ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA

REGULAR AND EXTRAORDINARY
SESSIONS 1915

AUTHORIZED BY SENATE CONCURRENT RESOLUTION No. 5,
ADOPTED FEBRUARY 26, 1915.

NOTE BY THE CLERKS: Municipal Charters are published in a separate volume.

THE TRIBUNE PRINTING CO.
Charleston, West Va.
1915
List of Members and Officers of the Legislature of West Virginia.

REGULAR SESSION, 1915.

SENATE
President—E. T. ENGUND, Logan.
Clerk—JOHN T. HARRIS, Parkersburg.
Chief Assistant—HOMER GRAY, Wheeling.
Sergeant-at-Arms—WILL E. LONG, Middlebourne.
Door-Keeper—JACK SMITH, Huntington.

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<th>District</th>
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<td>First</td>
<td>Ben L. Rosenbloom (R.)</td>
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<td>Oliver S. Marshall (R.)</td>
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<td>E. T. England (R)</td>
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<td>Dr. James McClung (R)</td>
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<td>John L. Hatfield (D)</td>
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<td>Roy E. Parrish (R)</td>
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<td>George E. White (R)</td>
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<td>Richard E. Talbott (D)</td>
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<td>N. G. Keim (R)</td>
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<td>Parsons, Tucker County.</td>
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<td>A. Bliss McCrum (R)</td>
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<td>Fifteenth</td>
<td>Frank Beckwith (D)</td>
<td>Charles Town, Jefferson County.</td>
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<td>G. K Kump (D)</td>
<td>Romney, Hampshire County.</td>
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Standing Committees of the Senate.

ON PRIVILEGES AND ELECTIONS.
Messrs. Marshall (Chairman), White, Rosenbloom, Billings, McCrum, Coalter, Strother, Lowe and Morton.

ON THE JUDICIARY.
Messrs. White (Chairman), Goodykoontz, Steed, Miller, McCrum, Carter, Gregory, Blessing, Marshall, Morton and Beckwith.

ON FINANCE.
Messrs. Goodykoontz (Chairman), Keim, Parrish, McAboy, Gray, McClung, Miller, Godbey, Hawley, Talbott and Hatfield.

ON EDUCATION.
Messrs. Gray (Chairman), Rosenbloom, Steed, Billings, Hawley, Blessing, McClung, Morton and McCuskey.

ON COUNTIES AND MUNICIPAL CORPORATIONS.
Messrs. Carter (Chairman), Marshall, Parrish, McAboy, Godbey, Rosenbloom, Billings, Hogg and Lowe.

ON ROADS AND NAVIGATION.
Messrs. McCrum (Chairman), Blessing, Coalter, White, Billings, Miller, Hawley, Morton and Hogg.

ON BANKS AND CORPORATIONS.
Messrs. Rosenbloom (Chairman), McAboy, Gray, Parrish, Hawley, Goodykoontz, Strother, Hogg and Fox.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.
Messrs. Marshall (Chairman), Steed, Strother, Coalter, McClung, Keim, Parrish, Hatfield and Hogg.
Standing Committees of the Senate.

On Penitentiary.
Messrs. Carter (Chairman), White, Rosenbloom, Coalter, McClung, Kelm, Billings, Fox and Talbott.

On Railroads.
Messrs. Godbey (Chairman), Carter, Gregory, Steed, Gray, Goodykoontz, Kelm, Fox and Hatfield.

On Militia.
Messrs. McClung (Chairman), McCrum, Godbey, Steed, Hawley, Billings, Coalter, Lowe and Beckwith.

On Federal Relations.
Messrs. Coalter (Chairman), Strother, White, Hawley, Carter, McClung, Billings, Hogg and Lowe.

On Insurance.
Messrs. Kelm (Chairman), Gray, Gregory, Strother, McCrum, Hawley, Marshall, Hatfield and Kump.

On Immigration and Agriculture.
Messrs. Miller (Chairman), Parrish, Gray, Godbey, Kelm, Billings, White, Fox and Kump.

On Mines and Mining.
Messrs. Steed (Chairman), Goodykoontz, Godbey, Carter, Billings, McAboy, Gregory, Talbott and Lowe.

On Medicine and Sanitation.
Messrs. McClung (Chairman), Gray, Godbey, Rosenbloom, Marshall, Billings, Blessing, Strother, McCuskey and Hogg.

On Labor.
Messrs. Blessing (Chairman), Carter, Gregory, Kelm, McCrum, Rosenbloom, Gray, Kump and Talbott.

On Claims and Grievances.
Messrs. Strother (Chairman), McCrum, Blessing, Kelm, White, Marshall, Coalter, Beckwith and Talbott.

On Forfeited, Delinquent and Unappropriated Lands.
Messrs. Billings, (Chairman), Rosenbloom, Goodykoontz, Blessing, McCrum, Marshall, Hawley, Morton and McCuskey.

On Public Printing.
Messrs. McAboy (Chairman), Blessing, Hawley, Coalter, Parrish, Billings, Miller, Morton and Beckwith.
ON RULES.

Mr. President (Chairman), Messrs. Goodykoontz, Gregory, Miller and Fox.

ON PUBLIC LIBRARY.

Messrs. Hawley (Chairman), McAboy, Parrish, White, Rosenbloom, Miller, Coalter, Lowe and Kump.

TO EXAMINE CLERK'S OFFICE.

Messrs. Strother (Chairman), Marshall and Fox.

ON PROHIBITION AND TEMPERANCE.

Messrs. McAboy (Chairman), Carter, Gray, Miller, Steed, White, McClung, Hatfield and McCuskey.

ON FORESTRY AND CONSERVATION.

Messrs. Gregory (Chairman), Godbey, McCrum, Steed, McAboy, Carter, Goodykoontz, McClung, Kelm, Kump and McCuskey.

ON THE VIRGINIA DEBT.

Messrs. Gregory (Chairman), McCrum, Blessing, Miller, Goodykoontz, Marshall, Carter, Beckwith and Lowe.

ON REDISTRICTING.

Messrs. Parrish (Chairman), Gregory, McCrum, Godbey, Rosenbloom, Goodykoontz, Steed, Beckwith and McCuskey.

JOINT COMMITTEE ON PASSED BILLS ON PART OF THE SENATE.

Messrs. Parrish (Chairman), McCrum, Blessing, Hatfield and Lowe.
### HOUSE OF DELEGATES

*Speaker*: Vernon E. Johnson, Berkeley Springs.  
*Clerk*: John G. Prichard, Fairmont.  
*Door-Keeper*: A. W. Davis, Clarksburg.

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## Members of House of Delegates

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</table>

66 Republicans
27 Democrats
3 Fusion
Standing Committees of the House of Delegates.

JUDICIARY.

Messrs. Duty (Chairman), Hughes, Hinerman, Wertz, Brown, Wolfe, Swiger, Everhart, Pierce, Smith (of Tyler), Kittle, Curry, McCauley, Moreland, Talbott (of Webster), Bland and Layne.

TAXATION AND FINANCE.

Messrs. Swiger (Chairman), Bloch, Scherr, Cline, Bender, Talbott (of Ritchie), Porter, Glover, Markey, Hughes, Parsons, Thompson, Hall, Prichard and Thurmond.

PROHIBITION AND TEMPERANCE.

Messrs. Davison (Chairman), Wertz, Beard, Mullens, Boone, Dotson, Pierce, Rinehart, Reynolds, Clark, Talbott (of Ritchie), Curry, Garrison, Weir and McCauley.

BANKS AND BANKING.

Messrs. Glover (Chairman), Smith (of Doddridge), Bender, Pilchard, Otto, Harman (of McDowell), Everhart, Burnham, Hersman, Smith (of Wood), Balles, Barlow, Hiner, Alderson and McKimmie.

INSURANCE.

Messrs. Bloch (Chairman), Scherr, Boone, Courts, Lilly, Dotson, Hinerman, Curry, Allen, McCollum, Cline, McKimmie, Hall, Waldo and Talbott (of Webster).

MILITARY AFFAIRS.

Messrs. Scherr (Chairman), Smith (of Doddridge), Pilchard, Lemon, Kelbaugh, Bailey, Barlow, Lilly, Porter, Board, Davis, Blackwood, Thomas, Moreland and Shaver.

EDUCATION.

Messrs. Kelbaugh (Chairman), Smith (of Tyler), Dotson, Rinehart, James, Clark, Pierce, Burnham, Smith (of Wood), Balles, Curry, Hiner, Marsh, Alderson and Sansom.

LABOR.

Messrs. Weiss (Chairman), Honaker, Lemon, Thompson, Curry, Moore, McCollum, Pilchard, Reynolds, Sullivan, Bailey, Huddleston, Thurmond, Marsh and McGraw.
STANDING COMMITTEES HOUSE OF DELEGATES.

RAILROADS.

Messrs. Wolfe (Chairman), Parsons, James, Bailey, Cline, Bender, Sinsel, Markey, Sullivan, Swiger, Scherr, Huddleston, Moreland, Yeager (of Pocahontas) and Akins.

MINES AND MINING.

Messrs. Sullivan (Chairman), Honaker, Harman (of McDowell), Bender, Thompson, Wertz, Hinerman, James, Weiss, Curry, Prichard, Murray, Huddleston, McGraw and Bland.

ROADS AND INTERNAL NAVIGATION.

Messrs. Harman (of Grant) (Chairman), Moore, Porter, Parsons, Boone, Beard, Smith (of Tyler), Davisson, Duty, Thompson, Cline, Davis, Sansom, Monroe, Murray and Ballard.

FEDERAL RELATIONS.

Messrs. Mullens (Chairman), Kittle, Pilchard, Harman (of Grant), Rinehart, Otto, Talbott (of Ritchie), Everhart, Smith (of Wood), Davis, Garrison, Ballard, Thomas, Burr and Akins.

COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Wertz (Chairman), Bloch, Brown, James, Scherr, Otto, Lilly, Harman (of McDowell), Honaker, Pilchard, Burnham, Alderson, Hiner, Prichard and Shafer.

PRIVATE CORPORATIONS AND JOINT STOCK COMPANIES.

Messrs. Beard (Chairman), Barlow, Brown, Lilly, Clark, Bloch, Pierce, Hersman, Sullivan, Yeager (of Wood), Blackwood, Layne, Bland, Shafer and McCauley.

FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Courts (Chairman), Boone, Kittle, Porter, Wolfe, Sigmond, Bailey, Hinerman, Dotson, Hiner, Monroe, Bland, Yeager (of Pocahontas), Prichard and Davisson.

CLAIMS AND GRIEVANCES.

Messrs. Allen (Chairman), Yeager (of Wood), Markey, Everhart, Smith (of Tyler), Board, Hersman, Harman (of Grant), Moore, Kelbaugh, Porter, Davis, Ballard, Talbott (of Webster), Shafer and Weir.

HUMAN INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Reynolds (Chairman), Sinsel, Harman (of Grant), Boone, Smith (of Doddridge), Allen, Parsons, Courts, James, Moore, McGraw, Thomas, Waldo, Blackwood and Garrison.

PRINTING AND CONTINGENT EXPENSES.

Messrs. Harman (of McDowell) (Chairman), Kittle, Balles, Lemon, Davisson, Sigmond, Smith (of Tyler), Honaker, Hughes, Porter, Davis, Thomas, Layne, Marsh, Garrison and Weir.
EXECUTIVE OFFICES AND LIBRARY.

Messrs. Rinehart (Chairman), Smith (of Doddridge), Burnham, Sigmund, Sullivan, Dotson, Sinsel, Lemon, Bailes, Everhart, Talbott (of Webster), Akins, Waldo, Shafer and Blackwood.

ARTS, SCIENCE AND GENERAL IMPROVEMENTS.

Messrs. Lilly (Chairman), James, Hersman, Otto, Smith (of Wood), Sinsel, Talbott (of Ritchie), Davisson, Weiss, Glover, Kelbaugh, Ballard, Waldo, McGraw and Thurmond.

PENITENTIARY.

Messrs. Curry (Chairman), Moore, Hinerman, Brown, Honaker, Board, McCollum, Glover, Burnham, Sinsel, Markey, Davis, Thomas, Talbott (of Webster) and McKimmie.

IMMIGRATION AND AGRICULTURE.

Messrs. Pierce (Chairman), Clark, Yeager (of Wood), Courts, Cline, Reynolds, Boone, Bender, Hersman, Board, Mullens, Davisson, McKimmie, Sansom and Burr.

STATE BOUNDARIES.


MEDICINE AND SANITATION.

Messrs. Sinsel (Chairman), Allen, Rinehart, Clark, McCollum, Lemon, Talbott (of Ritchie), Davis, Kittle, Barlow, Otto, Alderson, Monroe, Marsh and Shafer.

FORESTRY AND CONSERVATION.

Messrs. Hinerman (Chairman), Allen, Bender, Smith (of Doddridge), Talbott (of Ritchie), Mullens, Markey, Glover, Thompson, McCollum, Huddleston, McCauley, Moreland, Yeager (of Pocahontas) and Hall.

GAME AND FISH.

Messrs. Smith (of Tyler) (Chairman), Courts, Parsons, Sigmund, Thompson, Allen, Kittle, Harman (of Grant), Bailey, Honaker, Waldo, Sansom, Yeager (of Pocahontas), Thurmond and Monroe.

COMMITTEE ON REDISTRICTING THE STATE.

Messrs. Hughes (Chairman), Honaker, Bender, Bloch, Cline, Everhart, Thompson, Wolfe, Brown, Scherr, Curry, Smith (of Tyler), McKimmie, Ballard and Moreland.

JOINT COMMITTEE ON PASSED BILLS ON PART OF THE HOUSE.

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CHAPTER 1.

(LEGISLATURE OF WEST VIRGINIA)

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

[Passed January 22, 1915. In effect from passage. Approved by the Governor January 26, 1915.]

SEC. 1. For contingent expenses of the Senate; for contingent expenses House of Delegates.

SEC. 2. Method of purchase of supplies upon the part of the officers of the Senate and House of Delegates.

SEC. 3. Auditor authorized and directed to issue his warrants upon the treasury.

Be it enacted by the Legislature of West Virginia:

Section 1. That there is hereby appropriated out of the public treasury the following sums of money on account of the contingent expenses of the present session of the legislature:

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

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

Sec. 2. No supplies shall be purchased for either house, except upon resolution or upon an order signed by the president of the senate and the clerk thereof, or by the speaker of the house and the clerk thereof.
Sec. 3. The auditor is hereby authorized and directed to
issue his warrants upon the treasurer for such amounts as may
be authorized by the resolution of either house to be paid.

CHAPTER 2.
(House Bill No. 197.)

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

[Passed January 26, 1915. In effect from passage. Approved by the Governor Jan­
uary 26, 1915.]

Sec. 1. Appropriations:
Per diem and mileage of mem­
ers of the House of Delegates.
Per diem of officers, assistant
clerks and other attaches of
the House of Delegates.
Per diem and mileage of mem­
ers of the Senate.
Per diem of officers, assistant
clerks and other attaches of
the Senate.

SEC.
2. Authorizing Auditor to issue war­
rants.

Be it enacted by the Legislature of West Virginia:

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

House of Delegates.

To pay the per diem of the members, fifteen thousand six
hundred and ten dollars.
To pay the mileage of members, three thousand one hundred
and forty-two dollars and seventy cents.
To pay the per diem of the clerk, five hundred and fifty
dollars.
To pay the per diem of the sergeant-at-arms, two hundred
and twenty-five dollars.
To pay the per diem of the assistant sergeant-at-arms, one
hundred and eighty dollars.
17 To pay the per diem of the doorkeeper, one hundred and eighty dollars.
19 To pay the per diem of the assistant doorkeeper, one hundred and eighty dollars.
20 To pay the per diem of two gallery doorkeepers, three hundred and sixty dollars.
22 To pay the per diem of three cloak room attendants, one hundred and thirty-five dollars each, four hundred and fifty dollars.
25 To pay the per diem of the day watchman, one hundred and eighty dollars.
27 To pay the per diem of the night watchman, one hundred and eighty dollars.
29 To pay the per diem of the librarian, one hundred and eighty dollars.
31 To pay the per diem of thirteen committee clerks, two thousand and three hundred and forty dollars.
33 To pay the per diem of the clerk of the committee on taxation and finance, two hundred and seventy dollars.
35 To pay the per diem of the clerk of the judiciary committee, two hundred and seventy dollars.
37 To pay the per diem of ten floor pages, nine hundred dollars.
38 To pay the per diem of mailing and banking page, one hundred and thirty-five dollars.
40 To pay the per diem of four floor stenographers, seven hundred and twenty dollars.
42 To pay the per diem of four journal pages, three hundred and sixty dollars.
44 To pay the per diem of the stenographer of the committee on taxation and finance, two hundred and seventy dollars.
46 To pay the per diem of the stenographer of the committee on the judiciary, two hundred and seventy dollars.
48 To pay the per diem of the private secretary to the speaker, two hundred and seventy dollars.
50 To pay the per diem of the stenographer to the clerk, two hundred and seventy dollars.
52 To pay the per diem of fifteen assistant clerks, four thousand and fifty dollars.
55 To pay the per diem of the members, five thousand four hundred and ninety dollars.
56 To pay the mileage of the members, one thousand one hundred and thirty-two dollars and ten cents.
57 To pay the per diem of the clerk, five hundred and fifty dollars.
58 To pay the per diem of the sergeant-at-arms, two hundred and twenty-five dollars.
59 To pay the per diem of the assistant sergeant-at-arms, two hundred and twenty-five dollars.
60 To pay the per diem of the reading clerk, two hundred and seventy dollars.
61 To pay the per diem of the supervisor of printing, two hundred and seventy dollars.
62 To pay the per diem of the clerk to the committee on engrossed bills, two hundred and seventy dollars.
63 To pay the per diem of the clerk to the committee on enrolled bills, two hundred and seventy dollars.
64 To pay the per diem of the doorkeeper, one hundred and eighty dollars.
65 To pay the per diem of two assistant doorkeepers, three hundred and sixty dollars.
66 To pay the per diem of the librarian, one hundred and eighty dollars.
67 To pay the per diem of the gallery doorkeeper, one hundred and eighty dollars.
68 To pay the per diem of the day watchman, one hundred and eighty dollars.
69 To pay the per diem of the night watchman, one hundred and eighty dollars.
70 To pay the per diem of two cloak room attendants, two hundred and seventy dollars.
71 To pay the per diem of the stenographer to the president, two hundred and seventy dollars.
72 To pay the per diem of the clerk of the finance committee, two hundred and seventy dollars.
73 To pay the per diem of the assistant clerk of the finance committee, two hundred and seventy dollars.
93  To pay the per diem of the clerk of the judiciary committee, two hundred and seventy dollars.
94  To pay the per diem of the stenographer to the judiciary committee, two hundred and twenty-five dollars.
95  To pay the per diem of the chaplain, ninety dollars.
96  To pay the per diem of seventeen committee clerks, three thousand and sixty dollars.
97  To pay the per diem of supervisor of stenographers, one hundred and eighty dollars.
98  To pay the per diem of five floor stenographers, one thousand and one hundred and twenty-five dollars.
99  To pay the per diem of manager of pages, one hundred and eighty dollars.
100 To pay the per diem of mailing and banking page, one hundred and thirty-five dollars.
101 To pay the per diem of three journal and bill pages, four hundred and five dollars.
102 To pay the per diem of eight floor pages, one thousand and eighty dollars.
103 To pay the per diem of the page to the clerk, one hundred and thirty-five dollars.
104 To pay the per diem of twenty assistant clerks, five thousand four hundred dollars.
105 To pay the per diem of the stenographer to the clerk, two hundred and seventy dollars.
106 To pay the per diem of the janitor, extra compensation during the regular session of the legislature as provided by section one of chapter eleven of the code, at three dollars per day, one hundred and thirty-five dollars.
107 To pay the per diem of ten assistants to the janitor, during the regular session of the legislature, as provided in section one of chapter eleven of the code, at three dollars per day, one thousand and three hundred and fifty dollars.
108 To pay the per diem of two charwomen, during the regular session of the legislature, at one dollar and fifty cents per day each, one hundred and thirty-five dollars.
109 To pay the per diem of the messenger to the finance committee of the senate and the committee on taxation and finance.
CHAPTER 3.

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

[Passed February 26, 1915. In effect from passage. Approved by the Governor February 28, 1915.]

SEC.
1. Appropriations for the fiscal years ending June 30, 1916-1917, respectively.

Salary of Governor and other state officers, adjutant general, compensation commissioner, state librarian, chief road engineer, state tax commissioner, state historian and archivist, state commissioner of health.


SEC.
2. Salary keeper of the rolls, janitor, commissioner of banking, department of mines, bureau of labor, public service commissioners, forestry, game and fish warden, board of control, state board of regents.

3. Auditor authorized and directed to issue his warrants upon the treasury; bow and when; limitations.

Be it enacted by the Legislature of West Virginia:

Section 1. That there shall be and are hereby appropriated 2 out of the treasury for the fiscal year ending June thirtieth one thousand nine hundred and sixteen, and the fiscal year ending 4 June thirtieth one thousand nine hundred and seventeen, re- 5 spectively, the following sums of money to pay the salaries of 6 the officers of the Government:

132 of the house, one-half to be paid out of the senate contingent fund and one-half out of the house contingent fund, one hun- 134 hundred and eighty dollars.

Section 2. The auditor of this state is hereby authorized and 2 directed to issue his warrants upon the treasury from time to time 3 for such amounts as are or may become due to the several members, 4 officers and attaches of the senate and the house of delegates and 5 janitor's help, upon the request of the clerk of the senate and 6 the sergeant-at-arms of the house of delegates, respectively. The 7 three items in regard to janitor and assistants to be paid one-half 8 out of the senate contingent fund and one-half out of the house 9 contingent fund.
Executive Department.

<table>
<thead>
<tr>
<th>Position</th>
<th>Fiscal Year ending June 30th, 1916</th>
<th>Fiscal Year ending June 30th, 1917</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay the salary of the Governor</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>To pay the salary of the Auditor</td>
<td>4,500.00</td>
<td>4,500.00</td>
</tr>
<tr>
<td>To pay the salary of the Treasurer</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
<tr>
<td>To pay the salary of the Attorney General</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>To pay the salary of the Compensation Commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>To pay the salary of the Superintendent of Free Schools</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>To pay the salary of the Secretary of State</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>To pay the salary of the Adjutant General</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>To pay the salary of the State Librarian</td>
<td>$1,800.00</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>To pay the salary of Chief Road Engineer</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
<tr>
<td>To pay the salary of State Tax Commissioner</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>To pay the salary of the Commissioner of Agriculture</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>To pay the salary of the State Historian and Archivist</td>
<td>2,700.00</td>
<td>2,700.00</td>
</tr>
<tr>
<td>To pay the salary of the State Commissioner of Health</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

Judicial Department.

<table>
<thead>
<tr>
<th>Position</th>
<th>Fiscal Year ending June 30th, 1916</th>
<th>Fiscal Year ending June 30th, 1917</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay the salaries of the Judges of the Supreme Court</td>
<td>$37,500.00</td>
<td>$37,500.00</td>
</tr>
<tr>
<td>To pay the salaries of the Judges of the Circuit Court</td>
<td>79,200.00</td>
<td>79,200.00</td>
</tr>
<tr>
<td>To pay deficit in salaries of the Judges of the Circuit Courts for 1914-15</td>
<td>25,575.00</td>
<td></td>
</tr>
</tbody>
</table>

Keeper of the Rolls.

<table>
<thead>
<tr>
<th>Position</th>
<th>Fiscal Year ending June 30th, 1916</th>
<th>Fiscal Year ending June 30th, 1917</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay the salary of the Keeper of the Rolls</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>To pay the salary of the Janitor</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>Appointments to Pay Salaries.</td>
<td>[CH. 3</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td><strong>Commissioner of Banking.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salary of the Commissioner of Banking</td>
<td>$ 3,500.00</td>
<td>$ 3,500.00</td>
</tr>
<tr>
<td><strong>Department of Mines.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salary of the Chief of the Department of Mines</td>
<td>$ 3,000.00</td>
<td>$ 3,000.00</td>
</tr>
<tr>
<td><strong>Bureau of Labor.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salary of the Commissioner of Labor</td>
<td>$ 2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td><strong>Public Service Commission.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salaries of the members of the Public Service Commission</td>
<td>$18,000.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td><strong>Forestry, Game and Fish Warden.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salary of the Forestry, Game and Fish Warden</td>
<td>$ 1,800.00</td>
<td>$ 1,800.00</td>
</tr>
<tr>
<td><strong>Board of Control.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salaries of the members of the Board of Control</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td><strong>State Board of Regents.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salaries of the four members of the Board of Regents</td>
<td>$ 4,000.00</td>
<td>$ 4,000.00</td>
</tr>
</tbody>
</table>

Sec. 2. The first column of figures appearing in the foregoing section of this bill shall be deemed to indicate the amount intended to be appropriated by the Legislature for the aforesaid salaries, respectively, for the fiscal year beginning July first, one thousand nine hundred and fifteen, and ending June thirtieth, one thousand nine hundred and sixteen; and the second column of figures shall be deemed to indicate the amount intended to be appropriated by the legislature for the aforesaid salaries, respec-
9 tively for the fiscal year beginning July first, one thousand nine
10 hundred and sixteen, and ending on the thirtieth day of June,
11 one thousand nine hundred and seventeen.

Sec. 3. The auditor is hereby authorized and directed, when
2 properly demanded, to issue his warrants upon the treasury in
3 the same manner as he would be required to if every item of the
4 expenditure were directed to be paid to the creditor by name, and
5 no money shall be drawn from the treasury for the purpose here-
6 in named during the fiscal year ending June thirtieth, one thou-
7 sand nine hundred and sixteen, and June thirtieth, one thousand
8 nine hundred and seventeen. respectively, beyond the amount
9 hereby appropriated unless the same is authorized by the consti-
10 tution or some general law.

CHAPTER 4.

(HOUSE BILL NO. 423.)

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

[Passed February 26, 1915. In effect March 3, 1915.]

[NOTE—Items printed in italic type were vetoed by the Governor; the remainder of the bill
became a law without his approval.]

Sec.
1. Appropriations to pay general charges upon the treasury for
the fiscal years ending June 30,
1916-1917, respectively.
2. Criminal charges: transportation of prisoners and extradition of
criminals; lunatics in jail.
3. Board of optometry.
5. Berkeley Springs board, current
and contingent, paving and im-
provements.
6. King’s Daughters and city hospitals,
on approval of board of
control.
7. Commissioners of pharmacy.
8. State board of regents; field agent
state board of regents.
10. Contingent expenses and traveling
expenses weights and measures act; salaries two deputy
inspectors: free public employ-
ment bureau; salaries clerk and
stenographer; salaries two fac-
tory inspectors and traveling
expenses.
11. Storer college: salaries of teach-
ers; industrial department.
12. State geological survey, complet-
ing and publication of reports.
13. Printing, binding and stationery;
deficiency for 1914-1915; gener-
al appropriation.
14. Judicial department: compensation
of judges of circuit courts: mile-
age of judges of supreme court:
mileage of circuit court judges;
contingent and current expenses
supreme court: salaries of
clerks, messengers and janitors:
clerk, order clerk, stenographer
and assistant clerks.
15. Governor’s office: civil and con-
tingent fund, to be expended on
the order of the Governor: sal-
ary private secretary, stenog-
raphers and other clerk hire:
salary of pardon attorney and
stenographer: contingent ex-
pense pardon attorney.
16. Governor’s mansion and grounds.
17. Capitol buildings and grounds.
18. Labor fund, capitol building.
19. Contingent legislative expenses:
for the Senate; for the House
of Delegates.
20. Commissioner of banking: salaries
of assistants, of stenographers,
traveling and contingent ex-
penses; deficit for salary of
commissioner.
Sec. 21. Attorney general's office; salaries of assistants to attorney general, printing clerk, stenographer, current and contingent expenses.

22. State treasurer's office; salary of chief clerk, additional clerks, current and contingent expenses.

23. Secretary of State's office; salaries of clerks, current and contingent fund, distribution of the acts, journals and bills.

24. Auditor's office; salary of chief clerk, stenographer, other clerks, expenses of insurance department, contingent and current expenses, publishing delinquent corporations, reblinding and rewriting records; refunding moneys erroneously paid into state treasury; pay of state agents; limitations; refunding county, district and municipal corporations for redemption of land; and municipal corporation taxes paid by railroad and other companies; for publication of sale of delinquent taxes.

25. Tax commissioner's office; expenses of office, including assistants, stenographers, etc.; salary chief accountant; uniform system of accounting; auditing state departments; expenses office of commissioner of prohibition.

26. The militia; to carry into effect provisions of chapter 41, Acts of 1897.

27. Department of mining; salaries of inspectors, traveling expenses, current and contingent fund, stenographers and clerks.

28. Department of archives and history; salary of curator, stenographer, messenger and janitor; current and contingent expenses.

29. Forestry, game and fish; mileage and traveling expenses of warden, current and contingent expenses, salaries of chief deputies, expenses of chief deputies, mileage of two chief deputies for protection of forests and propagation of fish and game, under provisions of section 60, Acts of 1900.

30. Department of agriculture; traveling expenses, salary of chief clerk, stenographer; diseased animals; collecting statistics and advertising, current and contingent expenses, and for controlling foot and mouth disease.

31. Department of schools; salary of chief clerk, stenographer and other clerks; current and contingent expenses; purchase of books, printing, binding and stationery; expenses incurred under article 12, section 28, of Constitution; per diem and expenses state board of education; compensation institute instructors; expenses conducting uniform examinations; salaries of clerks, current and contingent expenses; repairs and improvements.

32. State hotel inspector; salary, contingent and traveling expenses; salary to June 30, 1915; provision as to payment.

33. State board of control; salaries clerical force; traveling expenses; current and contingent expenses; repairs and improvements.

34. Virginia debt commission; general expenses.

35. West Virginia University; salaries of officers, teachers and employees; current general expenses; repairs and improvements; agricultural, horticultural and home economics extension work; athletic board; mining extension work; girls' dormitory and agricultural buildings; provision as to requirement of Monongalia county.

36. Agricultural experiment station; current general expenses.

37. Preparatory branch West Virginia University at Montgomery; salaries of officers, teachers and employees; current general expenses.

38. Preparatory branch of West Virginia University at Keyser; salaries of officers, teachers and employees; current general expenses.

39. Marshall college state normal school; salaries of officers, teachers and employees; current general expenses; repairs and improvements, buildings and land.

40. Fairmont state normal school; salaries of officers, teachers and employees; current general expenses; repairs and improvements, buildings and land.

41. West Liberty state normal school; salaries of officers, teachers and employees; current and contingent expenses; repairs and improvements, buildings and land.

42. Glenville state normal school; salaries of officers, teachers and employees; current general expenses; repairs and improvements.

43. Shepherd college state normal school; salaries of officers, teachers and employees; current general expenses; repairs and improvements.

44. Concord state normal school; salaries of officers, teachers and employees; current general expenses; repairs and improvements.

45. West Virginia collegiate institute; salaries of officers, teachers and employees; current general expenses; repairs and improvements.
Sec. 46. Bluefield colored institute; salaries of officers, teachers and employees; current general expenses; repairs and improvements.

47. West Virginia industrial home for girls; current general expenses; repairs and improvements; buildings and land.

48. West Virginia industrial home for boys; current general expenses; repairs and improvements.

49. West Virginia school for the deaf and the blind; salaries of officers, teachers and employees; current general expenses; repairs and improvements.

50. State tuberculosis sanitarium; current general expenses; repairs and improvements; buildings and land.

51. West Virginia colored orphans' home; current general expenses; repairs and improvements; buildings and land.

52. West Virginia children's home; current general expenses; repairs and improvements; field work humane society.

53. Weston state hospital; current general expenses; repairs and improvements; buildings and land.

54. Spencer state hospital; current general expenses; repairs and improvements; buildings and land.

55. Huntington state hospital; current general expenses; repairs and improvements; buildings and land.

56. Welch hospital No. 1; current general expenses; repairs and improvements.

57. McKendree hospital No. 2; current general expenses; repairs and improvements.

58. Fairmont hospital No. 3; current general expenses; repairs and improvements.

59. State librarian; current and contingent expenses and clerk hire; purchase and binding books; librarian at Charles Town.

60. Department of health; current general expenses.

Sec. 61. Public service commission; current general expenses; to be paid out of special license fees.

62. Workmen's compensation; current and contingent expenses.

63. State road bureau; current and contingent expenses; to carry out provisions of chap. 41, Acts of 1913; current and contingent expenses for remainder of fiscal year 1915.

63-a Point Pleasant monument; for improvement of park.

64. Miscellaneous appropriations.

65. Refunding overpayments into treasury on account of taxes, licenses, fines and commissions.

66. Directions as to foregoing appropriations.

67. Appropriations herein made for state boards and institutions to be drawn upon requisition of proper officers thereof at such times and in such amounts as may be necessary; requisitions for appropriations for new buildings and substantial improvements, except under control of board of control, to be accompanied by architect's estimate; no warrants to be issued except for immediate use; provisions as to per diem and traveling expenses of board of regents; no mileage paid; itemized statement required; penalties.

68. Provisions as to printing, binding and stationery for state superintendent of free schools; printing, binding and stationery for boards, officers and institutions designated to be paid out of expense or contingent fund; method of procuring same and manner of payment; provisions as to annual or biennial reports.

69. No sum to be paid beyond amounts hereby appropriated.

70. Directions to clerk of House and clerk of the Senate.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred and sixteen, and for the fiscal year ending June thirtieth, one thousand nine hundred and seventeen, the following sums of money for the following purposes:

Criminal Charges.

<table>
<thead>
<tr>
<th></th>
<th>1916</th>
<th>1917</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 2. For criminal charges</td>
<td>$ 75,000.00</td>
<td>$ 75,000.00</td>
</tr>
</tbody>
</table>
2 For transportation of prisoners and extradition of criminals .......... 5,000.00
4 For support of lunatics in jail ........... 2,500.00

Board of Optometry.

Sec. 3. For expenses Board of Optometry .................. $ 250.00 $ 250.00

Florence Crittenden Home.

Sec. 4. For the Florence Crittenden Home at Wheeling ........... $ 1,250.00 $ 1,250.00

Berkeley Springs Board.

Sec. 5. For current and contingent expenses of board ............ $ 500.00 $ 500.00
3 For paving and improvements ........... 5,000.00 5,000.00

King's Daughters and City Hospitals.

Sec. 6. For King's Daughters and City Hospitals, for the treatment of laborers and others who may become a public charge, said amount to be paid upon approval of the state board of control .................... $ 10,000.00 $ 10,000.00

Commissioners of Pharmacy.

Sec. 7. For salaries and expenses of board .................. $ 2,100.00 $ 2,100.00

State Board of Regents.

Sec. 8. For expenses members and secretary state board of regents ................ $ 1,200.00 $ 1,200.00
4 For salary and traveling expenses of secretary and field agent state board of regents .................. 2,400.00 2,400.00
Insurance on Public Buildings.

Sec. 9. Insurance for 1915... $15,000.00

Bureau of Labor.

Sec. 10. For contingent and traveling expenses in connection with
weights and measures act. $3,500.00 $3,500.00
For salaries two deputy inspectors $2,400.00 $2,400.00
For free public employment bureau $1,200.00 $1,200.00
For salaries clerk and stenographer $2,100.00 $2,100.00
For the salary of two factory inspectors $2,400.00 $2,400.00
For traveling expenses of same $2,000.00 $2,000.00

Storer College.

Sec. 11. For salaries of teachers $1,200.00 $1,200.00
For industrial department $1,500.00 $1,500.00


Sec. 12. For completing, preparation and publication of reports $7,500.00 $7,500.00

Printing, Binding and Stationery.

Sec. 13. For deficiency 1914-1915 due to no appropriation having been
made for the printing, binding and stationery for public service commis-

ion, the department of agriculture and increase in legislative work $22,000.00
For printing, binding, stationery and storage $50,000.00 $50,000.00

Judicial Department.

Sec. 14. For compensation special
judges of circuit courts $1,500.00 $1,500.00
To pay mileage of judges of the su-
preme court 500.00 500.00
To pay mileage of circuit court judges 3,000.00 3,000.00
**Supreme Court.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>For contingent and current expenses of the supreme court</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>7</td>
<td>For salary of the supreme court</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>8</td>
<td>To pay salaries of law clerks</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>9</td>
<td>To pay salaries of clerks, messengers and janitors</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>10</td>
<td>To pay salary of the clerk</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>11</td>
<td>To pay the salary of order clerk and stenographer</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>12</td>
<td>To pay salaries of assistant clerks</td>
<td>$2,600.00</td>
</tr>
</tbody>
</table>

**Governor's Office.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>For civil contingent fund, to be expended upon the order of the governor</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Governor, no part of which, however, is to be used for clerk hire in any of the state offices or institutions, other than the governor's office</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>4</td>
<td>For salary private secretary to the governor</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>5</td>
<td>For stenographers and other clerk hire</td>
<td>$3,700.00</td>
</tr>
<tr>
<td>6</td>
<td>For salary pardon attorney</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>7</td>
<td>For stenographer pardon attorney</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>8</td>
<td>For contingent expenses pardon attorney</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

**Governor's Mansion and Grounds.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>For repairs and betterments</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>3</td>
<td>For maintenance</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>4</td>
<td>For service in mansion</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>

**Capitol Buildings and Grounds.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>For water, light, heat, repairs and contingent and current expenses for capitol building, annex and grounds, to be expended only upon the order of the board of public works</td>
<td>$12,500.00</td>
</tr>
</tbody>
</table>


Labor Fund, Capitol Building.

Sec. 18. Chief engineer .................. $1,350.00 $ 1,350.00
2 Night engineer .................................. 990.00 990.00
3 Two night watchmen, capitol and annex 1,980.00 1,980.00
4 One day fireman ................................ 980.00 980.00
5 One night fireman ............................. 980.00 980.00
6 Janitor and messenger, board of control 1,000.00 1,000.00
7 Nine janitors at $75 per month ............ 8,100.00 8,100.00
8 Two charwomen ................................ 960.00 960.00
9 Two elevator men (capitol and annex) .... 960.00 960.00

Contingent Legislative Expenses.

Sec. 19. For contingent expenses
2 of the house of delegates, or so much
3 thereof as may be necessary, .......... $ 12,500.00 $ .....
4 For contingent expenses of the senate,
5 or so much thereof as may be neces-
6 sary ............................................. 12,500.00

Commissioner of Banking.

Sec. 20. To pay the salaries of
2 three assistant commissioners ........ $ 6,000.00 $ 6,000.00
3 To pay the salary of the stenographer . 1,200.00 1,200.00
4 Traveling expenses commissioners ..... 3,000.00 3,000.00
5 Contingent expenses ....................... 1,000.00 1,000.00
6 To pay the deficit in the salary of the
7 banking commissioner from June 1,
8 1913, to June 30, 1915 .................... 2,083.33 .........

Attorney General's Office.

Sec. 21. To pay the salaries of
2 three assistant attorney generals .... $ 7,500.00 $ 7,500.00
3 To pay the salary of the printing clerk 1,800.00 1,800.00
4 To pay the salary of stenographers .... 2,750.00 2,750.00
5 Current and contingent fund ............. 3,500.00 3,500.00
State Treasurer’s Office.

Sec. 22. To pay the salary of chief clerk $2,000.00 $2,000.00
3 To pay the salaries of additional clerks 3,500.00 3,500.00
4 Current and contingent expenses 1,000.00 1,000.00

Secretary of State’s Office.

Sec. 23. To pay the salaries of the clerks in the office of secretary of state $12,600.00 $12,600.00
3 Current and contingent fund 2,000.00 2,000.00
4 For distribution of the acts 500.00
5 For distribution of the journals and bills of the legislature as provided for in section 386 of the Code of one thousand and nine hundred and thirteen 4,200.00

Auditor’s Office.

Sec. 24. To pay the salary of the chief clerk $2,000.00 $2,000.00
3 To pay the stenographer’s salary 1,200.00 1,200.00
4 To pay the salaries of other clerks $19,000.00 19,000.00
5 To pay expenses of insurance department 9,000.00 9,000.00
6 Contingent and current expenses 3,000.00 3,000.00
7 Publishing list of delinquent corporations 400.00 400.00
9 Re-binding and re-writing records 5,000.00 5,000.00
10 For refunding moneys erroneously paid into the treasury such sum is hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.
15 For pay of state agents, such amount is hereby appropriated as may be necessary to pay commission of state agents, payable out of the fund collected; provided, that in no case shall the amount so paid exceed ten per
21 centum of the funds collected and 
22 paid into the treasury by any such 
23 agent..............................

24 For refunding to counties, districts and 
25 municipal corporations, county, dist- 
26 trict and municipal taxes paid into 
27 the treasury for the redemption of 
28 lands, such an amount is hereby ap- 
29 propriated as will be necessary to re- 
30 fund to the counties, districts and 
31 municipal corporations entitled 
32 thereto, the taxes so paid into the 
33 treasury ..............................

34 For refunding county, district and mu-
35 nicipal taxes paid into the treasury 
36 by railroad and other companies, 
37 such sum is hereby appropriated as 
38 will be necessary to refund to each 
39 county, district and municipal cor-
40 poration the amount of such taxes as 
41 may be paid into the treasury to the 
42 credit of such county, district and 
43 municipal corporation ............... 

44 The auditor shall credit all delinquent 
45 taxes due the state to the fund to 
46 which they belong, and the cost of 
47 certification and publication of sale 
48 shall be paid out of the fund to which 
49 they are credited, and there is hereby 
50 appropriated so much as may be 
51 necessary for the payment of the 
52 same..............................

**Tax Commissioner's Office.**

Sec. 25. For expenses of state tax 
2 commissioner's office, including com- 
3 pensation of assistants, clerks, sten- 
4 ographers and all other expenses...$17,500.00 $17,500.00
GENERAL APPROPRIATIONS.

5 For salary of chief accountant........ 4,500.00 4,500.00
6 For expenses of uniform system of ac-
7 counting, including compensation of
8 assistants, clerks, stenographers and
9 all other expenses .................. 5,000.00 5,000.00
10 For expenses auditing state departments
11 and compiling financial report ...... 7,500.00 7,500.00
12 For expenses of office of commissioner
13 of prohibition, including compensa-
14 tion of assistants, clerks, stenograph-
15 ers and all other expenses ......... 15,000.00 15,000.00

The Militia.

Sec. 26. To carry into effect the
provisions of chapter forty-one of the
acts of one thousand eight hundred
and ninety-seven, as amended by the
acts of one thousand nine hundred
and nine, relating to the militia....$ 65,000.00  $ 65,000.00

Department of Mining.

Sec. 27. To pay the salaries of fif-
ten inspectors .................. $ 31,500.00 $ 31,500.00
3 To pay traveling expenses of the inspec-
tors......................... 10,800.00 10,800.00
5 Current and contingent fund ......... 2,500.00 2,500.00
6 To pay salaries of stenographers and
7 clerks........................ 5,500.00 5,500.00

Department of Archives and History.

Sec. 28. To pay the salary of cura-
tor of museum .................. $ 1,800.00  $ 1,800.00
3 To pay the salary of the stenographer... 1,200.00 1,200.00
4 To pay the salary of the messenger and
5 janitor......................... 900.00 900.00
6 Current and contingent ............. 1,500.00 1,500.00
### Forestry, Game and Fish

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Mileage and traveling expenses of warden</td>
<td>$500.00</td>
</tr>
<tr>
<td>3</td>
<td>Current and contingent expenses</td>
<td>$500.00</td>
</tr>
<tr>
<td>4</td>
<td>Salaries two chief deputies</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Current and contingent expenses two chief deputies</td>
<td>$500.00</td>
</tr>
<tr>
<td>6</td>
<td>Mileage and traveling expenses two chief deputies</td>
<td>$500.00</td>
</tr>
<tr>
<td>7</td>
<td>For the protection of forests, and the protection and propagation of fish</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Which sums are appropriated to be paid out of the fund known as “the forest, game and fish protective fund,” which was created by section 61 of chapter 60 of the acts of one thousand nine hundred and nine.</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

### Department of Agriculture

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Traveling expenses</td>
<td>$500.00</td>
</tr>
<tr>
<td>2</td>
<td>Salary of chief clerk</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of stenographer</td>
<td>$900.00</td>
</tr>
<tr>
<td>4</td>
<td>Diseased animals</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Collecting statistics and advertising</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Current and contingent expenses</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>7</td>
<td>For the purpose of controlling the foot and mouth disease and to be used for no other purpose</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

### Department of Schools

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>Salary of chief clerk</td>
<td>$1,800.00</td>
</tr>
</tbody>
</table>
20

**General Appropriations.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries of stenographers</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>3 Salaries of other clerks</td>
<td>8,400.00</td>
<td>8,400.00</td>
</tr>
<tr>
<td>4 Current and contingent expenses</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>5 Purchase of books</td>
<td>50.00</td>
<td>50.00</td>
</tr>
<tr>
<td>6 Printing, binding and stationery</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>7 Expenses to be incurred by the state superintendent under the provisions of article twelve, section two, of the constitution</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>8 Per diem and expenses of the state board of education</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>9 Compensation of institute instructors</td>
<td>8,000.00</td>
<td>8,000.00</td>
</tr>
<tr>
<td>10 Expenses of conducting uniform examinations</td>
<td>8,600.00</td>
<td>8,600.00</td>
</tr>
<tr>
<td>11 Salaries of county superintendents</td>
<td>56,000.00</td>
<td>56,000.00</td>
</tr>
<tr>
<td>12 Supplemental aid for teachers’ fund</td>
<td>75,000.00</td>
<td>75,000.00</td>
</tr>
<tr>
<td>13 Supplemental aid for building fund</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>14 State aid for classified high schools</td>
<td>85,000.00</td>
<td>88,000.00</td>
</tr>
<tr>
<td>15 All the appropriations provided for in this section to be paid out of the general school fund</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**State Hotel Inspector.**

Sec. 32. Salary Hotel Inspector. $1,500.00 $1,500.00

2 Contingent and traveling expenses $1,500.00 $1,500.00

3 Necessary to run to June 30, 1915:

4 *Salary Hotel Inspector* $812.50

5 *Contingent and traveling expenses* $750.00

6 The above items to be paid out of the fees collected by the department and not otherwise.

**State Board of Control.**

Sec. 33. Salaries of clerical force $18,000.00 $18,000.00

2 Traveling expenses $1,500.00 $1,500.00

3 Current and contingent expenses $5,000.00 $5,000.00

4 *Repairs and improvements* $5,000.00
Virginia Debt Commission.

Sec. 34. General expenses .......... $25,000.00 $25,000.00

West Virginia University.

Sec. 35. Salaries of officers, teachers and employes ..................... $140,000.00 $140,000.00

2 Current general expenses .......... 50,000.00 50,000.00

4 Repairs and improvements .......... 15,000.00 15,000.00

5 Agricultural, horticultural and home economics extension work ......... 35,000.00 40,000.00

7 To the athletic board, provided the school raise the sum of $5,000.00 to supplement this appropriation. No portion of this appropriation to be available until said sum of $5,000.00 is raised and placed at the disposal of the state board of control ........ 5,000.00 5,000.00

15 Mining extension work .......... 10,000.00 10,000.00

16 For girls' dormitories and agricultural buildings .......... 100,000.00 100,000.00

18 Provided, that the citizens or county court, or both, of Monongalia county, shall raise and place at the disposal of the state board of control for the purposes of the university the sum of $37,500.00 for the year 1916, and the same amount for the year 1917.

24 Said appropriation for the year 1916 to be available for use upon the raising of said sum of $37,500.00 and placing the same at the disposal of said state board of control for that year.

Agricultural Experiment Station.

Sec. 36. For current general expenses ................................ $20,000.00 $20,000.00
Preparatory Branch of West Virginia University at Montgomery.

Sec. 37. Salaries of officers, teachers and employes ................ $ 5,000.00 $ 4,000.00
3 Current general expenses .................. 1,500.00 1,500.00

Preparatory Branch of West Virginia University at Keyser.

Sec. 38. Salaries of officers, teachers and employes ................ $ 10,000.00 $ 10,000.00
3 Current general expenses .................. 5,000.00 5,000.00
4 Repairs and improvements .................. 5,000.00 5,000.00

Marshall College State Normal School.

Sec. 39. Salaries of officers, teachers and employes ............. $ 40,000.00 $ 42,000.00
3 Current general expenses .................. 8,000.00 8,000.00
4 Repairs and improvements .................. 7,500.00 7,500.00
5 Buildings and land .................. 22,500.00 22,500.00

Fairmont State Normal School.

Sec. 40. Salaries of officers, teachers and employes ............. $ 30,000.00 $ 31,000.00
3 Current general expenses .................. 8,000.00 8,000.00
4 Repairs and improvements .................. 7,500.00 7,500.00
5 Buildings and land .................. 30,000.00 30,000.00

West Liberty State Normal School.

Sec. 41. Salaries of officers, teachers and employes ............. $ 14,000.00 $ 14,000.00
3 Current general expenses .................. 3,000.00 3,000.00
4 Repairs and improvements .................. 1,500.00 1,500.00
5 Buildings and land .................. 27,500.00 27,500.00

Glenville State Normal School.

Sec. 42. Salaries of officers, teachers and employes ............. $ 16,500.00 $ 17,000.00
3 Current general expenses .................. 4,000.00 4,000.00
4 Repairs and improvements .................. 2,000.00 2,000.00
### General Appropriations

**Shepherd College State Normal School.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>Salaries of officers, teachers and employes</td>
<td>$14,500.00 $15,000.00</td>
</tr>
<tr>
<td></td>
<td>Current general expenses</td>
<td>$3,000.00 $3,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$1,500.00 $1,500.00</td>
</tr>
</tbody>
</table>

**Concord State Normal School.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>44</td>
<td>Salaries of officers, teachers and employes</td>
<td>$18,000.00 $18,000.00</td>
</tr>
<tr>
<td></td>
<td>Current general expenses</td>
<td>$6,000.00 $6,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$5,000.00 $5,000.00</td>
</tr>
</tbody>
</table>

**West Virginia Collegiate Institute.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>Salaries of officers, teachers and employes</td>
<td>$21,500.00 $23,000.00</td>
</tr>
<tr>
<td></td>
<td>Current general expenses</td>
<td>$10,500.00 $10,500.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$8,500.00 $8,500.00</td>
</tr>
</tbody>
</table>

**Bluefield Colored Institute.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>Salaries of officers, teachers and employes</td>
<td>$9,000.00 $9,000.00</td>
</tr>
<tr>
<td></td>
<td>Current general expenses</td>
<td>$3,000.00 $3,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$2,000.00 $2,000.00</td>
</tr>
</tbody>
</table>

**West Virginia Industrial Home for Girls.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td>Current general expenses</td>
<td>$22,000.00 $22,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$10,000.00 $10,000.00</td>
</tr>
<tr>
<td></td>
<td>Buildings and land</td>
<td>$10,000.00 $10,000.00</td>
</tr>
</tbody>
</table>

**West Virginia Industrial School for Boys.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>Current general expenses</td>
<td>$50,000.00 $50,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$5,000.00 $5,000.00</td>
</tr>
</tbody>
</table>

**West Virginia School for the Deaf and the Blind.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Salaries of officers, teachers and employes</td>
<td>$28,000.00 $28,000.00</td>
</tr>
<tr>
<td></td>
<td>Current general expenses</td>
<td>$37,000.00 $37,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>$10,000.00 $10,000.00</td>
</tr>
<tr>
<td>Institution</td>
<td>Sec.</td>
<td>Current General Expenses</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>State Tuberculosis Sanitarium</td>
<td>50</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>West Virginia Colored Orphans' Home</td>
<td>51</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>West Virginia Childrens' Home</td>
<td>52</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Weston State Hospital</td>
<td>53</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>Spencer State Hospital</td>
<td>54</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>Huntington State Hospital</td>
<td>55</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>Welch Hospital No. 1</td>
<td>56</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>McKendree Hospital No. 2</td>
<td>57</td>
<td>$18,000.00</td>
</tr>
</tbody>
</table>
Fairmont Hospital No. 3.

Sec. 58. Current general expenses $18,000.00 $18,000.00
2 Repairs and improvements .............. 1,500.00 1,500.00

State Librarian.

Sec. 59. Current and contingent expenses and clerk hire $2,500.00 $2,500.00
2 Purchase and binding of books for the
3 law library 2,500.00 2,500.00
4 For librarian at Charles Town (salary) 500.00 500.00

Department of Health.

Sec. 60. Current general expenses $20,000.00 $25,000.00

Public Service Commission.

Sec. 61. Current general expenses $60,000.00 $60,000.00
2 The appropriation in this section to be paid out of the special license fees authorized by section fifteen, public service law.

Workmen’s Compensation.

Sec. 62. Current and contingent expenses workmen’s compensation fund $86,200.00 $86,200.00

State Road Bureau.

Sec. 63. Current and contingent expenses $1,500.00 $1,500.00
2 To carry out the provisions of Sec. 3, Chap. 41, Acts of 1913 $1,800.00 $1,800.00
4 For current and contingent expenses for the remainder of the fiscal year of 1915 750.00

Point Pleasant Monument.

Sec. 63-a. For improvement and
ornamentation of Tu-Endie-Wei Park at Pt. Pleasant, owned by the State and containing Pt. Pleasant Battle Monument, and to be in lieu of the appropriations made for "protecting and improving river bank around Pt. Pleasant Monument," by chapter three of the acts of one thousand nine hundred and thirteen five thousand dollars, which is unexpended $2,500.00 $2,500.00

Miscellaneous Appropriations.

Sec. 64. For the payment of the following miscellaneous items, the sum set opposite each item are hereby appropriated:

2 Prentice Ashton Co., 6 gro. safety matches, $3.60
3 Burlew Hardware Co., supplies for house and senate 3.80
5 The H. O. Baker Co., chairs, desks, tables 109.00
6 Capital Syndicate, typewriter rental 60.00
7 G. M. Clinedinst, cleaning windows, house and senate 60.00
8 A. B. Moore, typewriter rental 6.00
9 Chesapeake & Potomac Telephone Company, telephone service for this session and during the interim between sessions of 1913 and 1915 410.16
12 Commercial Law Company, 125 copies (3 volumes) 1,625.00
13 Hogg's Annotated Code 85.74
14 Charleston Paper & Stationery Co., drinking cups and stationer's boxes 128.60
16 Daniels Department Store, carpet covers, linoleum, carpet runners, etc., for house and senate 388.71
18 Diamond Shoe & Garment Co., laces for journal books 2.10
19 Pattie L. Denison, stenographic work for house 20.00
20 P. A. Donovan, gas and electric fixtures 5.25
21 Dawley Furniture Co., janitor's supplies 6.50
23 Eskew, Smith & Cannon, sundry supplies for house and senate 32.30
25 Elk Plumbing Co., labor and supplies 49.20
26 Grossman & Co., glass and glazing 12.10
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Homer Hutchinson, back salary as railroad clerk</td>
<td>981.65</td>
</tr>
<tr>
<td>28</td>
<td>Gallia Oil Co., refund of corporation tax</td>
<td>50.00</td>
</tr>
<tr>
<td>29</td>
<td>Kanawha Repair Co., keys, locks and repairs for house and senate</td>
<td>167.20</td>
</tr>
<tr>
<td>30</td>
<td>Lovett Printing Co., rubber stamps</td>
<td>5.20</td>
</tr>
<tr>
<td>31</td>
<td>Krieg &amp; Price, combs, brushes and wisp brooms</td>
<td>13.20</td>
</tr>
<tr>
<td>32</td>
<td>C. A. Lemkuhl, typewriter desks, tables, chairs</td>
<td>176.00</td>
</tr>
<tr>
<td>33</td>
<td>County Court, McDowell county, for clothing furnished prisoners</td>
<td>2455.23</td>
</tr>
<tr>
<td>34</td>
<td>S. S. Moore Co., shades, sharpeners, pens and supplies furnished senate and house</td>
<td>341.40</td>
</tr>
<tr>
<td>35</td>
<td>Morgan Lumber &amp; Mfg Co., desk tops</td>
<td>7.20</td>
</tr>
<tr>
<td>36</td>
<td>Remington Typewriter Co., rental machines, typewriter tables and copyholders</td>
<td>133.25</td>
</tr>
<tr>
<td>37</td>
<td>A. W. Cox Department Store Co., assignee E. L. Spradling, 2 journal filing cases</td>
<td>55.00</td>
</tr>
<tr>
<td>38</td>
<td>The W. F. Shawver Co., water coolers and screens</td>
<td>22.75</td>
</tr>
<tr>
<td>39</td>
<td>Underwood Typewriter Co., purchase of typewriter machines and rentals</td>
<td>390.99</td>
</tr>
<tr>
<td>40</td>
<td>Walnut Hill Lithia Water Co., water for house and senate</td>
<td>156.40</td>
</tr>
<tr>
<td>41</td>
<td>The Opera Pharmacy, toilet articles for house and senate</td>
<td>12.20</td>
</tr>
<tr>
<td>42</td>
<td>F. C. Ritter, furniture for house and senate</td>
<td>200.00</td>
</tr>
<tr>
<td>43</td>
<td>United Brokerage Co., brokerage license refund</td>
<td>302.00</td>
</tr>
<tr>
<td>44</td>
<td>John Shackelford, brokerage license refund</td>
<td>200.00</td>
</tr>
<tr>
<td>45</td>
<td>W. A. Shultz, brokerage license refund</td>
<td>200.00</td>
</tr>
<tr>
<td>46</td>
<td>J. P. Woods &amp; Co., brokerage license refund</td>
<td>189.55</td>
</tr>
<tr>
<td>47</td>
<td>Baltimore Office Supply Co., stationery for senate session of 1913</td>
<td>71.99</td>
</tr>
<tr>
<td>48</td>
<td>Roy Rhodes, per diem as page in the house, session of 1913</td>
<td>45.00</td>
</tr>
<tr>
<td>49</td>
<td>H. M. Scott, administering oath to 84 members and officers of the house, session 1911</td>
<td>21.00</td>
</tr>
<tr>
<td>50</td>
<td>M. F. Leonard, six paving certificates. Marshall College paving, including three per cent. interest</td>
<td>2061.52</td>
</tr>
<tr>
<td>51</td>
<td>S. K. Whitehair, administrator Russell Clyde Whitehair, deceased. (R. C. Whitehair died while in the service of the state as a member of the guard)</td>
<td>1200.00</td>
</tr>
</tbody>
</table>
66 Harvey Cochran, injured in line of duty as guardsman 1,200.00
67 William A. Sarver, expenses of son to and from Tuberculosis Sanitarium 49.73
69 County Court Webster county, jury expenses in trial of B. A. Smith, et al 964.40
73 For expenses of office of commissioner of prohibition, including compensation of assistants, clerks, stenographers and all other expenses remainder fiscal year 1915 5,000.00
77 To re-imburse the governor's contingent fund on account of expenditures in the Virginia Debt case 25,800.80
79 To pay the salary of the Compensation Commissioner for the months of May and June, 1915 1,000.00
82 To compensate E. A. Dover, for his services rendered the state in the Va. Debt case, being additional to the regular annual salary received as chief accountant 2,500.00
84 To pay Sevilla Grass for washing towels 25.00
86 P. R. Gress, license refund 486.09
87 Simon Schwartz, license refund 316.65
88 To reimburse the tax commissioner's office for services rendered in Va. Debt case 2,700.00
90 To pay John H. Holt for services rendered and to be rendered in Va. Debt case 16,000.00
92 To reimburse Federal and Confederate veterans for their traveling expenses, in attending the semi-centennial of the battle of Gettysburg, and to compensate Capt. W. S. Clark as commissioner, to be disbursed by the Governor 1,500.00
99 To pay salary of three additional inspectors for mine department from May 1st, to June 30th, 1915 1,050.00
102 To pay traveling expenses of same 360.00
103 To pay stenographer and clerk hire 400.00
104 To pay E. J. Gross amount allowed by
criminal court of Fayette county
for exhuming and examining the
body of Sylvester White $ 57.40
To pay Dr. James R. Bloss amount
allowed him by the criminal court
of Fayette county for expert testimony in the case of the State vs.
Ray Koontz $ 50.00
To pay James Coleman license refund $ 500.00
To pay H. H. Rice, attorney-at-law,
fees in cases of the Socialist Printing Company and Wyatt H.
Thompson, et als. vs. Henry D.
Hatfield, Governor, and in case of
Henry D. Hatfield, Governor, et
als., vs. John T. Graham, Judge, et
als., in the Circuit Court of Cabell
county and in the Supreme Court
of Appeals $ 1,500.00
To pay J. O. Henson, attorney-at-law,
fees in certain damage suits against
former Governor W. E. Glasscock,
et als., in the United States District Court and Kanawha County
Circuit Court 500.00
Sec. 65. For refunding overpayments 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 amount as may be necessary for such purpose is hereby appropriated.

Sec. 66. Wherever the figures "1916" are used in this act, it is intended that the amount appearing in the column under such figures shall be appropriated for the purposes herein named for the fiscal year ending June thirtieth, one thousand nine hundred and sixteen; and wherever the figures "1917" are used in this act, it is intended that the amount appearing in the column under such figures shall be appropriated for the purposes herein named for the fiscal year ending June thirtieth, one thousand nine hundred and seventeen.
Be it further enacted by the Legislature of West Virginia:

Sec. 67. The appropriations herein made to or for any state board or institution shall be drawn from the treasury upon the requisition of the proper officers thereof made upon the auditor at such times and in such amounts as may be necessary for the purposes for which such appropriations are made; and the auditor shall pay the amount named in any such requisition at such times and in such installments as shall be necessary for the purpose for which any such appropriation is made. But all requisitions for appropriations for new buildings and substantial improvements, except such as are under control of the board of control, shall be accompanied by the architect's estimate that the amount named in such requisition is needed for immediate use. The auditor shall not issue his warrants to pay any money out of the state treasury unless the same is needed for present use.

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

Sec. 68. All printing, binding and printing paper and stationery for the state superintendent of free schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions shall be paid for out of the appropriation for public printing, public binding, or for supplying paper or stationery, but shall be paid for out of the appropriations therefor.
Board of dental examiners, state vaccine agents, commissioners of pharmacy, state board of examiners, state board of agriculture, state board of embalmers, Welch hospital No. 1, McKendree hospital No. 2, Fairmont hospital No. 3, West Virginia humane society, normal schools, schools for the deaf and the blind, the university and all its departments and branches, including the experiment station, Weston and Spencer state hospitals, industrial school for boys, the collegiate institute, the industrial home for girls and the Huntington state hospital. Such boards, officers and institutions, except the state superintendent of free schools, that are herein required to pay for their own printing, stationery and printing paper and binding, have authority to procure the same, or have the same done on requisition of the superintendent of public printing, or may buy such printing and stationery, or have such printing and binding done on competitive bids, under such rules as may be made by the commissioners of public printing. When stationery or printing paper is procured from the superintendent of public printing, or printing and binding are done on requisition on his office, by any such board, officers and institutions, the superintendent of public printing as to such printing, binding, stationery and printing paper, shall certify the cost thereof to the auditor, stating to what officer, board or institution the same was furnished, and the auditor shall charge against the proper fund or appropriation of such officers, institution or board the amount thereof, and credit such amount to the proper appropriation made by this act for public printing, binding, stationery, and printing paper. Provided, that the annual or biennial reports required by law to be made to the governor by such board, officers and institutions shall be typewritten, or prepared in such a manner that the same shall be legible and suitable for printers' copy, and only so much of any such reports shall be printed as may be ordered by the governor; and no such reports shall be printed by the public printer except on requisition therefor, signed by the governor, which requisition shall state the number to be printed and how the same are to be bound. Such officers, boards and institutions as are required
48 by law to make a report to the governor shall place the same in
49 his hands within thirty days after the close of the period which
50 they are to cover.

Sec. 69. No sum of money shall be paid out of the treasury
2 for the years ending June thirtieth, one thousand nine hundred and
3 sixteen, and one thousand nine hundred and seventeen, beyond
4 the amounts hereby appropriated, unless the same be provided for
5 by the constitution or some general law.

Sec. 70. Upon the adjournment of this session of the legis-
2 lature, the clerk of the house and the clerk of the senate shall
3 jointly make up and furnish the auditor, without delay, a certi-
4 fied copy of this and all other acts carrying appropriations.

CHAPTER 5.

( House Bill No. 210. )

AN ACT relating to the payment of appropriations for officers, com-
missions, boards or institutions not having an office at the state
capital.

[Passed February 2, 1915. In effect July 1, 1915. Approved by the Governor
February 11, 1915.]

Sec. 1. Appropriations for officers, com-
missions, boards or institutions, not having an office at the state
capital; expenditures to be ap-
proved by board of control.

Sec. 2. Act effective July 1, 1915.

Be it enacted by the Legislature of West Virginia:

Section 1. All appropriations now or hereafter made for officers,
2 commissions, boards, or institutions, public or private, not having
3 an office at the state capital, shall be expended on requisitions of
4 such officer, commission, board or institution, after approval by the
5 state board of control. Nothing herein shall be construed to affect
6 any provision of chapter fifty-eight of the acts of one thousand
7 nine hundred and nine, nor to include any institution whose man-
8 agement and control is now vested by law in the state board of
9 control.

Sec. 2. This act shall go into effect July first, one thousand
2 nine hundred and fifteen.

Sec. 3. All acts and parts of acts inconsistent with this act
2 are hereby repealed.
AN ACT to authorize the county court of Berkeley county, West Virginia, to expend a sum not exceeding three hundred dollars from the county funds for the purpose of marking the grave of the late General Adam Stephens in said county.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 1. Authorizing the county court of Berkeley county to expend a sum not to exceed three hundred dollars for the purpose of erecting a suitable marker, mound or monument over the grave of the late General Adam Stephens, which funds so authorized to be used may be added to by public subscription or otherwise from private sources. All funds expended under this order shall be upon the regular voucher of the county court and when honored and paid by the sheriff shall be credited to him in his settlement.

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

CHAPTER 7.
(Senate Bill No. 79.)

AN ACT to amend and re-enact section seven of chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, relating to prohibiting the manufacture, sale and keeping for sale of intoxicating liquors and the enforcement of the amendment of section forty-six of article six of the state constitution ratified on the fifth day of November, one thousand nine hundred and twelve; and to further amend said chapter thirteen of the acts of the legislature of one thousand nine hundred and thirteen by enacting
as additional thereto seven sections, to be numbered sections twenty-seven to thirty-three inclusive, as parts thereof.

(Passed January 27, 1915. In effect thirty days from passage. Approved by the Governor February 5, 1915.)

Sec. 7. Unlawful for personal use or otherwise to have, keep or use, intoxicating liquors at any restaurant, store, office building, club, place where soft drinks are sold, fruit stand, news stand, room, or place where bowling alleys, billiard or pool tables are maintained, livery stable, boat house, public building, park, road, street or alley; penalty for violations; exceptions: the word "home" defined for purposes of this section; provisions and exceptions as to common carriers; further exceptions as to search and seizure.

27. Penalty for corporations or associations to give to minors or habitual drunkards, under provisions of section 7, same as though committed by officer or agent.

28. Unlawful under section seven, or otherwise, to give intoxicating liquor to minor, person of intemperate habits, or one addicted to use of any narcotic drug; penalty.

29. Failure of county, district or municipal officer to discharge duty of enforcing prohibition of manufacture, sale, keeping and stor-
6 sections four and twenty-four), fruit stand, news stand, room, or 7 place where bowling alleys, billiard or pool tables are maintained, 8-9 livery stable, boat house, public building, park, road, street or 10 alley. It shall also be unlawful for any person to give or furnish 11 to another intoxicating liquors, except as otherwise hereinafter 12 provided in this section. Any one violating this section shall be 13 guilty of a misdemeanor, and upon conviction thereof shall be fined 14 not less than one hundred dollars, nor more than five hundred dol- 15 lars, and be imprisoned in the county jail not less than two nor 16 more than six months; provided, however, that nothing contained 17 in this section shall prevent one, in his home, from having and 18 there giving to another intoxicating liquors when such having or 19 giving is in no way a shift, scheme or device to evade the provis- 20 ions of this act; but the word "home" as used herein, shall not be 21 construed to be one's club, place of common resort, or room of a 22 transient guest in a hotel or boarding house. And, provided, fur- 23 ther, that no common carrier, for hire, nor other person, for hire 24 or without hire, shall bring or carry into this state, or carry from 25 one place to another within the state, intoxicating liquors for an- 26 other, even when intended for personal use; except a common car- 27 rier may, for hire, carry pure grain alcohol and wine, and such 28 preparations as may be sold by druggists for the special purposes 29 and in the manner as set forth in sections four and twenty-four; 30 and, provided, further, however, that in case of search and seizure, 31 the finding of any liquors shall be prima facie evidence that the 32 same are being kept and stored for unlawful purposes.

Sec. 27. If any corporation or association shall violate any 3 of the provisions of this act, any officer, agent or employee thereof 4 acting for it in any such unlawful act, or authorizing the same to 5 be done, shall be personally guilty thereof the same as though such 6 officer, agent or employee himself had committed the offense. and 7 shall be subject to all of the fines, penalties and imprisonments 7 thereof.

Sec. 28. It shall be unlawful for any person to give, under 2 the proviso in section seven, or otherwise, intoxicating liquors to 3 any minor, person of intemperate habits, or one who is addicted to 4 the use of any narcotic drug. If any person shall violate the pro- 5 visions of this section he shall be guilty of a misdemeanor. and, 6 upon conviction, shall be fined not less than one hundred dollars,
36  AMENDING PROHIBITION LAW.  [Ch. 7

7 nor more than five hundred dollars, and imprisoned in the county
8 jail not more than six months.

Sec. 29. If any county, district or municipal officer, or any
2 municipal police, shall fail, refuse or neglect to discharge any duty
3 imposed upon him by law, prohibiting the manufacture, sale, keep-
4 ing and storing for sale of intoxicating liquors, he shall be re-
5 moved from office in the manner provided in this section. Such
6 removal shall be made by the circuit court of the county wherein
7 such officer resides. The charges against any such officer shall be
8 reduced to writing, and entered of record by the court, and a sum-
9 mons shall thereupon be issued by the clerk of such court, contain-
10 ing a copy of the charges, and requiring the officer named therein
11 to appear and answer the same on a day to be named therein, which
12 summons may be served in the same manner as a summons com-
13 mencing an action may be served, and the service must be made
14 at least five days before the return day thereof. And the court it-
15 self shall, without a jury, hear the charges, and upon satisfactory
16 proof thereof, remove any such officer from the discharge of the
17 duties of his office, and place the records, papers and property of his
18 office in the possession of some other officer or person for safe-
19 keeping until the vacancy is filled. Any vacancy created under this
20 section shall be filled in the manner required by law as to county
21 and district officers, and in the manner prescribed by the ordi-
22 nances of the municipality. Any citizen of the county, district
23 or municipality, as the case may be, or the commissioner of
24 prohibition, may prefer and prosecute to final judgment charges
25 for removal against any of the officers, including municipal po-
26 lice, mentioned in this section. The word “officer”, as used here-
27 in, shall include and embrace municipal police. Either party shall
28 have the right of appeal to the supreme court of appeals of the
29 state from the judgment of the circuit court.

Sec. 30. Whenever it shall be made to appear to any criminal
2 or circuit court, having the trial of offenses under this act, that the
3 state cannot have a fair and impartial trial by jury in the county
4 wherein an indictment has been returned, charging an offense un-
5 der this act, the court shall enter an order of record to such effect.
6 In said order the court shall fix a day for the trial of the accused,
7 and in such order shall be indicated the county from which jurors
8 shall be drawn to try the accused, and the number of jurors to be
9 drawn. An attested copy of such order shall be certified to the

...
10 judge of the circuit court of the county designated, and thereupon
11 the judge of such circuit court shall, by order, direct that a jury
12 be drawn, in the manner provided by law for the drawing of petit
13 jurors in his county, and proceedings respecting the drawing of
14 such jurors, including the names of the jurors, shall be certified by
15 the clerk of the circuit court of the county designated to the clerk
16 of the court wherein the accused is to be tried. Thereupon writ of
17 venire facias shall be issued by the clerk of the court wherein the
18 accused is to be tried, directed to the sheriff of the county wherein
19 the jurors have been drawn, commanding him to summon the ju-
20 rors so drawn to attend for jury service in the county wherein the
21 accused is to be tried upon the day named in the writ. Said ju-
22 rors shall attend for the purpose of the trial of the accused, and
23 the jury shall be selected in the manner provided by law. For their
24 services, the jurors so drawn shall be paid the per diem and mileage
25 out of the same funds that the jurors of the county wherein the
26 accused is to be tried are paid.

Sec. 31. It shall be unlawful for any person to bring or carry
2 into the state, or from one place to another within the state, even
3 when intended for personal use, liquors exceeding in the aggregate
4 one-half of one gallon in quantity, unless there is plainly printed
5 or written on the side or top of the suit case, trunk or other con-
6 tainer, in large display letters, in the English language, the con-
7 tents of the container or containers, and the quantity and kind of
8 liquors contained therein. If any person shall violate this section,
9 he shall be deemed guilty of a misdemeanor; and the liquors in
10 the possession of any person violating this section may be seized,
11 and shall be conclusive evidence of the unlawful keeping, storing
12 and selling of same by the person having such liquors in his pos-
13 session; and upon the conviction of such person he shall be sub-
14 ject to the fines and imprisonments as provided for in section
15 three.

Sec. 32. A justice of the peace shall have concurrent jurisdic-
2 tion with the circuit court and other courts having criminal juris-
3 diction in his county for the trial of first offenses arising under this
4 act. The defendant shall be entitled to a trial by jury, if he shall
5 demand the same, upon depositing with the justice the amount as
6 fixed by law for payment for attendance of the jurors. The state
7 shall have the same right as the defendant to peremptorily chal-
8 lenge any two of the jurors selected and returned by the officer un-
der the writ issued by the justice commanding the summoning of the same. Upon conviction of the accused, the justice shall impose the fines and penalties and required bonds as provided by this act for first offenses; and shall thereupon certify to the prosecuting attorney, for filing in his office, a transcript from his docket of the judgment in the case. Such transcript shall be admissible evidence upon the trial of the accused for any second offense alleged in an indictment found and returned against him. The justice shall also certify to the prosecuting attorney copies of all bonds given by the defendant upon conviction. The state shall have the same right of appeal as the defendant from any judgment of the justice. Whenever the prosecuting attorney of the county shall appear for the state for any prosecution for any offense under this act, there shall be allowed and taxed as part of the costs a fee of ten dollars, to be recovered and collected by the prosecuting attorney in the same manner as like fees are collected in criminal and other courts wherein trials are had upon indictments. The provisions of section twenty of this act shall apply to trials before a justice of the peace. Provided, however, that in any prosecution before a justice of the peace, the prosecuting attorney, or the state commissioner of probation or any of his deputies, shall have the right, before trial, to elect whether the case shall be tried and judgment entered, or whether the justice shall hold a preliminary hearing to determine whether the accused shall be held to the grand jury; provided, however, that should the defendant desire to confess, then neither the prosecuting attorney, nor the state commissioner of probation or any of his deputies, shall have such right to elect, and the justice shall enter judgment upon the confession.

Sec. 33. Any person called on behalf of the state to testify concerning any violations of this act, who shall give freely and truthfully any testimony tending in any way to incriminate himself, shall be immune from prosecution under this act.

CHAPTER 8.
(Senate Bill No. 180.)

AN ACT to amend and re-enact sections one, two, three, four, five, nine, ten, fourteen, fifteen and twenty-two, of chapter nine of the acts of one thousand nine hundred and thirteen, creating a
public service commission, prescribing its powers and duties, and penalties for violation of provisions of said chapter, and to add thereto six sections to be known as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, enlarging the powers and duties of said public service commission, prescribing additional penalties and giving to the commission power to punish for contempt.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec. 1. Public service commission created; to consist of three members, appointed by the governor and confirmed by the senate; when appointed and length of term of each member; qualifications: vacancies, how filled; oath of office: governor may remove members for cause; if removed statement of charges to be filed; chairman designated by governor; concurrent judgment of two to be action of commission; members prohibited from holding relations to any public service corporations or holding stocks or bonds thereof; not to hold other public office or be a member of political committee, nor to receive any pass or other thing of value; office vacated under certain conditions; to appoint secretary, salary and duties; other employees appointed to hold at pleasure of commission; secretary may administer oaths; salary of commissioners and salary paid general officers at capitol and office hours; hearings may be bad at other places; attorney general; commission may employ counsel in its discretion; terms of public service commissioners now in office to expire May 31, 1915.

2. Commission to prescribe rules of procedure; may not be bound by technical rules; may have seal, inscription, to be affixed to all writings, etc.; courts to take judicial notice of same.

3. Jurisdiction of commission; common carriers, telegraph, telephone, gas, electric, hydroelectric and all other public service corporations, and all persons, associations, corporations and agencies employed or engaged in businesses enumerated; "public service corporation" defined.

4. Public service corporations required to provide safety appliances; charges, tolls, fares and rates to be reasonable, and no change made except as hereinbefore provided; provision as to switch connections for intra-state business; requirement of railroads and public service facilities, Sec. connection of trains and stop of passenger trains at junctions or intersections; to prescribe number of men to constitute safe crews; no regular passenger train to be discontinued without authority of commission.

5. Power of commission to investigate methods and practices of public service corporations or other persons subject to provisions of this act; other powers to compel obedience of lawful orders; may change intrastate rate, charge or toll and prescribe other rate, fare, charge or toll, and change or prohibit practice, device or method to prevent discrimination, etc.; limitations; order to be in force until revoked or modified, or suspended or modified by court.

9. Rates, joint rate, fares, classifications, charges or rental not to be changed except after thirty days notice to commission and the public; charge or toll, other method in lieu of written notice; changes permitted under certain conditions; determining changes in schedules; proceedings.

10. Commission to have general supervision of persons, firms or corporations having franchises in cities, towns, county courts or other tribunals; authority to inspect quality of water, quantity of gas or electricity, and property, plants, fixtures, power houses and offices, and to subpoena witnesses; to appoint inspectors of gas, electric and water meters, and stamp same; use of meters not inspected prohibited, except under certain conditions; provision as to inspection of meter on request; action in case of inspection; commission may alter or modify method of inspection.

14. Commission to collect information annually of value of all property owned or controlled by person or public service corporations, tabulate same on or before June first for use of board of public works.

15. Special license fee required of all public service corporations; fee
Sec. 22. Power of commission to enforce, establish, modify, change, adjust and promulgate tariffs, rates, joint rates, tolls and schedules for all public service corporations, including municipalities.

Sec. 23. Power of commission to fix other rates in lieu of regulations, measurements, practices, acts or service found to be unjust, unreasonable, insufficient or unjustly discriminating; penalty in case of failure of public service corporations to comply with order.

Sec. 24. Provision as to use of conduits, subways, poles, etc.; of one public service corporation by another for convenience of the public, how compensation shall be fixed and paid; nothing in this section to prevent public service corporations from performing their public duties, nor that might result in injury.

Sec. 25. Physical connection permitted and terms prescribed to be lawful conditions and compensation.

Sec. 26. Commission may establish system of accounts to be kept by public service corporations, not inconsistent with an act of Congress approved February 4, 1887, and acts supplementary thereto, but nothing to affect power of commission to prescribe forms of accounts in addition thereto; making of false entries in accounts, books of account, records or memorandum by persons, officers, agents or employee, etc., a misdemeanor; penalty.

Sec. 27. Violation of order of commission, contempt: power of commission in such cases.

Sec. 28. Penalty for failure to comply with requirements of commission; further criminal proceedings authorized, and penalty on conviction; what constitutes a separate offense: intermediate and circuit courts of Kanawha county given concurrent jurisdiction of all offenses and violations; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five, nine, ten, fourteen, fifteen and twenty-two, of chapter nine of the acts of one thousand nine hundred and thirteen be amended and re-enacted and that six additional sections be added to said chapter to be known as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, which amended sections and added sections shall 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
16 appointed for the term of six years each, except that any person
17 appointed to fill a vacancy shall serve only for the term of the
18 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
21 by 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, giving
24 such commissioner a copy of the charges against him, and an op-
25 portunity to be publicly heard in person or by counsel in his own
26 defense, upon not less than ten days' notice. If such commissioner
27 shall be removed, the governor shall file in the office of the secretary
28 of state a complete statement of all the charges made against such
29 commissioner, and his findings thereunder, together with a com-
30 plete record of the proceedings; and his decision therein shall be
31 final.
32 The governor shall annually designate one of the commissioners
33 as chairman thereof.
34 The concurrent judgment of two of the commissioners shall be
35 deemed the action of the commission when in session as a board,
36 and no vacancy in the commission shall embarrass the right of
37 the remaining commissioners to exercise all of the powers of the
38 commission.
39 No person while in the employ or holding any official relation
40 to any public service corporation subject to the provisions of this
41 act, or holding any stocks or bonds thereof, or who is pecuniarily
42 interested therein, shall enter upon the duties of or hold said
43 office. Nor shall any of said commissioners be a candidate for
44 or hold public office, or be a member of any political committee
45 while acting as such commissioner; nor shall any commissioner
46 or employee of said commission receive any pass, free transporta-
47 tion or other thing of value, either directly or indirectly, from
48 any person, firm or corporation subject to the provisions of this
49 act. In case any of said commissioners shall become a candidate
50 for any other public office, or shall become a member of any
51 political committee, his office as commissioner shall be ipso facto
52 vacated.
53 The commission shall appoint a secretary, whose salary shall be
54 not more than five thousand dollars per annum, and all fees and
54-a emoluments coming into his hands shall be turned into the state
54-b treasury, and such other employees as may be neces-
54-c sary to carry out the provisions of this act, and fix
55 their compensation, who shall hold office during the pleas-
56 ure of the commission. It shall be the duty of the secretary
57 to keep a full and true record of all proceedings of the commission,
58 to issue all necessary process, returns and notices, to keep all
59 books, maps, documents and papers ordered filed by the com-
60 mission, and all orders made by the commission or approved and
61 confirmed by it and ordered to be filed; and shall be responsible
62 to the commission for the safe custody and preservation of all
63 such documents in its office. He may administer oaths in all
64 parts of the state, so far as the exercise of such power is properly
65 incidental to the performance of his duty or that of the com-
66 mission.
67 Each of the commissioners shall receive a salary of six thousand
68 dollars per annum, to be paid monthly. The general office shall
69 be kept at the capitol of the state, and kept open each working
70 day between the hours of nine o’clock a. m., and five o’clock p. m.,
71 and in charge of the secretary or some other competent person.
72 But hearings and the taking of evidence may be had at such
73 times and places and in each particular case as the commission may
74 designate.
75 The attorney general shall perform legal service under this
76 act when required by the commission; provided, however, the
77 commission in its discretion may employ counsel to look after
78 legal matters of the commission, and fix his compensation, which
79 shall be paid as other employees of the commission.
80 The terms of office of the public service commissioners now in
81 office, or their successors, unless sooner terminated, shall cease
82 and determine on the thirty-first day of May, one thousand nine
83 hundred and fifteen.

Sec. 2. The commission shall prescribe the rules of procedure
2 and for taking evidence in all matters that may come before it,
3 and enter such orders as may be just and lawful.
4 In the investigations; preparations and hearings of cases, the
5 commission may not be bound by the strict technical rules of
6 pleading and evidence, but in that behalf it may exercise such
7 discretion as will facilitate their efforts to understand and learn
8 all the facts bearing upon the right and justice of the matters
9 before them.
The commission shall have a seal bearing the following inscription: "The Public Service Commission of West Virginia." The seal shall be affixed to all writs and authentications of copies of records, and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

Sec. 3. The jurisdiction of the commission shall extend to and include:

(a) Common carriers, railroads, street railroads, express companies, sleeping car companies, freight lines, car companies, toll bridges, ferries, and steam and other boats engaged in the transportation of freight or passengers; and

(b) Telegraph and telephone companies and pipe line companies for the transportation of oil, gas or water; and

(c) Gas companies, electric lighting companies and municipalities furnishing gas or electricity for lighting, heating or power purposes; and

(d) Hydro-electric companies for the generation and transmission of light, heat or power, and water companies, and municipalities furnishing water; and

(e) All other public service corporations, and all persons, associations, corporations and agencies employed or engaged in any of the businesses hereinbefore enumerated.

The words "Public Service Corporation" used in this act shall include all persons, associations of persons, firms, corporations, municipalities and agencies engaged or employed in any business herein enumerated, or in any other public service business whether above enumerated or not, whether incorporated or not.

Sec. 4. Every person, firm or corporation engaged in a public service business in this state shall establish and maintain adequate and suitable facilities, safety appliances or other suitable devices, and shall perform such service in respect thereto as shall be reasonable, safe and sufficient for the security and convenience of the public, and the safety and comfort of its employees, and in all respects just and fair, and without any unjust discrimination or preference. All charges, tolls, fares and rates shall be just and reasonable, and no change shall be made in any tariffs, rates, joint rates, fares, tolls, schedules or classifications in force at the time this act takes effect, except as hereinafter provided. Every railroad company shall permit switch connections for intra-state business to be made with its
tracks at suitable and safe points, by other carriers or shippers, upon such terms and conditions as the commission may prescribe, whenever the business to be offered by the connecting company or shipper, in the judgment of the commission, justifies it. Every railroad and other transportation company may be required by the commission to establish and maintain such suitable public service facilities and conveniences as may be reasonable and just; to make reasonable connection with trains on branch lines of such railroads and with all connecting railroad lines; to require any passenger trains to stop at junctions or intersections with other railroads; and may prescribe the number of men required to constitute safe crews for the handling of trains on any steam railroad in this state or any division of any such railroad. No steam railroad shall discontinue any regular passenger train, or other public service facility, or change any regular passenger train schedule or time table, without first obtaining authority from the commission so to do.

Sec. 5. The commission is hereby given power to investigate all methods and practices of public service corporations or other persons subject to the provisions of this act; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules and time tables in effect and used by such corporation or other person, to be filed with the commission, and all other information desired by the commission, relating to such investigation and requirements. The commission may compel obedience to its lawful orders by proceedings of mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, or the supreme court of appeals direct, and such proceedings shall have priority over all pending cases. The commission may change any intrastate rate, charge or toll which is unjust or unreasonable and may prescribe such rate, fare, charge or toll as would be just and reasonable, and change or prohibit any practice, device or method of service in order to prevent undue discrimination or favoritism as between persons, localities or classes of freight; provided, that the commission shall not reduce any rate, toll or charge within ten years after the completion of the railroad or plant to be used in the public service below a point which would prevent
24 such public service corporation, person, persons or firm from 25 making a net earning of eight per centum per annum on the cost 26 of construction and equipment of said railroad or plant. But in 27 no case shall the rate, toll or charge be more than the service is 28 reasonably worth, considering the cost thereof.

