposited in a state deposi- 10 tory not later than the following December, and the balance not 11 later than the following June.

12 Whenever the amount deposited to the credit of the state for 13 any taxing district is not sufficient to meet the interest falling due, 14 it shall be the duty of the treasurer or collector of said taxing 15 district to remit a sufficient amount, of interest and sinking funds 16 that may be in his hands, to meet the interest then due upon being 17 notified of the fact by the state sinking fund commission.

18 Interest and sinking funds, collected by state officers on account 19 of the bond issues of the taxing districts of the state, shall be paid 20 into or placed to the credit of the state interest and sinking fund 21 at the same time as other taxes are paid to the taxing districts.

22 The state auditor and state treasurer shall carry an account to 23 be known as the state interest and sinking fund. All of said 24 deposits shall be carried as a part of said fund.

Sec. 9. It shall be the duty of every county, district, school 2 district, independent school district or municipality issuing 3 any bonds to offer the same in writing to the state 4 sinking fund commission, prior to advertising the same 5 for sale, and the state sinking fund commission shall, 6 within twenty days after receiving such offer, accept the same and 7 purchase said bonds or any portion of same at par and accrued in- 8 terest or reject such offer. *Provided, however,* that nothing in 9 this act shall prohibit the state board of public works from pur- 10 chasing bonds as an investment of the workmen's compensation 11 fund as provided by the workmen's compensation act. The offer 12 to and the acceptance by the state sinking fund commission shall 13 be contingent to the right of the board of public works to first 14 purchase.

Sec. 10. This act shall not apply to any bond issue in this state 2 heretofore made, wherein the ordinance or order of the taxing

3 body issuing the same contains a provision, conditioned by the
4 bond, for a special administration of the interest and sinking
5 funds, which would be inconsistent with the provisions of this
6 act.

7 All acts or parts of acts inconsistent with this act are hereby
8 repealed.

CHAPTER 158

(House Bill No. 274—Mr. Zimmerman.)

AN ACT to amend and re-enact section one of chapter sixty of the acts of the legislature of West Virginia at the regular session of one thousand nine hundred and seventeen, authorizing additional levies for the completion of a new court house in any county, or to make permanent repairs to any court house now in use, and to complete the same under existing law.

[Passed March 17, 1921. To take effect from passage. Approved by the Governor March 19, 1921.]

SEC.

1. Special levy for completing or making permanent repairs to court houses: amount and number of years to continue.

Be it enacted by the Legislature of West Virginia:

That section one of chapter sixty of the acts of the legislature of West Virginia at the regular session of one thousand nine hundred and seventeen be amended and re-enacted to read as follows:

Section 1. That the county court of any county wherein the
2 construction of a new court house has been begun, or any court
3 house now in use is in need of permanent repairs, and for which
4 the levies provided for in chapter ninety-two of the acts of the
5 regular session of one thousand nine hundred and fifteen will not
6 raise sufficient money to complete such court house, or make per-
7 manent repairs to any court house now in use, may, in addition to
8 the levies provided for in the chapter aforesaid, lay a special build-
9 ing levy annually, not to exceed thirty cents on the one hundred
10 dollars valuation on the taxable property in said county, for such
11 number of years as may be necessary, for the sole purpose of rais-
12 ing funds to complete such new court house, or to make perma-
13 nent repairs to any court house now in use.

CHAPTER 159

(House Bill No. 304—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section eighty-one-a-twelve of chapter fifty-four of the code of West Virginia of one thousand nine hundred and sixteen, relating to compensation and fees of the commissioner of banking and assistants.

[Passed April 19, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. S1-a-12. Commisstoner of banking; salary and expenses; assistant commisloners; salary and expenses; fees to be paid by banks,</p>	<p>building and loan associations, etc., for examinations; additional assistant commissioner to examine building and loan associations; salary of.</p>
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Be it enacted by the Legislature of West Virginia:

That section eighty-one-a-twelve of chapter fifty-four of the code of West Virginia, one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 81-a-12. For making such examinations and for preparing and preserving all records and reports contemplated in this act, the said commissioner of banking shall be paid the sum of five thousand dollars per annum salary, and necessary expenses out of the state treasury by proper warrant drawn by the auditor upon the treasurer, and the three assistant commissioners of banking shall each receive the sum of thirty-five hundred dollars per annum salary, and necessary expenses payable upon like warrants. There shall be paid by each of said banks, savings banks, banking associations, trust companies and other institutions operating under the banking laws of this state, in payment for examination made by said commissioner of banking or his assistants, to the state as follows: For the first twenty-five thousand dollars of assets, as shown by the books thereof on the day of examination, forty dollars, and two cents for each additional one thousand dollars of assets. There shall be paid by each of said building and loan associations and other institutions operating under the building and loan laws of this state, in payment for examinations made by the commissioner of banking or his assistants to the state as follows: For the first one hundred thousand dollars of assets, as shown by the books thereof on the day of examination, twenty-five dollars, and two cents for each additional one thousand dollars of assets; and said commissioner of banking shall collect all such fees and pay the same into the state treasury. *Provided,*

26 that the state banking commissioner is hereby given authority to ap-
 27 point one additional assistant commissioner to those provided for
 28 in section eighty-one-a-one, chapter fifty-four of Barnes' code of
 29 West Virginia, whose qualifications shall be the same as prescribed
 30 for the other assistant commissioners, whose specific duty shall be
 31 to examine, under the supervision of the commissioner of banking
 32 at least twice in each year all building and loan associations doing
 33 business in this state, in addition to such other duties as may be
 34 assigned him by the said banking commissioner. The salary of
 35 such commissioner shall be the same as provided for assistant com-
 36 missioners in another part of this section.

CHAPTER 160

(Committee Substitute for House Bill No. 375.)

(By the Committee on Taxation and Finance.)

AN ACT providing for the payment to the county commissioners for services performed, other than for services in court, in counties having a population of twenty-five thousand or more inhabitants.

[Passed April 12, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Compensation for county commissioners for services other than in court; amount, how determined.

SEC.

2. Additional duties of commissioners.
 3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. There shall be allowed and paid out of the county treasury, as other salaries are paid, beginning on the first day of January, 1921, to each county commissioner in each county, which has now or may have at any decennial census of the United States at least the number of twenty-five thousand inhabitants or more, for services performed for such county, concerning roads, bridges and other county business by said commissioners (other than services in court) the following sums of money, to-wit: For each county having one hundred thousand inhabitants or more the sum of two hundred and fifty dollars per month for each month of their term of service, respectively, and for each county which has more than fifty thousand and less than one hundred thousand inhabitants at such census, the sum of two hundred dollars per month for each month of their term of service, respectively, and

15 for each county which has more than thirty thousand and less
 16 than fifty thousand inhabitants, the sum of one hundred dollars
 17 per month for each month of their term of service respectively,
 18 and for each county that has more than twenty-five thousand and
 19 less than thirty thousand inhabitants and not more than three
 20 commissioners, the sum of twenty-five dollars per month for each
 21 month of their term of service, respectively.

Sec. 2. It shall be the duty of the county commissioners of
 2 each such counties to visit and inspect monthly, and oftener if
 3 needed, all road and bridge construction therein, and from time
 4 to time to visit and inspect all the roads of the county and the
 5 county infirmary or poor farm.

Sec. 3. All acts and parts of acts in conflict herewith are here-
 2 by repealed.

CHAPTER 161

(House Bill No. 533—Mr. McClintic, of Kanawha.)

AN ACT to provide for the control and management of the law book
 library, now known as the "State Library" at Charleston, and
 for the appointment of such persons as may be necessary for
 those purposes.

[Passed April 21, 1921. In effect from July 1, 1921. Approved by the Governor
 April 29, 1921.]

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|---|---|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. State library in "Capitol annex;" control and custody of. 2. Librarians; appointment; bond of; term; vacancy in office of; salary; amount and how paid; other employees, appointment and compensation. 3. Library to be open under rules of supreme court of appeals. 4. Librarian; duties as to money and books; annual report by. | <p>SEC.</p> <ol style="list-style-type: none"> 5. Reports of supreme court of appeals; duty of librarian; how distributed and exchanged; remaining copies to secretary of state; additional copies furnished at direction of governor; copies furnished to belong to state. 6. New and additional books for library; powers of supreme court of appeals to purchase and exchange. 7. Inconsistent acts repealed. |
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Be it enacted by the Legislature of West Virginia:

Section 1. The law book library now in the building known as
 2 the "Capitol Annex", in the city of Charleston, and usually called
 3 the "State Library," shall on and after the first day of July, one
 4 thousand nine hundred and twenty-one, be wholly under the con-
 5 trol and management and in the custody of the supreme court of
 6 appeals.

Sec. 2. The supreme court of appeals, or the judges thereof in
2 vacation, shall appoint a competent librarian to have the imme-
3 diate custody and charge thereof under the direction of the court.
4 Such librarian shall give bond in the penalty fixed by the court of
5 not less than two nor more than five thousand dollars, with surety
6 thereon, to be approved by the court, and conditioned as provided
7 for official bonds in chapter ten of the code. Such bond shall be
8 deposited for safe keeping with the clerk of the court. Such li-
9 brarian shall be an officer of the court and shall hold his office and
10 be removable at the pleasure of the court. Vacancies in the office
11 of librarian occurring during a vacation of the court may be filled
12 by appointment in writing made by the judges of the court, or any
13 three of them. When, in the opinion of the court, other employees
14 are needed for the proper protection and use of the library, it may
15 employ such assistants as may be necessary for that purpose. The
16 salary of the librarian shall be the sum of three thousand dollars
17 per annum payable in monthly installments, and the expense of
18 such assistants shall be fixed by the court and shall be paid upon
19 order of the court.

Sec. 3. The library shall be open under such rules and regu-
2 lations as may be, from time to time, prescribed by the court, and
3 it shall be the duty of the court to adopt and cause to be published,
4 as other rules of the court are published, such rules and regula-
5 tions.

Sec. 4. The librarian shall keep full and complete account
2 of all money transactions in connection with such library and re-
3 ceipt of all books therein, and shall perform such other duties in
4 connection therewith as may be ordered by the court. The li-
5 brarian shall make an annual report to the court within thirty
6 days after the close of each fiscal year, in which he shall state the
7 number of copies of reports and session acts received by him, and
8 what disposition he made thereof, and also what money came into
9 his hands, and from what sources, during the preceding fiscal year.

Sec. 5. The librarian shall have charge of the reports of the
2 supreme court of appeals after the same are printed and bound
3 and approved by the reporter, and he shall secure the copyright
4 of the same in the name of and for the benefit of the state. As
5 soon as practicable after any new volume of such reports has been
6 delivered to him, not including reprints of former volumes, he
7 shall dispose of the same as follows: ten copies to the college of

8 law of West Virginia University, one copy to the governor, two
9 copies to the attorney general, one copy to the judge of every court
10 of this state and one copy to the head of each of the subordinate ex-
11 ecutive departments at the state capital, one copy to the public ser-
12 vice commission, one copy to the state board of control, one copy
13 to the adjutant general, two copies to the department of archives
14 and history, and one copy to each of any other administrative
15 boards or commissions at the state capital. The librarian shall
16 place five copies in the state law library at Charleston, and send
17 five copies in the congressional law library at Washington, District
18 of Columbia. He shall also arrange as far as possible to exchange
19 four copies of each volume of said report for a like number of
20 copies of the current volumes of the report of the court of appeals
21 of each of the states, which said last reports he shall send one each
22 to the state law library at Charleston, to the college of law of West
23 Virginia University, to the association at Charles Town, and to the
24 Ohio county library at Wheeling. The remaining copies of said
25 reports of the supreme court of appeals the librarian shall deliver
26 to the secretary of state, to be disposed of by said secretary as pro-
27 vided by law; *provided*, that the governor may, in writing, cause
28 additional copies of said reports to be furnished to any officer,
29 court, institution or board now entitled to one or more copies; and
30 he may also cause one or more copies of said reports to be fur-
31 nished to any officer, board, commission, institution or tribunal not
32 named herein. The copies of said reports furnished to any officer
33 or judge, or library, or board shall remain the property of the
34 state of West Virginia, and as to any such judge or officer the copy
35 received by him shall be turned over to his successor in office. The
36 copies furnished to any library, board or commission shall be
37 safely kept therein.

Sec. 6. The supreme court of appeals shall have the power and
2 duty of purchasing such new and additional books for the library
3 as in its opinion shall be proper and right and shall cause such ex-
4 changes or sales of books to be made as may be for the benefit of
5 the library, and, in general, the court shall cause to be done and
6 performed all things necessary and proper to keep the books of
7 such library in good condition, and for that purpose may cause
8 such catalogs to be made as may be proper, and all expenses nec-
9 essarily incurred under the order of the court for the purposes of
10 this act, including postage, freight and express charges, shall be

11 paid out of appropriations for that purpose under the order of the
12 court.

Sec. 7. All acts and parts of acts in conflict herewith are here-
2 by repealed.

CHAPTER 162

(House Bill No. 538—Mr. McClintic, of Kanawha.)

AN ACT allowing counties of more than one hundred thousand popu-
lation to lay a special levy to purchase land and erect a jail and
jailer's residence thereon and put any additions or repairs to
the court house thereof.

[Passed April 28, 1921. In effect from passage. Approved by the Governor
May 3, 1921.]

SEC.

1. Special levy in certain counties
for jails and additions and re-
pairs to court house.

Be it enacted by the Legislature of West Virginia:

Section 1. That in counties having more than one hundred
2 thousand population, as shown by the last preceding census taken
3 by the United States government, the county court may for any
4 two consecutive years hereafter, for the sole purpose of purchasing
5 land by condemnation or otherwise, and erecting a jail and
6 jailer's residence thereon, and making additions to the court house
7 or repairing the same, lay a special levy not exceeding ten cents
8 in any one year on the one hundred dollars valuation on the
9 taxable property in such county, under the provisions of the con-
10 stitution and laws of this state.

CHAPTER 163

(Senate Bill No. 128—Mr. Stewart.)

AN ACT authorizing the county court of Taylor county to lay a special
levy in the year one thousand nine hundred and twenty-one, and
if necessary for the two years following, for building a jail and
jailer's residence and repairing and improving the court house
in Taylor county.

[Passed April 13, 1921. In effect from passage. Approved by the Governor
April 19, 1921.]

SEC.

1. Special levy for jail and jailer's residence; how expended; separate account to be kept of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Taylor county, West Virginia, 2 is hereby authorized to lay a special levy on all the taxable prop- 3 erty within said county in the year one thousand nine hundred 4 and twenty-one for the purpose of building a jail and jailer's 5 residence in said county and for the repair and improvement of 6 the court house in said county, not to exceed twenty cents on each 7 one hundred dollars valuation of taxable property in said county; 8 and, if the amount raised by such special levy laid in the year one 9 thousand nine hundred and twenty-one is not sufficient for the 10 purposes herein specified and it is necessary to raise sufficient 11 funds for such purposes, the county court of said county is 12 authorized to lay such levy in the two succeeding years of one 13 thousand nine hundred and twenty-two and one thousand nine 14 hundred and twenty-three. Such levy shall be called a special 15 jail and repair levy and the funds derived therefrom shall be 16 used for the purposes herein specified and no other, and a separ- 17 ate account shall be kept of all receipts and disbursements in said 18 funds.

CHAPTER 164

(Senate Bill No. 361—Mr. Shaffer.)

AN ACT to amend and re-enact section one, chapter seventy-nine of the acts of the legislature of one thousand nine hundred and nineteen, authorizing a special levy for the completion and the payment in full of a new jail in the county of Logan.

[Passed April 12, 1921. In effect from passage. Approved by the Governor
April 19, 1921.]

SEC.

1. Special jail levy; amount; how expended.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of completing or paying in full 2 for the new jail for the county of Logan, West Virginia, at the 3 county seat of said county, the county court of said county is

4 hereby authorized to lay a special levy on all the taxable property
 5 within the said county for the year one thousand nine hundred and
 6 twenty-one not to exceed ten cents on the one hundred dollars
 7 valuation of said property as assessed for the regular state,
 8 county and district taxation, said levy to be called a special jail
 9 levy and the funds derived therefrom shall be used for said pur-
 10 pose and for no other purpose.

CHAPTER 165

(Senate Bill No. 205—Mr. Staats.)

AN ACT to authorize the county court of Wood county to establish
 and maintain a law library.

[Passed April 28, 1921. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

§ 1. Wood county law library estab-
 lished; location; purpose; coun-
 ty court to purchase certain law

books and equipment for said
 library; moneys for, how raised;
 circuit court to have control.

Be it enacted by the Legislature of West Virginia:

That the county court of Wood county provide a law library for
 the officials of said county as follows:

Section 1. That the county court of Wood county is author-
 ized to establish and maintain a law library for the use of the
 judge of the circuit court, the county court, the attorneys-at-law
 practicing in said courts and all public officers of said county or
 any sub-division thereof, or any municipality therein. Said li-
 brary shall be known and designated "The Wood county law li-
 brary," and shall be located in the court house of said county. The
 said county court shall purchase the West Virginia reports, West
 Virginia code and the acts of the West Virginia legislature and
 equipment for said library, and for said purposes shall have au-
 thority to lay levies and expend moneys; *provided, however, that*
 no books shall be purchased for said library except upon the order
 of the circuit court for the fourth judicial circuit, or the judge
 thereof in vacation, and the said court or judge shall have power
 to make and enforce all rules and regulations for the government
 and use of said library.

CHAPTER 166

(House Bill No. 102—Mr. Hunter.)

AN ACT to amend and re-enact section nine of chapter twenty-nine of the acts of the legislature of West Virginia, of one thousand nine hundred and seven as amended and re-enacted by chapter one hundred and twenty-seven of the acts of the legislature of one thousand nine hundred and fifteen, concerning the salary of the judge of the criminal court of Raleigh county.

Passed April 19, 1921. In effect from passage. Approve by the Governor April 30, 1921.]

SEC.

9. Salary; amount and how paid; judge disqualified from practicing law during term.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter twenty-nine, of the acts of the legislature of West Virginia, of one thousand nine hundred and seven as amended by chapter one hundred and twenty-seven of the acts of the legislature of West Virginia, of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

Section 9. The judge of the criminal court of Raleigh county shall receive for his services forty-five hundred dollars per annum, to be paid out of the county treasury of said county of Raleigh, in the same manner and at the same time as the salaries of the other county officers are paid; and he shall be disqualified from practicing law in all the courts of this state during his continuance in said office.

CHAPTER 167

(House Bill No. 133—Mr. Sanders.)

AN ACT to amend and re-enact section twenty-four of chapter ninety of the acts of the legislature of one thousand nine hundred and seventeen relating to the common pleas court of Cabell county.

[Passed April 19, 1921. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

24. Jurisdiction of court; salary of judge; how paid.

Be it enacted by the Legislature of West Virginia:

That section twenty-four of chapter ninety of the acts of the legislature of one thousand nine hundred and seventeen, relating to the common pleas court of Cabell county, be amended and re-enacted so as to read as follows:

Salary of Judge; How Paid.

Section 24. The said court shall have jurisdiction common 2 and concurrent with the circuit court of said county, to try and 3 determine all civil cases appealed from justices of the peace, and 4 all the powers and duties conferred by law on the circuit court 5 of said Cabell county, or the judge thereof in vacation, insofar as 6 the same relate to civil actions before such justices and appeals 7 therefrom, are hereby vested in said common pleas court or its 8 judge in vacation.

9 The judge of the common pleas court shall receive for his ser- 10 vices forty-two hundred dollars annually, payable in monthly instal- 11 ments, beginning on the first day of January, one thousand nine 12 hundred and twenty-one, which amount shall be provided for and 13 paid by the county court out of the treasury of said Cabell county.

CHAPTER 168

(House Bill No. 136—Mr. Sanders.)

AN ACT to create and establish in the county of Cabell a court to be known as the "domestic relations court" and to define its jurisdiction.

[Passed April 19, 1921. In effect from passage. Approved by the Governor April 29, 1921.]

- | SEC. | SEC. |
|--|---|
| 1. Domestic relations court established; purposes of. | thority of judge in vacation; mode of procedure, appointment of officers, etc. and court rules. |
| 2. Jurisdiction; territory and causes; concurrent with circuit court. | 9. Clerk of circuit court to be clerk of domestic relations court; to sign processes, etc. |
| 3. Judge: appointment, qualifications and term; election of; removal; vacancy. | 10. Duty and power of sheriffs as to process from domestic relations court. |
| 4. Same; salary, how paid. | 11. Judge to appoint probation officers; salaries, expenses, duties and powers of. |
| 5. Jurisdictional facts need not be set out. | 12. County court to provide books, seal, etc., credit to be given to records and certificates of court; county court to furnish rooms and furniture. |
| 6. Power to punish for contempt. | 13. Appeals, writs of error, etc., from domestic relations court by circuit court; when application for may be made direct to supreme court of appeals. |
| 7. What judge of circuit court may certify to domestic relations court; docketing of cases, etc. In discretion of judge of circuit court; procedure when either judge absent or disqualified; judge of common pleas court to certify cases on juvenile and non-support docket to domestic relations court; limitation on jurisdiction of common pleas court. | 14. Inconsistent acts repealed. |
| 8. Terms of, regular and special; au- | |

Be it enacted by the Legislature of West Virginia:

Section 1. That there is hereby created and established in and
2 for the county of Cabell, with authority and jurisdiction co-ex-
3 tensive with the county, a court to be known as the "domestic
4 relations court" of Cabell county, for the trial of divorce, annul-
5 ment of marriage and alimony causes, the care and disposition of
6 delinquent, defective, neglected and dependent children, and deser-
7 tion and non-support of wives and children and for the enforce-
8 ment of the general school laws, arising within the said county or
9 coming within the jurisdiction of the court as provided by the gen-
10 eral laws of this state and as hereinafter provided.

Sec. 2. The said domestic relations court shall have jurisdic-
2 tion within the said county of Cabell, concurrent with the circuit
3 court of all matters and causes arising out of or pertaining to di-
4 vorce, annulment of marriage, alimony, the custody and mainte-
5 nance of children of litigants and the adjudication of property
6 rights arising out of the same, and all other matters and causes
7 coming within the purview of chapter sixty-four of the Barnes'
8 code of West Virginia of one thousand nine hundred and eighteen,
9 and of all amendments and re-enactments thereof, commonly
10 known as the divorce law; of all matters and causes coming within
11 the purview of chapter one hundred and eleven of the acts of the
12 legislature of West Virginia, session of one thousand nine hundred
13 and nineteen and of all amendments and re-enactments thereof
14 commonly known as the juvenile act, of all matters and causes
15 coming within the purview of chapter one hundred and ten of the
16 acts of the legislature of West Virginia, session of one thousand
17 nine hundred and seventeen, and of all amendments and re-enact-
18 ments thereof, and commonly known as the non-support act, of all
19 matters and causes coming within the purview of chapter two of
20 the acts of the legislature of West Virginia, session of one thou-
21 sand nine hundred and nineteen, and all amendments and re-en-
22 actments thereof, commonly called the general school law, and all
23 amendments and re-enactments thereof, and of all matters and
24 causes coming within the purview of chapter one hundred and
25 twenty-two of the Barnes' code of West Virginia of one thousand
26 nine hundred and eighteen, and of all amendments and re-enact-
27 ments thereof, commonly known as the adoption law; of all mat-
28 ters and causes coming within the purview of chapter one hun-
29 dred and ten of the acts of the legislature of West Virginia, ses-

30 sion of one thousand nine hundred and nineteen, and of all amend-
31 ments and re-enactments thereof, commonly known as the depend-
32 ent and neglected children act. And of all matters and causes
33 coming within the purview of all other or future acts of the legis-
34 lature touching the subject matter of any and all said laws and
35 acts and of the amendments and re-enactments thereof, and of the
36 common law of said state relating to the subject matter thereof.
37 And that the proceedings and modes of procedure and power and
38 jurisdiction conferred by law upon the circuit court or the common
39 pleas court in any and all of said matters and causes, are hereby
40 conferred upon and shall be exercised by said domestic relations
41 court.

Sec. 3. The governor of this state, on or before the first day
2 of May, one thousand nine hundred and twenty-one, shall desig-
3 nate, appoint and commission a judge of said court, who shall be a
4 resident member of the bar and in good standing therein, of said
5 county, who shall preside over said court and serve as such from
6 May first, one thousand nine hundred and twenty-one, until Janu-
7 ary first, one thousand nine hundred and twenty-three.

8 That at the general elections regularly held on Tuesday after
9 the first Monday in November, one thousand nine hundred and
10 twenty-two, and thereafter at intervals of eight years, some person
11 qualified as aforesaid shall be elected in the manner provided by
12 law for the election of circuit judges, to be the judge of said court
13 for the next ensuing term of eight years, beginning on January
14 first next following such election. The judge of said court may be
15 removed from office for the same reasons and in the same manner
16 as judges of the circuit courts. And if from any cause the office
17 shall become vacant, the vacancy shall be filled in the same manner
18 as in the case of a vacancy in the office of judge of the circuit
19 court.

Sec. 4. The said judge of the domestic relations court of Cabell
2 county shall, for his services, receive the sum of three thousand
3 dollars per annum in monthly installments, to be paid out of the
4 county treasury of the said county of Cabell.

Sec. 5. It shall not be necessary in any cause or proceedings
2 in said domestic relations court that the facts authorizing it to
3 take jurisdiction of the case or proceedings should be set forth
4 upon the record; but jurisdiction shall be presumed unless the
5 contrary plainly appear by the record.

Sec. 6. The domestic relations court shall have the same powers to punish for contempt as are conferred upon the circuit court by law.

Sec. 7. The judge of the circuit court of Cabell county, may in his discretion, certify to the said domestic relations court any portion or all of the divorce docket, suits for the annulment of marriage and suits for alimony pending in said circuit court on the first day of May, one thousand nine hundred and twenty-one, and all matters, suits, actions, petitions and proceedings so certified to said domestic relations court by said circuit court shall be docketed and thereafter proceeded with therein according to law. The judge of the said circuit court, in his discretion, may also direct the clerk of the said court to docket all such matters, suits, actions, petitions and proceedings as may be instituted on and after the first day of May, one thousand nine hundred and twenty-one, either in said circuit court or in said domestic relations court. And in the event of the absence or disqualification of either of said judges any matter coming within the purview of this act pending in either court may be certified to the other court, docketed therein and proceeded with according to law. And the judge of the common pleas court of Cabell county shall, on the first day of May, one thousand nine hundred and twenty-one, certify to said domestic relations court such cases as may be upon the juvenile and non-support docket, pending in such common pleas court at such time, and all matters, suits, actions, petitions and proceedings so certified to said domestic relations court shall be docketed therein and thereafter proceeded with therein according to law. And on and after May first, one thousand nine hundred and twenty-one, the common pleas court shall not have jurisdiction of any matter coming within the purview of this bill.

Sec. 8. For the purpose of maturing, docketing, hearing and determining all matters, suits, petitions and other proceedings properly determinable in said domestic relations court and arising out of or relating to the administration of the laws of this state relating to divorce, annulment or marriage and suits for alimony, there shall be regularly continued and held four terms of said court each year, beginning respectively on the first Monday in March, June, September and December. Special terms of said court may be called and held whenever, in the discretion of the judge of said court and public interest requires such special terms,

11 in the manner provided by law for the calling and holding of
12 special terms of circuit court. The said judge shall have jurisdic-
13 tion and authority, in the vacation of said court, to make and enter
14 such proper orders in any matter, suit, action, petition or pro-
15 ceeding pending in said court as the judge of the circuit courts
16 now have under the laws of this state, and all matters arising
17 under the jurisdiction of said court other than divorce and an-
18 nulment of marriage and alimony causes may be heard and de-
19 termined either in term time or in vacation of said court, *pro-*
20 *vided, however,* that proper notice be given as provided by law
21 for the particular case. And that the mode of procedure in cases
22 instituted in this court shall be the same as that prescribed for
23 the circuit courts of this state in similar causes, and the court is
24 hereby empowered to appoint such additional officers, commis-
25 sioners in chancery and jury commissioners as shall enable the said
26 court to discharge all the duties required of it under the provisions
27 of this bill and the general laws of the state hereunder. And the
28 judge of said court shall have the power to make rules for the
29 transaction of the business of said court, provided the same are
30 in conformity with the laws of the state of West Virginia.

Sec. 9. The clerk of the circuit court of Cabell county shall
2 act as and perform the duties as clerk of the said domestic rela-
3 tions court and shall exercise the same powers and duties arising
4 within the jurisdiction of said court as are performed by him as
5 clerk of the circuit court of said Cabell county. All processes,
6 rules and orders of said court in the exercise of its jurisdiction
7 shall be signed by the clerk thereof to be directed to the sheriffs'
8 of the proper counties wherein the same are executed in like man-
9 ner and with the same effect as processes issuing from the circuit
10 court of said Cabell county.

Sec. 10. The sheriff of Cabell county and the sheriffs of the
2 several counties in the state shall by themselves or their deputies
3 execute all processes of said court, issued by the clerk thereof, di-
4 rected to them respectively, and all processes emanating from said
5 domestic relations court shall be directed to and executed
6 by them in the same manner as is provided by law as to
7 processes issuing from the circuit court of said clerk. And the
8 sheriff of Cabell county shall perform the same duties and ser-
9 vices for the domestic relations court as he is now by law required
10 to perform for the circuit court of said county; and in the exe-
11 cution of processes, rules and orders of said court, the said officer

12 shall have the same powers and rights, be subject to the same
13 liabilities, govern himself by the same rules and principles of law
14 and the statutes of the state, as though the processes issued from
15 the circuit court of said county.

Sec. 11. That for the proper and efficient administration and
2 enforcement of the matters within its jurisdiction, the judge of the
3 domestic relations court shall name two probation officers, who
4 shall be appointed and qualified and who shall receive the salaries
5 and expenses, who shall be charged with the same duties and who
6 shall have the same power and authorities as provided by section
7 six of chapter three, acts of the legislature of West Virginia, ses-
8 sion of one thousand nine hundred and nineteen and of all amend-
9 ments and re-enactments thereof.