29 Every order entered by the commission shall continue in 30 force until the expiration of the time, if any, named by the 31 commission in such order, or until revoked or modified by the 32 commission, unless the same be suspended, modified or revoked 33 by order or decree of a court of competent jurisdiction.

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 days’ 4 notice to the commission and the public, which shall plainly state 5 the changes proposed to be made in the schedule then in force and 6 the time when the changed rates, fares or charges shall go into ef- 7 fect, unless a written protest is made by the public service com- 7-a mission, in which case the proposed rate shall stand suspended 7-b until it is determined by the commission whether or not such 7-c proposed rate is just or reasonable. Provided, in lieu of the 7-d written protest, the commission may enter an order prohibiting 7-e such person, firm or corporation from putting such proposed new 7-f rate into effect pending the hearing and final decision of the mat­ 8 ter and the proposed changes shall be shown by printing new sched­ 9 ules, or shall be plainly indicated upon the schedules in force at the 10 time, and kept open to public inspection; provided, however, that 11 the commission may, in its discretion, and for good cause shown, 12 allow changes upon less time than the notice herein specified, or 13 may modify the requirements of this section in respect to publish- 14 ing, posting and filing of tariffs, either by particular instructions 15 or by general order.

16 Whenever there shall be filed with the commission any schedule 17 stating a change in the rates, fares or charges, or joint rates, fares 18 or charges, or stating a new individual or joint rate, fare or charge 19 or joint classification or any new individual or joint regulation 20 or practice affecting any fare, rate or charge the commission shall 21 have, and it is hereby given authority, either upon complaint or 22 upon its own initiative without complaint, at once, and, if it so 23 orders, without answer or other form of pleading by the interested 24 parties, but upon reasonable notice to enter upon a hearing con-
25 concerning the propriety of such rate, fare, charge, classification, 
26 regulation or practice; and pending such hearing and the decision 
27 thereon the commission, upon filing with such schedule and de-
28 livering to the carrier or carriers or public service corporation 
29 affected thereby, a statement in writing of its reasons for such 
30 suspension, may suspend the operation of such schedule and defer 
31 the use of such rate, fare, charge, classification, regulation or 
32 practice, but not for a longer period than one hundred and twenty 
33 days beyond the time when such rate, fare, charge, classi-
34 fication, regulation or practice would otherwise go into effect; and 
35 after full hearing, whether completed before or after the rate, 
36 charge, fare, classification, regulation or practice goes into effect, 
37 the commission may make such order in reference to such rate, 
38 fare, charge, classification, regulation or practice as would be 
39 proper in a proceeding initiated after the rate, fare, charge, 
40 classification, regulation or practice had become effective; provided, 
41 that if any such hearing cannot be conducted within the period 
42 of suspension, as above stated, the commission may in its dis-
43 cretion extend the time of suspension for a further period, not 
44 exceeding six months. At any hearing involving a rate sought 
45 to be increased or involving the change of any fare, charge, 
46 classification, regulation or practice, after the passage of this act, 
47 the burden of proof to show that the increased rate or proposed 
48 increased rate, or the proposed change of fare, charge, classifica-
49 tion, regulation or practice is just and reasonable shall be upon the 
50 public service corporation making application for such change. 
51 When in any case pending before the commission all evidence shall 
52 have been taken, and the hearing completed, the commission shall, 
53 within three months, render a decision in such case. 

Sec. 10. The commission shall have general supervision of all 
2 persons, firms or corporations having authority under any charter 
3 or franchise of any city, town or municipality, county court, or 
4 tribunal in lieu thereof, or otherwise, to lay down and maintain 
5 wires, pipes, conduits, ducts or other fixtures in, over or under 
6 streets, highways or public places for the purpose of furnishing and 
7 distributing gas, or for furnishing and transmitting electricity for 
8 light, heat or power, or maintaining underground conduits, or 
9 ducts for electrical conductors, or for telegraph or telephone 
10 purposes, and for the purpose of furnishing water, either for 
11 domestic or power purposes and of oil and gas pipe lines.
12 The commission may ascertain the quantity, healthfulness and
13 quality of the water or quality and quantity of gas or electricity
14 supplied by such persons, firms or corporations, and examine the
15 methods employed, and shall have power to order such improve-
16 ments as will best promote the public interests and preserve the
17 public health.
18 The commission shall have power, through its members, in-
19 spectors, or employees to enter in, upon and to inspect the property,
20 buildings, plants, fixtures, power houses and offices of any such
21 persons, firms, corporations or municipalities, and shall have power
22 to examine the books and affairs to be investigated by it, and shall
23 have the power, either as a commission or by any of its members,
24 to subpoena witnesses and take testimony and administer oaths
25 to any witness in any proceeding or examination instituted
26 before it or conducted by it in reference to any matter within its
27 jurisdiction. The commission shall, when and as necessary, ap-
28 point inspectors of gas, electric and water meters, whose duty
29 shall be when required to inspect, examine, prove and ascertain
30 the accuracy of any gas, electric, or water meters used or in-
31 tended to be used for measuring or ascertaining the quantity of
32 gas, electricity or water furnished to, by or for the use of any
33 person, firm or corporation, and when found to be correct, or
34 made so, the inspector shall stamp or mark each of such meters
35 with some suitable device, which device shall be recorded in the
36 office of the commission. No person, firm or corporation shall,
37 furnish or put in use any gas, electric or water meter which shall
38 not have been inspected, proved and stamped or marked by an
39 inspector of the commission. Provided, that in cases of emergency,
40 gas, electric or water meters may be installed and used before
41 being inspected, but notice thereof shall be immediately given to
42 the public service commission by the public service corporation
43 installing the same, and such meters shall be inspected, proved
44 and stamped or marked, as soon thereafter as practicable. Every
45 gas, electric and water company or corporation shall provide and
46 keep in and upon its premises suitable and proper apparatus, to
47 be approved and stamped or marked by the commission, for
48 testing and proving the accuracy of gas, electric and water meters
49 furnished for use by it and by which apparatus every meter may
50 and shall be tested on the written request of the consumer to
whom the same shall be furnished, and in his presence if he so desires. If any person, firm or corporation to or by whom a meter has been furnished shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested. If the same on being tested shall be found to be two per cent. from being correct, or to the prejudice of the user, the inspector shall order the owner of such meter forthwith to remove the same and to place instead thereof a correct meter, and the expense of such inspecting and testing shall be borne by the owner. If the meter, on being so tested, shall be found to be correct, or within two per cent of being correct, as above provided, the expense of such inspection and testing shall be borne by the user. A uniform charge and rule shall be fixed by the commission for this service.

Provided, that nothing in this act shall prevent the commission from changing and modifying the method of inspecting meters and adopting such rules and regulations therefor as to the commission may seem just and proper.

Sec. 14. The commission shall collect annually full and complete information of the value of all property owned and controlled by any person or public service corporation subject to the provisions of this act, and tabulate in statistical form and furnish the same to the board of public works on or before the first day of June in each year, which information shall be used by the said board of public works in fixing the value of the property of such person or public service corporation for assessment for the purpose of taxation as provided by law.

Sec. 15. There shall be paid by all public service corporations subject to the provisions of this act a special license fee in addition to those now required by law. Such fee shall be fixed by the auditor upon each of such public service corporations, according to the value of its property, as ascertained by the last preceding assessment, and shall be apportioned among such public service corporations upon the basis of such valuation, so as to produce a revenue of sixty thousand dollars per annum, or so much thereof as may be necessary, which shall be paid on or before the 20th day of January in each year. Such sum of sixty thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside for the purpose of paying the salaries, compensations,
cost and expenses of the commission, its members and employees.

Sec. 22. The commission shall have the power to enforce, originate, establish, modify, change, adjust and promulgate tariffs, rates, joint rates, tolls and schedules for all public service corporations, including municipalities supplying gas, electricity or water; and whenever the commission shall, after hearing, find any existing rates, tolls, tariffs, joint rates or schedules unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this act, the commission shall by an order fix reasonable rates, joint rates, tariffs, tolls, charges or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of law, and the said commission, in fixing the rate of any railroad company may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of said railroad.

Sec. 23. Whenever, under the provisions of this act, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this act, or shall find that any service is inadequate, or that any service which can be reasonably demanded cannot be obtained, the commission shall determine and declare, and by order fix, reasonable measurements, regulations, acts, practices or service, to be furnished, imposed, observed and followed in the state in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory, inadequate or otherwise in violation of this act; and shall make such other order respecting the same as shall be just and reasonable.

If any public service corporation, or other person, shall fail or refuse to comply with the order of the commission under the provisions of the last two sections, such public service corporation or other person in addition to the other penalties provided for in this act, shall be subject to a fine not to exceed five thousand dollars.

Sec. 24. Whenever, after hearing, upon notice, the public service commission shall determine that public convenience or necessity requires that conduits, subways, poles or other equipment on, over or under any street or highway belonging to or used by
any public service corporation, should be used in part by another public service corporation for the operation of its property in any locality not reached by the lines or connections of one of said corporations, or a municipality, the said public service commission may, by order, fix the just and reasonable terms and conditions of such use, and prescribe the compensation to be paid therefor.

And, whenever, after hearing, upon notice, the public service commission shall determine that public convenience and necessity require a physical connection for the establishment of a continuous line of communication between any two or more public service corporations regularly engaged in the conveyance of telephone or telegraph messages, for the conveyance of such messages between different localities, which are not reached by the lines or connection of one of said companies, the said public service commission may, by order, ascertain, determine and fix the just and reasonable terms and conditions of such physical connection, including just and reasonable rules and regulations and the just and reasonable charge that shall be made to the public for the use of such continuous line between such localities and the division of the charge between such two or more public service corporations, and the apportionment of the cost of making such physical connection between such public service corporations, and it shall be the duty of such public service corporation thereafter to conform to such order of said public service commission. But no order shall be made by the public service commission under this section to apply where the said use or physical connection will prevent those owning, operating, managing or controlling any part of such conduits, subways, poles or other equipment, or such proposed continuous lines of communication, from performing their public duties, nor result in serious injury to those owning, operating, managing or controlling any part of such conduits, subways, poles or other equipment, or of the proposed continuous line of communication.

Sec. 25. Such use so ordered shall be permitted and such physical connection or connections so ordered shall be made; and the terms, conditions and compensation so prescribed for such use and such physical connections shall be the lawful conditions and compensation for such use and physical connection, and the lawful terms and conditions upon which such use and physical connections
7 shall be had and made. Any such order may be from time to
time revised by the commission upon application of any interested
party or upon its own motion.

Sec. 26. The commission may establish a system of accounts
to be kept by public service corporations or classify said public
service corporations and establish a system of accounts for each
class, and prescribe the manner in which such accounts shall be
kept. It may also in its discretion prescribe the forms of ac-
counts, records and memorandum to be kept by such public ser-
vice corporations, including the accounts, records and memoran-
dum of the movement of traffic as well as the receipt and expendi-
ture of moneys, and any other forms, records and memorandum
which in the judgment of the commission may be necessary to
carry out any of the provisions of this act.

The system of accounts established by the commission and the
form of accounts, records and memorandum prescribed by it shall
not be inconsistent in the case of corporations subject to the pro-
visions of the act of congress entitled “An act to regulate com-
merce,” approved February 4th, 1887, and the acts amendatory
thereof and supplemental thereto, with the systems and forms
from time to time established for such corporations by the Inter-
state Commerce Commission, but nothing herein contained shall
affect the power of the commission to prescribe forms of ac-
counts, records and memorandum covering information in addition
required by the Interstate Commerce Commission. The
commission may, after hearing had upon its own motion or upon
complaint, prescribe by order the accounts in which particular
outlays and receipts shall be entered, charged or credited.

Any person, officer, agent or employee of such public service
corporation who shall wilfully make any false entries in the ac-
counts, books of account, records or memorandum kept by any
public service corporation, or who shall wilfully destroy, mutilate,
alter or by any other means or device falsify the record of any
such account, book of accounts, record or memorandum, or who
shall wilfully neglect or fail to make full, true and correct entries
of or in such account, book of accounts, record or memorandum
of all the facts and transactions appertaining to such public ser-
vice corporation, or who shall falsely make any statement required
to be made to the commission, shall be deemed guilty of a mis-
demeanor and, upon conviction thereof, shall be fined not more
than one thousand dollars or be confined in jail not more than
one year or both, in the discretion of the court.

Sec. 27. Any person or public service corporation, firm or asso-
ciation who shall violate any of the orders or findings of the com-
mission shall be guilty of contempt and the commission shall have
the same power to punish therefor as is now conferred on the circuit
court, with the right of appeal in all cases to the supreme court.

Sec. 28. If any person, firm or corporation subject to the pro-
visions of this act shall fail or refuse to comply with any re-
quirement of the commission hereunder, for which a penalty has
not been hereinbefore prescribed, such person, firm or corporation
shall be subject to a fine of not less than one hundred dollars nor
more than five hundred dollars for each offense; and such person
or firm and the officers of such corporation may be indicted for
their failure to comply with any requirement of the commission
under the provisions of this act, and upon conviction thereof, may
be fined not to exceed five hundred dollars, and, in the discretion
of the court, confined in jail not to exceed thirty days.

Every day during which any person, firm or corporation, or
any officer, agent or employee thereof shall fail to observe and
comply with any order or direction of the commission, or to per-
form any duty enjoined by this act, shall constitute a separate and
distinct violation of such order or direction of this act, as the case
may be.

The intermediate and circuit courts of Kanawha county shall
have concurrent jurisdiction of all offenses and violations of any of
the provisions of this act.

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

CHAPTER 9.
(House Bill No. 374.)

AN ACT to provide for the administration of a workmen's compen-
sation fund by the West Virginia compensation commissioner,
creating the office of compensation commissioner, and to define the
powers, duties and liabilities of said commissioner, and to provide
a method of compensation for employees that may be injured, or the dependents of those killed in the course of their employment, either from said fund to be raised and paid into the hands of the state treasurer as herein set forth, or directly from the employers of such employees, as the case may be; and to define and fix the rights of employees and employers; and to define the defenses that may be made by employers in actions for damages arising from death and personal injuries; and to provide a method of raising said fund to meet the disbursements that may be ordered to be made under this act, and also to provide for the payment of the salaries and expenses of said commissioner and his employees; and for appeals from the rulings of said commissioner; and for defining the classes of employers and employees who may bring themselves under this act; and also defining those defenses that those employers not bringing themselves under this act may make in actions for damages arising from death of, or personal injury to their employees; and to amend and re-enact sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-three, forty-four, forty-five, forty-six, forty-eight, forty-nine, fifty-one, fifty-two and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen; and to repeal sections five, thirty-two, forty-seven, and fifty-five of chapter ten of the acts of one thousand nine hundred and thirteen.

(Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.)

Sec. 1. Office of compensation commissioner created; appointment; how made, and term of office; oath; removal from office for cause; legal services of attorney general; inconsistent employment of commissioner; salary and how payable; seal, courts to take judicial notice of same; duties to be performed by public service commission until commissioner is appointed and qualified.

Sec. 2. Salaries and expenses.

Sec. 3. Manner of payment of salaries and expenses.

Sec. 4. Office hours; legal holidays excepted; secretary to be in charge; proceedings to be kept in public record.

Sec. 5. Office to be at seat of government; meetings may be held anywhere in state, on notice; all documents appertaining to compensation department to be turned over to commissioner, and all powers under chapter 10, Acts of 1913, vested in commissioner, including jurisdiction.

Sec. 6. Commissioner authorized to employ subordinates and fix compensation; how paid.

Sec. 7. Rules of procedure, method of making investigations, form of
Sec. 9. Employers and employees defined under this act; exceptions; who may elect to pay into compensation fund; statements and deposit required under section 24; provision as to foreign corporations.

Sec. 10. Information required of employer to aid commissioner.

Sec. 11. Report blanks for use of employer to be furnished; what to contain, and disposition of same.

Sec. 12. Commissioner, secretary and inspectors have power to administer oaths, certify official acts, take depositions, issue subpoenas, etc.; procedure in event of failure or refusal to comply with order; duty of circuit court.

Sec. 13. Fee for serving process and fees of witnesses; bow paid.

Sec. 14. Transcript of evidence on investigation may be received as evidence.

Sec. 15. Blank forms, to be furnished free.

Sec. 16. Schedule of industries: (a) coal mines, etc.; (b) paint manufactories, etc.; (c) iron and steel mills, etc.; (d) sheet and tile plate mills, etc.; (e) foundries, etc.; (f) stamped metal works, etc.; (g) logging, etc.; (h) planing mills, etc.; (i) glass houses, etc.; (j) printing plants, etc.; (k) woolen mills, etc.; (l) breweries, etc.; (m) slaughter houses, etc.; (n) steam laundries, etc.; (o) steam and other railroads, etc.; (p) street and interurban railroads, etc.; (q) telegraph and telephone plants, etc.; (r) quarries, etc.; (s) other works without power driven machinery; (t) match factories, etc.; (u) construction of tunnels, etc.; (v) construction and installation of sewers, etc.; (w) other industries not specified; commissioner given power to reclassify industries; (x) duty of commissioner to fix and maintain lowest possible rates under certain requirements.

Sec. 17. To keep accounts of premiums paid; liability incurred, etc.;(2) premium rate; etc.; (3) re-adjustment of rates on July 1, 1916, and annually thereafter; notice to be given, etc.

Sec. 18. Workmen's compensation fund established from fund of employers and employees; rules to be adopted for employers.

Sec. 19. State treasury custodian of funds; to be kept separate and distinct: disbursements, how made; board of public works given authority to lowest funds; bonds purchased to be placed in hands of state auditor; attorney general to investigate all bond purchases.

Sec. 20. Employer electing under this act to post notices; exemption contract prohibited.

Sec. 21. Method of disbursement: requirement as to claims for hernia resulting from injury, and compensation therefore; no compensation allowed if employee refuses to undergo surgical operation; exceptions.

Sec. 22. Rate of pay for medical, surgical and hospital treatment; exceptions.

Sec. 23. Excepting employees whose injuries are self-inflicted: power of commissioner to adopt rules to prevent accidents; privilege of widow, widower or child or dependent in case of injury; death from deliberate intimation of employer; cause of action also saved.

Sec. 24. All expenses for funeral expenses.

Sec. 25. Disability period: of less than one week, except as provided in sections 27 and 29; (a) of longer than one week, same provision.

Sec. 26. Compensation schedule: (a) temporary total disability; (b) temporary partial disability; (c) limitations as to (a) and (b); (d) accidental; (e) award for permanent disabilities to be in proportion as foregoing schedules; (f) limitations as to (d) and (e); (g) loss of arm; (h) no limit of compensation receivable for permanent injury during period of total disability under (a) or (b) of this section; (i) permanent disabilities defined, and to be determined in accordance with fact.

Sec. 27. Benefits in case of death from injury within 26 weeks: (a) if there be no dependents; (b) if the deceased be under 21 and unmarried; (c) if deceased leave a widow or invalid widow, etc.; exceptions: (d) if deceased be an adult and no widow, widower or child under age; (e) if no widow, widower or child under age; (f) dependent defined.

Sec. 28. Benefits in case of death, to whom paid.

Sec. 29. Benefits, to be applied in accordance with direction of commissioner.

Sec. 30. Weekly wage basis for computing benefits; time of injury defined.

Sec. 31. Payments to be made at discretion of commissioner.

Sec. 32. Limit in which application for
Sec. 40. Power and jurisdiction of commissioner.

Sec. 41. May commute periodical benefits under special circumstances.

Sec. 43. Full authority conferred on commissioner to hear and determine all questions and decisions thereon final; exceptions; appeals may be taken to supreme court of appeals; how taken, and duty of attorney general.

Sec. 44. Commissioner not bound by usual common law or statutory rules of evidence.

Sec. 46. Annual report required; when to be made and what to contain.

Sec. 48. Secretary may act in absence of commissioner.

Sec. 49. Failure of person, firm or corporation to make report a misdemeanor; penalty; making false report a perjury.

Sec. 51. Duty of board of public works to invest fund not required for immediate use.

Sec. 52. Employer engaged in interstate or foreign commerce exempt, except as to mutual connection with work in this state.

Sec. 54. Employers of sufficient responsibility may maintain their own benefit funds or systems of compensation; bond required to be approved by commissioner; rules and regulations to be prepared by commissioner; individual compensation prohibited in certain cases.

Sec. 56. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections five, thirty-two, forty-seven, and fifty-five of chapter ten of the acts of one thousand nine hundred and thirteen, be hereby repealed; and that sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-three, forty-four, forty-five, forty-six, forty-eight, forty-nine, fifty-one, fifty-two, and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen be amended and re-enacted so as to read as follows:

Section 1. The office of state compensation commissioner is hereby created. The governor, by and with the consent of the senate, shall on or before the thirty-first day of May, one thousand nine hundred and fifteen, appoint as state workmen’s compensation commissioner some citizen of this state entitled to vote, whose term of office shall begin at the date of appointment and shall continue for six years and until the successor of such commissioner is appointed and qualified, unless he be sooner removed. An appointment may be made to fill a vacancy or otherwise when the senate is not in session, but shall be acted upon at the next session thereof. The person so appointed shall make the oath or affirmation prescribed by section five of article four of the constitution, and such oath shall be certified by the person who administers the same and shall be filed in the office of the secretary of state. He shall give bond in the penalty of ten thousand dollars conditioned for the faithful performance of the duties of his
office, which bond shall be approved by the attorney general as to form, and by the governor as to sufficiency, and when so approved, shall be filed and recorded in the office of the secretary of state. The surety of said bond may be a bonding or surety company, in which case the premium shall be paid out of the appropriation made for the administration of this act.

(a) The commissioner may be removed by the governor for incompetency, neglect of duty, gross immorality or malfeasance in office, after giving him notice and a copy of the charges and the right to be heard in an investigation of the truth thereof. A record of the proceedings, including the evidence, shall be kept.

(b) The attorney general shall perform all legal services required by the commissioner under the provisions of this act.

c) The commissioner shall hold no position of trust or profit, or engage in any occupation or business, interfering or inconsistent with his duties as such commissioner.

d) The said commissioner shall receive an annual salary of six thousand dollars, payable in the same manner as the salaries of other state officers are paid and charged to the appropriations which shall be made from time to time hereafter by the state for the administration of this act.

e) The commissioner shall have an official seal for the authentication of his orders and proceedings, upon which seal shall be engraved the words, “West Virginia Compensation Commissioner,” and such other design as the commissioner may prescribe; and the courts in this state shall take judicial notice of the seal of the said commissioner, and in all cases copies of orders, proceedings or records in the office of the West Virginia compensation commissioner certified by the secretary of the said commissioner under his seal, shall be equal to the original in evidence.

Until the appointment and qualification of said compensation commissioner the duties of said compensation commissioner shall be performed by the public service commission as is now prescribed by law.

Sec. 2. It is the intent of this act that the expenses of the administration of said fund shall be paid by the state, so that the fund created as hereinafter provided shall be applied solely to the payment of the benefits provided for in this act; and all expenses peculiar to the administration of this act, including the premium to be paid for the bond of the state treasurer required under this
Sec. 3. All payments of salaries and expenses in the administration of this act shall be made by the state treasurer upon order or voucher approved and signed by the commissioner, directed to the auditor of the state, who shall draw his warrant therefor, and any such payment shall be charged to the appropriations which shall be made from time to time hereafter by the state for the administration of this act.

Sec. 4. The offices of the commissioner shall be open for the transaction of business between the hours of nine o'clock, A. M., and five o'clock P. M., of each and every day, excepting Sundays and legal holidays, and be in charge of his secretary or some other competent person. All proceedings of the commissioner shall be shown on his record of proceedings, which shall be a public record and shall contain a record of each case considered and the award with respect thereto and of all salaries allowed to any employee of the commissioner or to any other person for services.

Sec. 6. The commissioner shall keep and maintain his office at the seat of government, and shall provide a suitable room or rooms, necessary office furniture, supplies, books, periodicals, maps, and other equipment. After due notice, showing the time and place, the commissioner may hold hearings anywhere within the state. As soon as said commissioner shall have been appointed and qualified, all records, books, papers, documents, office supplies and furniture, and other effects, appertaining to the administration of the workmen's compensation fund, shall be turned over to said commissioner, and placed in his custody and control, and the workmen's compensation fund heretofore created shall thereupon become subject to orders or vouchers approved by him as hereinafter provided, and from such time he shall have the same jurisdiction, rights, powers and duties, in respect to the payment of compensation out of the workmen's compensation fund.
upon awards theretofore made by the public service commission under said chapter ten of the acts of one thousand nine hundred and thirteen, and the same continuing jurisdiction in respect to awards theretofore made by said public service commission as was vested by said chapter ten in the public service commission and is vested by this act in the said commissioner; and said commissioner shall also have jurisdiction of all applications for compensation from said fund pending before said public service commission when said commissioner shall have been appointed and have qualified, and of all applications for compensation based upon accidents theretofore occurring as if they had occurred thereafter.

Sec. 7. The commissioner may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants, and fix their compensation, which shall be paid out of such funds as may be appropriated by the legislature for that purpose. The commissioner, secretary, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants that may be employed shall be entitled to receive from the state treasury their actual and necessary expenses while traveling on business of the commissioner. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the commissioner.

Sec. 8. The commissioner shall adopt reasonable and proper rules of procedure, regulate and provide for the kind and character of notices, and the service thereof, in cases of accident and injury to employees, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the rights to benefits or compensation from the fund hereinafter provided for, or directly from employers as hereinafter provided, as the case may require, the forms of application of those claiming to be entitled to benefits or compensation therefrom, the method of making investigations, physical examinations and inspections, and prescribe the time within which adjudications and awards shall be made.

Sec. 9. All persons, firms, associations and corporations regularly employing other persons for profit, or for the purpose of carrying on any form of industry or business in this state, (casual employment excepted), are employers within the meaning of
this act, and subject to its provisions. All persons in the service of employers as herein defined, and employed by them for the purpose of carrying on the industry or business in which they are engaged, (casual employment excepted), are employees within the meaning of this act, and subject to the provisions hereof; provided, that this act shall not apply to employers of employees in domestic or agricultural service, persons prohibited by law from being employed, traveling salesmen, to employees of any employer who are employed wholly without this state; nor shall a member of a firm of employers, or any officer of an association, or of a corporation employer, including managers, superintendents, assistant managers, or assistant superintendents, be deemed an employee within the meaning of this act.

Any employer whose employment in this state is to be for a definite or limited period, which could not be considered "regularly employing" within the meaning of this act, may elect to pay into the workmen's compensation fund the premiums herein provided for, and at the time of making application to the commissioner, such employer shall furnish a statement under oath showing the probable length of time the employment will continue in this state, the character of the work, an estimate of the monthly pay roll, and any other information which may be required by the commissioner. At the time of making application such employer shall deposit with the state treasurer to the credit of the workmen's compensation fund the amount required by section twenty-four of this act, which amount shall be returned to such employer if his application be rejected by the commissioner. Upon notice to such employer of the acceptance of his application by the commissioner, he shall be an employer within the meaning of this act, and subject to all of its provisions.

Any foreign corporation employer electing to comply with the provisions of this act and to receive the benefits hereunder, shall at the time of making application to the commissioner, in addition to the other requirements of this act, furnish such commissioner with a certificate from the secretary of state showing that it has complied with all of the requirements necessary to enable it to legally do business in this state, and no application of such foreign corporation employer shall be accepted by the commissioner until such certificate is filed.
Sec. 10. Every employer shall furnish the commissioner, upon request, all information required by him to carry out the purposes of this act. The commissioner, or any person employed by the commissioner for that purpose, shall have the right to examine under oath any employer or officer, agent or employee of any employer.

Sec. 11. The commissioner shall prepare report blanks for the use of, and furnish the same to, employers subject to this act; and every employer receiving from the commissioner any blank or blanks with directions for filling out and returning the same, shall return the same filled out so as to answer fully and correctly all pertinent questions therein propounded, and if unable to do so, shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the commissioner within the period fixed by the commissioner for such return. Every employer subject to the provisions of this act, who may hereafter elect to pay the premiums as provided herein, and to receive the benefits hereunder, shall make application on the forms prescribed by the commissioner for such purpose; and all employers who desire to discontinue the payment of the premiums required under this act, shall so notify the commissioner on forms to be furnished by the commissioner for the purpose.

Sec. 12. The commissioner, secretary and every inspector or examiner appointed by the commissioner shall, for the purposes contemplated by this act, have power to administer oaths, certify official acts, take depositions, issue subpoenas and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents and testimony.

Sec. 13. In case of failure or refusal of any person to comply with the order of the commissioner, or subpoena issued by him, his secretary, or one of his inspectors, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the circuit judge of the county in which the person resides, on application of the commissioner, or any inspector or examiner appointed by him, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from said court on a refusal to testify therein.
Sec. 14. Each officer who serves such subpoena shall receive
the same fee as a sheriff, and each witness who appears, in obedi-
ence to a subpoena, before the commissioner, or an inspector or an
examiner, shall receive for his attendance the fees and mileage
provided for witnesses in civil cases in the circuit court, which
shall be audited and paid from the state treasury in the same man-
ner as other expenses are audited and paid, upon presentation
of proper vouchers approved by the commissioner.

No witness subpoenaed at the instance of a party other than
the commissioner, or an inspector, or an examiner, shall be entitled
to compensation from the state treasury unless the commissioner
shall certify that his testimony was material to the matter investi-
gated.

Sec. 15. In an investigation, the commissioner may cause
depositions of witnesses residing within or without the state to be
taken in the manner prescribed by law for like depositions as
provided for transcripts in the circuit court.

Sec. 16. A transcribed copy of the evidence and proceed-
ings, or any specific part thereof, on any investigation, taken by
a stenographer appointed by the commissioner, being certified
and sworn to by such stenographer to be a true and correct tran-
script of the testimony in the investigation, or of a particular
witness, or of a specific part thereof, or to be a correct transcript
of the proceedings had on such investigation so purporting to be
taken and subscribed, may be received in evidence by the com-
missioner with the same effect as if such stenographer were present
and testified to the facts certified. A copy of such transcript shall
be furnished on demand to any party upon payment of the fee
therefor, as provided for transcripts in the circuit court.

Sec. 17. The commissioner shall prepare and furnish free
of cost blank forms (and provide in his rules for their distribution
so that the same may be readily available), of applications for
benefits for compensation from the workmen's compensation fund,
or directly from employers, as the case may be, notices to employ-
ers, proofs of injury or death, of medical attendance, of employ-
ment and wage earnings, and such other blanks as may be deemed
proper and advisable, and it shall be the duty of employers to con-
stantly keep on hand a sufficient supply of such blanks.

Sec. 18. For the purposes of this act the industries that
now are or hereafter may be subject thereto, are divided into schedules as follows:

(a) Coal mines, including their tipples, power, light, heating and ventilating plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(b) Paint manufactories, oil refineries, oil and gas wells, including their pipe lines, storage, power or light plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(c) Iron and steel mills, including blast furnaces, smelters, tube works, rolling mills, and their accessory and auxiliary plants, working in or with by-products, generating power, light or heat or operating tramways, private tracks and sidings.

(d) Sheet and tin plate mills, including their accessory and auxiliary plants working in or with by-products, generating power, light or heat or operating tramways, private tracks and sidings.

(e) Foundries, machine shops, fire-arms factories, tool factories, car building and repairing, structural iron works, and working in or with iron or steel, not otherwise specified, where power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, or generating power, light or heat, or operating tramways, private tracks and sidings.

(f) Stamped metal works, can factories, enamel iron works, and working in or with sheet iron or tin plate, not otherwise specified, where power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, or generating power, light or heat, or operating tramways, private tracks and sidings.

(g) Logging, logging railroads and tramways, saw mills, including their accessory and auxiliary plants working in or with by-products, or generating power, light or heat, or operating tramways, private tracks and sidings.

(h) Planing mills, wood pulp, cordage and paper mills, box factories, cooperage plants, furniture factories, woodenware or wood fibre ware manufactories, vehicle works of every kind, including their accessory and auxiliary plants working in or with by-products, or generating power, light or heat, or operating tramways, private tracks and sidings.

(i) Glass houses of all kinds, including manufactories of
tableware, bar goods, bottles, tumblers, lamps, glass light fixture
parts, window and plate glass potteries of all kinds, including tile,
bricks, terra cotta, fire clay, earthenware, porcelain, china and
crockeryware using automatic machinery, together with accessory
and auxiliary plants working in or with by-products, or generating
light or heat, or operating tramways, private tracks and sidings.
(j) Printing plants of all kinds, electrotyping, photo engraving, engraving, lithographing, embossing, book binding, and
accessory and auxiliary lines of work and manufacture.
(k) Woolen mills, knitting mills, cotton mills, carpet and
rug mills, clothing manufactories of every kind and working in or
with textiles not otherwise specified.
(l) Breweries, bottling works, canneries of fruits, vege
tables, oils, fish, milk or meat, manufactories of preserves, jellies,
chutney, sauces, relishes, pickles, flour and feed mills, bakeries,
confectioneries, drug and extract manufactories, tobacco, cigar,
stogie and cigarette manufactories, in which power driven ma
chinery is used.
(m) Slaughter and packing houses, stock yards, soap, tal
low, lard and grease manufactories, tanneries, artificial ice, and
refrigerating and cold storage plants, creameries, and carbon black
factories, in which power driven machinery is used.
(n) Steam laundries, dyeing and cleaning plants, stamping,
embossing and working with leather, shoe and harness manufac-
tories, mattress and bedding factories, upholstering factories,
manufacturers of rubber goods, and auxiliary and accessory lines
of work and manufacture not otherwise specified.
(o) Steam and other railroads and transportation systems
not otherwise specified.
(p) Street and interurban railways, whether propelled by
electricity or other power.
(q) Telegraph and telephone plants and systems, electric
light and power plants and systems, steam heat and power plants
and systems, water works systems, gas works and systems, grain
elevators, and all lighting, heating or power systems not otherwise
specified.
(r) Quarries, stone crushers, gravel pits, mines other than
coal mines and working with asphalt, cement, stone or other build-
ing material not otherwise specified, power propelled ferries, sand
diggers and other water craft.
88 (s) Such works, occupations and manufactories specified in the foregoing schedules as are operated without power driven machinery.
89 (t) Match factories, powder mills, fireworks factories, and works in which articles of an explosive nature are mixed or manufactured.
90 (v) Construction of tunnels, shafts, bridges, trestles, steeples, towers, grain elevators, tanks, water towers, wind mills, sub-aqueous works, iron or steel frame structures, or parts of structures, blast furnaces, smoke stacks, cupolas or chimneys more than fifty feet high, water works and systems, electric lights and power plants and systems, gas works and systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height, not otherwise specified, and drilling of wells.
91 (w) Any industry or business not specified in the foregoing schedules, for which any employer shall voluntarily apply to the commissioner to be brought under the provisions of this act. And the commissioner shall have the authority to classify and place in one of the schedules aforesaid, or any schedule created by him as hereinafter mentioned, any industry or business subject to this act not hereinbefore specifically mentioned.
92 The commissioner shall have the power to re-classify into schedules, at any time, the industries subject to this act, and to create additional schedules if deemed advisable by him.
93 In addition to classifying into schedules the industries subject to this act, as hereinbefore provided, it shall be the duty of said commissioner, when in his opinion there is a sufficient number of
employers with different degrees of hazard in any schedule to warrant the same, to sub-divide any schedule into classes based upon the respective degrees of hazard of such employer as shown upon the books of the commissioner for a period of twelve months previous to the time of such sub-division; and any such employer who shall not have been a subscriber for said period of twelve months shall be assigned to one of said classes as may be deemed proper by the commissioner until his record for one year can be obtained.

The risk of the different classes shall be determined from the record of the employers forming each class as shown upon the books of the commissioner, and the commissioner shall fix the rate of premium for each class according to the risk of the same.

(x) It shall be the duty of the commissioner in the exercise of the powers and discretion conferred upon him in the preceding sub-section, to fix and maintain the lowest possible rates of premium consistent with the maintenance of a solvent workmen’s compensation fund and the creation and maintenance of a reasonable surplus after providing for the payment of all liability incurred by reason of injury or death to employees entitled to benefits under the provisions of this act; and, in order that said object may be accomplished, the commissioner shall observe the following requirements in classifying occupations and fixing the rates of premium for the risk of the same:

(1) He shall keep an accurate account of the money paid in premiums by each of the several schedules, and the liability incurred, and disbursements on account of injuries and death of employees thereof; and also keep an account of the money received from each individual employer, and the liability incurred and disbursements on account of injuries and death of the employees of such employer.

(2) Ten per centum of all that may hereafter be paid into the workmen’s compensation fund shall be set aside for creation of a surplus fund until such surplus shall amount to the sum of one hundred thousand dollars, after which time the sum of five per centum of all the money paid into the said fund shall be credited to such surplus fund, until such time as, in the judgment of the commissioner, such surplus shall be sufficiently large to cover the catastrophe hazard and all other unanticipated losses.

(3) On the first day of July, one thousand nine hundred and sixteen, and annually thereafter, a re-adjustment of the rates shall
be made for each of the several classes in accordance with the ex-
perience of the commissioner in the administration of the law, as
shown by the accounts kept, as provided herein; provided, that
nothing contained in this sub-section shall prevent the commis-
sioner from adjusting at any time the premium rate for any class.
It shall be the duty of the commissioner whenever he changes
any rate to notify every employer affected thereby of that fact and
of the new rate and when the same takes effect. It shall also be
his duty to furnish to each employer yearly, or oftener if request-
ed by the employer, a statement giving the name of each of his
employees who were paid for injury and the amount so paid dur-
ing the period covered by the statement.

Sec. 19. The commissioner shall establish a workmen's com-
pensation fund from premiums and other funds paid thereto by
employers and employees as herein provided, for the benefit of
employees of employers that have paid the premium applica-
table to the classes to which they belong and for the benefit of the
dependents of such employees, and shall adopt rules and regula-
tions with respect to the collection, maintenance and disbursement
of said fund, not in conflict with the provisions of this act.
Employers electing as herein provided to individually and di-
rectly compensate their injured employees and their fatally in-
jured employees' dependents, shall do so in the manner prescribed
by the compensation commissioner and shall make all reports, exe-
cute all blanks, forms and papers as directed by said commissioner
and as herein provided in this act.

Sec. 20. All payments into the workmen's compensation
fund shall be made into the state treasury in the manner prescribed
in chapter seventeen of the code of West Virginia, and such fund
shall consist of such payments and all interest accruing thereto
upon investments and deposits in state depositories, and any other
moneys or funds which may be given, appropriated or otherwise
designated or accruing thereto. Said fund shall be a separate and
distinct fund and shall be so kept upon the books and records of
the auditor and treasurer. Disbursements from such fund shall
be made upon requisition signed by the secretary and approved by
the compensation commissioner. The board of public works shall
have authority to invest the surplus, reserve or other moneys be-
longing to the fund in the bonds of the United States, of this state,
or of any county, city, town, village, or school district of the state.
15 No such investment shall be made, nor any investment sold or
16 otherwise disposed of without the concurrence of a majority of all
17 members of the board of public works. It shall be the duty of ev-
19 ery county, school district, or municipality issuing any bonds, to
20 offer the same in writing to the board of public works, prior to
21 advertising the same for sale, except such thereof as may
22 have been taken by the trustees of the sinking fund of the county,
23 district or municipality, and the board of public works shall, with-
24 in fifteen days after receipt of such offer, accept the same and pur-
25 chase such bonds or any portion thereof at par and accrued inter-
26 est, or make an offer to purchase the same at such price as the
27 board named in such offer, or reject such offer. All bonds pur-
28 chased by the board of public works for investment for the work-
29 men’s compensation fund shall be placed in the hands of the au-
30ditor as the custodian thereof, and it shall be his duty to keep and
31 account for the same as he keeps and accounts for other securities
32 of the state, and to collect the interest thereon as the same be-
33 comes due and payable, and the principal when the same is due.
34 No bonds or other securities shall be purchased by the board of
35 public works until and unless the attorney general shall investi-
36 gate the issuance of such bonds or securities and shall give a writ-
37 en opinion to the board that the same have been regularly issued
38 according to the constitution and the laws of this state, which
39 opinion, if such bonds or securities be purchased, shall be filed
40 with the auditor with such bonds or securities.

Sec. 22. Any employer subject to this act who shall elect to
2 pay into the workmen’s compensation fund the premiums provided
3 by this act, shall not be liable to respond in damages at common
4 law or by statute for the injury or death of any employee, how-
5 ever occurring, after such election and during any period in which
6 such employer shall not be in default in the payment of such pre-
7 miums; provided, the injured employee has remained in his service
8 with notice that his employer has elected to pay into the work-
9 men’s compensation fund the premiums provided by this act. The
10 continuation in the service of such employer with such notice shall
11 be deemed a waiver by the employee and by the parents of any
12 minor employee of the right of action as aforesaid, which
13 the employee or his or her parents would otherwise have.
Sec. 23. Each employer electing to pay the premiums provided by this act into the workmen's compensation fund, or electing to make direct payments of compensation as hereinafter provided, shall post and keep posted in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he has made such election, and the same when so posted shall constitute sufficient notice to all his employees and to the parents of any minor employees of the fact that he has made such election.

No employer or employee shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

Sec. 24. For the purpose of creating such workmen's compensation fund each employer subject to this act shall pay into the state treasury the premiums of liability based upon and being such a percentage of the pay-roll of such employer as may have been determined by the commissioner and be then in effect. The premiums provided for in this act shall be paid by the employers into the treasury of the state, and be contributed in the proportion of ninety per centum by the employers, and ten per centum by the employees. The premium shall be paid monthly on or before the twenty-fifth of each month, for the preceding month, and shall be the prescribed percentage of the total earnings of all employees subject to this act for such preceding month. The minimum premium to be paid by any employer for any month shall be one dollar.

Each employer is authorized to deduct from the pay of his employees (excepting persons casually employed) for each month, a ten per centum of the premium paid or to be paid for such month, in proportion to the pay received by them respectively, for such month, the proper percentage to be deducted from each installment of pay, whether paid monthly or more frequently. The minimum deduction from the earnings of each employee in any one month for which settlement is made to be five cents.

Each employer shall give a receipt or statement to each employee of the amount which has been deducted for the workmen's
compensation fund, and shall file with the commissioner on making his next payment to the fund a sworn statement showing what per centum of said payment herein provided to be paid by the employees, (disregarding fractions of a cent), has been deducted; and that no more than ten per centum (subject to the minimum requirement aforesaid), has been so deducted. The state treasurer shall issue his receipt for any sums paid him hereunder, in duplicate, the original to be delivered to the person, firm or corporation paying the same, the duplicate to be filed with the commissioner.

If such premiums be not paid as herein provided, a penalty of ten per centum of the amount of such premium shall be collected and paid into the workmen's compensation fund, as aforesaid; and the failure to pay all premiums and penalties as herein provided for two succeeding months shall deprive the employer so delinquent of the benefits and protection afforded by this act, and shall terminate the election of such delinquent employer to pay into the workmen's compensation fund as herein provided, and such employer shall be liable to employees as provided in section twenty-six of this act; and the commissioner shall not be required to notify the delinquent employer of such termination or suspension, but he shall notify the employees of such employer thereof in such manner as he may deem best and sufficient.

The employer so delinquent may be re-instated upon application under such terms as are prescribed by this act, and by the commissioner hereunder, after the payment into the workmen's compensation fund of all unpaid premiums, penalties, interest and charges. Such re-instatement shall be in force from and after the date that the new application is accepted by the commissioner, and said delinquent employer shall not receive any benefits hereunder during such suspension, nor shall his employees receive compensation for injuries received during the period of such suspension.

To insure the payment of the monthly premiums herein provided for, all employers who have heretofore elected to accept the provisions of the workmen's compensation act shall pay into the workmen's compensation fund, in addition to the premiums provided for, an amount at least equal to the amount of premiums paid for the last two preceding months, and said employer shall
be required to keep on deposit at all times in the said workmen's compensation fund an amount at least equal to the premiums for the last two preceding months. Such employer, upon the receipt of notice from the commissioner, that the amount which he is required to keep deposited in said fund is not equal to the premiums paid for the last preceding two months, shall immediately deposit as herein provided a sum sufficient and necessary to comply with the requirements of this act.

Any employer hereafter electing to avail himself of the benefits of this act shall at the time of making application to the commissioner deposit in the workmen's compensation fund an amount estimated to be equal to the amount of the premiums which will be paid by him hereunder for the next succeeding two months. The deposit in said workmen's compensation fund shall be held as an advance credit to the employer and used to pay or to apply on the payment of the monthly premiums and any other sums due the said fund when said employer becomes delinquent in the payment of same. Upon the withdrawal of any employer from the fund, he shall be refunded the balance due him of this advanced deposit, after deducting all amounts owed by said employer to the workmen's compensation fund.

Sec. 25. The commissioner shall disburse the workmen's compensation fund to the employees of such employers as have paid into said fund the premiums for the month in which the injury occurs, or who have on deposit in said fund, as hereinbefore provided for, an amount sufficient to guarantee the payment of said premiums, and which employees shall have received injuries in this state in the course of and resulting from their employment, or to the dependents, if any, of such employees in case death has ensued according to the provisions hereinafter made.

In all claims for compensation for hernia resulting from injury received in the course of and resulting from the employee's employment, it must be definitely proven to the satisfaction of the commissioner:

First, That there was an injury resulting in hernia;
Second, That the hernia appeared suddenly;
Third, That it was accompanied by pain;
Fourth, That the hernia immediately followed an injury;
Fifth, That the hernia did not exist prior to the injury for which compensation is claimed.
All hernia, inguinal, femoral or otherwise, so proven to be the result of an injury received in the course of and resulting from the employment, shall be treated in a surgical manner by radical operation. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of section thirty-three. In non-fatal cases, time loss only shall be paid, unless it is shown by special examination that the injured employee has a permanent partial disability resulting after the operation. If so, compensation shall be paid in accordance with the provisions in section thirty-one with reference to permanent partial disability.

In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that it is considered unsafe for him to undergo said operation, he shall be paid as provided in section thirty-one.

Sec. 27. The commissioner shall disburse and pay from the fund for such injuries to such employees as may be entitled thereto hereunder, as follows:

(a) Such sums for medical, surgical and hospital treatment as in the opinion of the commissioner may reasonably be required, not, however, in any case to exceed the sum of one hundred and fifty dollars; provided, that in case an injured employee has sustained a permanent disability and it is the opinion of the commissioner that the per centum of said disability can be reduced or made negligible by surgical or medical treatment, the amount expended for medical, surgical and hospital treatment may be, but shall not exceed, three hundred dollars in any case.

(b) Payment for such medical, surgical and hospital treatment may be made to the injured employee, or to the persons who have furnished the service, or to the persons who have advanced payment for same, as the commissioner may deem proper.
(c) Notwithstanding anything hereinbefore contained, no payment shall be made out of the workmen's compensation fund for medical, surgical or hospital treatment for an injured employee if said employee be entitled under contract connected with his employment or otherwise, to medical, surgical or hospital treatment without further charge to him.

Sec. 28. Notwithstanding anything hereinbefore or hereinafter contained, no employee or dependent of any employee shall be entitled to receive any sum from the workmen's compensation fund, or to direct compensation from any employer making the election and receiving the permission mentioned in section fifty-four hereof, or otherwise under the provisions of this act, on account of any injury to or death of an employee caused by a self-inflicted injury, the wilful misconduct, or disobedience to such rules and regulations as may be adopted by the employer and approved by the commissioner, or the intoxication of such employee.

For the purpose of this act, and to prevent accidents to employees, the commissioner may require all employers to adopt rules for the protection and safety of their employees and keep the same posted in conspicuous places in and about the work, which rules shall be submitted to the commissioner for his approval.

If injury or death result to an employee from the deliberate intention of his employer to produce such injury or death, the employee, the widow, widower, child or dependent of the employee shall have the privilege to take under this act, and also have cause of action against the employer as if this act had not been enacted, for any excess of damages over the amount received or receivable under this act.

Sec. 29. In case death ensues from the injury within the period of twenty-six weeks, reasonable funeral expense, not to exceed seventy-five dollars, may be paid from the fund, payment to be made to the persons who have furnished the service and supplies, or to the persons who have advanced payment for same, as the commissioner may deem proper, in addition to such award as may be made to the employee's dependents.

Sec. 30. If the period of disability does not last longer than one week from the day the employee leaves work as the result of
the injury, no award shall be allowed, except the disbursement provided for in sections twenty-seven and twenty-nine.

(a) If the period of disability lasts longer than one week from the day the employee leaves work as the result of the injury, no award shall be allowed for the first week of such disability, except the disbursement provided for in sections twenty-seven and twenty-nine.

Sec. 31. Where compensation is due an employee under the provisions of this act, such compensation shall be as provided in the following schedule:

(a) If the injury causes temporary total disability, the employee shall receive during the continuance thereof fifty per centum of his average weekly earnings, not to exceed a maximum of ten dollars per week nor to be less than a minimum of five dollars per week.

(b) If the injury causes temporary partial disability, the employee shall receive during the continuance thereof fifty per centum of the weekly loss in wages, not to exceed a maximum of ten dollars per week.

(c) Paragraphs (a) and (b) of this sub-division shall be limited as follows: Aggregate award for a single injury causing temporary disability shall be for a period not exceeding twenty-six weeks; provided, that in case an injured employee, by reason of having an ununited fracture, or having undergone a surgical operation to correct a vicious union following a fracture, or for the repair of an ununited fracture, or having suffered an injury to the spine or pelvic bones which is of a temporary nature, is disabled for a longer period than twenty-six weeks, the period for which compensation shall be paid may be, but shall not exceed, fifty-two weeks.

(d) If the accident causes permanent disability, the percentage of disability to total disability shall be determined and the award computed and allowed as follows:

For a ten per centum disability, fifty per centum of the average weekly earnings for a period of thirty weeks;

For a twenty per centum disability, fifty per centum of the average weekly earnings for a period of sixty weeks;

For a thirty per centum disability, fifty per centum of the average weekly earnings for a period of ninety weeks;
For a forty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and twenty weeks;

For a fifty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and fifty weeks;

For a sixty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and eighty weeks;

For a seventy per centum disability, fifty per centum of the average weekly earnings for a period of two hundred and ten weeks;

For a disability exceeding seventy per centum and less than eighty-five per centum, forty per centum of the average weekly earnings during the remainder of life;

For a disability from eighty-five to one hundred per centum, fifty per centum of the average weekly earnings during the remainder of life.

(e) The award for permanent disabilities intermediate to those fixed by the foregoing schedule and from ten per centum to seventy per centum disabilities shall be in the same proportion and shall be computed and allowed by the commissioner.

(f) Paragraph (d) and (e) of this sub-division shall be limited as follows: Not to exceed a maximum of eight dollars per week nor to be less than a minimum of four dollars per week.

(g) The loss of an arm at or above the elbow shall be considered a fifty per centum to sixty-five per centum disability and shall be used as a basis in determining the per centum of permanent disability. Account shall also be taken of the nature of the physical injury, the occupation of the injured employee and his age at the time of such injury.

(h) Nothing contained in the foregoing schedule of permanent disability awards shall be held to limit the amount of compensation receivable for any such permanent injury during any period of total disability under paragraphs (a) and (b) of section thirty-one, but any sum so received shall be deducted from the compensation payable in accordance with the said schedule. Compensation under this section shall be payable only to the injured employee, or to his dependents at the time of the injury, and the right thereto shall not vest in his estate, nor in the estate of his dependents.
(i) The following permanent disabilities shall be conclusively
proved to be total in character:
Loss of both eyes or the sight thereof;
Loss of both hands or the use thereof;
An injury resulting in practically total paralysis.
In all other cases permanent total disability shall be deter-
mined in accordance with the fact.

Sec. 33. In case the injury causes death within the period
of twenty-six weeks from date of injury, the benefits shall be in
the amounts and to the persons as follows:
(a) If there be no dependents, the disbursements shall be
limited to the expense provided for in section twenty-seven and
section twenty-nine of this act and such award under section
thirty-one of this act as may have accrued and been paid.
(b) If the deceased employee be under the age of twenty-
one and unmarried and leave a dependent father or mother, the
father, or if there be no father, the mother shall be entitled to a
payment of fifty per centum of the average weekly wages, not to
exceed a maximum of six dollars per week, to continue until
the employee would have been twenty-one years of age, or until
the death of said dependent, if same occurs before said employee
would have been twenty-one years of age.
(c) If the deceased employee leave a widow or invalid
widower, the payment shall be twenty dollars per month until
the death or re-marriage of such widow or widower, and in ad-
dition five dollars per month for each child under the age at
which he or she may be lawfully employed in any industry, to be
paid until such child reaches such age; provided, that the total
payment shall not exceed thirty-five dollars per month; and, pro-
vided, further, if such widow or invalid widower shall re-marry
within two years from date of the death of such employee,
such widow or widower shall be paid at the time of re-marriage
twenty per centum of the amount that would be due for the period
remaining between the date of such re-marriage and the end of
ten years from date of death of said employee; provided, further,
that if upon investigation it shall be ascertained that said widow
or widower is living with a man or woman, as the case may be, as
man and wife and not married, or the widow living a life of
prostitution, the commissioner shall stop the payment of the
benefits herein provided to said widow or widower.
If the deceased employee be a widow or widower and leave a child or children under the age of fifteen years, the payment shall be ten dollars per month to each such child until he or she reaches the age of fifteen years, the total payment in any case not to exceed thirty dollars per month.

The word "child" as used in this act shall include a posthumous child, or a child legally adopted prior to the injury causing death.

(d) If the deceased employee be an adult and there be no widow, widower or child under the age at which he or she may be lawfully employed in any industry, but there are wholly dependent persons at the time of death, the payment shall be fifty per centum of the average monthly support actually received from the employee during the preceding twelve months, to continue for the remainder of the period between the date of death and six years after the date of injury, and shall not amount to more than a maximum of twenty dollars per month.

(e) If there be no widow, widower or child under the age at which he or she may be lawfully employed in any industry, or wholly dependent persons at the time of death, the payment shall be fifty per centum of the average monthly support actually received from the employee during the preceding twelve months, and to continue for such portion of the period of six years after the date of death as the commissioner in the case may determine, and not amount to more than a maximum of twenty dollars per month.

Compensation under sub-sections (d) and (e) hereof shall cease upon the death of the dependent, and the right thereto shall not vest in his or her estate.

(f) Dependent, as used in this act, means a widow, invalid widower, child under fifteen years of age, invalid child over such age, or a posthumous child, who, at the time of the injury causing death, is dependent in whole or in part for his or her support upon the earnings of the employee; also, the following persons who are and continue to be residents of the United States or its territorial possessions: step-child under fifteen years of age, child under fifteen years of age legally adopted prior to the injury causing
Sec. 34. The benefits, in case of death, shall be paid to such one or more dependents of the decedent, or to such other persons, for the benefits of all of the dependents, as may be determined by the commissioner, who may apportion the benefits among the dependents in such manner as he may deem just and equitable. Payment to a dependent subsequent in right may be made if the commissioner deems proper, and shall operate to discharge all other claims therefor.

Sec. 35. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the commissioner.

Sec. 37. The average weekly wage or earnings of the injured person at the time of injury shall be taken as the basis upon which to compute the benefits. The time of injury within the meaning of this act shall be such reasonable time prior to the injury as shall enable the commissioner to make a fair award, taking into consideration both the rate of wage and earnings of such person prior to his entering the service in which he was injured.

Sec. 38. Payments may be made in such periodical installments as may seem best to the commissioner in each case. Notwithstanding anything herein contained, the commissioner may, in his discretion, direct the re-payment of, and pay out of any installment, any advances for necessaries that may have been made by any person pending the payment of such installment.

Sec. 39. To entitle any employee or dependent of a deceased employee to compensation under this act the application therefor must be made in due form within six months from and after the date of injury or death, as the case may be, and all proofs of dependency in fatal cases must be filed with the commissioner within nine months from and after the date of death. Non-resident aliens may be officially represented by the consular officers of the country of which such aliens may be citizens or subjects.

Sec. 40. The power and jurisdiction of the commissioner over each case shall be continuing, and he may from time to time
Sec. 41. The commissioner, under special circumstances and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

Sec. 43. The commissioner shall have full power and authority to hear and determine all questions within his jurisdiction, and to review the action of any employer taken under section fifty-four thereof, and the decision of the commissioner thereon shall be final; provided, however, in case the final action of said commissioner denies the right of the claimant to receive compensation from the fund or directly from the employer, as the case may be, on the ground that the injury was self-inflicted, or on the ground that the injury was not received in the course of and resulting from his employment, or upon any other ground going to the basis of the claimant's right, then the claimant may, within sixty days after notice of the final action of such commissioner, apply for an appeal to the supreme court of appeals. The appellant shall file a petition before said supreme court of appeals against such commissioner as defendant, within said period of sixty days, and the commissioner shall be notified by the clerk of said court, forthwith, of the filing of such petition for appeal. And the commissioner shall within ten days after the receipt of such notice, file with the clerk of said court the record of such proceedings before the commissioner, including a transcript of the evidence. The court, or any judge thereof, may thereupon decide whether an appeal shall be granted or not. If granted, the commissioner and the claimant or the claimant's attorney shall be notified of the fact by mail. If an appeal is granted the case shall be tried by said court in the same manner as other cases before it, save and except that neither the record nor briefs need be printed, and that every such appeal granted prior to thirty days before the beginning of any term shall be on the docket for such term, and such appeals shall have precedence over other cases on such docket. The attorney general, without extra compensation, or other counsel, if the commissioner sees fit to employ the same, shall represent the commissioner on such appeal. The supreme court on such appeal shall determine the right of the claimant and certify its decision.
to the commissioner, and, if it determines the right in his favor,
the commissioner shall fix his compensation within the limits
and under the rules prescribed in this act. The cost of such pro-
ceedings, including a reasonable attorney's fee, not exceeding one
hundred dollars, to the claimant's attorney, to be fixed by the
court, shall be taxed against the unsuccessful party. No fees,
expenses or costs shall be paid out of any compensation awarded.

Sec. 44. Such commissioner shall not be bound by the usual
common law or statutory rules of evidence, or by any technical or
formal rules of procedure, other than herein provided, but may
make the investigation in such manner as in his judgment is best
calculated to ascertain the substantial rights of the parties and to
carry out justly and liberally the spirit of this act.

Sec. 45. The commissioner may make necessary expenditures
to obtain statistical and other information to establish the classes
provided for in section eighteen.

Sec. 46. Annually on or about the fifteenth day of September
in each year, the commissioner under oath, shall make a report as
of the thirtieth day of June, to the governor, which shall include
a statement of the number of awards made by him, and a general
statement of the causes of the accidents leading to the injuries for
which the awards were made; a detailed statement of all dis-
bursements, and the condition of the fund, together with any
other matters which such commissioner deems it proper to call to
the attention of the governor, including any recommendations he
may have to make, and the commissioner whenever required by
the governor shall report to him as to any designated subject or
matter, and furnish such information as may be required.

Sec. 48. Whenever it shall appear that the commissioner will be
absent or unable to act for one week or more, the secretary of the
commissioner may be designated by the commissioner to act dur-
ing his absence or inability to act, and during such period he shall
have all the duties and powers of the commissioner.

Sec. 49. Any person, firm or corporation, knowingly failing
to make any report or perform any duty required by the commis-
sioner within the time specified, shall be guilty of a misdemeanor,
and upon conviction thereof, shall be punished by a fine of not
more than twenty-five hundred dollars. Any person, or firm, or
the officer of any corporation, who knowingly makes a false report or statement under oath, or affidavit respecting any information required by the commissioner, or who shall knowingly testify falsely in any proceeding before the commissioner, shall be deemed guilty of perjury and upon conviction thereof shall be punished as provided by law.

Sec. 51. Whenever there shall be in the state treasury any funds belonging to the workmen's compensation fund not likely, in the opinion of the commissioner, to be required for immediate use, it shall be the duty of the board of public works, when so requested by the commissioner to invest the same as prescribed in section twenty hereof. Whenever it may become necessary or expedient to use any of the funds so invested, the board of public works shall, when requested by the commissioner, collect, sell or otherwise realize upon any investment to the amount deemed necessary or expedient to use.

Sec. 52. In case any employer within the meaning of this act is also engaged in interstate or foreign commerce, this act shall apply to him, only to the extent that his mutual connection with work in this state is clearly separable and distinguishable from his interstate work, and in such case such employer and any of his employees thus engaged in both intrastate and interstate work, may with the approval of the commissioner elect to pay into the fund the premiums provided by this act on account of work done in this state only, by filing written acceptances, or a joint election with the commissioner, and such election when filed and approved by the commissioner shall subject the acceptors irrevocably to the provisions of the act to all intents and purposes as if they had been originally included in its terms. Payments of premiums shall be on the basis of the pay-roll of the employees who accept as aforesaid, for work done in this state only.

Sec. 54. Notwithstanding anything contained in this act, employers subject to this act who are of sufficient financial responsibility to insure the payment of compensation to injured employees and the dependents of fatally injured employees, whether in the form of pecuniary compensation or medical attention, funeral expenses or otherwise as herein provided, of the value at least equal to the compensation provided in this act, or employers
8 of such financial responsibility who maintain their own benefit
9 funds or systems of compensation, to which their employees are
10 not required or permitted to contribute, or such employers as
11 shall furnish bond or other security to insure such payments,
12 may, upon a finding of such facts by the compensation commis-
13 sioner, elect to pay individually and directly or from such benefit
14 funds, department or association the said compensation and ex-
15 penses to injured employees or fatally injured employees' depend-
16 ents; and the compensation commissioner shall require such se-
17 curity or bond from said employer to be approved by him and of
18 such amount as is by him considered adequate and sufficient to
19 compel or secure to said employees, or their dependents, payment
20 of the compensation and expenses herein provided for, which
21 shall in no event be less than the compensation paid or furnished
22 out of the state workmen's compensation fund in similar cases, to
23 injured employees or the dependents of fatally injured employees
24 whose employers contribute to said fund; and said commissioner
25 shall make and publish rules and regulations governing the mode
26 and manner of making application and the nature and extent of
27 the proof required to justify the finding of facts by said com-
28 missioner, to consider and pass upon such election by employers
29 subject to this act, which said rules and regulations shall be gen-
30 eral in their application; and any employer subject to this act
31 who shall elect to carry his own risk and who has complied with
32 the requirements of this section and the rules of the compensation
33 commissioner, shall not be liable to respond in damages at common
34 law or by statute for the injury or death of any employee, how-
35 ever occurring, after such election and during the period that
36 he is allowed to carry his own risk by said commissioner; provided,
37 the injured employee has remained in his service with notice given,
38 as provided for in section twenty-three of this act, that his em-
39 ployer has elected to carry his own risk as herein provided. The
40 a continuation in the service of such employer with such notice
41 shall be deemed a waiver by the employee and by the parents
42 of any minor employee of the right of action, as aforesaid, which
43 the employee or his or her parents would otherwise have.

And, provided, further, that any employer whose record upon
44 the books of the public service commission or compensation com-
45 missioner, shows a liability against the workmen's compensation 
46 fund, incurred on account of injury to or death of any of his em-
47 ployees, in excess of premiums paid by said employer, shall not 
48 be granted the right to individually and directly or from such 
49 benefit funds, department or association, to compensate his injured 
50 employees and the dependents of his fatally injured employees 
51 until he has paid into the workmen's compensation fund the 
52 amount of said excess of liability over premiums paid, including 
53 his proper proportion of the liability incurred on account of ex-
54 plosions of catastrophes occurring within the state and charged 
55 against said fund.

And, provided, further, that in any case under the provisions 
57 of this section that shall require the payment of compensation 
58 or benefits by an employer in periodical payments, and the nature 
59 of the case makes it possible to compute the present value of all 
60 future payments, the commissioner may, in his discretion, at any 
61 time, compute and permit or require to be paid into the workmen's 
62 compensation fund an amount equal to the present value of all 
63 unpaid compensation for which liability exists, in trust; and 
64 thereupon such employer shall be discharged from any further 
65 liability upon such award and payment of the same shall be as-
66 sumed by the workmen's compensation fund.

Sec. 56. All acts and parts of acts, in conflict with this act,
2 are hereby repealed.

CHAPTER 10.

(Senate Bill No. 131.)

AN ACT to create a department of mines; to re-district the state for 
the purpose of mine inspection; to provide a more efficient system 
of inspection; to regulate mining conditions; to provide penalties 
for violations and to amend and re-enact chapter seventy-eight of 
the acts of one thousand nine hundred and seven, relating to 
mines.

(Passed February 6, 1915. In effect ninety days from passage. Approved by 
the Governor February 11, 1915.)
10. Use of petroleum, alcohol or other compound prohibited; penalty for violations of sections 17, 18, 19, 20.

21. Sound shafts required in shaft: mines for signaling and conversations; requirements as to safety catch and cover for cage, and brake for drum; other requirements.

22. Uniform system of checking employees required; penalty for failure to comply.

23. Requirement as to shaft or slope mine and duty of operator as to machinery and persons employed; limit of persons to ride on cage or car.

24. Stretcher required in mine for every ten men employed, with blankets, etc.; penalty for violations of sections 23 and 24.

25. Inspector to have proper facilities for inspection; notice in writing to be given of result of inspection; chief to be notified if found unsafe; remedy of operator in circuit court.

26. Ventilation in all mines liberating explosive gas; requirements.

27. Unused workings must be protected; procedure in case of accident; penalty for violation of sections 26, 27.

28. Use of locked safety lamps required in mines liberating explosive gas; penalty for violations of this section.

29. Ventilation produced by fans, mechanically operated, unless otherwise ordered; how operated; procedure in case of accident; penalty for mine foreman for failure to comply.

30. Duty of operator as to new or additional openings; penalty for failure or refusal to comply.

31. Unlawful for operator, agent or mine owner to employ any person unless two openings, etc., separated by natural strata; dimensions, etc.; this section not to apply as to certain mines; penalty for violations of this section.

32. Child labor; employment of females prohibited; penalties.

33. Employment of boys while school is in session, prohibited, except under certain conditions; no boy under 14 to be employed in hazardous position; penalty for violation of this section.

34. Annual report required of chief of the department of mines; what report shall contain; change of ownership to be reported; penalty for violations of this section.

35. Penalty for working in mine in violation of written instructions.

36. Solid shooting: permit and how obtained; penalty for violation of this section.

37. Use of locomotive unlawful except under certain conditions; penalty for violations of this section.
SEC. 35. Duties of machine men; no one permitted to remain near machine when in operation; published for violations of sections 53, 54, 55, 56, 57.

58. Fire boss and his duties; to be employed in certain mines; shall hold certificate and be subject to examination as to qualifications.

59. Shall give danger signals, red in color; persons prohibited from passing beyond; further duties of fire boss; to remove danger signal in certain cases.

60. Written record after examinations; where to be kept.

61. Fire bosses to have no superior officer; employees working inside subordinate to fire boss.

62. Unlawful to enter mine until signal has been given by fire boss; punishment for violation.

63. Mine foreman and his duties; qualifications and experience; shall take an examination and hold a certificate; assistants required in certain cases.

64. Further duties; shall keep watch over ventilation apparatus and airways; shall have all water drained or hauled out of working places, and that crosscuts are made and ventilation preserved; to measure air currents and keep record thereof.

65. Other duties of mine foreman as to fire boss; engine planes and haulage roads.

66. System of signals to be provided where hauling is done by machinery.

67. To bore holes in advance of the face and sides of working places in dangerous proximity to abandoned mine.

68. Duty of mine foreman or assistant to notify persons as to danger in mines.

69. Daily examinations of mines directed; what to do in case of danger.

70. Duty of mine foreman as to mine liberating explosive gas; to post danger signals.

71. Removal of all dangers reported, and what to be done until removed; further examinations to be made at least once each week.

72. Mine foreman to notify in writing operator of conditions, and penalty for failure to comply with provisions of this section.

73. Countersigning fire bosses report each day by mine foreman required; penalty, failure to comply with sections 67, 68, 69, 70, 71, 72 and 73.

74. Provision for appointment of mine foreman in case of vacancy.

75. Explosives, quantity permitted to be taken in mine.

76. Precautions required by miners before commencing work.

77. Provisions as to props, cap pieces and timbers.

78. Shots prohibited in places known to liberate explosive gas until properly examined.
SEC. 70. Not more than one shot to be fired at a time; precautions required.

80. But one kind of explosive permitted to be used in same drill hole; further precautions.

81. Restrictions as to riding loaded cars; intoxicated persons prohibited from mine or mine buildings.

82. Duties of motormen and trip riders; to use care in handling locomotives and cars; penalty for violation of sections 75, 76, 77, 78, 79, 80, 81 and 82.

83. Reporting accidents; duty of operator or agent in cases of personal injury or death; to whom report shall be made; penalty for failure to comply with the provisions of this section.

SEC. 84. Bureau of mine research in college of engineering, West Virginia University, established; purposes; to better safeguard lives, to make tests and investigations and to bring about greater efficiency and conservation in mining and mineral industries; to be conducted under rules, etc., prescribed by board of regents.

85. Definitions.

86. Provisions to apply only to mines employing five or more persons.

87. Circuit, criminal, intermediate courts, and justices of the peace have concurrent jurisdiction, with right of appeal.

88. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter seventy-eight, acts one thousand nine hundred and seven, be and is hereby amended and re-enacted so as to read as follows:

Section 1. There is hereby created an executive department to be known as the “department of mines” which shall have for its purpose the supervision of the execution and enforcement of all state laws pertaining to the inspection of mines, heretofore and hereafter enacted for the safety of persons employed within or at the mines within this state, and the protection of mine property and other property used and in connection therewith; and the said department of mines shall be in charge of an official to be known as the “chief of the department of mines”, who shall have full charge of said department, and who shall superintend and direct the inspection of mines as herein provided and as provided by any other state law not in conflict with this act.

Sec. 2. The present chief of the department of mines, provided his appointment be confirmed by the senate, shall continue in office under the title of “chief of the department of mines” until December thirty-first, one thousand nine hundred and seventeen, or until his successor shall be duly appointed and qualified, unless sooner removed as provided by law; and the governor of the state shall, with the consent of the senate, appoint a chief of the department of mines whose term of office shall begin January first, one thousand nine hundred and eighteen, and shall be for four years, or until his successor shall be duly appointed and qualified; and the governor, with the consent of the senate, shall each four years thereafter appoint a chief of the department of
13 mines for the term of four years or until his successor be ap-
14 pointed and qualified.

Sec. 3. The chief of the department of mines shall, before
2 entering upon the discharge of his duties, take the oath of office pre-
3 scribed by the constitution and shall furnish bond in the sum of
4 two thousand dollars, with security to be approved by the governor,
5 conditioned upon the faithful discharge of his duty, a certificate of
6 which oath and which bond shall be filed in the office of the secre-
7 tary of state. Vacancies in the office of the chief of the depart-
8 ment of mines shall be filled by appointment for the unexpired
9 term.

Sec. 4. The chief of the department of mines shall be a male
2 citizen of West Virginia, and shall be a competent person, having
3 had at least eight years experience in the working, ventilation and
4 drainage of coal mines in this state, and having a practical and
5 scientific knowledge of all noxious and dangerous gases found in
6 such mines. He shall devote all of his time to the duties of his
7 office, and shall not be directly or indirectly interested in a finan-
8 cial way in any coal mine in this state. The salary of the chief of
9 the department of mines shall be three thousand dollars per annum,
10 and traveling expenses, which shall be paid monthly out of the state
11 treasury upon a requisition upon the state auditor, properly cer-
12 tified by the chief of the department of mines.

Sec. 5. The chief of the department of mines shall keep a
2 record of all inspections made by himself and the district mine in-
3 spectors, which shall be a permanent record properly indexed; recor-
4 ds of the department of mines shall, at all times, be open to the
5 inspection of any citizen of this state, and shall be laid before the
6 governor of the state upon his request at any time. The chief of
7 the department of mines shall have authority to visit, enter and
8 examine any mine and may call the assistance of any district mine
9 inspector, or inspectors, to any mine.

Sec. 6. The chief of the department of mines shall annually
2 make a full and complete written report of his proceedings to the
3 governor of the state for the year ending the thirtieth day of June;
4 such report shall include the reports of the district mine inspec-
5 tors, the number of visits and inspections made in the state by the
6 district inspectors, the quantity of coal and coke produced in the
7 state, the number of men employed, number of mines operated,
8 ovens in and out of blast, improvements made, prosecutions, etc.,
and such other information in relation to the subject of mines, mining inspections and needed legislation as he may deem of public interest and beneficial to the mining interests of the state; such report shall be filed with the governor on or before the thirty-first day of December next succeeding the year for which it was made, and such report shall be printed upon the requisition of the governor; and, in order that the report shall be annually printed and distributed among the operators, miners and citizens of the state, the sum of fifteen hundred dollars annually, or so much thereof as may be necessary, is hereby appropriated out of the state treasury for this special purpose.

**Mining Districts and Inspectors.**

Sec. 7. As soon as practicable after this act becomes law, the chief of the department of mines, by and with the approval of the governor, shall divide the state into fifteen 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 such an additional number of district mine inspectors, which with those now in office, shall give one inspector for each mining district within the state, whose term of office shall expire the thirty-first day of December, one thousand nine hundred and seventeen, unless sooner removed as provided by law; and he shall direct and prescribe in which of the said districts each of the said inspectors shall serve. After December thirty-first, one thousand nine hundred and seventeen, appointments of all inspectors shall be for a term of four years, except those appointments made to fill out unexpired terms.

Sec. 8. Any chief of the department of mines who shall violate any of the provisions of this act shall, upon conviction, be fined not less than twenty-five dollars nor more than two hundred dollars, and may, in the discretion of the court, be imprisoned in the county jail not exceeding one year.

**Qualifications and Duties of Inspectors.**

Sec. 9. Every person appointed to the office of district mine inspector shall be a citizen of West Virginia, having a practical knowledge of mining and the proper ventilation and drainage of mines, and a knowledge of the gases met with in coal mines, and must be a miner of at least six years experience in coal mines,
or having otherwise been engaged as an employee for six years within coal mines, and he shall not while in office be interested as owner, operator, stockholder, superintendent, or engineer of any coal mine, and he shall be of good moral character and temperate habits. His term of office shall expire on December thirty-first, one thousand nine hundred and seventeen, or when his successor is appointed and qualified, unless sooner removed as provided by law. An inspector of mines shall be removed from office by the chief of the department of mines for incompetency, neglect of duty, drunkenness, malfeasance, or for other good cause. The salary of each district mine inspector shall be two thousand one hundred dollars per annum, and actual traveling expenses; such salary and expenses shall be paid monthly out of the state treasury upon approval of the chief of the department of mines; provided, that before payment of such expense shall be made to the inspector he shall file an account of such expense, verified by his affidavit, showing that they accrued in the discharge of his official duties.

Oath of Office.

Sec. 10. The district mine inspector shall, before entering upon the discharge of his duties, take the oath of office prescribed by the constitution and shall furnish bond in the sum of two thousand dollars, with security to be approved by the governor, conditioned upon the faithful discharge of his duty, a certificate of which oath and which bond shall be filed in the office of the secretary of state. Vacancies in the office of district mine inspector shall be filled by appointment for the unexpired term.

Duties.

Sec. 11. Each of the district mine inspectors shall report, in writing, weekly to the chief of the department of mines, the number and condition of all mines inspected by him during each week and shall deliver to the operator, or operators, of each mine inspected a certificate of inspection, and shall post a duplicate certificate at a prominent place of the operating company where it may be conveniently read by any of the mine employees; said duplicate certificate shall remain posted until a subsequent certificate is issued by the district mine inspector. He shall visit each mine in his district at least once in every three months, or
oftener if called upon in writing by ten men engaged in any one mine, or the owner, operator or superintendent of such mine, and make a personal examination of each working place and also abandoned parts of the mine where gas is liberated, and outside of the mine where any danger may exist to the workmen, in their respective districts, and shall particularly examine into the condition of the mines as to ventilation, drainage and general safety and shall make a report of such examination, and he shall see that all the provisions of the mining statutes are strictly carried out, and it shall be unlawful for any district mine inspector to appoint any deputy or other person to do and perform any work required of such inspector.

Written Report.

Sec. 12. Each district mine inspector shall for each year ending the thirtieth day of June, make a written report to the chief of the department of mines of his proceedings, stating therein the number of mines in his district, the improvements made in and at the mines, the extent to which the mining statutes are obeyed and violated, and such other information in relation to mines and mining as he may deem of public interest, or as may be required of him by the chief of the department of mines; he shall also suggest or recommend such legislation on the subject of mining as he may think necessary; such report shall be filed with the chief of the department of mines on or before the thirtieth day of September next succeeding the year for which it was made.

Working Places in Advance of Air Current.

Sec. 13. Should the mine inspector discover any room, entry, airway, or other working places, being driven in advance of the air currents contrary to the requirements of the mining statutes, he shall order the workmen in such places to cease work at once until the law is complied with.

Penalty.

Sec. 14. Any mine inspector failing to comply with the requirements of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars and be dismissed from office.
Mine Maps.

Sec. 15. The operator, or agent, of every coal mine shall make, or cause to be made, an accurate map or plan of such mine, on a scale to be stated thereon, of one hundred, two hundred or three hundred feet to the inch; such map or plan shall show the openings or excavations, the shafts, slopes, entries, airways, with darts or arrows showing direction of air currents, headings, rooms, pillars, etc., and such portions of such mine or mines as may have been abandoned, the general inclination of the coal strata, and so much of the property lines and the outcrop of the coal seam of the tract of land on which said mine is located, as may be within one thousand feet of any part of the workings of such mine; a true copy of such map or plan shall be delivered by such operator to the inspector of his district, to be preserved among the records of his office and turned over to his successor in office; but it is provided that in no case shall any copy of the same be made without the consent of the operator or his agent; and the original map, or a true copy thereof, shall be kept by such operator at the office of the mine, and open at all reasonable times for the examination and use of the inspector, and such operator shall, twice within every twelve months, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines, and outcrops, as above provided.

The map, or maps, required by this section shall have the certificate of the engineer making same, acknowledged thereon before a notary public, or justice of the peace, in the following form:

I, the undersigned, hereby certify that this map is correct and shows all the information, to the best of my knowledge and belief, required by the mining laws of this state, and covers the period ending ......................... .

Acknowledged before me a ........., this ....... day of ...........

Engineering.
37 deemed guilty of a misdemeanor and upon conviction shall be
38 fined not less than fifty dollars nor more than two hundred dollars.

Sec. 16. If the operator, or agent, of any coal mine shall
2 neglect or fail to furnish to the mine inspector of his district, any
3 copy of map, or extension thereof, as provided in the preceding sec-
4 tion of this act, the mine inspector is hereby authorized to cause a
5 correct survey and map, or plan, of said coal mine, or the extension
6 thereof, to be made at the expense of the operator of such mine,
7 the cost of which shall be recoverable from said operator as other
8 debts are recoverable by law; and if at any time the chief of the
9 department of mines has reason to believe that such map, or plan,
10 or extension thereof, furnished in pursuance of the preceding sec-
11 tion be materially incorrect, such as will not serve the purpose for
12 which it was intended, he may have the survey and map, or plan, or
13 the extension thereof, made, or corrected, and the expense of
14 making such survey and map, or plan, or extension thereof, under
15 the direction of said chief of the department of mines, shall be
16 paid by the operator, and the same may be collected as other debts
17 are recoverable by law; and if found correct, the expense thereof
18 to be paid by the state.

Sec. 17. The operator, agent or mine foreman of every coal
2 mine, whether worked by shaft, slope or drift, shall provide and
3 hereafter maintain for every such mine ample means of ven-
4 tilation, affording no less than one hundred cubic feet of air per
5 minute for each and every person employed in such mine, and
6 as much more as the district mine inspector may require, which
7 shall be circulated around the main headings and cross-headings
8 and working places, to an extent that will dilute, render harmless
9 and carry off, the noxious and dangerous gases liberated therein;
10 and as the working places shall advance, break-throughs for air
11 shall be made, not to exceed eighty feet apart, in pillars, or brat-
12 tice, shall be used so as to properly ventilate the face, and all the
13 break-throughs between the intake and return airways not re-
14 quired for the passage of air shall be closed with stoppings sub-
15 stantly built with suitable material, which shall be approved
16 by the district mine inspector, so as to keep the working places
17 well ventilated. Not more than sixty persons shall be permitted
18 to work in the same air current; provided, that a larger number,
19 not exceeding eighty persons, may be allowed by the district mine
DEPARTMENT OF MINES.  

20 inspector where, in his judgment, it is impracticable to comply 21 with the foregoing requirement.

Sec. 18. No product of petroleum, or alcohol, or any com- 2 pound that in the opinion of the inspector will contaminate the 3 air to such an extent as to be injurious to the health of the miner 4 shall be used as motive power in any mine.

Sec. 19. No operator, agent or mine foreman, shall permit 2 any persons to work where they are unable to maintain at least 3 one hundred cubic feet of air per minute; but this shall not be 4 construed to prohibit the operator from employing men to make 5 the place of employment safe and to comply with this require- 6 ment; provided further, that while the repair work necessary to 7 get the mine in condition to comply with the law is in progress, 8 no person or persons shall be permitted to enter that part of the 9 mine affected except those actually employed in doing the neces- 10 sary repair work.

Sec. 20. In all mines accumulations of fine dry coal dust 2 shall, as far as practicable, be removed from the mine and all dry 3 and dusty sections kept thoroughly watered down at all times.

4 For violations of the foregoing provisions of sections seven- 5 teen, eighteen, nineteen, and twenty, the operator, agent or mine 6 foreman shall, upon conviction, be fined not less than fifty nor 7 more than five hundred dollars, or be imprisoned in the county 8 jail not less than ten nor more than ninety days, in the discre- 9 tion of the court.

Sec. 21. The operator, or agent, of every coal mine worked 2 by shaft shall forthwith provide, and hereafter maintain, a metal 3 tube from the top to the bottom of such shaft suitably adapted to 4 the free passage of sound through which conversation may be held 5 between persons at the top and at the bottom of the shaft; also 6 the ordinary means of signaling, and an approved safety catch, 7 and a sufficient cover overhead on every cage used for lowering or 8 hoisting persons, and at the top of the shaft an approved safety 9 gate, and an adequate brake on the drum of every machine used 10 to lower or hoist persons in such shaft; and the said operator or 11 agent shall have the machinery used for lowering or hoisting per- 12 sons into or out of the mine kept in safe condition, and inspected 13 once in each twenty-four hours by some competent person; and 14 there shall be cut out or around the side of hoisting shaft or 15 driven through the solid strata at the bottom thereof a traveling
way of not less than five feet high and three feet wide to enable a
person to pass the shaft in going from one side of it to the other
without passing over or under the cage or other hoisting apparatus.

Sec. 22. The operator or agent of every shaft mine shall install a uniform system of checking the employees in and out of the mine, whereby each employee upon entering the mine shall be given a check by which he shall be identified, and which check shall be placed in its proper place on the check board by the employee when leaving the mine.

Any operator, agent or employee who shall fail or refuse to comply with any of the requirements of sections twenty-one and twenty-two shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars; or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Sec. 23. No operator or agent of any coal mine, worked by shaft, slope or incline shall place in charge of any engine or drum used for lowering or hoisting any persons employed in such mine any but competent and sober engineers or drum runners; and no engineer in charge of such machinery shall allow any person except such as may be deputed for this purpose, by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties; and in no case shall more than ten persons ride on any cage or car at one time, and no person shall ride on a loaded cage or car in any shaft or slope or on any incline.

Sec. 24. At every mine where ten men are employed underground, it shall be the duty of the operator thereof to keep always on hand at the mine a properly constructed stretcher, a woolen and water proof blanket, and all necessary requisites which may be advised by the medical practitioner employed by the company, and if as many as one hundred and fifty men be employed, two stretchers with the necessary equipments as above advised.

For violation of the foregoing provisions of sections twenty-three and twenty-four, the operator or agent or miner, shall, upon conviction be fined not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.
Sec. 25. The operator or agent of every coal mine shall furnish the inspector proper facilities for entering such mine and making examinations or obtaining information; and if any inspector shall discover that any mine does not in respect to applications for the safety of the persons employed therein, conform to the provisions of this act, or that by reason of any defect or practice in or at such mine the lives or health of persons employed therein, are endangered, he shall immediately, in writing, notify such operator or agent thereof, stating in such notice the particulars in which he considers such mine to be defective or dangerous and if he deems it necessary for the protection of the lives or health of the persons employed in such mine, he shall, after giving notice of one day to the said operator or agent, in writing, notify immediately the chief of the department of mines, who shall immediately examine the mine reported to be unsafe.

If upon such examination the mine reported to be unsafe is in fact found to be in an unsafe condition the chief of the department of mines shall forthwith order the mine to be closed until it is placed in a safe and proper condition for mining operations; the owner or operator of any mine so closed may apply to the circuit court wherein such mine is located, or the judge thereof, in vacation, by petition for an order directing said mine to be reopened, and such court, or the judge thereof in vacation, shall immediately hear and determine the matters arising upon such petition, and if upon full hearing thereof the court, or the judge thereof in vacation, shall find that said mine is in a reasonably safe condition, the prayer of said petition shall be granted; but notice of said hearing shall be given to the district mine inspector or the chief of the department of mines three days at the least before said hearing; and in all such hearings the attorney general shall appear for the state and defend the same.

Ventilation.

Sec. 26. In all mines liberating explosive gas, and where there is any reason to believe that gas will be encountered in the future workings and developments of the mine, the minimum ventilation shall be one hundred and fifty cubic feet per minute, for each and every person employed therein, and as much more as one or more of the district mine inspectors may deem requisite; and all stoppings on the main entries shall be substantially built
of masonry, concrete or other incombustible material, which shall be approved by the district mine inspector, so as to keep the working places well ventilated; doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts built of masonry, or other incombustible material, and of ample strength shall be adopted, and where doors are used they must be built in a substantial manner, and hung so as to close automatically when unobstructed.

Sec. 27. All unused workings and abandoned parts of the mines must be protected by such safeguards as will prevent so far as practicable the accumulation or overflow of gas therein, and all avenues leading thereto shall be so arranged and conducted so as to give cautionary notice to all persons of the danger in entering therein; and in order to secure the safety of the workmen in general against the danger in said unused or abandoned sections of the mine, notice shall be posted warning all persons not to enter such parts of said mine, except persons authorized to make examination of the above section, and it shall be unlawful for any person, except as aforesaid, to enter such parts of said mine.

Any operator, agent or mine foreman violating the foregoing provisions of sections twenty-six and twenty-seven shall, upon conviction, be fined not less than fifty nor more than two hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Sec. 28. Mines, which in the opinion of the department of mines, liberate explosive gas in dangerous quantities from the coal or adjacent strata shall be worked exclusively by the use of locked safety lamps, or approved electric lamps, and no open lamp or torch shall be used except as may be permitted in writing by the district mine inspector; the safety lamps used for examining any mine or which may be used for working therein, shall be furnished by, and be the property of, the operator of the mine, and shall be in charge of some person to be designated by the “fire boss”, and at least two safety lamps shall be kept at every coal mine whether such mine liberates fire damp or not.