Sec. 12. It shall be the duty of the county court of Cabell county
2 to provide all record and other books and stationery that may
3 be necessary, and likewise a seal for said domestic relations court;
4 but full faith and credit shall be given to the record of said court
5 and certificates of its judge or clerk, whether the seal of the court
6 be affixed thereto or not, in like manner and with the same effect
7 as if the same were records of the circuit court similarly authen-
8 ticated. And the said county court of Cabell county shall furnish
9 and provide sufficient rooms and furniture for the proper conduct
10 and holding of said court.

Sec. 13. Appeals may be allowed and writs of error and super-
2 sedeas awarded to the judgments, ruling and orders of the said
3 domestic relations court or the judge thereof, by the circuit court
4 of Cabell county or the judge thereof, or the judge of any other
5 circuit court in this state, in cases involving the freedom of the
6 person or the constitutionality of the law, and in case of the re-
7 fusal of the circuit court of Cabell county or the judge thereof,
8 application for such writ of error and superseadeas or appeal may
9 be made direct to the supreme court of appeals of the state or
10 any judge thereof, *provided, however*, that in all cases such appli-
11 cation shall be made within sixty days next following date of the
12 entry of final order of judgment.

Sec. 14. All acts or parts of acts in conflict herewith are hereby
2 repealed.

CHAPTER 169

(House Bill No. 198—Mr. Fout.)

AN ACT to repeal chapter fifty-three of the acts of the legislature of one thousand nine hundred and thirteen, which altered and modified the county court of Grant county under the twenty-ninth section of the eighth article of the constitution of West Virginia, and to provide for the election of county commissioners in said county in accordance with sections twenty-two and twenty-three of article eight of the constitution of West Virginia.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921]

Sec.

1. Act repealed.
2. County court; number of commissioners; quorum; meetings, regular and special.
3. Commissioners; when elected;

SEC.

- terms of; when two from same district have highest number of votes; president of court; compensation.
4. Present commissioners and clerk to serve out their terms.

Be it enacted by the Legislature of West Virginia:

Section 1. That chapter fifty-three of the acts of the legislature, one thousand nine hundred and thirteen, which altered and modified the county court of Grant county under the twenty-ninth section of the eighth article of the constitution of West Virginia, be, and the same is hereby repealed.

Sec. 2. There shall be in the county of Grant, a county court, composed of three commissioners, and two of said commissioners shall be a quorum for the transaction of business. It shall hold four regular sessions in each year, at such times as may be fixed upon and entered of record by the said court. Special sessions of said court may be held as provided by law.

Sec. 3. The commissioners shall be elected by the voters of the county, at the next general election after this act becomes effective, and shall hold their office for the term of six years, except that at the first meeting of said commissioners they shall designate by lot or otherwise in such manner as they may determine, one of their number who shall hold his office for the term of two years, one for four years, and one for six years, so that one commissioner shall be elected every two years, but no two of such commissioners shall be elected from the same magisterial district. And if two or more persons residing in the same district shall receive the greater number of votes cast

12 at any election, then only the one of such persons receiving the
13 highest number shall be declared elected, and the person living
14 in another district, who shall receive the next highest number
15 of votes cast, shall be declared elected. Such commissioners
16 shall annually elect one of their number as president, and each
17 shall receive two dollars per day for his services in court, to
18 be paid out of the county treasury.

Sec. 4. The commissioners and clerk of the present county
2 court as altered and modified by chapter fifty-three of the acts
3 of the legislature of one thousand nine hundred and thirteen
4 shall continue as commissioners and clerk of the county court
5 established by this act until the term for which each was elected
6 shall have expired, and until their successors shall have been
7 elected or appointed and qualified.

CHAPTER 170

(House Bill No. 250—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section nine of chapter fifty-six of
the acts of one thousand nine hundred and nineteen, relating
to the intermediate court of Kanawha county.

[Passed April 5, 1921. In effect from its passage. Approved by the Governor
April 9, 1921.]

Sec.

9. Salary; amount; how paid.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter twenty-eight of the acts of one thousand nine hundred and nineteen be amended and re-enacted so as to read as follows:

Section 9. The said judge of the intermediate court of Kanawha county shall for his services receive a salary of five thousand five hundred dollars per annum, to be paid out of the county treasury of said county, from the first day of January, one thousand nine hundred and twenty-one.

CHAPTER 171

(House Bill No. 321—Mr. McClintic, of Kanawha.)

AN ACT to amend and re-enact section nine of chapter one hundred and nine of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of the judge of the court of common pleas of Kanawha county.

[Passed April 15, 1921 In effect from passage. Approved by the Governor April 25, 1921.]

SEC.

9. Salary; amount; how paid.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter one hundred and nine of the acts of the legislature at the regular session of one thousand nine hundred and fifteen, relating to the salary of the judge of the court of common pleas of Kanawha county, be amended and re-enacted so as to read as follows:

Section 9. The judge of the court of common pleas of Kanawha county shall for his services receive fifty-five hundred dollars per annum, to be paid out of the county treasury of said county of Kanawha, from January first, one thousand nine hundred and twenty-one.

CHAPTER 172

(House Bill No. 439—Mr. Strother.)

AN ACT authorizing the city of Williamson to hold a special election for the issuance and sale of bonds for the improvement of its water works in addition to its present bonded indebtedness.

[Passed April 15, 1921. In effect from passage. Approved by the Governor April 20, 1921.]

SEC.

1. Special election for bond issue authorized.
2. Same: purpose of bond issue; amount of bonds.
3. Proclamation by mayor stating

SEC.

- purpose and amount of bonds and appointing election day; publication of.
4. How election conducted; who may vote in.
5. Form of ballot.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Williamson is authorized to hold a special election for the issuance and sale of bonds for the improvement of its water works in addition to present bonded indebtedness as hereinafter set forth:

Sec. 2. That the city of Williamson, through its city commission, be and is hereby authorized to hold a special election, for the purpose of issuing its bonds, in addition to its present outstanding bonded indebtedness, for the purpose of improving its present water works system, *provided*, that such issuance and sale of such bonds, shall not be in excess of five per centum of the value of the taxable property within the said corporation, and which valuation shall be ascertained by the last assessment for the state and county taxes prior to the issuing of such bonds.

Sec. 3. Before such election shall be held, it shall be the duty of the mayor of said city, when authorized by the city commission by ordinance duly adopted, to issue a proclamation specifying the purposes and amount for which such bonds are to be issued, and appointing a day on which the election shall be held by all the qualified voters of the said city to decide whether such bonds shall be issued or not. Such proclamation shall be published in two newspapers published in the said city at least two weeks previous to the day of the election.

Sec. 4. Such election shall be conducted in all things according to the laws in force covering election, and the provisions of the charter of the city of Williamson, and all persons qualified to vote in other municipal elections in the said city, and none other, shall vote at such election as are herein authorized.

Sec. 5. Persons voting for the ratification of such bond issue shall have furnished to them and printed on his or her ballot the words, "For bond issue", and persons voting against the ratification shall have furnished them and printed on his ballot, the words, "Against bond issue."

CHAPTER 173

(House Bill No. 275—Mr. Daugherty, of Wirt.)

AN ACT authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and twenty-two, and if necessary for the purpose for the year one thousand nine hundred and twenty-three on all taxable property of said county for the purpose of erecting a public bridge across the Little Kanawha river at the county seat thereof, and providing for the receipt and disbursement of all moneys raised by said levy.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921.]

- | | |
|--|--|
| <p>SEC.
1. County court authorized to lay special levy to construct bridge: amount and name of levy; how used.</p> | <p>SEC.
2. County court to decide on plans and specifications; fund to be a separate fund.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing a public bridge across the Little Kanawha river, at the county seat of the county of Wirt, the county court of said county is hereby authorized to lay a special levy on all taxable property within the said county for the year one thousand nine hundred and twenty-two and, if necessary, for the year one thousand nine hundred and twenty-three, not to exceed in either year ten cents on the one hundred dollar valuation of said property, as assessed for regular state, county and district taxation. Said levy shall be called a "special bridge levy" and the funds derived therefrom shall be used for said purpose and for no other.

Sec. 2. Said bridge shall be constructed according to such plans and specifications as said county court may decide upon and all moneys realized from said special levy shall be kept in a separate fund and a separate account kept of the receipts and disbursements of the same.

CHAPTER 174

(Senate Bill No. 27—Mr. McClaren.)

AN ACT to amend and re-enact section four of chapter six of the acts of the legislature of one thousand nine hundred and nineteen, relating to the establishment of a dental clinic in McDowell county, and to repeal section ten of said chapter.

[Passed March 24, 1921. In effect from passage. Approved by the Governor April 1, 1921.]

- SEC.
4. County court authorized to lay levy for maintenance of clinic, to be known as "dental clinic fund;" section ten repealed.

Be it enacted by the Legislature of West Virginia:

That section four of chapter six of the acts of one thousand nine hundred and nineteen be amended and re-enacted to read as follows:

- Section 4. The county court of McDowell county is authorized to lay a levy not to exceed ten cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, to pay the cost of maintaining said clinic, which shall be known as the dental clinic fund.
- 6 Section ten of the acts of the legislature of one thousand nine hundred and nineteen is hereby repealed.

CHAPTER 175

(Senate Bill No. 350—Mr. York.)

AN ACT to authorize and direct the county courts of Mingo and Mercer counties to establish and maintain a dental clinic, for all resident children in said counties, under the age of twelve years, to lay the necessary levies, to purchase equipment and supplies for uses and benefits for the successful maintenance of said dental clinic.

Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

- Sec.
1. Dental clinics established in Mingo and Mercer counties.
 2. State board of dental examiners to appoint directors; qualifications; term of office.
 3. County court to furnish and pay for supplies and equipment.
 4. Annual levy for amount to be known as dental clinic fund.
 5. Director to employ assistants; qualifications of county court to approve appointments and fix salaries of; removal.

SEC.

6. Director to employ clerks, etc.; salaries of same to be fixed by state health council.
7. Director may be required to keep books of accounts and other records.
8. Salaries of employees; how paid.
9. School authorities and teachers to assist county director in discharge of his duties.
10. Levy not to be laid until authorized by voters.

Be it enacted by the Legislature of West Virginia:

That there be established and maintained in the counties of Mingo and Mercer, for all residents of said counties, a dental clinic as hereinafter provided:

- Section 1. The county courts of Mingo and Mercer counties are hereby authorized, empowered and directed to establish and maintain in said counties, as herein provided, a dental clinic, for the benefit of all resident children in said counties, under the age of twelve years.

- Sec. 2. The state board of dental examiners of the state of West Virginia is authorized to appoint for a term of four years, from the first day of July, one thousand nine hundred and twenty-

4 one, after this act shall take effect, and every four years thereafter,
5 competent dentists licensed to practice dentistry in the state of
6 West Virginia, who shall have had at least five years of experience
7 and who are members in good standing of the West Virginia dental
8 society, who shall be known as county directors of dental clinics.

Sec. 3. Said county court is directed to and shall purchase and
2 furnish all equipment, supplies and materials that may be neces-
3 sary to establish and maintain said dental clinic, and pay for
4 same out of the funds hereinafter provided.

Sec. 4. Said county court is authorized and directed to lay a
2 levy annually not to exceed ten cents on every one hundred dollars
3 of valuation of the taxable property in the county, according to the
4 last assessment thereof, to pay the expenses and cost of establish-
5 ing and maintaining said clinic, which shall be known as the
6 dental clinic fund.

Sec. 5. Said county director shall, with the approval of the
2 county court, employ as many dentists as may, in his
3 judgment, be necessary for the successful conduct of said clinic,
4 who shall be in good standing in their profession, and licensed
5 to practice dentistry in the state of West Virginia; said
6 county court shall fix the salaries of said director and assistants
7 and they shall be subject to the direction and control of said
8 county director, and may be removed or discharged by him at any
9 time he may deem advisable.

Sec. 6. Said county director shall employ, with the approval
2 of the county court, such clerks, assistants and other help
3 as may, in his judgment, be necessary and required for the proper
4 and successful conduct and management of such dental clinic,
5 and he shall have authority to discharge and discontinue the ser-
6 vices of said clerks, assistants and other help at any time, but the
7 salaries of such employees shall be fixed by said state health
8 council.

Sec. 7. The county courts of Mingo and Mercer counties may
2 require said county director to keep books of accounts, and such
3 other records, and make such reports from time to time, as may
4 be prescribed by the court, and all dentists, clerks, assistants and
5 help employed as herein provided, shall furnish the county director
6 with such reports as he may require.

Sec. 8. All persons employed under this act, shall be paid
2 monthly out of the funds hercinbefore provided for, upon requisi-

tion issued by the county director in the manner prescribed by the county court.

Sec. 9. The county superintendent of schools, the boards of education, the district superintendents and teachers, and all other persons employed in said county in connection with school work, shall assist and co-operate with said county director, and all persons employed by him in said clinical work.

Sec. 10. The county court shall not lay the levy herein provided for until authorized by the voters of the county at a general or special election to be held as provided for in section seven of chapter twenty-eight-a, of the code of West Virginia.

CHAPTER 176

(Committee Substitute for House Bill No. 350.)

(By the Committee on Medicine and Sanitation.)

AN ACT to authorize the county court of Marion county to establish and maintain dental clinics for all resident children in said county, under the age of twelve years, to lay necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinics.

[Passed April 19, 1921. In effect from passage. Became a law without the approval of the Governor.]

- SEC.
1. Authorizing county court to establish and maintain dental clinics.
 2. County director of dental clinics; appointment of; qualifications of; how removed.
 3. Equipment and supplies: county court authorized to purchase; rules and regulations for management of clinics.
 4. County court to lay levies to maintain dental clinics.
 5. County director: to employ dentists, clerks and necessary as-

- SEC.
- sistants; county court to fix salaries of employees; control and removal of assistants.
 6. County directors and employees: restrictions as to practice and employment during term of office.
 7. Employees paid upon requisition of county director.
 8. School officials to assist director in work.
 9. Levy not to be laid until authorized by voters at election.
 10. Election for levy; rules governing.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Marion county is hereby authorized and empowered to establish and maintain in said county, as herein provided, dental clinics, for the benefit of all resident children in said county, under the age of twelve years, and to prescribe rules and regulations for the government of said clinic.

Sec. 2. Said county court is authorized to appoint for a

2 term of four years, within ninety days after this act shall take
3 effect, and every four years thereafter, a competent dentist, li-
4 censed to practice dentistry in the state of West Virginia, who
5 shall have had at least three years experience, who shall have
6 been a resident dentist of Marion county for at least three years
7 and who is a member in good standing in the West Virginia
8 State Dental Society, who shall be known as county director of
9 dental clinics, and said county court shall fix his salary, and said
10 county director of dental clinics may be removed as provided by
11 section seven of chapter seven of the code of West Virginia.

Sec. 3. Said county court is authorized to purchase and fur-
2 nish all equipment, supplies and materials that may be necessary
3 to establish and maintain said dental clinics, and pay for the
4 same out of the funds hereinafter provided, and to prescribe
5 rules and regulations for the government of and management of
6 said dental clinics.

Sec. 4. Said county court shall, each year at the regular
2 term thereof, lay a levy not to exceed five cents on every one
3 hundred dollars of valuation of the taxable property in the county,
4 according to the last assessment thereof, to pay the expense and
5 cost of establishing and maintaining said clinics which shall be
6 known as the dental clinics fund.

Sec. 5. Said county director with the approval of the county
2 court, shall employ as many dentists as may, in his judgment,
3 be necessary for the successful conduct of said clinics who shall
4 be in good standing in their profession, and licensed to practice
5 dentistry in the state of West Virginia; and, such clerks, assist-
6 ants and other help as may, in the director's judgment, be re-
7 quired for the successful conduct of such clinics. Said county
8 court shall fix the salaries of said dentists, clerks, assistants and
9 other help and they shall be subject to the direction and control
10 of said county director, and may be removed or discharged by
11 him at any time he may deem advisable.

Sec. 6. It shall be unlawful for the county director, any den-
2 tist, clerk, assistant or other help employed as herein provided
3 and they shall be removed or discharged by said county court.
4 should they, except in the performance of their duties as such
5 officers or appointees, engage in the practice of dentistry for the
6 term of their office, either as owner, manager, partner, stockholder,
7 agent, employee or adviser, or in any other connection whatsoever,

8 direct or indirect; nor to permit or aid any member of his family,
9 or any other person, if same can be avoided, to engage in said
10 line of business within the said period and the said Marion
11 county, if by same the names or identities of the said county
12 director, dentists, clerks, assistants and other help would in any
13 way be associated with said practice of dentistry; or to discrim-
14 inate in the placing of business with one dental supply house in
15 preference to others.

Sec. 7. All persons employed under this act, shall be paid
2 monthly out of the fund hereinbefore provided for, upon requi-
3 sition issued by the county director in the manner prescribed by
4 the county court.

Sec. 8. The county superintendent of schools, the boards of
2 education, the district superintendent and teachers, and all other
3 persons employed in said county in connection with school work,
4 shall assist and co-operate with said director, and all persons
5 employed by him in said clinical work.

Sec. 9. The county court shall not lay the levy herein
2 provided for, until authorized by the voters of the county, at an
3 election to be held in and for said county.

Sec. 10. The election mentioned in section nine of this act
2 may be held at any general, or at any special election held for
3 any other purpose, as well as held separately. Notice thereof,
4 however, shall be given by the publication of the order of the
5 court, in two newspapers of general circulation in the county,
6 and of opposite politics, at least once in each week for two
7 successive weeks before the election, and printed copies of said
8 order shall be posted at each place of voting at least ten days
9 before the election. All the provisions of the laws concerning
10 general elections shall apply to such election as far as they are
11 applicable, except as follows: A separate ticket shall be used at
12 such election held in connection with any other election. On
13 such ticket shall be printed a brief statement of the question sub-
14 mitted, such as, "special election to authorize dental clinic levy
15 of cents, according to the order of the county court, en-
16 tered on the day of," and directly under-
17 neath in two separate lines, shall be printed the words "for the
18 levy" and "against the levy." Those favoring the levy shall
19 erase the words "against the levy" and those opposed thereto
20 shall erase the words "for the levy"; such erasure may be ac-

21 accomplished by drawing a line through said respective phrases,
 22 or words constituting the same. If a majority of those voting on
 23 the question be in favor of the levy the said county court shall
 24 be authorized to lay the same; but if a majority of the votes
 25 on the question be not in favor of such levy, it shall not be laid.
 26 The county clerk shall prepare, procure and furnish to the elec-
 27 tion commissioners at each place of voting the tickets, poll books,
 28 tally sheets, and other things needed; *provided*, that the question
 29 of levy may be submitted for any two successive years that may
 30 be named in the order submitting the question to the voters, the
 31 rate of levy for each year being stated in such order; and if the
 32 levy be authorized, as aforesaid, the county court may lay such
 33 levy for each of said two years, or so much thereof as may be
 34 found necessary.

CHAPTER 177

(House Bill No. 104—Mr. Hall, of Wetzel.)

AN ACT to authorize the county court of Wetzel county, a body politic, to acquire, by purchase or otherwise, a building or buildings, and ground or suitable site, and to erect, equip and maintain thereon a building or buildings for a hospital for the inhabitants of said county, and to extend the same privilege to others upon such terms as the county court or board may deem reasonable, and lay levies therefor.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the Governor April 29, 1921.]

SEC.

1. County court authorized to establish and maintain hospital; to levy taxes for hospital fund.
2. Board of directors; appointed by county court; term and eligibility of; removal of; no compensation to.
3. Board of directors; vacancy; to meet and organize, adopt by-laws and regulations; powers of; right of condemnation.

SEC.

4. Hospital; regulations governing admission of patients.
5. Board of directors; annual report and estimate.
6. Donations; rights of donors to vest title.
7. Injury to property; penalty.
8. Election to ratify this act; when; form of ballot.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wetzel county, a body politic, is fully authorized to acquire and establish, at the county seat, or adjacent thereto, by purchase or otherwise, ground and building, or buildings, or ground for a hospital and to erect and maintain thereon, a building or buildings, and may lay a tax for the pur-

6 pose of acquiring and establishing the same of not more than five
7 cents on the one hundred dollars, on all taxable property in said
8 county, and thereafter a like tax of not more than two cents on the
9 one hundred dollars, such tax to be levied and collected in like
10 manner as the general taxes of the county, which shall be kept
11 separate in a fund to be known as the "hospital fund."

Sec. 2. Whenever such hospital is established under this
2 act, the county court shall appoint a board of directors equal in
3 number to the magisterial districts of the county and select one
4 from each of such districts from the citizens thereof, with refer-
5 ence to their fitness for such office. Such directors shall hold
6 office for four years from the first day of July following their
7 appointment, and until their successors are appointed. No per-
8 son shall be ineligible to appointment by reason of sex. Vacan-
9 cies in the board shall be reported to the county court and
10 filled by appointment in like manner as original appointments
11 for the unexpired term. The county court may remove any di-
12 rector for misconduct or neglect of duty. No compensation shall
13 be paid or allowed any director.

Sec. 3. The board of directors of said hospital established
2 under this act shall, immediately after their appointment, meet
3 and organize by electing one of their number as president and
4 one as secretary; a majority of all the members of any board shall
5 constitute a quorum for the transaction of business. They shall
6 make and adopt such by-laws, rules and regulations from time
7 to time for their own guidance and for the government and
8 use of the hospital as may be expedient and not inconsistent
9 with this act. Said board shall have authority to contract for
10 the construction or purchase of a hospital established under this
11 act and for repairs thereon or maintenance thereof and the super-
12 vision, care and custody of the ground, structure or structures;
13 *provided, however,* that all contracts shall be approved by the
14 county court and that the expenditures of all funds shall be
15 subject to the approval of the county court, and all moneys be-
16 longing to the hospital fund shall be deposited in the treasury of
17 said county to the credit of the hospital fund and shall be
18 drawn therefrom on orders issued by the county court. Said
19 orders shall not be drawn except upon requisition of the hospital
20 board attached to proper authenticated vouchers. The buildings
21 and ground purchased for a hospital and established under this

22 act may be acquired by condemnation by said board in the same
23 manner as the county court may acquire other real estate for
24 public uses and purposes, and the title of all such property
25 shall be and vest in the county court. The said board shall
26 have power to appoint a suitable custodian and assistants and
27 prescribe rules for their conduct; fix their duties and compensa-
28 tion, and shall have power to remove such appointees and, in gen-
29 eral, to carry out the spirit and intention of this act.

Sec. 4. Said hospital established under this act, shall be free
2 for the use of the inhabitants of the county, subject to such
3 reasonable rules and regulations as the board may adopt, in order
4 to render the use of said hospital of the greatest benefit to the
5 greatest number; and the said board may exclude from the use
6 of the hospital any and all persons who shall wilfully violate such
7 rules. The board of directors may extend the use and privileges
8 of the hospital to non-residents of the county upon such terms
9 and conditions as said board may prescribe.

Sec. 5. The board of directors shall on or before the first day
2 of July in each year, make a report to the county court, stating
3 the condition of the property, the various sums of money received
4 from the hospital fund, and from all other sources, how much
5 money was expended and for what expended; also an itemized
6 budget estimate of expense of the property for the ensuing
7 year, with such other information and suggestions as they deem
8 of general interest, or that may be required of the county court.

Sec. 6. Any person or persons, including corporations, who de-
2 sire to make donations of cash or other personal property, or real
3 estate for the benefit of the hospital, shall have the right to
4 do so, and shall have the right to vest the title thereof in the
5 county court, to be held in trust and controlled by such board,
6 the same as the other property owned or acquired, and accord-
7 ing to the terms and for the purposes set out in the deed, gift,
8 devise or bequest.

Sec. 7. Any one who shall wilfully deface or injure such
2 hospital or property, shall be guilty of a misdemeanor, and on
3 conviction thereof shall be punished by a fine of not less than
4 ten dollars nor more than one hundred dollars or by imprison-
5 ment not exceeding twelve months, or both. The fine in each
6 case shall be paid to the proper officer of the hospital fund, to be
7 used as other money paid into its treasury.

Sec. 8. *Provided, however,* that this act shall have no force or
 2 effect until it shall have been ratified by a majority of the legal
 3 voters of the county of Wetzel voting upon its ratification or re-
 4 jection at an election to be held at the same time and places as the
 5 primary election held in said county for the purpose of nominating
 6 candidates for county offices to be voted upon at the general elec-
 7 tion to be held in the year one thousand nine hundred and twenty-
 8 two. For the purpose of obtaining an expression of the voters
 9 upon the ratification or rejection of this act, the county court shall
 10 cause to be printed and delivered to the proper election officials ap-
 11 pointed for holding the primary election aforesaid, a ballot, con-
 12 taining the words set out in the caption of this act, with words un-
 13 derneath as follows:

14 () For ratification of act:

15 () Against ratification of act:

16 The election upon this question shall be conducted and the res-
 17 sult ascertained and certified in the manner as that for nominating
 18 candidates for county offices at said primary election.

CHAPTER 178

(House Bill No. 236—Mr. Satterfield.)

AN ACT authorizing the city of Fairmont to lay a special levy for
 completing the bridge now in course of construction across the
 Monongahela river and to repay the citizens of said city any
 moneys heretofore advanced, or which may hereafter be advanced
 by them in aid of such construction, not to exceed the sum of
 one hundred and twenty-five thousand dollars and interest.

[Passed March 31, 1921. In effect from passage. Approved by the Governor
 April 9, 1921.]

SEC.
 1. Municipal corporation authorized
 to lay "Special bridge levy;" pur-
 pose and amount.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Fairmont, a municipal corporation, is
 2 authorized to lay annually an additional levy, to be called a
 3 "Special Bridge Levy", over and above and in addition to all
 4 other authorized levies, of not to exceed twenty cents on the
 5 one hundred dollars assessed valuation of all the taxable property
 6 within the said city of Fairmont for the purpose of completing

7 the bridge now in course of construction across the Monongahela
 8 river in said city and for repaying to the citizens of said city,
 9 known as the bridge aid syndicate, any moneys heretofore ad-
 10 vanced or which may hereafter be advanced by them, to said city
 11 in providing payment for said bridge, not to exceed the sum of
 12 one hundred and twenty-five thousand dollars and interest thereon,
 13 said levy not to continue longer than five years.

CHAPTER 179

(House Bill No. 10—Mr. Hall, of Wetzel.)

AN ACT to validate the proceedings authorizing the issuance of bonds of the town of Smithfield, Wetzel county, West Virginia, for the purpose of grading, improving and hard-surfacing the main thoroughfare of said town, and to authorize the execution and sale thereof, and to provide a tax to pay the same.

[Passed March 31, 1921. In effect from passage. Approved by the Governor April 9, 1921.]

Sec.

1. All proceedings touching bond issue authorized August twenty-first, nineteen hundred and twenty, are validated; municipal authorities authorized to sell same;

Sec.

- act not effective until ratified by voters at special election: provisions for election.
2. Tax to pay bonds to be levied each year.

Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of bonds of the town of Smithfield, Wetzel county, West Virginia, in the amount of fifteen thousand dollars, for the purpose of grading, improving and hard-surfacing the main thoroughfare of said town, which bonds bear date the first day of September, one thousand nine hundred and twenty, and interest at the rate of six per cent per annum and are to be issued serially in equal installments for one thousand dollars each, so that after the first ten years from the date of their issue one of the series will fall due and be payable in every year until the whole of the issue is paid, with the provision that any or all of said bonds may be paid after ten years from the date of issue, and were authorized by an ordinance of said town of Smithfield, and by an election held in said town for that purpose, on the twenty-first day of August, one thousand nine hundred and twenty, at which election more than three-fifths of all the votes cast for and against the issuing of such bonds was in favor of their issuance, are hereby in all respects validated and confirmed.

18 The constituted and acting authorities of the town of Smithfield
 19 are hereby authorized to execute, make sale of, and deliver such
 20 bonds pursuant to such proceedings at not less than par. *Pro-*
 21 *vided*, that this act shall not become effective until it shall have
 22 been ratified by a majority of the votes cast at an election held
 23 in said city of Smithfield for the purpose of determining whether
 24 this act shall be approved or disapproved. For this purpose an
 25 election shall be called by the common council of said town of
 26 Smithfield within six months from the date of the passage of this
 27 act, and notice of such election shall be given by posting a copy of
 28 this act, together with a copy of the proclamation calling said elec-
 29 tion at the voting place or places, and at least five other places
 30 within the corporation limits of said town. The ballot used at
 31 said election shall contain a brief statement of the question being
 32 voted upon and directly underneath shall be printed the words:

33 "For ratification of act."

34 "Against ratification of act."

Sec. 2. A tax sufficient to pay the interest and maturing prin-
 2 cipal of the bonds mentioned in section one of this act shall be
 3 levied each year as required by the constitution, anything herein
 4 or any other statute to the contrary notwithstanding.

CHAPTER 180

(House Bill No. 129—Mr. Otto.)

AN ACT authorizing and empowering the board of commissioners of
 the county of Ohio, to expend and use for the construction and
 maintenance of streets, roads and highways within the corporate
 limits of the city of Wheeling, in Ohio county, a portion of the
 funds raised from county tax levies on the taxable property in
 Ohio county for road and highway purposes.

[Passed April 21, 1921. In effect ninety days from passage. Approved by the
 Governor April 29, 1921.]

SEC.

1. Board of commissioners may use
 funds raised from county tax

SEC.

levies on streets, roads and high-
 ways in city of Wheeling.
 2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of commissioners of the county of Ohio
 2 is hereby authorized and empowered, in its discretion, to use and
 3 expend for the construction and maintenance of streets, roads and

4 highways, within the corporate limits of the city of Wheeling, in
5 Ohio county, so much as the said board of commissioners may
6 deem advisable, and at such time or times as the said board may
7 determine, of the funds raised from county tax levies on the tax-
8 able property of Ohio county for road and highway purposes.

Sec. 2. All acts or parts of acts in conflict with this act are
2 hereby repealed.

CHAPTER 181

(House Bill No. 78—Mr. McColloch.)

AN ACT to amend and re-enact section five of chapter twenty-nine of
the acts of the legislature of West Virginia, one thousand nine
hundred and nine.

[Passed April 19, 1921. In effect ninety days from passage. Approved by the
Governor April 30, 1921.]

<p>SEC. 5. County to be divided into dis- tricts; number, size and popula- tion; district officers elected;</p>	<p>board of commissioners; residence of; office of justice of peace and commissioner incompatible.</p>
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WHEREAS, By chapter fourteen of the acts of the legislature of one
thousand nine hundred and nineteen, the boundaries of the city of
Wheeling were changed not to be effective until an election was held
within the boundaries of the city of Wheeling and the proposed
annexed territory, between the first day of October and the first day of
December, one thousand nine hundred and nineteen, and upon the
vote being favorable to such annexation the territory embraced in
said acts should become part of the city of Wheeling, after January
first, one thousand nine hundred and twenty, and

WHEREAS, at an election held on the twenty-sixth day of November,
one thousand nine hundred and nineteen, a majority of the votes were
cast in favor of the annexation and the said territory proposed to
be annexed was annexed and became a part of the city of Wheeling
and the boundaries were thereupon changed, and

WHEREAS, by the said act designated as chapter twenty-nine of the
acts of the legislature, one thousand nine hundred and nine, the ter-
ritorial sub-division or the representation of the board of county com-
missioners was fixed according to the then boundaries of the city of
Wheeling so that the city should be divided into two sections and the
county district embrace the third section, and

WHEREAS, the territory heretofore designated as the territory outside of the city is uncertain and a matter of dispute, and

WHEREAS, it is deemed of great benefit to have these territorial divisions definitely settled; now therefore,

Be it enacted by the Legislature of West Virginia:

That section five of chapter twenty-nine of the acts of the legislature of one thousand nine hundred and ninety-nine be amended and re-enacted so as to read as follows:

Section 5. The said county shall be laid off into not less than 2 three nor more than ten districts, as nearly equal as may be in 3 territory and population. The present sub-division of the county 4 and districts shall constitute such districts until changed by the 5 board of commissioners hereinafter mentioned. In each district 6 there shall be elected by the voters thereof two justices of the peace 7 and two constables who shall reside in their respective districts, 8 and shall hold their respective offices for the term of four years. 9 The board of commissioners of the county of Ohio shall consist 10 of three members, one who is a resident of that part of the present 11 boundaries of the city of Wheeling south of Wheeling creek; one 12 who is a resident of that part of the city of Wheeling north of 13 Wheeling creek, including Wheeling island, according to the pres- 14 ent boundaries of the city of Wheeling; and one who is a resident 15 of that territory of Ohio county outside of the present boundary of 16 the city of Wheeling. There shall be elected biennially from the 17 date of the last election held on the Tuesday next after the first 18 Monday in November, one thousand nine hundred and twenty, 19 one commissioner by the qualified voters of Ohio county as a mem- 20 ber of said board for the term of six years; *provided, however,* that 21 at no time there shall be more than one member from any one 22 of three sub-divisions of the county above set out and *provided, fur-* 23 *ther,* that there shall be no commissioner elected from the territory 24 outside the present boundary of the city of Wheeling, as a mem- 25 ber of said board, until the year one thousand nine hundred and 26 twenty-four. 27 The offices of justice of the peace and commissioners shall be 28 considered incompatible.

CHAPTER 182

(House Bill No. 124—Mr. Otto.)

AN ACT authorizing and empowering the council of the city of Wheeling, in Ohio county, to provide by ordinance for the detention, keeping and imprisonment in the county jail of Ohio county, of all persons convicted and sentenced to imprisonment by the municipal or police court of the city of Wheeling, and regulating the compensation to be paid for keeping, detaining and feeding of such prisoners.

[Passed April 19, 1921. In effect from passage. Approved by the Governor April 30, 1921.]

Sec.

1. Authority and power of the council of Wheeling, regarding confine-

SEC.

ment of police court prisoners in county jail; cost of.

2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The council of the city of Wheeling, in Ohio county, shall have the right to provide by ordinance that all persons convicted of any offense by the police court of the city of Wheeling, in Ohio county, or other tribunal hereafter established in lieu thereof, and sentenced to imprisonment, shall be detained, confined and imprisoned in the county jail of Ohio county, in which event the council of the city of Wheeling shall allow and cause to be paid by said city, to the sheriff of Ohio county, for the imprisonment, detention, keeping and feeding of any such prisoners, the same compensation as provided by law for the keeping and feeding of county prisoners, and no other, further or additional compensation shall be charged to or paid by said city for the detention, imprisonment, feeding and keeping of such prisoners.

Sec. 2. All acts or parts of acts in conflict with this act are hereby repealed.

CHAPTER 183

(House Bill No. 125—Mr. Otto.)

AN ACT authorizing and empowering the board of commissioners of the county of Ohio to issue bonds of the county and to lay special levies for the building of roads and bridges in any of the territory of said Ohio county, including the territory embraced within the corporate limits of the city of Wheeling, in said Ohio county, and authorizing the laying of levies for the payment of any such bonds, principal and interest.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the Governor May 3, 1921.]

Sec.

1. Bond issue or levy for road construction; petition for number on and what to contain; engineer to make estimate of cost of; to be submitted to voters; orders for election; printing, posting and publication of.
2. Election, when and how held; form of ballot; authority of board of commissioners and president of board as to the bonds; description of bonds, how sold.
3. Proceeds of bond issue; how expended, levy to pay.

Sec.

4. Petitions by voters, for special levy for building roads and bridges; what to contain; order of commissioners; printing and posting; special levies, number of.
5. Provisions applicable to whole county; where proceeds may be spent.
6. Powers and authority conferred by this act are in addition to all other general laws relating to bonds and levies.
7. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Subject to the limitations of sections seven and eight of article ten of the constitution of West Virginia, the board of commissioners of the county of Ohio, upon the filing with the clerk thereof of a petition signed by not less than ten per cent of the legal voters within the county of Ohio (such percentage to be based on the total vote cast for governor at the last preceding general election) praying for the construction of any road or roads, in any of the territory of Ohio county, including the territory embraced within the corporate limits of the city of Wheeling, in said Ohio county, the board of commissioners of the county of Ohio, shall submit the proposition of the issuance of bonds of the county of Ohio, or for the authorization of a special road fund levy on all the assessed property in said Ohio county for a period of years not to exceed ten, to the legal voters of the county of Ohio. Such petition shall contain a statement specifying the road or roads, to be built or improved, and shall specify the route or routes of any proposed road or roads and the general construction and materials to be used in building same and a prayer for the submission of a road bond proposition or a special road fund levy proposition to provide funds for such improvements. Upon the filing of such petition with the clerk of the said board of commissioners said board shall without delay instruct the county engineer, or some other engineer specially employed by it, to make an investigation and to report to said board a plan of construction and an estimate of the probable cost of the proposed improvement, upon approval of such proposed plan and estimate of any such proposed improvement by the board of commissioners, said board shall submit to the legal

30 voters of the county a proposition for such issue and sale of bonds
31 or for such special road fund levy, as the case may be. The order
32 of said board of commissioner's submitting such proposition shall
33 contain a summary of the engineer's report herein provided for set-
34 ting forth the approximate extent and estimated cost of the pro-
35 posed improvement, the kind and class of work and materials to be
36 used, the valuation of all the property of the county of Ohio
37 as shown by the last assessment thereof for purposes of taxation,
38 and the existing county bonded indebtedness. Such order shall
39 specify the work for which the money to be raised by the sale of
40 bonds or the laying of a special road fund levy is to be appropri-
41 ated, and shall provide that no part of the proceeds of such bonds
42 or levy shall be used for any other purpose than the improvement
43 specified in such order. The said board of commissioners of the
44 county of Ohio shall cause a vote to be taken throughout the county
45 of Ohio upon the question of such bond issue or such special levy
46 at the succeeding general election for state and county officers, or
47 at any special election which is first held in the county after such
48 vote is ordered taken; or, if the petition so specifies, the said board
49 shall order a special election for the purpose within ninety days
50 from the certification of the engineer's report herein provided for;
51 but such order for any election on the question of a bond issue or a
52 special road fund levy together with a summary of the engineer's
53 report herein provided for, shall be published throughout the said
54 county in the following manner

55 The clerk of the said board of commissioners shall cause as many
56 copies of such order to be made or printed as may be necessary,
57 and sign the same; he shall forthwith post one in a conspicuous
58 place in his office, and one at the front door of the court house.
59 The board of commissioners shall direct a copy to be published
60 once each week for four consecutive weeks prior to the date of
61 said election in two newspapers of opposite politics, if such there
62 be, published in said county of Ohio.

Sec. 2. A vote shall thereupon be taken and the result ascer-
2 tained under the regulations prescribed for a general election of
3 county and district officers; or, if the vote is taken at a special
4 election ordered for the purpose, the same shall be held by com-
5 missioners appointed for the purpose by the said board of com-
6 missioners of the county of Ohio at the time said election is or-
7 dered, and the result shall be ascertained and certified according

8 to the regulations prescribed by law for ascertaining and certify-
9 ing the election of county and district officers; *provided, how-*
10 *ever,* that if the vote is taken at a special election called for
11 that purpose, the same shall be held and conducted by single
12 election boards.

13 Should the proposition of issuing said bonds or laying said
14 special road levies be submitted to a vote at a special election,
15 there shall be written or printed on the ballots used in such
16 election a brief statement of the question submitted, such as:

17 "Special election to authorize a bond issue for the construc-
18 tion of (insert a brief description of road and the location there-
19 of), according to the order of the board of commissioners of
20 the county of Ohio, entered on the day of";
21 and directly underneath, in two separate lines shall be printed
22 the words

23

For Bond Issue

24

Against Bond Issue,

25 And there shall also be printed on the ballot a brief statement set-
26 ting forth the maximum rate of levy necessary in each year to pay
27 the interest and provide a sinking fund for the discharge of the
28 principal of said bonds at maturity; such as "To authorize a
29 maximum special bond levy of cents on each one hun-
30 dred dollars property valuation to pay the interest on, and
31 cents on each one hundred dollars property valuation to provide a
32 sinking fund for the discharge of the principal of the bonds now
33 being voted for according to the order of the board of commis-
34 sioners of the county of Ohio, entered on the day of
35"; and directly underneath in two separate lines,
36 shall be printed the words:

37

For the Levy

38

Against the Levy

39 And in case of an election on a special road fund levy propo-
40 sition there shall be written or printed on the ballots used in
41 such election a brief statement of the question submitted, such
42 as:

43 "Special election to authorize a special road fund levy of
44 cents annually for a period of not to exceed years,
45 according to the order of the board of commissioners of the
46 county of Ohio, entered on the day of";
47 and directly underneath in two separate lines, the words:

48 For Special Road Fund Levy
49 Against Special Road Fund Levy.

50 Should the proposition of the issuance of any such bonds,
51 or the laying of any such special road fund levies, be submitted
52 to vote at any general election, a separate ballot shall be pro-
53 vided, which ballot shall contain the same statements as pro-
54 vided herein for ballots in case the vote should be taken at a
55 special election called for the purpose, excepting the words
56 "special election."

57 If it shall appear by said poll that not less than three-fifths
58 of the voters of the county, who voted upon the proposed is-
59 suance of the bonds or the proposed special road fund levy,
60 have voted in favor of the same, the said board of commis-
61 sioners of the county of Ohio shall then have authority to issue the
62 amount of the bonds or to lay the levy as voted in the name
63 of the county, and provide for the payment of such bonds by
64 taxation on the county, or to lay such levies as the case may be.

65 The said board of commissioners of the county of Ohio shall
66 have authority to issue and shall issue, as provided by law, said
67 bonds for and in the name of said county, and shall make pro-
68 vision for the payment of same, principal and interest, by said
69 county of Ohio, as is specified in the order under which said
70 vote is taken, or shall lay such special levy on all the taxable
71 property of said county, as the case may be.

72 The president of the board of commissioners of the county
73 of Ohio shall have power when so directed by the board, by
74 an order entered of record therein, to execute, sell and deliver
75 the bonds of said county, and receive the proceeds therefrom,
76 and said bonds shall be valid and binding on said county of
77 Ohio when signed by the president of said board of commis-
78 sioners and countersigned by the clerk thereof, with the seal
79 of the county attached thereto.

80 All bonds issued hereunder shall be of the denomination of
81 one hundred dollars or multiples thereof not exceeding one
82 thousand dollars; they shall be payable not less than one nor
83 more than thirty-four years after date, and shall not bear more
84 than six per cent interest, payable annually or semi-annually.
85 It shall be unlawful for the board of commissioners of the
86 county of Ohio and for the officers thereof to privately issue or
87 sell directly or indirectly any bond or bonds issued hereunder

88 or by virtue thereof; but all such bonds shall be publicly sold
89 to the highest bidder in writing to be approved by the said
90 board, for cash or its equivalent, and before any sale of such
91 bonds, such sale shall be advertised in some newspapers, not
92 exceeding four, published in or out of said county of Ohio,
93 once a week for four weeks previous to said sale; none of said
94 bonds shall be sold at less than their par value.

Sec. 3. The proceeds of any such bond issue or of any such
2 special road fund levy shall constitute a fund to be expended by the
3 board of commissioners of the county of Ohio for the purpose spec-
4 ified in the order of said board under which the vote on any such
5 bond issue, or any special road fund levy, was taken, and for no
6 other purpose. After the issuance and sale by the said board of
7 commissioners of any such bonds as are mentioned herein, the said
8 board shall each year thereafter lay a levy sufficient to pay the
9 annual interest on said bonds, and to create a sinking fund suffi-
10 all other levies allowed by law, on all the taxable property in the

Sec. 4. Legal voters of the county of Ohio numbering not less
2 than twenty-five per cent of the legal voters of said county (such
3 percentage to be based on the total vote cast for governor at the
4 last preceding general election) may sign a petition praying for
5 the building of a road or roads, bridge or bridges, or both road
6 and bridge, in any of the territory of the county of Ohio, including
7 the territory embraced within the corporate limits of the city of
8 Wheeling, in said Ohio county, and praying that the board of com-
9 missioners of the county of Ohio lay a special levy in addition
10 to all other levies allowed by law, on all the taxable property in the
11 county of Ohio, of not to exceed fifteen cents on each one
12 hundred dollars assessed valuation for the year the levy is laid,
13 for a period of years not to exceed five, for the purpose of building
14 any such road or roads, bridge or bridges, or road and bridge, as
15 are described in such petition, and file such petition with the clerk
16 of the board of commissioners of the county of Ohio. Such peti-
17 tion shall contain a statement specifying the road or roads, bridge
18 or bridges, or road or bridge, as the case may be, to be built or im-
19 proved, and shall also contain a statement specifying the general
20 character and construction of any such proposed bridge and the
21 material or materials of which the same shall be constructed, and
22 shall specify the route or routes of any such proposed road or roads
23 and the general construction and materials to be used in building

24 same, and a prayer for the laying of a special levy in addition to
25 all other levies allowed by law, on all the taxable property in the
26 county of Ohio, of not to exceed fifteen cents on each one hun-
27 dred dollars assessed valuation for the year the levy is laid, for a
28 period of years not to exceed five, for the purpose of building any
29 such bridge or bridges, road or roads, or bridge or road, as the case
30 may be. Upon the filing of such petition with the clerk of the
31 said board of commissioners, the said board of commissioners shall
32 determine whether the improvements prayed for shall be made or
33 constructed, all of which shall be in the discretion of said board,
34 and should the board elect to make the improvements prayed for
35 then the board shall without delay instruct the county
36 engineer, or some other engineer specially employed by it,
37 to make an investigation and to report to said board a plan
38 of construction and an estimate of the probable cost of the
39 proposed road or roads, bridge or bridges, or both bridge and road
40 as the case may be, and upon approval of such proposed plan and
41 estimate by the said board of commissioners, the said board shall
42 enter an order setting forth a summary of the engineer's report
43 herein provided for, and also setting forth the probable cost of the
44 proposed improvement, the kind and class of work and materials
45 to be used, and the valuation of all the taxable property of the
46 county of Ohio as shown by the last assessment thereof for pur-
47 poses of taxation; such order shall specify the work for which
48 the money to be raised by the laying of a special levy is to be ap-
49 propriated, and shall provide that no part of the proceeds of such
50 special levy shall be used for any other purposes than the improve-
51 ment specified in the order. The clerk of the said board of com-
52 missioners shall cause as many copies of such order to be made or
53 printed as may be necessary, and shall sign the same; he shall
54 forthwith post one in a conspicuous place in his office, and one at
55 the front door of the court house. At the time of laying county
56 and district levies next following the entering of the aforesaid
57 order by the board of commissioners, the said board shall lay a
58 special levy on all taxable property in Ohio county, in addition
59 to all other levies allowed by law, of not to exceed fifteen cents on
60 each one hundred dollars assessed valuation, to provide funds for
61 the building and construction of the road or roads, bridge or
62 bridges or both road and hridge described in the aforesaid petition
63 and order. and, if the amount of money provided by such special

64 levy be not sufficient to carry out and complete such proposed im-
65 provements as is mentioned in the aforesaid petition and order,
66 then, the said board of commissioners shall, at the time of laying
67 county and district levies, lay a similar special levy in addition
68 to all other levies allowed by law, each consecutive year thereafter
69 for so many years as may be necessary to provide sufficient funds
70 for the building and completion of any such proposed improve-
71 ment; *provided*, that the total number of such annual special
72 levies shall not exceed five for any one proposed improvement.
73 The rights conferred and the powers granted by this section are
74 continuing, and shall not be exhausted by reason of having been
75 once exercised; *provided, however*, that not more than one special
76 levy may be made in any one year under the authority and by
77 virtue of the provisions of this section of this act.

Sec. 5. All of the provisions of this act shall be applicable alike
2 to all of the territory in Ohio county, including the territory em-
3 braced within the corporate limits of the city of Wheeling, and
4 any such improvement as is contemplated and provided for in this
5 act may be located in whole or in part within the corporate limits
6 of the city of Wheeling; the proceeds of any road bonds or special
7 road fund levies provided for by sections one, two and three of this
8 act, and the proceeds of any special levy or levies laid in accord-
9 ance with the provisions of section four of this act, may be used
10 in whole or in part for the building of roads and bridges, or either
11 thereof, located within the limits of the city of Wheeling.

Sec. 6. The powers and authority granted and conferred by
2 this act, both as to the submission to the voters of the county of
3 Ohio, of road bond propositions, or special road fund levy proposi-
4 tions, as provided for in the first, second and third sections hereof,
5 and as to the laying of special levies on the taxable property in Ohio
6 county without the same having been submitted to the voters of
7 said county, as provided for in the fourth section of this act, are
8 in addition to all general provisions of law relating to the issu-
9 ance of county bonds and the laying of levies.

Sec. 7. All acts or parts of acts in conflict with this act are
2 hereby repealed.

CHAPTER 184

(House Bill No. 120—Mr. Hugus.)

AN ACT to authorize the board of commissioners of the county of Ohio to provide offices in the court house of said county, for the official reporters of the circuit court of said county.

[Passed April 21, 1921. In effect ninety days from passage. Become a law without the approval of the Governor.]

SEC.

1. Board of commissioners of Ohio county authorized to provide offices for official reporters of circuit court.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of commissioners of the county of Ohio be, and the said board is hereby authorized to provide offices in the court house of said county for the official reporters of the circuit court of said county.

CHAPTER 185

(Senate Bill No. 26—Mr. McClaren.)

AN ACT amending and re-enacting section one of chapter forty-nine, of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, authorizing the county court of any county to acquire by purchase or otherwise a suitable site and to erect, equip and maintain thereon, a building or buildings, or other structure or structures, in memory and in recognition of the services in the world war of the soldiers and sailors from the county in which such memorial may be located, and to lay levies therefor.

[Passed April 26, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

SEC.

- | | | |
|---|--|---|
| <ol style="list-style-type: none"> 1. Power of county court, upon petition, to establish a memorial to world war soldiers and sailors; | \| | levy for; to be known as "Memorial Fund;" levy where such memorial has been established and partly completed. |
|---|--|---|

Be it enacted by the Legislature of West Virginia:

That chapter forty-nine, section one, of the acts of the regular session of the legislature of one thousand, nine hundred and nineteen, be amended and re-enacted so as to read as follows:

Section 1. The county court of any county shall have the power upon petition of twenty per cent. of the voters of said

3 county, based on the number of votes cast at the last general elec-
 4 tion, to acquire and to establish at the county seat, or adjacent
 5 thereto, by purchase or otherwise, ground, park or grove and to
 6 erect, and to maintain thereon a building or buildings, structure or
 7 structures, monument or monuments, as a memorial in memory of
 8 and in recognition of the virtues and sacrifices of the soldiers and
 9 sailors from the county in the world war, and may lay a tax for
 10 the purpose of acquiring and establishing the same of not more
 11 than five cents on the one hundred dollars on all taxable property
 12 in the county, and thereafter a like tax of not more than two
 13 cents on the one hundred dollars, such tax to be levied and collect-
 14 ed in like manner as the general taxes of the county, which shall
 15 be kept separate in a fund to be known as the "Memorial fund";
 16 *provided*, that in any county where such memorial has been es-
 17 tablished and partly completed the amount of levy for acquiring
 18 and establishing same shall not be more than ten cents on the
 19 hundred dollars—and thereafter a like tax of not more than three
 20 cents on the hundred dollars of all taxable property in the county.

CHAPTER 186

(House Bill No. 206—Mr. Strother.)

AN ACT authorizing the appointment of a commission to supervise the erection of a monument and markers to designate the location occupied by the fourth West Virginia infantry regiment during the campaign and siege of Vicksburg, within the Vicksburg national military park, and making an appropriation for the monument and markers and for the expenses of the commission.

[Passed April 28, 1921. In effect ninety days from passage. Approved by the Governor May 2, 1921.]

<p>SEC. 1. Vicksburg military park commis- sion created; appointment and qualification of. 2. Monument and markers for fourth</p>		<p>SEC. West Virginia infantry to be erected by commission. 3. Commission; powers of; expenses of; report to governor by.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the governor of West Virginia is hereby au-
 2 thorized to appoint a commission, which shall be called the Vicks-
 3 burg military park commission, and which shall consist of threæ
 4 members, all of whom shall be veterans of the civil war, one

5 or more of whom shall have been members of the fourth West
6 Virginia infantry regiment, and served in the siege of Vicks-
7 burg. The members of the commission shall serve without pay
8 except as to necessary traveling expenses and clerk hire.

Sec. 2. The members of the commission shall cause to be
2 erected a monument and markers within the Vicksburg national
3 military park, to designate the position occupied in the cam-
4 paign and siege of Vicksburg by the fourth West Virginia in-
4 fantry regiment, under the supervision of the Vicksburg military
5 park commission.

Sec. 3. The said commission shall at once, after this act
2 takes effect, proceed to carry the same into effect. They shall
3 determine the design and the location of the monument and
4 markers to be erected as contemplated in this act with all con-
5 venient speed. The actual expenses of said commission shall
6 be paid out of any fund hereafter appropriated, and they shall
7 report to the governor of the state of West Virginia immediately
8 upon the fulfillment of their duties in detail, making an ab-
9 stract of expenditures with vouchers thereto, with all acts done
10 or made by them; information gathered from their observations
11 and pertinent in its relation thereto, shall be embraced in their
12 report as the commission shall think proper.

Resolutions.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 2.

(Adopted January 26, 1921)

“Proposing amendments to the joint rules of the two houses.”

Resolved by the Legislature of West Virginia:

That the following be adopted as a joint rule of the senate and house of delegates, the same to be in addition to existing rules, namely:

It shall be the duty of the clerk of the senate and the clerk of the house of delegates together to examine all bills introduced either into the senate or house of delegates at the first part of each regular session of the legislature, which session begins on the second Wednesday in January, and cause all bills so introduced to be printed; *provided*, that when duplicate bills have been introduced by either house of the legislature, the said clerks shall arrange for the printing of only one of said bills. There shall be printed four thousand copies of all bills of a general character and five hundred copies of all bills of a local character, and the said clerks shall furnish their respective members, through the secretary of state, not less than ten copies of each printed bill of a general character, which number shall be in addition to the fifteen copies furnished to the secretary of state to be mailed by him to individuals as now required by law, from a mailing list furnished him by the members of both houses. And the said clerks shall also furnish to the members of each house representing the county which the local bills shall refer to, through the secretary of state, the number, or more, if desired, and the secretary of state shall mail to individuals as shown on said mailing list in each of those counties such local bills.

The remaining copies of the bill so printed shall be for the purpose of placing one copy each in the bill books of the members of each house and for distribution and general use as the same are now distributed.

SENATE JOINT RESOLUTION No. 3.

(Adopted January 22, 1921.)

“Raising a commission to obtain plans for a new capitol building.”

WHEREAS, the capitol building erected in the city of Charleston, Kanawha county, West Virginia, pursuant to an act of the legislature, being chapter fifty-eight of the acts of one thousand eight hundred and seventy-seven, passed February twenty-one, one thousand eight hundred and seventy-seven, was on the third day of January, one thousand nine hundred and twenty-nine, destroyed by fire; and

WHEREAS, The business of the state of West Virginia requires proper quarters for the purpose of conducting such business and in order that the officers and employees thereof may properly perform their duties; now, therefore, be it

Resolved by the Legislature of West Virginia:

That a commission to be composed of the board of public works of the state of West Virginia and five members of the senate, to be appointed by the president of the senate, and five members of the house of delegates, to be appointed by the speaker of the house if delegates, together with the president and speaker, be, and the same are hereby constituted a commission for the purpose of procuring plans and specifications for the erection of a state capitol building, and said commission is further instructed to take under consideration the plans suggested by Governor John J. Cornwell, in his biennial message to this legislature, relative to the erection of a state capitol building and an office building, for the proper conduct of the business of the state of West Virginia.

Provided, the said committee shall not proceed to carry into effect this resolution until after such time as the question of the re-location of the seat of government is finally determined in the regular constitutional manner.

SENATE JOINT RESOLUTION NO. 8.

(Adopted January 25, 1921)

“Requesting the senate of the United States to approve the bill providing for adjusted compensation to be paid to the soldiers of the world war.”

WHEREAS, The house of representatives at the second session of the sixty-sixth congress passed H. R. No..... providing for adjusted compensation to be paid to the soldiers of the world war; therefore, be it

Resolved by the Legislature of West Virginia:

That we respectfully request the seante of the United States to approve the action of the house in the passage of said bill at the earliest date consistent with the business of the senate. It is further

Resolved, That a copy of this resolution be forwarded by the clerk of the senate to the senators representing the state of West Virginia in the United States Senate, and that a copy also be sent to the vice president of the United States.

SENATE JOINT RESOLUTION NO. 13. .

(Adopted January 26, 1921)

“Expressing it as the sense of the legislature that the seat of government should remain in Charleston.”

WHEREAS, The city of Charleston is the capital of the state of West Virginia, the seat of government having been located in said city by a vote of the people in one thousand eight hundred and seventy-seven, and the mere burning of the capitol building has not had the effect to change the seat of government, but on the contrary the state government is in full operation in said city with all of its departments discharging their functions; and

WHEREAS, The city of Charleston is the capital of the state of West Virginia, which not only owns the ground upon which the capitol building stood, but also owns the handsome capitol annex, in which have been located for many years the auditor's office, the treasurer's office, the court rooms of the supreme court of appeals, the offices of the judges and of the clerk of said court, the law library and the department of archives and history, and also owns the land upon which is located the governor's mansion and the offices of the board of control and other governmental offices, none of which were affected by the fire which destroyed the capitol building; and

WHEREAS, The officers of the state government and the clerks and the attaches of the various departments are all living in Charleston, many of them having moved to this city and acquired their homes there because it was the capital city, and this is true also of several of the judges, the clerk and the attaches of the supreme court of appeals; and

WHEREAS, A change in the location of the seat of government would disrupt all this, would seriously interfere with the work of the legislature, would interrupt for a long time the orderly work of the government, cause great confusion and inflict great loss and distress upon many persons, as well as tremendous expense upon the state; and

WHEREAS, If a serious effort should now be made to remove the seat of government from Charleston it would result not only in delaying the rebuilding of the capitol building, but also in a bitter and unseemly contest which would be a calamity to the state, both politically and economically, and would interfere with the important work of the legislature and probably destroy the spirit of co-operation which now exists between the different sections of the state in sustaining and cordially supporting the different public institutions of the state which have heretofore been designedly located in different sections of the state, and would set a precedent for the inauguration in the future of movements to change the locations of other state institutions which have been regarded as permanently fixed, and such a contest for the removal of the capital would be a great economic waste involving the expenditure of large sums of money; and

WHEREAS, We believe it is imperative that this question should be settled at this session of the legislature so that the work of the adjourned session in March may not be interrupted and embarrassed by the useless agitation of this matter and in order that an unseemly and disastrous contest may be avoided; be it

Resolved by the Legislature of West Virginia:

That the seat of government should not be changed, but should remain at the city of Charleston and the capitol building should be rebuilt at said city without any unreasonable or unnecessary delay, and that for good order, the peace and welfare of the state all efforts for the removal of the capital from said city should be abandoned.

SENATE JOINT RESOLUTION NO. 18.

(Adopted April 29, 1921)

“Authorizing the governor to appoint a commission to consider water power legislation looking to the development of the natural water power sites owned by the state, and to prepare a bill for such purpose for submission to the next session of the West Virginia legislature.”

WHEREAS, It is the belief of the legislature that a law should be passed looking to the development of the natural water power sites of this state, with proper safeguards protecting the public ownership and control of such power sites, which constitute the sole remaining publicly-owned asset of the state, and which will safeguard all the other interests of the state and its people in such development; and,

WHEREAS, Such a law needs the most careful consideration and thought in its preparation on behalf of the state, in order to guard the public against mistakes that may be irreparable in dealing with this important subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the governor is hereby authorized to appoint, on or before July first, one thousand nine hundred and twenty-one, a commission on water power legislation, to consist of five citizens of this state, at least one of whom shall be a competent civil engineer, and none of whom shall directly or indirectly be employed by or interested with any water power company, or other person or persons, who are seeking power sites in this state, or with any railroad company.