Any operator, agent or other person who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the
Sec. 29. The ventilation of all mines shall be produced by means of fans, mechanically operated, unless otherwise ordered by the chief of the department of mines. The fan (or fans) shall be kept in operation night and day, unless written permission be granted by the chief of the department of mines, or the district inspector in whose district the mine is located. In case of accident to a ventilating fan or its machinery, whereby the ventilation of the mine would be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and he shall not allow them to return to their work until the ventilation has been restored, and the mine has been thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

Any mine foreman who shall fail or refuse to comply with the requirements of this section, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Sec. 30. Any operator, or agent of a coal mine before making any new or additional openings, shall submit to the chief of the department of mines, for his information and approval, a plan showing the proposed system of ventilation and equipment of the openings with their location and relative positions to adjacent developments; and no such new or additional openings shall be made until approved by the chief of the department of mines.

Any operator, agent or other person who shall fail, or refuse to comply with the requirements of this section, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than sixty days nor more than one year, in the discretion of the court.

Sec. 31. It shall be unlawful for the operator, agent or mine foreman of any coal mine, to employ any person to work in said mine, or permit any persons to be in said mine for the purpose of working therein, unless they are in communication with at least two openings, or outlets, to each seam, separated by natural strata, such openings to be not less than three hundred feet apart, if the
mine be worked by shaft, and not less than fifty feet apart at the
outlets, if worked by slope or drift; but this requirement of a dis-
tance of three hundred feet between openings or outlets to shaft
mines, shall not apply where such openings, or outlets, have been
made prior to the passage of this act. To each of said outlets there
shall be provided from the interior of the mine, a safe and avail-
able roadway properly drained, which shall at all times, while the
mine is in operation, be kept free from all obstructions that might
prevent travel thereon in case of an emergency, and if either of
said outlets be by shaft, it shall be fitted with safe and available
appliances, such as stairs or hoisting machinery, which shall at all
times, when the mine is in operation, be kept in order and ready
for immediate use, whereby persons employed in the mine may
readily escape in case of an accident, and in addition to the regu-
lar hoisting machinery every shaft used for lowering or hoisting
men shall be provided with a complete emergency windlass, or
other hoisting device of ample strength for hoisting men from the
mine, the same to be approved by the department of mines.
This section shall not apply to any mine while work is being
prosecuted with reasonable diligence in making communication
between said outlets, necessary repairs and removing obstructions,
so long as not more than twenty persons are employed at any one
time in said mine; neither shall it apply to any mine, or part of
a mine, in which a second outlet has been rendered unavailable by
reason of the final robbing of pillars, preparatory to abandonment,
so long as not more than twenty persons are employed therein at
any one time; but before said limited number of men are so per-
mitted to work, approval of the necessity therefor shall first be ob-
tained from the department of mines, by the operator.
For violation of this section the operator, agent, or mine fore-
man, shall, upon conviction, be fined not less than fifty nor more
than five hundred dollars, or be imprisoned in the county jail not
less than ten nor more than ninety days, in the discretion of the
court.

Child Labor; Employment of Females Prohibited.

Sec. 32. No boy under fourteen years of age, nor female per-
s sons of any age, shall be permitted to work in any coal mine.
Whenever any boy is so employed the parent or guardian of such
boy shall make affidavit that his age is fourteen years or more,
which affidavit shall be immediately filed with the employer, in duplicate, one of which said affidavits, in duplicate, shall be immediately filed with the district inspector of the district in which the mine is located, which affidavit shall as to the employer, be conclusive as to the age of such boy. Any operator, agent or mine foreman who shall knowingly violate the provisions of this section, or any person knowingly making a false statement as to the age of any boy under fourteen years of age, applying for work in any coal mine, shall, upon conviction, be fined not less than ten nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Employment of Boys While School is in Session.

Sec. 33. It shall be unlawful for any person, operator, agent or mine foreman, to employ or permit any boy between the ages of fourteen and sixteen years, to work in or about a coal mine at any time in which a free school is in session in the school district where said boy resides. Before any person, operator, agent or mine foreman, employs or permits any boy to work in or about a coal mine at any time in which a free school is in session in the school district where said boy resides, he shall require from the parent or guardian of such boy, affidavits in duplicate, that such boy has, at the time of his employment or permission to work, reached the age of sixteen years. A duplicate of said affidavit, or affidavits, shall be immediately forwarded to the district inspector of the district in which the mine is located. No boy under the age of sixteen shall be employed or permitted to work in or about any coal mine, at any time in a position which, in the opinion of the district inspector, is hazardous. Any person violating the provisions of this section, or making any false statement in the affidavit required herein, shall be guilty of a misdemeanor and upon conviction, fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than thirty days, in the discretion of the court.

Sec. 34. The operator or agent of every coal mine shall annually, during the month of July, mail or deliver to the chief of the department of mines, a report for the preceding twelve months, ending with the thirtieth day of June; such report shall state the names of the operators and officers of the mine, the quantity of
coal mined and such other information, not of a private nature, 7 as may from time to time be required by the chief of the depart­ 8 ment of mines; blank forms of such reports shall be furnished by 9 the chief of the department of mines. At any time any person, 10 company or corporation operating a coal mine shall transfer the 11 ownership of any mine to another person, company or corporation, 12 the person, company or corporation, transferring such ownership 13 shall, within thirty days make a report to the chief of the depart­ 14 ment of mines of such change, and a statement of the tons of coal 15 produced since the first of July last, previous to the date of such 16 sale or transfer of such mine or mines; any operator or agent 17 failing to furnish the reports as required in this section shall be 18 guilty of a misdemeanor, and upon conviction, shall be fined not 19 less than fifty nor more than five hundred dollars, or be im­ 20 prisoned in the county jail not less than thirty nor more than ninety 21 days, in the discretion of the court.

Sec. 35. Any operator, agent, superintendent, or mine fore­ 2 man having in charge any mine, who shall knowingly permit any 3 person to work in any part of a mine in violation of written in­ 4 structions issued by the mine inspector, made in compliance with 5 the requirements of this act, shall, upon conviction, be fined not 6 less than fifty nor more than one hundred dollars for each person 7 permitted to work in violation of such instructions, and any em­ 8 ployees who shall work in violation of such instructions shall, upon 9 conviction, be fined not less than ten nor more than fifty dollars.

Sec. 36. In any mine in which solid shooting is done the 2 district mine inspector is authorized to prescribe the condition 3 under which such solid shooting may be done; any operator, or 4 mine foreman, who causes or permits any solid shooting to be 5 done therein without having first obtained a written permit from 6 the district inspector, or any miner therein who shoots coal from 7 the solid without first having obtained permission so to do from 8 the operator or mine foreman, shall be guilty of a misdemeanor 9 and upon conviction shall be fined not less than ten nor more 10 than fifty dollars, or be imprisoned in the county jail not less 11 than thirty nor more than ninety days, in the discretion of the 12 court.

Sec. 37. No steam locomotive shall be used in mines where 2 men are actually employed in the extraction of coal, except by the
3 consent of the district mine inspector, but this shall not be con-
4 strued to prohibit any mine owner from operating a steam loco-
5 motive through any tunnel, haulway or part of a mine that is
6 not in actual operation and furnishing coal; any operator or agent
7 who violates this section shall be guilty of a misdemeanor and
8 upon conviction shall be fined not less than fifty nor more than
9 five hundred dollars, or be imprisoned in the county jail not less
10 than thirty nor more than ninety days, in the discretion of the
11 court.

Sec. 38. There shall be adopted by the operator of every
2 mine in this state special rules for the government and operation
3 of his mine or mines, covering all the work pertaining thereto in
4 and outside of the same, which, however, shall not be in conflict
5 with the provisions of the mining laws of this state. Such rules
6 when established shall be printed on cardboard, in the languages
7 spoken by ten or more employees, and shall be posted up in the
8 drum house, tipple or some other conspicuous place about the
9 mines where the same may be seen and observed by all the em-
10 ployees at such mines, and when said rules are so posted the same
11 shall operate as a notice to all employees at such mine of their
12 acceptance of the contents thereof; and it shall be the duty of
13 each mine operator to furnish a printed copy of said rules to
14 each of his employees when requested by either or any of them.
15 Any operator or agent who violates the provisions of this section
16 shall be guilty of a misdemeanor, and, upon conviction, shall be
17 fined not less than fifty nor more than five hundred dollars, or
18 be imprisoned in the county jail not less than thirty nor more than
19 ninety days, in the discretion of the court.

Sec. 39. If any operator of a mine shall in any manner
2 refuse to furnish all supplies necessary for the mine foreman to
3 comply with the requirements of this act, after being requested
4 so to do in writing by the mine foreman, he shall be guilty of a
5 misdemeanor, and upon conviction thereof, shall be fined not
6 less than fifty nor more than two hundred dollars, or imprisoned
7 in the county jail not less than thirty nor more than ninety days,
8 in the discretion of the court.

Sec. 40. No miner, workman or other persons, shall know-
2 ingly injure any shaft, lamp, instrument, air course, or brattice,
3 or obstruct or throw open airways or carry matches or open lights
4 in the places worked by safety lamps or disturb any part of the
5 machinery or appliances, open a door used for directing ventil-
6 ation and not close it again, or enter any part of a mine against
7 caution, or disobey any order given in carrying out any of the
8 provisions of this act, or do any other act whereby the life or
9 health of any person employed in the mine or the security of
10 the mine is endangered. Any person who shall violate the pro-
11 visions of this section shall, upon conviction, be fined not less than
12 ten nor more than five hundred dollars, or be imprisoned in the
13 county jail not less than ten nor more than ninety days, in the
14 discretion of the court.

Right of Search.

Sec. 41. The operator, mine foreman, assistant mine fore-
2 man or district inspector may search or cause to be searched any
3 miner or other employee, including mine officials, or any other
4 person, if he has reason to believe that intoxicating drinks, matches
5 or pipes are being carried into the mine where electric or safety
6 lamps are exclusively used.

Sec. 42. Nor shall any person or persons or combination of
2 persons, by force, threats, menaces, or intimidation of any kind,
3 prevent or attempt to prevent from working in or about any mine,
4 any person or persons who have the lawful right to work in or
5 about the same, and who desire so to work; but this provision
6 shall not be so construed as to prevent any two or more persons
7 from associating together under the name of knights of labor, or
8 any other name they may desire, for any lawful purpose, or for
9 using moral suasion or lawful argument to induce any one not
10 to work in and about any mine. Any person or persons who shall
11 violate the provisions of this section shall, upon conviction, be
12 fined not less than fifty nor more than five hundred dollars, or be
13 imprisoned in the county jail not less than ten days nor more
14 than ninety days, in the discretion of the court.

Sec. 43. Whenever by reason of any explosion or other ac-
2 cident in any coal mine, or the machinery connected therewith,
3 loss of life or serious personal injury shall occur, it shall be the
4 duty of the superintendent of the colliery, and in his absence, the
5 mine foreman in charge of the mine, to give notice forthwith,
6 by mail or otherwise, to the chief of the department and the in-
spectator of the district, stating the particulars of such accident; and if any one is killed thereby, to the coroner of the county also, or in his absence or inability to act, to any justice of the peace; and the said inspector shall, if he deems it necessary from the facts reported, immediately go to the scene of such accident and make such suggestions and render such assistance as he may deem necessary for the future safety of the men and investigate the cause of such explosion or accident, and make a record thereof which he shall preserve with the other records of his office; and to enable him to make such investigation, he shall have the power to compel the attendance of witnesses, and to administer oaths or affirmations; and the costs of such investigation shall be paid by the county in which such accident occurred, in the same manner as the costs of the coroner’s inquest are now paid. If the coroner or justice shall determine to hold an inquest upon the body of any person killed, as aforesaid, he shall impanel a jury, no one of whom shall be directly or indirectly interested. The chief of the department of mines, or the district inspector, if present at such inquest, shall have the right to appear and testify and to offer any testimony that may be relevant and to question and cross-question any witness; and the coroner or justice shall deliver to the inspector a copy of the testimony and verdict of the jury.

Any operator, agent, superintendent, or mine foreman, who shall fail to perform the duty provided in this section, shall upon conviction, be guilty of a misdemeanor, and shall be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Sec. 44. No operator, agent or mine foreman shall provide a horse or mule stable inside of any mine unless space for stable is excavated in solid strata of rock, slate or coal. If excavated in the coal seam, the wall shall be built of brick, stone or concrete, not less than four inches in thickness, or steel plates, and the said wall shall be built from the bottom slate to the roof. No wood or other combustible material shall be used in the construction of the inside of said stable. The air current used for the ventilation of the said stable shall not be intermixed with the air current used for ventilating any other portion of the mine,
but shall be conveyed directly to the return air-current. No open lights shall be permitted in any stable in any mine. No hay or straw shall be taken into any mine, unless pressed or made up in compact bales, which shall be kept in a storehouse, built apart from the stable, constructed in the same manner as the stable. Under no circumstances shall hay be stored in the stable. All refuse and waste shall be removed from the stable and shall not be allowed to accumulate in the mine.

Any operator, agent or person who shall fail or refuse to comply with the requirements of this section, after six months from the date upon which this act becomes effective, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Sec. 45. Within six months after this act becomes a law all magazines used for storing powder or other explosives in quantities greater than an estimated daily supply, shall be constructed of non-combustible material and located not less than three hundred feet from any mine opening or buildings used or occupied by any person, or persons; buildings in which the ventilating fan is enclosed shall be constructed of non-combustible material; or otherwise protected from damage by fire, by such safeguards as may be approved by the department of mines.

A violation of this section shall be a misdemeanor and subject the offender to a fine of not less than one hundred dollars, and each month's failure to comply with this section shall be a separate offense.

Sec. 46. After the passage of this act, power houses and all other buildings erected at or near any opening of a mine, shall be constructed of non-combustible material, to be approved by the department of mines.

Any operator, or agent who fails to comply with this section shall, upon conviction, be fined not less than three hundred nor more than five hundred dollars.

Electricity in Mines.

Sec. 47. The operator, agent or mine foreman of any coal mine in which electricity is used as means of power, shall, within six months after the passage of this act, comply with the provisions
of the following sections, forty-eight, forty-nine, fifty, fifty-one and fifty-two.

Sec. 48. On all haulage roads, landings and partings, where two men are required to regularly work or pass under trolley or other bare power wires which are placed less than six and one-half feet above top of rail, a suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wire, which shall extend below it, or the use of other approved devices that afford protection.

Sec. 49. All machine feed wires shall be placed on glass or porcelain insulators, which shall be so placed as to prevent the wires coming in contact with the coal. When machine or feed wires are carried in same entry as trolley wire, they shall be placed on the same side as the trolley wire, between trolley wire and rib and protected so far as practicable from contact therewith, and positive feed wires crossing places where persons or animals are required to travel, shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in the preceding section.

Sec. 50. All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of rooms, when so ordered by the department of mines, and wires may be placed across the necks of rooms when protected as provided for in section forty-eight. Switches or circuit-breakers shall be provided to control the current at the mine, and all important sections in the mine.

Sec. 51. All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

Sec. 52. Electric haulage by locomotives operated from a trolley wire is not permissible in any mines worked by safety or approved electric lamps, except upon the intake airway, fresh from the outside.

For the violation of the foregoing provisions of section forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two the operator, agent or mine foreman, shall, upon conviction, be fined not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.
DEPARTMENT OF MINES.

Electric Coal-Cutting Machines.

Sec. 53. Within six months after this act becomes a law all 2 electric coal-cutting machines used in gaseous portions of the 3 mines shall be flame proof, and be approved by the department of 4 mines. No man shall be placed in charge of a coal-cutting ma- 5 chine in any gaseous portion of a mine who is not a competent 6 person, capable of determining the safety of the roof and the sides 7 of the working places and detecting the presence of explosive gas.

Sec. 54. In any gaseous portion of a mine, a coal-cutting 2 machine shall not be brought within the last break-through next the 3 working face, until the machine man shall have made an inspec- 4 tion for gas in the place where the machine is to work, unless 5 such examination is then made by some other competent person 6 authorized or appointed for that purpose by the mine foreman. 7 If any explosive gas is found in the place, the machine shall not 8 be taken in until the gas is removed.

Sec. 55. In working places where gas is likely to be encoun- 2 tered, a safety lamp, or other suitable apparatus for the detection 3 of fire-damp, shall be provided for use with each machine when 4 working, and should any indication of fire-damp appear on the 5 flame of the safety lamp, or other apparatus used for the detec- 6 tion of fire-damp, the person in charge shall immediately stop the 7 machine, cut off the current at the nearest switch, and report the 8 matter to the mine foreman, or fire boss, and the machine shall 9 not again be started in such place until the mine foreman, fire 10 boss, or a person duly authorized by either has examined it and 11 pronounced it safe.

Sec. 56. No coal-cutting machine shall be continued in oper- 2 ation in a gaseous portion of a mine for a longer period than half 3 an hour without an examination as above described being made 4 for gas, and, if gas is found, the current shall at once be switched 5 off the machine, and the trailing cable shall forthwith be discon- 6 nected from the power supply.

Duties of Machine Men.

Sec. 57. Machine runners and helpers shall use care while 2 operating mining machines. They shall not permit any person to 3 remain near the machine while it is in operation; they shall ex- 4 amine the roof of the working place, and see that it is safe before
starting to operate the machine. They shall not move the machine while the cutter chain is in motion.

For violation of the foregoing provisions of sections fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven the person shall, upon conviction, be fined not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Fire Boss and His Duties.

Sec. 58. It shall be the duty of every mine owner or operator in this state whose mines are known to liberate fire damp or other dangerous gas or gases to employ a fire boss, or bosses, (if necessary), who shall be a citizen or resident of this state, and who shall hold a certificate of competency for such position, issued to him by the department of mines, after taking an examination held by the department of mines under its rules and regulations for such examination. He shall have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps, and shall have a practical knowledge of the subject of the ventilation of mines and the machinery and appliances used for that purpose, and be a person with at least three years' experience in mines liberating explosive gases.

Sec. 59. It shall be the duty of said fire boss, or bosses, where employed in such gaseous mines to prepare a danger signal with red color at the mine entrance and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss, and the same or certain parts thereof reported by him to be safe. It shall further be the duty of said fire boss, or bosses, to go into all the working places of such mine or mines where gas is known to exist, or liable to exist, and carefully examine the same with a safety lamp, and do, or cause to be done, whatever may be necessary to remove from such working place, or places, all dangerous or noxious gases, and make the same safe for persons to enter therein as workmen in such mine or mines; such examination and removal of said gases shall begin within three hours before the time each shift commences work, and it shall be the duty of said fire boss at each examination to leave evidence of his presence at the face of every place examined, by plainly marking on a board at the face for that purpose, the date of examination.
19 tion. If the mine is safe, he shall remove the danger signal at
20 the mine entrance, or change the color thereof to safety, in order
21 that employees may enter said mine and begin work.

Sec. 60. The fire boss shall, upon having completed the ex-
2 amination of the mine before each shift, make a written record
3 of the condition of the mine within a book having a form pre-
4 scribed by the chief of the department of mines, which record shall
5 at all times be kept at the mine, subject to the inspection of the
6 district mine inspector or chief of the department of mines.

Sec. 61. In the performance of the duties devolving upon
2 the fire bosses they shall have no superior officer; but all the em-
3 ployees working inside of said mine or mines shall be subordinate
4 to said fire boss, or bosses, in his particular work.

Sec. 62. It shall be unlawful for any person to enter said
2 mine or mines for any purpose at the beginning of work upon each
3 shift therein until such signal or warning has been given by said
4 fire boss or bosses on the outside of said mine or mines as to the
5 safety thereof, as by statute provided, except under the direction
6 of said fire boss or bosses, and then for the purpose of assisting
7 in making said mine safe; and each person who shall enter such
8 mine except as aforesaid, before such notice or signal has been
9 given, or any operator, agent or fire boss who shall violate the pro-
10 visions of this act, shall be guilty of a misdemeanor and, upon
11 conviction thereof, shall be fined not less than fifty dollars nor
12 more than five hundred dollars, or imprisoned in the county jail
13 not less than sixty days nor more than one year.

Mine Foreman and His Duties.

Sec. 63. In order to better secure the proper ventilation of
2 every coal mine, and promote the health and safety of persons em-
3 ployed therein, the operator or agent shall employ a competent
4 and practical inside overseer, to be called mine foreman, who shall
5 be a citizen or resident of this state, having had at least five years'
6 experience in the working, ventilation and drainage of coal mines,
7 and who shall hold a certificate of competency for such position,
8 issued to him by the department of mines, after taking an exami-
9 nation held by the department of mines under its rules and regu-
10 lations for such examination. In mines in which the operations are
11 so extensive that all the duties devolving upon the mine foreman
12 cannot be discharged by one man, competent persons having had
at least three years’ experience in coal mines may be designated
and appointed as assistants, who shall act under the mine foreman’s
instruction, and shall be responsible for their conduct in the dis-
charge of their duties under such designation or employment.

Sec. 64. The duties of the mine foreman shall be to keep a
careful watch over the ventilating apparatus and the airways,
traveling ways, pumps and drainage; and shall see that as the
miners advance their excavations, proper break-throughs are made
as required by law to properly ventilate the mine, and that all
loose coal, slate and rock overhead in the working places and along
the haulways be removed or carefully secured so as to prevent
danger to persons employed in such mines; and that sufficient
props, caps and timbers, as nearly as possible of suitable dimen-
sions, are furnished for the places where they are to be used, and
such props, caps and timbers shall be delivered and placed at
such points, as the rules for the government of each respective
mine provide for them to be delivered. The said mine foreman
shall have all water drained or hauled out of the working places
where the same is practicable before the miners enter and said
working places kept dry as far as practicable while the miners are
at work. It shall be the duty of the mine foreman to see that the
cross-cuts are made, as required by law; that the ventilation shall
be conducted by means of said cross-cuts through the rooms by
means of check doors placed on the entries or other suitable places,
and he shall not permit any room to be opened in advance of the
ventilating current. The mine foreman shall measure the air cur-
rent with an anemometer at least twice each month at the inlet
and outlet and at or near the faces of the advanced headings, and
shall keep a record of such measurements in a book having a form
prescribed by the chief of the department of mines; sign boards
directing the way to outlets or escape way shall be conspicuously
placed throughout the mine.

Sec. 65. The mine foreman shall require that all slopes, en-
gine planes and haulage roads used by any persons in the mine
shall be made of sufficient width to permit persons to pass mov-
ing cars with safety; or refuge holes shall be made on one side of
said haulage road not less than five feet in width, nor less than
four feet in depth, and on a level with the road. The refuge
holes shall be not more than sixty feet apart, and shall be kept
Sec. 66. On all haulways, where hauling is done by machinery of any kind, the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and rear of every trip or train of cars when in motion in a mine. When hoisting or lowering of men occurs in the morning before daylight, or in the evening, after darkness, at any mine operated by shaft, the mine foreman shall provide and maintain at the shaft mouth a light of a stationary character sufficient to show the landing and all surrounding subjects distinctly, and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects closely contiguous thereto. The mine foreman shall require that no cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute, and that no mine cars, either empty or loaded, shall be hoisted while men are being lowered or hoisted, and no cages having an unstable self-dumping platform shall be used for the carrying of workmen unless the same is provided with some device by which the same may be securely locked when men are being hoisted or lowered into the mine.

Mine Foreman and Assistants.

Sec. 67. It shall further be the duty of the mine foreman to have bore boles kept, not less than twelve feet in advance of the face, and, where necessary, on sides of the working places that are being driven toward and in dangerous proximity to an abandoned mine, or part of mine, suspected of containing inflammable gases or which is filled with water.

Sec. 68. It shall be the duty of the mine foreman, or the assistant mine foreman, of every coal mine in this state to see that every person employed to work in such mine shall, before beginning to work therein, be instructed in the particular danger incident to his work in such mine, and furnished a copy of the mining law and rules of such mine. Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant or such other experienced worker as may be designa-
Sec. 69. The mine foreman or his assistants shall visit and carefully examine each working place in the mine each day while the miners of such places are at work, and shall direct that each and every working place shall be secured by props or timbers where necessary, to the end that the working places shall be made safe; should the mine foreman or his assistants find a place to be in a dangerous condition, they shall not leave the place until it is made safe, or remove the persons working therein until the place is made safe by some competent persons designated for that purpose.

Sec. 70. The mine foreman shall see that every mine liberating explosive gas is kept free of standing gas in all working places and roadways. Any accumulations of explosive gas or noxious gases in the worked out or abandoned portions of any mine shall be removed as soon as possible after its discovery, if it is practicable to remove it. No person who may be endangered by the presence of said explosive gas or noxious gases shall be allowed in that portion of the mine until said gases have been removed. The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked out and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon said fencing to warn persons of the existing danger.

Removal of All Dangers Reported.

Sec. 71. The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss, or any other person working in the mine, and in case it is impracticable to remove the danger at once, he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall, at least once each week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found, with ink in the book provided for that purpose.

Sec. 72. The mine foreman shall notify, in writing, the operator or agent of the mine of his inability to comply with any
of the requirements of these sections, and it shall then become the 
duty of any operator or agent to at once attend to the matter 
complained of by the mine foreman so as to enable him to com-
ply with the provisions hereof if the same can be practicably done. 
Any operator or agent of any coal mine, or other person, who 
shall neglect to comply with the requirements of this section 
shall, upon conviction, be guilty of a misdemeanor and shall be 
fined not less than fifty nor more than five hundred dollars, or 
be imprisoned in the county jail not less than ten days nor more 
than ninety days, in the discretion of the court.

Countersigning Fire Bosses' Report.

Sec. 73. The mine foreman shall also, each day, read care-
fully and countersign with ink all reports entered in the record 
book of the fire bosses.

Any operator, mine foreman or assistant mine foreman fail-
ing to comply with any of the provisions of sections sixty-seven, 
sixty-eight, sixty-nine, seventy, seventy-one, seventy-two and sev-
enty-three, shall, upon conviction, be fined not less than twenty-
five nor more than one hundred dollars, or imprisoned in the 
county jail not less than ten days nor more than ninety days, in 
the discretion of the court.

Sec. 74. In case of the death or resignation of a mine fore-
man, the superintendent or manager, shall appoint a certified man, 
if one be available; and if not, he may temporarily appoint any 
other competent man who may serve with the approval of the 
chief of the department of mines until the next examination. He 
shall while acting as mine foreman be liable to the same penalty 
as the mine foreman for any violation of this act.

Explosives and Haulage.

Sec. 75. No miner or other employee shall take into any 
mine in this state any larger quantity of powder or other explo-
sive than he may reasonably expect to use in any one shift, and 
all powder shall be carried into the mine in a metallic cannister, 
or fibre receptacle, of a capacity not to exceed five pounds, which 
shall be properly closed with an approved top.

Sec. 76. Every miner shall thoroughly examine the roof 
and general conditions of his working place before commencing
3 work, and if he finds loose rock or other dangerous conditions.  
4 he shall not commence work in such place unless he is granted  
5 permission by the mine foreman or his assistants.

Sec. 77. Every workman in want of props, cap pieces and  
2 timbers shall notify the mine foreman, or such other person who  
3 may be designated for that purpose, at least one day in advance,  
4 giving the length and number of props or timbers and cap pieces  
5 he requires; but in case of an emergency the timbers may be or-  
6 dered immediately upon discovery of any danger; and it shall  
7 be the duty of each miner to properly prop and secure his place  
8 in order to make the same secure for him to work therein.

Sec. 78. No shots shall be fired in any place known to  
2 liberate explosive gas until such place has been properly examined  
3 by a competent person who is designated for that purpose, and  
4 no shots shall be fired in any place where gas is detected until  
5 said gas has been removed by means of ventilation.

Sec. 79. No miner shall fire more than one shot at a time,  
2 and after firing said shot he shall not return to the working place  
3 until the smoke has cleared away; and before starting to work  
4 he shall make a careful examination as to the condition of the  
5 roof, and do what is necessary to make himself safe before be-  
6 ginning to load coal.

Sec. 80. In no case shall more than one kind of explosive  
2 be used in the same drill hole. Every blasting hole shall be  
3 tamped full from the explosive to the mouth and no coal dust  
4 or inflammable material shall be used for tamping. No fuse  
5 shall be used unless permission is granted by the mine foreman;  
6 and in no case shall fuse be used of less length than the drill  
7 hole, nor shall dynamite be used in blasting coal. Where per-  
8 missible explosives are used the detonators and explosives shall be  
9 kept separate; no black powder, high explosives, or detonators  
10 shall be hauled on any trip operated by electric haulage motors,  
11 unless enclosed in non-conducting boxes approved by the district  
12 inspector.

Sec. 81. No person, except the persons necessary to operate  
2 the trip or car, shall ride on any loaded car or on the outside of  
3 any car, or get on or off a car while in motion. No person shall  
4 be permitted to or shall enter, work in or about the mine or mine  
5 buildings, tracks, or machinery connected therewith while under  
6 the influence of intoxicants.
Duties of Motormen and Trip Riders.

Sec. 82. Motormen and trip riders shall use care in handling locomotive and cars. It shall be their duty to see that there is a conspicuous light on the front and rear of each trip or train of cars when in motion. They shall not permit any person or persons to ride on locomotives or loaded cars unless granted permission by the mine foreman.

Any person or persons who shall violate the provisions of sections seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one or eighty-two, shall, upon conviction, be fined not less than ten nor more than fifty dollars, or be imprisoned in the county jail not less than ten nor more than sixty days, in the discretion of the court.

Reporting Accidents.

Sec. 83. Whenever any accident occurs in or about any coal mine to any employee or person connected with the mining operation, resulting in personal injury or death, the operator or agent shall, within twenty-four hours after the happening of such accident, report the same to the chief of the department of mines, and to the district mine inspector of the district in which the accident occurs, in writing, giving full details thereof upon forms prescribed and furnished by the department of mines.

Any operator or agent failing to comply with the provisions of this section shall, upon conviction, be fined not less than ten nor more than fifty dollars, or imprisoned in the county jail not less than ten nor more than thirty days.

Sec. 84. There is hereby established in the college of engineering of the West Virginia university a mining experiment station (or bureau of mine research), which shall have for its purpose the conducting of investigations and making tests, to better safeguard the lives of miners, and to bring about greater efficiency and conservation in the mining and mineral industries; to make such tests and investigations as may be required by the department of mines in the prosecution of its work, to conduct such experiments and tests as may promote the development of the mineral industries of the state, to co-operate with the department of mines in the investigation of the cause of mine disasters, and common mine accidents.
The work of the mining experiment station (or bureau of mine research) shall be conducted under such rules, regulations, and methods as may be prescribed by the board of regents and approved by the department of mines.

Definitions.

Sec. 85. Mine: In this act the term "mine" includes the shafts, slopes, drifts, or incline planes connected with excavations penetrating coal stratum or strata, which excavations are ventilated by one general air current, or divisions thereof, and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, when such is operated by one operator.

Excavations and Workings: The term "excavations and workings" includes all the excavated portions of a mine, those abandoned as well as the places actually being worked; also all underground workings and shafts, tunnels, and other ways and openings, and all such shafts, slopes, tunnels, and other openings in the course of being sunk or driven, together with all roads, appliances, machinery, and material connected with the same below the surface.

Shaft: The term "shaft" means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage, or for hoisting men or material, or both, in connection with the mining of coal.

Slope: The term "slope" means an incline or opening used for the same purpose as a shaft.

Operator: The term "operator" means any firm, corporation, or individual operating any coal mine, or any part thereof.

Superintendent: The term "superintendent" means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine Foreman: The term "mine foreman" means the person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

Approved Safety Lamps or Electric Lamps: The term "approved safety lamps or electric lamps" shall mean any safety lamp, or electric lamp, approved by the department of mines.
Sec. 86. The provisions of this act shall apply only to coal mines in which five or more persons are employed in a period of twenty-four hours; but no mine employing less than ten men shall be required to employ a mine foreman.

Sec. 87. In all prosecutions under this act the circuit court, criminal court, intermediate court and justice of the peace, shall have concurrent jurisdiction, with right of appeal.

Sec. 88. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 11.
(SENATE BILL No. 129.)

AN ACT to create a state department of health, defining its powers and duties; to change the name of the state board of health, and limit and define its duties; to amend the public health laws; to invest the department of health with the management and control of the state tuberculosis sanitarium; to provide penalties for violation; and to appropriate money for purposes of public health.

(Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.)

Sec. 1. State department of health created: shall exercise the powers and duties now conferred upon board of health: other powers and duties provided for: shall consist of commissioner of health, office at seat of government: public health council: commissioner ex-officio member: directors and other employees provided for.

2. Commissioner appointed by the governor and confirmed by the senate, shall be a skilled physician, experienced in public health administration: term of office, salary and expenses: to engage in no other business: head of health department, member of public health council: duties: to administer laws of the department: prepare rules of public health council: appoint, remove, and fix compensation, not to exceed appropriation therefore: assist local health officers in making annual survey, maintaining sanitary supervision: determine jurisdiction of local health officers: study cause of excessive mortality or morbidity: promote registration of births, deaths, and notifiable diseases: inspect and report sanitary conditions of schools, school houses, public conveyances, dairies, creameries, slaughter houses, workshops, factories, labor camps, hotels and other trades and industries: enlist cooperation of physicians, promulgate information pertaining to public health: perform executive duties now required of state board of health: shall provide for necessary offices and equipment: make report, make recommendations: report shall be privileged and distributed: shall report as to designated subject matter upon request of governor: may direct officials of department in the study, control, suppression and prevention of diseases: necessary expenses to be paid while in performance of such duty.

3. Public health council consists of commissioner and six other members: appointed by governor and confirmed by senate: must be graduates of regular medical school, with five years...
Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created and established a state department of health, which shall be constituted as provided in this act, and shall exercise all the powers and duties now conferred and imposed by law upon the state board of health, and such other powers and duties as are herein provided for.

The state department of health shall consist of a commis-
7 sioner of health, whose office shall be located at the seat of gov-
8 ernment; a public health council, of which the commissioner shall
9 be an *ex-officio* member; directors of divisions, and other em-
10 ployees as herein provided for.

Sec. 2. The commissioner of health shall be appointed by
2 the governor, by and with the consent of the senate, and shall be
3 a physician skilled in sanitary science, and experienced in public
4 health administration. The term of office of the commissioner of
5 health shall be four years; he shall receive an annual salary of
6 three thousand dollars and necessary expenses incurred in the per-
7 formance of official business, and shall not engage in any other oc-
8 cupation or business.

The commissioner of health shall be the administrative head
10 of the state department of health and he shall be *ex-officio* a mem-
11 ber of its public health council. His duties shall be to administer
12 the laws and regulations of the department; to prepare rules and
13 regulations for the consideration of the public health council;
14 and with the approval of said council, to appoint, remove, and fix
15 the compensation of the directors of divisions and all other em-
16 ployees; but said compensation shall be within the limitations of
17 appropriation therefor; to advise with the public health council;
18 keep himself informed as to the work of each local health officer
19 within the state; aid each health officer in the performance of his
20 duties; assist each local health officer in making an annual san-
21 tary survey of the territory within his jurisdiction, and in main-
22 taining therein a continuous sanitary supervision; adjust ques-
23 tions of jurisdiction arising between local health officers within
24 the state; study the cause of excessive mortality or morbidity
25 from any disease in any portion of the state; promote efficient
26 registration of births, deaths, and notifiable diseases; inspect and
27 report from time to time the sanitary condition of institutions,
28 schools and schoolhouses, public conveyances, dairies, creameries,
29 slaughter houses, workshops, factories, labor camps, hotels, and
30 places where offensive trades or industries are conducted; inspect
31 and report the sanitary condition of streams, sources of water
32 supply, and sewerage facilities; endeavor to enlist the co-operation
33 of all physicians, and volunteer health organizations in the im-
34 provement of public health; promulgate information to the gen-
35 eral public in all matters pertaining to the public health. He
36 shall perform all executive duties now required by law of the state
board of health and other customary duties incident to his position as chief executive officer, and shall provide for offices and equipment necessary for the transaction of the business of the state department of health, out of funds appropriated for the state department of health.

He shall submit annually to the governor on or before the first day of November, or as soon thereafter as practicable, a report of the operations of the department, with any recommendations he may have to make, which report shall be printed and distributed as soon as practicable thereafter in the same manner as other public documents of the state.

The commissioner whenever required by the governor shall report to him as to any designated subject or matter, and furnish such information as may be required.

The commissioner of health may direct any official or employee of the state department of health to assist in the study, control, suppression and prevention of diseases in any part of the state, and necessary expenses shall be paid while in the performance of such duty.

Sec. 3. The public health council shall consist of the commissioner of health and six other members, who shall be appointed by the governor, by and with the consent of the senate. Said commissioner and other members shall be graduates of a regular medical school and shall have had at least five years' experience in the practice of medicine. Of the members, other than the commissioner, first appointed, three shall hold office for two years, and three for four years; the terms of office of members thereafter appointed, except to fill vacancies, shall be four years. Vacancies shall be filled by appointment for the unexpired term. The public health council shall meet at least twice a year, and at such other times as they shall determine by their rules, or upon the request of the commissioner of health, the members, other than the commissioner, to receive ten dollars per diem, not to exceed sixty days in any one calendar year, and actual and necessary traveling expenses, when engaged in the actual discharge of their duties.

The public health council shall elect one of its members president, whose term of office shall be two years. The commissioner of health shall be secretary of the public health council.

It shall be the duty of the public health council to promul-
22 gate rules and regulations; take evidence in appeals; approve
23 plans and appointments; hold hearings; advise with the com-
24 missioner of health; define the qualifications of local health au-
25 thorities, and directors of divisions, (said directors of divisions
26 shall be graduates of reputable colleges) and discharge other like
27 duties required by law of the present state board of health.
28 The public health council shall have power, by the affirmative
29 vote of the majority of its members, to establish and from time to
30 time, amend regulations under the public health laws, the en-
31 forcement of which devolves upon the state commissioner of health.
32 Every general regulation adopted by the public health council
33 shall state the day on which it takes effect, and a copy thereof, duly
34 signed by the commissioner of health, shall be filed in the office of
35 the secretary of state, and a copy thereof shall be sent by the com-
36 missioner of health to each health officer within the state, and shall
37 be published in such manner as the public health council may de-
38 termine. Any violation of the regulations so promulgated when
39 said regulations are reasonable and not inconsistent with the law
40 shall be a misdemeanor, and punishable by a fine of not less than
41 ten dollars nor more than three hundred dollars, and by im-
42 prisonment, in the discretion of the court, for not more than
43 thirty days in the county jail.

Sec. 4. Inspectors, examiners or other persons appointed
2 by the commissioner of health may be appointed at such time or
3 times as by him deemed necessary; and they shall act as repre-
4 sentatives of the commissioner of health, and under his direction,
5 shall secure the enforcement of the provisions of the public health
6 laws and regulations, and shall have the right of entry into any
7 workshop, public school, factory, dairy, creamery, slaughter house,
8 hotel, or other place of business or employment, or any common
9 carrier or public utility when in the discharge of official duties.
10 Any person interfering with or attempting to interfere with any
11 inspector, examiner or any other duly authorized employee of the
12 commissioner in the discharge of his duties under this section
13 shall be guilty of a misdemeanor and upon conviction fined not ex-
14 ceeding one hundred dollars.

Sec. 5. There shall be in the state department of health the
2 following divisions:
3 Division of preventable diseases;
4 Division of sanitary engineering.
The commissioner of health shall appoint, with the advice of the public health council, a director to take charge of each division and shall prescribe, with the advice of the public health council, the duties pertaining to each division and arrangement of the sub-divisions, if any, thereof. The compensation of directors of divisions shall be fixed by the governor and commissioner of health, in the manner herein provided.

Sec. 6. The state department of health shall have the authority to enforce all the laws of the state concerning the public health, and shall take care to protect the life and health of the inhabitants of the state and to that end shall make or cause to be made sanitary investigations and inquiries respecting the cause of diseases, especially of epidemics, endemics and the means of prevention, suppression or control, the source of mortality and the effects of localities, employments, habits and circumstances of life on the public health, and shall gather information in respect to these matters, and kindred subjects for diffusion among the people. It shall inspect and examine food, drink and drugs offered for sale or public consumption in such manner as shall be deemed necessary, and shall report all violations of all laws of this state relating to pure food, drink and drugs to the prosecuting attorney of the county in which such violations occur, and lay before such prosecuting attorney the evidence in its knowledge of such violations. The commissioner of health, or any member of the public health council, may make complaint and cause proceedings to be instituted against any person or persons or corporation for a violation of any of the health laws of this state, without the sanction of the prosecuting attorney of the county in which proceedings are instituted, if said officer fail or refuse to discharge his duty, and in no such cases shall they be required to give security for costs.

Sec. 7. Whenever the character and location of plumbing, drainage, water supply, sewers and disposal of sewage, garbage, or other waste materials of cities, towns and villages, offensive trades, hotels and labor camps; and the ventilation, warming, natural lighting and excreta disposal in public utilities, in public halls, churches, school houses, work shops, prisons and all other public institutions, are such as to endanger the public health, the public health council shall have power to make and enforce rules regulating the same.
10. It shall promulgate and recommend regulations, not inconsistent with law, governing the disposal of excreta in coal mines, examine into and advise with the chief of department of mines as to the ventilation of coal mines, and how to treat promptly accidents resulting from poisonous gases. Nothing herein contained shall be construed to give the state department of health the power to regulate or interfere with the drainage from any mine or manufacturing plant unless the drainage from said mine or manufacturing plant shall contain disease-producing bacteria in sufficient numbers to endanger health. The state department of health is empowered to establish and strictly maintain quarantine at such places as it may deem proper, and may adopt rules and regulations to obstruct and prevent the introduction or spread of smallpox or other contagious or infectious diseases into or within the state, and shall have the power to enforce these regulations by detention and arrest, if necessary. It shall have power to enter into any town, city, factory, railroad train, steamboat, or other place whatsoever, and enter upon and inspect private property for the purpose of investigating the sanitary and hygienic conditions and the presence of cases of contagious and infectious diseases, and may, at its discretion, take charge of any epidemic or endemic conditions, and enforce such regulations as it may prescribe. All expenses for guards, or other expenses incurred in controlling any endemic or epidemic conditions shall be paid by the county or municipality in which such epidemic occurs.

35. The state department of health shall provide, at its discretion, vaccine lymph, diphtheria antitoxin, tetanus antitoxin and other forms of serum or vaccine preventives of disease that it may deem necessary, and distribute same free of charge to county and municipal health officers, to be used for the benefit of the poor and indigent, and in other cases where it may be urgently necessary to check contagious and control epidemics.

Sec. 8. The commissioner of health shall inquire into and investigate all nuisances affecting the public health in any county, city or village in the state, and is authorized and empowered to apply to the judges or to any judge of the circuit court for the county in which such nuisance shall exist, in term or vacation, for an injunction forthwith to restrain, prevent or abate such nuisances.

Sec. 9. When in the opinion of the public health council any
2 local health authority shall fail or refuse to enforce necessary laws 
3 and regulations to prevent and control the spread of contagious or 
4 infectious disease declared to be dangerous to the public health. 
5 or when, in the opinion of the said council, a public health emer-
6 gency exists, the commissioner of health may enforce the rules and 
7 regulations of the state department of health within the territorial 
8 jurisdiction of such local health authorities, and for that purpose 
9 shall have and may exercise all the powers given by statutes to local 
10 health authorities; all expenses so incurred to be a charge against 
11 the counties, cities, or towns concerned. And in such cases, the 
12 failure or refusal of any local health officer or local 
13 health body, to carry out the lawful orders and regula-
14 tions of the public health council, shall be sufficient cause for the 
15 removal of such local health officer or local health body from office, 
16 and upon such removal the proper county or municipal authorities 
17 shall at once nominate a successor other than the person removed 
18 as now provided by law.

Sec. 10. The public health council shall make regulations to 
2 provide clean and safe milk and fresh milk products and when pro-
3 mulgated these regulations shall be the minimum requirements to 
4 be enforced by local health authorities throughout the state.

Sec. 11. The state department of health shall have the advisory 
2 medical supervision of the state tuberculosis sanitarium, and the 
3 state board of control shall have the control of the business and fis-
4 cal affairs thereof. The director of the division of preventable dis-
5 eases under the supervision of the commissioner of health, shall en-
6 courage measures for the suppression of tuberculosis, such as clin-
7 ics, camps, open air schools, sanataria, district nursing, anti-tuber-
8 culosis societies, diffusion of knowledge, and other means.

Sec. 12. The public health council, consisting of the com-
2 missioner of health and six other members as specified in section 
3 three of this act, shall, in addition to the duties hereinbefore or 
4 hereinafter specified, examine all applicants for license for the 
5 practice of medicine and surgery in this state, and issue certifi-
6 cates of license to all applicants who are legally entitled to receive 
7 same; and said certificates of license shall be signed by the presi-
8 dent of the council and by the commissioner of health as secretary 
9 thereof. The examination of applicants and the issuing of certifi-
10 cates of license thereto shall be governed by sections nine, ten and 
11 eleven of chapter one hundred and fifty of the code of West Vir-
ginia, and the words "state board of health," wherever used in said sections, shall mean public health council, as established by this act. The term "practice of medicine and surgery" as used by this act shall be construed to be treatment of any human ailment or infirmity by any method. To open an office for such purpose or to announce to the public in any way a readiness to treat the sick or afflicted, shall be deemed to engage in the practice of medicine and surgery within the meaning of this act; provided, this clause shall not apply, however, to regularly registered optometrists.

Sec. 13. The commissioner of health, may, with the advice of the public health council, establish branches of the hygienic laboratory at such points within the state as he may deem necessary in the interest of the public health to insure prompt bacteriologic examinations, and for said purpose may expend annually a sum not in excess of one thousand dollars. The right of appeal from any order of the public health council or any of its officers or agents, shall lie to the circuit court of the county where the property rights or personal liberties have been affected, and the right of appeal shall be limited to thirty days from the time a general order is entered.

Any two or more counties may combine to co-operate with the state department of health, either by special vote or by vote of their respective boards of health, and participate in the employment of trained health officers and other agents or in the installation and maintenance of a common laboratory and other equipment. Whenever such counties shall decide to so co-operate and shall appropriate a sum or sums of money for such joint or co-operative action, a sum equal to two-fifths of the total amount contributed by the co-operating counties, shall be added thereto from the appropriation made for the state department of health; provided, that the general place of co-operation, as well as the principal health officer, executive agent or laboratory director employed by such counties shall first have been approved by the public health council; and, provided, further, that no sum so paid to any group of counties, shall exceed five hundred dollars in any one year; and provided such co-operation by the state department of health shall be limited to not more than three thousand dollars annually.

Sec. 14. All acts and parts of acts inconsistent with this act are hereby repealed.
CHAPTER 12.

(House Bill No. 103.)

AN ACT to amend and re-enact chapter fifteen-h of the code of West Virginia, to provide for the establishment of a state bureau of labor, to be under the control and management of a commissioner, to be known as the state commissioner of labor.

(Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.)

SEC. 1. State commissioner of labor, appointed by the governor and confirmed by the senate; term; vacancies.

SEC. 2. Duties of commissioner: report to governor; to visit and inspect factories and workshops of state.

SEC. 3. Power of commissioner: may require persons or companies employing labor to give information essential to the discharge of his duties; refusal or neglect to give such information punishable by fine.

SEC. 4. Commissioner to report violations to prosecuting attorney: his duties: conviction, a misdemeanor, punishable by fine or imprisonment or both.

SEC. 5. Commissioner to be furnished information by State, county, district and city officers upon request; shall report to governor by December first of each year, suggesting necessary legislation to promote prosperity and to protect the lives and health and promote prosperity of the persons employed.

SEC. 6. Commissioner shall appoint not more than two factory inspectors; may divide state into inspection districts; salary and expenses; shall appoint a chief clerk, salary; stenographer, salary.

SEC. 7. Commissioner’s salary not to exceed two thousand four hundred dollars per annum; allowed actual travelling expenses.

SEC. 8. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen-h of the code of West Virginia, providing for the establishment of a state bureau of labor, to be under the control and management of a commissioner, to be known as the state commissioner of labor, be amended and re-enacted so as to read as follows:

Section 1. The governor shall, with the advice and consent of the senate, appoint a competent person, who is identified with the labor interests of the state, to be state commissioner of labor, who shall hold his office for a term of four years and until his successor is appointed and qualified. In case of a vacancy in the office of the commissioner of labor, caused by death, resignation, removal or otherwise, the governor shall appoint a commissioner of labor for the unexpired term in the manner above provided.

Sec. 2. It shall be the duty of the commissioner of labor to collect, compile and present to the governor an annual report, statistical details relating to all departments of labor and the industrial interests of the state, especially in relation to the financial, social, educational and sanitary condition of the laboring
6 classes, and all statistical information that may tend to increase
7 the prosperity of the productive industries of the state. He shall,
8 once at least in every year, visit and inspect the principal fac-
9 tories and workshops of the state; and shall, upon complaint and
10 request of any three or more reputable citizens, visit and inspect
11 any place where labor is employed and make true report of the
12 result of his inspection.

Sec. 3. The commissioner of labor shall have power, in
2 the discharge of his duties, to enter and inspect any public insti-
3 tution of the state and any factory, workshop or other place where
4 labor is employed. He may furnish a written or printed list of
5 interrogatories asking information essential to a proper discharge
6 of his duties, to any person, company or corporation employing
7 labor, and require full and complete answers thereto. And if any
8 person, or the officers of any company or corporation shall neglect
9 or refuse to answer, within a reasonable time, any proper ques-
10 tion propounded to him by the commissioner of labor, or if any
11 person or the officers of any company or corporation to whom a list
12 of interrogatories has been furnished, shall neglect or refuse to
13 fully and truthfully answer and return the same, such person or
14 such officer of such company or corporation shall be deemed guilty
15 of a misdemeanor.

Sec. 4. The commissioner of labor shall report to the
2 prosecuting attorney of the proper county all such violations
3 of this act; whereupon said prosecuting attorney shall proceed
4 against the guilty persons thereof, as in any other cases of mis-
5 demeanor; and any person, or any officer, or any company or
6 corporation, convicted in such proceedings shall be fined not less
7 than ten dollars, nor more than fifty dollars, or shall be con-
8 fined in the county jail not less than ten nor more than ninety
9 days, or shall be both fined and imprisoned within the above limits.

Sec. 5. All state, county, district and city officers shall
2 furnish the commissioner of labor, upon request, all statistical
3 information relating to labor which may be in their possession
4 as such officers. The commissioner of labor shall report to the
5 governor, on or before the first day of December in each year, all
6 the statistics he has collected and compiled, with such sugges-
7 tions as he may deem advisable as to legislation tending to pro-
8 mote and increase the prosperity of the industrial establishments
Sec. 6. The commissioner of labor, shall by written order filed with the governor, appoint not more than two factory inspectors who shall be under the supervision of the commissioner of labor. The commissioner of labor may at any time when the conditions are changed or in his discretion the good of the service requires, by an order filed with the governor, divide the state into inspection districts as to him may seem advisable.

The salary of a factory inspector shall be twelve hundred dollars per annum and necessary traveling and hotel expenses.

The commissioner of labor shall appoint a chief clerk whose salary shall not exceed twelve hundred dollars per annum and a stenographer whose salary shall not exceed nine hundred dollars per annum.

Sec. 7. The salary of the commissioner of labor provided for in this act, shall be two thousand four hundred dollars per annum, and he shall be allowed his actual and necessary traveling and incidental expenses.

Sec. 8. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 13.

(House Bill No. 60.)

AN ACT providing for the prevention, control and eradication of infectious, contagious or otherwise communicable diseases among domestic animals and poultry, and providing for quarantine and such rules and regulations as may be necessary for its enforcement.

(Passed February 16, 1915. In effect from passage. Approved by the Governor February 25, 1915.)

Sec. 1. Providing for the prevention, control and eradication of diseases among domestic animals and poultry; certain words defined, (a) "domestic animal" (b) "owner," (c) "person," (d) "premises.

Sec. 2. Commissioner of agriculture, duties; may prohibit importation of animals or poultry, may cause quarantine, may cause disinfection of premises, may cause destruction of animals or poultry, may prohibit transportation of animals and poultry from one place to another, may cause investigations regarding the causes, and methods of preventing, controlling and eradicating diseases.

Sec. 3. Commissioner may employ veterinarians who must be graduates.
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SEC. of veterinary colleges; commissioner shall enforce this act; collect and disseminate information; consulting veterinarians to receive five dollars per diem and actual expenses, to be paid out of current appropriation.

4. Commissioner may appoint city veterinary, sanitary officer as deputy state veterinarian; such officer to receive but one salary; appointment revocable by commissioner after written notice to the contrary; authorized to appoint veterinarians to examine animals to be moved to states where laws require such examination; shall specify and regulate fees for examinations, and remove veterinarian whenever he may see fit; no charge shall be made against the state for services rendered.

5. Power of enforcement of this act: may enter on buildings, private or public; shall have power to call on sheriffs and their deputies, constables and police officers, mayors of cities, city and town agents, to assist in the enforcement of this act; duty of such officers to assist: failure or refusal to act punishable by fine.

6. Various diseases to be immediately reported to the commissioner by every practitioner of veterinary medicine in the state upon receiving information thereof: report shall be in writing; duty of every person to report to commissioner any animal suspected to be affected with any contagious, infectious or communicable disease: failure to report persons interfering with or obstructing the commissioner or consulting veterinarians in the discharge of their duties, misdemeanor punishable by fine.

7. Unlawful to drive into this state any animal affected with contagious, infectious or communicable diseases or born in subject to certain restrictions unless accompanied by a certificate of good health issued by accredited authority; certificate to be made in triplicate: animals not accompanied by a certificate of health may be placed in quarantine by commissioner at owner's expense; such expenses collectible by law; importation restricted: certain animals excepted: commissioner may prohibit entirely or restrict importations.

8. Importation of domestic animals for dairy and breeding purposes restricted: health certificate to be issued by person duly authorized to issue same to be made in triplicate, original to accompany way bill; what certificate and chart must show; herd certificate may be used in lieu of tuberculin test chart; animals for immediate slaughter or for temporary purposes not affected by sections seven and eight; commissioner may issue duration permits; certain animals not subject to tuberculin test: commissioner may refuse to permit inspection of animals when genuineness of health certificate is questioned.

9. Any bovine animal not accompanied by health certificate brought into this state subject to section seven and to certain regulations; animal to be held in quarantine for physical examination by the commissioner or his agent; such to be at expense of owner.

10. When quarantine may be established: special and general terms defined: power to establish quarantine, duties of powers to establish special quarantine, by whom: general quarantine, by whom; necessary to post notices, publication required.

11. Quarantine established by commissioner by posting notices: special permit necessary to remove any quarantined animal or food; unlawful for dog to run at large in quarantined locality; no liability for destroying animal having escaped from such quarantine.

12. Unlawful to tear down notices of quarantine.

13. Unlawful for owner of any domestic animal to allow same to run at large within limits of quarantine; animal to be taken up by constable and held at expense of owner; pay for such services; excess of fees to be paid to owner, if known, and if not known, into state treasury.

14. Suitable quarters shall be provided for quarantined animals, at expense of owner: animal found fault for ten days such animals to be sold at public auction for such expenses: any surplus to go to owner; no animal to be removed until such expenses are paid.

15. To prevent spread of disease carcass of animal shall be destroyed: first, by cremation; second, by boiling carcass or heating same with steam; third, by burying carcass of such animals to be covered by quick lime: duty of owner of such animal to destroy or dispose of carcass of such animal at owner's expense.

16. Transporting diseased animals prohibited except upon written permit of commissioner or his agents.

17. Making tuberculin tests: who may make such tests; tests to be made under rules made by commissioner; infected animals to be marked or branded with capital letter T: pure bred animals may be kept by owner under certain restrictions; ani-
animals deemed tuberculous shall be slaughtered; appraised before being slaughtered; owner entitled to indemnity; animal to be appraised before being slaughtered; commissioner or agent shall act as appraiser; amount of appraisal not to exceed seventy-five dollars; if appraisal is not satisfactory to owner arbitrators shall be appointed; fees for appraisal; commissioner or his agent shall prescribe manner of disposal of carcass of slaughtered animal; commissioner or his agent shall furnish the owner with list of animal's found to be tuberculous, the date when and place of slaughter; officer designated to supervise slaughter; the appraised value of animal or animals, the name and address of the owner; owner shall be indemnified by officer supervising slaughter according to the following rules: (1) animal found not to be infected to be sold, the price received to be deducted from amount of appraisal, the balance, if any, to be paid the owner; (2) if animal is found to be affected and the lesions are such that parts are passed for food, the veterinarian shall sell same for the best price obtainable when price shall be paid the owner and deducted from eighty per centum of amount of appraisal, the balance if any shall be paid the owner; (3) if animal is condemned for offal the veterinarian shall sell the hide and offal for best price obtainable which price shall be paid the owner and deducted from forty per centum of the amount of appraisal, and the balance, if any, remaining, shall be paid the owner; veterinarian shall, within thirty days, report to commissioner; file with the county court certificates with owner's claim for indemnity; if claim is regular, the court shall pay one-half of indemnity, other half to be paid out of moneys appropriated for carrying out the provisions of this act; full amount to be paid if total does not exceed appropriated, otherwise amount shall be paid pro rata at end of fiscal year; no right of indemnity in the following cases: (1) for animals owned by the

United States, this state, any county, city, town or village in the state; (2) for animals brought into the state contrary to law, or where owner has failed to comply with the law; (3) when owner had reason to believe animal to be afflicted with dangerous or contagious diseases; (4) when animal has been guilty of negligence or had carelessly exposed such animal to contagious diseases.

18. To prevent spread of disease; commissioner to cause animal killed when necessary; owner required to execute agreement to clean and disinfect premises as prescribed by commissioner; agreement or officers, one for signers, other for commissioner; to be in force for two years; diseased animal to be appraised five days prior to slaughter, amount based on market value; animal reaching to test, how appraised; appraiser of registered and non-registered animals not to exceed; foot and mouth disease, half paid by federal government; appraisal may be made by arbitrators; duty of commissioner; certificate to be delivered to owner, two-thirds to be paid out of current appropriations; amount not exceeded; paid pro rata; hides and offal to be disposed of by owner.

19. Unlawful to sell without commissioner's permission; notice to purchaser in case of sale necessary; milk from tuberculous cows to be sold under regulations prescribed by commissioner.

20. Commissioner to prescribe methods of making tests for diagnosis of diseases of animals.

21. Sale of certain animals and tests made to be reported to commissioner within one week; report to contain what unlawful to fail or refuse to make such report.

22. Sale of biological product unlawful unless officially approved.

23. Milk of affected cow to be sold under certain restrictions; examination by commissioner necessary.

24. First conviction punishable by fine; second, by fine or imprisonment or both.

25. Prosecuting attorney's duty to prosecute offenses against this act.

26. Enforcement of this act; commissioner's power and authority.

27. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. (a) The words "domestic animal," as used in this act, shall mean any equine animal or bovine animal, sheep,
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3 goat, pig, dog, cat or poultry; and shall be taken to include the
4 singular or plural as may be necessary in any given case.
5 (b) The word "owner," as used in this act, shall mean any
6 person owning any domestic animal, or leasing any domestic
7 animal from another; or any person who allows a domestic animal
8 habitually to remain about the premises inhabited by such person.
9 (c) The word "person," as used in this act, shall mean any
10 person, co-partnership, association, or corporation, and shall be
11 taken to include the singular or plural as may be necessary in any
12 given case.
13 (d) The word "premises," as used in this act, is to be taken
14 in its widest sense; and is to include land, any structure erected on
15 land, and any vehicle or vessel used in transporting passengers,
16 goods, or animals by land or by water.

Sec. 2. It shall be the duty of the commissioner of agri-
1 culture, hereinafter known as the "commissioner," to prevent,
2 suppress, control and eradicate, so far as possible, any transmissible
3 diseases of such animals or poultry, to issue circulars or bulletins
4 for public distribution, giving information on the prevalence and
5 control of diseases and their treatment and such other information
6 as would be of value to the stock industry of the state; and to en-
7 force the laws of the state relating to diseases of animals and
8 poultry, and the manufacture, preparation, storage, sale and offer-
9 ing for sale, of the food and food products derived from diseased
10 animals and poultry. Whenever and whenever deemed necessary
11 to prevent the spread of diseases the commissioner may regulate
12 and prohibit the importation into this state of animals or poultry;
13 may cause general or special quarantine of premises and animals
14 and poultry to be established and maintained; may cause the dis-
15 infection of any premises; may cause the destruction of animals
16 and poultry and personal property, and may regulate and prohibit
17 the moving or transportation of animals and poultry from one
18 place to another in this state. The commissioner may also cause
19 such investigations to be conducted as may seem advisable regard-
20 ing the causes, and the methods of preventing, controlling and
21 eradicating diseases thereof.

Sec. 3. The commissioners may employ such competent and
2 experienced veterinarians as may be necessary from time to time
3 to assist him in discharging the duties imposed upon him by this act; such veterinarians shall be graduates of veterinary colleges recognized by the American veterinarian medical association, and to be hereafter known as consulting veterinarians. The commissioner shall have general charge of the enforcement of the provisions of this act, and shall collect and disseminate information and statistics in relation to the diseases of domestic animals, the proper care and sanitation of stables and other buildings used for stabling of farm animals for the purpose of preventing the existence and spread of infectious and contagious diseases. For any services rendered under the provisions of this act, the consulting veterinarians shall receive a per diem of five dollars per day and actual expenses while engaged in carrying out the directions of the commissioner, which expenses shall be paid out of the current appropriation made for the enforcement of this act.

Sec. 4. Whenever any incorporated city of this state shall have in its employ any veterinary sanitary officer engaged in the inspection of meat, milk, or animals, and the qualifications of such officer are equal to those in this act providing for consulting veterinarians, then the commissioner may appoint such city veterinary sanitary officer a consulting veterinarian, but such officer shall not be entitled to claim compensation or expenses from both the state and the city for the same services, and his appointment at any time shall be revocable by the commissioner.

The commissioner shall have the authority to appoint, at different points in this state, veterinarians whose qualifications are equal to the requirements for consulting veterinarians, to examine any of the animals enumerated in this act that are to be moved to states where the sanitary laws require such examination, and provided the owners request such inspection. It shall also be the duty of said commissioner to specify and regulate the fees charged for such examination, and to remove such veterinarian whenever he may see fit; provided, that no inspector herein provided for shall make any charge against the state for such service as he may render.

Sec. 5. In the enforcement of this act and the rules and regulations adopted by the commissioner, he and his employees and the consulting veterinarians may enter any premises, public or private, where they have reason to believe
5 that diseased animals or poultry may be or may have been con-
6 fined or kept in or on such premises.
7 Said commissioner, the consulting veterinarians, and
8 their duly appointed and authorized assistants or em-
9 ployees, in the performance of their duties under this act,
10 shall have power to call on sheriffs and their deputies, constables
11 and police officers, mayors of cities, city and town sergeants and
12 policemen to assist them in carrying out its provisions; and it is
13 hereby made the duty of all such officers to assist in carrying out
14 the provisions of this act when ordered so to do; and said com-
15 missioner, and the consulting veterinarians shall have, while
16 engaged in carrying out the provisions of this act, the same
17 powers and protection that other peace officers have, and
18 any such officer who fails or refuses to enforce the lawful orders
19 and quarantine of said commissioner or any veterinarian acting
20 under him, in the proper execution of the powers conferred by this
21 act, shall be guilty of a misdemeanor and be punished upon con-
22 viction thereof by a fine of not less than twenty-five dollars nor
23 more than two hundred dollars.

Sec. 6. It shall be the duty of every practitioner of veter-
2 inary medicine in West Virginia, immediately upon receiving in-
3 formation thereof, to report to the commissioner each case of any
4 of the following diseases, namely: Glanders, anthrax, blackleg or
5 black quarter; contagious pleuro-pneumonia, or lung plague of
6 cattle; rinderpest or cattle plague; hemorrhagic septicemia; foot
7 and mouth disease, or aphthous fever of cattle; southern cattle
8 fever, or Texas fever, John’s disease; contagious abortion; sheep
9 scab, mange of cattle or horses; hog cholera, or swine plague; foul
10 cholera, avian tuberculosis; rabies, or hydrophobia; maladic du
11 coit, or dourine, of horses; advanced or generalized tuberculosis, or
12 tuberculosis of the udder; or any other disease now or hereafter
13 proclaimed by the commissioner to be of a transmissible character,
14 or any domestic animal reacting to tuberculin or mallein test.
15 This report shall be in writing, and shall include a description of
16 each animal affected, with the name and exact address of the
17 owner or person in charge of the animal, and the exact locality of
18 the animal, and the number of susceptible domestic animals that
19 have been exposed to the disease. It is hereby made the duty of
20 every person who has upon his premises or in his possession any
21 domestic animal which is, or which he has good reasons to suspect
may be affected with infectious, contagious or communicable
disease, immediately to report the same to the commissioner.
If any person or veterinarian knowingly fail to report such a case,
or wilfully or maliciously interferes with or obstructs the commis-
sioner or consulting veterinarians in the performance of their
official duties under this act, or attempts to conceal the existence of
such disease, shall be guilty of a misdemeanor.

Sec. 7. It shall be unlawful for any person, or their
agents or employees to knowingly drive, cause to be driven, bring or
cause to be brought in any manner whatsoever, into this state any
domestic animal affected with any contagious, infectious or com-
municable disease. All domestic animals being brought into the
state for any purpose, by any means of transportation shall be
subject to the following restrictions, unless such animal is ac-
accompanied by a certificate of good health issued by the state veter-
inarian or other accredited authority of the state from which such
animal originates, or the certificate of a veterinary inspector of the
bureau of animal industry of the United States department of
agriculture, setting forth that such animal is free from all con-
tagious, infectious, or communicable diseases and does not originate
from a district of quarantine or infection, such certificate showing
inspection to have been made within a period of thirty days prior
to the arrival of such animal, certificate to be made in triplicate,
the original to be retained by the owner or person in charge of such
animal, and by him attached to the bill of lading accompanying
shipment of the animals, duplicate will be forwarded to the com-
misisoner and triplicate to be retained by the veterinarian making
the inspection. It shall be the duty of the owner or owners of
such animal which is to enter the state without a certificate of
health to notify the commissioner, and such notice shall state
when, where and how the animal is to be brought into this state,
and must reach the commissioner before the animal arrives at
the point of destination. Any animal entering the state without
such a certificate of health may be placed in quarantine by the
commissioner under such rules and regulations as the commissi-
er may approve, and held therein at the expense of the owner, and
if such animal is found affected with any contagious, infectious
or communicable disease, it shall, at the option of the owner,
be killed, without compensation to the owner, or continued in
quarantine at the expense of the owner. It shall be unlawful to
34 remove any such domestic animal from quarantine unless it shall
35 have passed a satisfactory examination, and the tuberculin test in
36 the case of bovine animals for dairy and breeding purposes and
37 unless the charges for the quarters, feed, water and attendance
38 have been paid to the person entitled thereto; the expenses incurred
39 in providing such animal or animals with proper quarters, food,
40 and water may be recovered by the commissioner from the owner
41 by an action at law as other debts are by law collectible. When
42 notified by an officer or agent of the commissioner not to do so, it
43 shall be unlawful for any person to receive or keep or have in his
44 keeping or possession, any domestic animal imported or brought
45 into this state in violation of any of the provisions of this act, or to
46 allow any such domestic animal to come into contact with any
47 other domestic animal; provided, however, that this provision shall
48 not apply to the importation of goats, dogs, cats or poultry at any
49 other time than during an epidemic of any of the diseases men-
50 tioned in section six hereof. And whenever the commissioner
51 shall consider the importation of goats, dogs, cats and poultry un-
52 safe on account of the prevalence of such diseases in any other state
53 of the union, he may prohibit entirely or restrict such importa-
54 tions in such manner as he may deem necessary, and after the pub-
55 lication of his proclamation thereof, all of the provisions and pen-
56 alties of this section and this act shall have full force and effect.

Sec. 8. No domestic animal that has been used or is to be
2 used for dairy or breeding purposes shall be imported or brought
3 into this state except subject to the following regulations: There
4 shall be provided for each bovine animal over six months old a
5 health certificate and a tuberculin test chart, each in triplicate,
6 from a veterinary inspector of the United States bureau of animal
7 industry, or from the state veterinarian, or duly authorized and
8 officially certified veterinarian of the state from whence the animal
9 has been transported or moved. The original of the certificate and
10 of the chart shall be attached to the waybill, when the animal shall
11 be brought into the state by common carrier, and the duplicate sent
12 so as to reach the office of the commissioner before the animal
13 reaches the point of destination, and the triplicate shall be retained
14 by the veterinarian issuing the certificate. If the animal shall be
15 brought into the state other than by common carrier the office of
16 the commissioner shall be notified before such animal shall be
17 brought in. The original certificate and the chart shall be in the
possession of the person who shall bring such animal into the state, and shall be surrendered to any officer or agent of the commissioner on demand. The duplicates thereof shall be sent to the commissioner as aforesaid. Such notice to the commissioner shall state when and where and how the animal is to be brought into the state. Such certificates and chart shall show that the animal is free from Texas fever ticks, and all transmissible diseases. The chart must show that an approved preparation of tuberculin has been used, and that the examination and tuberculin test have been carried out in a manner approved by the commissioner; provided, however, that from herds which are recorded and certified as free from tuberculosis either by the state veterinarian or other accredited authority of such state as the commissioner may see fit to recognize for this purpose, or may be so recorded and certified by the United States bureau of animal industry, animals may be permitted to enter the state upon such herd certificate in lieu of the tuberculin test chart hereinbefore required. This section and section seven of this act shall not apply to animals brought into the state for immediate slaughter, or to animals brought into the state for temporary exhibition purposes only, after a permit for each animal for exhibition purposes shall have been obtained from the commissioner, who shall prescribe such conditions for the issuance and duration of such permits as to him may seem proper.

No apparently healthy bull or heifer under six months of age shall be subject to tuberculin test.

If the commissioner shall suspect the genuineness of any health certificate or tuberculin test chart relating to imported animals, or shall question the competency of the person of the state of export who shall have issued such chart or certificate, he may decline to accept the same; and may refuse to permit the importation of the animals concerned, unless a certificate and chart be furnished from the proper inspector of the bureau of animal industry of the United States, or unless the said commissioner shall otherwise determine. It shall be unlawful for any person to sell for dairy or breeding purposes any domestic animals brought into the state for immediate slaughter, or to use or permit to be used any such animal for dairy or breeding purposes.

Sec. 9. Any bovine animal, not accompanied by the health
2. Certificate and tuberculin test chart required by section eight of this act, may be brought into this state only under the direct supervision of an officer, or agent of the commissioner, subject to the provisions of section seven of this act and to the following regulations:

Each animal shall be held in close quarantine at such place, under such conditions and during such time as may be prescribed by the commissioners and during the period of such quarantine shall be submitted to a physical examination and tuberculin test by an agent of the commissioner. The examination and test shall be at the expense of the owner. During the continuance of such quarantine the animal shall be provided with proper quarters, food and water by the owner, or at his expense.

Sec. 10. Whenever any of the diseases enumerated in section six of this act, or any other disease of domestic animals or poultry now or hereafter adjudged and proclaimed by the commissioner to be of a transmissible character, shall exist anywhere in the state, a quarantine of any locality or premises, or of any infected or exposed animals or poultry, may be established. Quarantine shall be of two kinds, special and general.

A “special quarantine” shall mean a quarantine of a single animal; or a quarantine of a single building, structure, pen, coop, car, vessel, vehicle, field, or enclosure; or a quarantine of any number of animals or poultry when confined or contained in the same building, structure, pen, coop, car, vessel, vehicle, field or enclosure.

A “general quarantine” shall include all quarantines not included under the term “special quarantine” as herein defined.

A special quarantine may be established and maintained whenever any domestic animal or poultry shall be affected with or exposed to any of the diseases enumerated in section six of this act, or any other disease of domestic animals or poultry now or hereafter adjudged and proclaimed by the commissioner to be of a transmissible character, or there shall be any animal or poultry which it is deemed necessary by the commissioner to have examined or tested. The commissioner or his authorized agent shall have the power to establish and maintain any special quarantine. It shall be the duty of the commissioner, or his agent establishing a special quarantine, to post on the building, structure, pen, coop, car, vessel, vehicle, field, or enclosure, wherein the animal or animals
or poultry quarantined are confined or contained, a notice declar-
ing the quarantine, a description of the animal or animals or poul-
try quarantined, and of the premises where quarantined, and of
the duration of such quarantine. Such quarantine may continue
for such time as the commissioner, or his agent establishing the
same, may deem advisable to accomplish the purpose of quaran-
tine.

A general quarantine may be established and maintained
whenever any of the diseases enumerated in section six of this act,
or any other disease of domestic animals or poultry now or here-
after adjudged or proclaimed by the commissioner to be of a
transmissible character, shall exist in any locality in the
state larger in extent than that which may be included
in a special quarantine. A general quarantine shall be
established and maintained by the commissioner only.
Such quarantine shall include such premises, locality or
territorial district, and such animals, and shall continue
for such time as may be deemed necessary or advisable
by the said commissioner. In establishing and maintain-
ing such quarantine the said commissioner may act through
and by an officer, or agent employed by him to whom such power is
delegated; and the establishment and maintenance of such quaran-
tine by any officer, agent or employee of said commissioner shall be
prima facie the establishment and maintenance of quarantine by
said commissioner. Whenever any premises or any locality or
territorial district shall be placed in or under quarantine by said
commissioner, it shall be the duty of the officer, agent or employee
of said commissioner by whom the order of the commissioner as
to quarantine is executed, to post notices within the premises,
locality or territorial district quarantined, declaring the extent and
limits of premises, locality, or territorial district so quarantined,
and the animals subject to such quarantine. At least ten such
notices shall be posted in the most public places within said quar-
tined area. A copy of such notice shall be published in one
newspaper published within such quarantined area; or if there be
no such newspaper, then in one newspaper circulating generally
within such area. If the quarantine shall be for the purpose of
preventing the spread of rabies or hydrophobia, and, if in the
judgment of the commissioner, in the case of other infectious,
contagious or otherwise communicable diseases, such action is nec-
necessary, the notice shall contain a warning to the owners of dogs within the quarantined area to confine closely all such dogs.

Sec. 11. After the establishment of any quarantine authorized by this act, and the posting of notices required by law, it shall be unlawful for any person, without a special permit in writing from the commissioner, to remove from or to any premises within the limits of the quarantine any domestic animal or poultry; or to remove from any quarantined area or premises any hay, straw, grain, fodder, or other food, or animals or poultry, or to remove any car or wagon or vessel so quarantined, or to sell or exchange or give away or lease or lend or remove, or allow to be removed, any quarantined domestic animal or animals or poultry. It shall be unlawful after notice as aforesaid, for the owner of any dog to permit such dog to run at large in any such quarantined locality; or for any person to remove, or permit to be removed, any dog from such quarantined area. Any dog found running at large in such quarantined area, or known to have been removed from or to have escaped from such area, as aforesaid, may be secured and confined, or may be shot or otherwise destroyed by any person, without liability therefor.

Sec. 12. It shall be unlawful for any person to tear down or deface or to destroy any notice of quarantine posted by any officer, agent, or employe of the commissioner, or to remove or destroy, wholly or partially, any portion of a building or tree or fence whereon the same shall have been posted.

Sec. 13. When any quarantine shall be established under this act, it shall be unlawful for the owner of any domestic animal within the limits of the quarantined area to allow such domestic animal to run at large during the continuance of the quarantine. Any animal so found running at large shall be taken up by the proper constable, and kept at the expense of the owner until the lifting of the quarantine. For such service he shall be entitled to one dollar for each animal. Each animal shall be kept until such fee and all cost of keeping such animal shall have been paid. If not paid within two weeks from the lifting of the quarantine, the animal may be sold; and after the deduction of all fees, costs and expenses, the residue shall be paid to the owner, if known, and if not known, shall be paid into the state treasury. This section shall not apply to dogs, or affect the special provisions of this act in reference to dogs.
Sec. 14. Animals that shall be placed in quarantine by authority of the commissioner, or his agents, shall be provided with suitable quarters, and fed and watered by or at the expense of the owner. In default of payment by such owner of the expense of providing suitable quarters and of feeding and watering any of such animals within ten days after the lifting of said quarantine, the commissioner may sell or cause to be sold any such animal, at public sale, to collect such expense. Any surplus received at said sale, over the expense aforesaid, shall be paid to such owner. No animal shall be removed from a quarantined area until such sale, except upon payment of such expense.

Sec. 15. Whenever it shall be required to destroy or dispose of the carcass of any animal to prevent the spread of disease such destruction or disposal shall be made by one of the following methods:

First. Complete cremation of the entire carcass with all its parts and products.

Second. Boiling the carcass and all its parts and products in water, or heating the same with steam at the temperature of boiling water, continuously during at least two hours.

Third. Burial of the carcass and all its parts and products in such place that shall not be subjected to overflow from ponds or streams, and which shall be distant not less than one hundred feet from any water course, well, or spring, public highway, house or stable. In burying such carcass it shall be covered with quick-lime to a depth of not less than three inches, and the top of such carcass shall not be within two feet of the surface of the ground when the grave is filled and smoothed to the level of the surrounding surface. Such grave shall be so protected that the carcass may not be accessible to dogs or other animals.

Whenever any animal affected with any of the diseases enumerated in section six of this act, or with any disease now or hereafter adjudged and proclaimed by the commissioner to be of a transmissible character, shall die or be killed, it shall be the duty of the owner of such animal at once to destroy or dispose of the carcass of such animal in the manner provided in this section. It shall be unlawful to sell any such carcass or any part thereof or any hide or offal therefrom; provided, however, that if the owner of such animal shall not within twenty-four hours dispose of the carcass as provided by law, it shall be the duty of
the commissioner, or his agent, to cause the same to be destroyed
or disposed of according to law, at the cost of such owner. The ex-
 pense of such destruction or disposal may be collected from such
owner as debts of like amount are by law collectible.

Sec. 16. It shall be unlawful for any person to knowingly
drive or move or transport on or across or along any public highway,
or in wagons or railroad cars or other vehicles, any animal affected
with any disease enumerated in section six of this act, or with any
disease now or hereafter adjudged and proclaimed by the com-
missioner to be of a transmissible character, except upon express
permission in writing from the commissioner or his agents.

Sec. 17. The commissioner or his agents or the inspec-
tors of the United States bureau of animal industry,
shall possess authority to test with tuberculin any bovine
animal kept within this state, subject to such rules and
regulations as the commissioner may prescribe. The tuberculin
test shall be applied to bovine animals at such times as may be
designated by the commissioner as may be necessary in the con-
trol and eradication of bovine tuberculosis in this state, and all
cows whose milk is sold for human consumption or manufacture
and all uncastrated beef animals shall be tested with tuberculin
in so far as may be possible. When any such bovine animal is
found by the officer making the test to give what the commis-
sioner shall have prescribed by his rules and regulations to be
a clearly defined reaction to such test, the said animal shall be
considered to be affected with bovine tuberculosis, and shall be
marked or branded upon the right side of the neck from six to
ten inches back from the jawbone with a capital "T", not less
than two inches high, one and one-half inches wide with mark
one-fourth of an inch wide, unless the owner elects, as hereinafter
provided, to keep the animal in quarantine for eight weeks, when
the animal shall be again tested by the commissioner or his
agent at the expense of the owner, and if the animal again gives
a clearly defined reaction it shall be branded. Any bovine animal
affected with advanced or generalized tuberculosis or tuberculosis
of the udder may be similarly branded, and such branding shall
not be construed as cruelty to animals within the meaning of the
penal laws of this state. If such a reacting animal be pure-bred
and registered or eligible to registry, and the owner of such re-
acting animal shall desire to keep it, such option is allowed, pro-
vided the animal does not, in the judgment of the officer making the examination and test, show evidence of physical breakdown, then or at any time thereafter, probably due to the disease, and it shall then be the duty of the commissioner or his agents to place such animal in quarantine, and the owner or owners thereof, their agents or employees, shall maintain the said animal in quarantine as prescribed by the commissioner or his agents and the product or products of such reacting animal shall only be disposed of under such restrictions as the commissioner shall designate.

Except as hereinbefore provided all bovine animals within this state which are deemed tuberculous, either as a result of physical examination or the tuberculin test, shall be slaughtered within a time and at a place designated by the commissioner or his agent, and if the owner of any such tuberculous animal shall desire to receive indemnity therefor, he shall be required by the commissioner, before the appraisal and slaughter of the animal, to execute an agreement that he will thoroughly clean and disinfect all premises that may have been infected by such tuberculous animal, in such a manner as the commissioner may prescribe; will have his entire herd of bovine animals tested with tuberculin by the commissioner or his agent at such times as the commissioner may designate, and will not admit to his herd any bovine animal that has not given a negative reaction to the tuberculin test. Such an agreement shall be in duplicate, one copy to be retained by the signer, and in such form as the commissioner shall designate, and shall be signed by the owner or owners or their agents, and shall be in effect for a period of two years from the date thereof. All such tuberculous animals shall be appraised before being slaughtered, the owners to be indemnified, as hereinafter provided.

The commissioner or his agent shall act as appraiser and shall appraise each tuberculous animal within five days prior to the date of slaughter, basing the amount upon the class and market value of the animal at the time of appraisal, whether for breeding purposes or whether for milk or meat production. Animals reacting to the tuberculin test, but not exhibiting any physical evidence of tuberculosis, shall be appraised without considering the presence of a diseased condition, but animals exhibiting any physical evidence of tuberculosis shall be appraised
as diseased animals. The amount of appraisal shall not exceed the sum of seventy-five dollars for a pure-bred registered animal or the sum of fifty dollars for a grade or non-registered animal. If the amount of appraisal of any animal, as determined by the appraiser is designated, is not satisfactory to the owner of such animal, a written notice of such fact, setting forth the reasons for complaint, shall be made to the appraiser at once. The amount of the appraisal shall then be determined by arbitrators, one to be appointed by the appraiser and one by the owner of the animal. If said arbitrators are not able to agree as to the amount of appraisal, a third arbitrator shall be appointed by them. whose decision shall be final. Arbitrators shall be paid one dollar for each appraisement of five or less than five animals, and two dollars if more than five animals are appraised. Compensation for the arbitrator appointed by the owner, and the third arbitrator, if appointed, shall be paid by the commissioner if the decision made is against the arbitrator appointed by the veterinarian, but if the decision is in favor of such arbitrator the owner shall pay the compensation of the arbitrator appointed by him and the third arbitrator, if appointed.

After such agreement has been executed and appraisal has been made it shall be the duty of the commissioner or his agent to see that the animal is slaughtered and the carcass disposed of in accordance with the meat inspection regulations of the United States bureau of animal industry, or in such manner as the commissioner shall prescribe. When the animal is to be slaughtered, as herein provided, the commissioner or his agent shall make and deliver to the owner a certificate which may cover any number of animals belonging to the same owner, showing the age and description of each animal found to be tuberculous, the name and place of test, the mark or brand as tuberculous and any other mark or brand which the animal may bear, the date when and the place to which the animal was sent for slaughter by the veterinarian, the designation of the officer who is to supervise the slaughter, the appraised value of said animal or animals, the name and address of the owner of the animal and the fact that he has executed the agreement hereinbefore provided for. The officer supervising the slaughter shall, immediately after the same, indorse upon or add to the foregoing certificate that he has witnessed the slaughter of each of
said animals, the place and date thereof, that the number, age, description and brand or mark corresponding to those given in the certificate of the officer who made the former certificate and shall state the result of his post-mortem examination, the disposition made of the carcass, and the price received for the same by the veterinarian. The slaughter may be supervised and certificate thereof may be made by the commissioner or any of his agents, or any person possessing the authority of an agent, or any officer of the United States bureau of animal industry. The commissioner may require such other particulars to be added to either of said certificates or the affidavit hereinafter required, and may make and enforce such rules and regulations governing the handling, shipping and slaughter of such animals, as may be deemed necessary.

The owners of such animals shall be indemnified in such amount as shall be determined by the results of post-mortem inspection by the officer supervising the slaughter according to the following rules:

RULE 1. If any animal is found, upon post-mortem inspection, not to be affected with tuberculosis, the carcass and other edible portions shall be passed as food, and the veterinarian shall sell the same, including all accompanying parts, for the best price obtainable, which price shall be paid to the owner and deducted from the amount of appraisal, and the balance, if any, thus remaining, shall be paid the owner.

RULE 2. If any animal is found, upon post-mortem inspection, to be affected with tuberculosis, and the lesions are such that the carcass and parts of the carcass are passed for food, the veterinarian shall sell the same, including all accompanying parts, for the best price obtainable, which price shall be paid to the owner and deducted from eighty per centum of the amount of the appraisal, and the balance, if any, thus remaining shall be paid the owner.

RULE 3. If any animal, upon post-mortem inspection, is condemned for offal, the veterinarian shall sell the hide and offal for the best price obtainable, which price shall be paid to the owner and deducted from forty per centum of the amount of appraisal, and the balance, if any, thus remaining shall be paid the owner.