It shall be the duty of said commission upon its appointment to organize, and to give full consideration and make careful investigation as to what water power legislation ought to be passed in this state, and to submit its findings together with a draft of a proposed law on the subject, to the governor before the next session of the legislature. Said commission shall have power to employ such clerical, engineering, or other expert assistance as it shall deem necessary to the proper and efficient discharge of its duties, not to exceed in cost the sum of five thousand dollars.

It shall be the duty of the governor to transmit such report and proposed law to the legislature, with such recommendations as he shall deem proper, and to have five thousand copies of such proposed law printed for free distribution to such citizens of the state as shall

make request therefor. The governor is authorized to pay out of his contingent fund any necessary expense, as aforesaid, that shall be incurred by said commission in the discharge of its duties, which payments shall only be made upon itemized statements certified by the commission to be correct.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 22, 1921)

“Relative to the adjournment of the legislature for the constitutional recess and to the re-assembling of the legislature after said recess and fixing the date for said adjournment and said re-assembling:”

WHEREAS, Section twenty-two of article six of the constitution of West Virginia, as amended at the general election held on the second day of November, one thousand nine hundred and twenty, requires that after the legislature has been in session for a period not exceeding fifteen days, a recess shall be taken until the Wednesday after the second Monday in March, following; now, therefore, be it,

Resolved by the Senate, the House of Delegates concurring therein:

That the legislature of West Virginia shall adjourn for said recess at three o'clock P. M., on Wednesday, January twenty-sixth, one thousand nine hundred and twenty-one, and shall re-assemble at the hour of 2 P. M., on Wednesday, March 16, one thousand nine hundred and twenty-one.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted March 31, 1921)

“Providing for the introduction of a bill.”

Resolved by the Senate, the House of Delegates concurring therein

That permission is hereby given by the legislature of West Virginia to introduce a bill with a title as follows:

“A Bill to amend and re-enact section one of chapter seventy-nine of the acts of the legislature for the year one thousand nine hundred and nineteen, authorizing a special levy for the completion and the payment in full for a new jail in the county of Logan.”

SENATE CONCURRENT RESOLUTION NO. 3

(Adopted April 1, 1921)

“Providing for the introduction of a bill.”

Resolved by the Senate, the House of Delegates concurring therein:

That permission is hereby given by the legislature to introduce a bill with title as follows, to-wit:

“A Bill to amend and re-enact section one hundred and twenty-six of chapter thirty-two of the code of West Virginia, prescribing the maximum amount of license tax required to be paid by any resident or non-resident domestic corporation chartered under the laws of the state of West Virginia.”

SENATE CONCURRENT RESOLUTION NO. 4.

(Adopted April 8, 1921)

“Providing for the introduction of bill.”

Resolved by the Senate, the House of Delegates concurring therein:

That permission is hereby given by the legislature to introduce a bill with title as follows:

Senate Bill No. 363—“A Bill to amend and re-enact section seven, section eight, section nine, section ten, section eleven and section eighteen of chapter four of the acts of the legislature of one thousand eight hundred and ninety-nine, being an act to amend and re-enact and to reduce into one act, the several acts incorporating the town of Sistersville, in the county of Tyler; defining the powers thereof, and describing the limits of said town; and incorporating the city of Sistersville, in said Tyler county.”

SENATE CONCURRENT RESOLUTION NO. 5.

(Adopted April 9, 1921)

“Providing for the introduction of a bill.”

Resolved by the Senate, the House of Delegates concurring therein:

That permission is hereby given by the legislature of West Virginia to introduce a bill with a title as follows:

“A Bill to amend and re-enact section one of chapter one hundred and sixty-nine, as amended and re-enacted by chapter forty-six of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-two, entitled ‘An act creating an independent school district within the town of Philippi.’”

SENATE CONCURRENT RESOLUTION NO. 7.

(Adopted April 21, 1921)

“Proposing a change in the plan of printing and distributing the ‘West Virginia Legislative Hand Book and Manual and Official Register.’”

Resolved by the Senate, the House of Delegates concurring therein:

That the plan of publishing and distributing the “West Virginia Legislative Hand Book and Manual and Official Register,” commonly known as the “Blue Book,” be modified as follows:

As soon as practicable after the adjournment of the legislature, three thousand copies of the “Official Register Division” of the book shall be issued, after having been revised and brought down as near to the date of publication as the nature of the work will permit. Said division shall contain a new roster of the persons connected with the several departments of the state government and of county and district officers chosen at the last general election, together with a revision of the matter pertaining to political committees, newspapers and the banks of the state, the latest census and election returns, a corrected list of post offices, and any other timely matter suitable for such a publication.

The edition of three thousand copies shall be distributed by the editor and compiler, as follows:

To each member of the senate and house of delegates, ten copies; to the several departments of the state government, a supply sufficient to meet their necessary requirements; to the libraries of state institutions and public libraries, two copies each; to all judges, county officers, state newspapers, and to the chairmen and secretaries of political committees, one copy each; to the secretary of state, the remainder of the edition for public distribution.

As early as practicable in the year following that of the meeting of the legislature in regular session, the complete, illustrated edition of the Hand Book shall be issued, containing the United States and state constitutions; current history of the several departments of the state government and state institutions; brief biographies of the officers of the state government; the joint rules and rules of the two houses of the legislature; a review of the work of the present legislature, followed by illustrated biographical sketches of its presiding officers and members; a digest of important legislative enactments; consolidated tables covering national and state election returns for one thousand nine hundred and sixteen and one thousand nine hundred and twenty; a re-revision of the official register division; and any other matter bearing upon the past or current history of West Virginia, deemed pertinent by the editor and compiler.

The cost of printing and binding the Hand Book, including any maps and half-tone illustrations used therein, and circular matter necessary in connection with the work of preparing and distributing the book, shall be paid out of the appropriations for printing, binding and stationery.

Under the supervision of the editor and compiler, the following distribution shall be made:

- Fifty copies to each member of the legislature;
- Two copies to each senator and representative in the congress of the United States from this state;
- Two copies to the congressional library at Washington;
- Ten copies to the judges and clerk of the supreme court of appeals;
- Ten copies to the state law library;
- One copy each to the judges of the circuit, criminal and intermediate courts;
- One hundred copies to the chief executive;
- Two hundred and fifty copies to the department of archives and history for exchange with other states and libraries outside the state;
- Fifty copies to the state board of control for use of the board and for supplying the several state institutions;
- Ten copies to the state university;
- Five copies to each of the branches of the university and the state normal schools;

Twenty-five copies to the state auditor;
Twenty copies to the state treasurer;
Fifty copies to the tax commissioner;
Twenty-five copies to the workmen's compensation department;
Sixty copies to the public health council;
Twenty-five copies to the public service commission;
Ten copies to the department of banking;
Twenty copies to the department of mines;
Four hundred copies to the department of free schools for supplying county superintendents, district supervisors and principals of high schools;
Ten copies to the department of labor;
Twenty copies to the department of agriculture;
Ten copies to the attorney general;
Ten copies to the state geological survey;
Fifty copies to the state road bureau;
Ten copies to the department of forestry, game and fish;
One copy each to the county and circuit court clerks, sheriffs, and prosecuting attorneys throughout the state;
One copy each to all officers and members of state political committees and to the chairmen and secretaries of county political committees;
Three hundred copies to the editor and compiler of the hand book for supplying public libraries and the libraries of private and denominational schools of the state and the members of the next succeeding legislature.

To the secretary of state the remainder of the edition to be hereafter agreed upon by the superintendent of public printing and the editor and compiler of the book, the same to be available for supplying the members of the legislature with extra copies, if called for, educators throughout the state not already herein provided for; and for general distribution; and the secretary of state may fix a price upon the hand-book covering the cost of publication, with a reasonable profit added as is done with the acts of the legislature, and charge the same in all proper cases, the money derived from sales to be accounted for in the same manner as provided from sales of the acts and the West Virginia reports.

SENATE CONCURRENT RESOLUTION NO. 8.

(Adopted April 12, 1921.)

“Providing for the introduction of a bill.”

Resolved by the Senate, the House of Delegates concurring therein:

That permission is hereby given by the legislature to introduce a bill with title as follows:

“A Bill to provide for the location, building and maintenance of a hospital for the treatment and relief of wounded and disabled West Virginia soldiers, sailors and marines of the world war, providing for its location, management and superintendence.”

HOUSE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 10.

(Adopted April 27, 1921.)

“Authorizing the governor to appoint a commission to provide a memorial for soldiers of the world war to be erected in a place of honor in the new capitol building to be constructed in West Virginia.”

Resolved by the House of Delegates, the Senate concurring therein

That, inasmuch as the erection of a new capitol building for West Virginia comes soon after the victorious close of the world war in which American soldiers, including thousands from our state, turned the scales of war to the side of human freedom and saved the liberties of the world, thereby deserving the plaudits of mankind throughout the centuries to come;

Therefore, The governor is authorized to appoint a commission of three persons who served in the army of the United States between the dates of April seven, one thousand nine hundred and seventeen and July one, one thousand nine hundred and nineteen, to examine into and report back at the next session of the legislature a fitting and proper memorial in the new capitol building.

HOUSE JOINT RESOLUTION NO. 6.

(Adopted January 21, 1921.)

“Providing a place for the meeting of the Senate and House of Delegates.”

WHEREAS, the county court of Kanawha county and the judges of the circuit court, court of common pleas and intermediate court of Kanawha county have extended to the legislature the use of the court room in the court house of Kanawha county called the intermediate court room for the sessions of the house of delegates and the court room in said court house called the circuit court room for the use of the Senate at its session, which sessions begin on the 16th day of March, 1921, and in addition thereto the said courts have extended to the legislature the use of a large number of rooms in said court house as clerks' offices and committee rooms and for any other purpose that may be needed; therefore, be it

Resolved by the Legislature of West Virginia:

That at the sessions of the legislature beginning on the 16th day of March, 1921, the house of delegates shall meet in the court room now known as the intermediate court room and the senate shall meet in the court room now known as the circuit court room in said court house, and that a commission be appointed to be composed of the president of the senate, the speaker of the house of delegates, the clerk of the senate, the clerk of the house of delegates, the sergeant-at-arms of the senate and the sergeant-at-arms of the house of delegates, which committee shall make due and proper preparation for the convenient meeting of the senate and the house of delegates in said rooms, and shall provide such furniture as may be proper for such purposes and shall do any and all other things proper, necessary and convenient to fix said rooms in convenient shape for such sessions, and said commission is authorized to incur such reasonable expenses as may be necessary for such purposes, which sums of money will be provided for in the appropriation bill to be passed at such session of the legislature.

HOUSE JOINT RESOLUTION NO. 7.

(Senate Substitute.)

(Adopted January 25, 1921.)

“Authorizing the auditor to issue warrants for the salary and per diem of members, and for the per diem of officers and attaches of the legislature.”

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer, in advance of the passage of the legislative appropriation bill, for the salary of members of the legislature, as provided by the act passed at this initial session, together with their mileage as provided by law; that he is further authorized to pay the compensation of the officers and employees of the two houses, upon the same basis as allowed them in the legislative appropriation bill passed at the regular session of one thousand nine hundred and nineteen, together with the compensation of the clerks of the two houses and such other officers and employees as it may be necessary to retain in connection with work to be done between the initial and adjourned sessions. All warrants for mileage of members and for the compensation of the officers and attaches of the senate to be paid upon proper requisitions drawn by the clerk of the senate, and all warrants for mileage of members of the house of delegates and for the compensation of the officers and attaches of the house of delegates to be paid upon requisition drawn by the sergeant-at-arms of the house of delegates.

HOUSE JOINT RESOLUTION NO. 8.

(Adopted January 26, 1921.)

“Authorizing the appointment of a select committee, with authority to make such investigation of the official acts, rules and practices of the public service commission as said committee shall deem proper.”

WHEREAS, Honorable John J. Cornwell, Governor, by special message, communicated to this body, on the twentieth day of January, one thousand nine hundred and twenty-one, transmitted a letter from the members and secretary of the public service commission, requesting the appointment of a legislative committee, with author-

ity and direction to make such investigation of the official actions of said commission as said committee might deem proper, in order that the report of such committee might be available for the information of the members of the legislature and as a guide to appropriate action upon pending proposed legislation; therefore, be it

Resolved by the Legislature of West Virginia:

That in view of the foregoing a select legislative committee, to be composed of five members, two to be selected and appointed from the senate, by the president thereof, and three to be selected and appointed from the house, by the speaker thereof, be, and the same is, hereby created, with authority and direction to make such investigation of the official acts, rules and practices of the public service commission of West Virginia as said committee may deem proper. Said committee shall have power and authority to administer oaths, summon witnesses, compel the production of documents of all kinds, and to avail itself of the service of such attaches of the legislature as may be necessary to enable it to properly perform the duties enjoined upon it herein; and it shall be the duty of said committee to make such investigation of the official acts, rules and practices of the public service commission as in the judgment of said committee may seem proper, and make report of its findings to the legislature as soon as may be after the 16th day of March, 1921."

HOUSE JOINT RESOLUTION NO. 10.

(Adopted April 19, 1921.)

"Providing for the disposition of the remaining volumes of the code of 1868 and the code of 1895 by the secretary of state."

WHEREAS, by a Joint Resolution No. 17, adopted February 13, 1899, by the legislature of that year the code of 1899 was adopted and provision therein made for delivering the same when issued to the secretary of state for distribution and sale; and

WHEREAS, there is now in the hands of the secretary of state a number of volumes of the code of 1868 and the code of 1899, and there is no demand or sale for either of said codes, and heavy storage charges thereon are now being paid and have been paid for many years past, to the detriment of the state's interests; and it is desirable that such charges shall cease; therefore, be it

Resolved by the Legislature of West Virginia:

That the secretary of state be and is hereby authorized and directed to dispose of said codes by free distribution of as many of said volumes as shall be needed or required by the state law library, West Virginia University law library, department of archives and history or to such other libraries or institutions as may desire the same.

HOUSE JOINT RESOLUTION NO. 14.

(Adopted January 26, 1921.)

Resolved by the Legislature of West Virginia:

That we extend our thanks and sincere appreciation to the officers and employees of the government ordinance plant at South Charleston for the courtesy shown the delegation of senators and delegates who visited that plant during this session.

HOUSE JOINT RESOLUTION NO. 16.

(Adopted April 18, 1921.)

“Authorizing the appointment of a commission for the purpose of revising and re-enacting the building and loan laws of the state of West Virginia.”

WHEREAS, the building and loan associations of this state have been operating under laws passed in 1867, with only slight modifications since that time, the same being antequated, and no longer adequate to secure the protection of the people; and in order to encourage and promote home building, saving and thrift, and to meet the requirements for safe and modern saving institutions, and it being important and necessary that the laws relating thereto be re-enacted and re-codified, therefore, be it

Resolved by the Legislature of West Virginia:

That the governor of this state within ninety days from the adjournment of the present legislature after it re-convenes, appoint a commission of three persons who are residents of this state, whose duty it shall be to revise, re-enact and re-codify the building and loan association laws of this state, and make report thereof to the governor as soon as practicable for the submission thereof to the next regular session of the legislature thereafter convening in the year 1923.

HOUSE JOINT RESOLUTION NO. 19.

(Adopted January 26, 1921.)

"Continuing the committee appointed under Senate Joint Resolution No. 21, adopted May 21, 1919."

WHEREAS, the committee composed of Senator E. H. Morton, Senator Jesse A. Bloch, F. O. Sanders, J. S. Zimmerman and George W. McClintic, members of the house of delegates; C. P. Fortney and Julius K. Monroe, members of the state road commission, and B. E. Gray, senior highway engineer of the U. S. Government appointed by Governor John J. Cornwell, under Senate Joint Resolution No. 21, adopted February 21, 1919, has prepared certain bills and submitted the same, together with a report to each house of the legislature, and which have been properly introduced in each house, and

WHEREAS, owing to the limited time said committee has had to prepare such bills, the said committee and each member thereof believes it best that such committee should continue its work in attempting to perfect said bills as far as possible and to make further report and such amendments and changes as may be thought best by such committee to the session of the legislature which convenes on the 16th day of March, 1921, therefore be it

Resolved by the Legislature of West Virginia:

That said committee composed as aforesaid, be and the same is hereby authorized and directed to proceed with its work upon said bills and to make such additions and amendments thereto and corrections thereof as it may think best, and said committee is authorized to sit and continue its sessions during the recess of the Legislature, and such committee shall report its final draft of such bills to each house of the legislature at its session beginning on the 16th day of March, 1921, and said committee shall make report of its action hereunder and the two committees from the house and senate, that is, the road committees, will sit in session with the said committee."

HOUSE JOINT RESOLUTION NO. 20.

(Adopted March 24, 1921.)

“Providing for an Easter recess of the legislature.”

Resolved by the Legislature of West Virginia:

That the legislature shall, on Thursday, March twenty-fourth, nineteen hundred twenty-one, at such hour as each house may then determine, adjourn until Tuesday, March twenty-ninth, nineteen hundred twenty-one, at the hour of two o'clock P. M.

HOUSE JOINT RESOLUTION NO. 21.

(Adopted March 30, 1921.)

“Memorializing the Congress of the United States with reference to pensions.”

WHEREAS, at a mass meeting of ex-soldiers, widows of soldiers and members of auxiliaries, held at Wheeling, West Virginia, on December 11, 1920, a resolution was adopted requesting the enactment of a law providing pensions for all soldiers, sailors and marines who are not now pensioned by the United States, and who served for thirty days and were honorably discharged, or to their widows, orphans or dependents; and

WHEREAS, it is stated in said resolution that owing to the infirmities of age and the high cost of living many of such persons find it impossible to obtain the necessities of life, and it is requested that pensions, payable monthly, be provided, as follows: To soldiers, \$75 per month; to widows who married soldiers prior to January 1, 1921, \$75 per month; to children under sixteen years of age residing with mother, \$10 per month; to children residing with grandparents or other persons, \$20 per month; to idiotic and helpless children of any age \$75 per month; and providing further that no fees be paid to attorneys or others for services in preparing claims, and that no pension be granted to any soldier, widow or other person having an income of twelve hundred per annum; therefore be it

Resolved, by the Legislature of West Virginia:

That the senators and representatives from West Virginia in congress be requested to consider the suggestions set out in the resolution, and to urge the favorable consideration thereof by the congress of the United States.

HOUSE JOINT RESOLUTION NO. 23.

(Adopted April 12, 1921.)

"Memorializing the Congress of the United States with reference to certain legislation in behalf of disabled ex-service men."

WHEREAS, it has come to the attention of the legislature of the state of West Virginia, that there are in this state and in other states of the United States, many disabled ex-service men who are not receiving proper care and attention; and

WHEREAS, certain bills have been or will be presented to the congress of the United States providing for relief of present conditions; therefore, be it

Resolved by the Legislature of West Virginia:

That the senators and representatives from West Virginia in congress be requested to consider the following legislation which will be presented to the congress of the United States at its next extraordinary session, and to urge the favorable consideration thereof by the congress of the United States, to-wit:

1. A Bill to consolidate and place under one assistant secretary of a department, the bureau of war risk insurance, the rehabilitation division of the federal board for vocational education and the United States public health service.

2. An appropriation to build and maintain hospitals sufficient to provide treatment for all cases requiring hospitalization.

3. A Bill to provide for the decentralization of the bureau of war risk insurance by the establishment of fourteen regional offices.

4. A Bill granting vocational training to disabled ex-service men having a disability of ten per cent or more.

5. A Bill which would retire two-thirds pay temporary officers who were disabled in the service, placing them on a par with officers of the regular service.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted January 12, 1921.)

"Raising a joint committee to wait upon the governor."

Resolved, by the House of Delegates, the Senate concurring therein:

That a joint committee be appointed, three by the speaker of the house and two by the president of the senate, to wait upon the gov-

ernor and to inform him that the legislature is organized with a quorum of each house present, and is prepared to receive any communication he is pleased to make, and to proceed with the business of the session.

HOUSE CONCURRENT RESOLUTION NO. 2.

(Adopted January 21, 1921.)

"WHEREAS, The United States commissioner of education, P. P. Claxton, will conduct a series of educational meetings in this city Monday, January twenty-fourth, therefore, be it

Resolved, by the House of Delegates, the Senate concurring therein:

That the Hon. P. P. Claxton be, and is hereby invited to address the members of the legislature in the hall of the house of delegates at two o'clock, p. m., Monday, the twenty-fourth day of January, nineteen hundred and twenty-one."

HOUSE CONCURRENT RESOLUTION NO. 5.

(Adopted January 26, 1921.)

"Raising a Joint Committee to wait upon the governor."

Resolved, by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the house of delegates, to be appointed by the speaker thereof, and two on the part of the senate, to be appointed by the president thereof, be appointed for the purpose of notifying the governor that the legislature is ready to recess until March 16th next, and ask him if he has any further communication to make.

HOUSE CONCURRENT RESOLUTION NO. 6.

(Adopted March 16, 1921.)

"Raising a Joint Committee to wait upon the governor."

Resolved, by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the house of delegates, to be appointed by the speaker, and two on the

part of the senate, to be appointed by the president thereof, be appointed for the purpose of notifying the governor that the legislature has re-convened at the expiration of the constitutional recess, with a quorum present, and is ready to receive any communications he may desire to make.

HOUSE CONCURRENT RESOLUTION NO. 7.

(Adopted March 30, 1921.)

“Adopting Joint Rule No. 16.”

Resolved, by the House of Delegates, the Senate concurring therein:

That the following be adopted as Joint Rule No. 16:

No. 16. In order to introduce a bill in either house at the session of the legislature beginning on the Wednesday after the second Monday in March, the proponent of the bill shall first introduce a proper concurrent resolution, which resolution must set out therein the title of the bill and be accompanied by a typewritten copy of the bill, and such resolution shall, by appropriate language, give permission to introduce the said bill. When such concurrent resolution is adopted by the affirmative vote of three-fourths of all the members elected to each house, taken by yeas and nays, such bill shall stand as properly introduced into the house into which such resolution was introduced.

HOUSE CONCURRENT RESOLUTION NO. 8.

(Adopted March 30 1921.)

“Providing for the introduction of a bill.”

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given by the legislature of West Virginia to introduce a bill with a title as follows, to-wit:

“A Bill to provide for the control and management of the law book library, now known as the state library at Charleston, and for the appointment of such persons as may be necessary for those purposes.”

HOUSE CONCURRENT RESOLUTION NO. 12.

(Adopted April 4, 1921.)

"Providing for the introduction of a bill."

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given by the legislature of West Virginia to introduce a bill with a title as follows, to-wit:

"A Bill abolishing the independent school district of Burnsville, in the county of Braxton, and the corporation of the board of education of the independent school district of Burnsville."

HOUSE CONCURRENT RESOLUTION NO. 13.

(Adopted April 1, 1921.)

"Providing for the introduction of a bill."

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given by the legislature of West Virginia to introduce a bill with a title as follows:

"A Bill to amend and re-enact section two of chapter ninety-two of the acts of one thousand eight hundred and sixty seven, as amended by chapter forty-seven of the acts of one thousand eight hundred and sixty-eight, as amended by chapter thirty-eight of the acts of the legislature of one thousand eight hundred and ninety-nine."

HOUSE CONCURRENT RESOLUTION NO. 14.

(Adopted April 11, 1921.)

"Providing for the introduction of a bill."

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given to the legislature of West Virginia to introduce a bill with a title as follows, to-wit:

"A Bill to amend and re-enact section two of chapter five of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-one, being section two of chapter thirty-nine of the code of West Virginia of one thousand nine hundred and sixteen, prescribing that county courts shall be composed of three commissioners,

any two of whom shall constitute a quorum for the transaction of business now known as the state library at Charleston, and for the appointment when such vacancies exceed more than one commissioner at any one time."

HOUSE CONCURRENT RESOLUTION NO. 15.

(Adopted April 7, 1921.)

"Changing rule one of the joint rules of the senate and house."

Resolved, by the House of Delegates, the Senate concurring therein:

That rule one of the joint rules of the senate and house of delegates be changed and amended so as to read as follows, to-wit:

1. When it is desired that a message be sent by one house to the other it shall be sent by an assistant clerk and delivered to the clerk of the other house, who shall make proper note thereof in the journal. But the presiding officer of either house may, if he thinks proper, send a message in such manner as he may direct. The clerk of one house may communicate a message to the clerk of the other house after adjournment and any message so sent shall be received by the house to which it is sent whenever it may be in session."

HOUSE CONCURRENT RESOLUTION NO. 16.

(Adopted April 13, 1921.)

"Providing for the introduction of a bill."

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given by the legislature of West Virginia to introduce a bill with a title as follows, to-wit:

"A Bill to amend and re-enact sections forty-seven and forty-eight of chapter eighteen of the acts of the legislature of the year one thousand nine hundred and fifteen, as amended and re-enacted by chapter twelve of the acts of the legislature of the year one thousand nine hundred and nineteen, relating to the construction and repair of sidewalks and street paving in the city of Cameron, Marshall county, West Virginia."

HOUSE CONCURRENT RESOLUTION NO. 18.

(Adopted April 20, 1921.)

"Providing for the introduction of a bill."

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given by the legislature to introduce a bill with title as follows:

"A Bill allowing counties of more than one hundred thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon and put any additions or repairs to the court house thereof."

HOUSE CONCURRENT RESOLUTION NO. 19.

(Adopted April 20, 1921.)

"Providing for the introduction of a bill."

Resolved, by the House of Delegates, the Senate concurring therein:

That permission is hereby given by the legislature to introduce a bill with title as follows:

"A Bill to amend and re-enact sub-section (f) of section fifty-one, and section fifty-two, of the acts of the legislature, regular session one thousand nine hundred and nineteen, 'An act to incorporate the town of South Charleston, in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same.'"

HOUSE CONCURRENT RESOLUTION NO. 21.

(Adopted April 25, 1921.)

"Providing for the payment of the expenses of the members of the committee appointed by Governor John J. Cornwell under Senate Joint Resolution No. 21, of the session of 1919."

WHEREAS, Governor John J. Cornwell did, under the above resolution, appoint Senator E. H. Morton and Senator J. A. Bloch and Delegate F. O. Sanders and Delegate J. S. Zimmerman as members of such committee; and,

WHEREAS, all four of said persons lived away from Charleston and came to Charleston to attend meetings of such committee and incurred traveling expenses to and hotel expenses in Charleston before the meeting of this legislature as follows, to-wit:

E. H. Morton	\$ 91.35
J. A. Bloch	55.96
F. O. Sanders	113.34
J. S. Zimmerman	114.39

Therefore, be it

Resolved, by the House of Delegates, the Senate concurring therein:

That the above amounts be paid to each of the above persons and that the amount due to the senators be paid out of the Senate contingent fund, and the amount due to the delegates shall be paid out of the house contingent fund; and the clerk of the senate and the sergeant-at-arms of the house of delegates are hereby directed to draw their warrants on the auditor payable out of the respective contingent funds in favor of the parties herein named.

HOUSE CONCURRENT RESOLUTION NO. 23.

(Adopted April 28, 1921.)

“Providing for the payment of counsel fees to Thomas Coleman, for legal services rendered to the committee appointed by Governor John J. Cornwell, under Senate Joint Resolution No. 21, of the session of one thousand nine hundred and nineteen, and to the sub-committee of the roads committees of the House and Senate during the sessions of one thousand nine hundred and twenty-one, and during the interim between such sessions.”

WHEREAS, The committee appointed by Governor John J. Cornwell, under Senate Joint Resolution No. 21, of the session one thousand nine hundred and nineteen, employed Thomas Coleman as counsel for such committee; and

WHEREAS, Such employment was continued by the sub-committee of the committees on roads of the house and senate during the sessions of one thousand nine hundred and twenty-one, and during the interim between such sessions; and

WHEREAS, Pursuant to such employment, the said Thomas Coleman rendered services substantially as follows:

The said Coleman sat with the committee first above named during hearings of expert road officials from the states of Pennsylvania, Maryland and Virginia, while such officials were being examined and giving information relative to road construction in their respective states, and after said hearings were completed, the said Coleman sat with the said committee during sundry sessions thereof where important phases of the new road law to be constructed were being considered, and participated in such discussions and conferences; thereafter he proceeded to formulate and write, under the advice and direction of the said committee, the new road law for the state of West Virginia, creating a road commission and defining and setting forth their powers, duties and responsibilities, adopting from other states the best provisions of their laws, so far as applicable to this state; sitting with said committee in numerous sessions where the more important provisions to enter into said bill were elaborately debated and discussed; writing repeatedly many sections of the said bill to meet the approval of the committee, discussion with the committee of an almost endless variety of questions having to do with the form and subject matter of the said bill; during the course of its construction, parts of said law were written by members of the committee, particularly portions of the automobile code and that portion of the said act having to do with the jurisdiction of the county courts over county-district roads, largely copied from the existing law, also a few of the important sections of the law governing the powers and duties of the newly created state road commission; the final drafting of the bill for submission to the committee and the introduction into the legislature at the January session thereof, work on the said bill after its submission at the said January session, continuing through the interim and the second session of one thousand nine hundred and twenty-one, which work consisted in re-arranging the sections of the said bill in more logical order, eliminating certain repetitions and inconsistencies, combining sections containing related subject matter, writing new sections, altering and improving the phraseology in a great number of instances, and making many changes and amendments designated to more thoroughly safeguard the distribution and use of public funds, the letting of contracts and dealings with contractors, the regulation of traffic upon the highways and better protecting the public interests in a great variety of ways, sitting with road engineers in the employ of the state road commission called from different parts of the state to meet and submit in typewritten form any amend-

ments they might have to propose to the said bill, and the hearing of a great number of amendments proposed by them in typewritten form; the preparation in typewritten form of several hundred proposed amendments to the said bill offered by the said counsel, by the said engineers, by the joint committees of the Charleston chamber of commerce, the Charleston Rotary and Kiwanis clubs, the chamber of commerce of the city of Parkersburg, the associated chambers of commerce assembled in convention at Clarksburg, by county and state road engineers, individually, by the federal engineer in charge of the federal aid in West Virginia, by automobile clubs, road committees, individuals and sundry other proponents of amendments, and submission to the committee of the joint committee of the two houses of the legislature of said proposed amendments, in so far as they were deemed by the said counsel worthy of consideration by the committee; the consideration of all such proposed amendments section by section by the committee; constant work and conferences with members of the said committee, and meetings with such committee for the purpose of drafting and re-drafting certain of the most vital portions of the said bill, as well as portions thereof of minor importance, with a view to bringing the said bill to the highest possible point of perfection, the preparation of the said bill in typewritten form, with all amendments allowed by the committee, for reprint; the proposal by the said counsel of sundry other amendments, some of which having to do with the larger phases of the said measure, which were adopted by the committee, and the preparation of the copy for the next reprint thereof; the preparation of the manuscript for three reprints of the said bill after its introduction into the legislature at the January session thereof, making amendments thereto each time, and bringing the said bill more nearly to meet the requirements of the said committee, during all of which labors, the said counsel acted in collaboration with the said committees and its members, and under the direction thereof, receiving from such committees definite directions as to much of the said work, and the aid and co-operation of the members of such committees whenever consulted by the said counsel for information, advice or direction pertaining to any question arising during the course of the writing of the said bill, all of which services covered the period from on or about January first, one thousand nine hundred and twenty-one, to the introduction of the said bill into the legislature for passage thereof in the month of April, one thousand nine hundred and twenty-one, therefore, be it.

Resolved by the House of Delegates, the Senate concurring therein

That the auditor be, and he is hereby authorized and directed to issue his warrant upon the treasurer, payable to the said Thomas Coleman for the legal services aforesaid, for the sum of two thousand dollars, said warrant to be drawn on the contingent funds of the senate and house of delegates, respectively, in equal proportions.

HOUSE CONCURRENT RESOLUTION NO. 24.

(Adopted April 28, 1921.)

“Providing for the payment of stenographic and typewriting services of Laura J. Coyle, shorthand reporter, and her assistants, rendered to the counsel for the committee appointed by Governor John J. Cornwell, under Senate Joint Resolution No. 21, of the session of one thousand nine hundred and nineteen, and to the sub-committee of the roads committees of the senate and house during the sessions of one thousand nine hundred and twenty-one, and during the interim between the said sessions.”

WHEREAS, the committee appointed by Governor John J. Cornwell, under Senate Joint Resolution No. 21, of the session one thousand nine hundred and nineteen, employed Thomas Coleman as counsel for the said committee, and directed him to employ a stenographer to render such services as might be necessary in the discharge of his duties as such counsel; and

WHEREAS, pursuant to such direction, the said Coleman employed the said Laura J. Coyle as such stenographer; and

WHEREAS, the said Laura J. Coyle, pursuant to such employment, in the course of the drafting of the Good Roads bill, rendered to the said Coleman, as such counsel, the following stenographic services:

Jan. 7—1 hr. dict. @ \$1.00; 3 pp trans. 1 copy, @ 50-5c..	\$ 2.65
Jan. 8—1 hr. dict. @ \$1.00; 3 pp. trans. 1 copy @ 50-5c..	2.65
Jan. 10—1 hr. dict. @ \$1.00; 3 pp. trans. 1 copy, @ 50-5c..	2.65
Jan. 11—1 hr. dict.	1.00
Jan. 15—1 day dict.	7.50
Jan. 15—28 pp. 7 copies @ 50-6c	23.80
Jan. 17—1 day dict	7.50
Jan. 17—Trans. of above, 21 pp. 7 copies @ 50-5c	17.85

Jan. 18—3 hrs. dict. @ \$1.00; 8 pp. trans. 2 copies @ 50-5c, \$4.80	7.80
Jan. 18—39 pp. 4 copies, @ 50-5c	27.30
Jan. 19—4 hrs. dict. @ \$1.00	4.00
Jan. 10—5 pp. trans. 3 copies, @ 50-5c	3.75
Jan. 20—1 day dict.	7.50
Jan. 20—45 pp. 4 copies, @ 50-5c	31.50
Jan. 22—3 hrs. dict. @ \$1.00 (\$3.00) trans. 68 pp. 4 copies, @ 50-5c (47.60)	50.60
Jan. 25—28 pp. 4 copies, @ 50-5c	19.60
Feb. 28—10 hrs. dict. @ \$1.00	10.00
Feb. 28—Trans. 12 pp. 1 copy @ 50-5c	6.60
Mar 1-2—writing 5 stencils @ \$2.50	12.50
Mar. 7—1 day dict.	7.50
Mar. 8—1 day dict.	7.50
Mar. 9—1 day dict.	7.50
Mar. 10—1 day dict.	7.50
Mar. 11—1 day dict.	7.50
Mar. 12—3 hrs. dict. @ \$1.00	3.00
To writing 131 stencils, 20 copies @ \$2.50	327.50
To rerunning 103 stencils, @ 50c	51.50
To assembling, punching and binding above, 30 complete copies,	10.00
To 15 reams stationery, @ \$3.00	45.00
Apr. 7—To 20 pp. 5 copies, @ 50-5c	15.00
Apr. 12—To writing 9 stencils @ \$2.50 (30 copies), \$22.50; 1 hr. dict. @ \$1.00,	23.50
Total	\$759.75

Therefore, be it

Resolved, by the House of Delegates, the Senate concurring therein:

That the auditor be, and he is hereby authorized and directed to issue his warrant upon the treasurer, payable to the said Laura J. Coyle, for the stenographic and typewriting services itemized herein, for the sum of seven hundred and fifty-nine dollars and seventy-five cents, said warrant to be drawn on the contingent funds of the senate and house of delegates, respectively, in equal proportion.

HOUSE CONCURRENT RESOLUTION NO. 25.

(Adopted April 29, 1921.)

“Providing for the printing and distributing of advance copies of the acts of the regular session of one thousand nine hundred twenty-one.”

Resolved by the House of Delegates, the Senate concurring therein:

That the clerks of the two houses are hereby directed to have printed by the public printer, two thousand five hundred advance copies of the acts of this session exclusive of municipal charters, properly head-noted, and with a full table of contents, and in paper binding, for distribution among the members of the legislature, judges of the supreme court of appeals, and of the circuit, criminal and intermediate courts, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the clerks of the two houses as soon as possible after the adjournment of this session. Upon receipt of the same, the clerks shall, without delay, forward by mail or express to each member of the senate and house of delegates at least ten of said advance copies, and one copy to each of the officials hereinbefore enumerated, and ten copies to each of the state officials, and the remainder, if any, they shall deliver to the secretary of state for general distribution. The said clerks are also authorized and directed to have printed in signature form or advance sheets, two thousand copies of the good roads law, and any other general law which they may deem of sufficient importance to be issued and distributed in that form. The sum of two hundred dollars out of the contingent fund of the house and one hundred dollars out of the contingent fund of the senate is hereby directed to be paid by the auditor upon proper warrants drawn by the clerk of the senate and sergeant-at-arms of the house, respectively, to pay the postage or expressage on said advance copies.

For the extra work provided for in this resolution, the time of said clerks and one assistant clerk from each house is extended for sixty days, the compensation to be the same as received during the regular session of this year, to be paid out of the contingent fund of the senate and house, respectively, upon proper warrants being drawn therefor by the clerk of the senate and sergeant-at-arms of the house, and the auditor is hereby authorized and directed to pay the same.

HOUSE CONCURRENT RESOLUTION NO. 26.

(Adopted April 29, 1921)

“Raising a joint committee to wait upon the governor.”

Resolved, by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the house of delegates, to be appointed by the speaker thereof, and two on the part of the senate, to be appointed by the president thereof, be appointed for the purpose of notifying the governor that the legislature is ready, under the constitution, to adjourn *sine die*, without having passed the budget bill, and ask him if he had any further communication to make.





ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA
EXTRAORDINARY SESSION
1921

—

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

1962

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ACTS OF 1921

EXTRAORDINARY SESSION

CHAPTER 1

(Senate Substitute for House Bill No. 1)

(Committee on Taxation and Finance.)

AN ACT making appropriations of public moneys out of treasury, in accordance with the provisions of the constitution of the state of West Virginia.

[Passed May 3, 1921. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Appropriation of money from state treasury.
2. Appropriations for the two fiscal years.
3. Appropriations appearing under sub-sections "A" and "B" payable out of general revenue of state.

SUB-SECTION "A".

4. Salaries.
5. Auditor's office.
6. Attorney general's office.
7. Governor's office.
8. Pardon attorney's office.
9. Civil contingent fund.
10. Treasurer's office.
11. Secretary of state's office.
12. Department of agriculture.
13. State law library.
14. Criminal charges.
15. State tax commissioner's office.
16. Department of mines.
17. Commissioner of banking.
18. Bureau of labor and department of weights and measures.
19. Department of archives and history.
20. State health department.
21. Capitol building and grounds.
22. Governor's mansion and grounds.
23. Labor fund capitol building.
24. Printing, binding and stationery.
- 24-b. Emergency appropriation: by whom disbursed; how expenditure authorized; unlawful for state board, etc., to incur liability in excess of appropriations; same to pay account out of appropriation for succeeding year; exceptions: personal liability of officer violating.

SEC.

- 24-c. Militia.
- 24-d. State sinking fund commission.
- 24-e. Re-codification commission.
- 24-f. General school fund.
- 24-g. World war soldiers, sailors and marines.
- 24-h. Child welfare commission.
- 24-i. Bureau of colored welfare and statistics.
- 24-j. Capitol and office buildings: to be expended by capitol building commission; number on commission; authority of, to enter into contracts for site, capitol and office buildings; amount for which may contract.
25. Supreme court of appeals.
26. Circuit courts.

SUB-SECTION "B."

27. State board of control.
28. Huntington state hospital.
29. Spencer state hospital.
30. Weston state hospital.
31. State colored hospital for insane.
32. Welch hospital No. 1.
33. McKendree hospital No. 2.
34. Fairmont hospital No. 3.
35. State tuberculosis sanitarium.
36. State colored tuberculosis sanitarium.
37. West Virginia industrial school for boys.
38. West Virginia industrial home for girls.
39. West Virginia childrens' home.
40. West Virginia colored orphan's home.
41. Geological survey commission.
42. Forest, game and fish commission.
43. Point Pleasant battle monument commission.

- SEC.
 43-a. Rumseyan society.
 44. State board of pharmacy.
 45. Berkeley Springs board.
 46. State hospital inspector.
 47. Insurance on public buildings.
 48. West Virginia penitentiary.
 49. West Virginia university.
 50. Agricultural experiment station.
 51. Community packing house.
 52. Potomac state school—Keyser.
 53. Marshall college.
 54. Fairmont state normal school.
 55. Concord state normal school.
 56. West Liberty state normal school.
 57. Shepherd college state normal school.
 58. Glenville state normal school.
 59. New River state school—Montgomery.
 60. West Virginia school for the deaf and blind.
 61. Colored deaf and blind school.
 62. West Virginia collegiate institute.
 63. Bluefield colored institute.
 64. Storer college.
 65. State board of children's guardians.
 66. Florence Crittenden home (Wheeling).
 67. Hillcrest tuberculosis sanitarium (Charleston).
 68. Department of public safety.
 68-a. For treatment of laborers and others who may become public charges, how expended.
 68-b. For treatment of drug addicts who may become public charges, how expended.
 68-c. State industrial school for colored boys.
 68-d. State industrial home for colored girls.
 68-e. Commission to supervise the erection of a monument and markers.
 69. Appropriations under sub-section "C" payable out of the general revenue of state fund for one thousand nine hundred and twenty-one except in section seventy-three.
Legislative Department.
 70. Mileage and salaries of members of Senate; compensation and per diem of other officers and attaches.
 70-a. Miscellaneous appropriations—senate.
 71. Mileage of members and per diem of speaker of house of delegates.
 71-a. Compensation of clerk's appointees—house.
 71-b. For services during the period between the sessions—house.
 71-c. Compensation of other elective officers—house miscellaneous appropriations—house.

- SEC.
 72. Legislative printing and stationery.
 73. Salaries of members of the legislature.
 73-a. Legislative hand-book and manual and official register.
Sub-section "D"
 74. Appropriations under sub-section "D" payable out of the general revenue of the state fund for one thousand nine hundred and twenty-one.
 75. Miscellaneous appropriations.
 75-a. Miscellaneous appropriations.
Sub-section "E"
 76. Appropriations under sub-section "E" payable out of general school fund for the state.
 77. Department of schools.
 77-a. Same, deficiency appropriation.
 77-b. Same, emergency.
Sub-section "F"
 78. All appropriations appearing under sub-section "F" payable out of state road fund of the state.
 79. State road commission.
Sub-section "G"
 80. Appropriations under sub-section "G" payable out of special license fees.
 81. Public service commission.
Sub-section "H"
 82. All appropriations under sub-section "H" payable out of fund created by chapter nine, acts of one thousand nine hundred and fifteen (extraordinary session) and amendments thereto.
 83. Workmen's compensation.
Sub-section "I"
 84. All appropriations made payable out of "special revenue" are payable out of special revenue collected for specific purposes.
Sub-section "J"
 85. Refunding overpayments made into the treasury on account of taxes, etc.
 86. How appropriations drawn from treasury; reconstructions for new building, architect's estimate; compensation and expenses of state boards or commissions; itemized statement of same to be filed.
 87. Printing, binding and stationery; for state superintendent of free schools, payable out of general school fund; for other boards, officers and institutions, how paid.
 88. Appropriations not to be exceeded, or paid before services rendered.
 89. Clerks of house and senate to certify appropriation bills to auditor and treasurer.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of
 2 the treasury for the fiscal year ending June thirty, one thousand
 3 nine hundred and twenty-two, and for the fiscal year ending June
 4 thirty, one thousand nine hundred and twenty-three, and for the

5 remainder of the fiscal year ending June thirty, one thousand nine
6 hundred and twenty-one, the following sums of money for the fol-
7 lowing-named purposes:

Sec. 2. The amounts appearing in the column headed "1922"
2 are for the fiscal year ending June thirty, one thousand nine hun-
3 dred and twenty-two and the amounts appearing in the column
4 headed "1923" are for the fiscal year ending June thirty, one
5 thousand nine hundred and twenty-three.

Sec. 3. All appropriations appearing under sub-sections
2 "A" and "B" are payable out of the general revenue of the state
3 unless otherwise provided herein.

SUB-SECTION "A"

Salaries.

	1922	1923
Sec. 4. Salary of the governor	\$10,000.00	10,000.00
2 Salary of the auditor	5,000.00	5,000.00
3 Salary of the treasurer	5,000.00	5,000.00
4 Salary of the attorney general..	5,000.00	5,000.00
5 Salary of the commissioner of		
6 agriculture	5,000.00	5,000.00
7 Salary of the secretary of state..	5,000.00	5,000.00
8 Salary of the state librarian	3,000.00	3,000.00
9 Salary of adjutant general.....	3,600.00	3,600.00
10 Salary of the state tax commis-		
11 sioner	6,000.00	6,000.00
12 Salary of the forest, game and		
13 fish warden	150.00	
14 Salaries of the members of the		
15 public service commission....	18,000.00	18,000.00
16 Salary of the state compensation		
17 commissioner	6,000.00	6,000.00
18 Salary of the chief of the de-		
19 partment of mines	5,000.00	5,000.00
20 Salary of the commissioner of		
21 banking	5,000.00	5,000.00
22 Salary of the commissioner of labor	3,600.00	3,600.00
23 Salary of the state historian and		
24 archivist	2,700.00	2,700.00

25	Salary of the state commissioner		
26	of health	4,800.00	4,800.00
27	Salary of the janitor	1,800.00	1,800.00
28	Salary of the keeper of the rolls..	300.00	300.00
29	Salaries of the three members of		
30	the board of control	15,000.00	15,000.00
31	Salary of the state hotel inspec-		
32	tor	1,500.00	1,500.00
33	Salary of the state commissioner		
34	of prohibition	3,750.00	5,000.00

Judiciary.

35	Salaries of the judges of the		
36	supreme courts of appeals....	40,000.00	40,000.00
37	Salaries of the judges of the cir-		
38	cuit courts	125 500.00	125,500.00

EXECUTIVE DEPARTMENT

Auditor's Office.

Sec. 5. Salaries of clerks,

2	bookkeepers, stenographers and		
3	other assistants	44,400.00	44,400.00
4	Current general expenses.....	4,000.00	4,000.00
5	Expenses of insurance depart-		
6	ment	17,000.00	17,000.00
7	To pay expenses in connection		
8	with the enforcement of the		
9	speculative security act in ac-		
10	cordance with the provisions		
11	of House Bill No. 472.....	5,000.00	5,000.00
12	For refunding moneys erroneous-		
13	ly paid into the treasury such		
14	sums are hereby appropriated		
15	as may be erroneously so paid,		
16	payable out of the same fund		
17	into which paid.		
18	For pay of state agents, such		
19	amounts are hereby appropri-		
20	ated as may be necessary to pay		

21 commissions of state agents,
 22 payable out of the fund col-
 23 lected; *provided*, that in no case
 24 shall the amount so paid exceed
 25 ten per centum of the funds col-
 26 lected and paid into the treas-
 27 ury by any such agents.
 28 For refunding to counties, dis-
 29 tricts and municipal corpora-
 30 tions, county, district and mu-
 31 nicipal taxes paid into the
 32 treasury for the redemption of
 33 lands, such amount is hereby
 34 appropriated as will be neces-
 35 sary to refund to the counties,
 36 districts and municipal cor-
 37 porations entitled thereto the
 38 taxes so paid into the treasury.
 39 For refunding county, district and
 40 municipal taxes paid into the
 41 treasury by railroad and other
 42 companies, such sum is here-
 43 by appropriated as will be nec-
 44 essary to refund to each county,
 45 district and municipal corpora-
 46 tion the amount of such taxes
 47 as may be paid into the treas-
 48 ury to the credit of such county,
 49 district and municipal corpora-
 50 tion.

Attorney General's Office.

2	Sec. 6. Salary of first assist- ant attorney general	4,500.00	4,500.00
3	Salary of second assistant attor- 4 ney general	4,200.00	4,200.00
5	Salary of third assistant attorney 6 general	4,000.00	4,000.00
7	Salary of printing clerk	3,000.00	3,000.00

8	Salary of reading clerk.....	1,800.00	1,800.00
9	Salaries of stenographers and		
10	clerks	6,000.00	6,000.00
11	Current general expenses and		
12	traveling expenses	3,000.00	3,000.00
13	To replace law books destroyed		
14	by fire	4,000.00	

Governor's Office.

2	Sec. 7. Salary of private secretary to the governor	4,500.00	4,500.00
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Pardon Attorney's Office.

2	Sec. 8. Salary of the pardon attorney	4,000.00	4,000.00
3	Salary of the stenographer.....	1,500.00	1,500.00
4	Current general expenses	500.00	500.00

Civil Contingent Fund.

2	Sec. 9. For civil contingent fund, to be expended upon		
3	the order of the governor, no		
4	part of which, however, is to be		
5	used for clerk hire in any of the		
6	state offices or institutions		
7	other than the governor's office	20,000.00	20,000.00

Treasurer's Office.

2	Sec. 10. Salaries of clerks, bookkeepers, stenographers and		
3	other assistants	19,800.00	19,800.00
4	Current general and traveling expenses	4,500.00	4,500.00
6	Filing cases in vault	3,000.00	3,000.00

Secretary of State's Office.

2	Sec. 11. Expenses of secretary of state's office, including		
3	compensation of clerks, stenographers and other expenses...	21,000.00	21,000.00

Department of Agriculture.

Sec. 12. Salaries of clerks			
2	and stenographers	10,000.00	10,000.00
3	Salary of chief of bureau of mar-		
4	kets	2,400.00	2,400.00
5	Traveling expenses of chief of		
6	bureau of markets	1,000.00	1,000.00
7	Traveling expenses of the com-		
8	missioner	1,000.00	1,000.00
9	Current general expenses	5,000.00	5,000.00
10	For carrying out the provisions of		
11	chapter thirteen, acts of the reg-		
12	ular session of the legislature		
13	of one thousand nine hundred		
14	and fifteen, relating to diseased		
15	animals; for enforcement of		
16	sire registration law; for the		
17	promotion of poultry industry		
18	and investigating and develop-		
19	ing live stock industry.	20,000.00	20,000.00
20	For enforcement of crop pest law		
21	and developing farm, horticul-		
22	tural and trucking industries	20,000.00	20,000.00
23	For other expenses of the depart-		
24	ment of agriculture, including		
25	the enforcement of the pure		
26	seed law and employment of		
27	special agents	15,000.00	15,000.00

State Aid for Agricultural Fairs or Associations.

28	To carry out the provisions of		
29	House Bill No. 160.	25,000.00	25,000.00

State Law Library.

Sec. 13. Current general ex-			
2	penses and clerk hire.	2,400.00	2,400.00
3	Purchase and binding books for		
4	law library (Charleston)	2,500.00	2,500.00

Criminal Charges.

2	Sec. 14. To pay criminal		
3	charges, including transporta-		
4	tion of prisoners and extradi-		
5	tion of criminals and fugi-		
	tives	85,000.00	85,000.00

State Tax Commissioner's Office.

2	Sec. 15. Expenses of the		
3	state tax commissioner's of-		
4	fice, taxation, inheritance and		
5	general departments, including		
6	compensation of assistants,		
7	stenographers and other ex-		
8	penses	39,000.00	39,000.00
9	Expenses of office of commis-		
10	sioner of prohibition, including		
11	compensation of deputies, as-		
12	assistants, clerks, stenographers		
13	and other expenses	50,000.00	50,000.00
14	Only one-fourth of the appropria-		
15	tion for 1922 shall be expended		
16	prior to October first, 1921.		
17	Salary of chief accountant.....	6,000.00	6,000.00
18	Expenses of uniform system of		
19	accounting, including compen-		
20	sation of assistants, stenog-		
21	raphers and other expenses...	7,500.00	7,500.00
22	Expenses of auditing state de-		
23	partments and compiling finan-		
24	cial reports	11,000.00	11,000.00
25	For the enforcement of Senate		
26	Bill No. 265, including sal-		
27	aries of assistants, clerks, sten-		
28	ographers, field agents, equip-		
29	ment, traveling expenses and		
30	all other expenses connected		
31	therewith, so much as may be		
	necessary, not to exceed.....	63,000.00	56,000.00

32	To pay all expenses in connection with carrying out the provisions of Senate Bill No. 225,	25,000.00
33	relative to securing a proper	
34	assessment of property.....	25,000.00

Department of Mines.

2	Salary of chief clerk	3,000.00
3	Salaries of twenty-two district inspectors	66,000.00
4	Salary of statistical clerk.....	1,800.00
5	Salaries of three stenographers..	4,000.00
6	Traveling expenses of chief and district inspectors	22,000.00
8	Current general expenses	2,400.00
9	Salary of inspector of sand and limestone mines	2,400.00
10	Traveling expenses of inspector of sand and limestone mines..	1,200.00
11	Salary of director of rescue work	2,400.00
12	Traveling expenses of director and stations	6,000.00
13	expense maintaining rescue	
14	Salaries of three stenographers..	4,000.00
15	Salary of statistical clerk.....	1,800.00
16	Salaries of three stenographers..	4,000.00
17	Traveling expenses of chief and district inspectors	22,000.00
18	Current general expenses	2,400.00

Commissioner of Banking:

2	Salaries of four assistants to commissioner of banking	14,000.00
3	Salary of chief clerk	2,400.00
4	Salary of stenographer	1,800.00
5	Traveling expenses of commissioner and assistants	7,500.00
6	Current general expenses.....	1,500.00

Bureau of Labor and Department of Weights and Measures.

2	Salaries of four factory inspectors	7,200.00
3	Salaries of four factory inspectors	7,200.00

3	Salary of chief clerk	2,400.00	2,400.00
4	Salary of assistant clerk and		
5	stenographer	1,800.00	1,800.00
6	Salary of statistical clerk	1,500.00	1,500.00
7	Current general expenses of		
8	the department of weights		
9	and measures	3,000.00	3,000.00
10	Current general expenses of the		
11	bureau of labor	2,500.00	2,500.00
12	Traveling expenses of the com-		
13	missioner of labor and factory		
14	inspectors	7,500.00	7,500.00
15	Salaries of inspectors of weights		
16	and measures	3,600.00	3,600.00
17	Traveling expenses of inspectors		
18	of weights and measures	3,000.00	3,000.00

Department of Archives and History.

	Sec. 19. Salary of the cura-		
2	tor of the museum	2,000.00	2,000.00
3	Salary of the librarian	1,800.00	1,800.00
4	Salary of the stenographer	1,500.00	1,500.00
5	Salary of the cataloguer	1,500.00	1,500.00
6	Salary of the messenger and		
7	janitor	1,200.00	1,200.00
8	Current general expenses	2,000.00	2,000.00
9	Purchase of books, periodicals,		
10	magazines and newspapers..	1,500.00	1,500.00
11	Fireproof safe cabinet	700.00	.....

State Health Department.

	Sec. 20. Current general ex-		
2	penses	60,000.00	60,000.00
3	Bureau of venereal diseases	10,000.00	10,000.00

Capitol Building and Grounds.

	Sec. 21. For water, light,		
2	heat, current expenses, other		
3	than repairs and improvements	25,000.00	25,000.00
4	Repairs and improvements ...	16,000.00	16,000.00

18 the fiscal year ending June thirtieth, one thousand nine hundred
 19 and twenty-two, or any year thereafter, out of the appropriation
 20 for the following year, unless a sufficient amount of the appropria-
 21 tion for the fiscal year, during which the liability was incurred, was
 22 cancelled by expiration or a sufficient amount of the appropriation
 23 remained unexpended at the end of the year. *Provided, however,*
 24 that nothing contained herein shall prohibit the entering into a
 25 contract for buildings and land which exceeds the current year
 26 appropriation, if the aggregate cost does not exceed the amount
 27 then authorized by the legislature, even though the amount is
 28 not available during the then current year. Nothing contained
 29 herein shall repeal the provisions of the general law relating to
 30 the expiration of appropriations for buildings and land.
 31 Any member of a state board or commission, or any officer or
 32 employee violating the provisions of this section shall be person-
 33 ally liable for any debt unlawfully incurred or for any payment
 34 unlawfully made.

Militia.

Sec. 24-c. To carry into effect
 2 the provisions of chapter eigh-
 3 teen, Barnes' code as amended
 4 relating to the militia 30,000.00 30,000.00

State Sinking Fund Commission.

Sec. 24-d. Expenses of state
 2 sinking fund commission in-
 3 cluding compensation of assist-
 4 ants, stenographers and all oth-
 5 er expenses 8,000.00 8,000.00

Re-Codification Commission.

Sec. 24-e. To pay salary of the
 2 commission to recodify the gen-
 3 eral statutes 18,000.00 18,000.00
 4 Expenses of the recodification
 5 commission including compen-
 6 sation of assistants, stenog-
 7 raphers and all other expenses 15,000.00 15,000.00

General School Fund.

2	Sec. 24-f. To supplement the		
3	general school fund for the pur-		
4	pose of paying part of the in-		
5	crease in salaries of teachers and		
6	district supervisors provided		
7	for in House Bill No. 81 and		
8	Senate Bill No. 159 and		
9	state aid for standardized		
10	schools as provided for in		
	House Bill No. 23.....	1,000,000.00	1,000,000.00

World War—Soldiers, Sailors and Marines.

2	Sec. 24-g. For the relief of		
3	sick and disabled or indigent		
4	soldiers, sailors and marines re-		
5	siding in West Virginia, who		
6	served in the World war, to be		
7	expended under such rules and		
8	regulations as may be pre-		
9	scribed by the board of public		
	works	50,000.00	50,000.00

Child Welfare Commission.

2	Sec. 24-h. To pay the secre-		
3	tary and necessary expenses		
4	incurred by the child welfare		
5	commission to carry out the		
6	provisions of Senate Bill No.		
7	98, to be paid on the approv-		
	al of the governor	4,750.00	4,750.00

Bureau of Colored Welfare and Statistics.

2	Sec. 24-i To pay the salary of		
3	the director of bureau	3,600.00	3,600.00
4	To pay traveling and all other		
5	expenses in accordance with Sen-		
	ate Bill No. 248	2,500.00	2,500.00

Capitol and Office Buildings.

Sec. 24-j. Buildings and lands \$750,000.00 1,500,000.00

2 The above to be expended upon the order of the capitol building
3 commission hereby authorized to be appointed by the governor
4 immediately after the passage of this act.

5 The said commission shall be composed of seven members of
6 which the governor himself shall be *ex-officio* chairman.

7 Said commission is hereby authorized and empowered to enter
8 into contracts for the construction of suitable capitol and office
9 buildings.

10 Said commission is hereby authorized to purchase, acquire, sell
11 and exchange real estate and to co-operate with the city of Charles-
12 ton on an equitable basis in acquiring the land on which to erect
13 capitol and office buildings.

14 Said commission is authorized to enter into contracts for the
15 above named purposes for capitol, office buildings and land in a
16 total amount of not to exceed six million, five hundred thousand
17 dollars, plus the amount received by the state as insurance for
18 the destruction of the old capitol building, and the amount from
19 the sale of land.

JUDICIARY DEPARTMENT.

Supreme Court of Appeals.