After such tuberculous animals shall have been slaughtered
as herein provided for, the veterinarian shall as soon as possible forward to the commissioner, who shall, if found to be correct, approve the same and within thirty days, file with the county court of the county in which said animals were owned at the time they were condemned as tuberculous, as herein provided, the foregoing certificates, together with the owner's claim for indemnity, and his affidavit that he has thoroughly cleaned and disinfected his premises and complied with all the regulations of the commissioner in respect thereto and in respect to the remainder of his herd. If the said county court, upon examination of the certificates filed as aforesaid and of the affidavit of the claimant and any evidence that may be presented, shall find the claim is regular and the facts therein set up are true, and that the claimant is entitled to indemnity as herein provided, the county court shall make an order allowing the claimant one-half of the indemnity hereinbefore provided for, which shall be paid upon the order of the county court out of the general funds of the county. The commissioner shall at the end of the fiscal year issue his warrant upon the state auditor in favor of the claimant, for the remaining one-half of the indemnity allowed, which shall be paid out of any moneys appropriated for carrying out the provisions of this act; provided, that at the end of each fiscal year the claimants for such certificates of value shall be paid the same from the current appropriations made for that purpose; provided, further, that the amount to be paid on such certificates in any one year shall not exceed the amount appropriated for such purpose, which amount shall be paid pro rata at the end of each fiscal year; provided, further, however, that the right to indemnify shall not exist nor shall payment be made in either of the following cases:

1. For animals owned by the United States, this state or any county, city, town or village in this state.
2. For animals brought into this state contrary to the provisions of this act, or where the owner of the animal or person claiming compensation has failed to comply with the provisions of the same.
3. When the owner or claimant, at the time of coming into possession of the animal, knew or had reason to believe it to be afflicted with a dangerous or contagious disease.
4. When the owner shall have been guilty of negligence or
Sec. 18. Whenever, to prevent the spread of any disease mentioned in section six of this act, it shall be deemed necessary by the commissioner or any of his agents to cause any domestic animal to be killed, and the owner thereof shall desire to receive indemnity therefor, the owner thereof shall be required to execute an agreement with the commissioner or his agent that he will thoroughly clean and disinfect all premises that may have been infected by such diseased animal in such manner as the commissioner or his agent may prescribe. Such an agreement shall be in duplicate, one copy to be retained by the signer, and in such form as the commissioner may designate and shall, be signed by the owner or owners or their agents, and shall be in force for a period of two years from the date thereof. The commissioner or any agent so authorized shall act as appraiser and shall appraise each such diseased animal within five days prior to its slaughter, basing the amount upon the market value of the animal at the time of appraisal. Animals reacting to any approved test for a disease, but otherwise apparently healthy, shall be appraised without considering the presence of a diseased condition, but animals exhibiting any physical evidence of disease shall be appraised as diseased animals, taking into consideration the condition of the animal as to disease, and the nature and extent of the disease, and its present and probable effect on the animal, and having regard to the probable sums to be derived from the sale of the carcass, hide and offal. The amount of appraisal shall in no case exceed for a non-registered equine animal the sum of seventy-five dollars, for a registered equine animal the sum of one hundred dollars, for a non-registered bovine animal fifty dollars, for a registered bovine animal seventy-five dollars; for a sheep or pig the sum of ten dollars; provided, however, that in case of an outbreak of foot and mouth disease, or any other dangerously contagious or infectious disease, among bovine animals and on account of which disease, bovine animals are being destroyed by order of federal authority, and for which said bovine animals so destroyed the federal government pays one-half the true and actual value according to the appraisement, that the state of West Virginia pay one-half and only one-half the true and actual value as above stated. If the amount of appraisal of
any animal as determined by the appraiser designated is not sat-
isfactory to the owner of such animal, the appraisal may be made
by arbitrators as provided in section seventeen of this act. After
such agreement has been executed and appraisal has been
made, it shall be the duty of the commissioner or his agent
to see that the animal is killed and the carcass disposed
of in accordance with the provisions of this act and the
rules of the commissioner. When the animal is to be killed
the commissioner or his agent shall make and deliver
to the owner a certificate which may cover any number of ani-
imals belonging to the same owner, showing the age and descrip-
tion of each animal, the appraised value of said animal or animals,
the name and address of the owner of the animal and the fact that
he has executed the agreement hereinafter provided for. At the
end of each fiscal year the holders of such certificates of value
shall be paid two-thirds of the value of the same from the current
appropriations made for carrying out the purposes of this act;
provided, that the amount paid on such certificates and those
similarly provided for in section seventeen of this act in any one
year shall not exceed the appropriation made therefor, which
amount shall be paid pro rata at the end of each fiscal year on an
order signed by the commissioner. When any animal
is so killed the owner, subject to the regulations of the
commissioner, may dispose of the whole or any part of the carcass
and of the hides and oil in such manner as may not tend to
spread disease or affect the health of the public.

Sec. 19. Without express permission in writing from the
commissioner, or his agent, it shall be unlawful for any
person to sell or offer for sale, or to give away, or
to allow to stray, any animal affected with any disease enumerated
in section six of this act, or with any disease now or hereafter
adjudged and proclaimed by the United States bureau of animal-
industry to be of a transmissible character, or any animal that
has reacted to any tuberculin or mallein test, or with such per-
mission to sell or offer for sale, or to give away, any such animal,
without notifying the purchaser or any prospective purchaser or
the person to whom the animal shall be sold or given, that the
animal is affected or has reacted as aforesaid, or that it has been
in a herd affected with such a disease within one year, except
when for immediate slaughter in accordance with the meat in-
inspection regulations of the United States department of agriculture; or to dispose of to another in any manner any animal that may be in quarantine until such time as the quarantine shall have been raised by the proper officer, or to dispose of the meat or milk of any animal that may be affected with such contagious, infectious or communicable disease for use as food or for other purposes except in such manner as shall be provided by the commissioner; provided, however, that nothing in this section shall be construed as interfering with the provisions of the state or national pure food or meat inspection laws except that the milk from tuberculous cows may be sold under such regulations for its sterilization before use as the commissioner may prescribe.

Sec. 20. The commissioner may prescribe methods of making tests with tuberculin, mallein or other recognized tests for the diagnosis of diseases of animals.

Sec. 21. Each sale in this state of tuberculin for cattle, or of mallein for horses, jacks or mules, and each injection or test made with tuberculin or mallein, shall be reported in writing to the commissioner within one week after such sale or test. Each such report shall be signed by the person who shall have made the sale or test, and shall give the name of the purchaser of the tuberculin or mallein, with the amount sold, the date of sale, the name and address of the owner of the cattle or horses or mules or jacks tested, the locality where such test has been made, a description of the animal or animals tested, and a complete statement of the actual result of such test. It shall be unlawful for any person, whose duty it is hereby made to make such report, to fail or refuse to do so.

Sec. 22. It shall be unlawful for any person to manufacture for sale, or sell or offer for sale, any biological product intended for diagnostic or therapeutic purposes with animals unless such product is officially approved by the bureau of animal industry of the United States.

Sec. 23. Milk produced by a cow which has reacted to a tuberculin test, or is affected with a dangerously transmissible disease, shall not be sold as food for human beings or other animals, unless it has been previously heated to at least one hundred and forty degrees F. and held at that point for at least twenty minutes, except when a special examination has been made under the direc-
Sec. 24. Any person, firm or corporation that shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be sentenced to pay a fine of not more than one hundred dollars. For each subsequent offense such person, firm or corporation shall be sentenced to pay a fine of not more that five hundred dollars, and in addition thereto, such person, or each of the members of the firm or each of the directors of the corporation, as the case may be, with guilty knowledge of the fact, may be sentenced to undergo imprisonment in the jail of the proper county for a period of not less than ten nor more than ninety days, or either or both, at the discretion of the court.

Sec. 25. It shall be the duty of the prosecuting attorney in the county in which offenses are committed against the provisions of this act to prosecute the same upon information furnished by the commissioner or his agents.

Sec. 26. The commissioner shall be charged with the enforcement of this act, and shall have the power to make all needful rules and regulations for the enforcement thereof, and shall have authority to accept on the part of the state the laws, rules and regulations of the United States bureau of animal industry for the prevention, control and eradication of contagious, infectious or otherwise communicable diseases among domestic animals and poultry.

Sec. 27. All acts or parts of acts in conflict with this act are hereby repealed.

CHAPTER 14.

(House Bill No. 165.)

AN ACT to amend and re-enact sections six, fifteen, nineteen, twenty-one, twenty-three, twenty-five, twenty-six, thirty-one, thirty-four, forty-four, forty-five and fifty-six of chapter sixty-two, of the code of one thousand nine hundred and thirteen, (being respectively, serial sections 3454, 3473, 3477, 3478, 3480, 3482, 3486, 3491, 3494, 3508, and 3520 of said code), and to add thereto two sections, numbered fifty-a and fifty-b, all relating
to the protection and preservation of certain animals, birds and fishes, forest and streams.

(Passed February 26, 1915. In effect ninety days from passage. Became a law without the Governor's approval.)

Sec. 148. Forest, game and fish warden and chief deputies to execute bond; same requirement as pistol bond.

Sec. 19. No person not a citizen of United States permitted to hunt or have in possession fire arms for the purpose; no person permitted to hunt without a license; requirement as to how obtained; license fee as to non-resident of state; license fee as to bona fide resident of state; no fee to be charged by clerk for issuing license; all license fees to be paid by county clerk to state treasurer; owner of license must have same in his possession; exceptions os to fishing other than in pond, stream, or creek; exceptions as to deer, elk, antelope, wild turkey, quail, pheasant, ruffed grouse or game fishes with intent to transport beyond limits of the state; penalty for violation of this section.

Sec. 21. Alteration, loan, sale or transfer of license tag prohibited; misdemeanor, penalty for violation.

Sec. 23. Game birds defined.

Sec. 26. Hunting, chasing or killing of elk prohibited for eight years; exceptions; penalty for violation of section; close season for deer, December 1st until October 15th following, of any year; hunting deer, with dogs prohibited; killing of fawn or doe prohibited; violation of game law to have in possession deer, quail, pheasant, ruffed grouse or game fishes with intent to transport beyond limits of the state; penalty for violation of this section.

Sec. 28. Close season for ruffed grouse, pheasant, and wild turkey; limit of quail, ruffed grouse or wild turkey that may be killed; also wild duck, goose or brant; exceptions as to woodcock, plover, ortolan or sandpiper; rail, snipe, gray, black, red or fox squirrel; rabbits; close season, except as to owners of land; red fox, raccoon, mink or skunk, close season; exceptions as to possession of land; penalties; each bird or animal killed to constitute a separate offense; exceptions as to capture of game birds and game animals under direction of warden or appropriation for propagation purposes; exceptions also as to permits by game warden.

Sec. 31. Disposition of moneys collected under provisions of this chapter; to be credited to the "school fund" after payment of money by state treasurer; appropriation authorized for carrying out purposes of this chapter.

Sec. 34. Destruction of nests or eggs of wild birds prohibited; exceptions.

Sec. 44. License required for fishing; method to be followed to secure license; fee for license; method of issuing and to whom license fees to be paid; state treasurer; owner of license must have same in his possession; exceptions as to non-resident owners of land; limitations as to fishing other than in pond; hooks and lines; seines, traps and other devices prohibited; provisions as to method of measurement, and close season for jack salmon, trout, land-locked salmon, black bass, green bass, willow bass, pi.ke, black bass, trout, etc.; method of measurement, and close season for jack salmon, trout, land-locked salmon, black bass, green bass, willow bass, pi.ke or pickerel, w.a.l.e.-eyed pike, etc.; exceptions as to fish of the sucker variety; unlawful to destroy fish in any dam or pond; exceptions: unlawful to knowingly and willfully let water out of pond with intent to injure or take fish therein; penalties; provisions as to erection of sign at ponds and penalty for defacing or tearing down same.

Sec. 46. Lawful to destroy nets, traps or other devices when found in any creek, run or river, and in
Be it enacted by the Legislature of West Virginia:

That sections six, fifteen, nineteen, twenty-one, twenty-three, twenty-five, twenty-six, thirty-one, thirty-four, forty-four, forty-five and fifty-six of chapter sixty-two, of the code of one thousand nine hundred and thirteen, (being, respectively, serial sections 3454, 3473, 3477, 3478, 3480, 3482, 3491, 3494, 3504, 3508 and 3520 of said code), be amended and re-enacted and that sections fifty-a and fifty-b be added thereto so that said chapter will read as follows, to-wit:

Sec. 6. The forest, game and fish warden and the chief deputy wardens, shall each, before entering upon the discharge of their respective duties, execute a bond in the penalty of three thousand five hundred dollars, with security therein to be approved by the governor, and conditioned for the faithful performance of their duties, and to account for and pay over all moneys and property coming into their hands, due and belonging to the state, and also conditioned according to the requirements of the present law with reference to the carrying of revolvers, which said bonds, after having been approved by the governor, shall be deposited with the auditor.

Sec. 15. The appointed deputy wardens shall, on the first of the months of January, April, July and October of each year make a report under oath to the forest, game and fish warden, which reports shall show in detail the work done by them severally during the three months next preceding. The forest, game and fish warden shall furnish the deputy wardens all necessary blank forms and stationery for making said reports. All such reports shall show an account of the suits commenced, the justice or court before whom such proceedings were had, the number and kinds of game, fish, birds and property seized, and what destruction after surrender to authorities; limitations as to number to be killed; publication required; penalty for false statements.

50-b. Perpetual close season for game of all kinds and wild birds found upon sanctuaries or refuges set apart by forest, game and fish warden; provisions as to fire line and notices to be posted; limit of acreage in preserves and provisions as to hunting thereon; penalties for violation of provisions of this section.
disposition was made of the same, the amount of proceeds of sale, and the amount of money, if any, received by him for fines imposed, or from any other source provided for by this chapter. All ex-officio deputy wardens shall make a report to the forest, game and fish warden on the first day of January, April, July and October of each year if they have instituted any proceedings or collected any moneys under the provisions of this chapter during such preceding three months, and all deputy wardens shall within thirty days after its receipt pay over to the forest, game and fish warden the fines collected by him, and the bonds of all ex-officio wardens shall be liable for any such moneys received by them. All justices and clerks of circuit and criminal courts before whose courts any case under this chapter comes, shall, on the first day of January, April, July and October, of each year, if there has been before this court any case under this chapter, report to the state forest, game and fish warden all money collected by him and the status of all cases pending or started in his court.

Sec. 19. No person not a citizen of the United States of America shall at any time hunt, pursue, kill or catch any wild animals, or wild birds in this state, or have in his possession firearms of any kind for such purpose. No person shall, at any time, hunt, pursue, kill or catch any wild animals, or wild birds in this state, without first having secured a license so to do, and then only during the respective periods when it shall be lawful to hunt such game animals and game birds. Such license shall be procured in the following manner, to-wit: The applicant shall go before the clerk of the county court of the county and fill out a blank application, stating his citizenship, name, age, occupation or profession, weight, height, place and county of residence, color of hair, eyes and complexion; the application shall be subscribed in ink and sworn to by the applicant, that his statements are correct and true to the best of his knowledge and belief, before the county clerk issuing said license; the applicant, if a non-resident of this state, and a citizen of the United States of America, shall pay to said county clerk the sum of sixteen dollars, as a license tax. If the applicant is a bona fide resident of this state, and a citizen of the United States of America, he shall make application to the clerk of the county court of the county of which he is such bona fide resident, and shall be granted such license.
23 free of cost, if he desires to hunt only in such county, but if he
24 desires to hunt in any other or all counties of this state, he
25 shall pay to such clerk a license tax of three dollars, whereupon
26 the clerk shall issue him a hunter’s license, entitling him to
27 hunt accordingly; provided, that such bona fide resident and citi-
28 zen shall fill out said application and send the same to the
29 county clerk, together with the amount of such license tax, and
30 such clerk shall send him such license. Said license shall be sign-
31 ed by said clerk, and bear the seal of the county court of the
32 county in which same is issued, and shall bear a number according
33 to the serial order in which it was issued, and no fee shall be
34 charged by the said clerk for any services under this act. All
35 such license taxes shall be paid by the county clerk to the state
36 treasurer on the first day of each month for the next month pre-
37 ceding. No person to whom such license has been issued, shall be
38 entitled to hunt, pursue or kill game in this state, unless at the
39 time of such hunting, pursuing or killing of game he shall have
40 such license in his actual possession; and he shall exhibit the same
41 to any officer of this state, or owner, tenant or lessee of any land on
42 which he is hunting, on demand. All such licenses shall be good and
43 valid only until the end of the calendar year in which the same
44 were issued. At the same time that such clerk issues such license
45 to the applicant, he shall also deliver to him a tag bearing in fig-
46 ures the same number as his said license, which tag shall, if the
47 license be confined to hunting in the county of the residence of
48 the applicant, be red in color, and shall also bear the name of the
49 county wherein it was issued; and if such license be issued to a
50 resident of the state, entitling him to hunt in any and all coun-
51 ties of the state, the same shall be white in color, and bear in fig-
52 ures the same number as his license, and the name of the county
53 wherein the same was issued; and if such license be issued to a
54 non-resident of the state, the same shall be blue in color, and like-
55 wise bear the same number in figures as the license, and the name
56 of the county wherein the same was issued. The form of said
57 license to be issued hereunder, and the said affidavits to be made
58 by the applicant therefor, and the tags hereinbefore required to
59 be delivered to the applicant, shall be designed and supplied to
60 the clerk by the state forest, game and fish warden, and such tags
61 shall at all times be worn prominently exhibited on the arm of
62 the licensee while hunting under the authority of said license.
The carrying of any uncased gun in any of the fields or woods of this state, by any person not having the lawful right to hunt, pursue or kill game birds or animals in such fields or woods, shall, as to such person, other than the bona fide owner, or owners of such fields or woods, his or their child or children, tenant or tenants, lessee or lessees, be deemed prima facie evidence of a violation of this section; and any person claiming to hold a license to hunt in this state, having in his possession any gun or other hunting paraphernalia in such woods, or fields, shall, on failure to produce such license for inspection to any warden of this state or owner or agent of the owner of such woods and fields, on demand, or upon failure to at all times wear, as hereinbefore required, the said tag while in such woods or fields, be deemed guilty of a misdemeanor and shall be punished on conviction, as provided later in this section; provided, however, that any resident owner of any lands in this state, his resident child or children, or bona fide tenants, shall have the right, without securing any such residence license, to hunt, kill and pursue game birds or animals on such lands of which he, or they, are the bona fide owners or tenants, during the season when it is lawful to kill, catch or pursue such game birds or animals. All non-resident members of any club or organization owning or leasing a game preserve in this state, shall be required to secure a non-resident hunter's license. Any person violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense, and the costs of the prosecution, including a fee of ten dollars to the attorney prosecuting the case, and in addition thereto may be confined in the county jail for a period not exceeding thirty days, in the discretion of the justice or court trying the case, and upon failure to pay said fine and costs, the person convicted shall be confined in the county jail until such fine and costs are paid, but such imprisonment shall not exceed twenty days for any one offense. No hunter's license shall be issued to any minor under the age of fifteen years, without the consent in writing from the parent or guardian of such minor, such consent to be filed with the clerk issuing such license and by him preserved.

Sec. 21. Any person who shall, at any time, alter or change in any manner, or loan, sell or transfer to another any
license or tag provided for in this chapter, or any person who
shall buy or borrow such license or tag shall be deemed guilty of
a misdemeanor and upon conviction thereof shall be fined not less
than twenty nor more than fifty dollars and in addition thereto
may be confined in the county jail not more than thirty days.

Sec. 23. For the purposes of this chapter the following are considered game animals, to-wit: elk, deer, rabbits and squirrels. And the following shall be considered game birds, to-wit: The anatadae, commonly known as ducks, geese, swan and brant; the rallidae, commonly known as mud hens, rails, coots, and gallinules; the limicola, commonly known as shore birds, plover, snipe, woodcock, tattlers, curlews, ortolan, sandpiper; and gallinae, commonly known as wild turkey, ruffed grouse or pheasant, quail or bob white.

Sec. 25. No person shall hunt, chase, wound or kill any elk in this state at any time for a period of eight years from and after the passage of this act; provided, that the owner of any elk, which shall be kept in any park or field, sufficiently inclosed to reasonably prevent their escape therefrom, shall have the right to kill any elk of his own; provided, further, that such owner may pursue, recapture or kill any of his elk that may escape from his inclosure. No person or persons shall chase or hunt deer with dogs in this state at any time. Any person violating any provision of this paragraph shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary not less than six months nor more than five years.

No person shall hunt, chase, kill or wound any deer from the first day of December until the fifteenth day of October following, of any year, except tame deer owned by the person killing the same; nor shall any one person kill more than two deer in any one season. No person shall at any time kill any fawn, doe or any other deer than bucks with horns or antlers over four inches in length, or have the fresh skin of any doe or fawn in his possession. No person shall at any time kill or have in his possession, any deer, quail, pheasant or ruffed grouse, wild turkey, squirrel, or any part of the same, or game fishes with the intention of sending or transporting the same or having the same sent or transported beyond the limits of this state. Any person violating any provision of this paragraph shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than
twenty-five nor more than fifty dollars for each and every deer
unlawfully hunted, chased, wounded or killed, and for each doe
or fawn's skin had in his possession, and not less than twenty dol-
lars nor more than fifty dollars for each and every quail, ruffed
grouse or pheasant, wild turkey, or any part of the same, for each
and every game fish, and for each and every deer or part of a deer,
killed or had in possession with the intention of sending or trans-
porting the same, or having the same sent or transported beyond
the limits of this state. And in addition to the fine or fines pre-
scribed in this paragraph, the person or persons convicted may be
confined in the county jail not to exceed sixty days for each and
every offense; and upon default of the payment of the fine and
costs shall be confined in the county jail until the same are paid,
but not to exceed a period of sixty days.

Sec. 26. It shall be unlawful for any person to catch, kill
or injure, or pursue with the intent to catch, kill or injure, any
ruffed grouse or pheasant, or wild turkey between the first day
of December and the fifteenth day of October of the
following year; or any quail or Virginia partridge be-
tween the first day of December and the first day of
November following. Nor shall any one person kill more than
twelve quail or six ruffed grouse or two wild turkeys in any one
day, nor more than ninety-six quail or twenty-five ruffed grouse
or six wild turkeys in any one open season. No person shall kill
any wild duck, goose or brant between the fifteenth day of Janu-
ary and the first day of October; provided, that the wood duck shall
not be killed at any time within this state; woodcock between the
thirtieth day of November and the first day of October following;
plover, ortalan or sandpiper between the fifteenth day of December
and the first day of September following; rail between the thirtieth
day of November and the first day of September following; or any
snipe between the fifteenth day of December and the fifteenth day
of October following; nor any gray, black, red or fox squirrel be-
tween the first day of December and the fifteenth day of Septem-
ber, both inclusive, of the following year. Nor shall any person
kill more than twelve squirrels in any one day, nor more than one
hundred during any open season.

It shall be lawful for any person at any time and by any
means to catch, kill or pursue, with intent to catch or kill any
rabbit upon his own land or any lands upon which he may be
27 an actual bona fide tenant or resident, and also for the agent of the
28 owner or tenant of such land to so hunt and kill any rabbit there-
29 on by the direction of such owner or tenant, but it shall be un-
30 lawful for any person otherwise than upon his own land, or the
31 land upon which he is a resident or tenant, or the agent of such
32 owner or tenant, by his direction, to catch, kill or injure, or pur-
33 sue with intent to catch, kill or injure any rabbit between the
34 thirty-first day of December and the fifteenth day of October fol-
35 lowing.
36 It shall be unlawful for any person to catch, kill or injure
37 by means of a gun, snare, trap or poison any red fox, raccoon,
38 mink or skunk between the first day of January and the first day
39 of November following; provided, however, that it shall be law-
40 ful for any person at any time or by any means to catch, kill or
41 pursue, any red fox, raccoon, mink or skunk upon his own lands, or
42 on any lands upon which he may be an actual bona fide tenant or
43 resident, and also for the agent of the owner or tenant of such
44 land, to so hunt and kill any red fox, raccoon, mink, or skunk
45 thereon by the direction of such owner or tenant, but it shall be
46 unlawful for any person at any time to set or maintain any snare
47 or trap upon the improved or enclosed lands of another without
48 the express permission of the owner or tenant of such land, or at
49 any time to set or maintain any steel or spring bear trap upon any
50 lands not his own.
51 Any person violating any of the provisions of this section
52 shall be guilty of a misdemeanor, and upon conviction thereof
53 shall be fined not less than twenty-five nor more than fifty dol-
54 lars for each offense, and in the discretion of the justice or court
55 trying the case, be imprisoned in the county jail for a period not
56 exceeding thirty days for each offense. And the unlawful catch-
57 ing, killing or injuring of each and every wild game bird, or wild
58 game animal hereinbefore mentioned in this section, shall be
59 deemed a separate offense; and in default of the payment of the
60 fine and costs, the person convicted shall be confined in the county
61 jail for a period not exceeding thirty days, unless such fine and
62 costs be sooner paid; provided, however, that the forest, game and
63 fish warden or deputy wardens, or other persons, under the direc-
64 tion of the warden, may capture by any means any of the game
65 birds or game animals to keep them alive for propagation pur-
66 poses. And, provided, further, that the warden may give written
67 permission to any responsible person, as provided by section thirty-
68 eight of this chapter.

Sec. 31. All moneys collected and due the state, under
2 and by virtue of the provisions of this chapter, shall be disposed of
3 as follows: The net proceeds of all fines collected from convictions
4 of the violations of any section of this chapter, shall, after the pay-
5 ment of the amounts fixed by this chapter to the proper deputy
6 wardens and the costs as provided by law, be paid into and credited
7 to the “school fund” of the state, as provided by the constitution;
8 all other moneys due the state by virtue of any of the provisions
9 of this chapter, as now amended, shall be paid into the state treas-
10 ury and credited to the “forest, game and fish protective fund,”
11 and the same shall be applicable to the payment of the expense of
12 inaugurating, carrying out and maintaining any and all of the
13 purposes of this act set forth in this chapter as now amended, and
14 of any other law relating to the protection of forests
15 or the protection and propagation of game and fish, and
16 shall be paid out upon the requisition of the forest, game and
17 fish warden, approved by the governor, for which purposes said
18 fund is hereby appropriated.

Sec. 34. No person, except the game warden, or his
2 deputies, by his direction, shall within the state of West Virginia,
3 wantonly take or destroy, or attempt to take or destroy, the nest
4 or the eggs of any wild bird, except that of the English or Euro-
5 pean house sparrow, owl, hawk, eagle, crow and the kingfisher,
6 or have such nest or eggs in his possession.

Sec. 44. It shall be unlawful for any person not a citizen
2 of the United States of America or not a bona fide resident of this
3 state, or any corporation doing business in this state, to
3-a catch or destroy any of the fish in the creeks or rivers of
4 this state, or subject to the jurisdiction thereof, without first hav-
5 ing obtained a license so to do, and then only by the means whereby
6 and during the respective periods when it shall be lawful so to
7 do. Such license shall be procured in the following manner, to-
8 wit: The applicant shall go before the clerk of the county court
9 of some county of this state and fill out a blank application, to be
10 provided by the forest, game and fish warden, stating his name,
11 age, occupation, weight, height, place of residence, and color of
12 hair, eyes and complexion; said application shall be subscribed by
13 the applicant in ink, and sworn to by the applicant before said
clerk, and shall aver that his statements made therein are true
and correct to the best of his knowledge and belief; the applicant
shall thereupon pay to said county clerk the sum of five dollars
as a license tax. The said clerk shall thereupon issue to such ap-
plicant a license of the form to be furnished by the said warden,
entitling such applicant to catch and take fish, according to law,
from any of the creeks or rivers in this state; provided, however,
that such applicant may fill out said application and sign and
swear to the same before some notary public or justice of the
peace of the county wherein such application is made and send
the same to said clerk, together with the amount of said license
tax, and such clerk shall send him such license. Such license shall
be signed by said clerk, and shall bear the seal of the county court
of the county in which the same is issued and no fee shall be
charged therefor by the said clerk. All such license taxes shall
be paid by the said clerk to the state treasurer on the first day
of each month for the month next preceding. No person to whom
such license has been issued shall exercise the privilege thereby
conferred without at the time having such license in his actual
possession, and he shall exhibit the same on demand to any officer
of this state, or owner, tenant or lessee of any land upon which
such person is fishing; provided, however, that nothing herein
contained shall be construed to require the non-resident owner
of any lands in this state, or his children, to obtain such license in
order to lawfully fish upon such lands.

It shall not be lawful for any person to catch or destroy any
of the fish in the creeks or rivers in this state by any other means
than hook and line, including a trot line having the hooks thereon
not less than two feet apart. It shall not be lawful for any per-
son to have in his possession, or to set and maintain anywhere in
this state, or on any waters subject to the jurisdiction thereof,
any seines, trap or device whereby fish may be taken or caught.
Nor shall it be lawful for any person to catch or have in his pos-
session any jack salmon, commonly called jack fish, or any white
salmon of less than seven inches in length, or any pike of less
than ten inches in length, or any black bass less than eight inches
in length, or any trout less than six inches in length, or any fish
caught out of season or caught in any manner prohibited by law.
And all fish less than the length prescribed herein shall be re-
turned to the water immediately with as little injury as possible.
And the measurement of fish shall be from the end of nose to center fork of tail. It shall be unlawful to take or destroy any jack salmon (commonly called jack fish or white salmon) in any manner, between the first day of April and the first day of July of each year; or to catch or destroy any trout or land-lock salmon in any manner, between the first day of August and the first day of April following. It shall not be lawful for any person to catch any black bass, green bass, willow bass, rock bass, pike or pickerel, or wall-eyed pike (commonly known as salmon) between the first day of April and the first day of July of each year.

It shall be unlawful to catch fish of the sucker variety, known as suckers, carp, mullet and red horse, between the first day of April and the first day of July.

It shall not be lawful for any person to catch or destroy fish in any dam or pond the property of any person, except with the consent of the owner of such dam or pond, unless such dam or pond be in some of the rivers in this state. But nothing in this chapter shall be so construed as to prevent the catching of minnows or other small fish, except salmon, bass, shad and trout, by means of hand, or cast nets, to be used for angling or scientific purposes; nor to prevent the warden of the state or his deputies or any person with their or his consent from catching any fish at any time with nets or seines for the purpose of propagation or stocking other waters, nor to prevent any person from taking in any way fish from his private dam, spring or pond at any time.

Any person who shall knowingly and wilfully let the water out of any pond mentioned herein, with the intent to take or injure fish therein, shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment in the county jail, not less than one month nor more than six months, or by a fine of not less than fifty nor more than two hundred dollars, or by both fine and imprisonment.

The owners or those in control of lands or rights in land, in or bordering upon any pond designated in this act, shall have erected and maintained in a conspicuous place along those ponds, when they are unenclosed, a sign at least a foot square and which shall have thereon the name of the party in control and the words, "Trespassers warned off under penalties of the law." Any person who shall wilfully and wrongfully tear down, deface or injure the
93 boards provided for in this section, shall be guilty of a misde-
94meanor and liable to a penalty as hereinafter provided.
95 Any person violating any provision of this section, except as
96otherwise herein provided, shall be guilty of a misdemeanor, and
97for every conviction thereof shall be fined not less than ten dollars
98nor more than one hundred dollars, and may, at the discretion of
99the court or justice trying the case, be confined in the county
100jail not exceeding thirty days.

Sec. 45. It shall be lawful for any person at any time to
2 remove or destroy any nets, traps or other devices placed in any
3 creeks, runs or rivers within this state, and the person or persons
4claiming ownership or possession of such nets, seines or other
5devices shall have no recourse at law against the party destroying
6the same.

7 Any person violating any of the above provisions of this sec-
8tion shall be guilty of a misdemeanor and upon conviction thereof
9shall pay a fine of not less than ten dollars nor more than fifty
10dollars or be confined in the jail not exceeding thirty days.
11And no person, firm or corporation shall build, erect, keep or
12maintain any dam or anything in any river, creek or water course
13in this state, which shall in any way or manner prevent or obstruct
14the free and easy passage of fish up or down such river, creek or
15other water course, without placing, building and maintaining
16on such dam or other thing, a good and sufficient ladder or way,
17so planned or built as to allow all fish to easily ascend or descend
18the same; and said ladder or way shall be constructed upon plans
19and in a manner and at a place satisfactory to the forest, game and
20fish warden of the state of West Virginia. Any person, firm or
21corporation violating this provision shall be guilty of a misde-
22meanor and upon conviction thereof shall be fined not less than
23ten dollars nor more than fifty dollars; and each week shall con-
24stitute a separate offense; provided, that any person, firm or cor-
25poration now maintaining or keeping any such dam or other thing,
26shall be allowed six months from the time this act shall take effect
27in which to comply therewith.
28And it shall be the special duty of said forest, game and fish
29warden, upon the information of the violating of this provision,
30to immediately investigate the same, and cause this provision to
31be fully carried out.

Sec. 50-a. From and after the time this act shall take
2 effect a reward or bounty shall be paid out of the "forest, game and
3 fish protective fund" created by this act, for the killing within
4 this state only of the following animals and predatory birds, to-wit:
5 for each wild cat, bob-cat or catamount, the sum of five dollars; for
5-a each hawk, except the sparrow or mouse hawk, the
5-b sum of twenty-five cents; for each great horned owl,
6 the sum of twenty-five cents, and for each crow, the
7 sum of ten cents; the payment of such reward or bounty may be ob-
8 tained by the person killing any such bird in the following manner
9 and not otherwise: he shall produce such killed animal or bird
10 within thirty days from the killing thereof before a justice of the
11 peace of the county in which such animal or bird was killed,
12 and make an affidavit before such justice that he killed the same,
13 stating clearly the time and place of such killing and that such
14 place was within the state of West Virginia. Upon the produc-
15 tion of such animal or bird, and the making of such affidavit,
16 the said justice shall, in the presence of the party making such
17 affidavit and at least one reputable witness residing in said
18 county, cut off the head of such animal or bird and de-
18-a stroy the same by burning; and he shall not charge
19 any fee for any service required of him hereby. Upon the destruc-
20 tion of such head said justice shall endorse upon the said affidavit
21 and sign a certificate of such fact, and deliver said affidavit to the
22 affiant, who shall present or mail the same to the forest, fish and
23 game warden, and he shall thereupon deliver or mail to said affiant
24 a check for the amount of the said bounty or reward, and charge
25 the same against the fund out of which said bounty or reward is
26 hereby made payable; provided, however, that not more than ten
27 per cent. of the amount derived from the license taxes collected
28 in any one calendar year under the provisions of this act shall
29 be applicable to the payment of such bounties or rewards claimed
30 during the succeeding calendar year, and in the event the amount
31 of such bounties or rewards so claimed in any calendar year should
32 equal in the aggregate such ten per centum of such license taxes,
33 the game warden shall immediately thereupon give notice of such
34 fact in two papers representing two different political parties pub-
35 lished at the seat of government, and thereafter no further boun-
36 ties or rewards for any such birds killed during such calendar year
37 shall be paid; and all claims for bounties or rewards made as afore-
38 said shall be paid in the order in which they are received by the forest, game and fish warden.

40 Any person who shall make any false statement in such affidavit, or who shall claim such reward or bounty for any such bird not killed within the state of West Virginia, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars, and at the discretion of the court or justice trying the case may be confined in the county jail not exceeding thirty days, and any justice falsely making any such certificate, as hereinbefore required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and at the discretion of the court trying the case may be confined in the county jail not exceeding sixty days.

Sec. 50-b. From and after the time that this act takes effect there shall be a perpetual closed season for game of all kinds, and wild birds found upon such tracts of land in this state as may be set apart by the forest, game and fish warden as sanctuaries or refuges for games of all kinds, and wild birds, under the provisions of this act; provided, the said tracts of land, if wild or unimproved land, shall be surrounded by a well defined fire line or cleared strip of land, and by at least one wire extending around the boundary thereof, and whether it be such wild land, or improved or cultivated land, the same shall be surrounded with notices, reading: "State Game Refuge. Hunting is Unlawful," posted on said boundary at conspicuous places; and, provided, further, that the combined area of such tracts of land in any one county shall not exceed ten thousand acres; and for the purpose of creating such state game sanctuaries or refuges, the forest, game and fish warden is authorized to secure supervisory control of any tracts of land which he may deem suitable for such purpose, and to prohibit all hunting thereon, and provide for the placing of game and wild birds thereon for the purpose of breeding and propagating the same, and protecting them from injury or molestation from any person, or predatory animal or bird.

22 Any person who shall by any means hunt, kill, injure, disturb or molest any game or wild birds found upon such tract of land otherwise than by the direction of the forest, fish and game warden for the purpose of destroying such predatory animal or bird as is not protected by this chapter, shall be deemed guilty of
27 a misdemeanor, and upon conviction thereof shall be fined not
28 less than twenty-five nor more than one hundred dollars, and at
29 the discretion of the court or justice trying the case may be im-
30 prisoned in the county jail not exceeding thirty days.

CHAPTER 15.

(1Hose Bill No. 177.)

AN ACT to amend and re-enact sections fifty-one, fifty-two, fifty-
three and fifty-four of chapter sixty-two of the code of West
Virginia, (being serial sections numbered 3515, 3516, 3517 and
3518 of the code of one thousand nine hundred and thirteen,) and
add sections fifty-four-a and fifty-four-b to said chapter sixty-
two.

[Passed February 25, 1915. In effect ninety days from passage. Approved by the
Governor March 4, 1915.]

SEC. 51. Forest, game and fish warden
made ex-officio fire warden of
the state; authorized to ap-
point state forester; his du-
ties; to give bond to be ap-
proved by forest, game and
fish wardens; all deputy forest,

game and fish warden to be
deputy fire wardens; may ap-
point special deputies and in-
spectors to prevent forest fires;
duty and authority in case of
forest fires.

52. Pay of deputy wardens a charge
against counties; method of
payment and duty of deputy
as to reports; penalty for false
statements; forest, game and
fish warden to audit and ap-
prove reports.

53. Building fires in abandoned field,
road, wood or forest, a misde-
meanor in certain cases; neglig-
gently setting fire to woods,
fields or lands, a misdemeanor;
penalty; unlawfully setting
fire to woods, fence, grass,

54. Duty of railroad company as to
right or way through forest
land or lands subject to fire;
to provide netting for smoke-
stacks; duty of railroad com-
pany and officers in case of
fires; violations a misde-
meanor; penalty.

54-a. Forest, game and fish warden to
recover amount expended in ex-
tinguishing fires.

54-b. Forest, game and fish warden
given authority to purchase
lands in name of the state for
forest culture; to make rules
and regulations; to accept
gifts of land to the state; duty
of attorney general as to con-
voyance. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections fifty-one, fifty-two, fifty-three and fifty-four of chap-
ter sixty-two of the code of West Virginia (being serial sections 3515,
3516, 3517 and 3518 of the code of 1913), be amended and re-acted
and that sections fifty-four-a and fifty-four-b be added to said chapter
so as to read as follows, to-wit:

Section 51. The forest, game and fish warden shall be ex-officio
2 fire warden of the state of West Virginia, and shall appoint some
3 suitable person of sufficient education, training and practical experience in forestry, as state forester, who shall work under the direction of the forest, game and fish warden, and assist him in formulating the best methods of re-forestation, preventing the destruction of forests by fire, administering the forests on forestry principles, instructing and encouraging private owners in preserving and growing timber for commercial and manufacturing purposes, maintaining patrol routes and lookout stations, and securing the aid and co-operation of individuals, companies, organizations and the federal government.

Before entering upon the discharge of his duties, the said state forester shall execute a bond in the penalty of three thousand five hundred dollars, with surety therein, to be approved by the forest, game and fish warden, and conditioned for the faithful performance of his duties, and to account for and pay over all moneys coming into his hands due and belonging to the state, and also conditioned according to the requirements of the present law, with reference to the carrying of revolvers, which said bond, after having been approved by the warden, shall be deposited with the auditor.

All deputy forest, game and fish wardens shall also be deputy fire wardens for their respective counties in which they may reside, and shall have jurisdiction in the adjoining counties therein to in case of emergency or where their services may be required. The forest, game and fish warden may also appoint such special deputies and inspectors as are necessary to meet the conditions and requirements of the federal government in securing federal co-operation under the provisions of the Weeks' law, and may appoint special deputy fire wardens for each county, whose duty it shall be to assist in preventing and controlling forest fires, who shall be vested with the same authority with regard to such fires and be paid in the same manner as is provided for the deputy forest, game and fish wardens.

In case of fire in or threatening to forests or woodlands, the deputy fire wardens, shall upon receiving notice thereof, forthwith attend and use all necessary means to confine and extinguish the same. He may destroy fences, plough land, or, in an emergency, set back fires to check fire. He may hire volunteers or summon any resident of his county to assist in putting out fires. Any per-
son summoned, who is physically able, and refuses to assist, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten, nor more than fifty dollars, and in the discretion of the court or justice trying the case, be confined in the county jail for a period of not more than sixty days; and upon the default of the payment of fine and costs, he shall be confined in the county jail for not less than twenty, nor more than thirty days, unless said fine and costs are sooner paid.

An action of trespass shall not lie against persons crossing or working upon lands of another to extinguish fire.

Sec. 52. Deputy wardens shall receive the sum of two dollars per day for the time actually employed at forest fires, and all persons employed or summoned by them, not to exceed the sum of one dollars and fifty cents per day for their services. All services so rendered shall be a charge against the county, and each deputy warden shall within twenty days after such fire render to the forest, game and fish warden a sworn report, in duplicate, giving the location and area burned over, the quantity of timber, wood, logs, bark or other forest product, and of fences, bridges and buildings destroyed, with an estimate of the value thereof, the time used by him, the names and postoffice address of all persons hired or summoned by him, who assisted him thereat, together with the time each worked.

Any deputy warden who shall make any false statement in his said report, hereinbefore required to be made to the forest, game and fish warden, as to the time used by him, the names of the persons so hired or summoned by him, and who assisted him in fighting such fire, or as to the time of any such person working thereat, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars, and for such cause shall be removed from office by the said forest, game and fish warden.

It shall be the duty of the forest, game and fish warden to carefully audit such report, and after having satisfied himself of the correctness of same, he shall approve said report and certify same to the county court of the county wherein the fire occurred for payment, which amounts shall be paid to the parties entitled thereto, out of the county funds, at the first session of said court thereafter.

Sec. 53. Whoever by himself, or by his servants, agents or
2 guide, or as the servant, agent or guide of any other person, shall
3 build any fire, or use an abandoned fire in a field, public or private
4 road, or adjacent to, or in any woods or forest in this state, shall,
5 before leaving such fire, totally extinguish the same, and upon
6 failure to do so, if failure to do so shall cause damage to any prop-
6-a rerty within, such person or persons shall be deemed guilty
7 of a misdemeanor, and on conviction thereof shall be fined not
8 less than twenty-five dollars nor more than one hundred dollars
9 and the costs of the prosecution, and upon default in paying said
10 fine and costs, shall be confined in the county jail not more than
11 ninety days unless said fine and costs be sooner paid. If any
12 person, or persons, negligently set on fire, any woods, fields or
13 lands within this state, so as thereby to occasion loss, damage or
14 injury to any other person, he shall be guilty of a misdemeanor,
15 and on conviction thereof, shall be fined not less than fifty dol-
16 lars nor more than five hundred dollars, and in the discretion of
17 the justice or court trying the case, be imprisoned in the county
18 jail not to exceed one year. If any person unlawfully and
19 maliciously set fire to any woods, fence, grass, straw or other
20 inflammable material which may spread fire on lands, he shall
21 be guilty of a felony, and on conviction thereof shall be confined
22 in the penitentiary not less than one year nor more than two years,
23 and shall moreover be liable to any person injured thereby, or in
24 consequence thereof, for double the amount of damages sustained
25 by such person.
26 It shall be unlawful for any person or corporation as land
27 owner to set, or procure another to set fire to any woods, brush,
28 logs, leaves, grass or clearing upon their own land, unless they
29 shall have previously given notice of their intention of firing such
30 lands, to adjoining land owners and taken all possible care and
31 precaution against the spread of such fire to other lands not their
32 own, by previously having cut and piled the same, or carefully
33 cleared around the land which is to be burned, so as to prevent
34 the spread of such fire. The setting of fire contrary to the pro-
35 visions of this section, or allowing it to escape to the injury of ad-
36 joining lands, shall be prima facie proof of willfulness, or neglect,
37 and the land owner from whose land the fire originated shall be
38 liable in a civil action for damages for the injury resulting from
39 such fire and also for the cost of fighting and extinguishing the
40 same.

Sec. 54. Every railroad company shall, on such part of
2 its road as passes through forest land or lands, subject to fires
3 from any cause, cut and remove from its right of way along such
4 lands, at least twice a year, all grass, brush and other inflammable
5 materials, and employ in seasons of drought and before vegetation
6 has revived in the spring, sufficient trackmen to promptly put
7 out fires on its right of way; and every person, firm or cor-
8 poration operating any locomotive steam engine in this state shall
9 provide the same with netting of steel or iron wire so constructed,
10 and at all such times maintained as to prevent the escape of fire
11 and sparks from the smoke stacks thereof, and with adequate de-
12 vices to prevent the escape of fire from ash pans and furnaces
13 which shall be used on such locomotives.
14 No railroad company or employee thereof shall deposit fire coals
15 or ashes on its track or right of way near such lands. In case
16 of fire on its own or neighboring lands, the railroad company shall
17 use all practicable means to put it out. Engineers, conductors or
18 trainmen discovering or knowing of fires in fences or other mate-
19 rial along or near the right of way of the railroad in such lands
20 shall report the same at the first station to the station agent, and
21 such station agent shall forthwith notify the nearest fire warden
22 and use all necessary means to extinguish the same. And any
23 railroad company or officer, or employee thereof, and any person,
24 firm or corporation operating any such locomotive steam engine
25 who shall violate any provisions of this section, shall each be
26 guilty of a misdemeanor, and upon conviction thereof, shall be
27 fined a sum not less than twenty nor more than two hundred
28 dollars.

Sec. 54-a. The forest, game and fish warden in the name
2 of the county in which any forest fire has occurred, and which has
3 been extinguished or suppressed by his efforts, shall recover from
4 the person or persons, firm or corporation, giving origin to such
5 fire, the amount so expended in extinguishing said fire and the
6 costs thereof, and the same shall not bar the rights of damage
7 between the parties thereto.

Sec. 54-b The forest, game and fish warden, by and with
2 the consent of the governor, shall have the power to purchase
3 lands in the name of the state, suitable for forest culture and re-
4 serves, at a price which shall not exceed five dollars per acre,
5 using for such purchase any surplus money not otherwise appro-
6 priated which may be standing to the credit of the forest, game
7 and fish protective fund; and to make all rules and regulations
8 governing state reserves; and is hereby authorized, by and with
9 the consent of the governor, to accept gifts of land to the state,
10 the same to be held, protected and administered by the forest,
11 game and fish warden as state forest reserves, and to be used so as
12 to demonstrate the practical utility of timber culture and as a
13 breeding place for game. Such gifts must be absolute, except for
14 the reservation of all mineral and mining rights over and under
15 said lands, and a stipulation that they shall be administered as
16 state forest reserves, and the attorney general of the state is di-
17 rected to see that all deeds to the state of lands mentioned above
18 are properly executed before the gift is accepted.
19 All acts and parts of acts in conflict with this act are
20 hereby repealed.

CHAPTER 16.

(AN ACT to amend and re-enact chapter fifty-nine of the acts of the
session of one thousand eight hundred and eighty-two, chapter
fifty-nine of the code of one thousand nine hundred and thirteen;
providing for the establishment of standard weights and meas-
ures and for the inspection and sealing of devices used for
weighing and measuring commodities.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the
Governor February 16, 1915.]

SEC. 1. Standard weights and measures
established; received from the
United States; additional or
renewal shall be supplied by
the state; to be kept at state
university or elsewhere at dis-
ccretion of commissioner of
labor, ex-officio commissioner of
weights and measures.

SEC. 2. Additional set of copies of stand-
ards provided for; to be veri-
fied by commissioner once each
year; if accurate, to be sealed
by stamping with letters "W.
V.;" office standards, how

SEC. 3. Commissioner of labor ex-officio,
commissioner of weights and
measures, authorized to ap-
point deputies; salaries of dep-
uties not to exceed.

SEC. 4. Commissioner shall give bond ap-
proved by the attorney general
for the faithful performance of
his duties.

SEC. 5. Commissioner to have charge of
standards; to maintain state
standards; shall keep record,
report to the governor; assist-
ant, duties.

SEC. 6. Powers of commissioner; penalty
for failure of witnesses to tes-
Be it enacted by the Legislature of West Virginia:

That chapter fifty-nine of the acts of the session of the legislature of one thousand eight hundred and eighty-two and all the sections of said chapter be amended so as to read as follows:

Section 1. The weights and measures received from the United States under a resolution of congress approved June twenty-four, one thousand eight hundred and thirty-six, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the state in conformity therewith and certified by the national bureau of standards, shall be the state standards of weights and measures.

Said state standards may be kept at the state university in its physical laboratory, or elsewhere at the discretion of the state sheriff as county sealer; county sealer to give bond in penal sum of one thousand dollars.

7. Standards to be proved once in five years; to be inspected; record to be kept; duties of commissioner; his deputy or inspectors to visit cities and towns and inspect local sealers; other weighing or measuring appliances; commissioner to issue regulations.

8. Commissioner to have general supervision of weighing or measuring devices sold in the state; shall make tests upon request; shall report to; appoint employees.

9. Commissioner's powers and duties; shall make tests at least twice a year; prosecute violations.

10. Commissioner shall compare and seal or mark such weights and measures.

11. Power to condemn, seize or destroy incorrect weights and measures; same to be tagged "condemned for repairs:" owner to have necessary repairs made, commissioner shall have power to confiscate.

12. Salary and duties imposed upon deputies and inspectors as upon commissioner.

13. Sheriff shall be ex-officio county sealer of weights and measures; no fee allowed for testing; county commissioners may appoint deputy sealers and fix salaries; term of office, powers and duties.


15. Two or more counties may combine; employ one set of standards; term, authority, jurisdiction, duties.

16. No additional bond required of.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-nine of the acts of the session of the legislature of one thousand eight hundred and eighty-two and all the sections of said chapter be amended so as to read as follows:

Section 1. The weights and measures received from the United States under a resolution of congress approved June twenty-four, one thousand eight hundred and thirty-six, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the state in conformity therewith and certified by the national bureau of standards, shall be the state standards of weights and measures.

Said state standards may be kept at the state university in its physical laboratory, or elsewhere at the discretion of the state sheriff as county sealer; county sealer to give bond in penal sum of one thousand dollars.

7. Standards to be proved once in five years; to be inspected; record to be kept; duties of commissioner; his deputy or inspectors to visit cities and towns and inspect local sealers; other weighing or measuring appliances; commissioner to issue regulations.

8. Commissioner to have general supervision of weighing or measuring devices sold in the state; shall make tests upon request; shall report to; appoint employees.

9. Commissioner's powers and duties; shall make tests at least twice a year; prosecute violations.

10. Commissioner shall compare and seal or mark such weights and measures.

11. Power to condemn, seize or destroy incorrect weights and measures; same to be tagged "condemned for repairs:" owner to have necessary repairs made, commissioner shall have power to confiscate.

12. Salary and duties imposed upon deputies and inspectors as upon commissioner.

13. Sheriff shall be ex-officio county sealer of weights and measures; no fee allowed for testing; county commissioners may appoint deputy sealers and fix salaries; term of office, powers and duties.


15. Two or more counties may combine; employ one set of standards; term, authority, jurisdiction, duties.

16. No additional bond required of.
10 commissioner of labor, who shall be *ex-officio* commissioner of 11 weights and measures.

Sec. 2. In addition to the state standards of weights and 2 measures provided for in this act, there shall be supplied by the 3 state at least one complete set of copies of these standards, to be 4 known as office standards; and such other weights, measures and 5 apparatus as may be found necessary to carry out the provisions 6 of this act, to be known as working standards. Such weights, 7 measures and apparatus shall be verified by the state commissioner, 8 or his deputy or inspectors, at his discretion, upon the initial re- 9 ceipt of such weights, measures and apparatus and at least once 10 in each year thereafter, the office standards by direct comparison 11 with the state standards, the working standards by comparison 12 with the office standards. When found accurate upon these tests 13 the office and working standards shall be sealed by stamping on 14 them the letters "W. V." and the last two figures of the year with 15 seals which the state commissioner shall have and keep for that 16 purpose. The office standards shall be used in making all com- 17 parisons of weights, measures and weighing and measuring de- 18 vices submitted for test in the office of the commissioner, and the 19 state standards shall be used only in verifying the office standards 20 and for scientific purposes.

Sec. 3. The state commissioner of labor shall be *ex-officio* 2 commissioner of weights and measures, and he shall be author- 3 ized to appoint and fix the salaries of such deputies and inspect- 4 ors not to exceed two in number as may be required to carry out 5 the purpose of this act, within the limits of such appropriations 6 as may be made by the legislature for the maintenance of the 7 work of the state bureau of labor; *provided*, the salaries of such 8 deputies or inspectors shall not exceed twelve hundred dollars 9 per annum.

Sec. 4. The state commissioner of labor shall forthwith, on his 2 appointment, give bond in the penal sum of five thousand dollars, 3 with sureties to be approved by the attorney general, for the faith- 4 ful performance of the duties of his office as state commissioner of 5 weights and measures, and for the safe keeping of the standards 6 entrusted to his care and for the surrender thereof immediately 7 to his successor in office or to the person appointed by the governor 8 to receive them.

Sec. 5. The commissioner of weights and measures shall
2 take charge of the standards adopted by this act as the standards
3 of the state, and cause them to be kept in a safe and suitable place,
4 from which they shall not be removed except for repair or for
5 certification, and he shall take all other necessary precautions for
6 their safe-keeping. He shall maintain the state standards in
7 good order and shall submit them at least once in ten years to the
8 national bureau of standards for certification. He shall keep a
9 complete record of the standards, balances, and other apparatus
10 belonging to the state and take a receipt for same from his suc-
11 cessor in office. He shall annually, on the first day of January,
12 make to the governor a report of all work done by his office. The
13 director of the physical laboratory of the West Virginia university
14 shall, by virtue of his appointment to that position by the state
15 board of regents, become the assistant commissioner of weights
16 and measures. It shall be his duty, upon the request of the com-
17 missioner, to make or cause to be made at said physical laboratory
18 all such tests, calibrations and determinations as may be necessary
19 for the carrying out of this act.

Sec. 6. In the exercise of his powers and the performance
2 of his duties under this act, the commissioner of weights and meas-
3 ures shall have the power to administer oaths and issue subpoenas
4 to compel the attendance of witnesses and the production of books,
5 papers, accounts and documents. In case of disobedience on the
6 part of any person or persons to comply with any proper order of
7 the commissioner, or any supeona issued in behalf of said com-
8 missioner, or on the refusal of any witness to testify with refer-
9 ence to any matters upon which such witness may be lawfully in-
10 terrogated, it shall be the duty of the circuit court of any circuit,
11 upon application of the commissioner, to compel obedience by at-
12 tachment proceedings for contempt as in the case of disobedience
13 of the requirements of a subpoena issued from such court or a re-
14 fusal to testify therein.

Sec. 7. The commissioner of weights and measures, or his
2 assistant commissioner, deputy, or inspectors, at his direction, shall
3 at least once in five years try and prove by the office standards all
4 standard weights, measures and other apparatus which may belong
5 to any county or city required to appoint a sealer and to purchase
6 and keep standards of weights and measures by the provisions of
7-8 this act, and shall seal such when found to be accurate by stamp-
9 ing on them the letters "W. V." and the last two figures of the year, 10 with seals which he shall have and keep for that purpose.

The state commissioner, or his assistant, deputy or inspectors, 11 at his direction, shall inspect all standard weights, measures and 12 other apparatus used by such counties and cities at least once in two 13 years, and shall keep a record of the same. He, or his deputy, 14 or inspectors, at his direction, shall at least once in two years visit 15 these cities and counties for the purpose and in order to inspect 16 the work of the local sealers, and in the performance of such duties 17 they may inspect the weights, measures, balances, or any other 18 weighing or measuring appliances of any person, and shall have 19 the same powers as the local sealer of weights and measures. The 20 commissioner shall issue from time to time regulations for the 21 guidance of county and city sealers, and the said regulations shall 22 govern the procedure to be followed by the aforesaid officers in the 23 discharge of their duties.

Sec. 8. The state commissioner of weights and measures, 2 shall have and keep a general supervision of the weights and 3 measures, and weighing or measuring devices offered for sale, sold, 4 or in use in the state. He or his assistant commissioner, deputy, or 5 inspectors, at his direction, shall, upon the written request of any 6 citizen, firm or corporation, or educational institution in the state, 7 test or calibrate weights, measures and weighing or measuring de- 8 vices used as standards in the state. He, or his assistant commis- 9 sioner, deputy, or inspectors, at his discretion, shall at least once 10 annually test all scales, weights and measures used in checking the 11 receipts or disbursements of supplies in every institution for the 12 maintenance of which moneys are appropriated by the legislature, 13 and he shall report in writing his findings to the state board of 14 control and to the executive officer of the institution concerned, 15 and, at the request of such board or executive officer, the commis- 16 sioner of weights and measures shall appoint, in writing, one or 17 more employes then in the actual service of the institution who 18 shall act as special deputies for the purpose of checking the re- 19 ceipts and disbursements of supplies.

Sec. 9. The state commissioner shall have the power, and 2 shall be his duty, either personally or by deputy or through the 3 agency of a county or city sealer of weights and measures, to in- 4 spect, test, try and ascertain if they are correct, all weights, meas- 5 ures, and weighing or measuring devices kept, offered or ex-
posed for sale, sold, or used or employed by any proprietor, agent, lessee, or employee in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased or offered or submitted by such person or persons for sale, hire, or award; and he shall have the power to and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, or sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law. He shall at least twice a year and as much oftener as he may deem necessary see that all weights, measures and weighing or measuring devices are correct. He and his authorized deputies may for the purpose above mentioned, and in the general performance of their official duties, enter and go into or upon, and without formal warrant, any stand, place, building, or premises, or stop any dealer whatsoever, and require him, if necessary, to proceed to some place which the state commissioner may specify, for the purpose of making the proper tests. Whenever the state commissioner finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted.

Sec. 10. Whenever the state commissioner compares weights, measures, or weighing or measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices.

Sec. 11. The state commissioner shall condemn and seize and may destroy incorrect weights, measures or weighing or measuring devices which, in his best judgment, are not susceptible of satisfactory repair, but such as are incorrect and yet may be repaired, he shall mark or tag as “condemned for repairs.” The owner or users of any weights, measures, or weighing or measuring devices of which such disposition is made, shall have the same repaired or corrected within ten days, and said owner or users may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the commissioner. Any weights, measures, or weighing or measuring devices which have not been repaired as required above, shall be confiscated by the commissioner.

Sec. 12. The powers and duties given to and imposed upon
2 the state commissioner of weights and measures by sections six,
3 nine, ten and eleven, are hereby given to and imposed upon his
4 deputies and inspectors also, when acting under his instructions
5 and at his directions.

Sec. 13. Except in counties where the county commissioners
2 shall appoint a sealer of weights and measures as herein-
3 after provided, the sheriff of the county shall be ex-officio county
3a sealer of weights and measures in each county, and no fee shall
4 be charged by him or by the county for the inspection, testing, or
5 sealing or the repairing or adjusting of weights, measures, or
6 measuring devices. Whenever the county commissioners of any
7 county shall deem it necessary, they may appoint and fix the sal-
8 ary of one sealer and one or more deputy sealers of weights and
9 measures. Such sealer or deputies, when not appointed merely
10 for some temporary purpose, shall hold office for a term of four
11 years from the date of their appointment, and all deputies shall
12 have the same power and may perform the same duties as the
13 county sealer when acting under his instructions and at his direc-
14 tion.

Sec. 14. There shall be a city sealer of weights and meas-
2 ures in cities of not less than twenty-five thousand population, ac-
3 cording to the latest official state or United States census, to be
4 appointed by the mayor from a list to be furnished by the civil
5 service board and under the rules of such board, where such board
6 exists; otherwise he shall be appointed by the mayor, by and with
7 the advice and consent of the common council, for a term of four
8 years. He shall be paid a salary to be determined by the common
9 council, and no fee shall be charged by him or by the city for the in-
10 specting, testing or sealing, or the repairing or adjusting of
11 weights, measures or weighing or measuring devices. Whenever
12 the mayor and common council of cities of not less than twenty-
13 five thousand population shall deem it necessary, one or more
14 deputy sealers of weights and measures may be appointed and their
15 salaries fixed as above, who, when not appointed merely for some
16 temporary purpose, shall hold office for a term of four years from
17 the date of their appointment. All deputies appointed shall have
18 the same powers and perform the same duties as the city sealer,
19 when acting under his instructions and his directions. In those
20 cities in which no sealer is required by the above, the county sealer
21 of the county shall perform in said cities the duties and have like
22 powers as in the county.

Sec. 15. Nothing in sections thirteen and fourteen of this
2 act shall be construed to prevent two or more counties or a county
3 and any city therein, from combining the whole or any part of
4 their districts, as may be agreed upon by the county commissioners
5 of the counties, or such county commissioners and the mayor and
6 common council of the city employing one set of standards and
7 one sealer, upon the written consent of the state commissioner of
8 weights and measures. A county sealer or city sealer appointed in
9 pursuance of an agreement for such combination shall, subject to
10 the terms of his appointment, have the same authority, jurisdiction,
11 and duties as if he had been appointed by each of the authorities
12 who are parties to the agreement.

Sec. 16. Any official bond given by a sheriff as to duties to
2 be performed on or after the first day of July, one thousand nine
3 hundred and fifteen, shall, whether so stipulated therein or not, ex-
4 tend to and cover his official acts as county sealer of weights and
5 measures, the same in all respects as a bond given by him to cover
6 the same specifically. Each county sealer of weights and measures
7 under the provisions of section twelve of this act and each city
8 sealer of weights and measures required to be appointed by the pro-
9 visions of section thirteen of this act shall, forthwith on his ap-
10 pointment give bond in the penal sum of one thousand dollars,
11 with sureties to be approved by the appointing power, for the
12 faithful performance of the duties of his office.

Sec. 17. The county commissioners of each county and the
2 common council of each city required to appoint a sealer under the
3 provisions of this act shall procure at the expense of the county or
4 city, and shall keep at all times a set of weights and measures and
5 other apparatus as complete and of such material and construction
6 as the state commissioner of weights and measures may direct. All
7 such weights, measures, and other apparatus having been tried and
8 accurately proven by the state commissioner shall be sealed and
9 certified to by him as hereinbefore provided, and shall then be de-
10 posited with and preserved by the county or city sealer as public
11 standards for such county or city.
12 Whenever the county commissioner of such county or the
13 common council of such city shall neglect for six months so to do,
14 the county clerk of said county, or the city clerk or recorder of
15 said city, on notification and request by the commissioner of
16 weights and measures, shall provide such standards and cause the
17 same to be tried, sealed and deposited at the expense of the county
18 or city.

Sec. 18. Where not otherwise provided by law, the county
2 or city sealer shall have the same powers and shall perform the
3 same duties within his county or city as are granted to and im-
4 posed upon the state commissioner of weights and measures pro-
5 vided for in sections nine, ten and eleven of this act.

Sec. 19. The county or city sealer shall keep a complete
2 record of all his official acts, and shall make an annual report, duly
3 sworn to, on the first day of November, to the state commissioner of
4 weights and measures, on blanks furnished by the commissioner.

Sec. 20. The commissioner of weights and measures, his
2 assistant, deputy and inspectors, and the county and city sealers and
3 deputy sealers of weights and measures, are hereby made special
4 policemen and are authorized and empowered to arrest, without
5 formal warrant, any violator of the statutes in relation to weights
6 and measures, and to seize for use as evidence, without formal
7 warrant, any false or unsealed weight, measure or weighing and
8 measuring device or package or amount of commodity found to be
9 used, retained, or offered or exposed for sale or sold in violation
10 of the law.

Sec. 21. Any person who shall hinder or obstruct in any
2 way the commissioner of weights and measures, his deputy, or in-
3 spectors, or any county or city sealer or deputy sealer of weights and
4 measures, in the performance of his official duty shall be guilty of
5 a misdemeanor, and, upon conviction thereof in any court of com-
6 petent jurisdiction, shall be punished by a fine of not less than
7 two hundred dollars, or by imprisonment in the county jail for
8 not less than three months, or by both such fine and imprisonment.

Sec. 22. Any person who shall impersonate in any way the
2 commissioner of weights and measures, his deputy, or inspectors,
3 or any county or city sealer or deputy sealer of weights and meas-
4 ures, by the use of his seal or counterfeit of his seal, or otherwise,
5 shall be guilty of a misdemeanor, and upon conviction thereof, in
6 any court of competent jurisdiction, shall be punished by a fine of
7 not less than one hundred nor more than five hundred dollars, or by
8 imprisonment for not more than one year, or by both such fine and
9 imprisonment.
Sec. 23. It shall be unlawful to keep for the purpose of
sale, offer or expose for sale, or sell any commodity in package form
unless the net quantity of the contents be plainly and conspicuously
marked on the outside of the package, in terms of weights,
measures, or numerical count; provided, however, that reasonable
variations or tolerances and also exemptions as to small packages
shall be established by rules and regulations made by the com-
missioner of weights and measures; and, provided, further, that
this section shall not be construed to apply to those commodities
in packages the manner of sale of which is specifically regulated
by the provisions of other sections of this act.

The word "package" as used in this section shall be construed
to include the package, carton, case, can, box, barrel, bottle, phial,
or other receptacle put up by the manufacturer; or when
put up prior to the order of the commodity, by the
vendor; which may be labeled, branded, or stenciled or
otherwise marked, or which may be suitable for labeling,
branding, or stenciling, or marking otherwise, making one
complete package of the commodity. The word "package" shall
be construed to include both the wholesale and the retail package;
provided, that a box or carton used for shipping purposes con-
taining a number of similar packages which are individually
marked, as hereinbefore provided, will not be required to bear
the weight or measure of contents; and, provided, further, that
all commodities in packages, boxes, cans, bottles or other con-
tainers in the hands of merchants, both wholesale and retail, at
the time of the passage of this act, shall be and are hereby exempt
from the provisions of the same.

Sec. 24. It shall be unlawful for any person to sell or offer
for sale any butter or renovated or process butter or oleomargarine
in any other manner than by weight. Whenever such butter,
renovated or process butter or oleomargarine, is sold, offered or ex-
posed for sale in the form of prints, bricks or rolls, each print,
brick or roll shall bear a definite, plain and conspicuous statement
of its true net weight, on the principal label, where there be such
a label, otherwise on the outside wrapper of said print, brick or
roll, when such statement is made part of the printed matter on the
label, wrapper or carton of any such print, brick or roll, the state-
ment as to net weight shall be in gothic type not less than one
quarter of an inch square.
The prints, bricks, or rolls referred to in this section shall be construed to include those prints, bricks, or rolls put up by the manufacturer or producer; or when put up prior to the order of the commodity, by the vendor; provided, however, that this section shall not apply to farmers who manufacture and sell their own butter.

Sec. 25. Bottles used for the sale of milk or cream shall be of the capacity of one-half gallon, three pints, one quart, one pint, one-half pint, and one gill, when filled to within one-fourth of an inch of the cap seat or stopple in the case of those bottles having an inside diameter immediately below this cap seat or stopple of not over two inches; or when filled to within one-eighth of an inch of the cap seat or stopple in the case of those having an inside diameter immediately below this cap seat or stopple of over two inches. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error more than one-quarter of these tolerances: six drams above and six drams below on the half gallon; five drams above and five drams below on the three pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the gill. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "sealed;" and, the side or bottom of the bottle the name, initial, or trademark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the state commissioner of weights and measures upon application by the manufacturer, and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, and the designating numbers and to whom furnished shall be kept in the office of the commissioner of weights and measures.

Any manufacturer who sells or offers to sell milk or cream bottles to be used in this state that do not comply as to size and markings with the provisions of this section shall suffer a
penalty of five hundred dollars, to be recovered by the attorney
general in an action against the defender's bondsmen to be
brought in the name of the state of West Virginia. Any dealer who
uses, for the purpose of selling milk or cream, jars or bottles pur-
chased after this law takes effect that do not comply with the re-
quirements of this section as to markings and capacity, shall be
deemed guilty of using a false and insufficient measure.

Sealers of weights and measures are not required to seal
bottles or jars for milk or cream marked as in this section pro-
vided, but they shall have the power to and shall from time to
time make tests on individual bottles used by various firms in the
territory over which they have jurisdiction in order to ascertain
if the above provisions are being complied with, and they shall
immediately report violations found to the state commissioner
of weights and measures; provided, however, that this section shall
not apply except to farmers and dairymen who own and milk ten
or more cows.

Sec. 26. The standard barrel for fruits, vegetables and
produce shall be of the following dimensions when measured with-
out distension of its parts: diameter of head inside of staves, sev-
enteen and one-eighth inches; distance between heads, inside
measurements, twenty-six inches; the outside bilge or circumference
not less than sixty-four inches; and the thickness of staves
not more than four-tenths of an inch; provided, that any barrel
of a different form having the same distance between heads and
a capacity of seven thousand and fifty-six cubic inches shall be a
standard barrel.

Sec. 27. A bushel of the respective articles hereinafter
mentioned shall be the amount of weight, avoirdupois, viz:—

<table>
<thead>
<tr>
<th>Item</th>
<th>Weight (lbs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apples (green)</td>
<td>50</td>
</tr>
<tr>
<td>Apples (dried)</td>
<td>24</td>
</tr>
<tr>
<td>Barley</td>
<td>48</td>
</tr>
<tr>
<td>Beans (dry and shelled)</td>
<td>60</td>
</tr>
<tr>
<td>Beans, Castor</td>
<td>46</td>
</tr>
<tr>
<td>Bran</td>
<td>20</td>
</tr>
<tr>
<td>Broom corn seed</td>
<td>57</td>
</tr>
<tr>
<td>Blueberries</td>
<td>42</td>
</tr>
<tr>
<td>Blue grass seed</td>
<td>14</td>
</tr>
<tr>
<td>Buckwheat</td>
<td>52</td>
</tr>
<tr>
<td>Carrots</td>
<td>50</td>
</tr>
<tr>
<td>Item Description</td>
<td>Weight (pounds)</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Clover seed</td>
<td>60</td>
</tr>
<tr>
<td>Charcoal</td>
<td>20</td>
</tr>
<tr>
<td>Coal</td>
<td>80</td>
</tr>
<tr>
<td>Coke</td>
<td>40</td>
</tr>
<tr>
<td>Peas (dry)</td>
<td>60</td>
</tr>
<tr>
<td>Peaches</td>
<td>48</td>
</tr>
<tr>
<td>Peaches (dried)</td>
<td>33</td>
</tr>
<tr>
<td>Potatoes (Irish)</td>
<td>60</td>
</tr>
<tr>
<td>Potatoes (Sweet)</td>
<td>50</td>
</tr>
<tr>
<td>Rape seed</td>
<td>50</td>
</tr>
<tr>
<td>Red top grass seed</td>
<td>14</td>
</tr>
<tr>
<td>Rye</td>
<td>56</td>
</tr>
<tr>
<td>Salt (coarse)</td>
<td>70</td>
</tr>
<tr>
<td>Salt (fine)</td>
<td>50</td>
</tr>
<tr>
<td>Sorghum</td>
<td>57</td>
</tr>
<tr>
<td>Timothy seed</td>
<td>45</td>
</tr>
<tr>
<td>Tomatoes</td>
<td>56</td>
</tr>
<tr>
<td>Wheat</td>
<td>60</td>
</tr>
<tr>
<td>Hungarian grass seed</td>
<td>50</td>
</tr>
<tr>
<td>Corn (ear dry)</td>
<td>68</td>
</tr>
<tr>
<td>Corn (ear green)</td>
<td>72</td>
</tr>
<tr>
<td>Corn (shelled)</td>
<td>48</td>
</tr>
<tr>
<td>Corn Meal</td>
<td>56</td>
</tr>
<tr>
<td>Cranberries</td>
<td>36</td>
</tr>
<tr>
<td>Cucumbers (green)</td>
<td>50</td>
</tr>
<tr>
<td>Currants</td>
<td>40</td>
</tr>
<tr>
<td>Flaxseed</td>
<td>56</td>
</tr>
<tr>
<td>Hempseed</td>
<td>44</td>
</tr>
<tr>
<td>Gooseberries</td>
<td>40</td>
</tr>
<tr>
<td>Lime</td>
<td>70</td>
</tr>
<tr>
<td>Malt</td>
<td>34</td>
</tr>
<tr>
<td>Millet</td>
<td>50</td>
</tr>
<tr>
<td>Nuts (hickory)</td>
<td>50</td>
</tr>
<tr>
<td>Oats</td>
<td>32</td>
</tr>
<tr>
<td>Onions</td>
<td>55</td>
</tr>
<tr>
<td>Orchard grass seed</td>
<td>14</td>
</tr>
<tr>
<td>Parsnips</td>
<td>42</td>
</tr>
<tr>
<td>One barrel of flour shall contain</td>
<td>196</td>
</tr>
<tr>
<td>One barrel lime shall contain</td>
<td>200</td>
</tr>
</tbody>
</table>

50 One barrel of flour shall contain one hundred and ninety-six pounds.
51 One barrel lime shall contain two hundred pounds.
Sec. 28. Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. Whenever the weight of a commodity is mentioned in this act, it shall be understood and construed to mean the net weight of the commodity.

Sec. 29. Any person who, by himself or by his servant or agent, or as the servant or agent of another person shall knowingly offer or expose for sale, sell, use in the buying or selling of any commodity or thing or for hire or award, or retain in his possession a false weight or measure or weighing or measuring device which has not been sealed by a sealer or deputy sealer of weights and measures within one year, or shall dispose of any measure, or weighing or measuring device contrary to law, or remove any tag placed thereon by a sealer or deputy sealer of weights and measures; or who shall sell or offer or expose for sale less than the quantity he represents, or shall take or attempt to take more than the quantity he represents, when as the buyer, he furnishes the weights, measures, or weighing device by means of which the amount of commodity is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall violate any provisions of this act for which a specific penalty has not been provided; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to or calculated to falsify any weights or measures, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, upon a first conviction in any court of competent jurisdiction, and upon a second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Sec. 30. The word “person” as used in this act, shall be construed to impart the plural and singular, as the case demands, and shall include corporations, companies, societies and associations.
4-a The word "weights, measures or weighing or measuring de-
vice" as used in this act, shall be construed to include all weights,
scales, beams, measures of every kind, instruments and mechanical
devices for weighing or measuring, and any appliances and ac-
essories connected with any or all such instruments.
9 The words "sell" or "sale" as used in this act shall be con-
strued to include barter and exchange.

CHAPTER 17.
(House Bill No. 303.)

AN ACT to amend and re-enact chapter eleven of the acts of one
thousand nine hundred and thirteen, concerning hydro-electric
or other companies producing and selling hydraulic, electric or
other power; authorizing such companies to exercise the right
of eminent domain; defining and regulating the powers, rights,
duties, and obligations of such companies, and levying royalties
and assessments thereon; regulating the building and mainten-
ance of dams across water streams, and of all structures, works
and property connected or used in connection therewith.

(Passed February 25, 1915. In effect ninety days from passage. Approved by the
Governor March 4, 1915.)
Chapter II, Acts of 1913, amended and re-enacted.

Sec.: 1. Chapter designated "water power
act:" definitions.
2. Extent of control and supervision;
exceptions.
3. Corporations heretofore or here-
after organized to manufacture,
supply and sell to the public
hydraulic, electrical or other
energy or power, to have certain
rights, powers and authority;
to acquire by condemnation,
within limits designated by pub-
lic service commission, lands to
construct and operate works;
to acquire by condemnation,
within the limits of territory desig-
nated by the public service com-
mission, lands, waters, interests,
rights or easements in waters
likely or liable to be flooded or
damaged by impounding or di-
verting the water of any water
course or tributary; to acquire
by condemnation, same limita-
tions, land for substations;
limitations and exceptions; just
compensation required.
4. Rights as to water-mill, steam-mill,
mill-dam, mill-race, franchise,
etc.
5. Rights as to flooding of public and
private ferries.
6. Rights as to private and public
roads and bridges, streets or
alleys.
7. Rights as to public or private ceme-
teries; requirement as to re-
moval of bodies and monu-
ments; what to be done in case
of disagreement.
8. Rights as to easements, ways and
rights-of-way, not exceeding 100
feet, for erection of towers,
poles or wire lines for transmis-
sion of electrical or other ener-
gy; exceptions as to steam or
electric railways, pipe lines,
telegraph or telephone compan-
ies, and section 11, chapter 52
of code to apply.
9. Right to erect, operate wires, poles
and wire lines across public
roads and bridges subject to
regulations by county court.
10. Rights as to condemnation for
rights-of-way for constructing
earth, steam and electric roads
for transportation of material,
etc., for construction of work.
11. Rights as to condemnation of lands
owned by churches and public
or private schools.
12. Corporations unauthorized to con-
demn right to dodd, raise or
Proceedings in condemnation governed by chapter 42 of code; corporations making application for permit; how made; bearers on application; prior rights in location. Corporations hereafter incorporated under section 8 and having expended as much as $50,000, etc., have all powers conferred by this act without filing application or obtaining such permit. Public service commission has power to levy assessments on corporations making application for permits under section 19, to cover cost of employment of engineers, etc.; additional assessments and for what purpose. Has power to make rules and regulations, examine dams, order alterations, and may cause dam to be removed; what commission may do in emergencies. Discretion of commission absolute in dam construction; duty of commission on power site and duty to effect of construction upon city, town or village, etc.; permits to be refused in certain cases; public sentiment a factor. Royalties; how fixed and paid; one per cent. of gross income for license year ending June 30, to be ascertained by state tax commission, to whom reports are rendered; what reports shall contain. Remedy in case of grievance to be to the board of public works; no appeal in certain cases. Duty of tax commissioner in case of failure to pay royalty: royalty lien; money collected to be covered into state treasury; assessments levied in section 20 to be certified to the auditor and to be a lien; penalties; assessments to constitute a special fund. Power of commission as to rates to be charged by corporations may under rate to be fixed by commission; not to be reduced by contract or agreement. Power to regulate rates at all points vested in public service companies shall be just and reasonable; contracts for sale subject to approval by same; limit for which contracts may be made. Nothing in this act to be construed to interfere with jurisdiction of courts, state and federal, as to all navigable streams; requirements as to construction of locks, dike, sluices, fishways, boat houses, etc., necessary to the interests of navigation; provision as to toll charges. Jurisdiction; to include persons, firms, corporations, municipalities, agencies, etc. Charters renewable only on conditions prescribed by law; unexpired assessments to be returned. Power vested in commission to investigate method of construction of dam, etc., to conserve and protect public and private rights; no franchise to limit this authority. Limit to begin fifty years: all rights to terminate and vest in state; state may operate or transfer to another agency; may also renew permit; may be revoked for failure to comply with provisions of this act. Capital stock without bonds or other securities to be subject to approval by commission. Accounting system to be installed, subject to audit by expert accountant, and to show cost of power site as provided in section 30; annually reports to be filed with commission; expenses for organization, promotion, etc., to be reasonable; just and reasonable bonuses, etc., given promoters for services or for water rights or dam site; may do in emergencies, to be surrendered, to be exchanged at cash value and paid by corporation; accounts to be paid in accordance with section 20 of this act. Permits, rights, etc., granted under this act subject to right of the state to acquire same after fifty years, on one year's notice, and at its actual value, to be ascertained by arbitration; no allowance to be made for unreasonable cost; limitations as provided in section 34. No transfer valid unless approved by public service commission. Nothing in this act to exempt person, firm or corporation from common law or statutory liability for damages. Nothing to prevent municipality or public service corporations from taking water for use, under regulations to be prescribed.
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Sec. 39. Authority of state to take over improvement if an unlawful combination in restraint of trade; members of commission to be receivers in court proceedings.

Sec. 40. Acceptance of permit void unless filed within ninety days; also void as to section 19 unless dam is completed in five years; time may be extended for good cause.

Sec. 41. Dam authorized under this statute a dam authorized by the legislature.

Sec. 41-a. Provision as to applications heretofore made.

Sec. 42. Section or part of section hereafter held to be unconstitutional not to affect remainder of act.

Sec. 43. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

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

Section 1. This chapter shall be known as the "water power act."

In this act unless the context otherwise requires:

(a). "Commission" means the public service commission of West Virginia, or any other officer or body hereafter authorized to exercise the powers or perform the duties now or hereafter conferred and imposed by law upon said public service commission.

(b). "Municipality" means any incorporated city, town or village in this state.

(c). "Permit" means a grant of authority under this act to construct, maintain and operate a dam in or across navigable or non-navigable waters for the development of hydraulic power and hydro-electric energy for sale to the public; or to construct, maintain and operate transmission lines and auxiliary power plants operated by steam, gas or otherwise for the development and sale to the public of electric or other energy or power; or for other lawful purposes.

Sec. 2. All water streams within the state capable of developing hydraulic, electrical or other energy or power, shall be under the control and supervision of the state; provided, however, that nothing contained in this section shall deprive any riparian owner of any right or interfere with his exercise of the same.

Sec. 3. Any corporation heretofore or hereafter organized under the laws of this state, and which by its charter has the right to manufacture, supply and sell to the public, hydraulic, electrical or other energy or power produced by water as a motive force, or produced by any auxiliary plant or plants operated by steam or other power, belonging to such corporation, and which has been granted a permit by said public service com-

[Be it enacted by the Legislature of West Virginia:]

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

Section 1. This chapter shall be known as the "water power act."

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(b). "Municipality" means any incorporated city, town or village in this state.

(c). "Permit" means a grant of authority under this act to construct, maintain and operate a dam in or across navigable or non-navigable waters for the development of hydraulic power and hydro-electric energy for sale to the public; or to construct, maintain and operate transmission lines and auxiliary power plants operated by steam, gas or otherwise for the development and sale to the public of electric or other energy or power; or for other lawful purposes.

Sec. 2. All water streams within the state capable of developing hydraulic, electrical or other energy or power, shall be under the control and supervision of the state; provided, however, that nothing contained in this section shall deprive any riparian owner of any right or interfere with his exercise of the same.

Sec. 3. Any corporation heretofore or hereafter organized under the laws of this state, and which by its charter has the right to manufacture, supply and sell to the public, hydraulic, electrical or other energy or power produced by water as a motive force, or produced by any auxiliary plant or plants operated by steam or other power, belonging to such corporation, and which has been granted a permit by said public service com-
8 mission, shall, in addition to the other powers conferred by law,
9 have the following rights, powers and authority:
10 To acquire by condemnation, within the limits only of the
11 territory designated by the public service commission, the lands
12 and rights necessary for the construction and operation of dams
13 across any of the streams of this state, and works connected
14 therewith or useful thereto, either up or down stream therefrom,
15 within said limits; and to construct and operate at the site there-
16 of or at other points, up or down stream therefrom, within the
17 said limits, and across said stream, dams, together with all works
18 incident, necessary or related thereto, and in connection there-
19 with; to condemn, within said limits, lands or easements therein
20 for the purpose of impounding the waters of any water course
21 or water courses of the state, or of diverting the same without
22 injury to the rights of others; and to raise higher such dams,
23 and to enlarge the works necessary, incident or related thereto,
24 either up or down stream therefrom, within said limits design-
25 nated by the public service commission, as may be required or
26 deemed expedient by such corporations in the manufacture and
27 supply of electrical or other energy or power produced by water,
28 steam, or gas as a motive force.
30 To acquire by condemnation, within the limits only of the
31 territory designated by the public service commission, all lands
32 or water or interests or rights or easements in lands or waters
33 likely or liable to be flooded or damaged by impounding or di-
34 verting the water of any water course or its tributaries in this
35 state, or necessary for the construction or operation of dams or
36 power houses or works necessary, incident or related thereto, or
37 likely or liable to be flooded or damaged by the construction or
38 operation or enlargement of the dams or works incident, neces-
39 sary or related thereto, or necessary to be damaged or taken
40 in the construction, operation or use of canals, flumes, tunnels,
41 pipe lines, tail races or other water ways, necessary, useful or
42 convenient for the conveyance or escape of the water used in the
43 operation of such works or power plants; but nothing herein
44 shall be construed to prevent free access to and from, and the
45 reasonable free use of the water so impounded, by the riparian
46 owner, or to impair the rights of any person to the free use of
47 the water streams of this state.
48 To acquire by condemnation, within the limits only of the
49 territory designated by the public service commission the neces-
50 sary land for sub-stations and transmission lines; such corpora-
51 tions shall have no right to condemn a private residence, nor
52 any out-house, garden or orchard within the curtilage of a pri-
53 vate residence for a sub-station site, or for the right-of-way for its
54 transmission lines; but this shall not restrict the right of such
55 company to condemn for its dams and power stations the lands
56 liable to be flooded thereby, any dwelling house, orchard, ferry,
57 water-mill, mill-dam, mill-race, school-house, public or private
58 cemetery, county or private road, street or alley, or any other
59 structure within said flooded area.
60 In all cases just compensation shall be paid to the owner
61 in the manner provided by law for all property taken or dam-
62 aged.

Sec. 4. Such corporations shall have the right and author-
2 ity to condemn and acquire thereby, within the limits only of the
3 territory designated by the public service commission, any wa-
4 ter-mill, steam-mill, mill-dam, mill-race, franchise, rights and
5 powers, privileges, and appurtenances thereunto belonging, with
6 the area of the lands and water courses liable to be flooded by its
7 dams.

Sec. 5. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the
3 territory designated by the public service commission, the right
4 to flood public and private ferries and the approaches thereto,
5 but said corporations in the event of acquiring said property
6 by condemnation shall re-locate and place public ferries and the
7 approaches thereto in a condition satisfactory to the county
8 court of the county in which said public ferries are located, and
9 to the circuit court of said county or counties trying such con-
10 demnation proceedings.

Sec. 6. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the ter-
3 ritory designated by the public service commission, the right to
4 flood private roads and bridges, and shall have the right to flood
5 public roads and bridges by first paying to the county court of the
6 county in which the public roads and bridges are located, the rea-
7 sonable cost of re-locating and making public roads and bridges
7-a in lieu thereof, satisfactory to the county court; also to
8 acquire by condemnation, when necessary, any streets or al-
9 leys, or portions thereof, in incorporated cities and towns, and
10 other public property.

Sec. 7. Such corporation shall have the right and author-
2 ity to acquire by condemnation, and to flood, within the limits
3 only of the territory designated by the public service commis-
4 sion, the lands embraced within public and private cemeteries;
5 and the right and authority to acquire by condemnation other
6 lands for the purpose of removing the bodies and monuments
7 or other structures from such public or private cemeteries to
8 such other lands. All the rights of the state of West Virginia
9 in and to lands in such cemeteries to be flooded shall pass to and
10 vest in such corporations, and title to the lands acquired for the
11 removal of said cemeteries, shall vest in the former owners of the
12 cemeteries so condemned, or the holders of the legal title thereto.
13 Before such corporations shall flood such cemeteries they
14 shall remove the bodies, and monuments, or other structures to
15 the lands acquired for such purpose and re-inter bodies and re-
16 set monuments under the direction and to the satisfaction of
17 the circuit court. If the parties in interest fail to agree as to
18 the location and area of the additional lands to be acquired in
19 which to re-inter the bodies and on which to replace the monu-
20 ments and other structures, the same shall be determined by the
21 circuit court in which such condemnation proceedings are pend-
22 ing.

Sec. 8. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the ter-
3 ritory designated by the public service commission, easements,
4 ways and rights-of-way, not exceeding a width of one hundred
5 feet for the total length of such rights-of-way, upon which to
6 erect towers, poles, or wire lines for the transmission, supply
7 and sale of electrical or other energy or power produced by wa-
8 ter as a motive force, or by steam power or otherwise; provided,
9 that such corporations shall have no right without consent to
10 construct and operate towers, poles, and wire lines upon the right-
11 of-way of any steam or electrical railway, pipe lines, telephone
12 or telegraph company, except to cross the same. Such corpora-
13 tions shall have the right to procure a right-of-way for crossing
14 over any railroad, pipe line, telegraph or telephone lines, or other
15 power companies' lines, as provided in section eleven of chapter
16 fifty-two of the code of West Virginia; but no such crossing
17 shall be constructed except in accordance with plans and specifications previously approved by the public service commission.