Sec. 25. Salary of the clerk..	1,500.00	1,500.00
2 Salary of the stenographer.....	1,800.00	1,800.00
3 Salary of the deputy clerk.....	3,000.00	3,000.00
4 Salaries of the law clerks.....	12,000.00	12,000.00
5 Salary of the crier	800.00	800.00
6 Mileage of the supreme court		
7 judges	500.00	500.00
8 Current general expenses of the		
9 supreme court	2,000.00	2,000.00
10 Printing and binding supreme		
11 court reports	12,800.00	6,400.00
12 For expenses of conducting exam-		
13 ination of applicants to prac-		
14 tice law, including traveling ex-		
15 penses and per diem of the		
16 members of the examining		

17	board, to be paid on the order		
18	of the president of the examin-		
19	ing board	1,000.00	1,000.00

Circuit Courts.

	Sec. 26. Compensation of		
2	special judges of the circuit		
3	courts	2,000.00	2,000.00
4	Mileage of the judges of the cir-		
5	cuit courts	3,000.00	3,000.00

SUB-SECTION "B".

All appropriations appearing under "Sub-Section 'B'" are payable only on the requisition and approval of the state board of control.

EXECUTIVE DEPARTMENT.

State Board of Control.

	Sec. 27. Salaries of secretary,		
2	buyer, inspector, superintend-		
3	ent of construction, bookkeepers		
4	and other assistants	25,000.00	25,000.00
5	Salaries of stenographers	13,500.00	13,500.00
6	Traveling expenses	2,500.00	2,500.00
7	Current general expenses	5,000.00	5,000.00

Huntington State Hospital.

	Sec. 28. Current general ex-		
2	penses	125,000.00	125,000.00
3	Repairs and improvements	12,500.00	12,500.00
4	Buildings and land (to complete		
5	building)	20,000.00	20,000.00

Spencer State Hospital.

	Sec. 29. Current general ex-		
2	penses	125,000.00	125,000.00
3	Repairs and improvements	12,500.00	12,500.00

4	For sewerage, to be expended	
5	under the supervision of the	
6	state board of control.....	25,000.00
		25,000.00

Weston State Hospital.

2	Sec. 30. Current general ex- penses	210,000.00	210,000.00
3	Repairs and improvements	25,000.00	25,000.00
4	Buildings and land	6,000.00	6,000.00

State Colored Hospital for the Insane.

2	Sec. 31. *Current general ex- penses	5,000.00	25,000.00
3	*If the above appropriation for		
4	the year one thousand nine		
5	hundred and twenty-two is not		
6	used on account of failure to		
7	complete hospital in said time		
8	then this appropriation shall		
9	be available for the year one		
10	thousand nine hundred and		
11	twenty-three.		
12	Buildings and land	75,000.00	75,000.00

Welch Hospital No. 1.

2	Sec. 32. Current general ex- penses	45,000.00	45,000.00
3	Repairs and improvements	15,000.00	15,000.00

McKendree Hospital No. 2.

2	Sec. 33. Current general ex- penses	28,000.00	28,000.00
3	Repairs and improvements	5,000.00	5,000.00

Fairmont Hospital No. 3.

2	Sec. 34. Current general ex- penses	28,000.00	28,000.00
3	Repairs and improvements	5,000.00	5,000.00

State Tuberculosis Sanitarium.

Sec. 35. Current general ex-		
2	penses	100,000.00 100,000.00
3	Repairs and improvements	20,000.00 20,000.00
4	Buildings and land	37,500.00 37,500.00

State Colored Tuberculosis Sanitarium.

Sec. 36. Current general ex-		
2	penses	20,000.00 22,500.00
3	Repairs and improvements	5,000.00 5,000.00

West Virginia Industrial School for Boys.

Sec. 37. Current general ex-		
2	penses	92,000.00 92,000.00
3	Repairs and improvements	15,000.00 15,000.00
4	Buildings and land — central	
5	school building	50,000.00 50,000.00
6	Buildings and land	10,000.00 10,000.00

West Virginia Industrial Home for Girls.

Sec. 38. Current general ex-		
2	penses	35,000.00 35,000.00
3	Repairs and improvements	10,000.00 10,000.00

West Virginia Children's Home.

Sec. 39. Current general ex-		
2	penses	12,500.00 12,500.00
3	Repairs and improvements	2,500.00 2,500.00
4	Buildings and land	2,500.00 2,500.00

West Virginia Colored Orphan's Home.

Sec. 40. Current general ex-		
2	penses	5,000.00 12,500.00
3	Buildings and land (destroyed by	
4	fire)	12,500.00 12,500.00
5	The amount to be received	
6	from insurance is hereby ap-	
7	propriated to rebuild the	
8	building destroyed by fire.	

Geological Survey Commission.

Sec. 41. Co-operative topo-			
2	graphic mapping	20,000.00	20,000.00
3	Publication of reports and maps..	5,000.00	5,000.00
4	Field and other expenses	2,000.00	2,000.00
5	Soil studies	600.00	600.00
6	Stream gauging	500.00	500.00
7	Salaries	16,400.00	16,400.00

Forestry, Game and Fish

Sec. 42. Salaries of two chief			
2	deputies	200.00	.....
3	Current, contingent, mileage and		
4	traveling expenses of deputies	100.00	.....
5	Current, contingent, mileage and		
6	traveling expenses of war-		
7	den	100.00	.....
8	For the protection of forests, and		
9	the protection and propagation		
10	of fish and game, to be expend-		
11	ed by the forest, game and fish		
12	warden with the approval of		
13	the state board of control, in		
14	the manner and for the pur-		
15	poses provided by the acts of		
16	one thousand nine hundred		
17	and nine, as amended, not to		
18	exceed \$2,000.00 for the year		
19	ending June 30, one thousand		
20	nine hundred and twenty-two,		
21	said sum is hereby appropri-		
22	ated out of the forest, game		
23	and fish protective fund.		

State Game Commission

24 The balance remaining in the
 25 "forest, game and fish protec-
 26 tive fund" heretofore created,
 27 and the moneys accruing to

28 said fund together with the
 29 annual receipts of "game and
 30 fish fund" are hereby appro-
 31 priated to be expended in the
 32 manner provided by the acts
 33 of one thousand nine hundred
 34 and twenty-one, creating the
 35 state game commission. This
 36 appropriation shall become ef-
 37 fective at the same time as the
 38 said act of one thousand nine
 39 hundred and twenty-one.

Point Pleasant Battle Monument Commission

Sec. 43. Maintenance, etc.,		
2 Tu-Endie-Wei park	1,500.00	1,500.00
3 Completing retaining wall (river		
4 bank)	2,500.00	2,500.00
5 Repairing monument (damaged		
6 by lightning.)	2,000.00	.....

Rumseyan Society.

Sec. 43-a. For maintenance		
2 of grounds at Shepherdstown..	500.00	500.00

State Board of Pharmacy.

Sec. 44. Salaries and current		
2 general expenses	3,500.00	3,500.00

Berkeley Springs Board

Sec. 45. Current general and		
2 traveling expenses	\$ 500.00	500.00
3 There is hereby appropriated		
4 not to exceed the sum of ten		
5 thousand dollars, for repairs		
6 and improvements to the		
7 state's property, to be paid out		
8 of moneys that may be re-		
9 ceived account forfeiture of		

10 contract heretofore entered in-
 11 to, said payments to be made
 12 on approval of the board of
 13 public works.

State Hotel Inspector.

2	Sec. 46. Current general and traveling expenses	1,500.00	1,500.00
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Insurance on Public Buildings.

2	Sec. 47. To pay for insur- ance on public buildings.....	50,000.00	50,000.00
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West Virginia Penitentiary.

2	Sec. 48. Emergency current general expenses	20,000.00	20,000.00
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West Virginia University.

2	Sec. 49. Salaries of officers, teachers and employees.....	400,000.00	425,000.00
3	Current general expenses	150,000.00	150,000.00
4	Agricultural, horticultural and		
5	home economic extension	80,000.00	80,000.00
6	Athletic expense	10,000.00	10,000.00
7	Mining and industrial exten-		
8	sion	15,000.00	15,000.00
9	Repairs and improvements	50,000.00	50,000.00
10	Buildings and land (to complete		
11	law building)	50,000.00	50,000.00
12	Buildings and land—(chemistry		
13	building)	200,000.00	200,000.00
14	Building and land—(physical		
15	education building)	150,000.00	150,000.00

Agricultural Experiment Station

2	Sec. 50. Salaries of officers, technical staff and labor.....	50,000.00	50,000.00
3	Current general expenses	25,000.00	25,000.00

4	Repairs and improvements	15,000.00	15,000.00
5	Buildings and land	30,000.00	30,000.00
6	4-H camp for boys and girls club		
7	work	10,000.00	5,000.00

Community Packing House.

Sec. 51. Current general ex-			
2	penses	6,000.00	6,000.00
3	Building and land (to complete		
4	plant)	15,000.00	15,000.00
5	To be expended on the joint ap-		
6	proval of state board of con-		
7	trol and board of public		
8	works.		

The Potomac State School—Keyser

Sec. 52. Salaries of officers,			
2	teachers and employees	30,000.00	30,000.00
3	Current general expenses	15,000.00	15,000.00
4	Repairs and improvements	10,000.00	10,000.00
5	Buildings and land—dormitory..	40,000.00	40,000.00
6	Farm equipment	2,500.00	2,500.00

Marshall College.

Sec. 53. Salaries of officers,			
2	teachers and employees	125,000.00	135,000.00
3	Current general expenses	25,000.00	25,000.00
4	Library books and equipment	5,000.00	5,000.00
5	Repairs and improvements	25,000.00	30,000.00
6	Buildings and land	75,000.00	75,000.00
7	Buildings and land (to complete		
8	physical education building)	35,000.00	35,000.00

Fairmont State Normal School.

Sec. 54. Salaries of officers,			
2	teachers and employees	60,000.00	60,000.00
3	Current general expenses	15,000.00	15,000.00
4	Repairs and improvements	15,000.00	15,000.00
5	Buildings and land—(to complete		
6	dormitory)	60,000.00	60,000.00

Concord State Normal School.

Sec. 55. Salaries of officers,			
2	teachers and employees.....	44,000.00	48,000.00
3	Current general expenses	12,500.00	12,500.00
4	Repairs and improvements	12,500.00	12,500.00
5	Buildings and land (to complete		
6	dormitory)	45,000.00	45,000.00
7	Buildings and land	85,000.00	85,000.00

West Liberty State Normal School

Sec. 56. Salaries of officers,			
2	teachers and employees	25,000.00	27,500.00
3	Current general expenses	10,000.00	10,000.00
4	Repairs and improvements.....	15,000.00	15,000.00
5	Buildings and land	15,000.00	15,000.00

Shepherd College State Normal School.

Sec. 57. Salaries of officers,			
2	teachers and employees	34,000.00	38,000.00
3	Current general expenses	8,000.00	8,000.00
4	Repairs and improvements	2,500.00	2,500.00
5	Buildings and land	12,500.00	12,500.00

Glennville State Normal School.

Sec. 58. Salaries of officers,			
2	teachers and employees	40,000.00	40,000.00
3	Current general expenses	10,000.00	10,000.00
4	Buildings and land (dormitory)	30,000.00	30,000.00
5	Farm equipment, machinery and		
6	live stock	1,500.00	1,500.00
7	Repairs and improvements	7,500.00	7,500.00
8	Physical education building and		
9	athletic grounds	7,500.00	7,500.00

The New River State School—Montgomery.

Sec. 59. Salaries of officers,			
2	teachers and employees	25,000.00	25,000.00
3	Current general expenses	5,000.00	5,000.00
4	Repairs and improvements	12,500.00	12,500.00
5	Buildings and land	2,000.00	2,000.00

West Virginia School for the Deaf and Blind.

Sec. 60. Salaries of officers,		
2	teachers and employees	55,000.00 60,000.00
3	Current general expenses	60,000.00 60,000.00
4	Repairs and improvements	15,000.00 15,000.00
5	Buildings and land—to complete	
6	building	40,000.00 40,000.00
7	Sewerage system	5,000.00 5,000.00

Colored Deaf and Blind School.

Sec. 61. Current general ex-		
2	penses	10,000.00
3	Buildings and land	10,000.00 10,000.00

West Virginia Collegiate Institute

Sec. 62. Salaries of officers,		
2	teachers and employees	64,000.00 64,000.00
3	Current general expenses	25,000.00 30,000.00
4	Repairs and improvements	25,000.00 25,000.00
5	Buildings and land (to complete	
6	Dawson Hall)	61,282.46
7	Buildings and land	50,000.00 75,000.00

Bluefield Colored Institute.

Sec. 63. Salaries of officers,		
2	teachers and employees	27,750.00 27,750.00
3	Current general expenses	6,000.00 6,000.00
4	Repairs and improvements	6,000.00 6,000.00
5	Buildings and land	8,000.00 40,000.00

Storer College.

Sec. 64. Salaries of officers,		
2	teachers and employees	3,000.00 3,000.00

State Board of Children's Guardians.

Sec. 65. Salaries, traveling		
2	expenses, current general ex-	
3	penses	36,500.00 36,500.00

Florence Crittenden Home (Wheeling).

2	Sec. 66. For the care and		
3	treatment of wayward girls		
4	and their children, residents		
5	of West Virginia, who may		
6	become public charges, admit-		
7	ted under regulations pre-		
8	scribed by the state board of		
	control	3,000.00	3,000.00

Hillcrest Tuberculosis Sanitarium (Charleston).

2	Sec. 67. For the care and		
3	treatment of persons afflicted		
4	with tuberculosis, residents		
5	of West Virginia, who may		
6	become public charges, admit-		
7	ted under regulations pre-		
8	scribed by the state board of		
	control	10,000.00	10,000.00

Department of Public Safety.

2	Sec. 68. To pay the expen-		
3	ses of the department of pub-		
4	lic safety, including the com-		
5	penensation of the officers, em-		
6	ployees and members, and all		
7	other expenses thereof, accord-		
8	ing to the provisions of chap-		
9	ter twelve, acts of the extra		
10	session of the legislature of		
11	one thousand nine hundred		
12	and nineteen, as amended and		
	re-enacted	450,000.00	500,000.00

2	Sec. 68-a. For treatment of		
3	laborers and others who may		
4	become public charges, said		
5	amount to be paid upon ap-		
6	proval of the state board of		
7	control in the manner hereaf-		
	ter set forth	50,000.00	50,000.00

8 October one, one thousand nine
 9 hundred and twenty-one, and
 10 every three months thereafter
 11 any hospital other than state
 12 hospitals, within the state and
 13 doing charity work, may file
 14 with the state board of control
 15 itemized bills for all charity
 16 cases treated during the preced-
 17 ing three months, said bills to
 18 be made out in the form pre-
 19 scribed by and at the rates fixed
 20 by said board. Sixty days shall
 21 be allowed for filing said bills
 22 after which time the board of
 23 control shall audit the same and
 24 pay all proper claims. If, how-
 25 ever, the aggregate of all claims
 26 filed exceeds one-fourth of the
 27 amount appropriated for the
 28 year then said board shall ap-
 29 portion the said one-fourth ap-
 30 propriated so that each claim
 31 will receive its pro-rata share.
 32 (This appropriation to be ex-
 33 pended on order of the state
 34 board of control, under rules
 35 and regulations prescribed by
 36 said board.)

2 treatment in state and other hos-
 3 pitals of drug addicts residents
 4 of the state of West Virginia who
 5 may become public charges, said
 6 care and treatment to be subject
 7 to such rules and regulations as
 8 Sec. 68-b. For the care and
 9 board of control

5,000.00

10,000.00

State Industrial School for Colored Boys.

Sec. 68-c.	Building and land	75,000.00	75,000.00
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State Industrial Home for Colored Girls.

Sec. 68-c.	Buildings and land	75,000.00	75,000.00
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Commission to Supervise the Erection of a Monument and Markers.

2	Sec. 68-e. To carry out the		
3	provisions of House Bill No.		
4	206, relating to the erection of		
5	a monument and markers to		
6	designate the location occu-		
7	pied by the 4th West Virginia		
8	infantry regiment during the		
9	campaign and siege of Vicks-		
	burg	7,500.00	.....

SUB-SECTION "C".

2 Sec. 69. All appropriations appearing under Sub-Section "C"
 3 are payable out of the general revenue of the state fund for
 4 the fiscal year ending June thirty, one thousand nine hundred
 5 and twenty-one. Except appropriations in section seventy-three
 6 which are payable for the years one thousand nine hundred and
 twenty-two and one thousand nine hundred and twenty-three.

LEGISLATIVE DEPARTMENT.

*Senate.**Mileage.*

2	Sec. 70. Mileage of members of the Senate for	
3	the initial and adjourned session of one thousand	
4	nine hundred and twenty-one.....	\$ 2,264.80
5	Salaries of members of the Senate.....	15,000.00
6	President of the Senate, two dollars per day extra	
7	for presiding sixty days.....	120.00
8	<i>Compensation and Per Diem of Other Elective Officers.</i>	

8 Compensation of the Clerk of Senate for services
 9 rendered during the initial and adjourned ses-

10	sions, and the period between the two sessions,	
11	while superintending the printing of Senate	
12	bills	2,160.00
13	Sergeant-at-arms of the Senate and chief assist-	
14	ant for services rendered during the initial and	
15	adjourned sessions, and during the period between	
16	the two sessions, in making ready the circuit	
17	court room in the Kanawha county court house	
18	for occupancy by the Senate at the adjourned	
19	session, and securing and placing furniture and	
20	other equipment, one hundred and eight days each,	
21	at seven dollars per day	1,512.00
22	Doorkeeper of the Senate, sixty days, at eight dol-	
23	lars per day	480.00
24	<i>Presidential Appointees.</i>	
25	Secretary to the President, sixty days at twelve dol-	
26	lars per day,	720.00
27	Stenographer to the President, sixty days, at twelve	
28	dollars per days,	720.00
29	Clerk to Committee on Finance, twelve dollars;	
30	stenographer to Committee on Finance, clerk to	
31	Committee on the Judiciary and stenographer	
32	to the Committee on the Judiciary, clerk to the	
33	Committee on Roads and Navigation and the	
34	stenographer to the Committee on Roads and	
35	Navigation, and the head floor stenographer,	
36	sixty days, at ten dollars per day each, includ-	
37	ing per diem of secretary to the President,	
38	clerk to Committee on Finance and stenog-	
39	rapher to committee on judiciary during the	
40	interim	5,130.00
41	Five other committee stenographers, sixty days, at	
42	eight dollars per day each	2,400.00
43	Eight floor stenographers, sixty days at eight dol-	
44	lars per day each	3,840.00
45	Twenty-six additional committee clerks, sixty days	
46	at eight dollars per day each,	12,480.00
47	One assistant sergeant-at-arms, fifteen days, and	
48	three assistant sergeants-at-arms, forty-five days	
49	at seven dollars per day each,	1,050.00

50	Four assistant doorkeepers, sixty days, at seven dol-	
51	lars per day each	1,680.00
52	Librarian of the Senate, sixty days, at six dollars	
53	per day,	360.00
54	One messenger to the Senate, fifteen days, and five	
55	messengers, forty-five days at six dollars per day	
56	each,	1,440.00
57	Page to the president, mailing and banking page,	
58	and three journal pages, sixty days, at six dollars	
59	per day each	1,800.00
60	Eleven floor pages, sixty days at five dollars per day	
61	each	3,300.00
62	Day and night watchmen, four cloak room attendants	
63	and two toilet room attendants, fifteen days, and	
64	three watchmen, four cloak room attendants and	
65	five toilet room attendants, forty-five days, at six	
66	dollars per day each	3,960.00
67	<i>Clerk's Appointees.</i>	
68	Compensation of the chief assistant clerk for ser-	
69	vices rendered during the initial and adjourned	
70	sessions, and the period between the two sessions. .	1,620.00
71	Compensation of the supervisor and assistant super-	
72	visor of printing, official stenographer, reading	
73	clerk, abstract clerk, bill editor, office stenographer	
74	and one general assistant, for services at the initial	
75	and adjourned sessions, and during the period be-	
76	tween sessions, while printing senate bills, one	
77	hundred and eight days, at twelve dollars per day	10,368.00
78	Compensation of the warrant clerk, roll clerk, book-	
79	keeper, assistant bill editor, assistant abstract clerk,	
80	three printing clerks and three assistants and four	
81	copy holders, for services at the initial and ad-	
82	juorned sessions, and during the period between	
83	sessions, one hundred and eight days, at ten dollars	
84	per day each	16,200.00
85	Compensation of the senate and house bill record	
86	clerks, clerks to the committee on engrossed and	
87	enrolled bills, four copy holders, two general sten-	
88	ographers, and five assistants for general assign-	

89	ment, for services during the initial and adjourned	
90	sessions, sixty days, at ten dollars per day each...	9,000.00
91	Compensation of the page to the clerk and messen-	
92	ger to the clerk, during the initial and adjourned	
93	sessions, sixty days, at six dollars per day each	720.00
94	Senate contingent fund	20,000.00

To Pay the Following Named Persons and Firms for Supplies Furnished and Services Rendered 1921 Session Senate.

1	Sec. 70-a. Abney-Barnes Co., towels and crash	\$ 27.25
2	Armstrong and Whitten, labor and material.....	137.84
3	A. L. Bates, typewriter rental.....	25.00
4	Baldwin Supply Co., hack saw.....	1.75
5	Burlew Hardware Co., two trolley ladders.....	95.80
6	L. V. Butler, pitcher, tumbler and tray.....	7.00
7	Chesapeake & Potomac Tel. Co., services and tolls.	149.27
8	Commercial Law Co., 130 copies of code.....	2,730.00
9	C. I. Coffey Book Store, office supplies.....	36.93
10	Charleston Store Equip. Co., desks and chairs....	165.00
11	Charleston Hardware Co., buckets.....	7.50
12	T. C. Carney, shock absorbers for typewriters.....	8.00
13	Fisher Wagon Works, brackets for railing.....	3.60
14	J. M. Gates' Sons Co., paint, oil and varnish.....	44.42
15	Goshorn Hardware Co., extension ladder and hard-	
16	ware	24.66
17	F. W. Hughes, lettering and signs	53.20
18	J. H. Hudson, locks and keys.....	11.45
19	Indian Refining Co., paraffine oil.....	7.45
20	Jeffers and Richardson, labor and material.....	1,621.58
21	Kanawha Novelty Works, locks and keys	20.85
22	Kanawha Seed Co., spray.....	.50
23	Jno. Lee Shoe Co., shoe laces.....	7.80
24	Loewenstein and Sons, cuspidors and buckets.....	9.60
25	Mead Equipment Co., desks, tables and chairs....	1,814.79
26	Metal Office Furniture Co., desks and file cases....	935.40
27	The Sikes' Co., typewriter desks.....	216.00
28	The S. Spencer Moore Co., desks, table and office	
29	supplies	555.73
30	McClure Bros., rubber stamps.....	6.65
31	Murphy Electric Shop, electric globes.....	27.65

32	J. O. Hara, drinking water for senate offices.....	17.50
33	Pugh Furniture Co., chairs.....	32.00
34	Royal Typewriter Co., typewriter rental.....	14.50
35	Remington Typewriter Co., typewriter rental.....	60.00
36	J. R. Scott, rubber stamps.....	8.95
37	Jno. W. Sparks Co., water cooler and hardware....	34.50
38	Tripure Water Co., drinking water and coolers....	130.15
39	Thomas Bros., shoe laces.....	3.60
40	Underwood Typewriter Co., typewriters and rental	484.50
41	Woodrum Home Outfitting Co., rugs, chairs, stand	429.65
42	Whitmore Electric Co., electrical supplies.....	64.55
43	Cal. F. Young, steel cupboard.....	116.00
44	Y. M. C. A., Electricity, electrical fixtures and re-	
45	pairs.....	246.06
46	Robert Thornton, brush and broom.....	1.15
47	Jno. T. Harris, money advanced for janitor and	
48	postage.....	85.54
49	Clara Darst, making towels.....	2.50
50	Wm. Dickerson, hauling trash.....	9.50
51	The American Multigraph Sales Co.....	37.00
52	Mrs. Wm. Brown, washing towels.....	20.00
53	J. K. Gies, janitor service 61 days at \$2.50 per day..	52.50
54	J. M. Lynn, janitor service 29 days at \$2.50 per day	72.50
55	G. A. Saunders, janitor service 22 days.....	47.00
56	F. T. Whiting, janitor service 22 days.....	47.00
57	W. C. Sission, janitor service 22 days.....	47.00
58	Kenneth West, janitor service 22 days.....	47.00
59	Total.....	10,926.32

House of Delegates.

Sec. 71. Milcage of members of the House of		
2	Delegates.....	7,000.00
3	Per diem of the Speaker of the House at \$2 per day	120.00
4	Salaries of the Speaker and members of the House	47,000.00

Clerk's Appointees.

Sec. 71-a.	Chief assistant clerk, supervisor of	
2	printing, one minute clerk, stenographer to clerk	
3	and reading clerk at \$12 per day	\$3,600.00
4	One minute clerk, 15 days at \$12 per day	180.00
5	Sixteen assistant clerks at \$10 per day	9,600.00
6	Two assistant clerks, 45 days at \$10 per day	900.00
7	One bill editor, 15 days at \$10 per day	150.00
8	One page to clerk at \$5 per day	300.00

For Services During the Period Between the Sessions.

Sec. 71-b.	Compensation for the Speaker, purchasing furniture and supplies, and supervising	
2	preparation of intermediate court room for occupancy by the House of Delegates	\$500.00
3	Per diem of stenographers to the Speaker, 48 days	
4	at \$12	576.00
5	Per diem of sergeant-at-arms, clerk and stenographer to sergeant-at-arms, assistant clerks, proof	
6	readers, copy holders, stenographers, clerks, janitors, page, mailing and banking page, and journal	
7	pages, for services in connection with editing, proof reading, printing and assistance in mailing	
8	all public and joint resolutions and for making ready the intermediate court room in the Kanawha	
9	county court house for occupancy by the House of Delegates during the adjourned session and for	
10	securing and placing all necessary furniture, supplies, etc., for the use of the House	\$8,500.00
11		
12		
13		
14		
15		
16		
17		
18		

Compensation of Other Elective Officers.

Sec. 71-c.	Compensation of the Clerk of the	
2	House for the initial and adjourned sessions and	
3	the period between the sessions	\$2,160.00
4	Compensation of the sergeant-at-arms of the	
5	House for the initial and adjourned sessions and	
6	the period between the sessions	1,296.00
7	Compensation of the doorkeeper of the House for	
8	the initial and adjourned sessions	480.00

9	<i>Speaker's Appointees.</i>	
10	Eleven floor stenographers at \$8.00 per day	5,280.00
11	Two chief stenographers at \$10.00 per day	1,200.00
12	Clerk to the Committee on Taxation and Finance	
13	at \$10.00 per day	600.00
14	Stenographer to the Committee on Taxation and	
15	Finance at \$8.00 per day	480.00
16	Secretary and stenographer to the Speaker, 15	
17	days at \$12.00 per day	180.00
18	Secretary and stenographer to the Speaker 45 days	
19	at \$12.00 per day	540.00
20	Clerk to the Committee on the Judiciary at \$10.00	
21	per day	600.00
22	Stenographer to the Committee on the Judiciary	
23	\$8.00 per day	480.00
24	Twenty-nine other clerks at \$8.00 per day	13,920.00
25	One assistant sergeant-at-arms at \$7.00 per day	120.00
26	T. A. Dixon, assistant sergeant-at-arms at \$9.00	
27	per day	540.00
28	Clerk to sergeant-at-arms at \$8.00 per day	480.00
29	Fourteen floor pages at \$5.00 per day	4,200.00
30	One mail and banking page at \$6.00 per day	360.00
31	Five Journal pages at \$6.00 per day	1,800.00
32	Donald White, floor page, 45 days at \$5.00 per day	225.00
33	Two night watchmen at \$6.00 per day	720.00
34	Two day watchmen at \$6.00 per day	720.00
35	Four assistant doorkeepers at \$7.00 per day	1,680.00
36	Twelve toilet and closet room keepers at \$7.00 per day	5,040.00
37	One Librarian at \$5.00 per day	300.00
38	One messenger to sergeant-at-arms at \$5.00 per day	300.00
39	To pay the following named persons and firms for	
40	supplies furnished and services rendered 1921	
41	session House of Delegates.	
42	Abney Barnes and Co. (Linoleum)	89.78
43	Armstrong & Whitten, (Labor, paint and supplies)	417.44
44	Laura Bostic, (Rent for typewriter)	10.00
45	Coyle & Richardson, (Cheese cloth) . . . . .	.90
46	C. I. Coffey, (Supplies)	27.18
47	F. H. Cavender, (Hauling)	1.00
48	James A. Campbell, (Labor)	24.00

49 G. W. Muse, (Labor)	90.00
50 J. W. P. Knight (Labor and material)	29.13
51 Charleston Cut Flower Co., (Three wreaths and ex.)	45.75
52 Charleston Elec. Sup. Co., (Supplies)	22.34
53 P. A. Donovan, (Supplies for church)	4.00
54 Eskew, Smith & Cannon, (Supplies)	25.33
55 J. M. Gates Sons Co., (Supplies and paint)	33.65
56 J. K. Gies, (Janitor service)	152.50
57 Goshorn Hdwe. Co., (Supplies)	5.45
58 A. E. Harmon, (Lettering)	12.25
59 Huntington Iron Works, (Window guards)	52.50
60 Indian Refg. Co., (Parafine oil)	2.85
61 Jeffers & Richardson, (Material and labor)	367.66
62 Kanawha Novelty Wks., (Locks and keys)	26.75
63 C. C. Douthitt, trustee, assignee, Meade Equipment	
64 Co., (Desks, chairs, etc.)	6,796.74
65 Metal Office Furn. Co., (Desks and file cases)....	426.00
66 Winnie Miller, (Towels and soap)	2.73
67 H. H. Noel, (Coat hooks) .....	.60
68 Roy Pleasant, (Hauling)	4.00
69 The Skies Co., (Office chairs)	375.00
70 Frank P. Swann Co., (Typewriter desks and chairs)	378.60
71 John W. Sparks Co., (Supplies) .....	.60
72 Southern Advertising Co., (Painting cards)	13.20
73 C. L. Topping, (Preliminary work organizing	
74 House)	150.00
75 Underwood Typewriter Co., (To purchase 3 ma-	
76 chines, Nos. 337072, 337082, 337087 and rent)	350.25
77 Western Union Tel. Co., (Electric clock)	23.00
78 Woodrum Home Outfitting Co. (Supplies)	294.35
79 Whitmore Electric Co. (Fans and supplies)	172.15
80 Cal F. Young, (Steel desk and supplies)	540.73
81 H. C. Zogg, (Administering oath to members	
82 House)	47.00
83 Myers Brothers, (Supplies)	12.50
84 J. M. Lynn (29 days at \$2.50—Janitor)	72.50
85 S. Spencer Moore & Co., (Supplies)	506.60
86 F. W. Hughes, (Painting and lettering)	63.70
87 McKeller Elec. Co. (re-wiring and material)	579.13
88 H.. Rus Warne, (correcting accoustic properties)	50.00

89 Clarence Peters, (Rent of typewriter)	10.00
90 Brawley Brothers, (Cuspidors and pitchers)	74.72
91 Tripure Water Co., (Drinking water)	217.70
92 Wm. Dickinson, (Hauling trash)	6.00
93 W. H. Curtis, (Keys, oils and brushes, express) ..	6.90
94 F. P. Aleshire, (Flowers and railroad fare to 95 Logan)	18.96
96 F. O. Sanders, (Railroad fare to Logan)	3.96
97 J. S. Zimmerman, (Railroad fare to Logan)	3.96
98 H. O. Dunfee, (Railroad fare to Logan)	3.96
99 O. W. Fitch, (Railroad fare to Logan)	3.96
100 F. C. Baker, (Railroad fare to Logan)	3.96
101 James Flynn & Sons, (Steel desk, table, 4 chairs)	250.00
102 Morgan Lumber Co., (One table)	25.00
103 Safe Cabinet Co., (Safe for clerk's office to be paid 104 for by the Auditor upon certification of same by 104-a. the Clerk of the House)	454.28
105 American Express Co., (Express)	16.50
106 Alexander Elec. Co., (repairing lights)	2.05
107 Chas. Hdwe. Co., (1-2 doz. galv. buckets)	7.60
108 F. C. Ritter, (Speaker's chair)	8.75
109 R. L. Thomas, (Hauling)	2.00
110 Clara Darst, (Making roller towels)	2.50
111 H. R. Judy, (Making keys)	2.25
112 Chesapeake & Potomac Tel. Co., (Service and esti- 113 mated tolls, Speaker, Clerk, sergeant-at-arms 114 and balance due from 1920)	140.96
115 Leroy Clemens, (Joint supervisor in enrolling on 116 part of the House).....	240.00
117 Homer Jarrett, (Ten days work at \$10.00 per day)	100.00
118 Orpha Edgell, (15 days initial session at \$8.00 per 119 day)	120.00
120 Julia Graham Barclay (15 days initial session at 121 \$8.00 per day)	120.00
122 J. T. Pauley, (Clk. Joint Committee on Roads, 45 123 days at \$8.00 per day)	270.00
124 W. D. Gosney, (Janitor force additional compensa- 125 tion, House of Delegates)	90.00
126 Arthur Ragland, Do	90.00
127 James Bass, Do	90.00

128	S. S. Ragland, Do	90.00
129	Lacy Holmes, Do.	90.00
130	Ed. Scott, Do.	90.00
131	C. E. Saulsbury, (Floor page 8 days \$5.00 day) ..	40.00
132	Ulrich Warner, (Court House janitor)	90.00
133	Herman Sisson, Do	90.00
134	William Burdette, Do	90.00
135	Silas Harden, Sr., Do	50.00
136	A. A. Meadows, Do	50.00
137	Lacy Holmes, (Service)	7.00
138	Marie Floyd Ford, (Rent of typewriter 6 mo.,	
139	\$5.00 per mo.)	30.00
140	A. L. Bates, (Rent typewriter)	5.00
141	Dr. E. Leroy Dakin, (Chaplain to House)	125.00
142	A. K. Slaughter, (Bal. Supervisor Printing Ses-	
143	sion, 1919)	300.00
144	Abney Barnes & Co., for linoleum	246.00
145	To pay the increased per diem of the mailing clerks	
146	for the initial and adjourned sessions and the	
147	period between sessions, to be paid by the auditor	
148	upon certification by the secretary of state of	
149	names and number of days employed, at \$2.00	
150	per day	2,490.00
151	Contingent fund of the House of Delegates.....	20,000.00

Legislative Printing and Stationery.

Sec. 72. To pay the cost of legislative printing
 2 and stationery, the appropriation to be available
 3 for the year ending June thirty, one thousand
 4 nine hundred and twenty-one. If the work is
 5 not completed prior to June thirty, one thousand
 6 nine hundred and twenty-one, then the appropri-
 7 ation shall continue in effect until completed.... 125,000.00

Salaries of Members of the Legislature.

	1922	1923
Sec. 73. Salaries of members		
2 of the Senate	\$15,000.00	\$15,000.00
3 Salaries of members of the		
4 House of Delegates	47,000.00	47,000.00

5 The salaries of J. P. Kizer and Charles Avis for
6 their respective terms shall be paid to their re-
7 spective widows:

Legislative Hand Book and Manual and Official Register.

2	Sec 73-a. To pay John T.	
3	Harris for editing, compiling	
4	and publishing the "West Vir-	
5	ginia. Legislative Hand Book	
6	and Manual and Official Reg-	
7	ister" under the provisions of	
8	Senate Concurrent Resolution	
9	No. 7, adopted at the adjourned	
10	session of one thousand nine	
11	hundred and twenty-one, in-	
12	cluding expenses incurred for	
13	legal services in having digests	
14	made of important general	
15	laws, and for clerk hire, sten-	
16	ographers and proof readers,	
17	and for shipping charges in	
18	connection with the distribu-	
19	tion of the book to members of	
20	the present and next succeeding	
21	legislature, and as otherwise	
22	provided for in the resolution:	
23	For the year ending June	
24	thirty, one thousand nine hun-	8,000.00
25	dred and twenty-two.....	
26	For the year ending June	
27	thirty, one thousand nine hun-	12,000.00
28	dred and twenty-three.....	
29	One-half of the above amounts	
30	to be paid by the auditor to	
31	the editor and compiler upon a	
32	certificate from the superin-	
33	tendent of public printing that	
34	the "copy" for the handbook	
	has been turned over to the pub-	

35 lic printer, and the other half
 36 upon a similar certificate that
 37 the completed editions have
 38 been delivered.

SUB-SECTION "D".

Sec. 74. All appropriations appearing under Sub-Section
 2 "D" are payable out of the general revenue of the state fund for
 3 the fiscal year ending June thirty, one thousand nine hundred
 4 and twenty-one.

Miscellaneous Appropriations.

2	Sec. 75. Deficiency appropriation, current	
3	general expenses, auditor's office for remainder of	
4	year ending June thirty, one thousand nine hun-	
5	dred and twenty-one	\$ 2,000.00
6	To pay for filing cases, furniture and other office	
7	equipment in the auditor's office	12,000.00
8	Deficiency appropriation for clerks and stenogra-	
9	phers, auditor's office, for remainder of year end-	
10	ing June thirty, one thousand nine hundred and	
11	twenty-one	2,800.00
12	Deficiency appropriation to pay expenses of secre-	
13	tary of state's office for remainder of year ending	
14	June thirty, one thousand nine hundred and	
15	twenty-one	6,300.00
16	To pay the cost of distribution of bills and jour-	
17	nals to be disbursed on requisition of secretary	
18	of state	19,000.00
19	Deficiency appropriation to pay expenses of state	
20	tax commissioner's office for remainder of year	
21	ending June thirty, one thousand nine hundred	
22	and twenty-one	5,000.00
23	Deficiency appropriation to pay expenses of office of	
24	commissioner of prohibition for remainder of	
25	year ending June thirty, one thousand nine hun-	
26	dred and twenty-one	40,000.00
27	To pay salary of clerk in office of commissioner of	
28	banking for remainder of year ending June	
	thirty, one thousand nine hundred and twenty-one	1,200.00

29	Deficiency appropriation to pay current general ex-	
30	penses in office of commissioner of banking for	
31	remainder of the year ending June thirty, one	
32	thousand nine hundred and twenty-one	600.00
33	Traveling expenses, commissioner of banking and	
34	assistants for remainder of year ending June	
35	thirty, one thousand nine hundred and twenty-one	1,800.00
36	Deficiency appropriation to pay current general ex-	
37	penses, state department of health, for re-	
38	mainder of year ending June thirty, one thousand	
39	nine hundred and twenty-one	5,000.00
40	Deficiency appropriation to pay for water, light,	
41	heat, and current expenses, repairs and improve-	
42	ments capitol building and grounds, for re-	
43	mainder of year ending June thirty, one thousand	
44	nine hundred and twenty-one	25,000.00
45	Supplemental appropriation for printing and bind-	
46	ing supreme court reports for remainder of year	
47	ending June thirty, one thousand nine hundred	
48	and twenty-one	5,000.00
49	To pay cost of re-printing and binding nine volumes	
50	supreme court reports, destroyed in state house	
51	fire, including cost of proof reading	30,000.00
52	This appropriation to be disbursed on the	
53	requisition of the attorney general. If the	
54	work of re-printing and binding is not completed	
55	before June thirty, one thousand nine hundred	
56	and twenty-one, then this appropriation shall con-	
57	tinue in effect until the work is completed.	
58	Deficiency appropriation to pay current general ex-	
59	penses, Weston state hospital, for remainder of	
60	year ending June thirty, one thousand nine hun-	
61	dred and twenty-one	25,000.00
62	Deficiency appropriation for current general ex-	
63	penses, Fairmont hospital number three for re-	
64	mainder of year ending June thirty, one thousand	
65	nine hundred and twenty-one	10,000.00
66	Deficiency appropriation for current general ex-	
67	penses, West Virginia industrial school for boys,	
68	for remainder of year ending June thirty, one	
69	thousand nine hundred and twenty-one	10,000.00

70	Deficiency appropriation for current general ex-	
71	penses, West Virginia industrial home for girls,	
72	for remainder of year ending June thirty, one	
73	thousand nine hundred and twenty-one	5,000.00
74	Deficiency appropriation for publication of reports	
75	on Nicholas and Tucker counties, geological sur-	
76	vey, for remainder of year ending June thirty,	
77	one thousand nine hundred and twenty-one	2,500.00
78	Deficiency and supplemental appropriation to pay	
79	salaries of officers, teachers and employees, West	
80	Virginia university, for remainder of year ending	
81	June thirty, one thousand nine hundred and	
82	twenty-one (See explanation in budget).....	234,947.36
83	Deficiency and supplemental appropriation to pay	
84	salaries of officers, technical staff and labor, agri-	
85	cultural experiment station, for remainder of	
86	year ending June thirty, one thousand nine hun-	
87	dred and twenty-one	22,500.00
88	Deficiency appropriation to pay current general ex-	
89	penses, agricultural experiment station for re-	
90	mainder of year ending June thirty, one thousand	
91	nine hundred and twenty-one	6,250.00
92	Deficiency and supplemental appropriation to pay	
93	salaries of officers, teachers and employees, pre-	
94	paratory branch of the West Virginia University	
95	at Keyser, for remainder of year ending June	
96	thirty, one thousand nine hundred and twenty-	
97	one	12,500.00
98	Deficiency appropriation to pay current general ex-	
99	penses, preparatory branch of the West Virginia	
100	university at Keyser, for remainder of year end-	
101	ing June thirty, one thousand nine hundred and	
102	twenty-one	7,000.00
103	Deficiency and supplemental appropriation to pay	
104	salaries of officers, teachers and employees, Mar-	
105	shall College, for remainder of year ending	
106	June thirty, one thousand nine hundred and	
107	twenty-one	19,937.50
108	Deficiency appropriation to pay current general	
109	expenses, Marshall college, for remainder of	

110	year ending June thirty, one thousand nine hun-	
111	dred and twenty-one	5,000.00
112	Deficiency appropriation to pay for repairs and	
113	improvements, Marshall college, for remainder	
114	of year ending June thirty, one thousand nine	
115	hundred and twenty-one	2,500.00
116	Deficiency and supplemental appropriation to pay	
117	salaries of officers, teachers and employees,	
118	Fairmont state normal school, for remainder of	
119	year ending June thirty, one thousand nine	
120	hundred and twenty-one	15,000.00
121	Deficiency and supplemental appropriation to pay	
122	salaries of officers, teachers and employees, Con-	
123	cord state normal school, for remainder of year	
124	ending June thirty, one thousand nine hun-	
125	dred and twenty-one	10,775.00
126	Deficiency and supplemental appropriation to pay	
127	salaries of officers, teachers and employees, West	
128	Liberty state normal school, for remainder of	
129	year ending June thirty, one thousand nine hun-	
130	dred and twenty-one	6,500.00
131	Deficiency and supplemental appropriation to pay	
132	salaries of officers, teachers and employees,	
133	Shepherd college state normal school, for re-	
134	mainder of year ending June thirty, one thou-	
135	sand nine hundred and twenty-one	10,000.00
	Sec. 75-a. Deficiency and supplemental ap-	
2	propriation to pay salaries of officers, teachers	
3	and employees, Glenville state normal school,	
4	for remainder of year ending June thirty, one	
5	thousand nine hundred and twenty-one	8,250.00
6	Deficiency and supplemental appropriation to pay	
7	salaries of officers, teachers and employees, West	
8	Virginia schools for the deaf and blind, for re-	
9	mainder of year ending June thirty, one thousand	
10	nine hundred and twenty-one	10,035.00
11	Deficiency and supplemental appropriation to pay	
12	salaries of officers, teachers and employees, West	
13	Virginia collegiate institute, for remainder of	
14	year ending June thirty, one thousand nine hun-	
15	dred and twenty-one	25,990.00

16	Deficiency appropriation to pay current general ex-	
17	penses West Virginia collegiate institute, for re-	
18	mainder of year ending June thirty, one thousand	
19	nine hundred and twenty-one	10,000.00
20	Deficiency and supplemental appropriation to pay	
21	salaries of officers, teachers and employees, Blue-	
22	field colored institute, for remainder of year	
23	ending June thirty, one thousand nine hundred	
24	and twenty-one	6,144.00
25	To pay additional salary to Freeman Carte, clerk	
26	and bookkeeper department of public safety, from	
27	July one, one thousand nine hundred and nine-	
28	teen, to March one, one thousand nine hundred	
29	and twenty-one	1,500.00
30	To pay rent of armory, on Capitol street, Charles-	
31	ton, from June thirty, one thousand nine hundred	
32	and nineteen, to May one, one thousand nine hun-	
33	dred and twenty-one	4,583.32
34	To pay rent of armory at Huntington, W. Va.,	
35	from April one, one thousand nine hundred and	
36	nineteen, to July one, one thousand nine hun-	
37	dred and twenty-one	6,030.00
38	To pay state's proportion cost of paving Dickin-	
39	son street, between Lee and Washington, city	
40	of Charleston, certificate No. 1680.....	3,085.55
41	To pay state's proportion cost of paving Capitol	
42	street, between Lee and Washington, city of	
43	Charleston, certificate Nos. 1903 and 1920....	4,392.51
44	To reimburse the state fire marshal fund for money	
45	advanced to pay expenses of preparing camp	
46	site at Kanawha City for occupaney of U. S.	
47	troops.	7,000.00
48	To reimburse state fire marshal fund for money	
49	advanced account expenses oil and gas litigation	5,000.00
50	To pay state's special counsel fees, court costs,	
51	printing and all other expenses in connection	
52	with the defense of and enforcement of chapter	
53	five, extraordinary session, one thousand nine	
54	hundred and nineteen, providing for a privilege	
55	tax for the transportation of oil and gas by means	

56	of pipe lines, in the suits of the Eureka Pipe	
57	Line Company and the United Fuel Gas Com-	
58	pany vs. Walter S. Hallanan, state tax commis-	
59	sioner, and E. T. England, attorney general,	
60	recently decided by the supreme court of ap-	
61	peals of West Virginia upon appeal from the cir-	
62	cuit court of Kanawha county, and the several	
63	suits now pending in the circuit court of Kan-	
64	awha county against the state tax commissioner	
65	and the attorney general and for like and similar	
66	expenses in the event of appeal in any of said	
67	cases to the United States supreme court	50,000.00
68	This appropriation to be expended on the order	
69	of the board of public works, and to continue in	
70	effect until the litigation is finally determined.	
71	To pay state's special counsel fees, court costs,	
72	including master's allowances, printing, stenog-	
73	raphers for taking depositions, engineers, and all	
74	other expenses in defense of the two suits of the	
75	state of Ohio vs. the state of West Virginia, and	
76	the commonwealth of Pennsylvania vs. the state	
77	of West Virginia, now pending in the United	
78	States supreme court, original jurisdiction,	
79	wherein the state of Ohio and the commonwealth	
80	of Pennsylvania are seeking to enjoin the state of	
81	West Virginia from enforcing chapter seventy-	
82	one, regular session, one thousand nine hundred	
83	and nineteen, relating to persons, firms and cor-	
84	porations engaged in furnishing or required by	
85	law to furnish natural gas for public use within	
86	this state	50,000.00
87	This appropriation to be expended on the order of	
88	board of public works, and to continue in effect	
89	until the litigation is finally determined.	
90	To complete and equip buildings Reymann Mem-	
91	orial farm and station, West Virginia experi-	
92	ment station	10,000.00
93	To construct temporary state capitol building and	
94	equip same, including furniture, rugs, file cases,	
95	typewriters, adding machines and other office	
96	equipment	225,000.00

97	(This appropriation to be expended on order of	
98	the board of public works.)	
99	To partially replace stock of printing, binding,	
100	stationery and blank paper, destroyed by recent	
101	state house fire	75,000.00
102	To pay the expense of wrecking and removing the	
103	ruins of the state house destroyed by fire	20,000.00
104	This appropriation to be expended on order of the	
105	board of public works.	
106	To pay cost of repairs and improvements to capitol	
107	annex building	4,000.00
108	To pay expenses incidental to the inauguration of	
109	the governor, March fourth, one thousand nine	
110	hundred and twenty-one, to be paid on requis-	
111	ition of the governor drawn on the auditor	3,500.00
112	To pay R. A. Windel for cleaning carpets in house	
113	of delegates and senate chamber	150.00
114	To supplement the appropriation for salaries for	
115	judges of the circuit courts for the remainder of	
116	the year ending June thirtieth, one thousand nine	
117	hundred and twenty-one, so as to pay additional	
118	salary from January first, one thousand nine	
119	hundred and twenty-one account changes caused	
120	by one thousand nine hundred and twenty census	500.00
121	To supplement appropriation for salary of the audi-	
122	tor for remainder of the year ending June thir-	
123	tieth, one thousand nine hundred and twenty-one,	
124	account change in salary March fourth, one thou-	
125	sand nine hundred and twenty-one	163.80
126	To supplement appropriation for salary of the treas-	
127	urer for remainder of year ending June thirtieth,	
128	one thousand nine hundred and twenty-one, ac-	
129	count change in salary March fourth, one thou-	
130	sand nine hundred and twenty-one	485.79
131	To supplement appropriation for salary of the at-	
132	torney general for remainder of year ending June	
133	thirtieth, one thousand nine hundred and twenty-	
134	one, account change in salary March fourth, one	
135	thousand nine hundred and twenty-one	323.85
136	To supplement appropriation for salary of the sec-	

137	retary of state for remainder of year ending June	
138	thirtieth, one thousand nine hundred and twenty-	
139	one, account change in salary March fourth, one	
140	thousand nine hundred and twenty-one.....	323.85
141	To supplement appropriation for salary of the com-	
142	missioner of agriculture for remainder of year	
143	ending June thirtieth, one thousand nine hundred	
144	and twenty-one, account change in salary March	
145	fourth, one thousand nine hundred and twenty-one	323.85
146	To supplement appropriation for salary of the	
147	state tax commissioner for remainder of year	
148	ending June thirtieth, one thousand nine hun-	
149	dred and twenty-one, account change in salary..	388.88
150	Deficiency appropriation to pay criminal charges	
151	for remainder of year ending June thirtieth, one	
152	thousand nine hundred and twenty-one.....	35,000.00
153	Supplement for appropriation for current gen-	
154	eral expenses of the supreme court of appeals on	
155	account of payments made for state board of law	
156	examiners for remainder of year ending June	
157	thirtieth, one thousand nine hundred and twen-	
158	ty-one	600.00
159	To purchase fire proof file cabinets for card rec-	
160	ords furnished by federal government showing	
161	record of West Virginians who served in the	
162	World War	1,000.00
163	To pay A. A. Lilly for services rendered and	
164	expenses incurred March fifth, sixth and seventh,	
165	one thousand nine hundred and seventeen, in the	
166	supreme court of the United States at Washing-	
167	ton, in filing the return of West Virginia in the	
168	case of Virginia vs. West Virginia in the man-	
169	damus proceedings before said court at Washing-	
170	ton, pursuant to the direction of the governor	
171	and employment in that regard	500.00
172	To pay Edward F. Diehl for expenses incurred	
173	as assistant to commissioner of banking in March,	
174	one thousand nine hundred and nineteen	74.68
175	To pay the widow of Charles Walker, who was killed	
176	January third, one thousand nine hundred and	

177	twenty-one, in the state house fire. This appro-	
178	priation to be paid at the rate of fifty dollars per	
179	month beginning January first, one thousand	
180	nine hundred and twenty-one, on the requisition	
181	of the state auditor	1,500.00
182	To pay Earl R. Buffington account hospital bill and	
183	time lost resulting from injuries received last	
184	Thanksgiving day when bleacher stand collapsed	
185	at foot ball game Marshall college.....	80.57
186	To pay Bessie Dey Arnett account hospital and	
187	medical bills resulting from injuries received last	
188	Thanksgiving day when bleacher stand collapsed	
189	at foot ball game Marshall college	125.50
190	To pay Edward R. Evans account medical bills and	
191	time lost resulting from injuries received last	
192	Thanksgiving day when bleacher stand collapsed	
193	at foot ball game, Marshall college.....	150.00
194	To cover the cost of preparing an "index to land	
195	grants" in accordance with house bill one hundred	
196	and ninety-four and senate bill two hundred	
197	and seventy-six, this appropriation to be disburs-	
198	ed on requisition of the auditor and to continue	
199	in effect until the work is completed.....	3,500.00

SUB-SECTION "E".

Sec. 76. All appropriations appearing under Sub-Section 2 "E" are payable out of the general school fund of the state.

Department of Schools.

	1922	1923
Sec. 77. Salary of the Su-		
2 perintendent of free schools..	\$ 5,000.00	\$ 5,000.00
3 Salary of assistant superintend-		
4 ent	3,300.00	3,300.00
5 Salary of supervisor of colored		
6 schools	2,700.00	2,700.00
7 Stenographers and clerks	18,000.00	18,000.00
8 Inspection and supervision of		
9 high schools	3,000.00	3,000.00
10 Inspection and supervision of ru-		
11 ral schools	6,000.00	6,000.00

12	Expenses for conducting uniform		
13	examinations, including salary		
14	of supervisor of examinations	12,000.00	12,000.00
15	Printing, binding and station-		
16	ery	25,000.00	25,000.00
17	Expenses of state superintend-		
18	ent	500.00	500.00
19	Current general expenses	6,000.00	6,000.00
20	Traveling and other necessary		
21	expenses of inspectors and su-		
22	pervisors of colored schools,		
23	rural schools, high schools,		
24	conferences and general ex-		
25	penses	7,500.00	7,500.00
26	Salaries, traveling expenses and		
27	other necessary expenses con-		
28	nected with sanitary inspec-		
29	tion; the institution and carry-		
30	ing out of system of physical		
31	education; the preparation, in-		
32	spection and approval of plans		
33	for school buildings and for the		
34	teaching of thrift and Ameri-		
35	canization	10,000.00	10,000.00

State Board of Education.

36	Salaries of six members of state		
37	board of education	6,000.00	6,000.00
38	Salaries of two advisory mem-		
39	bers	2,000.00	2,000.00
40	Expenses of members of state		
41	board of education	3,500.00	3,500.00
42	Expenses of advisory members..	600.00	600.00
43	Salary and expenses of secretary		
44	and director	5,000.00	5,000.00
45	Salaries of clerks and stenogra-		
46	phers	1,800.00	1,800.00

General Expenses.

47 State aid for classified high		
48 schools in accordance with the		
49 provisions of general law....	176,000.00	182,000.00
50 <i>Provided, however, if the aggre-</i>		
51 <i>gate amount in the general</i>		
52 <i>school fund is not sufficient to</i>		
53 <i>supplement in full all elemen-</i>		
54 <i>tary schools, together with aid</i>		
55 <i>to high schools, then after sup-</i>		
56 <i>plementing all elementary</i>		
57 <i>schools the balance shall be ap-</i>		
58 <i>portioned to the high schools.</i>		
59 Salaries of county superintend-		
60 ents	92,000.00	92,000.00
61 Compensation and expenses of		
62 institute instructors	15,000.00	15,000.00
63 To assist in rehabilitation work		
64 for which the Federal govern-		
65 ment provides dollar for dollar		
66 —payable on order of the state		
67 board of education	15,000.00	15,000.00
68 <i>Provided, That out of this fund</i>		
69 <i>aid shall be given blind stu-</i>		
70 <i>dents doing work of college</i>		
71 <i>rank in any of the colleges of</i>		
72 <i>the state, on approval of the</i>		
73 <i>state board of education.</i>		
74 Vocational education, payable on		
75 order of the state board of edu-		
76 cation and state board of con-		
77 trol	25,000.00	25,000.00
78 The auditor shall credit all de-		
79 linquent taxes due the state to		
80 the fund to which they belong,		
81 and the cost of certification of		
82 sale shall be paid out of the		
83 fund to which they are credit-		
84 ed, and there is hereby appro-		
85 priated so much as may be		

86	necessary for the payment of		
87	the same not to exceed.....	10,000.00	10,000.00
88	And for the publication there is		
89	hereby appropriated so much as		
90	may be necessary, the cost of		
91	publication of each tract not to		
92	exceed the sum of seventy-five		
93	cents, payable on requisition of		
94	of the state auditor.		
95	In addition to the foregoing ap-		
96	propriations the balance of the		
97	receipts for each year of said		
98	fund is hereby appropriated for		
99	supplemental aid to schools in		
100	accordance with the provision		
101	of general law.		

Department of Schools.

2 Sec. 77-a. Deficiency appropriations to pay ex-
 3 penses of department of schools for remainder of
 4 year ending June thirtieth, one thousand nine
 4 hundred and twenty-one, as follows:

Emergency.

2	Sec. 77-b Salary of superintendent of free-		
2	schools		\$ 323.25
3	Stenographers and clerks	1,800.00	
4	Expenses of conducting uniform examinations.....	1,500.00	
5	Printing, binding and stationery	3,000.00	
6	Traveling and other necessary expenses of inspect-		
7	ors and supervisors of colored schools, rural		
8	schools, high schools, conferences and general ex-		
9	penses		500.00
10	Current general expenses.....	1,600.00	

State Board of Education.

11	Expenses		500.00
12	Salary and expenses of secretary and field director		500.00

13	To assist in rehabilitation of those injured and in-		
14	capacitated in industrial pursuits for which the		
15	Federal government provides dollar for dollar		
16	under the Smith-Hughes act.....		4,000.00

General Purposes.

17	Salaries of county superintendents as fixed by gen-		
18	eral law		15,072.43

Delinquent Lands.

19	Deficiency appropriation to pay cost of certifica-		
20	tion of delinquent taxes for remainder of year		
21	ending June thirtieth, one thousand nine hundred		
22	and twenty-one		2,700.00
23	(This appropriation is payable on requisition of		
24	state auditor.)		

SUB-SECTION "F".

Sec. 78. All appropriations appearing under Sub-Section "F"
2 are payable out of the state road fund of the state.

STATE ROAD COMMISSION.

Automobile Bureau.

	Sec. 79. For purchase of li-		
2	cense tags, storage, postage,		
3	freight, express and cartage		
4	on same	41,000.00	55,000.00
5	Salaries of clerks, stenographers		
6	and field agent, including ex-		
7	penses of field agent	31,500.00	36,500.00
8	Current general expenses	19,500.00	21,500.00

9 *Administration Expenses.*

10	Salaries of commissioners	22,500.00	22,500.00
11	Salaries of engineers, clerks,		
12	stenographers, property, ac-		
13	counting, recording and all		
14	other assistants	152,800.00	152,800.00

15	Bridge designs, plans and records		
16	and testing material	64,000.00	64,000.00
17	Traveling expenses	20,000.00	20,000.00
18	Inspection and supervision of		
19	war material	5,000.00	5,000.00
20	Office rent	15,000.00	15,500.00
21	Furniture and equipment	50,000.00	15,000.00
22	Current general expenses	14,500.00	15,000.00
23	To carry out the provisions of		
24	chapter 39, acts one thousand		
25	nine hundred and nineteen, re-		
26	lating to 3 per cent engincer-		
27	ing expense required by the		
28	Federal government so as to se-		
29	cure federal aid	21,700.00	21,700.00
30	(This appropriation to con-		
31	tinue in effect until the work		
32	has been completed in accord-		
33	ance with federal require-		
34	ments.)		
35	For complying with and carry-		
36	ing out the provisions of sec-		
37	tion 83, good roads acts, one		
38	thousand nine hundred and		
39	twenty-one, relating to refunds		
40	and refunding moneys erro-		
41	neously paid through the com-		
42	mission into the treasury such		
43	sums are hereby appropriated		
44	as may be erroneously paid.		
45	In addition to the foregoing ap-		
46	propriations the balance or		
47	residue of the annual receipts		
48	of the state road fund are		
49	hereby appropriated for the		
50	construction, re-construction		
51	and maintenance of state		
52	roads, and for the payment of		
53	interest on and principal of		
54	outstanding road bonds in ac-		

55 cordance with the provisions
 56 of the good roads act of one
 57 thousand nine hundred and
 58 twenty-one, legislature, sections
 59 15, 23 and 72.