Sec. 9. Such corporations shall have the right and authority to erect and operate wires, poles and wire lines across public roads and bridges, within the limits only of the territory designated by the public service commission, and subject to the regulation thereof, and to the reasonable regulations of the county court of the county in which said roads and bridges are located.

Sec. 10. Such corporations shall have the right and authority to acquire by condemnation, within the limits only of the territory designated by the public service commission, ways and rights-of-way not exceeding a width of one hundred feet, for the purpose of constructing earth, steam, and electric roads for the transportation of material, equipment and supplies required or useful in the construction, or operation and maintenance of their dams and works incidental and necessary thereto.

Sec. 11. Such corporations shall have the right and authority to condemn, within the limits only of the territory designated by the public service commission, the lands owned by churches and their trustees, and public and private school house sites, when within the area liable or likely to be flooded, or necessary for their dams and generating stations.

Sec. 12. Such corporations are hereby authorized to condemn the right to flood, raise or change the location of any pipe line within the area liable or likely to be flooded or necessary for their dams; provided, that in so doing the use of any such pipe line shall not be destroyed, and such corporations shall have the right to condemning the lands and easements necessary for raising or changing the location of such pipe line.

Sec. 13. Such corporations shall have the right and authority to remove any timber adjacent to said rights-of-way which may endanger by shading, falling or otherwise, any of their works or transmission lines, when they shall have acquired the right to do so, and for that purpose may acquire such timber by condemnation.

Sec. 14. Proceedings for condemnation shall be governed by chapter forty-two of the code of West Virginia. In proceedings to condemn cemeteries, or to condemn lands for the purpose of re-interring bodies, as provided in section seven hereof, notice shall be given also to abutting land owners.
Sec. 15. No permit to use any part of the bed or banks of a stream in this state or to construct and maintain any power dam or other structure thereon or therein shall be granted except to a corporation created and organized for such purpose under the laws of this state, nor shall any right, privilege, franchise or authority granted under the provisions of this act ever be exercised other than by such a corporation. Every corporation in its application for a permit shall agree for itself, its successors and assigns, that the state of West Virginia by its proper authority shall at all times have and freely exercise the power to regulate and control the distribution and sale of all power generated under such a permit to the extent, at the election and discretion of the state by its proper authority of requiring that such power shall be distributed, sold and used within the state of West Virginia, and such agreement and stipulation shall be signed by the applicant as a part of its application, and shall be incorporated by the public service commission into and as a part of each and every permit that may be granted hereunder; provided, however, that any foreign corporation which constructed a dam in any of the waters of this state and was operating the same before the first day of January, one thousand nine hundred and thirteen, and is now operating the same, shall have the right to continue such operation, but such corporation shall be subject to all the provisions of this act except that it shall have the right to transmit and sell any part of its product or all of it outside of the limits of this state; and, provided further, that no corporation shall transmit and sell to the public in this state electrical or other energy or power generated outside this state unless granted the privilege to do so by the public service commission; and every corporation granted such privilege shall be a public service corporation and shall be subject to all the provisions of this act, including the payment of royalty on the gross income derived from such sales in this state.

Sec. 16. Such corporations shall be public service corporations, and shall be subject to all the provisions contained in chapter nine of the acts of one thousand nine hundred and thirteen, and any act amendatory thereof or supplementary thereto.

Sec. 17. Before such corporations shall exercise any of the powers herein authorized, including the right to condemn property or the right of eminent domain, they shall make application to and have the approval of the public service commission, and
5 the permit provided for in section three of this act. In such ap-
6 plication shall be set forth in detail the location of the proposed
7 dam, or other method of impounding water; the area and charac-
8 ter of land that will be flooded by the impounded water; the
9 amount of water in gallons that will be impounded; the charac-
10 ter of the proposed dam; the horse power that will be developed
11 thereby; the approximate area and amount of land the corpora-
12 tion proposes to acquire, and such other information as the pub-
13 lic service commission may require. With such application shall
14 be filed general plans and drawings of the proposed dam, and a
15 statement of the character of materials to be used therein. De-
16 tailed plans, specifications—and drawings shall be filed with and
17 approved by the public service commission before the work cov-
18 ered thereby shall be commenced.
19 No land or other real estate shall be acquired by such cor-
20 poration without the approval of the commission; and any such
21 corporation may make application to the commission at any time
22 after permit is granted for authority to acquire additional land
23 or other real estate, which shall be described in such application;
24 and the commission may issue a permit to the corporation to ac-
25 quire the same if in the discretion of the commission the same
26 shall be convenient or necessary for the purposes of the corpora-
27 tion. The public service commission shall have power to em-
28 ploy expert engineers or other experts or persons to examine and
29 report upon such locations, plans, drawings and specifications.

Sec. 18. The public service commission shall require or
2 may authorize such changes in the location, plans, drawings or
3 specifications of any proposed dam as may be necessary for the
4 protection of life and property, or for other reasons; and may
5 refuse the application if, in its discretion, the same should not
6 be granted; or grant to such corporation a permit to exercise
7 the powers named in its application, or specified in the permit.
8 The corporation shall then have the right to purchase property
9 or condemn the same, within the limit designated by the com-
10 mission, for the purposes named in this act. No court shall en-
11 ter any order giving any such corporation the right to condemn
12 property except within the limits only of said territory, and not
13 then unless the petition avers, and the averment be supported by
14 competent proof, that the public service commission has ap-
15 proved the location and general plans and drawings of the pro-
posed dam, and authorized such corporation to condemn prop-
erty. Before making application to the public service comis-
sion for a permit, such corporation shall give notice thereof by
publication once in each week for four successive weeks in two
newspapers of general circulation published in the county where-
in the proposed dam is to be located, if there be such; if not, by
publishing the same in two newspapers of general circulation in
such counties, and by written or printed notices posted, at least
four weeks prior to making such application, at fifty places with-
in the area likely to be flooded by the water to be impounded
by such dam. The public service commission shall hear and con-
sider any objections or remonstrances against the proposed un-
dertaking. Any corporation incorporated for any of the pur-
poses named in section three of this act, which has filed applica-
tion for a permit and any corporation which has located a dam
for such purposes and has expended as much as fifty thousand
dollars in the construction thereof on or before May twenty-
second, one thousand nine hundred and thirteen, shall have prior
right of location at the site covered by plans submitted to the pub-
lic service commission by such corporation, but such priority right
of location shall not extend beyond June thirtieth, one thousand
nine hundred and eighteen, unless such corporation, on or before
said date, shall have secured a permit, or the approval of its
plans and specifications as provided in section nineteen of this
act. No priority of location shall be recognized by the public
service commission in application for permits hereafter filed un-
der this act. In case there are two or more applicants for per-
mits covering the same location, the commission shall have power
to refuse to grant permits to any or all such applicants, or to
grant a permit to such applicant as the commission, in its dis-
cretion, may deem best.

Sec. 19. Any corporation incorporated for any of the pur-
poses named in section three, of this act, and which shall have
in good faith located a dam for its purposes, together with the
probable contour lines of the water proposed to be impounded
thereby, and which shall have actually expended as much as fifty
thousand dollars in the construction of said dam on or before
May twenty-second, one thousand nine hundred and thirteen,
shall, as shall also its lessees, successors, receivers, trustees or as-
signs, have all the powers, as to such dam and the land and prop-
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10 erty within such contour lines, conferred by this act, without fill-
11 ing the application and obtaining the permit named in this act;
12 and such corporation shall not be liable to any penalty provided
13 by this act for failure to make such application and obtain such
14 permit before proceeding with the construction of such dam;
15 but said commission may require or authorize any change in the
16 plans, drawings, specifications and constructed portions of such
17 dam as shall be necessary for the protection of life and property,
18 or for other reasons, as hereinbefore provided. The commission
19 shall have the same power as to the further construction of said
20 dam as if it were one for which an application and permit were
21 required under this act as hereby amended.

Sec. 20. The public service commission shall have the pow-
2 er to levy an assessment on any corporation making application
3 to said commission for a permit to build any dam over ten feet
4 in height or any structures and transmission lines necessary for
5 the production and transmission of hydraulic, electrical or other
6 energy or power, and on any corporation, its lessees, receivers,
7 trustees, successors or assigns, owning any dam constructed with-
8 out such permit, as specified in section nineteen of this act, to
9 cover the cost of the employment of expert engineers or other ex-
10 perts or persons, to pass upon the plans and designs of dams,
11 structures and transmission lines, in such an amount as may be
12 deemed proper by the said commission, and to be paid at such
13 time as it may demand, as a condition precedent to the consider-
14 ation of any application for a permit. The commission shall
15 have the power to levy an additional assessment on each appli-
16 cent, from time to time, sufficient to pay the cost of a proper
17 and sufficient inspection of said dams, structures and transmis-
18 sion lines by qualified engineers and inspectors, and the compen-
19 sation of accountants, who may be employed by the commission
20 during the construction of said dams, structures and transmis-
21 sion lines, and thereafter.

Sec. 21. The public service commission shall have the
2 power to make such rules and regulations as it may deem nec-
3 essary to carry out the provisions of this act. The commission
4 shall have the power to examine any dam, whenever in its dis-
5 cretion the public safety or welfare shall so require, and after
6 hearing, either on its own motion or on complaint, to make and
7 serve an order directing any person, corporation, officer or board
8 constructing, maintaining or using any dam situate on any of
9 the publicly or privately owned waters or lands of this state, to
10 make such dam safe within a reasonable time, and in such man-
11 ner as shall be specified in such order. The commission shall
12 determine what alterations, additions, or repairs are necessary
13 to make the same safe, and may cause any dam to be removed on
14 failure of the owners thereof to comply with the commission’s
15 orders. The commission may, in case of emergency, without no-
16 tice, cause to be drawn off, in whole or in part, the water im-
17 ponded in any dam, whether such dam be situated on publicly
18 or privately owned lands or waters of this state, whenever the
19 commission shall determine that such action is necessary to pre-
20 vent impending damages to persons or property.

Sec. 22. The public service commission shall have full and
2 absolute discretion as to the granting of any permit for the con-
3 struction of a dam above ten feet in height, and shall not grant
4 or issue a permit for the building of any such dam which is not
5 so designed as to satisfy the commission, after full investigation,
6 and it finds and enters of record, that the proposed dam will be
7 safe and secure beyond a reasonable doubt, and that the construc-
8 tion of such dam will be economically advantageous to the people
9 of this state.

10 The commission shall have power to prescribe such factors of
11 safety to be observed in the construction of any dam as will, in the
12 discretion of the commission, be necessary to make such dam se-
13 cure against failure from sliding, overturning, rupture or any
14 other cause whatsoever.

24 Before granting any permit for the appropriation of a pow-
25 er site and the construction of a dam, the public service commis-
26 sion shall make an investigation as to the effect of such construc-
27 tion upon any city, town or village, and as to the economic value
28 and importance of all agricultural lands, forests, coal, oil, gas,
29 mineral deposits, and other natural resources, likely or liable to
30 be submerged, damaged, destroyed, rendered inaccessible, or more
31 difficult of access, within or adjacent to the contour of the area to
32 be flooded by such dam. The findings of the public service com-
33 mission, upon such investigation, shall be made a part of the rec-
34 ord of any order of the commission granting or refusing a per-
35 mit for the appropriation of a power site or the construction of
36 a dam. In no case shall the public service commission grant
such permit where its investigation shall show that the economic value of the natural resources to be damaged or destroyed in the development of the proposed power site is greater than the economic value to the people of West Virginia of the power which might be made available by such development. In estimating and comparing such economic values, the commission shall consider such public inconvenience as may result from the removal and re-location of roads, bridges, railroads and other public utilities, the flooding of suitable and desirable routes or locations for roads, railroads, or other means of transportation, and other changes to be made necessary by the development of such power site. In passing upon any application for a permit the commission shall take into consideration any probable future developments of power upon any stream or streams that may be named in such application or affected by a permit granted in pursuance of such application, and if the granting of any such permit would have the effect to destroy or greatly impair the commercial value of any stream or streams for water power developments, such permit shall not be granted.

In considering an application for a permit to construct any such dam, the public service commission shall have due regard for public sentiment in the district to be affected, shall hold the safe-guarding of life and property of the first importance and shall take abundant precaution against loss or disaster which might result from the failure of any such dam.

Sec. 23. In addition to the annual license tax on its charter, as provided in chapter thirty-two of the code of West Virginia, and all other taxes and assessments, every such corporation shall pay an annual royalty to the state for the privilege of exercising the rights, franchises and privileges granted under this act, which annual royalty shall be based upon and measured by its gross income derived from the sale of hydraulic, electrical, or other energy or power, and from all other sources. Such royalty, unless otherwise fixed by law, shall be one per cent of such gross income for the license year ending with the thirtieth day of June of each year. Such royalty shall be ascertained by the state tax commissioner under such rules and regulations as shall from time to time be prescribed by him. For the purpose of ascertaining the same, the president, secretary or treasurer or other managing officer of such corporation shall file with the state tax com-
16 missioner within thirty days after the thirtieth day of June each
17 year, a written detailed report, under oath, showing the gross in-
18 come of such corporation for the year ending on the thirtieth
19 day of June preceding the filing of such report, and from what
20 source or sources derived. The state tax commissioner, or any
21 person authorized by him, is authorized, for the purpose of ascer-
22 taining such tax, to take any evidence and examine under oath,
23 which he is hereby authorized to administer, any officer or agent
24 of such corporation or other person. The phrase "gross income",
25 as used in this section, shall mean that income which should be
26 derived by such corporation from the sale of hydraulic, electrical
27 or other energy or power, and income derived from all other
28 sources, either within or without the state, whether direct or
29 through any distributing or affiliated company or agency. When
30 the state tax commissioner has ascertained the amount of such
31 royalty that any corporation should pay for any year, he shall
32 notify the corporation of the amount thereof by written notice de-
33 posited in the post office, addressed to such corporation at its prin-
34 cipal office or place of business. Such finding shall be final and
35 conclusive, unless appealed from within thirty days in the man-
36 ner hereinafter provided.

Sec. 24. Any corporation feeling itself aggrieved by the
2 findings of the state tax commissioner as to the amount of such
3 royalty shall have the right within thirty days from the date of
4 the notice mailed to it, as provided in section twenty-three here-
5 of, to appeal therefrom to the board of public works, which ap-
6 peal the board shall promptly consider and determine. The
7 board shall fix the amount of such royalty as it shall deem just
8 and according to law; and the corporation shall pay the same to
9 the state tax commissioner. If any such corporation shall fail
10 or refuse to file such report in the time prescribed therefor, or to
11 make such report as is required by this act, the state tax com-
12 missioner shall ascertain from the best sources obtainable, the
13 amount of such royalty which such corporation should pay, and
14 no appeal shall lie from his finding.

Sec. 25. If any corporation shall fail to pay the amount of
2 such royalty within sixty days after the date of the notice of the
3 amount thereof sent to it by the state tax commissioner, or within
4 thirty days after the amount is fixed by the board of public
5 works on appeal, the state tax commissioner shall proceed to col-
6 lect the same by any appropriate remedy, with a penalty of ten
7 per cent added thereto. Such royalty shall from the time of its
8 ascertainment by the state tax commissioner, or the board of pub-
9 lic works, on appeal, be a lien on all the property of the corpora-
10 tion in favor of the state, superior to all other liens, except liens
11 for taxes. All such moneys collected by the state tax commis-
12 sioner shall be paid by him into the state treasury monthly.
13
14 The amount of any assessment levied by the public service
15 commission on any corporation, as provided in section twenty
16 hereof, shall be certified to the corporation and to the auditor by
17 the secretary of the commission, together with the date when
18 such assessment is payable, as fixed by the commission. It shall
19 be the duty of the corporation to pay the same into the state
20 treasury within the time specified. Any such assessment shall be
21 a lien in favor of the state on all the property of the corporation
22 on which it is levied, superior to all other liens, except liens for
23 taxes. If any corporation shall fail to pay the same within said
24 time, it shall be the duty of the auditor to collect the same in the
25 manner that taxes or other claims due the state are collected,
26 with a penalty of ten per cent, added thereto. When paid, the
27 amount of such assessments shall constitute a special fund, to be
28 drawn out of the treasury from time to time on the order of the
29 public service commission, to be expended for the purposes for
30 which levied; and such sums as may from time to time be paid
31 into the treasury are hereby appropriated for such purposes.

Sec. 26. Any corporation which exercises any of the rights
2 conferred by this act, shall be under the duty and obligation to
3 manufacture and sell to the state and to the people thereof to
4 the extent of their demand or to the limit of production, hydrau-
5 lic power, or electric current or energy or other power, without
6 unjust discrimination at reasonable rates, and in accordance with
7 any classification now or hereafter prescribed by law, at rates
8 made or approved by the commission. The commission upon its
9 own motion or upon complaint shall have power to vacate any
10 rate, and to set aside rules or regulations which are unreasonable
11 or unjust, with right of appeal to the complainant or the corpora-
12 tion from the decision of the public service commission to the
13 circuit court of Kanawha county, and an appeal from said court
14 to the supreme court of appeals by the complainant, the corpora-
15 tion, or the commission.
Sec. 27. The public service commission shall have the right to regulate rates and charges for service to consumers of electricity and other power produced by any public service corporation, at the site described in the permit, and at all points where distributed within this state; and to fix and determine the prices and manner of the sale and distribution of the same. All such rates, charges and tolls for electricity and other power produced by any public service corporation shall be just and reasonable, and subject to the regulation and control of the public service commission, as provided in chapter nine of the acts of one thousand nine hundred and thirteen, and any act amendatory thereof or supplementary thereto. All forms of contract for the sale or delivery of electrical or other energy or power by such corporations shall be as prescribed and approved by the public service commission. No such contract shall be made for a period longer than ten years, except by permission of the public service commission and no such contract shall become effective unless made in accordance with the rules and regulations prescribed by the public service commission.

Sec. 28. Nothing contained in this act shall be construed to interfere with the exercise of jurisdiction by the government of the United States over navigable streams. Whenever a permit is granted for the construction of a dam across any stream or whenever any dam is constructed without such permit under the provisions of section nineteen of this act, and the public service commission decides that the public interest and convenience so demand, the corporation building or owning such dam shall construct, maintain and operate, without expense to the state, in connection with such dam and accessory or appurtenant works, a lock or locks, booms, sluices, fish ways, boat hoists, marine railway, by-pass canal, or other device or other structures which the public service commission at any time may deem necessary to the interest of navigation, in accordance with such plans as the public service commission may approve. And said commission shall have power to determine whether tolls shall be charged by such corporation for the use of said locks, canals or other devices constructed under the commission's order in the interest of navigation, to prescribe rules and regulations for the use of such devices and to fix the rates of any tolls that may be charged for the use thereof.
Sec. 29. The jurisdiction of the public service commission under this act shall extend to and include all persons, associations of persons, firms, corporations, municipalities and agencies engaged in the generation of electricity or other power by water, as a motive force, and the transmission of the same for the purpose of furnishing customers with light, heat, or power, or for other purposes; and shall also include the furnishing or transmission of water taken from such dams for power, manufacturing, municipal, domestic, irrigation or other purposes.

Sec. 30. The charter or franchise of any corporation now organized, or that shall be hereafter organized, to engage in or carry on any business subject to the provisions of this act, shall be renewable only upon such terms and conditions as shall then be prescribed by law. Any balance of any assessment remaining unexpended shall be returned to the corporation which paid such assessment or its assignee.

Sec. 31. The commission shall have power, authority, and jurisdiction to investigate, ascertain, and determine all reasonable methods of construction, equipment, maintenance, and operation of any dam and improvement so as to conserve and protect all public and private rights in any of the waters of the state, promote the improvement of navigation, and protect life, health, and property. The commission shall, at any time, in the interest of public safety or public rights, order and require anything reasonably necessary therefor. No franchise or permit granted under this act shall limit the authority of the commission to protect and conserve all public rights.

Sec. 32. No permit shall be granted for a longer period than fifty years from the date of its grant, at the end of which time, both by operation of law as a provision of said permit and the acceptance thereof, all rights thereunder shall terminate, and full control, occupancy and enjoyment of the subject of such permit shall at the expiration of the period named therein, not more than fifty years, revert to and revest in the state, and the people thereof, with full power and right to make such disposition thereof as to the state shall then appear best; and the permit shall provide that if at the expiration thereof the same shall not be renewed, and if the state should elect, either by itself or by another agency, to operate said power site, dam and plant, the state may acquire the same as defined and provided in section thirty-five hereof. And
said permit at the expiration of said period of fifty years may, at the discretion of the public service commission, be renewed upon such terms and conditions as shall then be provided by law.

But any such permit may be revoked at any time by the public service commission, after at least thirty days' notice to the corporation, specifying the matters in which the corporation is in default, after hearing, for failure to comply with the provisions of this act, or for misuser or non-user of its corporate rights, franchises and privileges, subject to the right of appeal to the supreme court of appeals of this state within sixty days.

Sec. 33. All issues of capital stock, bonds and other securities, and all mortgages, deeds of trust and other liens made by such public service corporation for the purpose of raising funds to be used by the said corporation and invested in its plant and property, shall be subject to the approval of the public service commission.

Sec. 34. Every such corporation shall install and maintain a complete system of accounting to be prescribed for such corporation by the commission, according to which all financial transactions and receipts and expenditures of the corporation shall be kept and reported annually, and such additional reports shall be made as may be required by the commission. The accounts and vouchers for all receipts and disbursements may be examined and audited by an expert accountant whenever the commission shall order, and the reports of such accountants shall be filed and kept in the office of the commission.

Such system of accounting shall be so kept as to show the detailed and itemized cost of the power site, as referred to in section thirty-five hereof. After such corporation shall have completed its plant and begun the sale of its products the public service commission shall make up and enter on its record a detailed statement of the cost of the power site of such corporation; and the commission may revise such statement at any time thereafter for good cause, and on notice to the corporation.

Such corporation shall file with the commission a report for each calendar year, giving the names and addresses of all stockholders of record, directors, officers, managers and superintendents, and the salaries paid to each.

All expenses for organization and promotion, and engineering and legal services and salaries shall be just and reasonable. All
discounts and charges by underwriters or by financial agents for
the marketing of bonds and other securities of said corporation,
shall be just and reasonable.

All bonuses, by way of stock or other obligations, given to pro-
moters for services, or in payment for alleged water rights
or locations of dam sites, having a purely speculative value and
heretofore issued, shall be surrendered and cancelled, and in lieu
thereof, the fair cash value of such services and rights shall be
ascertained by the commission, and paid by said corporation.

The compensation to be paid to the accountants appointed to
act in behalf of the commission in auditing the accounts of said
corporations shall be paid out of the fund provided for in section
twenty of this act.

Sec. 35. All permits, rights, franchises and privileges grant-
ed by this act, or that may be granted under the provisions there-
of, are granted subject to the right of the state, at any time after
fifty years from the date of the permit, upon at least one year's
notice thereof, to acquire all the property of the grantee acquired,
constructed, or maintained and used and useful in carrying out
the purposes for which the permit, rights, franchises and privi-
leges were granted, at its actual value to be determined by arbitra-
tion, one arbitrator to be selected by the public service commission,
a one by the owner of the property, and in case of disagreement
c the two thus selected shall select a third and the determination
c of the majority shall be considered the just compensation therefor;
but no allowance shall be made for unreasonable costs of financing
for promoters' profits, or for the value of any permit, or of any
franchise, right or privilege granted by the state or any political
sub-division thereof: provided, that no more shall be paid for the
lands, buildings, waters, rights-of-way, casements, or any other por-
tion of the power site, than the value of such power site as as-
certained by the commission as provided in section thirty-four of
this act.

Sec. 36. No transfer, sale, lease, or assignment of the
property rights or franchises of any corporation to which a permit
has been granted under this act, or of any corporation named in
section nineteen of this act, shall be valid unless approved by the
public service commission.

Sec. 37. Nothing in this act shall be so construed as to ex-
empt or release any person, firm or corporation owning or operating
3 any dam and appurtenant works under the provisions thereof from
4 any common law or statutory liability for damages resulting from or
5 growing out of the construction, maintenance, or operation of such
6 dam, or works; or as in any manner affecting such liability of any
7 person, firm or corporation; or as in any manner creating any lia-
8 bility on the part of the state for damages resulting from or grow-
9 ing out of the construction, maintenance, or operation of any such
10 dam or works.

Sec. 38. Nothing in this act contained shall be construed
2 so as to prevent any municipality or any public service corporation
3 engaged in supplying water to any municipality from taking water
4 for the purpose of such municipality and the use of the inhabitants
5 thereof from waters impounded by any dam constructed and main-
6 tained by any public service corporation, under such regulations as
7 the public service commission may prescribe.

Sec. 39. If any improvement maintained under any permit
2 granted pursuant to the provisions of this act, shall be owned,
3 leased, trusteed, possessed, or controlled by any device perma-
4 nently, temporarily, directly, indirectly, tacitly, or in any manner,
5 whatsoever, so that the same form part of or in any way affect
6 any unlawful combination, or shall be in any wise controlled by
7 any combination in the form of an unlawful trust, or form the
8 subject of any contract or conspiracy to limit the output of any
9 hydraulic or hydro-electric power derived therefrom, or in any
10 manner or degree in restraint of trade in the generation, sale, or
11 distribution of hydraulic or hydro-electric power derived there-
12 from, the state may take possession by proceedings instituted by
13 the commission as in cases of receivership; and in such proceed-
14 ings the members of the commission shall be appointed to act as
15 receivers during such period as the court may determine.

Sec. 40. No permit granted under this act shall become
2 effective unless within ninety days after notice from the com-
3 mission that the same has been granted, the grantee shall file
4 with the commission a written acceptance thereof. Any permit
5 granted under this act and any approval of plans of corporations
6 named in section nineteen of this act, shall be null and void un-
7 less the dam thereby authorized to be constructed be completed
8 within five years from the time when such permit or approval be-
9 comes effective and in force. The commission may, however,
upon good cause being shown, extend such time for an additional
period as the commission may in its discretion determine.

Sec. 41. Any dam when authorized and erected in accord-
ance with the provisions of this statute shall be considered a dam
authorized by the legislature of this state at the particular site
upon which the same is located.

Sec. 41-a. All applications or petitions for permits or ap-
proval of plans heretofore made to or pending before the public ser-
ice commission may be prosecuted to completion and final determi-
nation by making such amendments or changes in the papers or
proceedings as the public service commission or any tribunal act-
ing in lieu of said commission under any present or future law,
shall deem necessary in order to comply with the provisions of
this act; or said applicants may file new applications or petitions,
and in that event shall be entitled to all rights which they would
have had if such former applications or petitions had been so pros-
ceed to completion and final determination. Also all proceed-
ings now pending in any of the courts of this state instituted by
any corporation such as is mentioned in section three and section
nineteen of this act, for the condemnation of lands may be pro-
ceeded with to completion and final determination by making such
amendments in the petitions or pleadings as such court shall di-
rect in order to comply with the provisions of this act; or said cor-
porations may institute new proceedings for condemnation of such
lands as such corporations may elect, as provided for in this act.

Sec. 42. If any section, or part of a section of this act here-
after be held by any court to be unconstitutional, such decision
and holding shall in no wise affect or render void the remainder
of the act.

Sec. 43. All acts and parts of acts inconsistent herewith
are hereby repealed.

CHAPTER 18.

(\textit{House Bill No. 156.})

\textbf{AN ACT} to prevent fraud in the sale and disposition of stocks, bonds, 
notes, contracts, or other securities, and certain real estate, sold 
or offered for sale, within the state of \textit{West Virginia}, and providing penalties for the violations thereof.
FRADULENT SALES OF STOCKS, ETC. [Ch. 18

(Passed February 8, 1915. In effect from passage. Approved by the Governor February 15, 1915.)

SEC. 1. To prevent fraud in the sale of stocks, bonds, notes, contracts, other securities and certain real estate in this state; oath, with fee, must be filed with auditor; section not to apply to bona fide offers made directly to banks; auditor attorney in fact, notice to auditor, auditor to file copy of such process or notice; actions.

2. "Speculative securities" defined.

3. Notice to the auditor.

3-a. Listing and description necessary.

4.(1). Subscription blank to be filed with auditor, may require deposit in escrow.

5. Auditor to examine papers and may waive same under certain conditions; additional proof may be required; auditor's decision subject to review of court.

6. Overt attempt to defraud under this act constitutes a felony.

7. False statements concerning the value of real estate situate outside of the state constitutes a felony.

8. The filing of any statement, circular, prospectus or other advertising matter required by this act, which is materially false constitutes a felony hereunder.

9. Attorney general and prosecuting attorney to prosecute violations.

10. Persons allowed to make amendments to charters, changing any statement made and filed under section one; under certain conditions.

11. Agents of persons mentioned in section six must be registered; fee; authority granted by registration.

12. Persons operating within the scope of sections one and two required to make sworn statements to auditor showing financial condition; statements to be made yearly; filing fee; failure to report, penalty.

13. Auditor has general supervision and control, duties, rights, powers and privileges; expense to be paid, penalty for failure.

14. Person or persons to keep records, open for inspection.

15. Failure to file circulars, papers, statements, prospectuses, documents and other advertising matter; fees required; attorney general and prosecuting attorney to make investigation; jurisdiction of courts, remedy.

16. If any provision be declared unconstitutional or unauthorized it shall affect no other section of this act.

17. Certain corporations, companies, associations, partnerships and individuals not subject to the provisions hereof.

18. Auditor to collect fees, duty authorized to appoint additional clerk; paid by state treasurer out of fees collected under this act; 1913 appropriation remaining in state treasury, is appropriated for the purposes of this act.

19. "Person or persons" defined.

20. Penalty for violations.

21. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That no person or persons mentioned in section six of this act, shall, as principal or agent, promote by advertisement, circular, prospectus, or any other form of public or general offering, inducement or persuasion, the issuance, transfer, distribution, sale or negotiation of any speculative securities, as hereinafter defined in section two of this act, unless prior thereto he, or they, shall have filed with the auditor of this state, duly verified by his, or their, oath or affirmation and accompanied by a filing fee of five dollars, a statement containing the following; provided, however, that this section shall not apply to a bona fide offer directly made to banks, bankers, brokers or trust companies who deal in such securities:
(a) A copy of the securities so to be promoted.

(b) A copy of the charter, or articles of association, and by-laws, and such other information as may be necessary to establish the character of the promotion, and validity and value of the securities, not otherwise referred to in this section.

(c) A statement in substantial detail of the assets and liabilities of the person or company issuing such securities and of any company or person guaranteeing the same, including specifically the total amount of such securities and of any securities prior thereto in interest or lien.

(d) If such securities are secured by mortgage or other lien, a copy of such mortgage or of the instrument creating such lien, and a competent appraisal or valuation of the property covered thereby with a specific statement of all prior liens thereon, if any.

(e) A full statement of facts showing the gross and net earnings, actual or estimated, of any person or company issuing or guaranteeing such securities, or of any property covered by any such mortgage or lien.

(f) All knowledge or information in the possession of such promoter, relative to the character or value of such securities, or of the property or earning power of the person or company issuing or guaranteeing the same, including a statement that such promoter has fully investigated the same and believes the facts as stated to be reliable and true, with such exceptions, if any, as may be stated.

(g) A copy of any prospectus or advertising matter which is to be used in connection with such promotion. Such prospectus shall contain a clear and concise statement of the amount of money estimated as necessary to carry out the objects of the promotion; the price at which it is intended to sell securities; the amount of promotion expense, commissions and other overhead expenses contemplated, and the net amount to be derived by the company from the sale of each share of stock, bond, note, contract or other security, and no prospectus or other advertising matter shall be used unless the same has been filed hereunder.

But in case no prospectus or advertising matter is filed or
used, a statement containing the information referred to in this sub-section shall be filed with the auditor.

(h) The names and addresses of any agents by or through whom any securities are to be sold in this state, and no agent shall be employed or act unless such statement with respect to them has been filed hereunder.

(i) The name and address of such promoter, including the names and addresses of all partners, if the promoter be a partnership, and the names and addresses of the directors or trustees (and of any and all persons owning ten per centum or more of the capital stock), if the promoter be a corporation or association.

Compliance by any person or persons mentioned in section six of this act, with the provisions of this section, shall ipso facto operate to appoint the auditor of this state as his, or their attorney-in-fact, irrevocable, for the specific purpose of receiving service of notices and processes which may be issued against him or them in any action arising out of the promotion, negotiation, issuance, transfer, distribution, or sale by him, or them in this state, of any of the speculative securities concerning which such compliance is made, and the service of any such notice or process on said auditor, or his acceptance or service endorsed thereon shall be equivalent for all purposes to, and shall be and constitute due and legal service of such notice or process upon any such person or persons.

Immediately after being served with or accepting any such process or notice, the auditor shall file a copy of such process or notice with a note thereon endorsed of the time of service or acceptance, as the case may be, and transmit such process or notice by registered mail to the head office of such person or persons.

Suits and actions may be commenced against such person or persons in the proper court of any county in this state in which a cause of action may arise, or in which the plaintiff may reside.

Sec. 2. The term “speculative securities,” as used in this act, shall include all the stocks and securities mentioned in section six of this act, which shall, in their subscription, issuance, sale, transfer, negotiation or distribution, be represented to yield a profit to the purchaser, or other transferee of more than eight per centum on the price at which they are offered.

Sec. 3. No person or persons described in section six of this act, and not coming within the terms of section two of this act,
Sec. 3. No person shall, as principal or agent, promote by advertisement, circulation, prospectus, or any other form of public or general offering, inducement or persuasion, the issuance, sale, transfer, negotiation or distribution of any of the securities mentioned in section six of this act, without first having notified the auditor, describing such securities, and if it shall appear therefrom, or from any investigation which the auditor is hereby authorized to make, that such information is not sufficient to determine the character and value of such securities, or of such promotion, or of the honesty thereof, then such securities shall be taken and deemed to be speculative under the terms of the preceding section hereof, and after notice in writing by the auditor of state, such securities shall be subject in all respects to the provisions of this act regarding speculative securities.

Sec. 3-a. The listing and necessary description of any securities, with the price thereof, in any sales list distributed or advertised by any dealer in securities, shall be subject to the provisions of this section.

Sec. 4. (I) In the case of a person or persons mentioned in section six of this act, not yet on a dividend paying basis, if more than five hundred dollars in cash, or the equivalent at par in the stocks or securities to be promoted, has been or is to be paid or issued for intangible assets or property taken over by such person or persons, a subscription blank showing the amount of such payment or issue, and such other information in connection therewith as may be deemed necessary by the auditor, shall be filed with said auditor, and subscriptions or applications for said stocks and securities shall be recognized by such person or persons only when made upon such subscription blank and signed by the subscriber or applicant.

The auditor may require stock or securities, issued or to be issued for property or intangible assets as aforesaid, to be deposited in escrow under such terms as he may prescribe.

(II) In the case of stocks, the total promotion expense shall not exceed ten per centum of par value of stock sold, and if sold at less than par, ten per centum of the selling price.

In the case of bonds, notes, contracts, or other securities, the total promotion expense shall not exceed five per centum of par value.

(III) The provisions of sections one, two and three of this
23 act, shall not apply to the stocks of state and national banks,
24 building and loan associations, and corporations not organized
25 for profit; nor to other stocks and securities:
26 (a) When sold pursuant to the order of any court;
27 (b) When sales are confined to the old stockholders of the
28 issuing company;
29 (c) When the issue is taken by the incorporators only as bona
30 fide final holders;
31 (d) When the issue is taken by the stockholders, bondholders,
32 or incorporators in connection with a merger;
33 (e) When bona fide private holdings of promoted stocks, bonds,
34 notes, contracts or other securities are offered for sale.
35 (IV) All the provisions of this section shall apply to both
36 speculative and non-speculative securities.

Sec. 5. The auditor shall immediately examine the papers
2 submitted under section one of this act; provided, that as to any
3 of the papers required to be filed under sub-paragraphs (c), (d)
4 and (e) of section one, the auditor may waive same, or any part
5 thereof, if he has on file sufficient information believed by him to
6 be reliable, with reference thereto.
7 If the provisions of this act are complied with, the auditor
8 shall give notice to the applicant that the papers have been filed,
9 and notice from the auditor of said filing, shall, so long as it
10 remains unrevoked, be conclusive evidence of compliance with this
11 act.
12 If, from the examination of such papers, or of any additional
13 information or proof, or by reason of the failure to file any in-
14 formation or proof required as aforesaid, it shall appear that the
15 issuance, transfer, sale, promotion, negotiation or distribution of
16 such stocks or securities, constitutes, or would constitute, a viola-
17 tion of this act, the auditor shall so notify such applicant in writ-
18 ing, and no such applicant or other person shall thereafter issue,
19 transfer, sell, promote, negotiate or distribute any such stocks or
20 securities or commit any overt act in connection therewith.
21 Any person aggrieved by the decision of the auditor of state
22 under this section, shall within sixty days thereafter, have the
23 right to petition any court having jurisdiction, or the judge there-
24 of in vacation, for a writ of mandamus, or for other appropriate
25 remedy, provided by existing law, for the correction of said de-
26 cision, if the same be erroneous or unjust, or without jurisdiction.
Sec. 6. Any person, co-partnership, association or domestic corporation, or foreign corporation, doing business within the state of West Virginia, or any or all of the officers or agents thereof, alone or in conjunction with others, having devised or intending to devise any scheme or artifice to defraud any person or persons by securing subscriptions for, or by promoting or negotiating the issuance, transfer, distribution or sale of any stocks, bonds, notes, contracts, or other securities of any kind or character, who shall for the purpose of executing or attempting to execute such scheme or artifice commit any overt act within this state, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the penitentiary for not more than five years, or by both such fine and imprisonment, at the discretion of the court.

Sec. 7. If any person or persons mentioned in section six of this act, with intent to induce the purchase of any of the securities mentioned in section six of this act, or of any real estate situate outside of this state, shall knowingly or recklessly make any false statement, either oral or written, or knowingly or recklessly conceal any fact materially affecting the value of any such securities, or of such real estate, he or they shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the penitentiary or county jail for not more than twelve months, or by both fine and imprisonment, at the discretion of the court, and shall be liable in damages to any party who has been occasioned loss thereby.

Sec. 8. Any person, whether as principal or agent, who shall knowingly make or file, or cause to be made or filed, any statement, circular, prospectus or other advertising matter required by this act, which is materially false, shall be guilty of a felony and subject to punishment as provided in section six hereof.

Sec. 9. Upon request of the auditor the attorney general or the prosecuting attorney having jurisdiction, shall direct and control any prosecution for violation of this act.

Sec. 10. No person or persons, mentioned in section six of this act, and operating within the scope of sections one and two of this act, shall make any amendments to his or their charter,
articles of incorporation, constitution, or by-laws, or any other change materially affecting any statement or representation made in his or their statement filed under section one hereof, unless he or they first prepare and file with the auditor of the state, a duly verified supplemental statement, setting forth clearly and concisely all material facts in connection with the change, which said supplemental statement shall be subject in all respects to the provisions of section one hereof in like manner as the original.

Sec. 11. Any person or persons mentioned in section six of this act, and operating within the scope of sections one and two of this act, may appoint one or more agents, but no agent shall act, or attempt to act for or in behalf of his principal, until he shall have first registered with the auditor as such agent, and for each registration, such person or persons shall pay to said auditor a registration fee of two dollars. Such registration shall authorize the agent to represent such person or persons so registering him until the first day of July following, unless the registration is theretofore cancelled and recalled by such person or persons, or by the auditor, for failure to comply with the provisions of this act, authority for which revocation or cancellation is hereby given to such person or persons and to said auditor.

Sec. 12. Every person, or persons mentioned in section six of this act, and operating within the scope of sections one and two of this act, shall file at the close of business on June thirtieth of each year, and at such other times as may be required by the auditor, a sworn statement in such form as may be prescribed and furnished by the auditor, setting forth his or their financial condition, the amount of assets and liabilities, and such other information as the auditor may require. Every regular statement of June thirtieth shall be accompanied by a filing fee of two dollars, and if such person or persons fail, neglect or refuse to file his or their regular statement within fifteen days from said date, or to file any other special report herein provided for within thirty days from receipt of request therefor, then the right of such person or persons to transact business in this state shall be deemed to be in abeyance during the continuance of such delinquency.

Sec. 13. The auditor shall have general supervision and control over any person or persons mentioned in section six of this act, residing or doing business in this state, engaged in secur-
ing subscriptions for, or in the issuance, transfer, sale, promotion,
5 negotiation or distribution of any speculative securities, and every
6 such person or persons shall be subject to examination by said
7 auditor, or by his duly authorized deputies, at any time he may
8 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 companies
11 by the insurance commissioner, and such person or persons shall
12 pay the expense of such examination, and their failure or refusal
13 to pay upon the demand of the auditor shall work a forfeiture of
14 their right to do business in the state.

Sec. 14. Any person or persons mentioned in section six of
2 this act shall keep proper records and books of accounts in a busi-
3 ness-like and intelligent manner, which shall be open to the in-
4 spection of stockholders and investors in their stocks or securities.

Sec. 15. Whenever it shall appear to the auditor that any
2 person or persons who have complied with the provisions of this
3 act are insolvent, or are conducting their business in such manner
4 as to jeopardize the interests of creditors or investors, or whenever
5 they shall fail, neglect or refuse to file any circulars, papers, state-
6 ments, prospectuses, documents or other advertising matter or re-
7 ports, or to pay any of the fees required or provided for by this act,
8 without satisfactory reason therefor, the auditor may report the
9 facts to the attorney general, or to the prosecuting attorney having
10 jurisdiction, who shall at once make an investigation of the case
11 and institute such proceedings in law or in equity in the name
12 of the state, in any circuit court having jurisdiction, as may be ap-
13propriate to enforce the provisions of this act, and to protect the
14 interests of stock and bondholders and other creditors and in-
15vestors. The jurisdiction of the circuit court shall extend to the
16 enforcement of any proper remedy now existing for the protection
17 of any creditor, stockholder, bondholder, or other person bene-
18 ficially interested, and the suit, action or proceeding may be
19 brought in any county in which any one or more of the parties
20 reside, or in Kanawha county.

Sec. 16. Should the courts of this state declare any section
2 or provision of this act unconstitutional or unauthorized, or in
3 conflict with any other sections or provisions of this act, then such
4 decision shall affect only the section or provision so declared to be
unconstitutional or unauthorized, and shall not affect any other
section or part of this act.

Sec. 17. All corporations, companies, associations, partner-
ships and individuals now holding the statement or license of the
auditor, under chapter fifteen, acts one thousand nine hundred
and thirteen, shall be deemed to have complied with the provisions
of this act.

Sec. 18. All expenses and fees herein provided for shall be
collected by the said auditor and shall be accounted for and turned
into the state treasury, and the amount of the expenses and fees
so turned into the state treasury are hereby re-appropriated to the
said auditor for the purpose and in an amount sufficient to pay the
cost and expense of carrying this act into effect; and the said
auditor is hereby authorized to appoint an additional clerk, if the
same shall be found by him to be actually and absolutely neces-
sary to carry this act into full force and effect. All money actually
and necessarily paid out, or expenses incurred by the said auditor
or any clerk under his direction, under this act, shall be paid by
the state treasurer out of such sums for expenses and fees received
under this act, upon the state auditor’s warrants, to be issued upon
vouchers containing an itemized account of the salaries or ex-

Sec. 19. “Person or persons” as used in this act, shall in-
clude any person, co-partnership, association, domestic corporation
or foreign corporation.

Sec. 20. Any person or persons, violating any of the pro-
visions of the preceding sections of this act, for which no specific
penalty is provided, shall be fined not more than five hundred dol-
lars, or imprisoned in the county jail for not more than thirty
days, or both at the discretion of the court.

Sec. 21. Chapter fifteen of the acts of one thousand nine
hundred and thirteen, and all acts and parts of acts in conflict
herewith are hereby repealed.
CHAPTER 19  
(House Bill No. 54.)

AN ACT to amend and re-enact serial section 5234, section thirty-one-a one, chapter one hundred and forty-five of the code of one thousand nine hundred and thirteen, relating to trespassing on railroad cars or trains.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 31-a-1. Trespassing on railroad trains, violations punishable by fine or imprisonment or both: justices of the peace have jurisdiction to try such offenders.

Be it enacted by the Legislature of West Virginia:

That serial section 5234, section thirty-one-a one, chapter one hundred and forty-five of the code of one thousand nine hundred and thirteen, relating to trespassing on railroad cars or trains, be amended and re-enacted so as to read as follows:

Section 31-a-1. That if any person, not being a passenger 2 or employee, shall be found trespassing upon any railroad car or 3 train of any railroad in this state, by jumping on or off any car 4 or train while in motion, on its arrival, or departure at or from 5 any station or depot of such railroad, or on the passage of any 6 such car or train over any part of any such railroad, such person 7 so offending shall be deemed a disorderly person, and on conviction as such, shall be punished by a fine not exceeding twenty-five 9 dollars, or by imprisonment in the county jail not exceeding thirty 10 days, or both. Justices of the peace shall have concurrent jurisdiction to try all offenders under this section.

CHAPTER 20  
(House Bill No. 65.)

AN ACT extending the times within which, and the terms upon which, railroad companies heretofore organized under the laws of this state since the first day of January, one thousand nine hundred and two, may commence the construction of their roads, if such construction has not already been commenced, and complete the same and put them in operation, whether heretofore begun or not.
[Passed February 11th, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Extending the time in which railroad companies may commence construction of roads, if such has not already been commenced; this section not to apply in certain cases; corporate existence to cease upon failure to comply with provisions of this act; certain railroad corporations exempt where requirements have been complied with.

2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any railroad company heretofore organized under the laws of this state since the first day of January, one thousand nine hundred and two, which shall have heretofore spent, or which shall hereafter, and within two years from the passage of this act, actually and in good faith spend, upon the construction of its road, twenty per centum of its stock actually subscribed and shall also within five years after the passage of this act complete and put in operation its road, then and in every such case, the corporate existence, franchises and powers of such railroad company shall be and remain the same as though the provisions of section sixty-six of chapter seventeen of the acts of one thousand eight hundred and eighty-one had been fully complied with by such company, and no forfeiture of judgment of ouster shall be rendered against said company by reason of its failure to comply with said section. But if any of said railroad companies have not heretofore spent, or shall not within two years from the passage of this act, spend in good faith, upon the actual construction of its road twenty per centum of its subscribed capital, and shall not finish its railroad and put it in operation within five years from the passage of this act as aforesaid, its corporate existence and powers shall cease; except that if any such corporation shall have, within the time limited by this act, constructed a portion of its road and put the same, or some part thereof so completed, into actual operation, its corporate powers and rights shall be preserved as to all of the said road so completed and in operation. But this shall not be construed to prevent railroad corporations, organized prior to one thousand nine hundred and two, which have heretofore filed location of their line, have paid to the state of West Virginia the license taxes due and have constructed a portion of said railroad, from exercising their corporate powers and from completing said railroads as located within five years from this date.
Sec. 2. All acts and parts of acts coming within the purview of this act and inconsistent therewith are hereby repealed.

CHAPTER 21.

( House Bill No. 305.)

AN ACT regulating contracts of surety between common carriers and their employees and sureties upon such contracts.

[Passed February 26, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

Sec. 1. Surety companies refusing to become responsible to common carriers for employees in positions of trust, or cancel surety after becoming responsible, to furnish to such employee statement of reasons in writing; how delivered; other surety to be accepted by common carrier unless other reasons exist; surety company not required to disclose source of information and to be exempt from proceedings for libel or slander.

Sec. 2. Violations of this act a misdemeanor; penalty.

Be it enacted by the Legislature of West Virginia:

Section 1. That if any common carrier authorized to do business in this state shall employ any person in any position of trust in this state, and shall apply to any surety company for surety for the faithful performance of duty by such employee, or for any form of fidelity insurance, and such surety company shall refuse to become responsible for such employee or, having become responsible for such employee, shall thereafter cancel such responsibility, such surety company shall furnish to such employee a statement in writing of the reasons therefor, which statement shall be sent by registered mail to such place as he shall designate, addressed to such employee, promptly on his demand therefor, in writing sent by registered mail to the head office of such surety company addressed to such surety company or officer thereof; and, unless such common carrier shall have other reasons for refusing to employ such employee than the facts of said refusal of such surety company to so become or continue responsible for such employee, such common carrier shall, on request of such employee, accept as security for the fidelity of such employee, a bond or obligation in the same form or substantially in the same form as that under which such surety refused to become or continue responsible for such employee, when duly executed and
21-22 acknowledged by any other solvent surety company authorized to
execute such bond or obligation in this state, or a personal bond
with satisfactory surety and furnished to such common carrier
by such employee without cost or expense to such common carrier;
provided, however, that such surety company shall not be required
to disclose the sources of its information regarding such employee,
and that all communications, written or verbal, between such surety
company or any officer or representative thereof and such com-
mon carrier or any officer or representative thereof or such em-
ployee or any person, firm or corporation mentioned in any state-
ment made by such employee to such surety company shall be
deemed privileged communications; and further provided that no
action or legal proceeding for libel or slander shall lie against
such surety company or such common carrier by reason thereof.

Sec. 2. Any surety company or any common carrier which
shall, by its officers or representatives, violate any of the provis-
ions of this act, shall be deemed guilty of a misdemeanor and be
punished by a fine of not less than fifty dollars nor more than
five hundred dollars.

CHAPTER 22.

( House Bill No. 188.)

AN ACT to amend and re-enact section two of chapter thirteen of the
acts of one thousand nine hundred and seven, as amended and
re-enacted by chapter twelve of the acts of one thousand nine
hundred and thirteen, relating to public uses for which private
property and public highways may be taken or damaged.

[Passed February 19, 1915. In effect ninety days from passage. Became a law
without the Governor’s approval.]

Sec.
2. Public uses for which private prop-
erty may be taken or damaged:
1st. Construction of railroads, etc.; 2d. Incorporated com-
panies of which state is part own-
er; 3d. Court houses and other
public buildings and grounds;
4th. Cemetery associations, etc.;
exceptions; 5th. Companies for
transporting carbon oil, etc.;
6th. Traction companies, trans-
mission lines; nothing shall be
construed to give hydro-elec-
tric companies right to take
or damage private property for
use in manufacture and sale of
hydraulic or other energy, except
under provisions of water pow-
er act; 7th. Public school
houses, etc.; 8th. For furnis-
ning water for public use; limi-
tations; 9th. By the U. S. gov-
ernment for certain purposes,
subject to provisions of chapter
of the code. Inconsistent acts repealed.
Be it enacted by the Legislature of West Virginia:

That section two of chapter thirteen of the acts of one thousand nine hundred and seven, as amended and re-enacted by chapter twelve of the acts of one thousand nine hundred and thirteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 2. The public uses for which private property may be taken or damaged are as follows:

First. For the construction of railroads, canals, turnpike roads, county roads, public landings, bridges and public streets and alleys, and all other roads and internal improvements for public use.

Second. For incorporated companies of which the state is sole or part owner.

Third. For court houses and other public buildings and grounds, for the use of the state or any county or municipal corporation.

Fourth. For cemetery associations and for other cemeteries; provided, that the property to be taken for such other cemeteries adjoins the land upon which a church or another cemetery is located, but no land shall be taken for cemetery purposes which lies within four hundred feet of a dwelling house, unless to extend the limits of a cemetery already located and then only so that such limits shall not be extended nearer to any dwelling house which is within four hundred feet.

Fifth. For companies organized for the purpose of transporting carbon oil or natural gas, or both, by means of pipes or otherwise, when for public use, but this act shall not be construed to interfere with the power of municipal corporations to enact and enforce such ordinances as may be necessary to protect the lives and property of citizens from the effects of explosions of carbon oil or natural gas.

Sixth. For traction companies and for transmission lines, conduits, plants, stations, sub-stations and towers of telegraph, telephone, electric light, heat and power companies, when for public use; provided, that nothing herein contained shall be construed to give hydro-electric companies the right to take or damage private property for use in the manufacture and sale to the public of hydraulic, electrical or other energy or power produced by water as a motive force, except in so far as given to such companies for...
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30-d such purposes under the provisions of the law known as the "water power act".

31 Seventh. For public school houses.

32 Eighth. For the purpose of securing and furnishing to the inhabitants of any city, town or village, water for public use, by the city or town itself or by any company when the object and purpose is to furnish water for public use, and for any land necessary for the construction of water works, not to exceed fifty acres in any one block when for the purpose of reservoirs or cisterns for furnishing water for public use, and all necessary easements and rights-of-way for the purpose of laying pipes and conduits for the conveyance of water and sewage, and any spring or mountain streams, and so much of the surrounding land, water rights and easements as may be necessary to protect, preserve and maintain the purity of the springs of waters so acquired for the purpose of furnishing water to an incorporated city or town of this state.

34 Ninth. By the government of the United States for the purpose of erecting thereon light houses, signal stations, beacons, locks, dams, works for improving navigation, postoffices, custom houses, court houses or any other needful public structure or work of improvement whatever, subject to the provisions of chapter one of the code of West Virginia.

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

CHAPTER 23.

(House Bill No. 260.)

A BILL to amend and re-enact section eighteen of chapter seventy-four of the acts of one thousand nine hundred and seven, relating to taking land without the owner's consent for purpose of public utility.

[Passed February 19, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]
Sec. 18. Any time within three months after report or verdict of jury has been confirmed, or three months after this section takes effect, sum ascertained may be paid into court; upon payment title to be vested in fee simple in the applicant; exceptions as to turnpike or other road, not railroad; exceptions as to railroad companies, pipe line, telegraph or telephone, electric power, heat and light companies other than hydro-electric; what to be done in case less than a fee is taken; duty of assessor when less than a fee is taken by railroad company, section 43-a of chapter 29 of code of 1801 to apply.

Inconsistent provisions repealed.

Be it enacted by the Legislature of West Virginia:

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

Section 18. At any time within three months after the report, 2 or verdict of a jury, if there be one, has been confirmed and or- 3 dered to be recorded, or where such report or verdict has already 4 been confirmed, at any time within three months after this sec- 5 tion takes effect, the sum so ascertained with legal interest thereon 6 from the date of the report or verdict until payment, may be paid 7 by the applicant to the persons entitled thereto or into court; up- 8 such payment, the title to that part of the land so paid for, shall 9 be absolutely vested in fee simple in the applicant, except that in 10 case of a turnpike, or other road (not including, however, a rail- 11 road), the right-of-way only shall be so vested: provided, that a 12 railroad company desiring to construct a bridge, viaduct, tunnel 13 or any part of its railroad, or a pipe line company organized 14 for the purpose of transporting carbon oil or natural gas, or both, 15 by means of pipes or otherwise, and desiring to construct its pipe 16 lines, or telegraph or telephone companies, electric power, heat 17 and light companies other than hydro-electric companies, organ- 18 ized for the purpose of producing electric power, heat and light, and 19 transmitting the same by means of poles, towers, wires or other- 20 wise for public use, and desiring to construct its lines for such 21 purposes, may as to all or any part of the real estate sought to 22 be taken for that purpose, describe in its application an estate or 23 interest therein less than a fee, and with respect to the same may 24 proceed as in other cases; and upon payment therefor, such estate 25 and interest as is stated and described in the application shall vest 26 in the applicant; but when less than a fee is taken, in assessing 27 damages, the commissioners and jury shall take into consideration 28 the actual damage that is done or that may be done to the fee by 29 such construction; provided, that when an estate or interest less
30 than a fee is taken by a railroad company for any part of its rail-
31 road, the assessor shall assess the value of said real estate, as if
32 taken in fee, against such party condemning less than a fee, and
33 the provisions of section forty-three-a of chapter twenty-nine of
34 the code of one thousand eight hundred and ninety-one shall
35 apply to such cases.
36 All acts and parts of acts in conflict with the provisions of
37 this act are hereby repealed.

CHAPTER 24.

( Senate Bill No. 99.)

AN ACT to amend and re-enact section thirty-one of chapter one hun-
36 dred and forty-five of the code of West Virginia, being serial
37 section five thousand two hundred and thirty-three, concerning
38 wilful injury to bridges, tracks, engines and other property of rail-
39 way companies or others; murdering, maiming or disfiguring
40 persons on trains; shooting at or on passenger cars; disorderly
41 conduct on trains and cars; powers of conductors, flagmen and
42 brakemen; special police officers for railroad companies; appoint-
43 ment, removal, powers and duties.

[Passed February 13, 1915. In effect ninety days from passage. Became a law
44 without the Governor’s approval.]

Sec. 31. Unlawful to injure, impair, weaken, destroy or misplace any
45 building, bridge, rail, side-track, switch, etc., which may be or
46 is now owned by any company operating or using railroad, or
47 internal improvement; a mis-
48 demeanor; penalty; if death
49 occur from commission of act, it is murder; if maimed or dis-
50 figured by reason of such unlaw-
51 ful act, a felony; to shoot,
52 throw stones or other danger-
53 ous missile at or into passen-
54 ger car or railroad used for
55 carrying passengers, a felony;
56 disorderly behavior on train,
57 whether passenger or not, a
58 misdemeanor; disorderly person
59 may be ejected from train; con-
60 ductor, flagman or brakeman, as
61 well as every conductor of every
62 train is a conservator of the
63 peace, and as such may obtain
64 license to carry pistol, under
65 provision of chapter 51 of Acts
66 of 1900: railroad company may
67 apply to governor for appoint-
68 ment of special police officers;
69 officer so appointed shall qualify
70 by taking oath: oath to be filed
71 with clerk of county court and
72 secretary of state; duty of
73 police officer under provisions
74 of this act; governor may revoke
75 appointment for cause, or re-
76 move said officer; services may
77 he dispensed with by company
78 employing officer; powers there-
79 upon cease; may wear uniform;
80 all services to be paid for by
81 railroad company.

Be it enacted by the Legislature of West Virginia:

Section 31. Any person who shall wilfully and unlawfully in-
2 jure, impair, weaken, destroy or misplace any building, bridge,
rail, track, side-track, switch, rail bonds, spur-track, work, engine,
4 machine, locomotive, hand-car, depot, car, trestle, telegraph line,
5 telegraph pole, telegraph wire, telegraph instrument, or any other
6 instrument, machine, invention, or mechanical or electric appli-
7 ance whatever, which may be, or is now used by any company
8 operating or using any railroad, or other line or work of internal
9 improvement in this state; or obstruct any corporation which is
10 the owner or lessee of any railroad, or other work of internal im-
11 provement, in this state, in the use of any such property, shall
12 be guilty of a misdemeanor, and shall be fined not exceeding one
13 thousand dollars, and imprisoned not exceeding six months; and
14 if the death of any person occur in consequence of any such un-
15 lawful act, the person or persons committing the same shall be
16 guilty of murder, and punished accordingly. Or if any person
17 on a train or locomotive or passenger car is maimed or disfigured
18 by reason of any such unlawful acts, the person convicted of caus-
19 ing the same shall be guilty of a felony, and shall be punished by
20 confinement in the penitentiary not less than one year nor more
21 than twenty years. And if any person shall shoot or throw stones,
22 or other dangerous missiles, at or into any passenger car, or
23 other railroad car used for carrying passengers, or other persons,
24 while any such passenger or other person is within the same, he
25 shall be guilty of a felony and shall be confined in the penitentiary
26 not less than two nor more than ten years. And if any person,
27 whether a passenger or not shall, while on any passenger car or
28 on any train of cars, behave in a riotous or disorderly manner, he
29 shall be guilty of a misdemeanor, and fined not less than twenty-
30 five dollars nor more than two hundred dollars, and may, at the
31 discretion of the court, be confined in jail not less than one nor
32 more than six months, and may be ejected from such car or
33 train by the person or persons in charge thereof; and such
34 force as is necessary for that purpose may be used by such
35 persons in charge of such passenger car or train of cars with
36 such other person as they may call to their aid. And the con-
37 ductor of every passenger car, and flagman and brakeman em-
38 ployed on such car, as well as the conductor of every train of
39 railroad cars, shall have all the powers of a conservator of the peace
40 while in charge of such car or train; and all conductors in charge of,
41 and all flagmen and brakemen, not exceeding two, employed on any
41-a passenger train or passenger car, wholly within this state, or run-
ning into the state from another state, or through this state, whether they are residents of this state or not, may obtain a license to carry about their person a revolver or other pistol while in the discharge of their duties, in the manner and under such provisions as are provided in chapter fifty-one of the acts of one thousand nine hundred and nine. Any railroad company owning or leasing and operating, or using any railroad lying wholly or partly within this state, whether such railroad be operated by steam or electric power, may apply to the governor to appoint such citizen, or citizens, of this state as such railroad company may designate, to act as special police officers for such railroad company, with the consent of said citizen or citizens; and the governor may, upon such application, appoint and commission such person or persons, or so many of them as he may deem proper, as such police officers. Every police officer so appointed shall appear before some person authorized to administer oaths and take and subscribe the oath prescribed in the fifth section of the fourth article of the constitution, and shall file such oath with the clerk of the county court, or other tribunal established in lieu thereof, of the county in which he shall reside. He shall also file certified copies of such oath in the office of the secretary of state, and in the office of the clerk of the county court, or other tribunal established in lieu thereof, of each county through which such railroad or any portion thereof may extend. Every police officer appointed under the provisions of this act shall be a conservator of the peace within each county in which any part of said railroad may be situated, and in which such oath or a certified copy thereof shall have been filed with the clerk of the county court or other tribunal established in lieu thereof; and, in addition thereto, he shall possess and may exercise all the powers and authority, and shall be entitled to all the rights, privileges and immunities within such counties as are now or hereafter may be vested in or conferred upon the regularly elected or appointed constables of said county. Any appointment made by the governor under the provisions of this act may be revoked by him for good cause shown, and such police officers may be removed from office for official misconduct, incompetence, habitual drunkenness, neglect of duty or gross immorality, in the same manner in which regularly elected or appointed constables may be removed from office; and whenever any such railroad
CHAPTER 25.

AN ACT to amend and re-enact section nineteen of chapter thirteen, acts of one thousand nine hundred and thirteen, relating to prohibiting the manufacture, sale and keeping for sale of intoxicating liquors.

[Passed February 20, 1915. In effect from passage. Approved by the Governor March 4, 1915.]

SEC. 19. All express companies, railroad companies and transportation companies within this state are hereby required to keep books containing the name of every person to whom liquors are shipped; form of record; open to inspection of state, county and municipal officers; exceptions as to licensed druggist or registered pharmacist; books prima facie evidence; refusal of agent to comply with provisions a misdemeanor; penalty; nothing in this section construed as permitting transportation companies to carry intoxicating liquors other than as provided in sections 4 and 24. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, relating to prohibiting the manufacture, sale and keeping for sale of intoxicating liquors, be amended and re-enacted so as to read as follows:

Section 19. All express companies, railroad companies and transportation companies within this state are hereby required to keep books in which shall be entered immediately upon receipt thereof the name of every person to whom liquors are shipped; the amount and kind received; the date when delivered, and by whom, and to whom delivered; after which record shall be a blank space, in which the consignee shall be required to sign his name in person to such record, which book shall be open to
the inspection of any state, county or municipal officer of this state, at any time during business hours of the company; except that in the absence or sickness of a duly licensed druggist, having authority to sell pure grain alcohol and wine for the purposes prescribed by law, a registered pharmacist in the employ of such druggist, duly designated by such druggist, in writing personally signed by him, to the agent of the transportation company, may sign such druggist's name to the record of shipments of alcohol for medicinal, pharmaceutical, scientific and mechanical purposes, or wine for sacramental purposes by religious bodies, such registered pharmacist being required to write immediately beneath such druggist's name his own name and his connection with such druggist. Such books shall constitute prima facie evidence of the facts therein stated, and be admissible as evidence in any court in this state having jurisdiction, or in any manner empowered with the enforcement of the provisions of this act.

Any employee, or agent of any express, railroad company or transportation company knowingly failing or refusing to comply with the provisions of this section, shall be guilty of a misdemeanor and punished by a fine of not less than fifty nor more than one hundred dollars, and may be imprisoned in the county jail not less than thirty days nor more than six months. Provided, however, that nothing herein contained shall permit, or be construed as permitting or authorizing any common carrier or transportation company to bring or carry into this state, or carry from one place to another within the state, intoxicating liquors for another, even when intended for personal use, other than pure grain alcohol and wine, and such preparations for druggists as may be sold by them for the special purposes and in the manner set forth in sections four and twenty-four.

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

CHAPTER 26.
(Senate Bill No. 11.)

AN ACT providing for the nomination of candidates for public office, including candidates for United States senator; members of the United States house of representatives; delegates to the national
political convention; selection of members of party executive committees; the designation of party preference for president of the United States; defining and regulating political parties; and to repeal conflicting laws.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

Sec. 1. Hereafter all state, district and county executive committees, delegates to national conventions to be chosen, all candidates of political parties, (except for Judges of courts), and candidates to be voted for at special elections to fill vacancies, presidential candidates and electors, candidates for office in cities, town or villages of less than 5,000, shall be nominated by direct primary election in accordance with this act: "municipality" defined; "political party" defined.

2. Primary elections, other than municipal, to be held in each election precinct first Tuesday in June, before general election for President; all other years first Tuesday in August, to be known as June and August primaries; notice of primary election to be published in each county of state: what papers to receive publication and length of time; primary for municipalities fixed by ordinance: exceptions: municipal publications; time of opening at closing polls.

3. State executive committee for each political party to be chosen at June primary; each senatorial district to have two: state committee elected to appoint three additional committeemen, a congressional, a judicial, state senatorial and county executive committee; how chosen and exceptions as to cities of over 10,000; members of committee to reside in territory chosen, and no person holding elective or appointive public office eligible; terms of committeemen; vacancies; how filled; organization of executive committees, how effected; committees now in office to exercise powers until successors are chosen in accordance with this act.

4. County court at regular or special session second Tuesday of month preceding primary election to appoint commissioners and clerks; qualifications of commissioners and clerks, and how selected: duty of court when executive committee submits writing; who eligible to act as commissioner or poll clerk; what may be done on failure of any commissioner or poll clerk to appear at hour appointed: what to be done if none appear; list of commissioners and clerks shall be published in two newspapers of opposite political affiliations.

5. County executive committee or chairman, to name primary ballot commissioner; circuit clerk third member: action in case of failure to serve.

6. Clerk of county court to deliver to one commissioner in each precinct certified list of registered voters, also (after first general primary) affirmation book, and affirmation book called for in section 13, of this act: what books to contain and binding; duty of clerk as to listing of voters; clerk county court to furnish booths and ballot boxes, etc.

7. Oaths to be taken and subscribed by commissioners, by clerks for the purposes of this act: all commissioners authorized to administer oaths.

8. Announcements of candidates: for an office to be filled by voters of more than one county, a certificate with the secretary of state for a county; of a subdivision less than a county, with the clerk of the circuit court. Form of certificate to be sworn to.

9. Thirty days before primary election, secretary of state to arrange names of candidates and certify same under lesser seal; duplicate copies to go by registered mail to clerk circuit court in each county in which candidates are to be voted for; shall also post list; what may be done in case of emergency; what lists shall contain.

10. Separate ballot for candidates of each party and on different colored paper; secretary of state to select paper; same to be used as sample ballots; names not to be certified unless assessments are paid.

11. Fifteen days before primary election, ballot commissioners to prepare official primary ballot, same to be published: ballots to be printed and circulated in same manner as for general election.

12. Description of official ballot, how names of candidates shall be arranged; form of ballot:
names to appear in alphabetical order; quality of paper to be used; style of type to be used.

13. Method of voting: book to be signed by voter and what to contain: on ballot; what to be done with book and affidavit as provided in section 83 of chapter 3 of the code; penalty for making false affidavit; ballots how voted; duty of clerk; what to be done in case of illiterate vote.

14. When polls are closed primary election officers shall: 1st—destroy all ballots not voted; 2d—ascertain the total number of ballots of each party cast; 3d—count the ballots; method prescribed: 4th—make out and sign certificates of the vote for all parties; form of certificate, and what to be done with same.

15. Duty of primary ballot commissioners to appoint one commissioner at each precinct to receive ballots, and uncertain in case he cannot act.

16. The county court as a canvassing board to meet on Friday next succeeding any general primary election, and canvass returns; result of canvass and form of certificate: report when entered to be signed by canvassing board, or a majority.

19. Certificates of board of canvassers: how disposed of: one to the secretary of state; fees for offices to be filled by voters of a political division greater than a county; one showing rate for candidates of each party of the county or magisterial district to be filled with the clerk of the circuit court: one to each political party if so requested; duty of secretary of state as to issuing certificates.

20. Vacancies in nominations to be filled by executive committee: what to be done in case of a tie.

21. Assessment of candidates: how paid to candidates of a political division greater than a county: how paid for offices to be filled by voters of a county or district: secretary of state to apportion amounts paid among counties and to be applied for expenses of said general primary election; balance, if any, goes to county fund; fees as to municipalities.

22. Right of appeal from board of canvassers to the circuit court; contests to be governed by provisions of chapter 6 of the code.

23. Expense of general primary election and per diem of election officers to be paid by county court same as other election expenses; no compensation for executive committee; candidates for public office may be nominated otherwise than by direct primary election; how and method to be followed, with restrictions: no person qualified to sign certificate who participated in direct primary election: violation a misdemeanor; certificates not to be circulated until after general primary election: nominees under this section to pay same fees as those otherwise chosen.

24. Chapters 3 and 5 of the code, not in conflict, to apply.

25. Penalties, against primary election officer, member of political committee or other person for failure to perform duty to tamper with, change or destroy any ballot, etc., a felony: penalty.

26. No candidate eligible unless having filed affidavit required by corrupt practices act.

27. State executive committee may make rules not inconsistent with law, reviewable by the courts: national committees to be elected by state committee elected by senatorial districts: vacancies in national committee and how filled: nothing in this chapter to prohibit political subcommittees for campaign work.

28. Municipal executive committees to exercise similar functions and governed as county committees: municipalities to pay election expenses.

29. Provision for state meeting to formulate platform, to be held between first and fifteenth of August: candidates for judge or judges of the supreme court to be elected by state committee elected by senatorial districts: vacancies in national committee and how filled: nothing in this chapter to prohibit political subcommittees for campaign work.

30. Candidate receiving plurality vote to be declared nominee of his party.

31. In presidential election years to vote in choice for President; names of aspirants to appear on primary ballot; and same rules apply as for delegate or alternate to national convention to file statement with announcement.

32. Inconsistent acts repealed.
Be it enacted by the Legislature of West Virginia:

Section 1. Hereafter the members of all state executive committees, all district executive committees, and county executive committees, and delegates to national conventions of every political party shall be chosen, and all candidates of political parties to be voted for by the people (except candidates for judges of the supreme court of appeals, candidates for judge of the circuit court, and candidates for judge of the criminal or intermediate court, and such candidates as are to be voted for at special election to fill vacancies, presidential candidates and electors, and candidates for office to be filled by cities, towns or villages of less than five thousand inhabitants) shall be nominated at a direct primary election, held in accordance with this act.

For the purposes of this act a municipality shall be taken to be an incorporated town or city of not less than five thousand inhabitants. A political party shall be taken to be an affiliation of electors representing a political party or organization, which at the last preceding general election polled for its candidates for representatives in congress in the several districts, at least five per cent. of the entire vote cast for that office in the state.

Sec. 2. Primary elections for the purposes of this act, other than for nominating municipal candidates, shall be held in each election precinct in the state on the first Tuesday in June, next before the general election in the year in which a president of the United States is to be elected; and in all other years, on the first Tuesday in August, next before every general election; and be known and designated as the June and August primaries, respectively. The time of holding any such general primary election, and describing the object thereof, shall be published in two newspapers—if any there be—of the two opposite parties which polled the largest number of votes at the preceding general election, and published in each county of the state, of general circulation therein, once a week for two successive weeks next preceding the date of any such primary election. The time for holding primaries for the purpose of nominating municipal candidates shall be fixed by charter or ordinance of the respective municipalities; provided, that no such municipal primary shall be held on the same day as the general primary, nor less than twenty-five days immediately preceding the corresponding municipal election. The time of hold-
In any such general or municipal primary election, and describing the object thereof, shall be published in two newspapers—if any there be—of the two opposite parties which polled the largest number of votes at the preceding general election, and published in each county of the state, of general circulation therein, once a week for two successive weeks next preceding the date of any such primary election. At all primary elections the polls shall be opened at six-thirty o'clock, A. M., and closed at thirty minutes after six o'clock, P. M., eastern standard time. Said primary shall be conducted in one room at the regular voting place in each precinct.

Sec. 3. For the purposes of this act, there shall be chosen at the June primary for each political party, as hereinafter provided, a state executive committee, consisting of two members from each senatorial district, to be selected by the party voters in such district, and who shall not be residents of the same county; provided, however, that the committee elected shall appoint three additional committeemen at large; a congressional executive committee; a judicial executive committee, and a state senatorial executive committee for each of the respective congressional, judicial and state senatorial districts, each committee to consist of one member from each county in the respective districts, to be elected by the party voters of such county; and a county executive committee, consisting of two members from each magisterial district therein, except that in all cities of ten thousand or more in population there shall be one additional member of the executive committee from each ward. All members of executive committees selected for each political division, as herein provided, shall reside within the county or district, senatorial or magisterial, from which chosen; provided, that no person holding any appointive or elective political office shall be eligible to serve on any of the committees named in this section.

The term of office of all committeemen so elected shall begin on the fifteenth day of June, succeeding said June primary, and shall continue for four years thereafter and until their successors are elected and qualified. Vacancies in the state executive committee shall be filled by the members of the committee for the unexpired term. Vacancies in the congressional, judicial senatorial and county executive committees shall be filled by the executive committee of the county in which such vacancy exists, and shall be for the unexpired term.
As soon as possible after the fifteenth of June, succeeding the selection of the new executive committees as herein provided, they shall convene within their respective political divisions, on the call of the chairman of corresponding outgoing executive committees, and proceed to select a chairman, a treasurer, and a secretary, each of which officers shall for their respective committees perform the duties that usually appertain to such offices.

The various executive committees and officers thereof, now in existence, shall exercise the powers and possess the duties herein prescribed until their successors are chosen in accordance with this act.

Sec. 4. The county court of every county shall hold a regular or special session at the court house of their county, on the second Tuesday of the month next preceding the month in which any primary election is to be held, and shall appoint three qualified voters as commissioners of election, and two poll clerks, for each precinct in their county, who shall be legal voters in such precinct. Said commissioners and poll clerks shall be persons of good standing and character, and not addicted to drunkenness. They shall be selected from the two political parties which at the last preceding general election cast the highest number of votes in the county in which the election is to be held, and not more than two of said commissioners shall belong to the same political party. But if at any time during said session the county executive committee of either political party from which said commissioners of election and poll clerks are to be selected or appointed, as hereinafter provided for, shall present to said court a writing signed by them, or by the chairman of said committee on their behalf, requesting the appointment of a qualified voter of their political party for commissioner and poll clerk, respectively, and who is otherwise qualified to act as such under the provisions of this act, it shall be the duty of the county court to appoint the person so named in such writing as such commissioner and poll clerk. No person shall be eligible to appointment as commissioner or poll clerk, or in any way to act as such, who has anything of value bet or wagered on the result of such primary election or has received a promise, agreement or understanding that he is to receive appointment as deputy from any candidate to be voted for at such primary election, or has any agreement, understanding or arrangement that he shall receive any sum of money
30 or any portion of the salary, fees or emoluments of any office, for
31 which any candidate to be voted for, at said primary election,
32 should said candidate be nominated at such primary election and
33 elected to such office at the ensuing general election, or who is a
34 candidate to be voted for at such primary election.
35 If any of the commissioners of election and poll clerks so
36 selected shall fail to appear at the hour appointed for the opening
37 of the polls, the remainder of the commissioners may select a
38 commissioner and poll clerk, if necessary, who shall be of the same
39 political party as the absent commissioner or poll clerk; but if
40 the qualified voters of the party of such absent commissioner or
41 poll clerk, present at the polls, shall nominate a voter having the
42 same qualifications to act under the provisions of this section, for
43 commissioner or poll clerk, or both if necessary, such nominee or
44 nominees shall be appointed. If none of the commissioners of
45 election or poll clerks appear at the hour appointed for opening
46 the polls, the qualified voters present, being at least ten in number,
47 shall elect three commissioners of election, and two poll clerks,
48 to act in their stead, by a viva voce vote; not more than two of
49 such commissioners and one poll clerk shall belong to or be elected
50 by the same political party, as herein provided for.
51 A list of all commissioners and poll clerks appointed by the
52 county court as herein provided, shall be published in two news-
53 papers of general circulation in the county, of opposite politi-
54 cs, if such there be, for at least two weeks prior to such general
55 primary election.

Sec. 5. The said county executive committees, or the chair-
2 men thereof, mentioned in section four of this chapter, shall on
3 or before the second Tuesday next preceding the month in which
4 any primary election is to be held, name a member of their re-
5 spective parties, as a primary ballot commissioner, who, together
6 with the clerk of the circuit court, shall constitute a board of pri-
7 mary ballot commissioners for such primary election. If any
8 person so named fails or refuses to serve as such ballot commis-
9 sioner, the vacancy shall be filled by the chairman of the execu-
10 tive committee.

Sec. 6. The clerk of the county court shall provide and
2 cause to be delivered to one of said commissioners in each of the
3 several election precincts of said county at least three days pre-
4 vious to any primary election, a duly certified copy of the list of 5 registered voters for their respective precincts; also (after the first 6 general primary), the affirmation books used at the respective pre- 7 cincts at the last preceding general election; also the blank affirmation book called for in section thirteen of this act, which blank book 9 shall have pages arranged for signing names alphabetically, with 10 columns for entering place of residence, street and number; also 11 proper poll books bearing on the front page of each the following 12 head: “Names of persons voting for candidates, at precinct 13 number .... , in the district of ........ , in the county of ... , 14 this ... day of ... , in the year .... .” Said poll books 15 shall have columns headed respectively, “Number of Voters;” 16 “Names of Voters;” “Residence of Voters;” “Party Affiliation.” 17 The oath of commissioners of election and poll clerks shall be 18 written or printed on said poll books and two copies of said poll 19 books supplied for each voting precinct for each political party 20 as represented at the same. Each clerk shall list the name of 21 each voter in the proper poll book, and properly set out the infor- 22 mation as to each as indicated in the heading of the column in 23 said poll books. The said clerk of the county court shall also fur- 24 nish proper booths and ballot boxes as provided at general elec- 25 tions; and also strong and durable envelopes for returns, and 26 whatever else is necessary for holding the primary election and 27 making due return thereof, as herein provided.

Sec. 7. Each commissioner and clerk of said primary elec- 2 tion before entering upon the discharge of his duties, shall take 3 and subscribe the following oath:

Oath of Commissioner.

5 State of West Virginia,

6 I, .................. , do solemnly swear that I will 9 support the constitution of the United States and the constitu- 10 tion of this state; that I will faithfully and impartially discharge 11 the duties of commissioner of primary election assigned by law; 12 that I will not knowingly permit any person to vote who is not 13 qualified, and will not knowingly refuse the vote of any qualified
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14 voter, or cause any delay to persons offering to vote further than
15 is necessary to procure satisfactory information of the qualifica-
16 tions of such person as a voter; and I have been a resident of the
17 state of West Virginia for one year, and of the county and magis-
18 terial district and of the precinct in which I am to act as commis-
19 sioner of primary election, for sixty days next preceding this date;
20 and that I will not disclose nor communicate to any person how any
21 voter has voted at such election, nor how any ballot has been folded,
22 marked, printed or stamped; that I have nothing of value bet or
23 wagered upon the result of said election or have received a promise,
24 agreement or understanding that I am to receive appointment as
25 deputy from any candidate to be voted for at such primary election,
26 or have any agreement, understanding or arrangement that I shall
27 receive any sum of money or any portion of the salary, fees or
28 emoluments of any office, for which any candidate is to be voted for
29 at said primary election, should said candidate be nominated at
30 such primary election and elected to such office at the ensuing
31 general election, and am not a candidate at this election. So help
32 me God.

33 Subscribed and sworn to before me this ..... day of ..... 

............... 

Oath of Poll Clerk.

34 State of West Virginia,  
35 ............ County.  
36 I, ........ do solemnly swear that I will faithfully and
37 honestly discharge my duties as clerk of the primary election now
38 about to be held in precinct No. in the district of county
39 of state of West Virginia, and that I will not disclose nor
40 communicate to any person how any elector voted, nor how any bal-
41 lot was folded, marked, printed or stamped, nor have I a prom-
42 ise, agreement or understanding that I am to be appointed as dep-
43 uty by any candidate voted for at such primary election, or have
44 an agreement, understanding or arrangement that I am to receive
45 any sum of money or any portion of the salary, fees or emolu-
46 ments from any office for which any candidate is to be voted for at
47 said primary election, should such candidate be nominated at
47-a such primary election, and elected at the ensuing general elec-
47-b tion. .............................................................
48 Subscribed and sworn to before me this... day of. ..............

49 Said oaths may be taken before any person authorized to
50 administer oaths, but if no such person be present at any place
51 of holding any primary election, they may be taken before, and
52 administered by, one of the commissioners of such election so ap-
53 pointed, who in turn may take the same before another of said
54 commissioners. Either of said commissioners may administer the
55 oath to the poll clerks. For the purposes of this act all commis-
56 sioners of election are authorized to administer oaths.

Announcement of Candidates.

Sec. 8. Any person who is eligible to hold any office (includ-
2 ing member of a state or a county executive committee) may file
3 with the secretary of state, if it be for an office to be filled by the
4 voters of more than one county, or with the clerk of the circuit
5 court, if it be for an office to be filled by the voters of a county
6 or a sub-division less than a county, a certificate declaring him-
7 self a candidate for the nomination for such office, which certificate
8 shall be in form or effect as follows:

9 I ................................................... hereby certify that
10 I am a candidate for the nomination for the office of ...........
11 to represent ............. party, and desire my name printed on
12 the official ballot of said party to be voted at the primary election
13 to be held on the ...... day of ............... 19...... ;
14 that I am a legally qualified voter of the county of ............
15 state of West Virginia; that my residence address is number ...... 
16 of ............... street, in the city (or town) of ........
17 in .................... county, in said
18 state; that I am eligible to hold the said office; that I am a mem-
19 ber of and affiliated with said political party, and intend to sup-
20 port the same in the ensuing general election; that I am a candi-
21 date for said office in good faith.

22 .................................................................
23 (Signature of Candidate)
24 Subscribed to and acknowledged before me this.............
25 day of .......... 19........
26 .................................................................
27 (Signature of officer taking acknowledgement)
28 Such announcement shall be signed and acknowledged by the 29 candidate before some officer qualified to administer oaths, who 30 shall certify the same.

Sec. 9. Within thirty days before the day fixed by law for 2 any general primary election, the secretary of state shall arrange 3 all the names of all the candidates who have filed announcements 4 with him, as provided by this act, and who are entitled to have their 5 names printed on any political party ballot in accordance with 6 the provisions of this chapter, and shall forthwith certify the 7 same under his name and the lesser seal of the state, and file the 8 same in his office, and make and transmit a duplicate thereof by 9 registered mail to the clerk of the circuit court of each county in 10 the state, in which such candidate or candidates is or are to be vot- 11 ed for. He shall also post a duplicate of such list or lists in a con- 12 spicuous place in his office, and keep the same posted until after 13 said primary election has taken place. In case of emergency, the 14 secretary of state may transmit such duplicate list or lists by tele- 15 graph. Said certifications to be made by the secretary of state as 16 herein provided, shall give the name and residence of each candi- 17 date; the name of the office for which he is a candidate; the name 18 of political party of which he is a candidate; and upon what ballot 19 his name is to be printed as such candidate.

Sec. 10. There shall be a separate ballot of candidates of 2 each political party who may file their petition and pay the as- 3 sessments as required by this act, on different color of paper, and 4 the ballot of no two parties shall be of the same color or tint. The 5 secretary of state shall select and determine the color of the paper 6 of the ballot of each of the respective parties, and shall notify the 7 clerk of the circuit court of each county thereof; at the same 8 time he shall certify the names of the candidates of the various 9 parties to said clerk, as hereinbefore provided.

10 The same color of paper as selected and designated by the 11 secretary of state for any party shall also be used for sample bal- 12 lot of such party; but there shall be printed across the face of such 13 sample ballot in large letters, the words, "Sample Ballot," and no 14 sample ballot shall be voted or counted.

15 The secretary of state shall not certify the name of any candi- 16 date to the clerk of the circuit court until and unless such candi-
date shall have paid the assessments provided by this act; and the
name of no candidate shall be placed on the primary ballot of his
party, unless he has paid all assessments required by this act.

Sec. 11. At least fifteen days before the holding of any pri-
mary election, the primary ballot commissioners of each county
shall prepare from the list and certificate or certificates furnished
by the secretary of state, and the announcements filed with the
circuit clerk as herein provided, a sample official primary ballot
for each party, placing thereon the names of all candidates of such
party to be voted for at said primary election, and publish the
same in a newspaper of general circulation published in said county
representing such party, if one there be; if not, then in some other
newspaper published in said county, in at least two issues of such
paper. Said ballot commissioners shall cause the official ballots to
be used at said primary election to be printed and distributed as
required in case of ballots at any general election; except that the
number thereof shall be for each party twice the number of votes
cast by such party at the last preceding general election.

Sec. 12. Said official primary ballot shall contain at the left
of each column of names of candidates a perpendicular column,
and so printed as to leave a square at the left of each name on
the ballot.

On said primary ballot, the names of candidates for President
of the United States, United States senator, for representa-
tives in congress, and delegates to the national convention of the
party shall be placed in the first column of candidates; the names
of candidates for all state offices, except judges of the supreme
court of appeals, and all other offices to be filled by the voters of
a political division greater than a county, including the state
executive committee, in the second column, the names of all candi-
dates for county offices, except judges of the circuit, criminal or
intermediate courts, including members of the house of delegates,
and congressional, judicial and senatorial committee, in the
third column; and the names of all candidates for office in the
magisterial districts, including members of the county executive
committee, shall be placed in the fourth column.

The face of every primary election ballot shall conform as
nearly as practicable to the form given below, and in all respects
20 the general form of the ballot used, both front and back, shall be
21 that of the ballot used at the general election.
22 The secretary of state, or the circuit clerk, as the case may
23 be, shall arrange the names of the candidates to be printed on the
24 ballot in alphabetical order.

OFFICIAL BALLOT OF
The.........Party.
Primary Election ...., 19...
30 To vote for a candidate make an X in the square opposite
31 to and to the left of his name.