State Road Commission.

60	Deficiency appropriations to pay expenses of state	
61	road commission for remainder of year ending	
62	June thirty, one thousand nine hundred and twen-	
63	ty-one, as follows:	
64	Salaries of engineers	\$19,000.00
65	Collecting and printing statistics	4,000.00
66	For testing materials	1,300.00
67	Salaries of clerks in automobile bureau	6,500.00
68	Auto tags and distribution	8,500.00
69	Office rent	2,000.00
70	Office supplies and contingent expenses	4,000.00
71	Traveling expenses	1,000.00
72	To refund amount drawn under three per cent. pro-	
73	vision of house bill number forty-six (Ch. thirty-	
74	nine) acts of the legislature of one thousand nine	
75	hundred and nineteen	6,700.49
76	To supplement the appropriation for salary of the	
77	state road commission for June, one thousand	
78	nine hundred and twenty-one, account the change	
79	in law	1,392.17
80	Current general expenses account reorganization of	
81	state road commission	5,500.00

SUB-SECTION "G".

Sec. 80. All appropriations appearing under Sub-Section "G"
 2 are payable out of the special license fees authorized by section
 3 fifteen, chapter eight, acts of one thousand nine hundred and
 4 fifteen (regular session) and amendments thereto.

Public Service Commission.

2	Sec. 81. Current general ex-		
	penses	80,000.00	80,000.00

SUB-SECTION "H".

Sec. 82. All appropriations appearing under Sub-Section "H" are payable out of the fund created by chapter nine, acts of one thousand three hundred and fifteen (extraordinary session) and four amendments thereto.

Workmen's Compensation.

Sec. 83. Current general ex-		
2 penses	\$140,000.00	\$140,000.00
3 To pay the expense of an audit of		
4 the workmen's compensation		
5 department, so much as may be		
6 necessary, not to exceed	5,000.00	5,000.00
7 Audit to be made in accordance		
8 with the provisions of chapter		
9 thirty-three, acts one thousand		
10 nine hundred and eight, and the		
11 appropriations to be disbursed		
12 on the requisition of the chief		
13 inspector of public offices.		
14 To replace furniture, equipment,		
15 records, etc., destroyed by		
16 recent state house fire.....	40,000.00	40,000.00

SUB-SECTION "I".

Sec. 84. All appropriations made by general law payable out of "special revenue" are hereby authorized payable out of the special revenue collected for the specific purposes.

SUB-SECTION "J".

Sec. 85. For refunding over-payments 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.

Sec. 86. The appropriations herein made to or for any state board of 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

5 purposes for which such appropriations are made; and the auditor
6 shall pay the amount named in any such requisition at such time
7 and in such installments as shall be necessary for the purposes
8 for which any such appropriation is made. But all requisitions
9 for appropriations for new buildings and substantial betterments,
10 except such as are under control of the board of control, shall be
11 accompanied by the architect's estimate that the amount named in
12 such requisition is needed for immediate use. The auditor shall
13 not issue his warrants to pay any money out of the state treasury
14 unless the same is needed for present use.

15 The members of all state boards or commissions, unless a differ-
16 ent rate of compensation is provided by law, shall be allowed four
17 dollars per day for each day necessarily employed as such (in-
18 cluding the time spent in going to and returning from the place
19 of meeting) and the actual and necessary expenses incurred by
20 them in the discharge of their duties, and no mileage shall be
21 paid. But before payment of any such member of any such com-
22 pensation or expenses, he shall make up in duplicate and certify
23 to its correctness an itemized statement of the number of days
24 spent (giving dates) and of the expenses, which statement shall
25 be filed with the secretary or clerk of the institution, the original
26 whereof the secretary or clerk shall file or preserve in his office,
27 and the duplicate he shall at once forward to the auditor. If any
28 such member shall willfully make a greater charge for such ser-
29 vices or expenses than truth justifies, he shall be guilty of em-
30 bezzlement and punished accordingly.

Sec. 87. All printing, binding, printing paper and stationery
2 for the state superintendent of free schools shall be paid for out
3 of the general school fund. No printing, binding or printing
4 paper or stationery for the following named boards, officers or
5 institutions shall be paid for out of the appropriation for public
6 printing, public binding, or for supplying paper or stationery,
7 but shall be paid for out of the appropriations therefor herein
8 made, or out of the expense fund or current general expense fund
9 thereof, namely:

10 The public service commission, the state road commission,
11 the workmen's compensation department, the forest, game and
12 fish warden, the board of dental examiners, state vaccine agents,
13 commissioners of pharmacy, state board of examiners, state board
14 of embalmers, Welch hospital No. 1, McKendree hospital No. 2,
15 Fairmont hospital No. 3, West Virginia Humane Society, nor-

16 mal schools, schools for the deaf and blind, the university and
17 all its branches, including the experiment station, Huntington,
18 Weston and Spencer state hospitals, industrial school for boys,
19 the West Virginia collegiate institute and the industrial home for
20 girls.

21 Such boards, officers and institutions, except the state super-
22 intendent of free schools, that are herein required to pay for their
23 own printing, stationery and printing paper and binding, have
24 authority to procure the same, or have the same done on requis-
25 tion of the superintendent of public printing, or may buy such
26 printing and stationery, or have such printing and binding done
27 on competitive bids, under such rules as may be made by the
28 commissioners of public printing.

29 When stationery or printing is procured from the super-
30 intendent of public printing, or printing and binding are done on
31 requisition of his office, by any such board, officers or institu-
32 tions, the superintendent of public printing as to such printing,
33 binding, stationery and printing paper, shall certify the cost there-
34 of to the auditor, stating to what officer, board or institution the
35 same was furnished, and the auditor shall charge against the proper
36 fund or appropriation of such officers, institution or board the
37 amount thereof, and credit such amount to the proper appropria-
38 tions made by this act for public printing, binding, stationery
39 and printing paper. *Provided*, that the annual or biennial reports
40 required by law to be made to the governor by such boards, officers
41 and institutions shall be printed and paid for out of the appro-
42 priation for public printing, public binding and for supplying
43 printing paper and stationery, but all such reports shall be type-
44 written, or prepared in such a manner that the same shall be
45 legible and suitable for printers' copy, and only so much of any
46 such reports shall be printed as may be ordered by the governor;
47 and no such reports shall be printed by the public printer except
48 on requisition therefor, signed by the governor, which requisition
49 shall state the number to be printed and how the same are to be
50 bound. Such officers, boards and institutions as are required by
51 law to make a report to the governor, shall place the same in his
52 hands as soon as the same are completed, and within ninety days
53 after the close of the period which they are to cover.

Sec. 88. No sum of money shall be paid out of the treasury
2 for the years ending June thirtieth, one thousand nine hundred
3 and twenty-two, and one thousand nine hundred and twenty-three,

4 beyond the amounts hereby appropriated, unless the same be pro-
 5 vided for by constitution or some general law, and no money shall
 6 be hereafter drawn from the treasury to pay the salary of any
 7 officers or employees before their services have been rendered.

Sec. 89. Upon the adjournment of this session of the legisla-
 2 ture, the Clerk of the House and the Clerk of the Senate, shall
 3 jointly make up and furnish the auditor and treasurer, without
 4 delay, a certified copy of this and all other acts carrying appropri-
 5 ations.

CHAPTER 2

(House Bill No. 2—Committee on Finance.)

AN ACT making appropriations of public money to pay the officers,
 attaches, and miscellaneous expenses in connection with the
 extraordinary session of the legislature of one thousand nine hun-
 dred and twenty-one.

[Passed May 3, 1921. In effect from passage. Approved by the Governor
 May 3, 1921.]

<p>SEC. 1. Appropriation for payment of of- ficers, attaches, and miscellaneous expenses of house of delegates.</p>		<p>SEC. extraordinary session, nineteen hundred and twenty-one. 2. Same; for senate.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of
 2 the public treasury, for the payment of the officers, attaches and
 3 miscellaneous expenses in connection with the extraordinary ses-
 4 sion one thousand nine hundred and twenty-one, the following
 5 sums of money:

	<i>House of Delegates.</i>	
7	Per diem of the Speaker at \$2.00 per day	\$ 8.00
8	Compensation of the clerk	80.00
9	Sergeant-at-arms	48.00
10	One mailing and banking page	24.00
11	Five floor pages	100.00
12	Private secretary to the Speaker	48.00
13	Two chief stenographers	80.00
14	Five floor stenographers	160.00
15	Two journal pages	48.00

16	One assistant sergeant-at-arms	36.00
17	Clerk to the sergeant-at-arms	32.00
18	One assistant doorkeeper	28.00
19	One gallery doorkeeper	28.00
20	Clerk to the committee on the judiciary	40.00
21	Assistant clerk to the committee on the judiciary ...	32.00
22	Clerk to the committee on taxation and finance	40.00
23	Stenographer to the committee on taxation and finance	32.00
24	One maid for ladies' rest room	20.00
25	Two night watchmen	48.00
26	Four cloak room keepers	96.00
27	J. M. Lynn, chief janitor	10.00
28	Two desk or minute clerks	96.00
29	One supervisor of printing	48.00
30	One bill editor	40.00
31	One journal editor	40.00
32	Two printing clerks	80.00
33	Two copy holders	80.00
34	Two bill record clerks	80.00
35	One reading clerk	48.00
36	One stenographer for clerk	48.00
36	One clerk to committee on enrolled bills	40.00
38	One page to clerk	20.00
39	LeRoy Clemens (joint supervisor enrolling on part of	
40	House)	16.00
41	Tripure Water Co.	6.00
42	Six extra janitors	120.00
43	Contingent fund of house of delegates	1000.00
44	Chaplain of House	10.00

Senate.

Sec. 2. Compensation of the president of the Senate		
2	as presiding officer	\$ 8.00
3	Private secretary to the president	48.00
4	Stenographer to the president	48.00
5	Page to the president, mailing and banking page and	
6	three journal pages	120.00
7	Clerk to the committee on finance	48.00
8	Stenographer to the committee on finance	40.00

9 Clerk to the committee on the judiciary	40.00
10 Stenographer to the committee on the judiciary	40.00
11 Clerk to the committee on enrolled bills	40.00
12 Head floor stenographer	40.00
13 Five committee stenographers and four floor stenog-	
14 raphers	288.00
15 Sergeant-at-arms of the senate and two assistant ser-	
16 geant-at-arms	84.00
17 Doorkeeper of the senate and one assistant doorkeeper	60.00
18 Two cloak room attendants, two toilet room attendants	
19 and day and night watchman	144.00
20 Five floor pages	100.00
21 Four extra janitors	80.00
22 Compensation of the clerk	80.00
23 Chief assistant clerk	60.00
24 Supervisor of printing, reading clerk, official stenog-	
25 rapher, office stenographer and abstract clerk	240.00
26 Ten additional assistants	400.00
27 Page and messenger to the clerk	48.00
28 Chaplain of the senate	10.00
29 Contingent fund of the senate	\$1,000.00

CHAPTER 3

(House Bill No. 3—Mr. Stathers.)

AN ACT to amend and re-enact sections one, two, two-a, two-b, six, nine and sixteen of chapter thirty-three of Barnes' code of West Virginia of one thousand nine hundred and eighteen, relating to taxes on inheritances, devises, distributive shares and legacies, and to provide for the appraisement of estates subject to such taxes.

[Passed May 3, 1921. In effect from passage. Approved by the Governor May 3, 1921.]

SEC.

1. State tax on transfers, when imposed.
2. Primary rates of tax, when value of property transferred does not exceed fifty thousand dollars.
- 2-a. Rate of tax upon excess, when market value of property exceeds fifty thousand dollars.
- 2-b. Exemption allowed.
6. Transfer to certain property of deceased persons, non-residents of

this state, passing by will or inheritance under laws of another state or county, subject to tax: transfers not legal until tax paid into state treasury; notice of transfer, in certain cases, to tax commissioner; no transfer of stock of certain corporations until tax has been paid; total value of property of a deceased non-resident of state to be reported; exemptions of.

SEC.

9. When taxes due; penalty for non-payment; when payment may be suspended.
10. When tax commissioner may appoint appraiser; when tax commissioner may appeal appraisement to circuit court; duty and power of appraiser; notice by;

method of appraisement; report to tax commissioner; appeal from value fixed by appraiser; compensation, traveling expenses and clerical help of appraiser; inventory; under oath, to be filed with tax commissioner, by executor; penalty for failure; inconsistent acts repeated.

Be it enacted by the Legislature of West Virginia:

That sections one, two, two-a, two-b, six, nine and sixteen of chapter thirty-three of the code of West Virginia of one thousand nine hundred and eighteen, relating to taxes on inheritances, devises, distributive shares and legacies, and to the appraisement of estates subject to a transfer tax, be amended and re-enacted so as to read as follows:

Section 1. A tax payable into the treasury of the state, shall be imposed upon the transfer, in trust, or otherwise, of any property, or interest therein, real, personal, or mixed, of five hundred dollars or more if such transfer be

(a) By will or by laws of this state regulating descents and distributions from any person who is a resident of the state at the time of his death and who shall die seized or possessed of property;

(b) By will or by laws regulating descents and distributions, or property within the state, or within its jurisdiction, and the decedent was a non-resident of the state at the time of his death;

(c) By a resident, or be of property within the state, or within its jurisdiction, by a non-resident, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, bargainor or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within three years prior to the death of the grantor, bargainor, vendor, or donor, of value of five hundred dollars, or in excess thereof, at the time of such transfer in the nature of final disposition, or distribution of an estate, and without adequate valuable consideration, shall be construed to have been made in contemplation of death within the meaning of this chapter. This provision shall apply to all transfers heretofore made within the period of three years from the time this act becomes effective;

(d) If any person shall transfer any property which he owns or shall cause any property, to which he is absolutely entitled, to be transferred to, or vested in himself and any other person jointly

29 so that the title therein, or in some part thereof, vest no sur-
30 vivorship in such other person, a transfer shall be deemed to occur
31 and to be taxable under the provisions of this act upon the vest-
32 ing of such title;

33 (e) Whenever any person shall exercise a power of appoint-
34 ment derived from any disposition of property made, whether
35 before or after the passage of this act, such appointment when
36 made shall be deemed a transfer taxable under the provisions of
37 this act in the same manner as though the property to which
38 such appointment relates belonged absolutely to the donee of such
39 power and had been bequeathed or devised by such donee by will;
40 and whenever any person possessing such a power of appointment
41 so derived shall omit or fail to exercise the same within the time
42 provided therefor, in whole or in part, a transfer taxable under
43 the provisions of this act shall be deemed to take place to the
44 extent of such omission or failure, in the same manner as though
45 the person thereby becoming entitled to the possession or enjoy-
46 ment of the property to which such power related had succeeded
47 thereto by a will of the donee of the power failing to exercise such
48 power, and shall take effect at the time of such omission or fail-
49 ure.

Sec. 2. When the property or any beneficial interest therein
2 passes by any such transfer where the amount of the property shall
3 exceed in value the exemption hereinafter specified, and shall not
4 exceed in value fifty thousand dollars, the tax hereby imposed
5 shall be

6 (a) Where the person or persons entitled to any beneficial in-
7 terest in such property shall be the wife, husband, child, or the
8 children of a deceased child, or father or mother of the decedent,
9 at the rate of two per centum of the market value of such interest
10 in such property;

11 (b) Where the person or persons entitled to any beneficial
12 interest in such property shall be the brother or sister of the de-
13 cedent (and the term brother or sister shall not include a brother
14 or sister of the half blood) at the rate of four per centum of the
15 market value of such interest in such property;

16 (c) Where the person or persons entitled to any beneficial
17 interest in such property shall be further removed in relationship
18 from the decedent than brother or sister, the rate of six per
19 centum of the market value of such interest in such property;

20 (d) Where the person or persons entitled to any beneficial
21 interest in such property shall be of no blood relation or strangers
22 to the decedent, or institutions, corporate or otherwise, except such
23 eleemosynary institutions as are hereinafter exempt, the rate
24 of ten per centum of the market value of such interest in such
25 property.

Sec. 2-a. The foregoing rates in section two, are, for con-
2 venience, termed primary rates. When the market value of any
3 such property exceeds fifty thousand dollars, the rate of tax upon
4 such excess shall be as follows:

5 (a) Upon all in excess of fifty thousand dollars up to and not
6 exceeding one hundred thousand dollars, two times the primary
7 rate.

8 (b) Upon all in excess of one hundred thousand dollars up
9 to and not exceeding one hundred and fifty thousand dollars,
10 two and one-fourth times the primary rate. .

11 (c) Upon all in excess of one hundred and fifty thousand
12 dollars up to and not exceeding two hundred thousand dollars,
13 two and one-half times the primary rate.

14 (d) Upon all in excess of two hundred thousand dollars up to
15 and not exceeding three hundred thousand dollars, two and three-
16 fourths times the primary rate.

17 (e) Upon all in excess of three hundred thousand dollars up
18 to and not exceeding four hundred thousand dollars, three times
19 the primary rate.

20 (f) Upon all in excess of four hundred thousand dollars up to
21 and not exceeding five hundred thousand dollars, three and one-
22 fourth times the primary rate.

23 (g) Upon all in excess of five hundred thousand dollars, three
24 and one-half times the primary rate.

Sec. 2-b. The following exemptions from taxes under this
2 chapter are hereby allowed:

3 (a) All property transferred to a person, or corporation, in
4 trust, or use solely for educational, literary, scientific, religious,
5 or charitable purposes, or to the state or to any county, or muni-
6 cipal corporation thereof, for public purposes, provided the prop-
7 erty so transferred for purposes herein mentioned, is used ex-
8 clusively in this state, shall be exempt from all taxes under this
9 chapter.

10 (b) Property of the market value of fifteen thousand dollars to
11 a widow of a deceased person, and ten thousand dollars transferred
12 to each of the other persons described in sub-division (a), of sec-
13 tion two, shall be exempt from all taxes under this chapter, a tax
14 upon the excess of the exemptions up to fifty thousand dollars,
15 shall be computed at the primary rates; *provided, however*, that
16 the descendants of any child referred to in said sub-division (a)
17 of section two shall be allowed the exemption of the person they
18 represent, *per stirpes*, and not *per capita*.

Sec. 6. The provisions of this act shall apply to the transfer
2 of the following property belonging to deceased persons, non-
3 residents of this state, which shall pass by will or inheritance
4 under the law of any other state, or country, and such property
5 shall be subject to the tax imposed by this chapter, to-wit:

6 (a) The transfer of all real estate and tangible personal prop-
7 erty including money on deposit in this state;

8 (b) The transfer of all intangible personal property, includ-
9 ing bonds, securities, shares of stock and choses in action kept
10 within this state for investment, safe keeping, or otherwise;

11 (c) The transfer of shares of capital stock of all corpora-
12 tions organized and existing under the laws of this state, the cer-
13 tificates of which shares of stock shall be within or without this
14 state.

15 (d) The transfer of shares of capital stock of all corpora-
16 tions organized and existing under the laws of any other state or
17 country and regularly admitted to transact business in this state to
18 the extent of the value of such shares of stock represented by prop-
19 erty actually situated in this state.

20 The transfers of property mentioned in sub-divisions (a) and
21 (b) and the transfer of shares of stock mentioned in sub-division
22 (c) of this section, after the decease of the person owning the
23 same, shall not be legal until the inheritance tax, or transfer tax,
24 has been paid into the state treasury and certificates of release to
25 that effect executed by the state tax commissioner. No corpora-
26 tion organized or existing under the laws of this state, bank or
27 trust company, having money on deposit, or other person having
28 in his possession property mentioned in said sub-division (a),
29 (b) and (c) shall make transfer thereof, unless notice of the time
30 of such intended transfer is served upon the state tax commis-
31 sioner at least fifteen days prior to such transfer, or until the state

32 tax commissioner shall consent, in writing, thereto. Any such
33 corporation, bank, or trust company, or other person having in
34 his possession such property, before the inheritance tax is paid,
35 or before official consent of the state tax commissioner thereto is
36 obtained, shall be liable to the state of West Virginia for such
37 amount of inheritance tax as may be collectible upon the transfer,
38 together with any interest that may accrue thereon and in addi-
39 tion thereto, a penalty of five hundred dollars, which liability for
40 such tax and interest and penalty may be enforced by a proper
41 action in the name of the state of West Virginia.

42 No corporation whose stock is subject to an inheritance or
43 transfer tax under sub-division (d) of this section shall permit
44 such stock to be transferred upon its books, after being notified
45 by the state tax commissioner that such stock is liable to a trans-
46 fer or inheritance tax, until furnished with proper evidence show-
47 ing the payment of any such tax, or that the same is not liable
48 to a tax, and any corporation violating the provisions of this sec-
49 tion shall be liable for the amount of any tax involved and in ad-
50 dition thereto a penalty of five hundred dollars (\$500.00), and may
51 be denied authority to further transact business in this state. The
52 circuit court of the county in which the seat of government is
53 located shall have jurisdiction to enforce the provisions of sub-
54 section (d).

55 Where a deceased person was a non-resident at the time of
56 death, and owned property within this state, or within its juris-
57 diction, and also in other states, or countries, the exemptions pro-
58 vided for in section two-b, shall be operated according to the
59 value of the property in this state, or within its jurisdiction, and
60 the property in other states, or countries, and the person whose
61 duty it is under this chapter to file with the state tax commis-
62 sioner a report of the value and distribution of the property tax-
63 able hereunder, shall also include in said report the total value of
64 the property owned by the deceased at the time of his death.

Sec. 9. All taxes imposed by this act, unless otherwise pro-
2 vided, shall be due and payable ninety days after the first appoint-
3 ed executor or administrator liable therefor shall qualify, or with-
4 in four months after the death of the decedent in case letters
5 testamentary are not issued, and if not paid within six months
6 after the death of the decedent, a penalty of ten per centum of
7 the amount of the taxes shall be added, in addition to the statutory

8 interest of ten per centum which shall accrue and be determined
9 as of and from the date of the death of the decedent; *provided*,
10 *however*, that the payment of such taxes may be suspended by the
11 state tax commissioner if there be necessary litigation pending at
12 the time such taxes are due and payable, involving the estate, or
13 for other good and sufficient cause; and in case of any such sus-
14 pension the payment of the penalties hereinbefore provided shall
15 likewise be suspended; and, *provided, further*, that suits and ac-
16 tions brought for the purpose of defeating the payment of any such
17 taxes, penalty and interest, shall not be deemed necessary litigation
18 within the meaning of this act. In case of such suspension, the
19 taxes shall be payable at the time of the expiration of the sus-
20 pension. In all other cases, the taxes shall be paid as here-
21 before provided. Interest at the rate of ten per centum per an-
22 num shall be charged and collected upon all taxes and penalty im-
23 posed after the expiration of the six months aforesaid, and in
24 fixing said tax the state tax commissioner shall, in his discre-
25 tion, determine proper deductions.

Sec. 16. If within sixty days from the death of any person
2 whose estate is liable to an inheritance tax under this chapter, the
3 appraisement of any such estate is not completed and filed in
4 the manner now provided by law for the appraisement of estates,
5 then the state tax commissioner shall have authority to appoint
6 an appraiser for the purpose of appraising any such estate; *pro-*
7 *vided, however*, that the state tax commissioner shall have the
8 right of appeal to the circuit court of the county in which the
9 estate is located where an appraisement is made by the apprais-
10 ers appointed by the county court of said county for such pur-
11 poses, and the valuation of any such estate as fixed by the circuit
12 court upon appeal shall be the value upon which the tax com-
13 missioner shall assess the taxes under this chapter. It shall be the
14 duty of said appraiser, and he shall have the power, to appraise and
15 fix a value upon all property subject to the tax provided in this act,
16 which shall be the market value of the property appraised. Such
17 appraiser shall give notice to the executor, administrator, trustee,
18 or other person, whose duty it is under this act to pay the tax due
19 and collectible hereunder, of the time and place of any appraise-
20 ment to be made by him; and the posting of any such notice to
21 any such person in due course of mail, at his last known post office
address, stating the time and place he will sit to appraise any such

22 property, shall be sufficient. He shall at such time and place,
23 unless a different time and place be agreed upon, appraise the
24 property in the manner herein prescribed; and for the purpose of
25 obtaining information concerning the quantity and the amount of
26 any estate, or touching the value of any property to be appraised,
27 said appraiser is authorized to take evidence and to issue subpoenas
28 for and to compel the attendance of witnesses before him, to ad-
29 minister oaths, and to take the testimony of witnesses under oath
30 concerning the quantity and amount of such property, and the
31 value thereof. Such appraiser shall make report of his findings
32 and the values fixed by him, in writing to the state tax commis-
33 sioner, together with the depositions of any witnesses examined by
34 him, and such other facts in relation thereto as the state tax com-
35 missioner may require. The value of the property thus appraised,
36 except as hereinafter provided, shall be the value upon which the
37 inheritance tax under this act shall be collected; but before the fix-
38 ing of the tax, as provided in this act, shall be made, the value so
39 fixed by the appraiser shall be approved by the state tax commis-
40 sioner, who shall thereupon furnish his certificate in writing
41 to the executor, administrator, or other person whose duty it is to
42 pay the taxes under this act, by mailing same to his last known
43 post office address, of the appraised value of such property, the
44 taxes assessed thereon, as fixed and approved by him. If the
45 owner or personal representative of the estate appraised desires to
46 take an appeal from the value fixed by the appraiser and approved
47 by the state tax commissioner, as hereinafter provided, he may
48 have the evidence taken at any hearing before the appraiser tran-
49 scribed and certified by him to the circuit court of the county in
50 which the seat of government is located which the court shall have
51 jurisdiction to hear and determine such appeal upon the record so
52 certified. Either party shall then have the right of an appeal to
53 the supreme court of appeals.

54 The appraisers shall receive a reasonable compensation for their
55 services, which shall be fixed by the state tax commissioner and
56 paid out of the taxes collected under this act. He shall in addi-
57 tion thereto be allowed his actual necessary travelling expenses
58 incurred while engaged in the performance of his duties here-
59 under. He shall also have necessary stenographic and clerical
60 help, the same to be employed by the state tax commissioner and
61 paid out of taxes collected under this act.

62 Every executor, administrator or trustee of any estate subject
63 to the payment of the transfer tax hereunder, shall, within sixty
64 days after the death of the decedent, file with the state tax com-
65 missioner, under oath, a complete inventory or statement, listing
66 and showing all of the property, both real and personal, belong-
67 ing to any such estate, and the full, true and actual cash value
68 thereof, together with the names and addresses of all the bene-
69 ficiaries of any such estate, and the degree of relationship each
70 bears to the decedent. Any person failing to comply with the
71 provisions of this chapter shall be guilty of a misdemeanor and
72 upon conviction thereof shall be imprisoned for not exceeding six
73 months or fined not less than ten dollars and not to exceed five
74 hundred dollars, or may be both fined and imprisoned within the
75 limits herein prescribed.

76 All acts and parts of acts coming under the purview of this act
77 and inconsistent herewith are hereby repealed.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted May 3, 1921.)

Resolved, by the Senate, the House of Delegates concurring therein:

That Joint Rule No. 2 be amended so as to read as follows:

No. 2. Joint Committee on Printing, otherwise known as the Joint Committee on Printing Bills.

The president of the senate and the speaker of the house of delegates shall each appoint five members of the Committee on Printing Bills otherwise known as the Joint Committee on Printing Bills.

All bills introduced on leave in either house at the first or fifteen-days session shall immediately be referred by the presiding officer, to the Committee on Printing Bills and at the same time they shall be referred to the appropriate committees for examination and report.

The clerk of each house at the close of each day's session shall deliver all bills so introduced to the said Committee on Printing Bills and said committee shall examine all bills so referred to it for the purpose of ascertaining and reporting to the respective houses all bills of such general character as need to be printed for general distribution prior to the second for forty-five day session and shall prepare a short statement showing the purpose of the bill, the same to be printed at the top of the first or outer page of the bill. *Provided, however,* no duplicate copy of any bill shall be reported to be printed.

The clerk of each house shall immediately deliver all bills so reported to be printed to the public printer whose duty it shall be to print forthwith four thousand copies of each of said bills in their numerical order and deliver the same to the clerk of the house in which the bill was introduced, and in addition thereto such other bill and the number of copies thereof as the said committee may report to be printed.

The clerk of the house in which the bill originated shall furnish the members of both houses, through the secretary of state, not less than ten copies of each printed bill which number shall be in addition to the fifteen copies furnished to the secretary of state to be mailed by him to individuals as now required by law from the mailing list furnished him by the members of both houses.

The remaining copies of the bills so printed shall be for the purpose of placing one copy each in the bill books of the members of each house and for distribution and general use as the same are now distributed.

Resolved, further, That the following Joint Rule be adopted and be known as Joint Rule No. 17.

No. 17. Identification of Passed Bills:

Upon the passage of a bill by either house, the clerk thereof before transmitting the same to the other house, shall identify the same by writing his name across the face of each sheet thereof.

If any bill, after being passed by one house is amended by the other house, by substitution or otherwise, and re-passed as amended by the house in which it originated the clerk thereof shall again identify the bill as amended by writing his name across the face thereof as aforesaid, before delivering the same to the public printer.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted May 3, 1921)

“Raising a Joint Committee to wait upon the Governor.”

Resolved, by the Senate, the House of Delegates concurring therein:

That a joint committee of five, consisting of two on the part of the senate and three on the part of the house of delegates be appointed for the purpose of notifying the governor that the legislature is ready to adjourn *sine die*, the members of said committee to be appointed by the President of the senate and the Speaker of the house of delegates respectively.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted April 30, 1921)

“Providing for the appointment of a joint committee to wait upon the governor and notify him that the legislature is organized.”

Resolved, by the House of Delegates, the Senate concurring therein:

That a committee of three on the part of the house and two on the part of the senate be appointed to jointly wait upon the governor and notify him that the legislature is now in special session pursuant to his proclamation, dated April twenty-ninth, one thousand nine hundred and twenty-one, 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 Speaker of the house of delegates and the President of the senate.



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