<table>
<thead>
<tr>
<th>NATIONAL</th>
<th>STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>For President:</td>
<td>For Governor:</td>
</tr>
<tr>
<td>(Vote for one)</td>
<td>(Vote for one)</td>
</tr>
<tr>
<td>A. B.</td>
<td>G. H.</td>
</tr>
<tr>
<td>C. D.</td>
<td>I. J.</td>
</tr>
<tr>
<td>E. F.</td>
<td>K. L.</td>
</tr>
<tr>
<td>For U. S. Senator:</td>
<td>For Auditor:</td>
</tr>
<tr>
<td>(Vote for one)</td>
<td>(Vote for one)</td>
</tr>
<tr>
<td>B. A.</td>
<td>H. G.</td>
</tr>
<tr>
<td>D. C.</td>
<td>J. I.</td>
</tr>
<tr>
<td>For Congress:</td>
<td>For State Senator:</td>
</tr>
<tr>
<td>(Vote for one)</td>
<td>(Vote for one)</td>
</tr>
<tr>
<td>L. M.</td>
<td>A. A.</td>
</tr>
<tr>
<td>N. T.</td>
<td>B. S.</td>
</tr>
</tbody>
</table>
All ballots used in primary elections shall be printed on paper conforming as nearly as practicable in weight, texture and color, to the samples furnished by the secretary of state, and the paper shall be sufficiently thick that the printing can not be discernible from the back. On the back of the ballot shall be printed in black ink, and in plain, legible, black face pica type the name of the political party as contained in the heading, followed by the word "ballot." Under this designation shall be printed blank lines followed by the words, "poll clerks."

Sec. 13. On entering the election room, the voter shall an-
nounce his name, and if he is duly registered, or has obtained  
transfer as provided by law, he shall sign his name and place  
of residence in a book of the party whose ballot he wishes to cast,  
which book shall be paged alphabetically, and have at the top of the  
page thereof in form and effect the following oath or affirmation  
with blank spaces properly filled in as to the party and precinct as  
indicated: "The undersigned do each for himself severally swear or  
affirm that I am a regular and qualified member and voter of the  
in precinct No. .......... district, ............  
county, West Virginia, and reside at the place designated opposite  
my name signed hereunder; that the one ballot which I am about  
to cast will be the only primary election ballot cast this day by me;  
that I have neither received, nor do I expect to receive, anything of  
value for myself or another, given or promised with the manifest  
intent to influence my vote or the vote of another or others at  
this time."

Having so signed, said voter shall be allowed to cast the bal-  
lot of the party named in said oath or affirmation. Every voter  
whose name is so signed upon said affirmation book, shall be conclu-  
sively presumed to have taken the same in due form. Said affirma-  
tion book, together with all written affidavits made at said primary,  
shall be placed in a strong and durable envelope and securely  
sealed by the commissioners of election, and each commissioner  
shall write his name across the back of such envelope, which shall  
be delivered by one of said commissioners to the clerk of the circuit  
court, who shall preserve said affirmation book in his office,  
and deliver the affidavits to the foreman of the grand jury when  
next in session, as provided by section eighty-three of chapter three  
of the code. Those falsely making affidavits shall be subject to  
the same penalties as provided in section fifty-one of the same  
chapter, in connection with all other penalties prescribed by law.  
Section fifty of said chapter three of the code is specifically made  
to apply to primary elections.

The clerks shall write their names at the place designated on  
the back of the official ballot called for, and deliver it to the voter,  
who shall have but one ballot, unless he shall return the same  
spoiled; if he shall return the same spoiled, the clerks shall im-  
mediately destroy the ballot so spoiled, and deliver to him another
ballot in the same manner as they delivered the first one. The voter shall then forthwith, and without leaving the room, retire alone to the booth or compartment prepared for the purpose, and there prepare his ballot. Any voter who so desires shall receive the assistance as provided in section sixty of chapter three of the code. After preparing the ballot the voter shall fold the same so that the face shall not be exposed, but so fold it as to show plainly the name of the political party and the names of the poll clerks signed thereon. The voter shall then announce his name and present his ballot to the commissioner of his party, if there be one, who shall hand the same to another election officer, who shall deposit it in the ballot box; provided, that said ballot is the official one properly signed. The poll clerks shall then enter the name of the voter on their respective poll books, and number the same in the order in which the ballot was cast. When the voter has voted, he shall retire immediately from the election room, and beyond the sixty foot limit thereof, and shall not return, except by permission of the commissioner.

If any person is unable to sign the affirmation book, by physical disability or otherwise, the same shall be signed for him by one of the poll clerks, and such person shall make his mark.

Sec. 14. When the polls are closed, the commissioners of election and the poll clerks shall proceed to ascertain the result of the election as follows:

First. All ballots remaining not voted shall be immediately destroyed by burning or otherwise, and before the ballot box is opened.

Second. The commissioners and clerks shall ascertain from the party affirmation book, and set down therein, the total number of ballots of each party cast.

Third. The ballot box shall be opened and one of the commissioners shall take therefrom one ballot at a time, in the presence of all the other officers, and shall announce what political party's ballot it is, and shall read therefrom the result of the vote on such ballot for each office, and hand the ballot to another of said commissioners differing in politics from himself, who, if satisfied that it is correctly read, shall string the same on a thread. The ballots of each party shall be strung on separate threads. Each poll clerk shall keep an accurate tally of the contents of each
ballot of each party on tally papers, which shall be provided for
the purpose, so as to show the number of votes received by every
person for any office. The ballots shall be counted as they are
strung upon the thread, and whenever the number counted for
any party shall equal the number of votes entered upon the affirma-
tion book of that party, any other ballot of such party found in
the ballot box shall be immediately destroyed by fire or other-
wise, without unfolding the same, or allowing any one to examine
or know the contents thereof.

Fourth. As soon as the results at such precinct are ascer-
tained, the commissioners and clerks shall make out and sign two
certificates for each party represented of the vote for all candi-
dates of such party, in the following form:

"Certificate of Result for .......... Party Candidates.

"We, the undersigned, commissioners and poll clerks of the
primary election held at precinct No. ....... of ....... district of
county, W. Va., on the ....... day of ....... , 19 ......, do hereby certify that, having been first duly sworn, we have
carefully and impartially ascertained the result of said election
at said precinct for the candidates on the official ballot of the
party, and the same is as follows:

"For the office of governor, A. B. received ....... votes.
"For the office of governor, E. F. received ....... votes.
"For the office of governor, G. H. received ....... votes."

(And so on as to each office for which any candidate was
voted for, stating in words and figures the number of votes cast
for each candidate.)

"Given under our hands this ....... day of ....... , 19 ......"

The two certificates for each party shall then be sealed, each
in a separate envelope, furnished for the purpose, and all ballots
voted for candidates of each party shall be sealed up in separate
envelopes, and the commissioners and clerks shall each sign his
name across the seals.

Sec. 15. It shall be the duty of the board of primary ballot
commissioners to appoint one of the commissioners of election at
each precinct of the county to attend at the offices of the clerks
of the circuit and county courts at least three days before each
primary election, to receive the ballots, ballot box, poll books and
all other supplies and material for conducting the election at his
precinct, as provided in this act; and the said clerks shall deliver
to such commissioner the ballots, ballot box, poll books and other
supplies required to be furnished by this act for conducting the
election at such precinct, and take from him receipts for same,
which shall be filed in their respective offices. It shall be the
duty of such commissioner to attend at said clerk's office and to
receive the said ballots and all other election supplies used in
conducting the election at his precinct, and to deliver the same,
with the seal of all sealed packages unbroken, at his election pre-
cinct, in time to open the election. Said commissioner shall
receive the per diem and mileage allowed by law for this service.
In case any commissioner of election so appointed shall fail
to appear at the offices of the clerks of said county and circuit
courts by the close of the second day prior to any election, as re-
quired by this section, the board of ballot commissioners, or the
chairman thereof, shall forthwith dispatch a special messenger
to his precinct with the ballots, poll books, ballot box and other
supplies for such precinct. Such messenger shall be allowed two
dollars for his time, and five cents per mile for the distance neces-
sary to be traveled by him, and shall promptly report to the clerk
of the circuit court and file with him receipts of the person to
whom he delivered such ballots and other supplies, and his affi-
davit, stating when and to whom he delivered them.

Sec. 16. If by any accident or casualty the ballot boxes,
poll books or any of the other supplies delivered to a commis-
sioner of election or to any messenger shall be lost or destroyed,
it shall be the duty of such commissioner or messenger to report
the loss forthwith to the board of ballot commissioners, or the
clerk of the court from whom the same were obtained, and make
affidavit of the circumstances of the loss; whereupon such board or
clerk shall at once send a new supply by messenger, as provided
in other cases.

Sec. 17. It shall be the duty of the commissioner of elec-
tion at each precinct who was appointed to attend at the offices
of the clerks of the county and circuit courts, respectively, and re-
ceive the ballot boxes, poll books and other supplies for his pre-
cinct, without delay to return to the clerk of the county court
the ballot boxes and the several packages of ballots, poll books, tally sheets and certificates, and all other returns of election, except the packages addressed to the clerk of the circuit court, which shall contain one poll book, one tally sheet, and one certificate of each political party, which package he shall deliver to such clerk. If, for any good reason, such commissioner cannot act, one of the other commissioners shall be selected by them to discharge said duty.

Sec. 18. When any such election is held in a county or district, the county court sitting as a board of canvassers shall meet at the court house thereof on Friday next succeeding any general primary election, and publicly, carefully and impartially ascertain the result of such election in the county and in the district, and election precincts thereof, and cause to be prepared and recorded in the primary election precinct record book, a table or tables which shall show as to each candidate of each political party for each office, the number of votes cast for him at each precinct, and the total number thereof cast in the entire county.

The board shall then make up and enter in said record book a certificate for each political party, showing as to each candidate for each office, the total number of votes, (in words and also in figures) cast for him in the entire county, the number of votes received by all the candidates of such party in such district, which shall be in the following form:

"The board of canvassers of the county of ........... state of West Virginia, having carefully and impartially examined the returns of the primary election held in said county on the...... day of ................., 19....., do hereby certify that in said county or district at said election, on the official ballot of the ............... party for the office of .........., A. B. received ............... ( ...... ) votes; C. D. received ............... ( ...... ) votes."

And so on for each particular office for each political party according to the truth.

When the certificates are all entered, the report shall be signed by the members of the board or a majority thereof. Said members shall also sign separate certificates of the result of said
31 election, within the county, for each of the offices to be filled by
32 each political party, as provided by the next section.

Sec. 19. The certificates of the board of canvassers made
2 pursuant to the preceding section shall be by them disposed of
3 as follows: One of the certificates showing the votes received by
4 each candidate of each party for each office to be filled by the
5 voters of a political division greater than a county, including
6 state committeemen, shall be filed with the secretary of state,
7 and by him preserved in his office, and a copy thereof filed in the
8 office of the clerk of the circuit court of the county of such board
9 to be preserved by such clerk, and which shall be open to public
10 inspection. One certificate showing the votes received by each
11 candidate of each party for each office to be filled by the voters
12 of the county or magisterial district within such county, shall be
13 filed with the clerk of the circuit court, and by him preserved in
14 his office. If requested, the board of canvassers will furnish to
15 the county chairman of each political party a certificate, showing
16 the number of votes received by all the candidates of such party in
17 the county or magisterial district therein.
18 The secretary of state shall certify, under the seal of the state,
19 to the clerk of the circuit court of each county in which a can-
20 didate is to be voted for, the name of the candidate of each politi-
21 cal party receiving the highest number of votes in the political
22 division in which he is a candidate, and who is entitled to have
23 his name placed on the official ballot in the general election as
24 the nominee of his party for such office.

Sec. 20. If any vacancy occurs in the nominees of any
2 party after the holding of any primary election, the same shall be
3 filled by the executive committee of that party, in the municipal-
4 ity, county, district or state, as the case may be.
5 In case of a tie for the nomination for any office, the re-
6 spective committee shall choose by lot which of the two tieing
7 shall be the nominee.

Sec. 21. Each candidate to be voted for at a general primary
2 election, except candidates for President of the United States, for
3 membership of committees and delegates to national conventions,
4 shall pay as hereinafter provided, the following sums, respectively:
5 candidates for nomination for United States senator, five hundred
6 dollars; for governor and all other state offices, the sum of three
seven hundred dollars; candidates for member of the United States house of representatives, the sum of three hundred dollars; candidates for members of the state senate the sum of twenty dollars; candidates for county offices as follows: county clerk, circuit clerk, sheriff, assessor, and prosecuting attorney the sum of twenty-five dollars each; for all other county offices the sum of ten dollars each; for members of the house of delegates the sum of ten dollars.

The candidates for all offices to be filled by the voters of a political division greater than a county shall, at the time of filing with the secretary of state the nomination, petition and affidavits as required by this chapter, also file a certified check for the amount of their respective assessments, and take receipts for same.

The candidates for nomination for all offices to be filled by the voters of a county or district therein, shall pay to the sheriff of the county the amount of their assessments, required by this section, and take from such sheriff duplicate receipts, one of which shall be filed with the chairman of the board of ballot commissioners.

The secretary of state shall apportion the amounts so paid to him hereunder among the several counties entitled thereto, and remit the same to the sheriffs of such counties, within twenty days after the time for filing nomination announcements closes.

The sums so paid under the provisions of this section shall be applied in the several counties towards defraying the expenses of the general primary election, and the balance, if any, shall be used for county purposes.

In the case of municipalities, said fee shall be paid to the municipal treasurer, or corresponding officer, and a receipt issued by him, in triplicate.

Sec. 22. The action of the board of canvassers, or of any political committee, at any primary election, may be appealed from by any candidate thereat, to the circuit court of the county. All such contests shall be governed by the provisions of the code of West Virginia, so far as the same are applicable, as found in chapter six thereof.

Sec. 23. The expense of said general primary election and the per diem of election officers shall be paid by the county court the same as other election expenses are now provided for and paid by general law; provided, that no compensation to any mem-
primary committee shall be included in said expense. 

Candidates for public office may be nominated otherwise than 
by direct primary election. In such case, a certificate shall be 
signed by voters resident within the state, district or political 
section for which the candidate is presented, to a number equal to 
five per cent. of the entire vote cast at the last preceding election 
in the state, circuit, district, county or other division for which 
the nomination is made. No voter signing such certificate shall be 
counted unless his residence and postoffice address be designated. 
Such certificates shall state the name and residence of each of such 
candidates; that he is legally qualified to hold such office; that 
the subscribers desire and are legally qualified to vote for such 
candidates; and may designate, by not more than five words, a 
brief name of the party or principle which said candidates repre- 
sent. No person shall be legally qualified to sign such a certificate 
who participated in a direct primary election held in accordance 
with this act. Every person not legally qualified to sign such a 
certificate and who subscribes his name to the same shall be 
guilty of a misdemeanor and fined not less than ten dollars nor 
more than fifty dollars, and a justice of the peace shall have 
jurisdiction in such case. 

Such certificates shall not be circulated to be signed by 
voters until after the direct primary election provided for in this 
act and such certificates shall be filed within the time and with 
the same officers as is prescribed by law for the making up of the 
official ballot and all candidates nominated by the signing of such 
certificates shall pay the sums as provided for in section twenty- 
two of this act and unless such sums have been so paid no can- 
didate so nominated shall be eligible to hold the office for which he is 
a candidate. The money so paid shall be used for county purposes. 

Sec. 24. All provisions of chapters three and five of the 
code of West Virginia, so far as the same are not in conflict with 
and are not modified by this act, shall, so far as they are ger- 
mane, apply to and are hereby made applicable to the primary 
section. 

Sec. 25. Any primary election officer, members of any po- 
litical committee or other person, who shall wilfully fail and 
neglect to perform any duty by this act required of him, or who 
shall tamper with, change or destroy any ballot, return or certifi- 
cate of election, or delay the return of ballot boxes, ballots and
other election returns to the county clerk, or wilfully do any other
act, the object of which is to destroy any ballot, or the record of
any canvass of votes, or in any way wilfully interfere with the
utmost honesty and fairness in conducting any such primary elec-
tion, or in making nominations thereat, and any voter who shall
cast more than one primary election ballot on the same day, or
who shall vote under a name other than that by which he is genera-
ally known, who shall make any false oath, affirmation or affidavit
respecting the right of himself or any other person to vote, shall
be guilty of a felony, and upon conviction thereof, shall be confined
in the penitentiary not less than one year nor more than three years.

Sec. 26. No candidate shall be considered a nominee nor
his name be placed on the regular election ballot by the ballot
commissioners until said candidate has filed the affidavit required
by the corrupt practices act as to the amount of expenses as pro-
vided by said act.

Sec. 27. The state executive committee of each party may
make such rules for the government of such party, not incon-
sistent with law, as may be deemed expedient; and it may also
revoke, or alter, or amend, in any manner not inconsistent with
law, any present or future rules of such party: and all acts of
such state or other committees may be reviewable by the courts.
National committeeemen shall be elected by the state commit-
te of each respective party, unless the rules of the national party
otherwise provide, in which case they shall be elected in the man-
nier provided by the rules of the national party; and all state
committeemen shall be elected by senatorial districts.
Vacancies happening at any time in the office of national
committeemen shall be filled by the state committee of the re-
spective parties, unless the rules of the national party otherwise
provide; and vacancies in all other committees shall be filled as
provided in section three of this act.
Nothing in this chapter contained shall be so construed as to
prohibit any political committee from appointing any sub-com-
mittee of its own members, or other committee charged with any
duty named in the order or resolution providing for the selection
of said sub-committee; nor the appointment of any campaign
or central committee to have charge of the administrative or
executive work of the political campaign; but no such central
committee or sub-committee shall be competent to discharge any
duties devolved by this chapter on any political party committee,
or the members thereof.

Sec. 28. Municipal executive committees shall exercise
similar functions and be governed by the same laws in regard to
primary elections as county executive committees in regard to
general primary elections, so far as the same may be applicable.
All expenses of conducting such primary election shall be paid
by the municipality.
The provisions of this act referring more specifically to
primary election shall, so far as the same can be applied, and not
otherwise provided, govern the conduct of municipal primary elec-
tions.

Sec. 29. Between the first and fifteenth day of August in
each year in which a president of the United States is to be
elected, each political party shall at some convenient place to be
designated by the chairman of the state committee thereof, hold a
meeting for the purpose, and shall formulate and promulgate a
state platform, and select presidential electors for the state at large,
and each congressional district. And if at the said election a judge
or judges of the supreme court of appeals is or are to be elected,
the candidates of such party for such judge shall be nominated,
and the name of such candidates for such offices of judge, and elec-
tor shall be certified by the officers of said convention to the
secretary of state.
Candidates for judges of the circuit court of the several cir-
cuits, as well as judges of the intermediate and criminal courts of
those counties having such courts, shall also be nominated by simi-
lar conventions in their respective circuits and counties, and the
results similarly certified to the clerks of the circuit courts of the
counties composing such circuits and counties having such inter-
mediate and criminal courts.
The respective executive committees of each party shall have
the right and power to adopt such rules as they shall see fit to
govern the holding of such conventions, and the number and selec-
tion of delegates to the same.
Any nominations so made shall have the same force and ef-
flect as if made by a primary.

Sec. 30. Of the candidates for each office respectively, in-
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Sec. 31. In presidential election years, in addition to the
2 candidates hereinbefore required to be nominated at the general
3 primary election, the qualified voters of each political party shall
4 have the opportunity of voting for their choice among those
5 aspiring to be the candidates of their respective parties for the
6 President of the United States. The names of such aspirants shall
7 be printed on the official primary election ballot of their respective
8 parties, as provided in section twelve of this chapter, upon the fil-
9 ing with the secretary of state the announcement as provided in
10 section eight of this act, and the ballot shall be marked and the vote
11 shall be counted, canvassed and returned under the same condi-
12 tion as to names, certificates and other matters, as the names and
13 certificates of the party aspirants for the party nomination for the
14 office of governor.
15 Any person or persons who shall become a candidate for
16 delegate or alternate to the national convention as herein provided
17 shall file with his announcement, or include therein, a statement
18 as to whether or not he will support the popular choice of such
19 primary.

Sec. 32. All acts and parts of acts inconsistent and in con-
2 flict with this act, are hereby repealed.

CHAPTER 27.
(Senate Bill No. 100.)

AN ACT to amend and re-enact chapter twenty-two of the acts of one
1 thousand nine hundred and eight, included in the code of one
2 thousand nine hundred and thirteen, as sections eight-b I, eight-b
3 II, eight-b III, eight-b IV, eight-b V, eight-b VI, eight-b VII,
4 eight-b VIII, eight-b IX, eight-b X, eight-b XI, eight-b XII,
5 eight-b XIII, eight-b XV, eight-b XVI, eight-b XVII, eight-b
6 XVIII, eight-b XIX of chapter five; to prevent corrupt practices
7 in elections, to limit the expenses of candidates and political
8 committees, and to provide penalties for the violation of this act.
Ca. 27

CORRUPT PRACTICES IN ELECTIONS.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC.

1. In all primary elections for nomination of candidates, election of party committeemen and at all elections for public offices (except in towns of less than 5,000, and for district officers), records of receipts and expenditures to be kept; sworn statements filed as public records by candidates and political agents, all subject to regulations of this act.

2. "Election" defined; "candidate" defined; "public office" defined.

3. Treasurer of political committees; his duties and restrictions; one person may be treasurer of two or more political committees.

4. Treasurer of state committee not to act unless statement designating him as such be filed with secretary of state sixty days before election; same provision as to treasurer of lesser division, including counties and municipalities.

5. Accounts and vouchers, how kept.

6. Sworn statements must be made fifteen days before primary or other election; what to contain and to whom delivered; unexpended balances and how disposed of; statements to be filed and with whom.

7. Blank forms for preservation of statements to be presented by secretary of state, and to be received, endorsed and filed.

8. Penalties for failure to file statements, a misdemeanor; penalty; duty of secretary of state, county clerk or city clerk on failures to file statement and to whom notice shall be given; candidate failing to file statement disqualified.

9. Restrictions on contributions to candidates, and soliciting prohibited.

10. Expenditures of money unlawful except: First, for rent, office, clerk hire, etc.; Second, printing and distribution of books, etc.; Third, renting and decorating halls, etc.; Fourth, necessary traveling expenses, stationery.

11. Limitation of expenditure, for candidates for United States senators, for candidates for the legislature, for candidates for member of congress, for any county office, for any other office; expenditure may be made by financial agent, under restrictions herein imposed.

12. Persons deemed guilty of corrupt practices defined.


15. Judicial inquiry, to be instituted by attorney general, any prosecuting attorney, any candidate or any one hundred voters; how begun and conducted.

16. Certificate of findings, in case of United States senator to be certified to the governor; in case of executive department of the State or any member of the legislature, to speaker of the house of delegates and president of the senate; judicial inquiry as to other officers; election void in certain cases; governor to issue writ for new election.

17. Privilege of witnesses at any trial under provisions of this act; exceptions in actions for perjury.

18. Costs may be awarded against losing party in a judicial inquiry for corrupt and illegal practice.

19. Appeals, except in case of presidential electors, members of congress, members of the legislature and executive officers, may be taken in the same manner as appeals in civil actions, but party appealing not entitled to stay; no injunction to issue except upon application to supreme court or presiding judge.

20. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That at all primary elections for the nomination of candidates, and for the election of party committeemen, and at all other elections for public officers, (except elections for local 4 officers in towns of less than five thousand population, and for 5 school district officers), records of receipts and expenditures for political purposes shall be kept by or on behalf of all candidates; 7 sworn statements of such receipts and expenditures shall be made and filed as public records by all candidates and by their political 9 agents, representatives, or any person acting for or on behalf
10 of such candidate, and the treasurers of all political committees; 11 and such receipts and expenditures shall be subject to the regula-
12 tions and provisions of this act.

Sec. 2. (a) The term “election” shall apply to all primary 2 elections, to all other elections, general or special, by the legal 3 voters of this state or its sub-divisions, and to elections by the 4 legislature, or either house thereof.
(b) The term “candidate” shall apply to any person 6 whose name is printed on an official ballot for public office, and 7 to any person who has been proposed for nomination or election 8 to public office, and who either tacitly or expressly consents to 9 so be considered, except candidates for president and vice-presi-
10 dent of the United States, and presidential electors.
(c) The term “financial agent” shall apply to any person 11 acting for and by himself or to any two or more natural 12 persons acting together or co-operating in a financial way to 13 aid or take part in the nomination or election of any can-
14 date for public office, or to aid or promote the success or defeat 15 of any political party or principle at any election, or any proposi-
16 tion submitted to vote at a public election.
(d) The term “public office” shall apply to any elective 18 office provided for by the constitution or laws of the state of 19 West Virginia to which a salary or other compensation attaches.

Treasurer of Political Committee.

Sec. 3. Every political committee shall appoint and main-
2 tain a treasurer, to receive, keep and disburse all sums of money 3 which may be collected or received by such committee, or by any 4 of its members, for election expenses; and unless such treasurer 5 is first appointed and thereafter maintained, it shall be unlawful 6 for a political committee or any of its members to collect, receive 7 or disburse money for any such purpose. All money collected or re-
8 cived by any political committee, or by any of its members, for 9 election expenses, shall be paid over to and made to pass through 10 the hands of the treasurer and shall be disbursed by him; and it 11 shall be unlawful for any political committee, or any of its mem-
12 bers, to disburse any money for election expenses unless such 13 money shall have been paid to and disbursed by the treasurer.
14 One person may be designated to act as treasurer for two or 15 more political committees and candidates.
Sec. 4. No person shall act as the treasurer of any political committee or as financial agent for any candidate for any office to be nominated or elected by the votes of the entire state, including delegates and alternates at large to a national convention, and candidates for president of the United States, unless a written statement designating him as such treasurer or financial agent shall be filed with the secretary of state, at least sixty days before the election at which he is to act.

No person shall act as a treasurer of any political committee, or as financial agent for any candidate to be nominated or elected by the votes of any political division less than the entire state or greater than a county, including candidates for the state executive committees and delegates to national conventions, unless a written statement designating him as such treasurer or financial agent is filed with the clerk of the county court of each county within such political division at least sixty days before the election at which he is to act.

No person shall act as treasurer of any political committee, or as financial agent for any candidate to be nominated or elected by the votes of a county or district therein, or the treasurer or financial agent for a candidate for the nomination or election to any other office not herein mentioned, unless a written statement designating him to act as such treasurer or financial agent shall be filed with the clerk of the county court at least sixty days before the election at which he is to act.

No person shall act as treasurer of any city political committee, or financial agent for any candidate to be nominated or elected by the votes of a city, unless written notice of such designation is filed with the clerk or recorder of such city at least twenty days before the election at which he is to act.

Accounts and Vouchers.

Sec 5. Every candidate, financial agent and the treasurer of every political committee, shall keep detailed accounts of all money, or its equivalent, received by them, and of all expenditures, disbursements made, and liabilities incurred by such candidate, agent or political committee for political purposes, or by any of the officers or members of such committee, or any person acting under its authority or on its behalf.
Sec. 6. Not less than seven nor more than fifteen days before each primary or other election, and again within thirty days after each primary or other election, every candidate for public office, (except in towns of less than five thousand population), and every financial agent, and the treasurer of every political committee, shall file with the officers hereinafter prescribed a detailed, itemized statement subscribed and sworn to before an officer authorized to administer oaths, setting forth all financial transactions in connection with such primary or other election. Such statements shall show each and every sum of money or other thing of value contributed or advanced; the name of each person, firm, association or committee by whom it was contributed or advanced; the amount and purpose of every expenditure made or liability incurred, and the name of each person, firm, association or committee to whom such expenditure was made or liability incurred, with dates of each transaction.

Any unexpended balance remaining in the hands of the treasurer of any political committee at the time of making the statements herein provided for, shall be properly accounted for in said statement and shall appear as a balance in the next following report of such treasurer or his successor in office.

Such sworn statements shall be filed with the secretary of state by candidates for state and other offices to be nominated or elected by the votes of a political division greater than a county; with the clerk of the county court by candidates for offices to be nominated or elected by the votes of a county or district therein, and by all candidates for other offices not otherwise provided for, and with the clerk or recorder of the city in the case of candidates for city offices.

Blank Forms and Preservation of Statements.

Sec. 7. Blank forms of all financial statements required under this act shall be prepared by the secretary of state, and copies thereof, together with a copy of this act, shall be furnished through the county clerk or otherwise, as the secretary of state may deem expedient, to all treasurers of political committees, to all political agents and to all candidates for nomination or election to any office upon the filing of petitions or announcement.
8 for nomination, and to all other persons required by law to file
9 such statements who apply therefor.
10 All statements filed in accordance with this act shall be re-
11 ceived, endorsed and filed by the secretary of state, county clerks
12 and city clerks or recorders.
13 All statements filed in accordance with the provisions of this
14 act shall be preserved for one year after the election to which they
15 relate.

Penalties for Failure to File Statements.

Sec. 8. Any candidate, financial agent or treasurer of a
2 political committee who shall fail to file a sworn, itemized state-
3 ment as above provided, within the time required, shall be guilty
4 of a misdemeanor and upon conviction shall be fined not less than
5 fifty dollars, or imprisoned in the county jail for not more than
6 six months, or both, at the discretion of the court.
7 Forty days after any such primary or other election, the sec-
8 retary of state, county clerk or city clerk or recorder, as the case
9 may be, shall give notice of any failure to file such statement by
10 any candidate, financial agent or treasurer of a political committee,
11 to the prosecuting attorney of the county where such delinquent
12 resides.
13 No candidate nominated at a primary election who has failed
14 to make a sworn statement as required by this act, shall have his
15 name placed on the official ballot for the ensuing election, unless
16 there has been filed by or on behalf of said candidate, or by his
17 financial agent, if any, the financial statement relating to nomina-
18 tions required by this act; and it shall be unlawful to issue a
19 commission or certificate of election or to administer the oath
20 of office to any person elected to any public office who has failed
21 to file a sworn statement as required by this act; and no such
22 person shall enter upon the duties of his office until he has filed
23 such statement, nor shall he receive any salary or emolument for
24 any period prior to the filing of such statement.

Restrictions on Contributions.

Sec. 9. No officer of any corporation, or agent or person on
2 behalf of such corporation, whether incorporated under the laws
3 of this or any other state, or foreign country, shall pay, give or lend,
4 or authorize to be paid, given or lent, any money or other thing of
value belonging to such corporations, to any candidate, financial
agent or political committee or other person, for the payment of any
primary or other election expenses whatever. No person shall so-
llicit or receive such payment, contribution or other thing from any
corporation, officer or agent thereof, or other person acting on be-
half of such corporation.

Lawful Expenditures.

Sec. 10. No candidate, financial agent or treasurer of a
political committee, shall pay, give or lend, or agree to pay, give
or lend, either directly or indirectly, any money or other thing of
value for any election expenses, except for the following pur-
poses:

First. For rent, maintenance and furnishing of offices to be
used as political headquarters and for the payment of neces-
sary clerks, stenographers, typewriters, janitors and messengers
actually employed therein.

Second. For printing and distributing books, pamphlets,
circulars and other printed matter relating to political issues
and candidates and painting, printing and posting signs, banners
and other advertisements.

Third. For renting and decorating halls for public meetings
and political conventions, for advertising public meetings, and
for the payment and transportation of speakers and musicians at
such meetings.

Fourth. For the necessary traveling and hotel expenses of can-
didates, political agents and committees, and for stationery, postage,
telegrams, telephone, express, freight and public messenger service.

Fifth. For preparing, circulating and filing petitions for
nomination of candidates.

Sixth. For examining the lists of registered voters, investi-
gating the right to vote of the persons listed therein, and con-
ducting proceedings to prevent unlawful registration or voting.

Seventh. For conveying infirm or disabled voters to and
from the polls.

Every liability incurred and payment made shall be at a rate
and for a total amount which is proper and reasonable and fairly
commensurate with the services rendered.
Limitation of Expenditures.

Sec. 11. No payment shall be made and no liability shall be incurred by or on behalf of any candidate for office in this state to aid in securing his nomination or election, or both, which shall in the aggregate exceed the amounts herein provided for; that is to say, candidates for United States senate or any state office, the sum of seventy-five dollars for each county in the state for the primary election, and a like amount for the general election; candidates for members of the legislature, the amount of one hundred and twenty-five dollars in each county in which said candidate is voted for, for the primary election, and a like amount for the general election; for members of the United States house of representatives, the sum of seventy-five dollars for each county in the district at the primary election, and a like amount for the general election; for any county office a sum not to exceed two hundred dollars in each county at the primary election, and a like amount for the general election; and any other office, not hereinbefore mentioned, a sum not to exceed fifty dollars in the political division in which such person is candidate in the primary election, and a like amount for the general election.

Any candidate may delegate to a financial agent or a political committee, in writing duly subscribed by him, the expenditure of any portion of the total expenses authorized to be incurred by him or on his behalf; but the aggregate of all expenses made and incurred by such candidate, by any political agent on his behalf and by any political committee on his behalf, shall not exceed the amounts hereinbefore provided.

Sec. 12. The following persons shall be deemed guilty of corrupt practices, and upon conviction shall be punished in accordance with the provisions of this act:

(a) Any person, other than a financial agent or a member of a political committee, duly appointed and designated as pro-
vided in this act, who shall solicit from any candidate for nomination or election to any public office, any money, gift, contribution, emolument, or other valuable thing, for the support, assistance, benefit or expenses of any person or persons, club, company, organization, religious body, society, association, or for any other purposes except as herein provided, or for the expenses of any primary or other election campaign.

(b) Any person who shall demand, solicit, ask or invite any candidate to make any contribution or incur any obligation to any religious, charitable or fraternal cause, or organization other than political committees duly designated under the provisions of this act, or to buy tickets to any entertainments or ball, or to subscribe or pay for space in any book, program, periodical, newspaper or other publication; or any candidate who shall make or promise any such payment or contribution with the apparent hope or intent to influence the result of any election; provided, that this paragraph shall not apply to the solicitation of any business advertisements in a periodical in which such candidate regularly advertised prior to his candidacy, nor to ordinary business advertising, nor to the regular and normal payments to any religious, charitable or other organization to which he may have been a contributor for more than six months before his candidacy.

(c) Any person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence or restraint, or inflict, or threaten to inflict any damage, harm or loss, upon or against any person, or by any other means attempt to intimidate or exert any undue influence, in order to induce such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who shall by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the suffrage by any elector, or shall thereby compel, induce or prevail upon any elector either to vote or refrain from voting for or against any particular candidate or measure.

(d) Any person who, being an employer, or acting for or on behalf of any employer, shall give any notice or information to his employees, containing any threat, either express or implied, intended or calculated to influence the political view or actions of his workmen or employees.

(e) Any person who shall, knowingly, make or publish, or
46 cause to be made or published, any false statement in regard to
47 any candidate, which statement is intended or tends to affect any
48 voting at any election whatever.
49 (f) Any person who shall pay any owner, publisher, editor
50 or employee, or any newspaper or other periodical to advocate or
51 oppose editorially, any candidate for nomination or election, or
52 any political party, or any measure to be submitted to the vote
53 of the people; any owner, publisher, editor, or employee who
54 shall solicit or accept such payment.

Practices Forbidden.

Sec. 13. (a) No person shall publish, issue or circulate,
2 or cause to be published, issued or circulated, any anonymous let-
3 ter, circular, placard, or other publication tending to influence
4 voting at any election.
5 (b) No owner, publisher, editor or employee of a newspaper
6 or other periodical, shall insert, either in its advertising or read-
7 ing columns any matter, paid for or to be paid for, which tends to
8 influence directly or indirectly, the voting at any election what-
9 ever, unless it is distinctly designated as a paid advertisement,
10 and states the name of the person authorizing its publication and
11 the candidate in whose behalf it is published.
12 (c) No person shall, in any room or building occupied for
13 the discharge of official duties by any officer or employee of the
14 state or a political sub-division thereof, solicit orally or by written
15 communication delivered therein, in any other manner, any con-
16 tribution of money or other thing of value for any party or polit-
17 ical purpose, whatever, from any postmaster or other officer or
18 employee of the federal government, or officer or employee of the
19 state or a political sub-division thereof. No officer, agent, clerk, or
20 employee of the federal government, or of this state or any politi-
21 cal sub-division thereof, who may have charge or control of any
22 building, office or room, occupied for any official purpose, shall
23 permit any person to enter the same for the purpose of therein
24 soliciting or delivering written solicitations for, or receiving from,
25 or giving notice of any political assessments to any officer or em-
26 ployee of the state, or a political sub-division thereof.

Penalties.

Sec. 14. (a) Any person who shall be guilty of the cor-
rupt practice under sections twelve and thirteen of this act, shall, on conviction, be disqualified from voting or from holding any office or employment during a period of five years from the date of conviction, and if elected to or occupying any public office or employment, such office or employment shall be vacated from the date of conviction. Any person convicted of a second or subsequent offense hereunder shall be forever disqualified from voting or holding any public office.

(b) Any person who shall violate any of the other provisions of this act, for the violation of which no other penalty is provided, shall, on conviction be disqualified from voting or holding any public office, or employment, during a period of three years from the date of conviction, and if elected to, or occupying any public office or employment, such office or employment shall be vacated from the date of conviction. Any person convicted of a second or subsequent offense hereunder shall be disqualified from voting or holding any public office in this state for a period of twenty-one years.

(c) Any corporation which shall violate any provision of this act, or shall reimburse or compensate in any manner whatever any person who shall have given, loaned or promised any money or other thing of value in violation of this act, on conviction thereof, for the first offense, shall be fined not less than one thousand dollars nor more than ten thousand dollars; and upon conviction of any second or subsequent offense, if organized under the laws of this state, shall forfeit its charter and all rights, privileges and immunities thereunder, or if organized under the laws of another state or country, shall forfeit all right to carry on any business in this state.

(d) Any officer, agent or employee of any corporation who may on behalf of himself or such corporation do any of the things prohibited by this act, shall on conviction thereof, be fined not to exceed five hundred dollars, and be imprisoned in the county jail not to exceed one year; and shall be disqualified from voting or holding office for a period of three years.

(e) Any voter who shall, before or during any election, directly or indirectly by himself, or by any other person on his behalf, solicit, demand, receive, agree or contract for any money, gift, loan, or valuable considerations, office, place or employment, or solicit any endorsement on a note or other paper, public or pri-
vate, for himself or for any other person, for voting or agreeing to vote, or for voting for any person or candidate or object, or agreeing to refrain therefrom, or from refraining or agreeing to refrain from voting at any election; or any person who shall, after any election, directly or indirectly by himself, or any other person on his behalf, solicit, demand or receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election, shall, on conviction, be disqualified from voting or holding any public office in this state for a period of five years from the date of his conviction; but if any such voter or person mentioned in this sub-section shall testify and speak the truth on behalf of the state in any prosecution against the giver or promisor, he shall not be prosecuted for any offense under this sub-section.

Any person who shall directly or indirectly, by himself or by other person on his behalf, give, lend, or agree to give or lend, or offer, promise, or promise to procure or endeavor to procure any money or valuable consideration, or any place or employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or to vote for any particular person or candidate, or object, or to refrain therefrom; or shall do any such act as aforesaid on account of such voter having voted or refrained from voting at an election, or having voted for any particular person or candidate, or object, or refraining therefrom, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars and may be imprisoned not to exceed ninety days for every such offense; and in addition thereto shall be disqualified from voting or holding office in this state for a period of five years from the date of his conviction.

Any person who shall advance or pay or contribute, or cause to be paid or contributed, any money or other thing of value to or for the use of any other person with the intent that such money or other thing of value, or any part thereof, shall be expended in bribery for any primary or other election, or who shall knowingly pay or cause to be paid any money or other thing of value, shall, on conviction thereof, be disqualified from voting.
258 or holding any public office in this state for a period of five years from the date of his conviction.

(h) Any person or persons, firm, corporation, association, or organization of persons or the individual members thereof, who, by themselves, their officers or agents, shall solicit, demand or require of any candidate at or before any primary or final election a promise or pledge directly or indirectly, to vote for or against any particular candidate or measure, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars. Any candidate from whom has been exacted any such promise or pledge, shall be disqualified from holding the office to which he may be nominated or elected.

Judicial Inquiry.

Sec. 15. At any time within sixty days after any primary or other election, the attorney general, any prosecuting attorney, any candidate voted for at such election, or any one hundred qualified voters, upon giving bond to indemnify the person whose election is contested, from all costs, attorneys' fee and expenses incurred by him in defending his title to office in the event that such person's title to his office is upheld, may present to any circuit judge a petition setting forth under oath, upon information or personal knowledge, that corrupt and illegal practices contrary to the provisions of this act, specifying the same, were committed in connection with such election, naming any candidate as defendant, and praying for a judicial inquiry into the alleged facts.

If such judge shall be of the opinion that the interests of public justice require such a judicial inquiry, he shall authorize such inquiry.

Such petition shall be tried without a jury; the petitioner or petitioners, and all candidates at such election, shall be entitled to appear and be heard as parties; and the court shall have power to compel the attendance of witnesses and the production of books and papers which are relevant and material, and all the evidence taken shall be properly certified and made a part of the record of such proceeding.

Certificate of Findings.

Sec. 16. In the case of a judicial inquiry into corrupt and
2 illegal practices connected with the election of presidential electors, a United States senator or a member of the United States house of representatives, the evidence and the opinion and determination of the court shall be certified to the governor, who shall transmit the same to the proper authorities of the United States government for such action as said authorities may deem proper.

7 In the case of a judicial inquiry into corrupt and illegal practices connected with the election of any officer of the executive department of this state, or of any member of the legislature, the evidence and the opinion and determination of the court shall be certified to the speaker of the house of delegates; or, (in case referring to a member of the state senate), to the president of the senate, for such action as may be deemed proper. In case of such judicial inquiry as to a circuit judge such proceeding shall be heard and determined by the circuit court of any adjoining circuit.

14 In the case of a judicial inquiry into corrupt and illegal practices connected with the election of any other public officer, the trial court shall certify to the governor his decision and judgment with reference to the existence of corrupt and illegal practices, the effect of any such practices on the validity of the election, and the guilt or innocence of any candidate or his political agent. If any such court shall decide that any successful candidate so petitioned against, in person or through his political agent, had committed corrupt or illegal practices, sufficient to materially influence the result, the election of such candidate shall be void. In case of any election except a primary election so held to be void, the governor shall, within twenty days after the receipt of such decision, issue a writ for a new election, to be held within forty days after the issuance of such writ.

Privilege of Witnesses.

Sec. 17. At any trial, inquiry or hearing under the provisions of this act, no person shall be excused from attending and testifying, or from producing books, papers or other documents before the court upon the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him, or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture except forfeiture of nomination or election to
office for or on account of any transaction, matter or thing concern-
ing which he may so testify, or produce evidence against him in any criminal investigation or proceeding, except in an action for perjury in giving such testimony.

**Punitive Costs.**

Sec. 18. In the decision of any court for a judicial inquiry into corrupt and illegal practices at any election, costs may be awarded against the losing party; and the trial court shall have power to award additional punitive costs against the petitioner or petitioners, if it shall find that the allegations of the petition are materially untrue, and that the petition was brought from vexatious or malicious motives.

**Appeals.**

Sec. 19. Appeals except in the case of presidential electors, United States senators, or a member of the United States house of representatives, a member of the legislature and the executive officers of the state may be taken from the determination in such judicial inquiry in the same manner as appeals may be taken as provided by law in civil actions; but the party appealing shall in no case be entitled to or obtain a stay of proceedings. No injunction shall issue in any such judicial inquiry suspending or staying any procedure therein or connected therewith, except upon application to the court or the presiding judges thereof, upon notice to all parties and after hearing.

Sec. 20. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

**CHAPTER 28.**

(Senate Bill No. 332.)

AN ACT to amend and re-enact sections 98-a-I, 98-a-III, 98-a-IV, 98-a-VI, 98-a-VII and 98-a-XI of chapter three of the code of West Virginia, edition of one thousand nine hundred and thirteen, (being serial sections one hundred and twenty-one, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-six, one hundred and twenty-seven and one hundred and thirty-one of said code,) relating to the registration of voters.
SEC. 98-a-I. The county court of each county to hold regular or special session first Monday in March in years when President of U. S. is to be elected, in all other years first Monday in May; to appoint two registrars, one from each of the dominant parties; executive committees through proper officials, to file writing requesting appointment of competent persons, and if court reject such recommendation, same committee to recommend another; recommendations to be matter of record; offense and penalty for presenting a forged writing; eligibility of registrars and what to be done if suitable person does not reside in precinct; failure or refusal to serve; court or clerk may appoint in vacation; one registrar to perform duties in case of failure or refusal of the other to serve; oath to be taken by registrars.

SEC. 98-a-III. County court in each county to notify registrars of appointment and to provide all books and blanks; registrars to meet together first Monday in April of presidential election, and first Monday in June in all other years, and proceed to register names of all qualified voters; proceeding in case of one registrar failing or refusing to perform duty, and action of county clerk at sitting; appeals allowable to circuit and supreme court; penalty for violation of this provision; has authority to examine registration of previous election and transfer names in certain appointments, but not to be relieved from visiting abode of every voter; clerk to provide and certify registration list; method of registering voters; exceptions as to special elections; form of registration and questions to be answered; no other questions to be asked and no one except registrars permitted to ask questions; persons to be registered who will be qualified to vote on election day.

SEC. 98-a-VI. Registrars to sit together two days commencing first Monday in May when President is to be elected, in all other years first Monday in July; hours for sitting; shall give notice by posting notices; at sitting books open for public inspection and to register all qualified voters not heretofore registered; then to make out two alphabetical lists of persons entitled to vote and return same to clerk of county court on or before second Monday in May in presidential years, and on or before second Monday in July in all other years; open to public inspection in the clerk's office; copies of registration may be furnished upon payment of fee.

SEC. 98-a-VII. County court to convene, and when, for hearing as to registration of voters, to examine returns of registration, and what action to be taken in case an affidavit is filed on appeal to the circuit court; what to be done in case of special elections. what to be done with lists by county court; no voter to be stricken from list until after five days notice and shall have certain rights; appeal from county court is to the circuit or supreme court; clerk not to register any name except by order of court; violations a felony, penalty.

SEC. 98-a-XI. No person allowed to vote unless registered; duty of commissioners of election; exceptions as to persons not registered, and form of affidavit to be made to entitle person to vote; name then to be listed on registration books; commissioners violating these provisions guilty of misdemeanor, penalty. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections 98-a-I, 98-a-III, 98-a-IV, 98-a-VI, 98-a-VII, 98-a-XI of chapter three of the code of West Virginia, edition of one thousand nine hundred and thirteen, (being serial sections one hundred and twenty-one, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-six, one hundred and twenty-seven and one hundred and thirty-one of said code), relating to the registration of voters, be amended and re-enacted so as to read as follows:

Section 98-a-I. The county court of each county in this state
shall hold a regular or special session at the court house of their county on the first Monday in March next before the election in the year in which a President of the United States is to be elected, and in all other years on the first Monday in May next before the election, and shall then appoint for each voting precinct in their county two competent persons as registrars, one each from the political parties which, at the last preceding election, cast the highest number of votes in the county in which the election is to be held. But, if at any time during said session, the county executive committee of either political party from which said registrars are to be selected, through its chairman or secretary, shall present to the court, or shall before any such appointments are made, at any time file in the office of the clerk of the county court of said county, a writing signed by the chairman of said committee, on their behalf, requesting the appointment of a qualified voter of their political party, and who shall appear to be competent to said court, the court shall appoint the person named in such writing as such registrar; or, if the court reject any one so recommended, it shall notify the chairman of the committee of said rejection, and such chairman shall recommend another to be so appointed, until a competent person is accepted by the court. Every writing so presented shall be filed, preserved and kept by the clerk of said court in his office. And if it shall appear that said writing was a forgery, and that it was forged by the person presenting the same to the court, knowing it to be a forgery, upon conviction thereof such person shall be confined in the penitentiary not less than one nor more than five years; or, at the discretion of the court, he may be fined not less than one hundred dollars, nor more than five hundred dollars, and be confined in the county jail not less than three nor more than six months. No person shall be eligible to appointment as registrar, or in any way act as such, who has been convicted of a felony, or who holds any elective or appointive political office under the laws of the state of West Virginia, or the United States, or who is not a qualified voter in the precinct for which he is appointed, who cannot read or write the English language, or who is a candidate to be voted for at such election; provided, that if in any precinct there should not be a competent person in the opinion of the chairman of the executive committee, or the county court, the chairman of said committee may recommend some competent voter of said county from some other precinct therein, to
52 act as such registrar. If any such registrar shall fail or refuse to 
53 serve, the vacancy shall be filled either by the county court or by 
54 the clerk thereof, in vacation, in the manner hereinbefore provided 
55-56 for the appointment of registrars, and such clerk shall forthwith 
57 notify such party of his appointment as such registrar, and record 
58 such appointment in the minute book of said county court. If no 
59 appointment is made to fill such vacancy, or if either of such reg-
60 istrars fail or refuse to act, it shall be lawful for the other registrar 
61 to register the voters in such precinct and discharge his duties here-
62 under. Said registrars shall, before entering upon the discharge of 
63 their duties, take an oath to support the constitution of the United 
64 States, the constitution of West Virginia, and to perform the du-
65 ties of their office to the best of their ability, and that they will 
66 support the nominees of the party for which they are respectively 
67 appointed. Said oath shall be filed in the office of the clerk of the 
68 county court.

Sec. 98-a-III. The clerk of the said county court shall with-
2 in five days after the appointment of said registrars as aforesaid, 
3 notify each of the registrars so appointed of his appointment and 
4 give the name of the other registrar, which notice may be sent by 
5 registered mail, and the clerk shall likewise, on or before the third 
6 Monday in March next before the election in the year in which a 
7 president of the United States is to be elected, and in all other 
8 years on the third Monday in May next before the election, deliver 
9 or cause to be delivered, to said registrars, in person, if they shall 
10 call at the office of said county clerk for the same, or to the resi-
11 dence or usual place of abode of said registrars, if they shall not 
12 call in person at said county clerk’s office for the same, copies of 
13 the books and blanks prepared as aforesaid, for the registration of 
14 voters of the respective precincts, and upon the receipt of the said 
15 blanks, the said registrars shall meet together on the first Monday 
16 in April next before the election in the year in which a president of 
17 the United States is to be elected and in all other years on the first 
18 Monday in June next before the election, and proceed to register 
19 the names of all the qualified voters within their respective pre-
20 cincts, and shall endeavor to ascertain and register each and every 
21 qualified voter entitled to vote within the precinct, and for this 
22 purpose shall visit the usual place of abode of each and every voter; 
23 if either one of the registrars refuse or fail to register the voters
24 of his precinct, as herein required, then the other registrar may, 25 in the absence of such registrar, so refusing or failing, proceed 26 to make or complete such registration; and it shall be the duty of 27 such registrar, so refusing or failing to do so, to copy the names of 28 the persons so registered by the other registrar, in his registration 29 book, and if he fails to do so, then it shall be the duty of the county 30 court to have the same done at its sittings, for the purpose of 31 completing and revising said registration list. From the action of 32 the county court an appeal may be taken to the circuit court, and 33 from the circuit court to the supreme court of appeals of this state. 34 Any registrar violating any of the provisions of this section 35 shall be fined not less than fifty dollars and confined in jail not less 36 than thirty days. And said registrars, to ascertain the qualified 37 voters, may examine the registration list made for such precinct 38 for the last preceding general election, and may transfer the names 39 of all voters registered on such former list, who, at the time of such 40 registration being made, may be qualified voters in said precinct, 41 to the registration being so made. But nothing herein contained 42 shall relieve said registrars from visiting the usual place of abode 43 of each and every voter and from ascertaining the qualified voters, 44 as in this act provided, and they shall in addition to examining 45 such former registration list and transferring the names of qualified voters on such former lists as are here allowed, visit the usual 46 place of abode of each and every voter and ascertain and register 47 the qualified voters within their respective precincts, and shall 48 make a full and complete list of all such voters. And the clerk of 49 said county court shall furnish to each of said registrars a certified 50 copy of the registration list made for such precinct for the last 51 preceding general election. And in registering each voter, said 52 registrar shall (as far as possible) give the Christian name, and 53 his surname, and shall designate the place of his residence, his age 54 and color, and whether he is a native or foreign born, which information shall be given in the proper column provided in the books 55 furnished by the clerk of the county court, as hereinbefore pro- 56 vided.

Provided, however, that when for any purpose a special elec- 57 tion is held in any county, district thereof, or independent district 58 thereof, at any time, it shall not be necessary for the registrars 59 to list or register any of the voters, and the voters shall be listed
63 and registered by the county court as provided in section seven
64 hereof.

Sec. 98-a-IV. Before the registrars shall register the
2 name of any person as a qualified voter, they must be satisfied
3 of his qualifications, or have him make the affidavit as hereinafter
4 provided, showing his right to register, and for the purpose of this
5 act they are hereby given authority to administer oaths and they
6 may require the person desiring to register to answer under oath
7 the following questions:
8 
9 First. Are you a citizen of the United States?
10 Second. Are you a native or naturalized citizen?
11 If the person offering to be registered claims to be a natural-
12 ized citizen of the United States he shall produce for the inspec-
13 tion of the officer of registration a certificate or the evidence of his
14 naturalization, and also state, under oath, or affirmation, that he
15 is the identical person named therein; but the production of the
16 certificate shall not be required, if the person offering to be
17 registered states, under oath, when and where he was natural-
18 ized, that he had a certificate of naturalization, and that against
19 his will the same is lost, destroyed or beyond his power to pro-
20 duce the same; or, if he states under oath, that, by reason of the
21 naturalization of his parents or one of them, he has become a
22 citizen of the United States, and where and when his parents
23 were naturalized.
24 Third. Will you have resided in this state for one year
25 immediately preceding the coming election?
26 Fourth. Have you been absent from this state within a year
27 immediately preceding the coming election?
28 (If “Yes,” when?)
29 Fifth. When you left this state did you leave for a temporary
30 purpose with the intention of returning, or for the purpose of
31 remaining away?
32 Sixth. Did you, while absent, look upon or regard this state
33 as your home?
34 Seventh. Did you, while absent, vote in any other state?
35 Eighth. Will you have resided in this county for sixty days
36 prior to the coming election?
37 Ninth. When did you last come to this county?
38 Tenth. Are you an actual resident of this precinct?
38-39 Eleventh. Are you twenty-one years of age or will be such at the coming election, to the best of your knowledge and belief? No other question shall be asked the applicant for registration, and no one except the registrars are permitted to ask said applicant any question affecting his qualifications to vote at the time such applicant is applying to said registrars for registration. Every person shall be registered who will be entitled to vote at the first election occurring after the registration by reason of his arriving at twenty-one years of age before the time, or by reason of his having resided for a sufficient length of time in the state and county provided he is otherwise qualified.

Sec. 98-a-VI. The said registrars after having completed the registration as far as in their power, shall for the purpose of amending, correcting and completing said registration, sit together at some convenient place within the voting precinct for two days, commencing on the first Monday in May next before the election in the year in which a president of the United States is to be elected, from nine o'clock, A. M., to one o'clock, P. M., and from two o'clock, P. M., to nine o'clock, P. M., and in all other years on the first Monday in July from nine o'clock, A. M., to one o'clock, P. M., and from two o'clock, P. M., to nine o'clock, P. M., next before the election, and shall give notice of the time and place of their sitting for such registration and correction by posting written or printed notices of the time and place of such sitting for ten days prior thereto, at not less than five of the most conspicuous places in said voting precinct, one of which shall be at the place of voting in said precinct. And at the time of said sitting the books of registration shall be open for public inspection, and the said registrars, in the manner hereinbefore provided, shall register all qualified voters who have not theretofore been so registered by them, and complete and finish the registration of the voters within their said precinct, and make out two alphabetical lists of the registered voters within said precinct entitled to vote at the ensuing election as registered by them, giving the information as to each voter as hereinbefore required, and shall sign and return the same to the clerk of the county court on or before the second Monday in said month of May next before the election in the year in which a president of the United States is to be elected, and in all other years on or before the second Monday in said month of July next.
Any person desiring a copy of the registered voters made by said registrars as returned by them to the county court, may request the same and the registrars shall make and deliver a copy of said registered voters upon the payment to them of two cents a name for each copy so furnished.

Sec. 98-a-VII. It shall be the duty of the county court of each county to convene in regular or special session on the second Monday in the month next preceding any and every election to be held in that county, including both primary and general election, except those elections in which no registration is required, and on the fifth day preceding any special election in any county, district or independent district, for the purpose of hearing any and all matters as to the registration of voters, at which said meeting of the county court they shall examine the returns made to them by the registrars throughout the county, or in case of special election, throughout the county, district or independent district wherein such special election is to be held, and filed with the clerk of the county court as hereinbefore provided, and if they are satisfied that persons have been registered who are not entitled to vote, they shall cause their names to be stricken from the list of voters, and if they should find that persons' names have been omitted by the registrars who should be registered, either because the same have been omitted or by reason of such persons having become entitled to vote since such registration was made, the court shall cause their names to be registered as qualified voters, and an affidavit taken before one of the registrars, while they are making such registration, as provided in chapter three of the code of West Virginia, one thousand nine hundred and thirteen, shall be prima facie evidence before the county court that said applicant is entitled to registration in the voting precinct in which he applies for registration, and also prima facie evidence on appeal to the circuit court; provided, that such affidavit shows that the applicant is entitled to registration; in case of special elections at any time in the county, district or independent district of the county, it shall be the duty of the county court when so sitting five days preceding any such special election as hereinbefore pro-
vide, to register and list the voters in the county, district or in- 
dependent district in which such special election is about to be held, 
and in doing so the county court shall adopt the registration by reg-
istrars at the next preceding election prior thereto, and if the coun-
ty court is satisfied that persons have been registered who are not 
then entitled to vote at such special election, they shall cause their 
names to be stricken from the list of voters, and if they find that 
persons' names have been omitted by the registrars who should be 
registered then, either because the names of same have been omit-
ted or by reason of such person having become entitled to vote 
since such registration for the then next preceding election, was 
made, the court shall cause their names to be registered as qualified 
voters; the county court shall accordingly correct the list so return-
ed by the registrars for such county, district or independent district 
wherein and wherefor such special election is to be so held, and 
thereto certify by order entered of record, and thereby the said 
county court shall be held to have duly registered and listed the 
voters in such county, district and independent districts wherein 
such special elections are held; but in no case shall the court cause 
the name of any voter to be stricken from the registration 
list, until he shall have had five days' notice of the ap-
plication to strike his name from such registration list, and he 
shall have the right to rebut any evidence produced against him, 
and shall have his name restored to said list if improperly stricken 
therefrom. From the decision of the county court an appeal may 
be taken by the voters or either of the registrars or any voter of 
said county, to the circuit court of said county, and from the 
decision of the circuit court an appeal may likewise be taken to 
the supreme court of appeals. In no case shall the clerk enter any 
name on the list of registered voters, or strike any name there-
from, except by order of the county court entered of record. And 
any person who shall enter any name upon the registration list or 
omit any name from the registration list without an order of the 
court, entered of record so directing, shall be guilty of a felony, 
and upon conviction he shall be confined in the penitentiary not 
less than one nor more than three years for each offense.

Sec. 98-a-XI. No person shall be allowed to vote at any election 
hereafter held in this state unless he shall have been registered as 
herein provided and the commissioners of every election shall allow
only those to vote whose names appear upon the registration books
furnished by the clerk of the county court to them, or who present
a proper certificate of transfer, as herein provided; except that any
person who has not been registered as herein required, may apply
on the day of any election to the commissioners of election to be
registered on said day by said commissioners before voting, and,
upon being registered by said commissioners, shall be allowed to
vote at such election; but before such person is permitted to vote, he
shall make and sign an affidavit before one of the com-
missioners, or some one authorized to administer oaths, which
affidavit shall contain the same allegations and informa-
tion as may be required by the registrars under this
act in listing voters and, in addition thereto, such person shall
state, under oath, the cause and reasons of his not having been reg-
istered in accordance with the other provisions of this act. Said
affidavit shall also contain the names of two creditable and reliable
qualified voters of the precinct in which said person offers to vote,
who shall be known to said election commissioners, or other per-
son before whom he shall make affidavit, to be creditable and re-
liable qualified voters of said precinct, and said two persons shall
also make and sign an affidavit before some one entitled to admin-
ister oaths, stating under oath that said person, so desiring to vote
and who has made the affidavit hereinbefore required, is well known
to them and that they believe the statements made by him in his affi-
davit to be true, which affidavits of said person offering to vote and
said two creditable and reliable qualified voters shall be accepted by
said commissioners; and, upon the making and presentation of said
affidavits, containing the matters herein required, said person, so
desiring to vote, shall thereupon be deemed a qualified voter and
his name shall be listed upon the registration list of the precinct in
which he offers to vote and he shall be permitted to vote by said
commissioners of election. And any commissioner of election who
shall wilfully violate any of the provisions of this act shall be
deemed guilty of a misdemeanor, and upon conviction thereof shall
be fined not less than fifty nor more than one hundred dollars, and
imprisoned in the county jail not less than ten nor more than
ninety days for every such offense.

All acts or parts of acts inconsistent herewith are hereby re-
pealed.
CHAPTER 29.
(Senate Bill No. 8.)

AN ACT re-districting the state for representatives in the congress of the United States.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor’s approval.]

SEC. 1. Members to which state is entitled in house of representatives of United States apportioned into six districts: first congressional district; second congressional district; third congressional district; fourth congressional district; fifth congressional district; sixth congressional district; said districts to elect one member each.

Be it enacted by the Legislature of West Virginia:

Section 1. The number of members to which this state is entitled in the house of representatives of the United States shall be six districts, numbered as follows, that is to say:

1. First Congressional District—Hancock, Brooke, Ohio, Marshall, Wetzel, Marion and Taylor.
3. Third Congressional District—Ritchie, Doddridge, Harrison, Calhoun, Gilmer, Lewis, Upshur, Braxton, Clay, Nicholas and Webster.

And that each of said congressional districts shall elect one member of the house of representatives to the congress of the United States.

CHAPTER 30.
(House Bill No. 333.)

AN ACT to apportion the representation in the house of delegates of the state of West Virginia.
SEC. 1. Until new apportionment of delegates declared in pursuance of the constitution, house of delegates apportioned; counties with one delegate each; counties with two delegates each; counties with three delegates each; counties with four delegates each; county of Kanawha, six delegates.

Be it enacted by the Legislature of West Virginia:

Section 1. That until a new apportionment of delegates shall be declared in pursuance of the constitution, the house of delegates shall consist of ninety-four members, which shall be apportioned as follows:

To the counties of Barbour, Boone, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Jefferson, Lewis, Lincoln, Logan, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Ritchie, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wirt and Wyoming, one delegate each.

To the counties of Berkeley, Braxton, Greenbrier, Jackson, Marshall, Mason, Monongalia, Preston, Raleigh, Randolph, Roane, Wayne and Wetzel, two delegates each.

To the counties of Marion, Mercer and Wood, three delegates each.

To the counties of Cabell, Fayette, Harrison, McDowell and Ohio, four delegates each.

To the county of Kanawha, six delegates.

CHAPTER 31.
(Senate Bill No. 111.)

AN ACT to amend and re-enact sections one, six, eight, eleven, twelve, twenty-four and twenty-five of chapter fifty-eight of the acts of one thousand nine hundred and nine, entitled "An act providing for the government and control of the public institutions of the state, by creating a state board of control and a state board of regents, and fixing the duties, powers, responsibilities and compensation of said boards and the members thereof," and to repeal conflicting acts.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]
SEC. 1. State board of control, created by chapter 58, acts of 1900, to continue a corporation and have a common seal; to consist of three members, not more than two to belong to same political party, appointed by governor, with advice and consent of senate; term of office, and provision for those now in office; governor may remove for cause; salary, how paid and expenses, to be provided with an office at state capital; members to give entire time to duties; one member to be chosen president and one treasurer; may select secretary and other officers; office of treasurer and secretary may be held by same member; oath of office of members and bond required, conditions, and as treasurer; bonds may be by surety or bonding company at expense of state; bonds to be approved as to form by attorney general, and as to sufficiency by governor; to be filed in office of secretary of state; in absence of president or treasurer duty may be performed by another; deeds, contracts, etc., to have name of president, seal and attested by secretary, and deemed act of board and to be admitted to record.

6. All keys belonging to state coming into the hands of any officer of any institution under control of state board of control to be delivered to treasurer once each month under certain rules; disposition of such money and duty of the auditor; authority of board to extend such money and funds, and appropriation authorized; funds designated; what to be done when legislative appropriations are insufficient for expenses of any such institution, and authority of board of public works under chapter 16 of acts of 1904.

8. State board of control to visit institutions under control and may hold meetings at any such institution; duty to inspect all departments and investigate conditions; has power to summon and compel attendance of witnesses, to administer oaths and have access to books, papers and property; witnesses other than employees of state entitled to fees; in investigation testimony may be taken and transcribed; refusal to obey order of board to be reported to circuit court to be held as for contempt.

SEC. 11. State board of control hereby authorized to purchase all supplies named in sections three and four, and for any other institutions under its control; how purchased; surety may be required in contracts for supplies; board has power to reject bids and re-solicit; board to determine character of animals to be slaughtered for meats and make rules for inspection of meats, etc., intended for use; in accepting bids preference to be given citizens of this state; on failure of board to make contracts for supplies same may be purchased by officer in charge under regulations; chief officer of institution to prepare estimate of supplies required; no member, or officer of board of control or board of regents, nor officer or employee of institution to be interested in supplies purchased; forfeiture of office if interested and contract void; no member, officer, agent, or employee to receive or accept any thing of value in violation of statute, penalty.

12. State board of control has authority to employ competent architects for new buildings or repairs, to employ competent persons to superintend and call for bids and award contracts: authority to erect new buildings, make repairs, additions or changes without contracting when best interests of state may be served; may also use labor of inmates; may also, with approval of governor, make plans and specifications for new buildings, etc., for submission to the legislature: how payments may be made: all buildings hereafter erected to be fire-proof.

24. State board of control to have authority to transfer patients and inmates from one institution to another, except in penitentiary, for treatment and care.

25. State board of control has authority to require bond of head or any other officer of any institution for faithful performance of duty and for all money and that bond may be of a surety or bonding company, and paid out of current or contingent fund; all bonds subject to approval by state board of control and filed with the treasurer.

26. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, six, eight, eleven, twelve, twenty-four and twenty-five of chapter fifty-eight of the acts of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:
Section 1. The state board of control, created by chapter fifty-eight of the acts of the legislature of one thousand nine hundred and nine, shall continue, and shall be a corporation, and have and use a common seal. It shall consist of three members, not more than two of whom at the time of appointment shall belong to the same political party, to be appointed by the governor by and with the advice of the state senate. The term of office shall be six years. The members now in office shall serve to the end of their respective terms, unless sooner removed as herein provided. The governor may remove any member for incompetency, neglect of duty, drunkenness, gross immorality, malfeasance in office, or for other good cause, and fill the vacancy made by any such removal, or made by death, resignation or otherwise, by appointment for the unexpired term. The salary of each member shall be five thousand dollars per year, to be paid monthly; and each shall be paid his actual traveling and other necessary expenses when absent from the state capital on official business. The board shall be provided with an office at the state capital, and with such furniture and clerical and other assistance as shall be necessary. The members shall give their entire time to the discharge of the duties of their office. The board shall choose one of their members president, and another treasurer. They may select a secretary and such other officers as they may deem best. The offices of treasurer and secretary may be held by the same member. Before entering upon the duties of his office, each member shall take and subscribe the oath of office prescribed by the constitution, the certificate whereof shall be filed with records of the board, and he shall give bond in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and to account for and pay over according to law all moneys or other thing of value which shall come into his hands or under his control by virtue of his office; but the treasurer's bond shall be in the penalty of twenty-five thousand dollars, which shall cover his liability as a member, and as the treasurer. The board may cause the surety in any of such bonds to be a surety or bonding company authorized to do business in this state, and, pay the costs thereof out of its current or contingent expense fund. All such bonds shall be approved as to form by the attorney general, and as to sufficiency by the governor, and when so approved shall be filed and recorded.
40 in the office of the secretary of state. In the absence of the presi-
dent or of the treasurer from the state capital, or in the disability
of either, the duties of his office may be performed by another
member of the board. All deeds, contracts, agreements and other
such writings may be executed by the state board of control by the
signing of the name of the board thereto by the president, and im-
pressing the seal of the board thereon, attested by the signature
of the secretary; and when so executed any such deed, contract,
agreement or other such writing shall be deemed the act and deed
of said board, and shall be admitted to record in the office of the
clerk of the county court, and in any other office or place where
writings are admitted to record.

Sec. 6. All moneys and funds belonging to the state which
shall come into the hands or control of the head officer, or other
officer, of any of the institutions mentioned in sections three and
four, or of any other institution, department, board, commission,
or other agency of the state, or of any person connected therewith,
and under the control and management of the state board of
control in whole or in part, or the fiscal or financial affairs of
which are subject to the control or management of said board, shall
be paid to the treasurer of said board at least once in each month,
on or before the tenth day of the month succeeding the month in
which such moneys or funds were received, under such rules and
regulations as said board shall prescribe. The state board of con-
trol shall cause such money and funds to be paid into the state
treasury to the credit of the proper fund of the institution, de-
partment, board, commission, or other agency of the state, by
depositing the same in a state depository and delivering to the
auditor the certificate of deposit therefor. The auditor shall
credit the same to the institution, department, board, commis-
sion or state agency, as shown by the certificate of deposit; and the
state board of control shall have authority to issue requisitions,
from time to time, on such moneys and funds to be expended for
the support or benefit of the institution, department, board, com-
mision, or state agency for which the same was appropriated or
provided, and all such moneys and funds are hereby appropriated
for the purpose. Such moneys and funds are hereby named “state
board of control funds.” Whenever the appropriations by the
legislature are insufficient to pay the expenses of conducting any
28 of said institutions, the deficiency shall be certified by the state
29 board of control to the board of public works. Such certificates
30 shall state the name of the institution, the items and amount in
31 detail needed, and the board of public works may direct payment
32 of the same or any part thereof as provided in chapter sixteen
33 of the acts of one thousand nine hundred and four.

Sec. 8. The state board of control or one or more of its
2 members shall visit each of the institutions under its control and
3 management in whole or in part as often as may be necessary, and
4 may hold a regular meeting of the board at any such institution.
5 During any such visitation the board or any member thereof shall
6 thoroughly inspect all the departments thereof and investigate
7 the condition and management of the same; and for the purpose
8 of aiding any such investigation the board or any member thereof
9 shall have power to summon and compel the attendance of wit-
10 nesses, to be examined under oath, which any member shall have the
11 power to administer; and the board or any member thereof shall
12 have access to all books, papers and property necessary to any such
13 investigation, and may order the production of any books, papers
14 or property. Witnesses, other than employees of the state, shall
15 be entitled to the same fees as in civil cases in the circuit co-
16 rt. In any investigation by the board, or by any member thereof, it or
17 he may cause the testimony to be taken in shorthand and tran-
18 scribed and filed in the office of the board as soon after the same is
19 taken as practicable. Any person refusing or failing to obey the
20 order of the board, or any member thereof, issued under the pro-
21 visions of this section, or to give or produce any evidence required,
22 shall be reported by the board or the member thereof conducting
23 the investigation to the proper circuit court or the judge thereof,
24 and such person so refusing or failing shall be dealt with by the
25 court or judge as for contempt.

Sec. 11. The state board of control is hereby authorized and
2 required to purchase all supplies for the proper support and main-
3 tenance of the institutions named in sections three and four,
4 and for any other institution, department, board, commission, or
5 other state agency, under its control or management in whole or in
6 part. Such supplies shall be purchased whenever practicable by
7 contract on competitive bids, and notice of the same shall be given,
8 whenever the board thinks best, by publication in at least two
9 newspapers of general circulation in the state for not less than
two weeks prior to the award made; and a written or printed
notice shall be sent to every manufacturer or dealer of or in the
article or commodities for which prices are desired who has re-
quested his name to be placed upon the mailing list. The contract
shall be awarded to the lowest responsible bidder, if the price be a
fair and reasonable one, and not greater than the market price.

The board is authorized to require such surety as it may deem
proper to accompany the bids submitted, and shall also fix the
amount of the bond or other security that shall be furnished by the
person, firm or corporation to whom the contract for any supplies
is awarded. The board shall have the power to reject any and all
bids submitted, if for any reason it is deemed to the best interests
of the state to do so, and to re-solicit bids in accordance with the
provisions of this section. The board may determine the kind and
character of animals to be slaughtered for meats for use in the
several institutions under its control and it shall make such rules
and regulations as may be necessary for the inspection of meats,
poultry, bread and other supplies intended for use in any of the
said institutions. In accepting bids for supplies preference shall
be given citizens of this state, other things being equal. When-
ever the board fail to make contracts for supplies the same
may be purchased by the chief officer in charge of an institution,
under such rules and regulations as shall be prescribed by the
board of control. It shall be the duty of the chief officer of each
institution named herein to cause to be prepared estimates of sup-
plies required for the proper conduct and maintenance of the
institution under his charge, covering periods to be fixed by the
board of control, and to forward the same to the board in accord-
ance with its directions. No member or officer of the board of
control, or of the state board of regents, and no person in their
employ and no officer or employee of any state institution shall
be directly or indirectly interested in the purchase of supplies, or
in any supplies purchased, nor in any contract, agreement or un-
dertaking entered into by and for any of said institutions; and if
he be so interested he shall forfeit his office, such contract shall be
void, and such person shall be liable to the state upon his official
bond for all damages. No member of said board, no officer, agent
or employee thereof, and no officer of any institution under their
charge, shall directly or indirectly for himself or for another, or
for any such institution, receive or accept any gift or gratuity or
thing of value from any dealer in goods, merchandise or supplies
which are or may be used in such institutions, or from any person,
firm or corporation who are or may be interested in any contract
with such board for or on account of the state. Any violation
of this section shall be a misdemeanor, and be punished by a fine of
not less than twenty-five nor more than five hundred dollars.

Sec. 12. The state board of control is vested with authority
to employ competent architects for the preparation of plans and
specifications for all new buildings hereafter to be built by the
state, or for the repairing or remodeling of existing buildings, or
the construction of additions thereto; to employ competent persons
to superintend the work of constructing new buildings or of such
repairs, remodeling or additions, and to call for bids and award
contracts for such work. The board shall have authority to erect
any new building, or to make repairs or additions to, or changes
in, any building already constructed, without letting the same to
contract, or by employing thereon the labor of the inmates of any
institution of the state, whenever in the judgment of the board the
best interests of the state will be subserved thereby. The board
may also provide with contractors for the erection of new buildings
or for additions or repairs to old ones, to use thereon the labor of
such inmates. The board has authority, whenever in its judgment
a new building is needed by the state, or whenever it is necessary
to build an addition or make material repairs to a building already
in existence, with the approval of the governor, to employ a
competent architect or architects to make plans and specifications
therefor, and estimate of the cost thereof, for submission to the
next session of the legislature, to aid that body in making an ap-
propriation for the purpose. The governor may pay the cost of
such plans and specifications and estimates out of his civil con-
tingent fund, or the board may cause the same to be paid out of
the current expense fund or out of any appropriation made for
buildings and land or for repairs and improvements of the in-
stitution for which the building or work is designed. So far as
practicable, hereafter all buildings erected for the use of the state
shall be fire-proof.

Sec. 24. The state board of control shall have authority to
transfers patients from one institution for the insane, or from any
institution hereafter created for epileptics, feeble-minded, imbeciles, or idiots, to any other institution for the insane, epileptics, feeble-minded, imbeciles, or idiots; to transfer inmates from the girls' industrial home, or the boys' industrial school, or the schools for the deaf and the blind, to the homes for children or orphans; to transfer insane, epileptic, feeble-minded, imbecile, or idiotic inmates from any institution of the state to any other state institution conducted for their care or treatment; and generally to cause the transfer of any patient or inmate from any state institution, except the penitentiary, to any other state institution which is better fitted for the care or treatment of such patient or inmate, or for other good cause or reason.

Sec. 25. The state board of control shall have authority to cause the head officer or any other officer of any institution, department, board, commission, or other state agency, under its control or management in whole or in part, or any of its own employees, to give bond, conditioned for the faithful performance of the duties of his office, and to account for and pay over all money and other property of the state which shall come into his hands or control by virtue of his office in such penalty as the board may deem proper; and may provide that the surety in any such bond shall be a surety or bonding company authorized to do business in this state, and cause the premium for bonds so given to be paid out of the current or contingent expense fund of the institution or board or body with which the person so bound is connected. All such bonds shall be subject to the approval of the state board of control; and, when so approved, shall be filed with the treasurer of the board and by him safely kept.

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

CHAPTER 32.

AN ACT to amend and re-enact section twenty-nine-a of chapter one hundred and fifty of the Code of West Virginia, as last amended and re-enacted by chapter sixty-one of the acts of one thousand nine hundred and seven, relating to the practice of dentistry.
Sec. 29-a. (1) West Virginia state dental board hereafter to be continued; to consist of five practicing dentists, to make rules, etc., to carry out provisions of this act; to be appointed by the governor from state dental societies and graduates of dental colleges or reputable university, and actual residents for five years, except that person is not to be interested in dental college or dental supply business; term to be for five years; members of board now in office to continue until terms have expired or successors appointed and qualified; no person to serve to exceed two terms, and vacancies to be filled by governor.

(2) Officers, meetings and records: one member to be chosen president, one secretary-treasurer at annual meeting fourth Tuesday in June; board to meet often at place deemed proper to examine applicants for license and other business; to keep record book for registry of all persons legally entitled to practice in state; majority to constitute quorum for transaction of business, and proceedings to be recorded and open at reasonable times for public inspection; secretary-treasurer to give bond in amount determined by board.

(3) License and registration: no person permitted to practice dentistry in state without first obtaining license and registering same; provision applies to all persons, except licensed persons before licensed and registered, or engaged practice before the passage of any law regulating same, application for license and how made, and fee authorized; requirements of applicant and examination; board may refuse license in certain cases.

(4) Persons licensed shall, before beginning practice, register license with county clerk of county or counties in which he desires to practice; fees for registration: duty of clerk as to report of registration; dentists holding licenses at time of enactment of this law to register within six months.

(5) License and certificate of registration to be at all times displayed in office of holder, and exhibit same to board or authorized agent.

(6) State board may refuse to issue license, suspend or revoke for cause; proceedings for hearing; for suspension; president and secretary have power to administer oaths and may take oral or written proof; in cases of refusal to issue license, suspension or revocation, applicant may appeal to the court.

(7) Examination fee of $25.00 authorized, with addition of $2.00 for license or reasonable salary authorized for secretary-treasurer; annual report to governor or before December 31, to show moneys received and disbursed.

(8) Biennial registration required of all persons now registered, and fee for renewal license; renewal valid for two years; notice, how given.

(9) Fraud in identification or qualification, or forged alibi for a felony, to be punished according to law covering such offense.

(10) Dentistry defined: exceptions to regularly licensed physicians and surgeons and persons performing merely mechanical work in a dental office or laboratory.

(11) Form of license, and how signed.

(12) Unlawful to practice dentistry under name of company, association or corporation, except all members are qualified and individually responsible.

(13) Board may issue license to practitioner who removes to state under certain requirements, and provided such other state in like manner recognizes license issued by W. Va. board.

(14) Special certificate authorized for practitioner leaving the state; form and contents.

(15) Fee for issuing license to practitioner from another state and this state, as provided in sections 13 and 14; to be paid before license is issued.

(16) Penalty for practicing dentistry without license, or violations of any provisions of this act for which no specific penalty is named, a misdemeanor; penalty for each act of dentistry and each day a separate offense; opening an office or announcement to the public deemed engaging in practice; exceptions as to bona fide student of dentistry.

(17) Failure, neglect or refusal to register license a misdemeanor; penalty.

(18) Fees collected hereunder paid to secretary-treasurer for fund to assist in enforcement of this act.

(19) Drugists authorized to fill prescriptions of licensed dentists.

(20) Nothing in this act to prevent students under competent instruction from performing dental operations.

(21) Secretary to file all records for future reference and records in examinations to be kept by secretary one year.

(22) Act effective July 1, 1915. Inconsistent acts repealed.
Be it enacted by the Legislature of West Virginia:

That section twenty-nine-a of chapter one hundred and fifty of the code, as last amended and re-enacted by chapter sixty-nine of the acts of one thousand nine hundred and seven, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 29-a-(1). That the West Virginia state board of dental examiners heretofore created be continued, to consist of five practicing dentists, whose duty it shall be to make such rules and regulations as are necessary to carry out the purposes and enforce the provisions of this act as hereinafter specified. The members of said board shall be appointed by the governor from the members, who are in good standing, of the West Virginia state dental society, and graduates of reputable dental colleges, schools or dental departments of a reputable university and at the time of their appointment upon said board must have been actual residents and legally licensed practicing dentists of this state for a period of five years or more immediately preceding their appointment; provided, however, that no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning or dental supply business. The term for which the members of said board shall hold office shall be five years; provided, that the present members of the board in office at the time of the passage of this act shall continue in office until their respective terms have expired and until their successors are appointed and qualified; and that no person so appointed shall serve to exceed two terms. All vacancies in said board shall be filled by the governor from said membership.

Officers, Meetings, Records, etc.

(2). The said board of dental examiners shall choose one of its members president and one secretary-treasurer thereof, at an annual meeting on the fourth Tuesday in June of each year. Said board may meet oftener if necessary, at the discretion of the board at such place as it may deem proper, for the examination of applicants who may desire to practice dentistry in this state and for the transaction of any other business that may come before it. Said board shall keep a record book in which shall be registered the names, addresses and license numbers of all persons legally
entitled to practice dentistry in this state. A majority of the
members of said board shall at all times constitute a quorum for
the transaction of business, and the proceedings of said board shall
be recorded in a minute book open at all reasonable times to public
inspection. The secretary-treasurer shall execute to the said board
bond, with approved security, for the faithful performance of his
duties, the amount of said bond to be determined by said board.

License and Registration and How Granted.

(a). No person shall practice dentistry in this state or
try to do so after the passage of this act without first applying
for and obtaining a license for such purpose from the said West
Virginia state board of dental examiners, and registering such
license as herein provided, and this provision applies to all persons
whether they have heretofore practiced dentistry in this state or
not, except such persons as have been heretofore licensed and regis-
tered, or who were engaged in the practice of dentistry in the state
before the passage of any law by said state
(b) of West Virginia before the passage of any law by said state
regulating such practice. Application shall be made to the said
board in writing at least fifteen days previous to the date of such
examination for license and shall, in every instance, be accompanied
by a photograph of the applicant, and the examination fee of twen-
ty-five dollars, which sum is authorized to be charged for such ex-
amination by said board. The applicant must be of good
moral character, at least twenty-one years of age at the
time of making the application, and the application of such person
seeking a license must be accompanied by satisfactory evidence
to said board that the applicant so applying is a graduate of and
has a diploma from the faculty of a reputable dental college, den-
tal school, or dental department of a reputable university, and
shall pass examination on the following branches: Anatomy,
physiology, bacteriology, histology, pathology, materia-medica,
anesthetics, chemistry, metallurgy, oral-surgery, operative-dent-
istry, prosthetic-dentistry, crown and bridge work, gold and por-
celain inlays, or such others as the board may from time to time
deem proper. Examination must be both written and clinical,
and of such character as to thoroughly test the qualifications of
the applicant to practice dentistry; and the board may, in its dis-
cretion, refuse to grant license to any person they find guilty of
cheating, deception or fraud during such examination.
Registering License with County Clerk.

(4). Every person licensed to practice dentistry in this state by the said West Virginia state board of dental examiners, as herein provided, shall, before beginning the practice of dentistry, cause said license to be registered with the county clerk of the county or counties in which such person desires to engage in the practice of dentistry, by appearing before such clerk and filing his affidavit, showing that he has been examined and licensed as hereprovided, and the county clerk of such county is authorized to charge a registration fee of fifty cents for each registration; and it is hereby made the duty of each county clerk in the state to furnish the West Virginia state board of dental examiners, on the first Monday in June, a list of all dentists registered in his county during the preceding year, this report to be made on tabulated blanks to be sent to said county clerk for that purpose.

All dentists holding license to practice dentistry in West Virginia at the time of the enactment of this law shall register their license with the county clerk, of counties in which they engage in the practice of dentistry, within six months after the passage of this act. Such registration books and other printing to be furnished by the state.

Display of License and Certificate of Registration.

(5). The license to practice dentistry herein provided, and the certificate of registration, shall at all times be displayed in a conspicuous place in the office of the holder thereof, and the person holding such license shall, whenever requested, exhibit the same to any of the members of the West Virginia state board of dental examiners or its authorized agent.

Revocation of License.

(6). The state board of dental examiners may refuse to issue license, or suspend or revoke the same, for any of the following causes:

- The presentation to the board of any diploma, license or certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or an unrecognized or irregular institution or state board; or the practice of any fraud or deception; the commission of a criminal operation or conviction of
10 a felony involving moral turpitude; or chronic or persistent
11 inebriety or addiction to drugs; or if the person holding such
12 license shall advertise to practice dentistry without causing pain,
13 or shall in any other manner advertise with a view of deceiving or
14 defrauding the public, or advertise to use any drug, nostrum,
15 patent or other proprietary drug or medicine of any unknown
16 formula, or be guilty of any grossly unprofessional conduct likely
17 to deceive or defraud the people.
18 In all proceedings for a suspension or revocation of license the
19 holder thereof shall be given thirty days notice to prepare for a
20 hearing, and he shall be heard in person or by counsel or by both.
21 The president and secretary of the state board of dental exam-
22iners shall have the power to administer oaths in the hearing of
23 all matters arising in the course of their duties, and in such trials
24 as are herein referred to the state board of dental examiners
25 may take such oral or written proof for or against the complain-
26ant, as it may deem advisable in the premises. In all cases of re-
27fusal to issue license, suspension or revocation, the applicant or
28 holder may appeal to the courts of the state within thirty days af-
29ter such action by the state board of dental examiners.

Examination Fees and Compensation to Members of the Board.

(7). In order to provide the means for carrying out
2 and enforcing the provisions of this act, the said board shall
3 charge each person applying for an examination for a license to
4 practice dentistry in this state an examination fee of twenty-five
5 dollars, and in addition thereto a fee of two dollars for every li-
6cence or duplicate license issued by said board. Said board shall
7 allow a reasonable salary to the secretary-treasurer for his ser-
8vices. Said board shall make an annual report of its proceedings
9 to the governor on or before the thirty-first day of December each
10 year, showing all moneys received and disbursed by it pursuant to
11 this act.

Biennial Registration.

(8). In order to secure accurate registration lists of
2 the dentists in the state of West Virginia, every person now regis-
3 tered as a dentist within this state shall, within six months after
4 this act takes effect, make application to the secretary of the board
of dental examiners for renewal of such license, and if the board of dental examiners shall find that such applicant has been legally registered within this state, it shall issue to him a renewal of such license, and for such services shall be entitled to charge and collect a sum of one dollar. Said renewal shall be valid for the period of two years from date of issuance. Notification of the biennial renewal shall be given by the secretary of the board of dental examiners at least thirty days prior to the expiration of same.

**Penalty for Fraud in Obtaining Certificate of Registration.**

(9). Any person filing or attempting to file as his own the diploma or license of another, or a forged affidavit of identification or qualification, shall be deemed guilty of a felony and be punishable, upon conviction, according to the law of the state covering such offense.

**Dentistry Defined.**

(10). Any person shall be regarded as practicing dentistry, within the meaning of this act, who shall diagnose or profess to diagnose, or treat, or profess to treat, any of the diseases or lesions of the oral cavity, teeth, gums, maxillary bones, or shall prepare or fill cavities in human teeth, correct malposition of teeth or jaws, or supply artificial teeth as substitutes for natural teeth, or administer anaesthetics, general or local, or any other practice included in the curricula of recognized dental colleges; provided, that nothing in this act shall be so construed as to prevent regularly licensed physicians and surgeons from extracting teeth or treating any disease coming within the province of the practice of medicine; provided, further, that this shall not be construed to prohibit an unlicensed person performing merely mechanical work upon inert matter in a dental office or laboratory, or extracting teeth.

**Signature, Seal, Etc., on Licenses.**

(11). All licenses issued by said board shall bear a serial number, the full name of the applicant, the date of the issue, the seal of the board, and be signed by a majority of the members and attested by its president and secretary.
Unlawful to Practice Under the Name of a Company.

(12). It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under the name of a company, association or corporation, except all members of said company, association or corporation be legally licensed dentists in West Virginia, and are individually responsible for their own operations.

Dental Reciprocity.

(13). Said board may, at its discretion, after an oral or clinical examination issue a license to practice dentistry to a legal and ethical practitioner of dentistry who removes to West Virginia, and in which he or she conducted a legal practice of dentistry immediately preceding his or her removal; provided, such applicant shall present a certificate from the dental board, or a like board of the state or territory from which he or she removes, certifying that he or she is a legal, competent dentist, and of good moral character; and, provided, further, that such certificate is presented to the West Virginia state board of dental examiners within six months of the date of its issue and that the board of such other state or territory shall permit in like manner by law the recognition of licenses issued by the West Virginia state board of dental examiners when presented to such other board by legal practitioners of dentistry from this state who may wish to remove to or practice in such other state or territory.

Reciprocity on Leaving State.

(14). Any one who is a legal or competent practitioner of dentistry in the state of West Virginia, and of good moral character, and known to the board of dental examiners as such, who shall desire to change his or her residence to another state or territory or foreign country, shall, upon application to said board of dental examiners, receive a special certificate over the signature of the president and secretary of said board and bearing its seal, which shall attest the facts above mentioned in paragraph thirteen, and give the date upon which he or she was registered and licensed.
Reciprocity Fees.

(15). The fee for issuing the license to a legal practitioner from another state, as provided in paragraph thirteen, shall be fifty dollars, and a fee for issuing a certificate to a legal practitioner in this state, as provided in paragraph fourteen, shall be five dollars, and in each case the fee shall be paid before the license or certificate respectively shall be issued.

Penalty for Practicing Without License or Certificate.

(16). Any person who shall practice or attempt to practice dentistry in this state without having been licensed and registered for that purpose, as herein provided, or shall violate any of the provisions of this act for which no specific penalty has been provided herein, shall be guilty of a misdemeanor and, on conviction, subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars for each offense, and each act of dentistry shall be deemed a separate offense and constitute a practice of dentistry within the meaning of this act, and each day that a person may hold himself out as practicing in his own or any name, shall be deemed a separate offense. The opening of an office for the practice of dentistry, or to announce to the public in any way a readiness to do any act defined herein as being dentistry, shall be deemed as engaging in the practice of dentistry within the meaning of this act.

Nothing in this act shall apply to a bona fide student of dentistry in the clinic rooms of a reputable dental college, or under the direct supervision of a preceptor who is a licensed dentist in this state.

(17). Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry from the state board of dental examiners to register said license with the county clerk of county or counties in which he or she is practicing within six months from the date of issuance of such license, or failure to comply with paragraph eight of this act, shall be a misdemeanor, and upon conviction thereof the offender shall be fined the sum of ten dollars.

Disposition of Fines and Fees.

(18). All fees collected under the provisions of this
2 act shall be paid to the secretary-treasurer of the West Virginia board of dental examiners for the creation of a fund to assist in the enforcement of this act.

Druggists May Fill Dentists' Prescriptions.

(19). Legally licensed druggists of this state may fill prescriptions of legally licensed dentists of this state for any drug necessary to the practice of dentistry.

(20). This act shall not prevent students from performing dental operations under the supervision of competent instructors within a dental school, college or dental department of a university recognized by the national association of dental examiners.

(21). The secretary of the state board of dental examiners shall file all records and transactions of the business of said board for future reference, and all manuscripts used in any examination shall be filed by said secretary with the secretary of state for safe keeping for a period of one year.

(22). This act shall become effective on July the first, one thousand nine hundred and fifteen.

All acts or parts of acts not included in this act are hereby repealed.

CHAPTER 33

(Senate Bill No. 101.)

AN ACT to regulate the practice of veterinary surgery, veterinary medicine and veterinary dentistry, to create a veterinary examining board in the state of West Virginia, and prescribing its duties and penalty for the violation thereof.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

Sec.
1. Unlawful for any person to practice veterinary surgery, or veterinary medicine, etc., except a registered veterinarian; exceptions as to simple operations or student under supervision of preceptor, or gratuitous services in case of emergency.
2. Persons resident of state and who have practiced for two years prior to passage of this act permitted to register as practicing veterinarians upon payment of fee.
3. Person a graduate of a veterinary college of another state, recognized by the American veterinary medical association allowed to register as graduate veterinarian, provided like privilege
Regulating Practice of Veterinarians.

Sec. 1. It shall be unlawful for any person in the state of West Virginia to engage in the practice of veterinary surgery, veterinary medicine, or veterinary dentistry, or to prescribe treatment for, or perform any surgical operation upon any domestic animal, for compensation, directly or indirectly, except such person be a registered veterinarian; provided, that no person shall be prohibited by this act from performing the simple operation of castrating, speying, dehorning, and the use of blackleg vaccine and hog cholera serum; and nothing in this act shall be construed to prohibit a student from prescribing under supervision of a preceptor, or to prohibit gratuitous services in case of emergency or to prohibit the giving of such services and charging therefor, when the services of a licensed veterinarian cannot be had within a reasonable time or at a reasonable cost.

Sec. 2. Any person who has been a resident of and who has practiced veterinary surgery, veterinary medicine, or veteri-
nary dentistry in the state of West Virginia for two years prior to the passage of this act, or who has been a resident of an adjoining state, and has had a practice established within this state for two years prior to the time that this act shall take effect, upon complying with section eight of this act within sixty days from the time the examining board hereinafter provided for shall be organized, shall be allowed to register as a practicing or graduate veterinarian upon the payment of the registration fee of five dollars.

Sec. 3. Any person who is a graduate of a veterinary college, which is recognized by the American veterinary medical association, shall, upon complying with section eight of this act, within ninety days after this act takes effect, be allowed to register as a veterinarian. The veterinarian examining board hereinafter provided for shall be sole judge of the genuineness of the diploma held by such graduate, and in lieu of such examination may accept a diploma and require no examination, at the discretion of the examining board; provided, that the veterinary examining board may accept in lieu of an examination, the certificate of license to practice veterinary surgery, veterinary medicine and veterinary dentistry, legally granted by the board of registration or examination or licensing board of any other state, territory, district, or other foreign country, whose standard of qualifications for practice of veterinary medicine, veterinary surgery or veterinary dentistry is equivalent to that of this state. The veterinary examining board may grant to the said applicant a license or certificate to practice veterinary medicine, veterinary surgery, or veterinary dentistry in this state; provided, such other state, territory, district or foreign country shall accord like privileges to such licentiates of this state.

Sec. 4. After the date on which this act shall take effect, any person shall be allowed to register as a veterinarian who shall have passed a satisfactory examination held by the examining board, or who has practiced as a veterinarian for ten years, or more, in this state. The examination of an applicant for registration as a veterinarian, a veterinary surgeon or veterinary dentist shall consist of all branches pertaining to veterinary science, and shall be sufficiently strict to test the qualifications of the applicant as a practitioner.

Sec. 5. The governor shall, within thirty days after this
act takes effect, appoint three competent veterinarians, not more than two of whom shall belong to any one political party, and who must be graduates of at least two different colleges, and who shall constitute the examining board. One member of the examining board shall be appointed for a term of two years, one for a term of four years, one for a term of six years, and all subsequent appointments shall be for the full term of six years. The members of the examining board shall hold office during the period aforesaid unless removed from office by the governor for cause. Each appointed member of said examining board shall be a graduate of some recognized veterinary college, and shall give the governor, before his appointment, good evidence of recognized practical and scientific knowledge of the diseases of domestic animals and their treatment, and each member shall have practiced in the state for five years prior to the time of his appointment, and shall not be connected, financially or as a professor or director, with any veterinary school or college. Each member of the examining board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state. The board shall organize by the selection of a president and secretary from among their own number, who shall serve as president and secretary of the board during the term of two years. The board shall adopt a common seal, which shall be affixed to all certificates issued by them, and the president and secretary shall sign such certificates.

Sec. 6. The members of the veterinary examining board shall receive necessary traveling and incidental expenses for the time actually employed in holding examinations of applicants for registration as veterinarians.

Sec. 7. It shall be the duty of the veterinary examining board to hold examinations at such times and places as may be deemed necessary by the said board. Such examinations shall be held at least once a year at the annual meeting of the state veterinary medical association.

Sec. 8. Any applicant for registration as a veterinarian under section two of this act, shall go before the county clerk of the county in which he lives and make affidavit giving such information as may be required by the veterinary examining board. With such affidavit the applicant shall forward to the secretary of the examining board the registration fee. Any person desiring
7 to take the examination for registration under section four of
8 this act, shall file his application with the secretary of the exam-
9 ining board, and forward therewith the examination fee at least
10 five days before date of the examination.

Sec. 9. In order to provide means to carry out and main-
2 tain the provisions of this act the said veterinary examining board
3 shall charge each person applying to it for a certificate to prac-
4 tice veterinary surgery, veterinary medicine or veterinary dent-
5 istry, a fee of five dollars; and, should the examination prove
6 unsatisfactory, and the veterinary examining board refuse to issue
7 a certificate thereon, the applicant failing to pass such examina-
8 tion, may return at any regular meeting thereafter and be exam-
9 ined without extra charge. All fees so received from applicants
10 for certificates shall be paid into the state treasury, and shall be
11 held by the state treasurer as a separate fund to be disbursed only
12 in payment of expenses of maintaining said veterinary examining
13 board; and said fund is hereby appropriated for said purpose and
14 no other money shall be paid out of the state treasury for car-
15 rying out the provisions of this act. The state auditor shall is-
16 sue his warrant on the state treasurer for all payments to be
17 made out of said funds on the certificate of the president and
18 secretary of the veterinary examining board.

Sec. 10. Any person who shall violate any of the provis-
2 ions of section one of this act shall be guilty of a misdemeanor and
2 shall be punished by a fine of not less than fifty dollars nor more
4 than five hundred dollars, or by imprisonment in the county jail
5 not less than one month nor more than six months, at the discre-
6 tion of the court.

Sec. 11. Any person shall be regarded as a registered vet-
2 erinarian who has complied with either sections two, three or
3 four of this act, and has been recorded as such, and furnished
4 with a certificate of registration under the seal of the veterinary
5 examining board, and whose license has not been revoked.

Sec. 12. Any person shall be regarded as practicing veteri-
2 nary medicine, or veterinary dentistry within the meaning of this
3 act who shall profess publicly to be a veterinarian; and, for a
4 compensation, prescribe for afflicted animals or perform any sur-
5 gical or dental operation upon a domestic animal, except as provid-
6 ed in section one of this act, or who shall append to his name the
title "veterinarian," "veterinary surgeon," "veterinary dentist," or any other title or abbreviation which would indicate that he is a veterinarian.

Sec. 13. It shall be the duty of said board of examiners to keep a register of all practitioners to whom certificates are issued under the provisions of this act, and to register the name, age and time spent in study and practice of veterinary medicine or veterinary dentistry, as the case may be; and if a graduate, the name and location of the school granting his diploma. Such records shall be prima facie evidence of all matters therein recorded, and shall be open to public inspection at all times, within reasonable hours, at the office of the secretary of the board. The secretary shall publish once a year the names of the graduates and the registered practitioners in some state paper.

Sec. 14. The president and secretary of the board shall have the power and authority to administer oaths, and take testimony in all matters relating to the duties of the board of examiners.

Sec. 15. Any person registering or receiving a certificate under any of the preceding sections and desiring to practice veterinary medicine, veterinary surgery or veterinary dentistry in West Virginia, shall on or before the first day of July of each year pay to the secretary of the examining board an annual license tax of one dollar, upon receipt of which the secretary of the examining board shall issue to him an annual license to practice veterinary medicine, veterinary surgery and veterinary dentistry in any of the counties of this state. Immediately upon receipt of such license fee or fees, the secretary of the examining board shall pay the same into the state treasury to be set apart in the fund provided for carrying into effect the provisions of this act.

Sec. 16. It shall be the duty of the prosecuting attorney, in the county in which offenses are committed against the provisions of this act, to prosecute the same upon information furnished by the veterinary examining board or the state department of agriculture.

Sec. 17. All acts or parts of acts in conflict with this act are hereby repealed.
CHAPTER 34.
(Senate Bill No. 236.)

AN ACT to amend and re-enact section 29-b-III of chapter one hundred and fifty of the code of one thousand nine hundred and thirteen, serial section fifty-three hundred and ninety-two, relating to the appointment of the board of pharmacy, and limiting the number of members of said board to five.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 29-b-III. Board of pharmacy to consist of five members, voters and licensed pharmacists actively engaged, appointed by governor with consent of senate, each for five years, one each year as terms of present members expire; persons appointed during recess of senate to serve until next session; vacancies to be filled by governor for unexpired term; majority of board a quorum for business; president and secretary have power to administer oaths on all matters relating to examination and registration.

Be it enacted by the Legislature of West Virginia:

That section 29-b-III of chapter one hundred and fifty of the code of one thousand nine hundred and thirteen, serial section fifty-three hundred and ninety-two, be amended and re-enacted so as to read as follows:

Section 29-b-III. The board of pharmacy shall consist of five members, who shall be voters of this state, licensed as pharmacists and actively engaged in the practice of pharmacy, appointed by the governor by and with the advice and consent of the senate, each for the term of five years; one member to be appointed each year as the terms of office of the present members shall respectively expire. Any person appointed in the recess of the senate shall serve until the next meeting of the senate; vacancies shall be filled by appointment by the governor for the unexpired term; a majority of the board shall constitute a quorum for the transaction of business; the president and secretary shall have power to administer oaths in all matters relating to the examination and registration of pharmacists and assistant pharmacists.

All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 35.  
(House Bill No. 112.)

AN ACT to prevent the introduction and spread and to provide for the control of the San Jose scale and other dangerous insects and dangerously injurious plant diseases affecting nursery, orchard, forest and shade trees, shrubs, vines, cuttings, seeds and bulbs, or affecting plants or parts of plants of any kind, or such as may harbor such injurious insect pests or plant diseases; to provide for the sale of trees, vines and shrubbery, and to require agents to be licensed and to pay a fee therefor; to prevent false labeling and misrepresentation; to provide penalties for the violation of its provisions; to repeal chapter forty-eight of the acts of the legislature of one thousand nine hundred and three; chapter sixty one of the acts of the legislature of one thousand nine hundred and five; chapter seventy-two of the acts of the legislature of one thousand nine hundred and seven; and chapter fourteen of the acts of the legislature of one thousand nine hundred and thirteen.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 1. Commissioner of agriculture hereinafter designated "commissioner", to appoint state entomologist; salary to be fixed by commissioner with consent of board of control; commissioner to prepare list of dangerously injurious insects affecting plants or products of plants and cause list to be published, and provide rules of procedure for state entomologist to investigate, control and eradicate same; failure to comply with regulations a misdemeanor.

2. Terms construed: (a) singular and plural interchanged; (b) "person" to include corporations, etc.; (c) "plant" or "plants" to include nursery stock, etc.; (d) "insect" and "plant diseases" to include any stage; (e) "nursery stock" all field-grown florist stock, etc.; (f) "nursery" means grounds or premises; (g) "nurseryman", person owning or leasing nursery; (h) "dealer", person who buys or sells nursery stock; (i) "agent", person selling under control of a nurseryman.

3. Unlawful to permit insect or plant disease to exist in or on premises, unless efforts are made to eradicate, and sale of stock affected unlawful.

SEC. 4. State entomologist to mark or tag infested plants and prescribe treatments; notice to be given owner and commissioner; exceptions as to notice upon non-resident or foreign corporation.

5. In case of objection to order of state entomologist appeal is to the commissioner within ten days; procedure; commissioner has power to summon witnesses, administer oaths and hear testimony; in case commissioner is unable to be present another person may be appointed in his stead; what to be done in case of dismissal of appeal.

6. In case of objection to order of state entomologist, remedy of owner; filing of notice no stay of proceedings; if amount of damages cannot be agreed upon, matter to be settled by arbitration; decision final, except by court procedure; in case of court finding in favor of property owner damages to be paid by county court out of general fund, to be reimbursed one-half the amount by commissioner; exceptions; no action taken to abate damages to owner's premises; pay and qualification of arbitrators; expense of removing infestation under this act a charge against
owner of real estate, to be paid
sheriff; procedure for collection.
Commissioner, his agents, state en-
tomologist, etc., empowered to
to enter premises, public or private,
for inspecting, destroying or
insects or plant dis-
cases, and refusal of permit is
misdemeanor; may proceed by
uction.
State entomologist authorized to ap-
port assistants to be furnished
ficial badges; restrictions
local inspectors; pay of
inspectors for entering
mishes, and refusal of permit is
misdemeanor; may proceed by
uction.
Prior to October 15, of each year,
all nursery stock to be inspected
and certificate of condition is
issued.
State entomologist empowered to
hibit all present removal or
shment of plant material
which contains infected nursery
stock or other material; unlawful
to ship after notice.
Persons desiring to sell or ship
nursery stock shall make applica-
in writing before July 1,
of each year; liability in case of
ure.
Person receiving nursery stock from
or country to notify state
ologist so that inspection
be made; in case of infec-
what to be done.
Unlawful for nurseryman to deliv-
er or give any nursery stock
only inspected or with cer-
to or label specifying
stock, and other material
state entomologist and
inspector.
In addition to certificate of inspec-
tion required in section thirteen,
packages to bear label specifying
name and variety; nothing
herein to deprive purchaser of
remedy at law in civil action
to recover damages for misrep-
representation; legal proceed-
ights, and duty of purchaser.
Willful misrepresentation of nursery
stock offered for sale a
misdemeanor; copies of
literature advertising nursery stock to be
paid state entomologist.
Violations of any section of this
act a misdemeanor, penalty.
Duty of prosecuting attorney in en-
forcement of provisions of this
act: justices of the peace have
jurisdiction to enforce mised,
penalties.
State auditor to reserve all moneys
paid under this act as a fund to be used in
ment of services and ex-
enses.
All charges against appropriations
to be upon itemized vouchers
certified by state entomologist
and commissioner.
Chapter fourteen, acts of 1913,
chapter seventy-two, acts of
chapter sixty-one, acts of
chapter forty-eight, acts of
and all other inconsistent
acts repealed.
Act in force on and after July 1,
1915.

Be it enacted by the Legislature of West Virginia:

That chapter forty-eight of the acts of the legislature of one thou-
sand nine hundred and three; chapter sixty-one of the acts of the leg-
siture of one thousand nine hundred and five; chapter seventy-two
of the acts of the legislature of one thousand nine hundred and seven;
and chapter fourteen of the acts of the legislature of one thousand
nine hundred and thirteen, are hereby repealed, and that in lieu there-
of, the following provisions be enacted:

Section 1. That the commissioner of agriculture, hereinaf-
ter called the "commissioner," shall appoint a qualified entomologist
and plant pathologist, hereinafter called "state entomologist," and
shall fix his compensation, by and with the consent of the board
of control and the state entomologist and his assistants
and inspectors shall, acting and being under the authority of the
commissioner, be charged with and perform such duties as
are hereinafter specified. The commissioner shall, from time
to time, after due consideration, prepare a list of such dangerously
injurious insect pests and diseases of plants affecting nursery, or-
chard, forest and shade trees, shrubs, vines, cuttings, seeds and
bulbs, or affecting plants or parts of plants of any kind, or such
plants or products of plants as may harbor such injurious insects or
plant diseases, as may properly, within his judgment, be controlled
or eradicated, and he shall cause such list to be published, along
with particular specifications as to the nature and appearance of,
and the manner in which said pests are generally disseminated.
The commissioner shall, from time to time, provide rules and regu-
lations under which the state entomologist shall proceed to investi-
gate, control, eradicate and prevent the dissemination of the said in-
sic pest pests and plant diseases and to treat or destroy such plant or
parts of plants or products of plants as may harbor such injurious
insects or plant diseases, as far as may be possible, and these rules
and regulations shall have the full force and effect of law so far as
they conform to this act and the general laws of this state and of
the United States; and any person who fails or refuses to comply
with the orders or directions issued in writing under regulations
provided by the commissioner, shall be guilty of a misdemeanor.

Sec. 2. The terms used in this act shall be construed as fol-
lows:

(a) The singular and plural forms of any word or term
in this act shall be construed as interchangeable and equivalent
within the meaning of the act.

(b) The term “person” shall include corporations, com-
panies, societies, associations, partnerships or any individual or
combination of individuals. When construing and enforcing the
provisions of this act, omission, or failure of any officer, agent,
servant or other individual acting for or employed by any person
as above defined within the scope of his employment or office,
shall in every case be also deemed to be the act, omission or fail-
ure of such person as well as that of the individual himself.

(c) The term “plant” or “plants” shall include nursery
stock, orchard, forest, and shade trees, vines, cuttings, seeds, and
bulbs, plants or parts of plants of any kind, or the products of the
foregoing.

(d) The terms “insects” and “plant diseases” appearing in
this act shall be construed to include any stage or stages of
development of the aforesaid insects or plant diseases.

(e) The term “nursery stock” shall include all field-grown
florist stock, trees, shrubs, vines, cuttings, grafts, scions, buds,
fruitpits and other seeds of fruit and ornamental trees and shrubs,
and other plants and plant product for propagation, except field,
vegetable, and flower seeds, bedding plants, and other herbaceous
plants, bulbs and roots.

(f) The term “nursery” shall be construed to mean any
grounds or premises on or in which nursery stock is propagated
and grown for sale, or any grounds or premises on or in which
nursery stock is being fumigated, treated, packed or stored.

(g) The term “nurseryman” shall mean the person who
owns, leases, manages or is in charge of a nursery.

(h) The term “dealer” shall be construed to apply to any
person not a grower of nursery stock who buys nursery stock for
the purpose of re-selling and re-shipping, independently of any
control of a nursery.

(i) The term “agent” shall be construed as applying to
any person selling nursery stock under the partial or full con-
trol of a nurseryman, or of a dealer or other agent. This term
shall also apply to any person engaged with a nurseryman, dealer
or agent in handling nursery stock on a co-operative basis.

Sec. 3. It shall be unlawful for any person in this state
knowingly to permit any dangerous insect or plant disease to ex-
ist in or on his premises, unless efforts are being made to eradi-
cate such dangerous insects or plant diseases as may exist. It
shall also be unlawful to sell or offer for sale any stock infested
or infected with such insect or disease.

Sec. 4. That should the state entomologist, his assist-
ants or local inspectors, find any plants infested or diseased with
or harboring insects, or diseases published by the commissioner as
dangerously injurious, the aforesaid officers shall mark or tag or
otherwise specifically designate all such plants infested with or har-
boring the aforesaid insects or diseases. The state entomologist
shall have power, under the rules and regulations of said commis-
sioner, to determine the nature and method of treatment, includ-
ing destruction, to which any such infested or diseased plants harboring dangerously injurious insects or plant diseases shall be subjected, and he shall give notice of his findings in print or writing to the owner of the infested premises or plants, his agents or tenants or persons in charge of the infested premises, and a copy of such notice shall be submitted to the commissioner, and there shall accompany each and every such notice specific directions as to the treatment or destruction of the infested plants harboring such dangerously injurious insects or plant diseases, which direction may be in printing or writing, together with a copy of this act and all rules and regulations of the commissioner. Service of such a notice may be made in the manner prescribed by chapter one hundred and twenty-one of the code for the services of notices, except that should the person upon whom it is desired that notice should be served be a non-resident or a foreign corporation, then the notice may be served by delivering a copy thereof to the tenant or other person in charge of the premises, or if the tenant or other person in charge be not found, then upon any member of their family, or by posting the notice at the usual place of abode the same as though the tenant or other person in charge should be the owner; or if there be no tenant or other person in charge, notice posted at two conspicuous places on the affected premises shall be regarded as sufficient service five days next after the posting of such notice.

Sec. 5. In case of objection to the order of the state entomologist for the reason that no disease or infestation exists, an appeal shall lie from said order to the commissioner, which appeal, however, must be made within ten days next after the service of notice. The owner shall notify the commissioner of his appeal by mail, addressed to the place or point indicated in the rules and regulations of the commissioner, and the appeal shall proceed under the rules and regulations of the commissioner, and shall act as a stay of proceedings until it is heard and decided.

All hearings or appeals brought before the commissioner shall be heard at such point convenient to the complainant, as the commissioner shall decide. The commissioner shall have power to summon witnesses, administer oaths and hear testimony; provided, however, that if the commissioner for any reason cannot be present in person at any such hearings he may appoint a suitable person to conduct such hearings in his stead, which person so
appointed to conduct said hearings, shall perform the
same duties and have the same powers as are herein vested
in the commissioner. If an appeal be taken because such in-
estation or disease does not exist and the appeal dismissed, and
such person or persons so notified shall not within ten days after
notification of the dismissal of the appeal, as hereinbefore set out,
destroy or treat the same in accordance with said notice, then the
state entomologist, his assistants or employees, shall destroy or
 treat all such plants.

Sec. 6. If any owner finds objection to the order of the
state entomologist for the reason that said order will cause to be
destroyed property which is of value to said owner, then the owner
shall thereupon notify the state entomologist, in writing, the
amount of damages he will claim by reason of destruction of the
said property. The filing of said notice, however, shall not act as
a stay of said proceedings, but the state entomologist or his assist-
ants, shall proceed to appraise the damage to said property, and if
the said state entomologist or his assistants, and the owner agree
upon the damage for which indemnity is claimed, then each of
them shall sign a statement to that effect, which shall be forward-
ed to the commissioner. If the amount of damage cannot be
agreed upon by the state entomologist and the owner, then on the
same day the owner shall notify the state entomologist, or his as-
sistants, in writing, of his disagreement. The amount of damage
shall then be determined by arbitrators, one to be appointed by the
state entomologist, or his assistants, and one by the owner, and
these two arbitrators shall select a third arbitrator, the decision of
any two of whom shall be final, subject, however, to appeal by either
party to the circuit court of the county in which the property so
ordered to be destroyed is located. A copy of the award of the
arbitrators shall immediately be forwarded to the commissioner,
which appeal shall be heard and determined by said circuit court in
accordance with the usual rules of procedure. If the circuit court
on hearing and determining such appeal, finds for the property
owner the amount of damages so ascertained, it shall be paid to the
property owner by the county court of the county in
which the property is located, out of the general fund of the county
treasury. The county shall be reimbursed for one-half of the dam-
age paid by it, and the county court shall draw its warrant against
the commissioner for one-half of the damage paid by said county
court, which shall, when approved by the commissioner, be paid as other bills against said commissioner; provided, however, that when in his judgment, the interest of the state warrants such action, the commissioner may reimburse the county for more than one-half of the damage paid.

No action of any character taken shall abate the damages, if any, suffered by any person by reason of the owner's premises harboring injurious insects, or plant diseases. Arbitrators shall be paid not to exceed three dollars per diem, which amount shall be paid by the commissioner from funds appropriated for the purpose of carrying out the provisions of this act, if the decision made is more than that offered to the owner by the state entomologist, or his assistants. But if the compensation is no more than that offered by the state entomologist or his assistants, then the owner shall pay the cost of the arbitration. Arbitrators must be citizens of the state, of good moral character and owners of real estate.

The necessary expense shall be paid by the owner or owners of the real estate from which said infestation has been removed in pursuance of this act. The state entomologist shall ascertain the amount of such charge, cause to be served upon said owner or anyone in possession and in charge of such real estate, a notice stating the amount of said charge, or if no person be found in charge by posting the notice as set out in this section, by items, and further stating that if said charge be not paid to the sheriff of the county wherein said real estate is located within twenty days from the date of the service of said notice, that the same shall become a lien upon the real estate. Copy of said notice including the amount of said charge together with the proof of service shall be at once filed with the sheriff, and if said amount is not paid to the sheriff within the time therein stated, said amount shall become a lien on said real estate and shall be collected as delinquent taxes are collected, the sheriff adding thereto a commission of ten per cent. of the entire amount as compensation to him for collection, and said real estate shall be sold for the non-payment of said charges the same as now, or may hereafter be provided by law for sale of real estate for delinquent taxes, and at the same time. If the sheriff is unable to collect the same within thirty days, next after the twenty days shall have expired, the county court shall draw an order and pay such charges out of the general fund of the county. When said amount is collected by the sheriff it shall be
paid back into the general fund of said county. The sheriff shall
forward to the state treasurer on the first of each month all
amounts due the commissioner. These amounts shall be paid into
the general fund of the commissioner.

When the copy of the notice is sent to the sheriff, the state
entomologist shall forward a copy also to the county clerk of said
county, and the same shall be entered upon the proper judgment
lien docket, and, when so received and indexed by the clerk, shall
be notice to all subsequent purchasers and creditors. This lien
created by this section shall be superior to all other liens upon the
property, except taxes, and, in incorporated cities, towns and vil-
lages, the lien shall be superior to all other liens, except taxes and
assessments for sewerage, paving and other public improvements.
The lien, when paid, shall be released by the sheriff.

Sec. 7. The commissioner, his agents or employees, the
state entomologist, assistants, local inspectors, and all persons in
their employ, are hereby empowered with authority, during reas-
sonable working hours, to enter upon any public or private premises
for the purpose of inspecting, destroying or treating insects or
plant diseases determined and punished by the commissioner to
be dangerously injurious, or such plants as may harbor such in-
jurious insect pests or plant diseases as prescribed in section
one of this act. Any person who shall refuse to allow inspection
of premises under his care or control or who shall obstruct or
hinder the commissioner, his agents or employees, the state ento-
omologist, assistants, local inspectors, and all persons in their em-
ploy, in the discharge of their duties, shall be guilty of a misde-
meanor. A mandatory injunction brought in the name of the
commissioner will also lie against the owner to compel submission
to such inspection.

Sec. 8. The state entomologist shall have power to ap-
point, by and with the consent of the commissioner, assistants and
local inspectors who shall be furnished with official badges or other
evidence of authority, which shall be carried while on duty. An
assistant, under this act, shall have the same power as the state
entomologist; except he shall be under the direction of and re-
 sponsible to the state entomologist.
A local inspector, under this act, shall have the power to in-
spect, but shall report to the state entomologist or to whomsoever
he shall direct. But a local inspector shall only have such juris-
diction as to territory as may be given him by the state ento-

An assistant shall be paid by the commissioner. A local
inspector shall be paid by the county court, and his compensation
shall be fixed by the commissioner, and shall not be less than two
dollars per day nor more than three dollars per day while actually
employed. The county court shall also pay his expenses. Local
inspectors shall file with the commissioner of agriculture, on blanks
to be furnished by him and under such regulations as he may
prescribe, itemized accounts of the expenses and costs incurred in
the performance of their duties, and a statement of the days ac-
tually occupied in the performance of the duties hereinbefore pre-
scribed, and the same, if found to be correct, shall be approved by
him and forwarded to the county court of the county in which
said inspector is employed, and shall be allowed and paid by said
court out of the general funds of said county, except that the
said county court shall not be compelled to pay on account of
local inspectors more than two hundred and fifty dollars in any
one year; but the county court of any county may pay any sum
in excess of two hundred and fifty dollars that it may deem proper.

Sec. 9. Prior to October fifteenth of each year the state
entomologist, or his assistants, shall inspect all nursery stock
grown in the state, and the state entomologist shall issue a certifi-
cate stating the condition of the said nursery and the number of
acres or fraction thereof, in such form as may be prescribed by the
commissioner.

Sec 10. The state entomologist with the approval of
the commissioner is hereby empowered to prohibit and prevent
the removal or shipment or transportation of plant material and
any other material from any private or public property, or prop-
erty owned or controlled by the state, or any area of the state,
which in his judgment contains dangerously infested or infected
nursery stock or plant or other material of any kind for such
periods and under such conditions as in his judgment seems neces-
sary in order to prevent the further spread of the infestation
or infection, giving such notice thereof as may be prescribed by
the commissioner, and during the existence of such order no person
shall remove or ship from such area any such material whatsoever,
except by special permission or direction (certificate) of the state
entomologist. In case the state entomologist, his assistants or a
15 a local inspector shall find present on any nursery or dealer's premises or any packing ground or in any cellar or building used for storage or sale of nursery stock, any injurious insect or plant disease, he shall notify the owner or person having charge of the premises, in writing to that effect, and shall withhold his certificate hereinafter provided for, until the premises are freed from such injurious insect or plant disease, as hereinafter provided. It shall be unlawful for any person after receiving such notice to ship or deliver or cause to be shipped or delivered any nursery stock from such aforesaid premises.

Sec. 11. Persons desiring to sell or ship nursery stock shall make application in writing before July first of each year to the state entomologist for inspection of their stock. Persons failing to comply with this section shall be liable for extra charges to cover traveling expenses of the inspector.

Sec. 12. Every person receiving directly or indirectly any nursery stock from foreign countries shall notify the state entomologist of the arrival of such shipment, the contents thereof and the name of the consignor; and shall hold such shipment unopened until duly inspected or released by the inspector. In case any infested or infected stock is discovered in such shipment, the shipment shall be subject to the provisions of this act.

Sec. 13. It shall be unlawful for any nurseryman to deliver or give away, within the boundaries of this state, plants commonly known as nursery stock, which have not been duly inspected in accordance with the provisions of this act and do not carry plainly attached to each car load, box, bale, or package a copy of a certificate or permit as herein provided, except that in case of nursery stock shipped into the state from without, the commissioner shall provide by regulation for the acceptance of proper certificates from other states, and when so accepted, the state entomologist shall issue an official tag designating the fact, which tag must be attached to all such shipments, but no nursery stock shall be sold or shipped under the certificate issued as provided herein that was not raised in the nursery for or to which the said certificate was issued, until such stock has been duly examined, as provided herein, and found to be apparently free from any dangerously injurious insect, pest or plant disease. All transportation companies and common carriers bringing nursery stock into this state shall immediately, upon receiving such consignment, notify the state en-
tomologist of the fact that such consignment is in their possession, or enroute to some point within the state, and give the names of the consignor and consignee, the point of shipment and the destination of such consignment and whether it bears the official tag hereinbefore required.

It shall be unlawful, after the promulgation of the rules and regulations provided for in this act, for any person to transport by land or water, plants commonly known as nursery stock, in violation of the same, and every such offense shall constitute a misdemeanor.

Sec. 14. It shall be unlawful for any person, either for himself or as agent for another, to offer for sale, sell, deliver or give away within the bounds of this state, any plants, known as nursery stock, unless such person shall have first procured from the commissioner a certificate of registration, which certificate shall contain such rules and regulations concerning the sale of nursery stock as the commissioner may prescribe, and be approved and countersigned by the state entomologist, who shall have full power, and is hereby authorized and required to cancel and withdraw any certificate upon satisfactory evidence that any rules and regulations governing the sale of nursery stock within this state have been violated by the holder of the same. The commissioner shall not issue any certificate of registration, except upon the payment of the sum of five dollars, and shall forward all certificates to the state entomologist for his approval, before allowing the same to the party making application therefor, and all such certificates as may be granted shall expire and become null and void June thirtieth next succeeding the issue thereof, and any person either for himself or as agent for another who shall sell, offer for sale, deliver or give away any plants, commonly known as nursery stock, without exhibiting a copy of the certificate of registration as herein provided for to each and every person to whom he shall sell, offer for sale, deliver or give away any such plants shall be deemed guilty of a misdemeanor.

Sec. 15. All dealers within the meaning of this act, located either within or without the state, engaged in selling nursery stock within this state, or soliciting orders for nursery stock within this state, shall secure a dealer's certificate by furnishing a sworn affidavit that he will buy and sell only stock which has been duly inspected and certified by an official state in-
spectator; and that he will maintain with the inspector a list of all sources from which he secures his stock.

Sec. 16. Any person growing or dealing in nursery stock before receiving the above certificate of registration shall file with the state entomologist the names of all traveling salesmen or agents representing such person in this state, and shall subsequently file with the state entomologist the names of any other traveling salesmen or agents, when so employed.

Any person, firm or corporation acting as an agent for another in the sale of fruit-bearing trees in this state shall carry with him, at all times when engaged in selling trees, a certificate in writing signed by his principal, and properly acknowledged, showing his authority to act as such agent and, upon request, shall exhibit the same to the purchaser and shall leave with the purchaser a copy of the contract bearing on its face the clause referred to in section seventeen.

Sec. 17. In addition to the certificate of inspection required in section thirteen, there shall also be attached to each bundle or package of such fruit-bearing trees a label specifying the name of variety of trees contained therein. In case such bundle or package shall contain trees of different kinds or varieties, there must be attached to each tree therein a like label.

Nothing contained in section thirteen or any other section of this act shall be construed to deprive a purchaser of any fruit-bearing tree of his remedy at law in a civil action to recover damages sustained by reason of such trees proving untrue to name as specified on the label. Such damages may be recovered in a civil action by the purchaser of such fruit-bearing trees or by his personal representative or assignee at any time prior to the third bearing year; provided, the purchaser notifies the seller as soon as he has reason to believe that such trees are not true to name. In any action to recover damages suffered by the purchaser by reason of any fruit tree or trees not being of the name or variety under which they were tagged and sold, the seller shall have the burden of proof in establishing that any contract not in writing or any provision of any such contract exempting the seller from liability or limiting his liability was fully understood and agreed to by the purchaser. In every case of a sale of fruit-bearing trees in lots of twenty-five or more, when by written contract, the seller must at once furnish the purchaser a copy of
such contract upon the face of which shall be plainly printed the following: "In any action to recover damages suffered by reason of any fruit tree or trees not being of the name or variety under which they were tagged and sold, the seller shall have the burden of proof in establishing that any contract not in writing or any provision of any such contract exempting the seller from liability or limiting his liability was fully understood and agreed to by the purchaser." The seller must also accompany the shipment of such trees with an itemized list of the same, which list shall also give the name of the county and state where the trees covered by it were grown, the age of the trees, and the name and address of the person for whom the trees were grown, if requested by letter or in writing on the contract by the purchaser at the time of purchase. Within five days after the receipt by the purchaser of the trees and the list thereof, the purchaser shall compare and notify the seller of any discrepancy between the list and the labels on such trees.

Sec. 18. Willful misrepresentation of grade, character, variety or quality of stock in a nursery or offered for sale by any nursery dealer or agent, or a false declaration of acreage, or any concealment of stock from inspection, shall constitute a misdemeanor. All persons selling nursery stock in the state shall, if required, furnish the state entomologist copies of all their literature, which is printed or otherwise duplicated, including catalogues, price lists, order forms, contracts and agreements, which are furnished for the use of agents or customers or both.

Sec. 19. Any person violating any section of this act or any rule or regulation promulgated under this act, shall be guilty of a misdemeanor and on conviction thereof shall be fined the sum of not less than ten dollars nor more than fifty dollars for each offense.

Sec. 20. It shall be the duty of each prosecuting attorney to whom the commissioner shall present evidence of violation of any provision of this act, to institute and prosecute without delay appropriate proceedings for its enforcement, and to defend any actions brought against the commissioner. Justices of the peace shall have concurrent jurisdiction with the circuit court to enforce the misdemeanor penalties herein prescribed.

Sec. 21. The state auditor shall set aside and reserve all moneys coming into his hands in pursuance of the provisions of
this act, and shall from time to time, pay the same into the state
treasury to be placed to the credit of the commissioner as a fund of
the same, to be used in payment of services and expenses incurred
under this act.

Sec. 22. All charges against any appropriations for car-
ying out the provisions of this act shall be upon properly itemized
vouchers as may be prescribed by the commissioner, and shall be
certified by the state entomologist and the commissioner.

Sec. 23. Chapter fourteen of the acts of one thousand
nine hundred and thirteen, chapter seventy-two of the acts of one
three thousand nine hundred and seven, chapter sixty-one of the acts
four of one thousand nine hundred and five, and chapter forty-eight of
five the acts of one thousand nine hundred and three, and all other acts
or parts of acts inconsistent with this act are hereby repealed.

Sec. 24. This act shall be in force on and after July first
one thousand nine hundred and fifteen.

CHAPTER 36.
(Senate Bill No. 82.)

AN ACT providing for the collection, examination and testing of seeds
sold in West Virginia for agricultural purposes, and certificates
for their purity and providing penalty for violations thereof.

[Passed February 12, 1915. In effect ninety days from passage. Approved by the
Governor February 16, 1915.]

SEC.
1. No person, firm or corporation per-
mitt ed to sell or offer for sale
or distribution agricultural
seeds exceeding one pound in
weight unless labeled: (1) kind
and variety, (2) name and
address of seedman, (3) state-
ment of purity, (4) germinat-
ing power, (5) locality where
grown.

2. Agricultural seeds defined.

3. Sale of agricultural seeds contain-
ing seeds in certain amounts
of certain noxious weeds pro-
hibited: where fewer seeds of
weeds are found statement of
result to be made on label.

4. Seeds classed as impurities in agri-
cultural seeds, are defined in
section two: Impurities when
present shall be plainly stated
on tag, as specified in section
one.

5. Other impurities to be classified
and labeled.

SEC.
6. Agricultural seeds containing five
per cent. or more of seed other
than sample, to be plainly label-
ed.

7. When agricultural seeds shall be
considered misbranded: when
so misbranded not to be sold in
this state.

8. Exceptions.

9. Pure seed defined.

10. Enforcement of act placed in de-
partment of agriculture, with
power to appoint inspectors and
assistants.

11. Commissioner of agriculture or
deputy authorized to have ac-
cess to place of business, mills,
buildings, carriages, cars, ves-
sels and parcels in enforcement
of provisions of this act, and
annual inspection and analysis
to be made: Bow samples shall
be taken for analysis: method
of examination and testing to
be according to U. S. standard.
Be it enacted by the Legislature of West Virginia:

Section 1. No person, firm or corporation shall, by himself, his agent, or as representative of any other person, firm or corporation, sell or offer for sale or distribution within the state, for seeding purposes, any lot or package of agricultural seeds exceeding one pound in weight unless the same, when put up in either open or closed packages, shall have attached thereto a label on which is plainly printed or written in the English language, the following:

(1) The commonly accepted name of the kind and variety of seed.
(2) Full name and address of seedman, importer, agent or dealer.
(3) Statement of purity of the seed contained therein.
(4) Germinating power of seed.
(5) Locality where seed was grown, if known.

Sec. 2. For the purposes of this act the term "agricultural seeds" shall include seed of the red clover, either medium or mammoth, white clover, alsike clover, alfalfa, timothy, orchard grass, Kentucky blue grass, red top, bromis inermis, oat grass, rye grass, the fescues, the millets, other grass and forage plants, flax, rape, buckwheat, and cereals.

Sec. 3. No agricultural seeds, as defined in section two of this act, shall be sold or offered for sale or distribution within the state, which contain in greater numbers than one to three thousand of the seeds under examination the seeds of the following named noxious weeds: Canada thistle (*Carduus arvensis* L.), Russian thistle (*Salsola tragus* L.), couch, quack or quitch grass (*Agropyron repens* L.), clover dodder (*Cuscuta epithymum* L.), alfalfa dodder (*Cuscuta arvensis*), field dodder (*Cuscuta arvensis* L.), English charlock or wild mustard (*Brassica arvensis* L.), wild oats (*Avena fatua* L.), corn cockle (*Lychnis flos-cuculi*), ox-eye
11 daisy (chrysanthemum leucanthemum), indian mustard (brassica
12 juncea), butter and eggs (linaria linaria), sow thistle (sonchus
13 arvensis), ribwort or English plantain (plantago lanceolata), vel-
14 vet weed (abutilon abutilon L.), or star thistle (centaurea repens
15 L.), and wild carrot (daucus carota L).
16 2. Where the seeds of the weeds herein mentioned are pre-
17 sented in fewer numbers than one to three thousand of the seed
18 being examined, a statement shall be made on the label attached
19 to the package naming the weed seeds present therein.

Sec. 4. 1. The seeds of the following named weeds shall
2 be classed as impurities in agricultural seeds, as defined in sec-
3 tion two of this act: sheep sorrel (rumex acetosella), green foxtail
4 (chaetochloa viridis L.), yellow fox-tail or pigeon grass
5 (chaetochloa glauca L.), night flowering catch-fly (silene noctic-
6 flora L.), black seeded plantain (plantago rugelii), common
7 plantain (plantago major), curled dock (rumex crispus), pigweed
8 (amaranthus retroflexus L.), lamb's quarters (gynopodium album L.), lady's thumb or smart weed (polygonum persicaria),
9 yellow trefoil (trifolium agarium L.), burr clover (medicago
denticulata), sweet clover (melilotus alba and officinalis), chick-
12 weed (cerastium vulgatum), orange hawkweed (hieracium aurantiacum L.), black bindweed (polygonum convolvulus L.), rag-
14 weed (ambrosia artmisarfolia L).
15 2. When such impurities, or any of them, are present in
16 quantity exceeding two per cent of said agricultural seeds, the
17 approximate percentage of each shall be plainly stated on the
18 tag attached as specified in section one of this act.

Sec. 5. Sand, dirt, sticks, broken seeds, other seeds than
2 those mentioned in sections 3 and 4 of this act, or any other foreign
3 matter shall be considered as impurities when mixed with agricul-
4 tural seeds sold, offered or exposed for sale in this state for seed-
5 ing purposes. When such impurities are present in seed exceed-
6 ing two per cent in weight, the name and approximate percent-
7 age of each kind of impurity shall be stated in the label as speci-
8 fied in section one of this act.

Sec. 6. Agricultural seeds containing five per cent. or more
2 by weight of agricultural seed other than the named sample, shall
3 be plainly labeled with the percentage of such seed.

Sec. 7. Agricultural seed shall be considered as misbranded:
(1) When seeds low in value are submitted under the label for those of similar appearance but greater value;
(2) When southern-grown seeds are labeled as northern grown;
(3) When seeds are in any other respect not true to the label under which they are sold or offered for sale;
(4) When seeds are sold under any label other than that of the dealer selling same;
(5) When labels or tags supplied by a wholesale dealer are attached to lots of seed not purchased from such wholesale dealer, or to lots of seed other than those for which they were intended to be used.

When so misbranded, agricultural seeds, as defined herein, shall not be sold or offered for sale within the state.

Sec. 8. The provisions of this act shall not be construed as applying to:
(1) Any person growing, possessing for sale, or selling seeds for food purpose only.
(2) Persons selling seeds containing impurities except as defined in section three of this act, providing such seeds are sold to merchants to be re-cleaned before exposing for sale upon the general market.
(3) Seeds that are in store for the purpose of re-cleaning, and which are not possessed, sold, or offered for sale for seed purposes.
(4) Seeds grown or sold and delivered from the farm by the owner thereof, or his agent when the buyer himself is to use the seed for seeding purposes only, unless the purchaser obtain a certificate at the time of sale stating that the seed is sold subject to the provisions of this act.
(5) Mixture of seeds for lawn purposes except that the sale of such mixtures is subject to the restrictions of sections three and four of this act.

Sec. 9. For the purpose of this act seed shall be deemed pure when it contains no seed of any kind except the one being examined.

Sec. 10. The enforcement of this act is hereby placed in the department of agriculture under the supervision of the commissioner of agriculture, and he is hereby empowered to appoint
such inspectors and assistants as may be necessary to execute its provisions.

Sec. 11. The commissioner of agriculture is authorized in person or by deputy to have free access to all places of business, mills, buildings, carriages, cars, vessels and parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any agricultural seeds, and shall have the power and authority to open any parcel containing or supposed to contain any agricultural seeds, and upon tender and full payment of the selling price of said sample, to take therefrom in the manner prescribed in this section, samples for analysis, and said commissioner of agriculture shall annually cause to be analyzed at least one sample so taken of all the agricultural seeds that are found sold, offered or exposed for sale or distributed in this state.

A representative sample of not less than two nor more than four ounces of each brand of agricultural seeds found sold, offered or exposed for sale shall be taken by the said commissioner of agriculture or his duly authorized representative in the presence of at least one witness. No action shall be maintained for a violation of the provisions of this act, based upon any analysis of a sample from less than five separate original packages, unless there be less than five separate original packages in the lot, in which case portions for the official sample shall be taken from each original package; if the agricultural seed is in bulk, portions shall be taken from not less than five different places in the lot; provided, that this does not exclude sampling in bulk when not exposed sufficiently to take portions from five different places, in which case portions are to be taken from as many places as practicable. If the sample thus secured is larger than is required, it shall be mixed and quartered until a sample of suitable size remains. Said sample shall be divided into two parts and shall be placed in packages and sealed in the presence of said witness. One of said packages so sealed shall be held by the commissioner of agriculture at the disposal of the person named on the label of the seed sampled, and the commissioner of agriculture shall cause the other sample to be examined and tested, both for purity and viability and shall report results promptly and shall publish the same in bulletin form. The methods of examination and
testing shall be those in force at the time by the United States department of agriculture.

Sec. 12. The results of all tests of seeds made under the provisions of this act, shall be published in bulletins of the department of agriculture, together with the names and post office addresses of the persons, firms or corporations from whom all samples tested were obtained.

Sec. 13. Guarantees of purity, and viability shall be based upon tests made by the commissioner of agriculture or by seed dealers or their agents, subject to re-test and ratification by the commissioner of agriculture, when he shall deem necessary. Dealers who are testing their own seeds shall be required to submit samples thereof to the commissioner of agriculture for re-testing upon demand of the inspector. Should the guarantees shown on the dealer’s label not be substantially equivalent to the actual value of the seed, as determined by the commissioner of agriculture, the dealer shall be subject to prosecution and penalty, as defined in section fourteen of this act. Printed standards of purity and germination of agricultural seeds and directions for making analysis of seeds shall be furnished by the commissioner of agriculture upon request.

Sec. 14. Whoever violates any of the provisions made in any section of this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named herein, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten nor more than one hundred dollars for each and every offense.

Sec. 15. A fee of twenty-five cents shall be collected for each sample of seed offered for examination and test under the provisions of this act and shall be paid into the state treasury to constitute a special fund, which shall be paid out on requisitions of the commissioner of agriculture in carrying out the provisions of this act; provided, however, this fee shall not be collected from persons who desire analysis of seed for their own personal use.

Sec. 16. The commissioner of agriculture shall seek to make the inspection of seeds hereby intrusted to him as helpful as possible to the purchasers of seeds in this state, and is hereby empowered to make such rules and regulations as may be necessary to carry into effect the full intent and meaning of this act; the said commissioner of agriculture shall report promptly to the
7 prosecuting attorney of the county in which the offense was com-
8 mitted, any violations of this act and all failures to comply there-
9 with, and it shall be the duty of the prosecuting attorney in any
10 county in which such offense is committed to prosecute the same.

CHAPTER 37.
(Hande Bill No. 191.)

AN ACT amending and re-enacting section two of chapter eight of the
acts of one thousand nine hundred and three of the legislature
of West Virginia, as now contained in section ten of chapter fifty-
four-c, (serial section 3185) of the code of West Virginia of
one thousand nine hundred and thirteen, providing for the in-
vestigation of the affairs of corporate sureties before the ac-
ceptance of such, and for the requiring of bond with new surety
in certain cases.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor February 26, 1915.]

Sec. 10. When company, wherever incor-
2 porated, is offered as surety to any
court or clerk or board for ap-
3 proval, upon application of any
person interested, court may
appoint person to investigate
company so offered and report
to court: expenses of investiga-
tion to be defrayed by appli-
cant, unless in certain cases
when it shall be borne by
company; if it appear that in-
sure that commissioner has re-
voked authority of such com-
pny, or that company has
withdrawn, or in process of
liquidation, or in hands of a

Sec. receiver, duty of court, etc.
upon application, to require
new bond within not exceed-
sixty days, and copy of order
to be served on principal; pub-
lication in case of non-resident
or not found; duty of principal
as to new bond, and action of
court if order is not complied
with; exceptions as to state,
county, district or municipal
officer; no new liability to
secure under said bond, and
unearned premiums to be re-
funded; costs, except of inspec-
tion, to be paid by person in
interest.

Be it enacted by the Legislature of West Virginia:

That section two of chapter eight of the acts of one thousand
nine hundred and three as now contained in section ten of chapter
fifty-four-c (serial section 3185), of the code of West Virginia of
one thousand nine hundred and thirteen, be amended and re-enacted so
as to read as follows:

Section 10. That whenever any company, wherever incor-
2 porated, is offered as surety to any court, or the clerk thereof,
3 or to any board upon which is devolved by law the duty of ap-
4 proving such bond, the said court, or board, may, at its discre-
tion, upon the application of any person interested, appoint a
suitable person to investigate the affairs and management of the
company so offered, who shall report to such court or board the
manner in which the investments of such company are made and
the security offered to those by or for whom its engagements are
held; and the expenses of such investigation shall be defrayed
by the applicant, unless the investigation shall show the last
quarterly statement of the company, as provided for in section
four of said chapter fifty-four-c, to be false and misleading, in
which case the expenses of such investigation shall be borne by the
company. If at any time it shall be made to appear to
such court or board by any person interested that the insurance
commissioner of this state has revoked the authority of such
company to act as such surety on bonds in this state, or that
such company has lawfully withdrawn from the business of be-
coming surety on bonds in this state, or is in process of liquidat-
ing its surety business in this state, or is in the hands of a
receiver, then it shall be the duty of such court or board, upon
the application of the principal, said surety, or any person in
interest, to require any person who has given such bond to exe-
cute a new bond within a reasonable time, not exceeding sixty
days from the date of service of such order as hereinafter pro-
vided, as such court or board may fix by order entered of record,
the penalty of which bond shall be fixed by said court or board,
and a copy of such order shall be served upon the principal
in such bond, if such principal be a resident of this state, but if
he be a non-resident, or if the return of an officer of the county in
which such principal last resided in this state shows that he is
not found, then a copy of such order shall be published once a
week for two successive weeks in some newspaper of general
circulation in the county in which such bond was given and such
order shall also be posted at the front door of the court house of
said county. It shall then be the duty of such principal, within
the period of time fixed by such order, to give such new
bond with surety or sureties as required by law. If such
bond be not given within sixty days, or other period fixed in
said order, from the date of service, or from the date of the last
publication, as the case may be, of such order, then such court or
board shall, in the case of all bonds, except bonds given by some
41 state, county, district or municipal officer, and may in its discretion 41-a in the case of bonds given by any state, county, district or munici- 42 pal officer, enter an order terminating the authority of such prin- 43 cipal to perform any duties or exercise any powers in connection 44 with which such bond was given and from and after the entry of 45 said order terminating authority, no new liability shall accrue un- 46 der said bond. Any unearned premium shall be refunded by such 47-49 company upon the entry of said order.

The costs of any proceedings under this section shall be 50 paid by any person or persons in interest as such court or board 51 may order, except the costs of inspection herein above provided 52 for.

CHAPTER 38.
(Senate Bill No. 170.)

AN ACT to amend and re-enact chapter ninety-six of the acts of the session of one thousand eight hundred and eighty-two, (serial section 2889 of the code of one thousand nine hundred and thir­teen), prescribing a method of procedure in equity for the dissolu­tion of a corporation or joint stock company on application of not less than one-fifth in interest of the stockholders.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor March 3, 1915.]

Sec. 1. Not less than one-fifth interest of stockholders of a corporation desiring to wind up affairs, may apply by bill in chancery in circuit court in which principal office is situated, or if no such principal office, in circuit court of county in which one or more stockholders are found or in which property may be, setting forth grounds of application, and court may proceed according to equity to hear matter; action to be taken if sufficient cause be shown; this section to have a retrospective as well as a prospective effect.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-six of the acts of the session of the year one thousand eight hundred and eighty-two be and the same is hereby amended so as to read as follows:

Section 1. If not less than one-fifth in interest of the stock- 2 holders of a corporation desire to wind up its affairs, they may 3 apply by bill in chancery to the circuit court of the county in
4 which the principal office or place of business of such corporation
5 is situated, or if there be no such office or place of business in this
6 state, to the circuit court of the county in which the other stock-
7 holders, or any one or more of them reside or are found, or in
8 which the property of such corporation or any part of it may be,
9 setting forth in the bill, the grounds of their application, and
10 the court may thereupon proceed according to the principles and
11 usages of equity to hear the matter, and if sufficient cause, to de-
12 cree a dissolution of the corporation, and make such orders and de-
13 crees, and award such injunctions in the cause as justice and equity
14 may require; and this section shall have a retrospective as well as
15 a prospective effect, and be construed accordingly.

CHAPTER 39.

(HOUSE BILL NO. 211.)

AN ACT relating to payment of moneys into the state treasury and
making appropriations of moneys paid in.

[PASSED FEBRUARY 4, 1915. IN EFFECT NINETY DAYS FROM PASSAGE. APPROVED BY THE
GOVERNOR FEBRUARY 11, 1915.]

SEC. 1. All moneys received by state office
ers, commissions and boards from any source to be paid into
state treasury at least once each month; appropriations
authorized for officers, commissions and boards, and state
board of control; method of payment; no moneys on ac-
count of one institution, etc., to be used for another, or con-

SEC. 2. Moneys on hand and received
by state officers, commissions or boards not having offices at
capitol to be paid into state treasury through board of con-
trol.

SEC. 3. Act effective July 1, 1915; section
five hundred and forty-eight, code 1906, not to apply.

SEC. 4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. All moneys received by state officers, commissions
2 and boards from any source shall be paid into the state treasury
3 at least once each month. All of said moneys which are by law
4 authorized to be expended by said officers, commissions and boards,
5 and all moneys paid into the state treasury through the state
6 board of control are hereby appropriated out of the treasury.
7 The appropriations herein made shall be drawn from the treasury
8 upon the requisitions of the proper officer, or officers, made upon
9 the auditor at such times and in such amounts as are needed
10 for the purposes of any of the institutions, officers, commissions
11 and boards for which such moneys are received. But no moneys
12 received on account of one institution, commission, officer or fund,
13 shall be used for any other institution, commission, officer, or
14 fund, or contrary to a specific requirement of law. All moneys
15 on hand and received by state officers, commissions or boards not
16 having an office at the state capital, shall be paid into the state
17 treasury through the state board of control.

Sec. 2. This act shall go into effect July first, one thou-
2 sand nine hundred and fifteen. Section five hundred and forty-
3 eight of the code of one thousand nine hundred and six, shall
4 not apply to this act.

Sec. 3. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

CHAPTER 40.
(House Bill No. 285.)

AN ACT to provide for an annual report of all financial transactions
of the state and to eliminate the same from the separate reports
now required.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor February 26, 1915.]

Sec.
1. Chief inspector of public offices at end of each fiscal year to com-
    pile and print report of financial transactions of state de-
    partments, officers and boards; what report shall show; to be
    submitted to the governor.
2. All state officers, departments

Sec.
3. Requirement as to information to be furnished chief inspector; refusal or neglect grounds for
    removal.
4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The chief inspector of public offices shall at the end
2 of each fiscal year cause to be compiled and printed in pamphlet
3 or book form a report of the financial transactions of the state
4 covering all state departments, officers and boards; said report
5 shall show among other things all sources of revenue and all pur-
6 poses for which money is expended, and shall be submitted to the
7 governor for transmittal to the legislature.
Sec. 2. All state officers, departments, boards and commissions now required to include in their biennial report an itemized statement of receipts and disbursements of public funds shall eliminate the same from said report.

Sec. 3. All state officers, departments, boards and commissions shall keep their financial accounts in records and forms approved or prescribed by the chief inspector of public offices and shall furnish promptly to the chief inspector of public offices such information and reports as may be requested. Refusal or neglect to comply with the requirements of this section shall subject the person offending to removal from office.

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

CHAPTER 41.

AN ACT to repeal section five of chapter one hundred and fifty-one, (serial section number 4439), of the code of West Virginia, and to enact in lieu thereof the following section, relative to gaming.

[Passed February 20, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

Sec. 5. Unlawful at any place, public or private, to bet or wage money or other thing of value on any game of chance or to furnish money for same; penalty; may require security for good behavior for one year; imprisonment in default of fines; costs and execution of bond.

Be it enacted by the Legislature of West Virginia:

That section five of chapter one hundred and fifty-one, (serial section number 4439), of the code of West Virginia, be repealed, and the following section be enacted in lieu thereof:

Section 5. If any person at any place, public or private, bet or wage money or other thing of value on any game of chance, or shall knowingly furnish any money or other thing of value to any other person to bet or wage on any such game, he shall be fined not less than five nor more than one hundred dollars, and shall, if required by the court, give security for his good behavior for one year, and in default of payment of said fine and costs and the execution of said bond, if such bond be re-
9 quired, shall be imprisoned in the county jail not less than ten 10 nor more than thirty days.

CHAPTER 42.

(Senate Bill No. 35.)

AN ACT to punish the making or use of false statements to obtain property or credit.

[Passed January 28, 1915. In effect ninety days from passage. Approved by the Governor February 2, 1915.]

SEC. 1. Person making false statement in writing, with intent to be relied upon, respecting financial condition or means or ability to pay, of himself, other person, firm or corporation, for procuring property, cash, loan, credit, etc.;

SEC. 2. Or, knowing false statement has been made, procures the benefits described;

SEC. 3. Or, knowing statement has been made, represents that on a later day would then be true, when in fact statements would be false, is guilty of misdemeanor: penalty.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person who shall knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of himself, or any other person, firm or corporation, in whom or in which he is interested, or for whom or for which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange, or promissory note, for the benefit of either himself or of such person, firm or corporation; or,

Sec. 2. Who, knowing that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of himself, or such person, firm or corporation in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself, or of such person, firm or corporation, either or any of the things mentioned in section one; or,

Sec. 3. Who, knowing that a statement in writing has been made, respecting the financial condition or means or ability to pay
3 of himself or such person, firm or corporation, in which he is inter-
ersted, or for whom he is acting, represents on a later day, either or-
ally or in writing, that such statement theretofore made, if then again made on said day, would be then true, when in fact, said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation, either or any of the things of benefit mentioned in section one of this act, shall, upon conviction thereof, be guilty of a misdemeanor, and punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or both fine and imprisonment.

CHAPTER 43.

(Senate Bill No. 48.)

AN ACT to provide against fraudulent advertising and fixing penalties for its violation.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC. 1. Person, firm, corporation or association, or their agents or employees, who with intent to sell or dispose of merchandise, securities or service to the public, causes publication of statements concerning same which are untrue or deceptive, guilty of misdemeanor, penalty: violations by agent or employee deemed an offense. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person, firm, corporation or association, or their agents or employees, who with intent to sell, or in any wise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or state-
14 ment of fact which is untrue, and deceptive, knowing or having
15 reason to believe that such assertion, representation or statement
16 is untrue or deceptive, shall be guilty of a misdemeanor and on
17 conviction thereof, shall be punished by a fine of not less than ten
18 dollars nor more than one hundred dollars, and such violation, by
19 an agent or employee, shall be deemed an offense as well by the
20 principal or employer, and they may be indicted for the same,
21 either jointly or severally.

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

CHAPTER 44.
(House Bill No. 300.)

AN ACT to prevent and punish the desecration, mutilation or im-
proper use of the flag of the United States of America and the
flag of this state.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the
Governor February 25, 1915.]

Sec. 1. Persons who for exhibition or dis-
play place or cause to be placed
any words, figures, marks, pic-
tures, designs, drawings, or any
advertisement upon any flag of
the United States, or otherwise
improperly use or desecrate
same, are guilty of misdeem-
or; penalty; Justices of the
peace have jurisdiction

Sec. 2. Flag, standard, color or ensign con-
structed for purposes of this act.

Sec. 3. Act not to apply to acts permitted
by U. S. or state statutes, or by
regulations of U. S. army or
national guard, nor to news-
paper or other periodical, etc.

Be it enacted by the Legislature of West Virginia:

Section 1. That any person who for exhibition or display
shall place or cause to be placed, any words, figures, marks, pic-
tures, designs, drawings, or any advertisement of any nature, upon
any flag, standard, color or ensign of the United States, or upon
the state flag of this state, or shall expose or cause to be exposed
to public view any such flag, standard, color or ensign, upon which
shall have been printed, painted or otherwise placed, or to which
shall be attached, appended, affixed or annexed, any words, figures,
marks, pictures, designs, drawings, or any advertisement of any
nature or kind, or who shall expose to public view, manufacture,
sell, expose for sale, give away, or have in possession for sale or to
give away, or for use for any purpose any article or substance, be-
ing an article of merchandise or a receptacle of merchandise, or
14 article or thing for carrying or transporting merchandise, upon
15 which shall have been printed, painted, attached or otherwise
16 placed, a representation of any such flag, standard, color or ensign,
17 to advertise, call attention to, decorate, mark or distinguish the
18 article or substance on which so placed, or who shall publicly muti-
19 late, deface, defile or defy, trample upon or cast contempt, either
20 by words or acts, upon any such flag, standard, color or ensign,
21 shall be deemed guilty of a misdemeanor, and shall, upon convic-
22 tion, be fined not less than five nor more than one hundred dol-
23 lars, and may, at the discretion of the court or justice trying the
24 case, be confined in the county jail for a period not exceeding thir-
25 ty days. Any justice of the peace of the county wherein the of-
26 fense was committed shall have concurrent jurisdiction of such
27 offense with the circuit or other courts of said county.

Sec. 2. The words, “flag, standard, color or ensign of the
2 United States,” as used in this act, shall be construed to include
3 any flag, standard, color, ensign, or any representation or picture
4 of a flag, standard, color or ensign, made of or upon any substance
5 whatever, and of any size whatever, showing the national colors,
6 the stars and the stripes.

Sec. 3. This act shall not apply to any act permitted by
2 the statutes of the United States or of this state, or by the regula-
3 tions of the United States army and navy, or of the national guard
4 of this state; nor shall this act be construed to apply to the regu-
5 lar issue of a newspaper or other periodical, or to any book, cer-
6 tificate, diploma, warrant or commission, on which shall be printed
7 said flag, disconnected from any advertisement, or to the vignette
8 of any political ballot.

CHAPTER 45.

(Senate Bill No. 83.)

AN ACT to amend and re-enact sub-section ten of section two of
chapter seventy of the acts of one thousand eight hundred and
ninety-one, printed as serial section three hundred and thirty-six
of the code of one thousand nine hundred and six, and serial
section three hundred and ninety-one of the code of one thousand
nine hundred and thirteen, concerning the powers, duties and
liabilities of the state librarian; and to repeal certain conflicting laws.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915]

SEC. 10. The state librarian shall have charge of reports of supreme court after being printed, bound and approved by reporter, and secure copyright for benefit of the state; reports, not including reprints, to be disposed of in the manner herein set forth; remainder to be delivered to secretary of state; except that governor may cause additional copies to be furnished any officer, court or institution not herein named, but to remain the property of state; state librarian to make annual report to governor; what report shall contain, and disposition of funds.

Be it enacted by the Legislature of West Virginia:

That sub-section ten of section two of chapter seventy of the acts of one thousand eight hundred and ninety-one, be amended and re-enacted so as to read as follows:

Sub-Section 10. The state librarian shall have charge of the reports of the supreme court of appeals after the same are printed and bound and approved by the reporter, and he shall secure the copyright of the same in the name of and for the benefit of the state. As soon as practicable after any new volume of such reports has been delivered to him, not including reprints of former volumes, he shall dispose of the same as follows: ten copies to the college of law of West Virginia university, one copy to the governor, two copies to the attorney general, one copy to the judge of every court of this state and one copy to the head of each of the subordinate executive departments at the state capital, one copy to the public service commission, one copy to the state board of control, one copy to the adjutant general, two copies to the department of archives and history, and one copy to each of any other administrative boards or commissions at the state capital. The state librarian shall place five copies in the state law library at Charleston, and send five copies to the congressional law library at Washington, District of Columbia. He shall also arrange as far as possible to exchange four copies of each volume of said reports for a like number of copies of the current volumes of the report of the court of appeals of each of the states, which said last reports he shall send one each to the state law library at Charleston, to the college of law of West Virginia university, to the association at Charles Town, and to the Ohio county library at Wheeling. The remaining copies of said reports of the supreme court of appeals
AN ACT to create a new Virginia debt commission, defining its powers and duties, and providing for its compensation, and relieving the Virginia debt commission appointed pursuant to joint resolution of February twenty-one, one thousand nine hundred and thirteen, from further duty.

[Passed February 20, 1915. In effect from passage. Approved by the Governor February 20, 1915.]
SEC. Virginia debt commission created by joint resolution adopted February 1, 1913, and commission appointed; not authorized to defend suit; expedient to create a new commission.

1. Commission of five members, to be known as "Virginia debt commission," created; governor to be ex-officio a member and chairman; others to be appointed by governor, two republicans and two democrats.

2. Commission with attorney general authorized and directed to defend case of Virginia vs. West Virginia, and to negotiate settlement, subject to ratification of legislature.

3. Empowered to employ attorneys to assist attorney general and advise commission, fees and expenses to be paid by state.

4. Majority has authority to act and authorized to appoint a secretary within or without its own membership.

5. Expenses, including compensation of members, to be paid out of moneys appropriated.

6. Virginia debt commission heretofore established abolished and members relieved.

7. Governor has power to fill vacancies caused by death, resignation or otherwise.

8. Governor to report appointments under section one, to present session of legislature. Inconsistent acts repealed.

Whereas, By joint resolution of the senate of West Virginia, the house of delegates concurring therein, adopted February twenty-one, one thousand nine hundred and thirteen, a commission of eleven members known as the "Virginia debt commission," was created, with the powers and duties in said resolution set forth; and,

Whereas, Under and by virtue of the authority of said resolution, eleven representative citizens of the state of West Virginia were appointed by the governor as members of said commission, who have, with credit to themselves and the state of West Virginia, discharged their duties as members of such commission; but,

Whereas, The said commission heretofore created as aforesaid was not authorized to defend the suit of the commonwealth of Virginia against the state of West Virginia, then and now pending in the supreme court of the United States, but was only created with the power and authority to negotiate and make recommendations in relation to the controversy between the two states involved in said suit; and,

Whereas, The commission heretofore created has in an eminently satisfactory manner performed all the duties devolving upon it by the resolution of its creation, and made its final report to the legislature, and said suit still pends and requires defense; and,

Whereas, It is deemed expedient to create a new commission of a less and more convenient membership, and with full power not only to do any and everything necessary to the defense of said suit, but with the like power to negotiate a settlement thereof, if the opportunity should present to do so with advantage and profit to the state of West Virginia and her citizens; now, therefore,
Be it enacted by the Legislature of West Virginia:

Section 1. That a commission of five members, known as the "new Virginia debt commission," be, and the same is hereby created, the members thereof to be selected as follows: that is to say, the governor of the state of West Virginia shall be ex-officio a member and the chairman of said commission, and he shall appoint the remaining four commissioners, two of whom shall be selected from the republican party and two from the democratic party.

Sec. 2. Said commission in conjunction with the attorney general is authorized and directed to defend the case of the commonwealth of Virginia against the state of West Virginia, now pending in the supreme court of the United States, as well as any other litigation that may spring out of said controversy, and is now fully authorized and empowered to do any and everything which in its judgment or discretion may be deemed necessary or best to that end; and it is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject, however, to the ratification of the legislature of the state of West Virginia.

Sec. 3. Said commission with the approval of the board of public works is empowered to employ attorneys and counsellors at law to assist the attorney general of the state in the conduct of said litigation, and to advise and assist the commission; and the fees and expenses of such counsel shall be paid by the state out of moneys appropriated for such purpose.

Sec. 4. A majority of the commission shall have authority to act, and is authorized to appoint a secretary from within or without its own membership.

Sec. 5. The expenses properly incurred by the commission and its individual members, including compensation of said members at the rate of ten dollars per day for the time actually employed (excepting the governor, who shall only receive his expenses), shall be paid by the state out of moneys appropriated for that purpose.

Sec. 6. The Virginia debt commission heretofore created by the joint resolution adopted February twenty-one, one thousand nine hundred and thirteen, is hereby abolished, and its members hereby relieved from further duty in that connection.

Sec. 7. The governor shall have power to fill any vacancies
2 that may occur by reason of death, resignation or otherwise in
3 the membership of such commission, from time to time, as oc-
4 casion may require, but in filling such vacancies the governor
5 shall do so from the political party from which the commissioner
6 whose office becomes vacant, was appointed.

Sec. 8. The governor shall make the appointment of the
2 commissioners as provided in section one hereof and report the
3 same to the present session of the legislature for confirmation or
4 rejection.

Sec. 9. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 47.
(Senate Bill No. 68.)

AN ACT requiring the plat of a tract of land sub-divided into lots to
be recorded, and providing a penalty for the failure to record,
and the method of collecting and distributing the penalty.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor February 26, 1915.]

Sec. 1. When tract or parcel of land is sub-
divided into lots and partly
sold, duty of owner or legal
representatives to record said
plat in office of county clerk up-
on sixty days' notice, or upon
notice from any person owning

Be it enacted by the Legislature of West Virginia:

Section 1. When any tract or parcel of land within the limits
2 of any county of the state of West Virginia, which has been or
3 shall be hereafter sub-divided into lots, and any lot or lots have
4 been sold from the tract or parcel of land so divided according
5 to said plan or plat of sub-division, without said plat of sub-di-
6 vision having been recorded, it shall be the duty of the owner of
7 said tract of land, or the legal representatives thereof, authoriz-
8 ing said plat or plan of sub-division of such tract of land to be
9 laid out, to record said plat of such sub-division in the office of the
10 clerk of the county court of the county wherein such land so di-
11 vided is situate, upon sixty days' notice to record the same from
12 the clerk of the county court of the county wherein such land so
13 divided is situate; or upon a notice from any person owning a
14 lot or lots in any such tract of land or parcel of real estate so di-
15 vided. If such owner, or owners, or the legal representatives
16 thereof shall fail to cause said plat of said sub-division of said
17 tract of land as aforesaid to be recorded in said office, such owner
18 or owners, or the legal representatives thereof, shall forfeit and
19 pay the sum of one hundred dollars for each failure to record such
20 plat of such tract or parcel of land. Said sum or sums to be re-
21 covered, as debts of like amount are by law recoverable at the suit
22 of any party or parties giving such notice, or the clerk of the coun-
23 ty court of the proper county before any justice of the peace in
24 and for said county. The party bringing such suit shall be en-
25 titled to one-half of the amount so recovered and the other half
26 shall go to the county fund of said county. No certificate of ac-
27 knowledge, or other proof thereof shall be necessary as a pre-
28 requisite to the recordation of such plat, map or plan.

CHAPTER 48.
(Senate Bill No. 76.)

AN ACT to amend chapter fifty-eight of the acts of one thousand
nine hundred and nine, by inserting therein, after section three,
a section to be known as section three-a, changing the names of
certain state hospitals and asylums.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the
Governor February 18, 1915.]

Sec. 3-a. After June 30, 1915, names of cer-
tain state institutions changed; all statutory provisions appl-
icable to government of same to be continued in force for instit-
tutions under new names. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:
That chapter fifty-eight of the acts of the year one thousand nine
hundred and nine be and the same is hereby amended by inserting
therein, after section three, the following section:

Section 3-a. *From and after the thirtieth day of June of
2 the year one thousand nine hundred and fifteen, the name of the
3 West Virginia asylum shall be changed to Huntington state hos-
pital; the name of the second hospital for the insane shall be
5 changed to Spencer state hospital; the name of the West Virginia
6 hospital for the insane shall be changed to Weston state hospital;
7 the name of miners' hospital number one, shall be changed to
8 Welch hospital number one; the name of miners' hospital number
9 two, shall be changed to McKendree hospital number two; the
10 name of miners' hospital number three shall be changed to Fair-
11 mont hospital number three. All statutory provisions applicable
12 to the government and maintenance of said asylums and hospitals,
13 and to each of them, under their old names, shall be continued
14 in force and be applicable to the government and maintenance of
15 the same institutions under their new names.
16 All acts and parts of acts inconsistent with this act are
17 hereby repealed.

CHAPTER 49.
(Senate Bill No. 104.)

AN ACT to amend and re-enact sections one, two, three, four, five, six,
seven and eight of chapter fifteen of the acts of the legislature of
one thousand eight hundred and ninety-seven, providing "for the
protection of persons dealing in mineral waters, malt liquors, and
other beverages in bottles."

[Passed February 11, 1915. In effect ninety days from passage. Approved by the
Governor February 20, 1915.]

SEC. 1. Person, firm or corporation manufacturinj, producing, selling or
dealing in milk, cream, etc., in bottles known as bottles and
may adopt trade-mark.

2. Form of writing to be used in adopt-
ing trade-mark: same to be ac-
knowledged for record and filed
with clerk county court in coun-
ty where principal office or
place of business is located, in
office of secretary of state and
copy published four successive
weeks in newspaper.

3. Trade-mark adopted exclusive prop-
erty, and use by another a mis-
demeanor, penalty; use may be
restrained.

4. A misdemeanor to refill without
permission of owner; penalty
for violations; additional pen-
alty if previously convicted.

SEC. 5. In legal proceedings, civil or crimi-
nal, stamped trade-mark on
bottle is prima facie evidence
of ownership.

6. In any prosecution, fact that de-
fendant trafficked in bottles
without permission prima facie
proof that it was done unlaw-
fully.

7. Proprietor or agent of trade-mark
may before justice of peace
make oath or complaint and
search warrant is authorized;
bottles may be taken and per-
son arrested and dealt with ac-
cording to law; all recovered
bottles to be restored to own-
er; exceptions.

8. Provisions apply to trade-marks
adopted heretofore and here-
after; exceptions as to intox-
icating liquors.

Be it enacted by the Legislature of West Virginia:
That sections one, two, three, four, five, six, seven and eight of chap-
ter fifteen of the acts of the Legislature of one thousand eight hundred and ninety-seven be amended and re-enacted so as to read as follows:

Section 1. Any person, firm or corporation, manufacturing, producing, selling, or dealing in milk, cream, buttermilk, mineral waters or other liquids, in bottles, and who sell the contents, but do not sell the bottles, shall be called and known as bottlers, and as such may adopt a trade-mark in the manner and with effect hereinafter provided.

Sec. 2. Every such bottler desiring to adopt a trade-mark, may do so by the execution of a writing in form and effect as follows:

Trade-Mark.

"Notice is hereby given that I (or we, etc., as the case may be), have adopted the following trade-mark to be used in my (or our, etc.,) business as a bottler. (Here insert the words, letters, figures, etc., constituting the trade-mark, or if it be any device other than words, letters or figures, etc., insert a fac-simile thereof.) Dated this ———— day of ————, A. D. — — A. B.

The said writing shall be acknowledged or proved for record in the same manner as deeds are acknowledged or proved for record, and shall be recorded in the office of the clerk of the county court of the county where the principal office or place of business of such bottler may be, and also in the office of the secretary of state and a copy thereof shall be published at least once in each week, for four successive weeks in some newspaper printed in such county, or if there be no such paper printed therein, then in some newspaper of general circulation in such county.

Sec. 3. Every trade-mark so adopted shall, from the date thereof, be the exclusive property of the person, firm or corporation adopting the same, and any other person, firm or corporation knowingly using, or attempting to use, such trade-mark without the written consent of the proprietor thereof shall be guilty of a misdemeanor and fined not less than twenty nor more than two hundred dollars for each offense, and shall moreover be liable to the proprietor by reason of such use of said trade-mark; and such use, or attempt to use, shall be restrained by a writ of injunction which shall be granted and awarded, upon the application of the
propriator of such trade-mark, by any court of chancery having jurisdiction of the parties.

Sec. 4. It is hereby declared to be a misdemeanor for any person, firm, or corporation hereafter, without the permission of the proprietor of such trade-mark, to re-fill with milk, cream, buttermilk, mineral waters, or other liquids, any such bottles so marked, or sell or use any such bottles so marked, or to have in his possession for the purpose of buying, selling or using for bottling milk, cream, buttermilk, mineral waters, or other liquids, any bottles so marked. And upon conviction thereof, the offender shall be fined not exceeding one hundred dollars, and may in the discretion of the court be sentenced to confinement in the county jail for a term not exceeding thirty days. And if it be alleged in the indictment on which he is convicted, and admitted, or by the jury found, that he has been before sentenced in this state for a like offense, he shall be sentenced to be confined in the county jail for a term not exceeding one year.

Sec. 5. In any legal proceeding, civil or criminal, before any court or justice of the peace, the fact that such trade-mark is stamped, impressed, blown or otherwise wrought in any such bottle, shall be prima facie proof that such bottle is the property of the proprietor of such trade-mark.

Sec. 6. In any prosecution for a violation of any provision of this act, the fact that the defendant filled with milk, cream, buttermilk, mineral waters, or other liquids, or sold or disposed of, or bought, or trafficked in any such bottles so marked, without the permission of the proprietor of such trade-mark, shall be prima facie proof that he did so unlawfully.

Sec. 7. The proprietor of any such trade-mark, or any agent of such proprietor, having reason to believe that any such bottle so marked, is hidden, secreted, or unlawfully held by any person whomsoever, at any place, in this state, may go before any justice of the peace of the county, and make oath that he has reason to believe that certain bottles, bearing certain trade-marks, are unlawfully hidden, secreted, or held at a certain place, naming the place, by a certain person, naming the person, if the name be known, and describing the trade-mark, whereupon it shall be the duty of the justice before whom such oath is made, to issue a search warrant directed to any constable or other proper officer, to search the place where such bottles are alleged to be, and if upon
such search any such bottles shall be found, to take possession of
the same, and to bring the person, or persons, in whose control, or
possession any such trade-marked bottles may be found, before
such justice to be dealt with according to law.
And all such bottles so found shall be delivered by the officer to
the proprietor of the trade-mark on them; provided, that none of
the foregoing sections shall be construed to affect the right of any
dealer to continue to use any bottles upon which is not marked or
into which no mark has been blown, which he may now have in his
possession.
Sec. 8. All of the provisions of this act shall apply to trade-
marks whether the same shall have been heretofore, or shall be
hereafter, adopted as provided for by any former act of the legis-
lature, or under this act; provided, however, that the word
"liquids" as used in this act shall not be construed to mean or em-
brace intoxicating liquors, as intoxicating liquors are defined by
the prohibitory laws of this state.

CHAPTER 50.

AN ACT authorizing counties in this state to issue bonds in aid of the
construction of a canal or navigable waterway from the junction
of the Ohio and Beaver rivers in the state of Pennsylvania to
Lake Erie in the state of Ohio; and repealing chapter twenty of
the acts of the legislature at the session of one thousand nine
hundred and eleven, approved February twenty-four, one thou-
sand nine hundred and eleven, authorizing counties, magisterial
districts, cities and towns to issue bonds in aid of the construction,
of canals.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor February 20, 1915.]

Sec. 1. Act contemplates construction, maintenance and operation by
Pennsylvania, or by a commis-
sion, board or other agency, in-
corporated or otherwise, of a
canal or navigable waterway
route in Pennsylvania and Ohio;
to raise money for construction
of same under laws of U. S.,
Pennsylvania, Ohio, West Vir-
ginia, or various counties,
cities and towns of states named,
or U. S.; the collection of
tolls limited to provide for cost
of maintenance, operation and
improvement and to repay
bonds, etc., at par; the distri-
bution of surplus revenues
among contributors pro rata, to
repay obligations, with interest;
SEC. general benefits declared and
right vested in voters to vote
on issue of bonds as hereinafter provided.

2. After filing with county court of any county certified copy of
laws of Pennsylvania as contemplated in section one, petition signed
by at least one hundred voters and taxpayers of county
praying county court to order
special election upon question of
issuing bonds of the county in
aid of canal, election may be
called; election under petition and how ordered; how
notice shall be given, and duty
of clerk of county court and
sheriff in relation to posting
notices; order for election may
also be published in newspapers
by order of court; vote may be
taken at a general or special
election, and what ballot shall
contain; in case of failure to
provide ballots, voters may prepare
their own; result of election
and how ascertained; if a
special election same precincts
and same methods to prevail;
election officers and voters subject
to same duties and penalties
as at general election, and

SEC. expenses a county charge; three-
fifths vote in favor of proposition
necessary for ratification; if
not approved no further election
to be held during six months
following.

3. When officer of Pennsylvania duly
authorized shall certify that any
contributions have been author-
ized as contemplated in section
one, duty of county court hereunder, to prepare amount of
bonds so authorized; form of
bonds, date and character, de-
nomination and how payable;
order for issue of bonds shall
also contain provision for levy
and collection of direct annual
tax sufficient to pay interest
and principal at maturity; sale
of bonds may be at public or
private sale, but for not less
than ninety-five per cent. of par
value and accrued Interest under
existing laws of Pennsylvania;
proceeds and how applied; pur-
chaser not liable to see to applica-
tion of proceeds; matured
coupons to be detached from
bonds before sale.

4. “County court” construed
for purposes of this act.

5. Chapter 20, acts of 1911, repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. This act contemplates the construction, main-
tenance and operation by the state of Pennsylvania, or by a com-
mission, board, or other agency thereof, incorporated or other-
wise, under the authority and provisions of any present or
future law of the state of Pennsylvania, of a canal or navigable
waterway, from the junction of the Ohio river and Beaver river
in the state of Pennsylvania, to a point on Lake Erie,
in the state of Ohio; the raising of money sufficient to
pay the cost of the construction of such a canal or waterway by
such voluntary contributions, or appropriations, in money, or
bonds at their par value, as shall have heretofore been made, or as
may hereafter be made, pursuant to the authority of any present
or future laws, by the United States, the state of Pennsylvania,
the state of Ohio, the state of West Virginia, and various counties,
cities, towns, municipal corporations, or other political sub-divisions,
of the states of Pennsylvania, Ohio and West Virginia, or by
some or all of said United States, state and other public authori-
ties; the collection of tolls and charges on such canal, or waterway;
but only to such extent as may be necessary to provide for the cost
of the maintenance, operation and improvement thereof and to re-
pay contributions made in money, or in bonds, at their par value and
the interest on such bonds; the distribution of any surplus revenues
of such canal, or waterway, among such contributors to such cost,
substantially pro rata according to the amount of their several con-
tributions in money, or in bonds at their par value, to such extent
as may be necessary to repay to said contributors the amount of
their several contributions made in money or in bonds at their par
value, with interest on such bonds. The construction of such a
canal, or waterway, will be of general benefit to this state and a
special benefit to certain counties of this state by reason of the lo-
cation, or commercial or industrial interests thereof; and it is
the intention of this act that the voters of any county of the state
of West Virginia shall have the right to determine that such coun-
ty will be specially benefited thereby by voting to issue bonds in
aid thereof as hereinafter provided.

Sec. 2. At any time after there shall have been filed with
the county court of any county a certified copy or certi-
fied copies of the law or laws of the state of Pennsylvania
contemplated by the first section of this act, a petition may
be presented to the county court of such county, signed by at
least one hundred qualified voters and taxpayers of the county,
and verified by the affidavits of at least five of the petitioners,
stating that in the judgment of the petitioners, such county, by
reason of its location, or commercial or industrial interests, will
be specially benefited by the construction of such canal or water-
way, and praying the county court to order an election to be
held, at a date stated in such petition, upon the question of is-
suing, in aid of such canal or waterway, bonds of the county of
such aggregate principal amount, of such term, which shall not ex-
ceed thirty-four years from their date, and of such rate of interest,
which shall not exceed six per centum per annum, payable annually
or semi-annually, as may be stated in said petition. Upon receiving
such a petition the county court shall forthwith proceed to deter-
mine whether the petition conforms to the foregoing requirements,
and to that end may take evidence and call witnesses. If the county
a court shall find that the petition conforms to the requirements of
this act, it shall make an order to that effect and such order shall
be final and conclusive on the regularity and sufficiency of such
petition. Upon making such an order the county court shall
file said petition and shall direct an election, upon the question
25 of the issuance of said bonds, to be held in said county and to that 26 end shall make an order briefly referring to the petition so filed 27 and stating generally the purpose for which the bonds are pro- 28 posed to be issued, the aggregate principal amount of such bonds, 29 the term for which such bonds are to run, the rate of interest 30 thereon, payable annually or semi-annually, all as set forth in 31 said petition, and that provision will be made for a direct annual 32 tax sufficient to pay annually the interest on such bonds and the 33 principal thereof within and not exceeding the term for which 34 such bonds shall run, and shall order that a vote be taken upon 35 the issuance of such bonds in the several election precincts in the 36 county on the date specified in said petition. Notice of the elec- 37 tion shall be given as hereinafter provided. Notice of the election 38 shall be posted at least thirty days before the date fixed for holding 39 the election as follows: the clerk of the county court shall cause 40 as many copies of such order to be written or printed as may be 41 necessary and sign the same, and he shall post one of them in a 42 conspicuous place in his office, and one at the front door of the 43 court house, and deliver the others to the sheriff of the county, 44 who shall post one of said copies in a conspicuous place at each of 45 the usual voting places in the county. The certificates of such 46 clerk and sheriff that such notice has been posted by them re- 47 spectively, as heretofore provided, filed with the county court, 48 shall be conclusive evidence of such facts. The order for the 49 election may be published in such newspapers as the county court 50 may direct in the order calling the election, and shall be pub- 51 lished at least once, and thirty days prior to the date fixed for 52 such election, in some newspaper of general circulation in such 53 county, unless the county court shall recite in such order that 54 there is no such newspaper, in which case no such publication 55 shall be necessary.

56 If the date for holding such election fixed in the petition 57 aforesaid shall be the date fixed by law for holding a general 58 election for state or county officers, such vote shall be taken at 59 such general election, otherwise a special election shall be held 60 for the taking of such vote. If such vote shall be taken at a gen- 61 eral election there shall be printed or written upon the ballots to 62 be voted at such general election the words “for canal bonds” and 63 “against canal bonds;” or substantially similar words which will
enable the voter to indicate his desire on said question. If such vote shall be taken at a special election the ballots cast thereat shall bear the same or substantially similar words, which ballots need not conform to the requirements of any other law and shall be prepared and distributed by the clerk of the county court; but in case of the failure of such clerk to furnish such ballots at any voting precinct the voters thereat may prepare their own ballots. If such vote shall be taken at a general election, the result of such vote shall be ascertained, returned and canvassed in the same manner as the result of said general election. If the vote shall be taken at a special election such election shall be held at the usual voting places in the county by commissioners appointed for that purpose by the county court at the time the election is ordered, or at any time prior to the time of such election, and such election shall be opened, held and conducted, and the result shall be ascertained, returned and canvassed, substantially as provided by the law or laws governing general elections so far as the same may apply. All officers who are required to perform any duties in connection with such special election and all voters voting thereat shall be subject to the penalties prescribed in case of general elections, and the expenses of calling and holding any election hereunder shall be a county charge. If it shall appear when the result of any such general or special election is ascertained that not less than three-fifths of all the votes cast for and against the proposed bond issue are in favor of such issue, the county court shall issue the bonds so authorized as hereinafter provided. If at any such election three-fifths of all the votes cast for and against said bonds shall not be in favor of the issuance of such bonds, no further election upon such question shall be held during the six months following. The power hereby conferred shall not be deemed to be exhausted by a single submission to a vote, and a favorable vote thereat.

Sec. 3. Whenever any officer of the state of Pennsylvania, or any commission, board, or other agency thereof, or any officer of such commission, board, or other agency, thereof duly authorized by any present or future law of the state of Pennsylvania shall certify to the county court of any county which shall have voted as aforesaid to issue bonds to aid in the construction of said canal, or waterway, that contributions or appropriations, in money, or
8 bonds at par value, have been authorized as contemplated in the
9 first section of this act, at least equal in amount to the estimated
10 cost of such canal or waterway, the county court of such county
11 shall by an order or resolution, authorize and direct the president
12 and clerk of such county court (or other officers exercising like
13 functions) to execute under the seal of the county the amount of
14 bonds authorized by vote taken as aforesaid, and to deliver such
15 bonds so executed to any officer of the state of Pennsylvania, or to
16 any commission, board or other agency thereof, or to any officer of
16-a such commission, board or other agency authorized to receive and
17 receipt for said bonds by any present or future law of the state of
18 Pennsylvania. The said bonds shall bear date and be in such form,
19 either coupon or registered or coupon and registered combined, of
20 such denomination, and payable as to both principal and interest
21 at such place or places as the county court may provide, and shall
22 contain a recital that they are issued pursuant to the authority of
23 this act, and such recital shall be conclusive evidence of their va-
24 lidity and of the regularity of their issue. The order or resolu-
25 tion authorizing and directing the execution and delivery of said
26 bonds shall provide for the collection of a direct annual tax suffi-
27 cient to pay annually the interest on such bonds and the principal
28 thereof within and not exceeding the term for which they shall run
29 which may be assessed, levied and collected without regard to any
30 limitation or restriction contained in any other law or laws upon
31 the amount of taxes which may be assessed, levied and collected.
32 Said bonds may be sold from time to time at public or private sale
33 for the best price obtainable, but for not less than ninety-five per
34 cent. of the par value thereof, and accrued interest, in such manner
35 as may be provided by any present or future law of the state of
36 Pennsylvania and the proceeds thereof shall be applied to the cost
37 and expenses involved in the construction of such canal and appur-
38 tenances; but no purchaser of said bonds shall be liable to see to the
39 application of such proceeds. Before any of said bonds shall be
40 sold, all matured coupons, if any, thereunto belonging, shall be de-
41 tached therefrom and cancelled and delivered to the county court
42 of the county issuing the same.

Sec. 4. The words “county court” shall be construed to
2 include any tribunal in lieu thereof, created under the provisions
3 of section twenty-nine, article eight of the state constitution.

Sec. 5. Chapter twenty of the acts of the legislature, ses-
CHAPTER 51.

(Senate Bill No. 342.)

AN ACT to amend and re-enact chapter fifty-eight of the code of West Virginia, concerning insane persons, and to repeal chapter fifty-eight-a of the code of one thousand nine hundred and thirteen, and all inconsistent acts.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC. 1. Official designation of hospitals for the insane; each to remain at respective locations and to be managed and controlled by state board of control, (hereafter called state board), as provided herewith.

2. Word “lunatic” construed.

3. State board to have authority to adopt rules and regulations, not unlawful, to govern and control said hospitals; also to transfer patients from one to another (except the penitentiary), to prepare and prescribe forms for commitment, to divide into classes for care and treatment, and to cause to be returned patients in certain cases; governor and state board have authority to order inspection by experts; inspections, how paid.

4. Commission of lunacy established in each county; composed of president of county court, prosecuting attorney and clerk county court, to serve without compensation except necessary in discharge of duty; provision that another than president of county court may serve; president of court chairman of commission; prosecuting attorney chairman in absence of court member, and county clerk to be clerk; to keep a book for record of proceedings; two a quorum.

5. Resident of county may make complaint under oath on suspect; and duty of clerk thereunder; who has authority to issue warrant, how prepared and to whom addressed; warrant may be served by relative or friend; all meetings of commission held at county seat, unless in certain cases; before proceedings commission shall appoint guardian ad litem, to be present; witnesses to include two reputable physicians, who make separate examinations and make out certificate of result, sworn to, and constitutes evidence; action of commission if suspect be found a lunatic: if taken by friend, bond required to be approved by commission; provision in case lunatic is found harmless.

6. Provision if person found to be lunatic is a resident of another county, and duty of commission; facts to be set forth in certificate, signed and attested; duty of sheriff upon receipt of certificate; return to be entered by county clerk in record of commission; expenses incurred and how paid; proceed-
SEC. 14. No compensation to be allowed for transfer of lunatics to or from hospital, unless room is assured.

16. Duty of superintendents in case of escape of person; may offer reward or may issue warrant; what may be done in case of escape to another state.

17. Duty of jailer when insane person, epileptic, idiot or other incurable defective is confined, and also when court; allowance authorized for jailer not to exceed $1.00 per day, except in special cases; allowance authorized for clothing; requirement for payment of jailer.

18. Action to be taken for release of person confined as a lunatic, other than one charged with crime, or other than one confined in state or private hospital.

19. Guardian to be appointed in all cases where person is found to be insane.

20. Guardian to give bond with surety; conditions; to be transmitted and recorded as other bonds; appointment of appraisers for property, and duties and oath; returns, how made and to whom return; what may be done in case of failure of appraisers.

21. Guardian entitled to custody and control of person when not confined in hospital or jail. Shall hold his estate and may sue and be sued in respect thereto; shall also preserve and manage estate and surrender same to such person in case of restoration or to heirs in case of death.

22. If personal estate insufficient for discharge of debts, etc., what guardian may do.

23. Commission to chancery authorized to act on petition and report.

24. On report order to be entered for mortgage, sale or lease, but action subject to confirmation of court.

25. Action on suspect residing in state: same action on suspect residing out of the state but having property therein.

27. Resident of state defined for purposes of this act.

28. No private hospital to be established unless permit is first obtained; procedure to secure permit; state board may make inspection and revoke permit for cause.

29. Penalty for physician signing certificate without having made examination respecting sanity of person, or for malicious representations.

30. Penalties: For enticing or assisting any patient to escape from hospital; to give or sell for money, firearms, intoxicating
Sec. 31. Enclosed premises and lands adjoining declared private grounds; penalty for trespass.

Sec. 32. Duty of superintendent at close of fiscal year as to report; what facts to be set forth; lists to be made in duplicate, one for the state board, the other for the records of the institution.

Sec. 33. From lists received state board to make statement in triplicate for each county; facts to be shown; one statement for clerk of county court, one to be filed with the auditor and one for the files; county clerk to lay statement before county court; what to be done in case of error.

Sec. 34. Amount due from any county a debt due from county to state; duty of county court; duty of auditor upon receipt of statement; amounts paid by counties to be known as "state board of control funds," and subject to requisition; appropriation authorized.

Sec. 35. Manner of recovery of money paid by county under provisions of this chapter; duty of guardian or committee in certain cases, and authority of county court in enforcing payment of charges; exceptions where inability to pay exists.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-eight-a of the code of one thousand nine hundred and thirteen, and all other acts inconsistent with this act, are hereby repealed; and that chapter fifty-eight of the code of West Virginia is hereby amended and re-enacted so as to read as follows:

Chapter 58—Of Insane Persons.

Section 1. The West Virginia hospital for the insane, at Weston, shall hereafter be known as the Weston state hospital; the second hospital for the insane, at Spencer, shall hereafter be known as the Spencer state hospital; and the West Virginia asylum, at Huntington, shall hereafter be known as the Huntington state hospital. Each of the said hospitals shall remain at their respective locations, and shall be managed, governed and controlled by the state board of control (hereinafter called the state board) as provided in chapter fifty-eight of the acts of one thousand nine hundred and nine, and further as provided in this chapter.

Sec. 2. The word "lunatic", wherever it occurs in this chapter, shall be construed to include every insane person who is not an idiot.

Sec. 3. The state board shall have authority to make and adopt rules and regulations, not contrary to law, for the government and control of each of said hospitals; prescribing the powers and duties of the officers and employees thereof; regulating the admission of patients thereto, and the release, parole and discharge
6 of patients therefrom; and providing for the care, maintenance
7 and treatment of the patients therein. Said board shall also
8 have authority to transfer patients from any one of said hospitals
9 to another, and to transfer any inmate from any institution
10 under its control and management to any one of said hos-
11 pitals, and from any one of said hospitals to any of said
12 institutions (except the penitentiary); to prepare, prescribe and
13 have printed forms to be used in committing patients to any of
14 said hospitals; in order to make provision in cases of scarcity of
15 room, to divide into classes patients to be admitted thereto, so that
16 admission shall be according to the relative need of patients for
17 medical care and treatment in a hospital; and, for the same reason,
18 to cause to be returned to their relatives, or to the counties whence
19 they came, patients who are harmless and incurable, including do-
20 tards, feeble-minded, imbeciles and idiots.
21 The governor and the state board shall each have authority to
22 have any one of said hospitals inspected or investigated by an ex-
23 pert or experts, at any time either may think necessary. And the
24 governor, when done upon his order, may pay the expense thereof
25 out of the civil contingent fund; and the state board, when done
26 upon its order, may pay the same out of the current expense
27 fund of the institution inspected or investigated.

Sec. 4. There is hereby established in each county a commis-
2 sion of lunacy, to be composed of the president of the county
3 court, the prosecuting attorney and the clerk of the county court,
4 who shall serve as such without compensation, except for traveling
5 or other necessary expenses incurred in the discharge of their du-
6 ties as members of the commission, which expenses shall be audited
7 by the county court and paid out of the county treasury; provided,
8 that if the president of the county court shall not reside conven-
9 tiently to the county seat and for that reason, or for other reason,
10 shall desire not to serve as a member of the commission, the county
11 court may choose one of its other members as a member of said
12 commission. The president of the county court, or other member
13 thereof chosen in his stead, as above provided, shall be the chair-
14 man of the commission. In his absence, the prosecuting attorney
15 shall act as such chairman, the clerk of the county court shall be
16 the clerk of the commission, and shall keep in a proper book pro-
17 vided for the purpose the full and careful proceedings of all the
acts, orders and resolutions of the commission. Two members of
the commission shall be a quorum thereof.

Sec. 5. If any resident of a county suspect any person
therein to be a lunatic, he may make complaint under oath to
the clerk of the county court, giving such information and stating
such facts therein as may be required, and deliver the same to the
clerk of the county court, whose duty it shall be to issue a war-
rant ordering the person so suspected and named in such com-
plaint to be brought before the commission at a time and place
named therein, that his sanity may be inquired into. Any member
of the commission without such complaint may have such warrant
issued for any person found in his county, whom he shall suspect
to be a lunatic. All such warrants shall be signed by the clerk
of the county court and have impressed thereon the seal thereof;
and may be addressed to the sheriff of the county or to any con-
stable of any district thereof, or to a special constable appointed
for the purpose and named therein; but if any relative or friend
of the person so suspected will serve such warrant and cause such
suspected person to be brought before the commission, he may be
allowed to do so. All meetings of the commission shall be held
at the county seat, unless it shall be thought best by the commission
to meet at some other place, as in the case of an insane person
whose condition makes it advisable to meet at or near his residence.

The officer or person to whom the warrant is addressed shall
take the suspected person into his custody and bring him before
the commission at the time and place named therein. Before
proceeding with the hearing of such suspected person, the com-
mission shall appoint a guardian ad litem for him, who shall be
present at the hearing and manage the case on behalf of the per-
son suspected. Such witnesses as shall appear necessary shall be
summoned by the commission to testify in the hearing. Among
the witnesses there shall be included two reputable physicians, duly
authorized to practice medicine in this state, who shall separately
make a physical and mental examination of the suspected person,
and each physician shall make out a certificate of the result of
such examination in the form required by the state board, which
certificate shall be sworn to by the physician, and shall be consid-
ered as evidence by the commission. The substance of the evidence
37 of each witness shall be reduced to writing. If the commission
38 finds as a result of the hearing that the person suspected is a
39 lunatic and should be confined in a hospital, and that he is not a
40 resident of another county of this state, they shall order him to
41 be committed to the nearest hospital unless some relative or friend
42 of such person will agree to take care of him, in which case the
43 commission may deliver him to such person, and take from such
44 relative or friend a bond in the penalty of at least five hundred
45 dollars, with sufficient security, to be approved by the commission,
46 payable to the state of West Virginia, with condition to restrain
47 and take proper care of such insane person until the cause of con-
48 finement shall cease, or until he is delivered to the commission to
49 be proceeded with according to law; but if the person found to be a
50 lunatic is not dangerous to himself or to the lives or property of
51 others, or is found harmless and incurable, he may be delivered to
52 any relative or friend who will agree to take proper care of him,
53 without such bond, if in the judgment of the commission in any
54 case the same may be proper.

Sec. 6. If the person so found to be a lunatic by the com-
2 mission is a resident of another county of this state, the com-
3 mission shall make up and transmit to the sheriff of its county a
4 copy of the evidence taken on the examination of such person,
5 and shall find and certify to the sheriff the following facts con-
6 cerning such person, namely: His name, color, age and sex, and the
7 county of which he is a resident, giving the name of the city,
8 town or postoffice of such residence, if known. Such certificate
9 and copy of the evidence shall be signed by the chairman and clerk
10 of the commission, attested by the seal of the county. Upon re-
11 ceipt of such certificate and copy of evidence, the sheriff shall
12 thereupon remove such person to the county of which he is a resi-
13 dent and deliver him into the custody of the clerk of the county
14 court; or, in his absence, to the sheriff, and take a receipt in writ-
15 ing for him, which shall show the name of such insane person,
16 the date of delivery, the person who delivered him and the person
17 receiving him. The sheriff shall make due return to the clerk of
18 the county court of his county, showing the manner in which he
19 removed such insane person, making the above mentioned receipt
20 part of such return. Such return shall be entered by the county
21 clerk in the record of the proceedings of the county commission
The expenses necessarily incurred in effecting such re-
moval, 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 commission of lunacy 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 lunacy of the other county.

Sec. 7. When a person has been committed to a hospital,
as hereinbefore provided, the clerk of the commission shall im-
mediately communicate with the superintendent of the proper hos-
pital, and forward to him the commitment papers. In the mean-
time the commission may deliver such insane person into the cus-
tody of the sheriff for safe keeping until he is taken to the hos-
pital, or may provide for his safe keeping for such time by any
relative or friend who may agree to do so, upon such terms as
may be agreed upon. No such insane person shall be confined in
any jail, lockup, or other similar place, unless by reason of his
violent or dangerous condition the same shall be necessary; and it
shall be the duty of the commission to have all such persons ad-
mitt ed to a hospital where they can receive proper treatment, as
speedily as possible. In any case the clerk of the county court may
communicate with the superintendent of the hospital by telegraph
or telephone. All expenses incurred in the arrest, hearing, and
transportation of any insane person to a hospital, including any
such telegraphing or telephoning, shall be certified to the county
court by the clerk thereof, and shall be paid out of the county
treasury.

Sec. 8. The superintendent of the hospital to whom ap-
plication 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 admit-
ted to his institution, and there is room for him therein, he
shall, without delay, cause such person to be brought to his hos-
pital by one of the attendants thereof, the actual expenses where-
8 of shall be paid out of the proper fund of the hospital, and re-
9 paid to the state by the county as hereinafter provided. If there
10 be no room in the hospital to which the application is made,
11 the superintendent thereof shall immediately communicate the
12 fact to the state board, which he may do when deemed neces-
13 sary by telegraph or telephone, and transmit the commitment
14 papers to the state board, whose duty it shall be to ascertain
15 whether there is room in any one of the other hospitals, and if
16 there is, to cause him to be admitted thereto, and the superin-
17 tendent thereof to send an attendant for such person; provided,
18 that any reputable and trustworthy relative or friend of such
19 insane person may be allowed by the county commission of lu-
20 nacy to deliver him to the hospital, if such relative or friend
21 will do so, without expense to the county or state.

Sec. 9. When a person committed to a state hospital is
2 received therein he shall be carefully examined by the super-
3 intendent and the assistant physicians thereof, who are hereby
4 constituted the examining board of such institution. Such ex-
5 amination shall be made as soon after such person is received
6 in the hospital as may be prudent; and, if from such examina-
7 tion (or from a subsequent examination, if the first one be not
8 satisfactory to the examining board) he is found to be insane
9 and a proper person to be received therein, he shall be registered
10 as an inmate of such hospital, and receive maintenance, treat-
11 ment and care therein; but if he is not a proper person to be re-
12 ceived in such hospital, or if in the opinion of the examining
13 board such person be not insane, the superintendent shall cause
14 him to be returned by an attendant to the sheriff of the county
15 from which he was received. On receiving any such person it
16 shall be the duty of the sheriff immediately to notify the clerk
17 of the county court thereof; and it shall be the duty of the com-
18 mission of lunacy of such county promptly to consider and dis-
19 pose of such case.

Sec. 10. The county court of any county may make con-
2 tract with two or more competent physicians respecting the com-
3 pensation to be paid to them for their services in examining lu-
4 natics and other persons brought before the commission of lu-
5 nacy of the county, the county court, or the circuit court, or
6 confined in jail. The compensation of physicians, of all wit-
7 nesses, and of all other persons and officers whose compensa-
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Section 11. Any resident of this state who is in the early stages of insanity, or believes himself about to become insane, or any epileptic who is not insane, or any other person so afflicted as to believe that treatment in one of said hospitals would be beneficial to him, may make application to the state board for the benefit of treatment in one of the state hospitals, as a voluntary patient. The application must be in writing, in such form as the state board may prescribe, and be signed by the applicant, who shall acknowledge his signature before a justice or a notary public. The state board may require the certificate of one or more physicians and such other evidence of the mental and bodily condition of the applicant as they may think proper; and the board may admit him for treatment in any state hospital upon such terms and conditions, and with such security for payment of the price agreed upon for treatment and maintenance therein, as the board may deem proper. A voluntary patient may be discharged upon certificate of the superintendent of the hospital, because he is cured or because further treatment therein is unnecessary or undesirable. A voluntary patient shall have the right to leave the hospital at any time if in the judgment of the superintendent he is in fit condition, and it is prudent for him to go at large, by giving five days' notice of his desire to do so. Any relative or friend of any such person, or any relative or friend or the guardian or committee of any imbecile, idiot or other incurable mental defective, may make application to the state board for his treatment in a state hospital, and the board may take such action thereon as is provided above in this section, all the provisions of which shall apply to such case, so far as applicable, as when the application is made by the person himself.

Section 12. There shall also be admitted to the Huntington state hospital epileptics and idiots, and also such other incurable mental defectives as the state board may deem eligible; but
in no case to include tubercular, cancerous or leprous persons. Such persons shall be committed by county courts, or in such other manner as the state board may prescribe, and according 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 commission of lunacy 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 of lunacy, 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 per-
son signing the petition, shall pay the costs of the proceeding.
In any case in which a court may find a person sane upon an in-
quest or trial respecting his sanity, he shall be discharged and
entitled to a certified copy of the order of the court made in the
case. Nothing in this section shall be construed as applying to
patients charged with or convicted of crime, as provided in sec-
tion fifteen hereof.

Sec. 14. When any person confined in a state hospital charg-
ed with crime and subject to be tried therefor, or convicted of crime
and subject to be punished therefor, shall be restored to sanity, the
superintendent shall give notice thereof to the clerk of the court
by whose order he was confined, and deliver him to the proper offi-
cer upon the order of the court.

Sec. 15. If any person charged with or convicted of crime, be
found in the court before which he is so charged or was convicted
to be insane, and if such court shall order him to be confined in
one of the state hospitals, he shall be received and confined in it if
there be room therein for him. The sheriff or other officer of the
court by which the order is made, shall immediately proceed in
the manner directed by section seven of this chapter, to ascertain
whether such vacancy exists in a state hospital; and until it is as-
certained that there is a vacancy, such person shall be kept in the
jail of such court.

Sec. 16. No officer shall be allowed anything for carrying a
lunatic or other person to or from a hospital, whether for himself,
his guard, or the lunatic, unless he shall have previously ascer-
tained that there is room therein for such lunatic.

Sec. 17. If any person confined in a state hospital escape
therefrom, the superintendent thereof shall issue a notice, giving
the name and description of the person escaping, and requesting
his apprehension and return to the hospital; and may offer
such reward for the return of such person as the state board
may authorize. The superintendent may issue a warrant directed
to the sheriff of the county, commanding him to arrest and carry
such escaped person back to the hospital, which warrant the sheriff
may execute in any part of the state. If such person flee to an-
other state, the superintendent shall notify the state board thereof,
and the board shall take such action as it may deem proper in the
premises for the return of such person to the hospital. The sheriff
or other person making such arrest shall be paid such compensation as is provided for like services in other cases, and such additional compensation in any case as the state board may think reasonable and just.

Sec. 18. When any person is confined in any jail as an insane person, or an epileptic, or an idiot, or other incurable defective, the jailer shall certify the fact to the circuit court of the county at the next ensuing term, and the court shall thereupon cause such person to be examined, if yet in jail, by two competent physicians, who shall report the result thereof to the court. The court shall then make such provision for the care and maintenance while in jail of such person as it may deem proper: provided, however, that the allowance to the jailer for such care and maintenance shall not exceed one dollar per day, except in special and extraordinary cases, when the court may allow a larger sum. A reasonable allowance may be made for clothing for such person. No such allowance shall be ordered or paid, unless it appear in the certificate that the jailer proved to the court that, immediately after the commitment of such person, and at least once in each ten days thereafter, application was made to a state hospital for admission, and that such application was refused for want of room, or that applications were not continued because the admission of such person had been refused for some other cause than from want of room, and it further appears in such certificate that the jailer made report in due time to the circuit court of the county, as provided in the first part of this section.

Sec. 19. If any reputable person present to the clerk of the county court of a county wherein a person is confined as a lunatic, other than one charged with or convicted of crime, or other than one confined in a state hospital, or a duly licensed private hospital, an application in writing for the discharge of such lunatic on the ground that he has been restored to sanity, the commission of lunacy for the county must consider the same, and may proceed to make an inquest upon such lunatic as is hereinbefore provided. If the commission find that such person has been restored to sanity, they shall set him at liberty if they have authority to do so; and if they have not such authority, they shall give a certificate of their finding to the person making the application, who may present it to the proper court.

Sec. 20. When a person is found insane by the county com-
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Sec. 21. The court making the appointment of such guardian or committee shall take from him a bond in such penalty and with such surety as it shall deem sufficient, with condition that the person so appointed will well and truly account for and pay over to the persons entitled thereto all property and moneys which may come into his hands by virtue of such appointment, and with such other conditions as the court may require. When such appointment is made by a circuit court, the clerk thereof shall, without delay, certify to the clerk of the county court the appointment so made, and shall transmit the bond given, and it shall be recorded by the clerk of the county court as other bonds are recorded. The county court shall appoint three disinterested persons to appraise the property, both real and personal, of any such person, which appraisers before entering upon their duties shall take and subscribe an oath that they will fairly and impartially perform their duties as such appraisers; and they shall return a list of all the property owned by such person or to which he may be entitled, by separate items, setting forth the true and actual value of each item of such property and the aggregate value thereof. The report of the appraisers shall be returned to the clerk of the county court, and recorded in his office, as is provided by law for the recordation of the appraisement of the property of deceased persons. If any person so appointed as guardian or committee refuse the trust, or shall fail, at or before the term succeeding his appointment, to give bond as aforesaid, the court, on the motion of any party interested, or at its own instance, may appoint some other person guardian or committee, taking from him bond as above provided, or may commit the estate of such person to the sheriff of the county, who shall act as such guardian or committee, and he and the sureties on his official bond shall be liable for the faithful performance of the trust.

Sec. 22. The guardian or committee of any such person shall be entitled to the custody and control of his person when he resides in the state and is not confined in a state hospital or in jail, and shall take possession of his estate, and may sue and be sued...
in respect thereto, and for the recovery of debts due to and from such person. He shall preserve such estate and manage it to the best advantage; shall apply the personal estate or so much thereof as may be necessary, to the payment of the debts of such insane person, and the rents and residue of his estate, real and personal, or so much as may be necessary, to the maintenance of such person, and of his family, if any; and shall surrender the estate, or as much as he may be accountable for, to such person in case he shall be restored to sanity, or the real estate to his heirs or devisees, and the personal estate to his executors or administrators, in case of his death without having been restored to sanity.

Sec. 23. If the personal estate of such insane person be insufficient for the discharge of his debts, or if such estate or the residue thereof after payment of the debts, and the rents and profits of his real estate, be insufficient for his maintenance and that of his family, if any, the guardian or committee of such person may petition the circuit court of the county in which he was appointed, for authority to mortgage, lease or sell so much of the real estate of such insane person as may be necessary for the purposes aforesaid, or any of them; setting forth in the petition the particulars and the amount of the estate, real and personal, the application which may have been made of any personal estate, and an account of the debts and demands existing against the estate.

Sec. 24. On the presentation of such petition, it shall be referred to a commissioner in chancery, to inquire into and report upon the matters therein contained, whose duty it shall be to make such inquiry, to hear all parties interested in such real estate, and report thereon with all convenient speed.

Sec. 25. If, upon the coming in of the report and examination of the matter, it shall appear to the court to be proper, an order shall be entered for the mortgage, leasing or sale (on such terms and conditions as the court may deem proper) of so much of the said real estate as may be necessary. But no conveyance shall be executed until the sale shall have been confirmed by the court. The proceeds of any such sale shall be secured and applied under the order of the court.

Sec. 26. If a person residing in this state, but not so found, be suspected to be insane, the circuit court of the county of which such person is an inhabitant shall upon the application of any per-
Son interested, and after five days' notice to the person suspected, proceed to examine into his state of mind, and if satisfied that he is insane, shall appoint a committee for him. If a person residing out of this state, but having property therein, be suspected to be insane, the circuit court of the county wherein the property or a greater part of it is, shall, upon like application and being satisfied that he is insane, appoint a committee for him.

Sec. 27. For the purposes of this chapter no person shall be considered a resident of this state unless he is a citizen of the United States and has been a bona fide resident of this state for at least one year, and was not insane when he came into this state. And as among the counties, no person shall be considered a resident of a county who is not a resident of the state as above defined, and has been a resident of the county for at least sixty days, and was not insane when he came into the county. In the inquiry on a person before them suspected of insanity, the county commission of lunacy, if it appear that he is not a resident of this state, shall make diligent inquiry to ascertain his residence, and if it be ascertained, shall state in the commitment papers as definitely as their information shall justify, the city, town or other place, as well as the state or county, of which he is a resident. When a person who is a non-resident of this state is registered as an inmate of a state hospital, the superintendent thereof shall immediately report the fact to the state board. The board shall take proper steps to cause such a person to be deported, if an alien; or, if otherwise a non-resident of this state, to be taken to the state, territory or place of his residence and delivered to the proper authorities thereof.

Sec. 28. No private hospital for the care and treatment of the insane for compensation shall be established unless a permit therefor shall be first obtained from the state board. The application for such permit must be accompanied by the plan of the premises to be occupied, and with such other data and facts as the board may require, who may make such terms and regulations in regard to the conduct of such hospital as it may think proper and necessary. The state board, or any member thereof, or any person by the board authorized to do so, shall have full authority to investigate and inspect such private hospital; and the state board may re-
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Sec. 29. Any physician who shall sign a certificate respecting the sanity of any person without having made the examination as provided for by this chapter, or shall make any statement in any such certificate maliciously for the purpose of having such person declared insane, and any person who shall maliciously make application to any commission of lunacy or other tribunal for the purpose of having another person declared insane, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both fined and imprisoned at the discretion of the court. Not more than one physician of any firm or association of physicians practicing medicine together, shall sign a certificate provided for in this chapter respecting the mental or bodily condition of any person suspected of insanity.

Sec. 30. If any person shall entice any patient from any of said hospitals who has been legally committed thereto, or attempt to do so; or shall counsel, cause or influence or assist, or attempt to do so, any such patient to escape or attempt to escape therefrom, or harbor or conceal any such patient who has escaped therefrom; or shall without the permission of the superintendent of any such hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any money, firearms, intoxicating drink, drugs, cigarettes, tobacco, or any other article whatever; or, shall receive from the hands of any such patient any thing of value, whether belonging to state or not; or shall cause or influence, or attempt to cause or influence, any such patient to violate any rule or to rebel against the government or discipline of such institution; or shall tease, poster, annoy, or molest any such patient, he shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not less than ten nor more than one hundred dollars, or be imprisoned not exceeding six months, or, in the discretion of the court, be both fined and imprisoned. If any person shall aid or abet the commission of any of the foregoing offenses or aid or abet an attempt to commit the same, he shall be guilty the same as if he were the principal, and be punished as above provided. In the trial of an indictment for committing any of the above named offenses, the accused may be found guilty of an attempt to commit the same, or if aiding or abetting another in committing or in an attempt to commit the same. If any person, not her husband, shall
25 have sexual intercourse with any female patient who is an inmate
26 of any of said hospitals he shall be guilty of a felony and, on con-
27 viction thereof, shall be confined in the penitentiary not less than
28 ten nor more than fifteen years; and if such female patient be un-
29 der sixteen years of age, he shall be imprisoned not less than ten
30 nor more than twenty years.

Sec. 31. The inclosed premises and the lands adjoining the
2 same belonging to any one of said state hospitals, are hereby
3 declared private grounds; and if any person be found thereon with-
4 out authority or permission or good excuse, he shall be deemed a
5 trespasser and, on conviction thereof, shall be fined not exceeding
6 twenty-five dollars; and if it shall appear that he was thereon for
7 any unlawful or immoral purpose, in addition to being so fined he
8 shall be imprisoned not exceeding sixty days.

Sec. 32. Immediately after the close of each fiscal
2 year, after the year ending June thirtieth, one thou-
3 sand nine hundred and fifteen, the superinten-
4 dent of each
5 of said hospitals shall make out and certify, in dupli-
6 cate, a list showing the following facts and such others as the state
7 board shall require, namely: The name, color, sex and age of each
8 inmate cared for and maintained in his hospital for any part of
9 the preceding fiscal year; the name of the county of which he was
10 a resident at the time of his admission; the date of his admi-
11 sion, and the length of time during the preceding fiscal year he was an
12 inmate; all payments made by or on behalf of any such inmate, by
13 whom paid, and the date and amount of each of such payments.
14 Said list shall also give the amount paid by the institution or by
15 the state for transportation of each inmate thereto, including trans-
16 portation for any inmate returned thereto who was out on parole.
17 One of said lists the superintendent shall deliver to the state board
18 within ten days after the close of each fiscal year, after the fiscal
19 year ending June thirtieth, one thousand nine hundred and fifteen,
20 and the other he shall file among the records of his institution.

Sec. 33. From the lists received from the superintendents
2 the state board shall, without delay, make up and certify a state-
3 ment, in triplicate, for each county named in any such list, show-
4 ing the following facts and any others the board may think neces-
5 sary. The name, color, sex and age of each inmate from the coun-
6 ty, except those who have paid or others have paid for them the
7 entire cost of their care and maintenance and all transportation ex-
8 penses, the name of the hospital of which an inmate, when admit-
9 ted therein, and the length of time he was in such institution dur-
10 ing the preceding fiscal year, and the amount due for his care and 
11 maintenance and transportation expenses separately, and the whole 
12 amount due from the county on account of all the inmates named 
13 in such list. In such list there shall be stated all payments made 
14 by or on behalf of any inmate named therein, giving the date, 
15 amount, by whom paid, and the name of the inmate on whose be-
16 half each payment was made, and the board shall deduct the 
17 amount of all such payments from the whole amount due, and the 
18 balance or net amount thereby shown shall be a debt due from the 
19 county to the state, and shall be paid into the state treasury and 
20 collected as hereinafter provided. One of such statements for each 
21 county shall be transmitted to the clerk of the county court of the 
22 county, one shall be filed with the auditor, and the other the board 
23 shall file in its office. The clerk of the county court shall lay such 
24 statement before the county court at its next session, and there-
25 after file and safely keep the same in his office. If the county court 
26 shall find any errors therein it shall report the same to the state 
27 board, and the board shall consider the same, and certify to the 
28 auditor any such error, and the auditor shall credit the account of 
29 the county with the amount thereof, and report the same to the 
30 sheriff of the county.

Sec. 34. The amount shown to be due from any county by 
2 any such statement certified by the state board shall be a debt due 
3 from the county to the state. And it shall be the duty of the coun-
4 ty court of the county to cause the same to be paid 
5 into the state treasury, and include the amount in the next 
6 levy for county purposes. On receipt of any such state-
7 ment the auditor shall charge the amount against the 
7-a county shown thereby to be due from the county to the state, 
8 and notify the sheriff of the county thereof. The auditor shall ap-
9 propriate to the payment of such amount any moneys in the state 
10 treasury, or that may thereafter come therein, to the credit of the 
11 county; and if there be none such, or they be insufficient, the au-
12 ditor shall collect the same in any manner provided by law. On 
13 or before the tenth day of each month the auditor shall report to 
14 the state board all payments made into the state treasury in the 
15 preceding month by each county on account of any such
statement against it, stating the name of the institution for which
paid in; and if any payment made be less than the entire amount
due, the auditor shall state for which institution the payment was
made, and the amount paid in on the account of each institution.
All amounts paid by counties shall be known as “state board of con-
trol funds,” and shall be credited by the auditor to the institution
on whose account the same was paid; and the amounts so paid shall
be subject to the requisition of the state board of control, from time
to time, for the benefit of the institution on whose account the same
was paid; and all such moneys and funds are hereby appropriated
for the purpose.

Sec. 35. All moneys which any county shall pay or become
liable for under the provisions of this chapter the county court
of the county may recover, within five years after payment of
the same by the county or from the time the county became lia-
ble therefor, from the persons and in the manner following,
namely: if the inmate be a minor, from his guardian; or, if
he have no estate, or it be insufficient, from his father; or, if he
have no father or his estate be insufficient, from his mother. If
the inmate be an adult, from his or her estate; but if such es-
tate be insufficient, and the inmate be a wife, from the estate
of her husband; or, if his estate be insufficient, from the estate
of her children, or such of them as have sufficient estate. If the
inmate be a husband, and his estate be insufficient, from the es-
tate of his wife; or, if her estate be insufficient, from the estate
of his children, or such of them as have sufficient estate.

It shall be the duty of the guardian or committee of any
such inmate to pay to the county of which his ward is a resident,
if he have sufficient estate in his hands to do so, the money so
due to the county from his ward. The county court may order
its clerk to make out a bill against any such inmate for the sum
so due to the county, which bill shall show the different items and
the amount of each, and be certified by the clerk as correct, and
by him delivered to the sheriff for collection. The clerk shall
charge against the sheriff the amount of each of such bills, show-
ing the date when delivered to the sheriff. It shall be the duty
of the sheriff to collect the same from the proper person, or the
guardian, or committee of such inmate. Within sixty days after
receiving any such bill, or at the next session of the county court
held after the expiration of such sixty days, the sheriff shall make
a report to the county court of his acts in respect thereto and
return all such bills he has been unable to collect. The county
court may re-deliver any of such bills to the sheriff for collection,
in respect thereto the sheriff shall make report as above pro-
vided. In the recovery of moneys due the county under the pro-
visions of this chapter, in addition to the provisions of this chap-
ter all the provisions of sections fifteen, sixteen, seventeen and
eighteen of chapter forty-six of said code shall apply as far as
they may be applicable; and the county court may proceed ac-
cording to said provisions without first placing the claim in the
hands of the sheriff for collection; provided, that as to any per-
son liable to the county for any money under the provisions of
this chapter, the county court may, if it find he is unable to pay
the same, or that the payment of the same would work a hard-
ship upon him or his family or others dependent upon him, ex-
onorate him from the payment of the same or from a part there-
of, or make any other order in the matter that the county court
shall deem just and equitable or expedient under all the circum-
stances of the case.

CHAPTER 52.
( Senate Bill No 213.)

AN ACT providing for the payment of deposits in banks by minors
to such minors.

[Passed February 20, 1915. In effect ninety days from passage. Approved by
the Governor March 4, 1915.]

Sec. 1. Minor having credit for a deposit
in bank or trust company in
his or her name, such bank or
trust company may pay on

Sec. 2. check or order of such deposi-
tor, and such payment valid
in all respects, except under
specific directions, in writing,
otherwise.

Be it enacted by the Legislature of West Virginia:
Section 1. Whenever any minor shall make or have credit for
a deposit in any bank or trust company in his or her name, such
bank or trust company may pay such money on the check or order
of such depositor the same as in cases of depositors of legal age,
and such payment shall be in all respects valid, except when such
bank or trust company has been specifically directed to do other-
wise, in writing, by the parent or guardian of such minor.
CHAPTER 53.
(Senate Bill No. 351.)

AN ACT providing for the submission of an amendment to the constitution of the state of West Virginia, section twenty-three of article eight.

[Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC. 1. Provisions enabling the submission of proposed amendment to section two of article fourteen of the constitution of West Virginia at the next general election in the year 1916; proposed amendment set forth.

SEC. 2. For convenience proposed amendment designated.

SEC. 3. Directions to board of ballot commissioners in each county for preparation of ballot; form of ballot; number to be printed; directions as to commissioners of election, and right of voter as to any other ballot; election, how supervised, conducted and returned.

SEC. 4. On 25th day after election, or as soon thereafter as practicable, certificates to be laid before the governor; duty of governor upon ascertaining of result; if ratified by a majority to become a part of constitution of the state.

Be it enacted by the Legislature of West Virginia:

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

Section twenty-three of article eight to be amended, so as to read as follows:

Section 23. (1) The commissioners shall be elected by the voters of the county, and hold their office for the term of six years, except 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 a term of two years, one for four years and one for six years, so that one shall be elected every two years. But no two of said commissioners shall be elected from the same magisterial district. But if two or more persons residing in the same district shall receive the greatest number of votes cast at any election, then only the one of such persons receiving the highest number of votes shall be declared elected, and the person living in another district who shall receive the next highest number of votes shall be declared elected. Said commissioners shall annually elect one of their number as

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14 president, and each shall receive four dollars per day for his ser-
15 vices in court, to be paid out of the county treasury; provided,
16 however, that said payment of four dollars per day shall not ex-
17 ceed the sum of four hundred dollars per year for each commis-
18 sioner; and provided, further, that such compensation may be
19 increased in any county by the assent of a majority of the votes
20 cast on the question at any general or special election.
21 (2) For convenience in referring to the said proposed
22 amendment, and in the preparation of the form of the ballot
23 hereinafter provided for, said proposed amendment is hereby des-
24 ignated as follows:
25 To be known as "County Court Amendment."
26 (3) For the purpose of enabling the voters of the state to
27 vote on the question of said proposed amendment to the constitu-
28 tion at the said general election to be held in the year one thou-
29 sand nine hundred and sixteen, the board of ballot commissions-
30 ers of each county are hereby directed to provide and have print-
31 ed a separate ballot of convenient size, distinctly printed and in
32 form substantially as follows:

Ballot on Constitutional Amendment.

County Court Amendment.

34 Amending section twenty-three of article eight.
35 [ ] For Ratification.
36 [ ] For Rejection.
38 The same number of said separate ballots shall be printed,
39 and shall be supplied to the several voting places in each county,
40 and to be paid for in the same manner as is provided for the reg-
41 ular ballots to be used at said general election.
42 The commissioners of election at the several voting places
43 in each county, shall furnish to each voter one of said separate
44 ballots to be used by him for voting on the question of said pro-
45 posed amendment; but any voter shall also have the right to vote
46 on the question of said proposed amendment by any other ballot
47 printed or written, which he may see fit to use, and which suf-
48 ficiently discloses his intention, and no ballot cast at said election on
49 the question of the proposed amendment shall be rejected if it
50 sufficiently appears therefrom what the voter intended; and every
51 voter shall have the right to vote on said proposed amendment as
52 he shall see fit.
CHAPTER 54.
(Senate Bill No. 84.)

AN ACT to amend and re-enact section one of chapter thirteen of the code of West Virginia, concerning the distribution of the session acts.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC. 1. Free distribution of acts and joint resolutions of each session of the legislature, etc., to be made by secretary of state and to whom; secretary of state directed to arrange with other states for exchange of two copies, and where deposited, if exchange effected; copies to be sent as secretary of state may deem best; remaining copies of acts to be sold by secretary of state at price to be fixed by him and governor, and proceeds to be turned into state treasury; additional copies of acts may be furnished on written request of the governor.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Free distribution of the acts and joint resolutions of each session of the legislature, and other matter directed by law to be published therewith, shall be made as follows by the secretary of state; one copy to every judge and clerk of each court in this state, and one copy to the judge, one copy to the clerk and one to
the marshal of every United States district court of this state;
7 one copy to every prosecuting attorney, sheriff, assessor, county
8 superintendent of free schools, surveyor of lands, commissioner of
9 the county court, and justice of the peace; five copies to the
10 governor, three copies to the attorney general, two copies to the
11 state superintendent of free schools, two copies to the secretary
12 of state, two copies to the auditor, one copy to the treasurer, one
13 copy to the adjutant general, four copies to the public service
14 commission, three copies to the state board of control, one copy to
15 the department of mines, one copy to the commissioner of labor
16 and one copy to the commissioner of agriculture; five copies to the
17 clerk of the senate, one for his own use, and the others to be kept
18 in his office for the use of the senate, and ten copies to the clerk of
19 the house of delegates, one for his own use, and the others to be kept
20 in his office for the use of the house; ten copies to each member of the legislature, one for his own use, and the others for distribution; ten copies to the college of law of the West Virginia university; one copy to each public institution of the state; three copies to the librarian of congress, one for the library and one for each house of congress; one copy to each senator and representative in congress from this state; three copies to the secretary of state of the United States, one for his own office, one for the president and one for the attorney general of the United States; one copy to the governor of each state and territory and possession of the United States.

The secretary of state shall arrange as far as possible with each of the other states for the exchange of two copies therewith, one of which copies received from each state shall be deposited in the state law library at Charleston, one copy in the library of the college of law of West Virginia university, and the other copies, if any, so received from any other state, to be disposed of as the governor shall direct. The said exchange with other states may be made direct by the secretary of state or through the state librarian, whichever may be deemed best and ordered by the governor.

All of said copies named in this section shall be sent by mail, express or otherwise, as the secretary of state may deem best. The acts to which the officers of a county may be entitled shall be forwarded to the clerk of the county court thereof, and shall be given by him to the officers entitled to receive the same. Upon receipt of the said acts by him, the clerk of the county court shall for-
ward his receipt therefor to the secretary of state, specifying the number received; and he shall require each person receiving a copy of said acts from him to sign a receipt therefor in a book to be kept by him for that purpose. The remaining copies of the acts received by the secretary of state shall be sold by him at a price fixed by him and the governor, which shall cover the cost thereof to the state, and the proceeds of all such sales shall be paid monthly by the secretary of state into the state treasury; provided, that the governor may in writing cause additional copies of said acts to be furnished to any officer, court, institution and board now entitled to one or more copies, and he may also cause one or more copies of said acts to be furnished to any officer, board, commission, institution or tribunal not named herein.

CHAPTER 55.
(Senate Bill No. 291.)

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state of West Virginia, amending section one of article four.

[Passed February 23, 1915. In effect ninety days from passage. Approved by the Governor March 3, 1915.]

SEC. 1. Question of ratification or rejection of proposed amendment to section 2, of article 14, of constitution of West Virginia, to be submitted to voters at next general election; proposed amendment set out.

SEC. 2. Convenient designation of proposed amendment.

SEC. 3. Enabling provision and requirement of ballot commissioners; election to be superintended, conducted and returned and result ascertained by same officers and same manner as election of officers, and all lawful provisions apply; counting of ballots.

SEC. 4. Result of election, and duty of commissioners; form of certificates; two to be made, and to whom delivered; certificates and ballots to be laid before county court, who shall ascertain result, prepare certificates, two in number, form prescribed; to whom delivered.

SEC. 5. Twenty-five days after election certificates laid before governor; to ascertain and declare result and publish proclamation.

SEC. 6. Governor to cause proposed amendment to be published at least three months in newspaper in each county; price and how to be paid.

Be it enacted by the Legislature of West Virginia:

That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provisions of section two of article fourteen of said constitution, shall be submitted to the voters of the state at the next gen-
eral election, to be held in the year one thousand nine hundred and sixteen, which proposed amendment is as follows:

That section one of article four of said constitution as it now is, be altered and amended so as to read as follows:

Section 1. The citizens of the state, both male and female, shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the state for one year, and of the county in which he or she offers to vote, for sixty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein.

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

To be known as "Female Suffrage Amendment."

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

Amending section one of article four.

[ ] "For ratification of female suffrage amendment."

[ ] "Against ratification of female suffrage amendment."

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

Sec. 4. As soon as the result is ascertained, the commissioners, or a majority of them, and the canvassers (if there be any) or a majority of them at each place of voting, shall make out and sign two certificates thereof, in the following form, or to the following effect:

"We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at ..........., in the district of ..........., in the county of ..........., on the .... day of ..........., one thousand nine hundred and sixteen, upon the question of the ratification or rejection of the proposed constitutional amendment, to section one of article four, do hereby certify that the result of said election is as follows:

"Amending section one of article four.
"For ratification of female suffrage amendment........ votes.
"Against ratification of female suffrage amendment........ votes.

"Given under our hands this ........ day of ........, one thousand nine hundred and sixteen."

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

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

"We, the board of canvassers of the county of ..........., having carefully and impartially examined the returns of the elec-
tion held in said county, in each district thereof, on the ...........

day of November, one thousand nine hundred and sixteen, do
certify that the result of the election in said county, on the ques-
tion of the ratification or rejection of the proposed amendment to
section one of article four is as follows:

"For ratification of female suffrage amendment........ votes.

"Against ratification of female suffrage amendment....... votes.

Given under our hands this........ day of ........ one
thousand nine hundred and sixteen."

One of the certificates shall be filed in the office of the
clerk of the county court, and the other forwarded by mail to the
secretary of state, who shall file and preserve the same until
the day on which the result of said election in the state is to
be ascertained, as hereinafter stated.

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

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

CHAPTER 56.

(House Bill No. 150.)

AN ACT to repeal sections one hundred and thirty-one and one-half,
and one hundred and thirty-two of chapter twenty-seven of the
acts of the legislature of one thousand nine hundred and eight, extra session, and to re-number sections eighty and ninety of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, so that their numbers shall be eighty-one and eighty-three, respectively, and to re-number section eighty-eight of chapter sixty-six of the acts of the legislature of one thousand nine hundred and eleven so that its number shall be ninety-five and to re-number section ninety-two and one-half of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eleven so that its number shall be ninety-four, and to amend and re-enact sections fifty-seven, seventy-eight, eighty-three, eighty-four, eighty-five, eighty-nine, ninety-three, ninety-four, ninety-five, ninety-six, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, and one hundred and thirty-six, of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, and to re-number sections eighty-two and ninety-two of chapter twenty-five of the acts of the legislature of one thousand nine hundred and eight, extra session, and sections eighty-one, eighty-six and ninety-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and eleven, and section eighty-seven of chapter sixty-nine of the acts of the legislature of one thousand nine hundred and thirteen, all relating to education.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

Sec. 57. No person to be employed until he presents valid certificate to board of education to be filed with secretary and endorsed, and no salary paid unless filed.

Sec. 78. In free schools or state subjects to be taught in high schools such other subjects as prescribed by state board of education: exceptions as to boards of district, independent district or county high schools.

Sec. 80. No person to be employed to teach not of good moral character and physically and mentally qualified: must be 18 years of age, and hold valid teacher's certificate.

Sec. 82. For preparation and printing of questions, grading manuscripts, transmission of certificates and clerical work, appropriation authorized.

Sec. 84. Fee for applicant taking first examination; subsequent examinations; after paying legiti-
Be it enacted by the Legislature of West Virginia:

That sections one hundred and thirty-one and one-half and one hundred and thirty-two of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, be and the same are hereby repealed; and that sections eighty and ninety of chapter twenty-seven of the acts of one thousand nine hundred and eight, extra session, he re-numbered so that their numbers shall be eighty-one and eighty-three, respectively; and that section eighty-eight of chapter sixty-six of the acts of one thousand nine hundred and eleven be re-numbered so that its number shall be ninety-five; and that section ninety-two and one-half of chapter twenty-seven of the acts of one thousand nine hundred and eleven be re-numbered so that its number shall be ninety-four; and to amend and re-enact and re-number sections fifty-seven, seventy-eight, eighty-three, eighty-four, eighty-five, eighty-nine, ninety-three, ninety-four, ninety-five, ninety-six, one hundred-
dred and thirty, one hundred and thirty-one, one hundred and thirty-
three, one hundred and thirty-four, one hundred and thirty-five, and
one hundred and thirty-six of chapter twenty-seven of the acts of the
legislature of one thousand nine hundred and eight, extra session; and
sections eighty-two and ninety-two of chapter twenty-five of the acts of
the legislature of one thousand nine hundred and nine; and sections
eighty-one, eighty-six and ninety-one of chapter sixty-six of the acts of
the legislature of one thousand nine hundred and eleven; and section
eighty-seven of chapter sixty-nine of the acts of the legislature of one
thousand nine hundred and thirteen, so as to read as follows:

Section 57. No person shall be employeJ to teach in a free
school of this state until he has pr?scntc11 to the board of edu-
cation having charge thereof, a valid teacher’s certificate which
shall be filed until the close of the school term with the secretary
of the board of education of the district wherein said school is
situated, and so endorsed by the secretary, and no salary shall be
paid to any teacher unless such certificate be so filetl.

Subjects Taught.

Sec. 78. In the free schools of this state there shall be
taught reading, orthography, penmanship, arithmetic, English
grammar and language, United States and West Virginia history,
general and West Virginia geography, civil government, agricul-
ture, physiology and hygiene, and in connection therewith
the nature of alcoholic drinks and narcotics, with special instruc-
tion as to their effect upon the human system; and in
addition thereto in high schools, such other subjects as may be re-
quired in the course of study prescribed by the state board of ed-
ucation; provided, that the board of education of any district or
independent district or any county high school board may estab-
lish in the elementary or high schools under their control, schools,
departments, or classes for the teaching of manual training, home
economics, agriculture, commercial subjects and such other indus-
trial and vocational subjects as they may determine, and main-
tain the same from the school funds of their district or county.
Said board of education or county high school board may, at their
discretion, provide for the continuance of such industrial and vo-
cational instruction beyond the regular school term.
Examimation and Certification of Teachers.

Sec. 80. No person shall be employed to teach in the free schools of this state or shall receive for teaching any part of any free school fund who is not of good moral character and physically and mentally qualified to perform the duties of a teacher; who has not attained the age of eighteen years on or before the first day of September of the year in which his certificate was issued, and who does not at the time he enters upon his duty hold a valid teacher’s certificate covering the period of his employment.

Expenses.

Sec. 82. For the preparation and printing of questions, the grading of manuscripts, the transmission of certificates, and the additional clerical work demanded, the state superintendent of schools shall be allowed an amount not to exceed nine thousand dollars annually, which sum is hereby appropriated and set apart from the general school fund for this purpose.

Fees.

Sec. 84. Each applicant upon taking his first examination of the year shall pay the county superintendent a fee of one dollar and fifty cents. Any applicant having passed one examination may take subsequent examinations upon payment of the full fee for taking more than half the subjects or one-half the regular fee for taking a part of the subjects not to exceed one-half. Out of the aggregate of all fees collected by the county superintendent he shall pay his assistants and other legitimate expenses of conducting such examinations, and the remainder he shall immediately transmit to the auditor of the state to be placed to the credit of the general school fund of the state. At the close of each examination he shall make and return to the state superintendent of schools a detailed and certified report of the number of applicants for certificates, the amount of fees collected by him, the amount paid out as above provided for expenses, and the amount transmitted to the auditor, and shall send with said report, receipts for all money paid for expenses.

All applicants for certificates upon graduation or other credentials shall each pay a fee of one dollar to the state superintendent.
20 tendent of schools who shall transmit the same to the auditor of the state to be credited to the general school fund.

Transmitting Questions and Manuscripts.

Sec. 85. The state superintendent of schools shall provide for the preparation of questions for said examinations and for their transmission in securely sealed packages, to the county superintendent of each county. The county superintendent shall break the seal and open the package of questions in the presence of his assistants and assembled applicants, and shall conduct such examinations in the manner prescribed by the state superintendent. At the conclusion of the examination, the county superintendent shall forward to the state superintendent, all manuscripts submitted, in securely sealed packages, according to instructions to be furnished by the state superintendent, together with such information, statements or affidavits as the state superintendent may require. But no person who is known to be of immoral character, or to be addicted to drunkenness, or who shall not have attained the age of eighteen years on or before the first day of September of the year in which said examination is held, shall be admitted to said examination.

Grading of Manuscripts.

Sec. 86. Within a reasonable time after the receipt of the aforesaid manuscripts it shall be the duty of the state superintendent to have them examined and graded by competent persons actively engaged in school work, and to issue certificates based thereon; provided, that not more than one certificate of the same kind and grade shall be issued to an applicant in any school year, but the state superintendent shall forward to each applicant taking more than one examination in the same year a statement of the grades made by him in each examination taken, and in making up his certificate the applicant shall be given the benefit of his highest grades in each subject; and such certificates when so issued shall be forwarded by the state superintendent to the proper county superintendent who shall countersign them and deliver them to the persons entitled thereto; provided, that no certificate shall be issued to an applicant until the state superintendent is satisfied as to the identity of the applicant.
The state superintendent and each county superintendent shall each keep a record of all certificates issued, showing the kind and grade of each certificate and the date of issue thereof, and the state superintendent and each county superintendent, upon vacating their offices, shall turn over said records to their respective successors.

Certificates Issued by the State Superintendent and Requirements for Same; Elementary Certificate.

Sec. 87. Elementary certificates shall be issued to all applicants who pass a satisfactory examination in orthography, reading, penmanship, arithmetic, English grammar and language, physiology and hygiene, United States and West Virginia history, general and West Virginia geography, civil government, theory and art of teaching, and agriculture. Such certificates shall show the grade or proficiency of the applicant in each subject in which he is examined, and shall be classified according to the following scale:

First grade certificates valid for a period of five years shall be issued to all applicants who attain a general average of ninety per cent. on a scale of one hundred, with no subject below seventy-five per cent.; second grade certificates valid for a period of three years shall be issued to all applicants who attain a general average of eighty per cent. with no subject below sixty-eight per cent.; third grade certificates valid for one year shall be issued to all applicants who maintain a general average of seventy per cent. with no subject below sixty per cent.; provided, that the third grade certificate shall not be issued for more than two years in succession to the same person.

First grade elementary certificates shall be valid in all the schools of the state; second grade, and third grade elementary certificates shall be valid in all the grades of the elementary schools; provided, that no person shall be employed as principal of any school who does not hold a first grade certificate or its equivalent.

Any first grade elementary certificate shall be renewable upon the recommendation of the county superintendent as follows:
At the expiration of the first five years it may be renewed for a period of five years; provided, that the holder thereof has taught successfully or has been actively engaged in public school work not less than three years during the life of such certificate.

At the end of the second or third five-year period it shall be renewable on condition that the holder has taught or has been actively engaged in public school work for three years during the five years previous, and that he pass a satisfactory examination on two of the books of the state reading circle course to be designated by the state superintendent of schools, or has done satisfactory work for a period of six weeks in a recognized state normal school or in some other school of equal rank and standing or has done other work of equal value. The state superintendent of schools shall determine what schools shall be recognized and the nature of the work which shall be accepted in carrying out the provisions of this section.

At the termination of the third renewal period the holder of such certificate shall be eligible to receive a first grade elementary certificate valid for life, if he has taught or been otherwise actively engaged in public school work for not less than three years of the last five and has maintained an active interest in school work; provided, that in all cases of renewal of elementary certificates one full year’s work in a standard college or normal school or other school approved by the state board of education, done during the life of the certificate or within the year immediately following its expiration, shall be considered the equivalent of one year’s teaching on said certificate.

Short Course Certificate.

Sec. 88. The state superintendent of schools shall have authority, upon application in due form, to issue the short course teacher’s certificate, valid for a period of three years, to those who have completed the short course in the state normal school and its branches, the short course in the West Virginia collegiate institute, the normal training course in high schools that have been approved by the state board of education, and to those who have completed in other schools in the state a course of study that is in the judgment of the state board of education equivalent in all respects to the short course offered in the state normal school and its branches.
Such short course certificates shall be valid in all the grades of the elementary schools of the state, and in the payment of salaries shall be considered as first grade certificates.

Any short course certificate shall be renewable for one period of three years; provided, that the holder thereof has taught for two years therein or has done two years' credit work in an approved high school or standard normal school or other school approved by the state board of education, within the life of said certificate.

Normal School Certificate.

Sec. 89. The state superintendent shall have authority to issue normal school certificates valid for five years to graduates in the diploma course of the state normal school and its branches, to graduates in the diploma course of the West Virginia collegiate institute, and to those who have completed a diploma course of study in any other school of this or other states that, in the judgment of the state board of education, is equivalent in all respects to the diploma course of study in the state normal school and its branches. Normal school certificates shall be valid in all the grades of the elementary schools of the state and in high schools, and in the payment of salaries and renewal shall be considered as first grade certificates.

High School Certificate.

Sec. 90. High school certificates valid for a period of five years shall be issued by the state superintendent to applicants who have passed a satisfactory examination upon ten subjects designated by the state board of education.

The state superintendent of schools shall have authority to issue the high school certificate valid for five years, upon application in due form, to graduates of the West Virginia university, and to graduates of other colleges and universities in this and other states whose courses of instruction are, in the judgment of the state board of education, equivalent to the courses offered in the West Virginia university; provided, that the collegiate courses of instruction completed by such graduates have included not less than twenty semester hours in education; and, provided, further, that every high school certificate issued under the provisions of this act shall show the subject or subjects the holder thereof is especially qualified to teach.
High school certificates shall be valid in any high school or elementary school of the state, and in the payment of salaries shall be considered as first grade certificates. Any high school certificate shall, upon its expiration or within the year immediately following, be renewable for five-year periods thereafter; provided, that the holder thereof shall have taught successfully or shall have been otherwise actively engaged in public school work for three years of each five-year period on said certificate; provided, that at the termination of the third renewal period the holder of such certificate shall be eligible to receive a high school certificate valid for life, if he has taught or been otherwise actively engaged in public school work for not less than three years of the last five and has maintained an active interest in school work.

Supervisor's Certificate.

Sec. 91. Supervisors' certificates valid for a period of five years shall be issued by the state superintendent to applicants who have taught not less than three years on a first grade certificate or its equivalent, and who have passed a satisfactory examination upon such subjects as may be designated by the state board of education.

The state superintendent of schools shall have authority to issue the supervisor's certificate valid for five years, upon application in due form, to graduates of the West Virginia university, to graduates of the state normal school and its branches, and to graduates of other institutions of this and other states, who have completed courses of instruction that are, in the judgment of the state board of education, equivalent in all respects to the courses recognized in the granting of this certificate in the West Virginia university and the state normal school and its branches; provided, that such graduates shall have had not less than three years' experience as teachers, principals or supervisors; and provided, further, that the courses of instruction completed by such graduates shall have included not less than twenty semester hours in professional subjects in education, five semester hours of which shall have been in the subject of school supervision.

Any supervisor's certificate shall, upon its expiration or within the year immediately following, be renewable for five-year periods thereafter; provided, that the holder thereof shall have been...
23 actively engaged in public school work for not less than three
24 years of each five-year period, and upon such other conditions as
25 the state board of education shall prescribe.
26 Supervisors' certificates shall be valid in all the schools of the
27 state and in the payment of salaries shall be considered as first
28 grade certificates.

Special Certificates.

Sec. 92. The state superintendent of free schools shall
2 have authority, upon the recommendation of the state board of
3 education, to issue special certificates to kindergarten teachers,
4 primary teachers, and special teachers and supervisors of music,
5 drawing, physical training, home economics, manual training,
6 agriculture, and special teachers and supervisors of such other sub-
7 jects as the needs of the schools may require.
8 Special certificates may be issued upon examination or upon
9 the satisfactory completion by the applicants therefor of such
10 courses of study as may be approved by the state board of educa-
11 tion for the issuance of such certificates.
12 Any such special certificate shall be valid for a period of five
13 years and shall, upon its expiration or within the year immediate-
14 ly following, be renewable for five-year periods; provided, that the
15 holder thereof has taught successfully or has been otherwise en-
16 gaged in public school work for three years of each five-year per-
17 iod of the life of the certificate, and upon such other conditions
18 as the state board of education shall prescribe.
19 Special certificates shall be valid throughout the state for the
20 teaching of the special subjects designated on such certificates and
21 in the payment of salaries shall be considered as first grade cer-
22 tificates; provided, that in all cases of renewal of high school, su-
23 pervisors' or special certificates one full year's work in a standard
24 college or university, done during the life of the certificate or
25 within the year immediately following its expiration, shall be
26 considered the equivalent of one year's teaching on said certifi-
27 cate.

State Life Certificate.

Sec. 93. Whenever any person has taught on a certifi-
2 cate of first grade or its equivalent for a period of ten years or
3 has been otherwise actively engaged in school work for a like period while holding such certificate, and has shown superior ability or marked progress in his work, the state superintendent of free schools shall have authority upon the recommendation of the state board of education to issue to such person a life certificate which shall be valid in all teaching and supervisory positions in the public schools of this state and shall remain in force throughout the life of the person to whom it has been issued.

Revocation of Certificates.

Sec. 96. The state superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which unfit a person for the proper performance of his duties as a teacher, or for any neglect or refusal to perform his duties or for any other cause which would have justified the withholding thereof when the same was issued.

Any county superintendent who knows of any immorality or neglect of duty on the part of any person holding a certificate shall report the same, together with all the facts and evidence, to the state superintendent for such action as in his judgment may be proper.

State Board of Education.

Sec. 130. There is hereby created a state board of education composed of the state superintendent of free schools, and five other persons engaged in educational work, appointed by him, no two of them from the same congressional district and not more than three from the same political party. The said board shall be appointed on or before the first day of June, one thousand nine hundred and eight, one member for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one each year who shall serve for a period of five years. The said board shall as soon as possible after their term begins, meet at the call of the chairman and at such times thereafter as four members may determine.
Courses of Study.

Sec. 131. The state board of education shall perform the duties heretofore performed by the state board of examiners as herein provided, and in addition thereto they shall constitute a committee on courses of study and as such committee shall prescribe a course of study for the public schools of the state, including the elementary schools and high schools, and define the relations that each shall bear to the other. They shall also prescribe and publish the subjects in which applicants shall be examined for the kindergarten, primary, high school, supervisors' certificates, and for all special certificates as hereinbefore provided. At the request of the state superintendent they may assist in the preparation of questions and the grading of manuscripts for the several examinations provided for by law.

Renewal of Certificates.

Sec. 132. All state certificates or other certificates of the rank and value of first grade, issued or authorized to be issued by the state board of education prior to this date, shall continue in full force and effect, and shall be deemed valid to the extent of time for which they were issued, and upon their expiration may be renewed or converted into other certificates upon such conditions as the state board of education may prescribe.

Compensation.

Sec. 133. The members of the state board of education, except the state superintendent, shall each receive a compensation of five dollars per day and his necessary expenses, payable out of the general school fund on the order of the state superintendent of schools, for the performance of their duties as members of such board, but no member shall receive per diem for more than twenty-five days in any year.

Sec. 134. Said board shall keep a record of its proceedings, showing the number of applicants for certificates, the details of all transactions of the board, together with such statistics as the state superintendent may require, and shall report the same to the state superintendent annually on or before the thirtieth day of September.
CHAPTER 57.
(House Bill No. 401.)

AN ACT to amend and re-enact section twenty-one of chapter twenty-seven of the acts of one thousand nine hundred and eight, relating to school levies.

[Passed February 25, 1915. In effect ninety days from passage. Became a law without the Governor’s approval.]

SEC. 21. If a majority of ballots cast have written or printed thereon “For school levy”, duty of board of education in respect thereto and statement required at meeting to be held second Tuesday in August: (a) separate amounts due building and teachers’ funds and to become due from every source, excepting levy; (b) debts and demands owed by district and to become due and payable, including interest; (c) all other expenditures, etc.; what to be done with statement and publication; session to stand adjourned until fourth Tuesday in August; what action then to be taken; duty of prosecuting attorney; to correct proposed estimate and levy or approve the same, and order to be entered to levy, and amount to continue school for six months or longer under certain conditions; limitations of levy; provision as to duty of state superintendent in case maximum levy is not sufficient; requisition authorized by state superintendent or auditor for supplementary building fund; balance not expended to revert to general fund; additional levy authorized in incorporated city or town; additional levy authorized under certain conditions, and a levy of not to exceed ten cents for support of high school. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-one of chapter twenty-seven of the acts of one thousand nine hundred and eight, relating to school levies, be amended and re-enacted so as to read as follows:

Section 21. If a majority of the ballots cast upon the question of laying a levy in the district or independent district have written or printed thereon “For school levy”, it shall be the duty of the board of education of such district or independent district at a meeting to be held on the second Tuesday in August, to ascertain the condition of the fiscal affairs of the district, and make up an itemized statement thereof, which shall set forth in detail:

(a) The separate amounts due the building fund and teachers’ fund of the district, and the amounts that will become due thereto and collectible during the current fiscal year, from every source, including the amount to be received from the general school fund, but excepting the amount that will be produced by the levy of taxes to be made for the year;

(b) The debts and demands owed by the district, and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness,
funded or bonded or otherwise, distinguishing between those payable out of the building fund and those payable out of the teachers’ fund;

(c) All other expenditures, under the several heads of expenditures, to be made and payable out of the funds of the district for the current fiscal year, distinguishing between those payable out of the building fund and those payable out of the teachers’ fund, and including the cost of collection of taxes and other claims, with proper allowances for delinquent taxes and contingencies. Said statement shall also set forth the separate amounts necessary to be raised for each of said funds by the levy of taxes for the current fiscal year, and the proposed rates of levy of taxes, in cents on each one hundred dollars of assessed value, on the taxable property of the district for each of said funds; and also the aggregate of the taxable property of the district, stating separately the assessed value of personal property, of real estate, and of the property assessed by the board of public works.

A copy of such statement duly certified by the secretary of the board shall before the next meeting of the board be printed once in two newspapers of opposite politics in the county, if there be two such newspapers of general circulation in the county. The session shall then stand adjourned until the fourth Tuesday in August, at which time it shall convene; and it shall then be the duty of said board to hear and consider any objections made orally or in writing, by the prosecuting attorney, by the state tax commissioner or his representative, or by any taxpayer of the county to said estimate and proposed levy, or any item thereof. It shall be the duty of the board to enter an order of record showing the objections so made, setting forth the reasons and grounds for such objections. But the failure of any officer or taxpayer to offer objection as herein provided shall not preclude him from pursuing any legal remedy necessary to correct any levy laid by said board. After said objections have been made and heard, the board shall thereupon reconsider the proposed original estimate and proposed rate of levy; and if the objections thereto or any part thereof appear to be well taken, the board shall correct the same accordingly and it shall thereupon be approved and when approved shall, with the order approving it, be entered by the secretary in the record book of proceedings. The board shall thereupon levy as many cents on each one hun-
dred dollars of the assessed valuation of the property of the district, according to the last assessment thereof, as will produce the amount shown by the said statement necessary to be raised for the building fund, and levy in like manner the amount necessary, after deducting the sum receivable from the general school fund, for the teachers' fund to continue the schools in such district for the term of six months or for a longer term where such may be established by or according to law; provided, first, that the levy for the building fund shall not exceed fifteen cents on each one hundred dollars of said valuation, nor exceed thirty cents on each hundred dollars of said valuation for the teachers' fund; provided, second, that if said maximum levies hereinbefore authorized, shall not produce sufficient money, with the other sources of revenue, including any balance to the credit thereof in the hands of the treasurer, and the amount of general school fund apportioned to the district, to pay the salaries of the necessary number of teachers at the minimum rate of salary fixed by law for the schools of the district for the term of six months, it shall be the duty of the state superintendent of free schools to deposit with the treasurer of the board of education to the credit of the teachers' fund a sufficient amount to make up said deficiency, and the said state superintendent of free schools is authorized to withhold from the distribution made on the per capita basis, a sufficient amount of the general school fund not to exceed in any one year seventy-five thousand dollars for this purpose; provided, third, that in any magisterial or independent district of the state a levy of fifteen cents on the one hundred dollars for the building fund is not sufficient to meet all the outlay for necessary expenses for the school year properly chargeable to the building fund, such as repairs, fuel, janitor service and institute per diem, and not including the purchase of land or the erection of new buildings, then it shall be the duty of the state superintendent to make requisition upon the auditor for a sufficient sum out of the general school fund, not exceeding fifteen thousand dollars in any one year, for the purpose of supplementing the building fund of districts entitled to such assistance. The state superintendent before making requisition on the auditor for the supplementary aid herein provided for, for the teachers' and the building fund, shall inform himself of the conditions existing in such districts as seek aid and shall require
98 a financial statement and affidavits concerning the same from all
99 boards of education asking for help. Any balance of the gen-
100 eral school fund withheld from the per capita distribution for
101 such districts, as aforesaid, in any year, shall revert to said fund
102 at the close of the year; provided, fourth, that in any district
103 or independent district which contains an incorporated city or
104 town where a graded or high school is maintained, which is
105 continued for a longer period than six months, the board of
106 education shall have authority to lay a levy in addition to the
107 levies above specified sufficient for all purposes to conduct the
108 schools of said city or town for the term fixed; provided, fifth,
109 that in any other district where all the sources of revenue here-
110 inbefore provided for including the apportionment to the dis-
111 trict of the general school fund and of the amount withheld.
112 from the general school fund by the state superintendent as
113 supplementary aid to districts will not provide for minimum
114 salaries to a sufficient number of teachers to teach all the schools
115 in the district for the minimum term of six months, it shall be
116 the duty of the board of education to lay an additional levy not
117 to exceed five cents on each one hundred dollars of the assessed
118 valuation to make up such deficiency in the teachers' fund; pro-
119 vided, sixth, that if the board of education of any district, or
120-a independent district, maintains a lawfully established high
121 school, or maintains such high school in connection with one
122 or more other districts, the board of such district, or boards of
123 districts where the high school is jointly maintained, may levy
124 for the support of said high school, in any one year, not to ex-
125 ceed ten cents on each one hundred dollars valuation of
126 the property of the district, or districts.
127 All acts and parts of acts inconsistent with this act are
128 hereby repealed.

CHAPTER 58.
(House Bill No. 168.)

AN ACT to amend and re-enact sections eleven and sixty-eight of
chapter twenty-seven of the acts of one thousand nine hundred
and eight, extra session, relating to education.

[Passed February 12, 1915. In effect ninety days from passage. Approved by the-
Governor February 20, 1915.]
Be it enacted by the Legislature of West Virginia:

That sections eleven and sixty-eight of chapter twenty-seven of the acts of one thousand nine hundred and eight, extra session, relating to education, be amended and re-enacted so as to read as follows:

Have General Control of Schools; May Change Sub-district Lines.

Section 11. The board of education shall have general control and supervision of the schools and school interests of their district, except as herein otherwise provided; and they shall determine the number and location of the schools to be taught; establish graded schools, when necessary, and, as hereinafter provided, establish high schools, if necessary, change the boundaries of their districts, and increase and diminish the number thereof, having due regard to the school houses already built, or sites procured, assigning, if practicable, to each sub-district not less than forty youths between the ages of six and twenty-one years; and shall define and enter of record in their minute book the boundaries of the several districts and sub-districts; provided, that no school shall be maintained in any district for fewer than ten pupils in regular attendance, and the board of education shall, at their first annual meeting to be held on the first Monday of July, ascertain from official records what school or schools, if any, in their district, had an average daily attendance during the school term next preceding of less than ten pupils and they shall thereupon, or as soon thereafter as may be, declare any such school or schools closed, and they shall enter such action as a matter of record in the minutes of the secretary; and, provided, that, if during any school term, any school falls below an average of ten in daily attendance for two successive months said board shall close such school and the teacher thereof shall receive no further salary as teacher of such school; and, provided, that the pupils of any school, which shall
be closed by the board in the manner just provided, shall have the privilege of attending any other school in the same district or in an adjoining district or independent district, as the board may direct, and the board shall pay their tuition in such school, in the manner otherwise provided by law for the transfer of pupils; and, provided, further, that whenever any child or group of children of school age shall, by reason of this act or for any cause whatsoever, be without opportunity to attend a free school as provided by law, within two miles of their homes by the shortest traveled road or path, the board of education may employ such means as may seem best to them to provide educational advantages to such child or group of children, and may expend for such purpose an amount not to exceed the proportion of all the school funds of the district, which the number of such children bears to the whole number of children enumerated in the district, such expenditure to be made under such rules and regulations thereto as the board may make.

Consolidation of Schools.

Sec. 68. Boards of education shall have authority to consolidate two or more sub-districts into a single sub-district, and where practicable establish a graded or consolidated school therein, and if necessary, provide for the transportation of pupils to and from such school at public expense; provided, that no sub-district whose school during the last preceding school year maintained an average daily attendance of twelve or more, shall be consolidated with another sub-district except with the written consent of at least a majority of the voters of the sub-district affected. Contracts for the transportation of pupils shall be let to the lowest responsible bidder, and all expenses shall be paid out of the building fund of the district, under such rules and regulations as the board of education may prescribe. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 59.

( House Bill No. 205.)

AN ACT to amend and re-enact section three of chapter forty-five of the code of West Virginia of one thousand nine hundred and thirteen, relating to education.
[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor’s approval.]

Sec.
3. District boards of education to consist of president and two school commissioners; when elected and terms of office; except, in districts where a city, not an independent district, with population of more than 10,000, boards to consist of five members; duty of county superintendent to appoint two additional members after July 1, 1915, and with three already elected to constitute board; provision as to future election of school commissioners.

Be it enacted by the Legislature of West Virginia:

That section three of chapter forty-five of the code of West Virginia of one thousand nine hundred and thirteen, relating to education, be amended and re-enacted so as to read as follows:

Section 3. In each district there shall be a board of education consisting of a president and two school commissioners elected by the voters thereof. One commissioner shall be elected at the general election held on the Tuesday after the first Monday in November, one thousand nine hundred and sixteen, and one commissioner every two years thereafter; and the president at the general election held in one thousand nine hundred and eighteen, and every four years thereafter. Their terms of office shall commence on the first day of July next after their election, and they shall each continue in office for four years, and until their successors are elected or appointed and qualified according to law; provided, that in any such district in which there is located a city, not an independent school district, with a population of more than ten thousand inhabitants as shown by the last decennial census, the board of education shall consist of five members, and the county superintendent of schools of the county in which any such district is located shall immediately after the first day of July, one thousand nine hundred and fifteen, appoint two additional members who shall hold office until the election held in one thousand nine hundred and sixteen, and who together with the three members now provided by law shall constitute the board of education of such district. At the election to be held in November, one thousand nine hundred and sixteen, there shall be elected in such district three commissioners, two of whom shall enter upon their office as soon as the result of the election is declared and shall continue in office for the term of four years from the first day of July, one thousand nine hundred and seventeen, and every four years after said election in one thousand nine hundred and six-
29 teen there shall be elected three commissioners of said board in stead of one as now provided.

CHAPTER 60.
(Prese No. 125.)

AN ACT to repeal section twenty-seven and a half of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, and to amend and re-enact sections twenty-eight and twenty-nine of the same chapter, all relating to the salaries of teachers in free schools.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC. 28. Boards of education shall at first meeting of each year to determine number of teachers to be employed and salary; salaries to be fixed according to grade of certificates; not to be increased or diminished; exceptions in district or independent district where two or more teachers are employed in same building; if in any district maximum levy of twenty-five cents is not sufficient to maintain six months school, including supplementary aid, additional five-cent levy authorized.

Sec. 28. If within ten days after board of education has laid levies, majority of tax-payers petition for given number of months for ensuing year, board to order such extension by special levy not to exceed five cents.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven and a half of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, be and the same is hereby repealed; and that sections twenty-eight and twenty-nine of the same chapter be amended and re-enacted so as to read as follows:

Section 28. Boards of education shall at their first meeting for each school year determine the number of teachers necessary to be employed and fix the rate of salary that shall be paid said teachers. In determining the salaries they shall have regard to the grade of teachers' certificates, fixing to each grade the salary that shall be paid to teachers of said grade as follows: teachers holding certificates of the grade number one, shall be paid not less than fifty dollars per month; those holding certificates of the grade number two, not less than forty dollars per month; and those holding certificates of the grade number three, not less than thirty dollars per month; and in the making of teachers' contracts the rate of salary so fixed by the board shall in no case be
13 increased or diminished; provided, that in a district or independent
district having a school or schools employing two or more teachers
in the same building, the board may fix a higher rate of salary to
be paid to the teachers of such schools and adjust the salaries of
said teachers according to the grade of certificates and to the con-
ditions existing in such schools; provided, further, that if in any
district the proceeds of the maximum levy of twenty-five cents on
each one hundred dollars valuation of taxable property, together
with such other funds as may be available, including the supple-
mentary aid for school districts provided for in section twenty-one,
are not sufficient to maintain all the schools of the district for the
minimum term of six months and to pay the minimum salaries
herein required, the board of education of such district shall have
authority to lay additional levy for such purpose not to exceed five
cents on each one hundred dollars valuation of taxable property.

Sec. 29. If within ten days after the board of education
has laid the levies as provided by law, a majority of the taxpayers
of any sub-district, in which is located a school employing two or
more teachers in the same building, file with the secretary of the
board of education their petition praying for the extension of the
term of such school for a given number of months for the ensuing
year, the said board of education shall extend the term of said
school for the number of months prayed for, and shall provide for
such additional expense necessarily incurred in carrying on said
school for such extended term by special levy not exceeding the rate
of five cents on each one hundred dollars' valuation of the taxable
property in such sub-district and the proceeds of such additional
levy shall be known as sub-district teachers' fund and shall be col-
lected, reported and accounted for in the same manner as provided
for the proceeds of other school levies.

CHAPTER 61.
(Senate Bill No. 105.)

AN ACT to amend and re-enact section thirty of chapter twenty-seven
of the acts of one thousand nine hundred and eight, extra ses-
sion, as amended and re-enacted by chapter sixty-eight of the
acts of one thousand nine hundred and eleven, relating to the
establishment of district high schools, the classification of high schools and the distribution of state aid to classified high schools.

[Passed February 4, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC. 30. (a) If the board of education deems it expedient to establish a high school in such district, they shall submit the question to the voters of the district at a general or special election in the manner following, that is to say: the board shall prepare and sign a notice setting forth the kind of school proposed; the estimated expense of establishing the same, including cost of site, building, furniture, books and apparatus and the estimated annual expense of supporting the school after it is in operation, with such other information concerning it as they may deem proper; and stating that the question of authorizing the establishment of such high school shall be submitted to the voters of the district at the election specified in the notice which they shall cause to be posted for four weeks before the election in at least three of the most public places in the district.

The ballots used in voting on the question shall have written or printed thereon the words "For district high school," and the words "Against district high school." If it appear by the result of said election that a majority of the voters who voted on the question are in favor of authorizing the establishment of said
20 school, the board of education shall then proceed to obtain the
21 site, provide a suitable building or buildings, furniture, apparatus
22 and supplies and employ necessary teachers therefor.
23 (b) The high schools of this state shall be divided into three
24 classes as follows:
25 High schools of the first class shall include all high schools
26 offering courses of study covering four years of not less than thirty-
27 six weeks each and employing not fewer than three thoroughly
28 qualified high school teachers who devote all of their time to the
29 teaching of high school subjects.
30 High schools of the second class shall include all high schools
31 offering courses of study covering three years of not less than
32 thirty-six weeks each and employing not fewer than two thoroughly
33 qualified high school teachers who devote all of their time to the
34 teaching of high school subjects.
35 High schools of the third class shall include all high schools
36 offering courses of study covering two years of not less than thirty-
37 six weeks each and employing at least one thoroughly qualified
38 high school teacher who devotes all of his time to the teaching of
39 high school subjects.
40 (c) It shall be the duty of the state superintendent of
41 schools to classify all of the high schools of the state in accordance
42 with the provisions of division (b) of this section.
43 (d) To assist in the maintenance of all such high schools
44 as have been properly classified according to the provisions of
45 division (b) of this section and have complied with all the re-
46 quirements thereof, the following amounts are hereby appropriated
47 to be paid annually out of the state fund:
48 To each high school of the first class, eight hundred dollars;
49 to each high school of the second class, six hundred dollars; and to
50 each high school of the third class four hundred dollars.
51 (e) The state superintendent of schools shall not later than
52 the first day of October, annually, notify the county superintendent
53 of schools of each county as to the amount due under the pro-
54 visions of this section to each of the classified high schools in his
55 county. The county superintendent shall issue his warrants upon
56 the auditor, payable to the order of the sheriff of his county, for
57 the amount due each school which shall be paid in two equal in-
58 stallments, payable on the first day of December and the first day
59 of April.

CHAPTER 62.

(1ouse Bill No. 53.)

AN ACT to provide for the establishment and maintenance of normal
training departments in high schools and to authorize special
state aid therefor, the same to be section twenty-nine-a of
chapter forty-five of the code of West Virginia.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the
Governor February 20, 1915.]

Sec. 29-a. Whenever in the judgment of any county high
school board, or any district or
independent district board, deemed
advisable, they have authority
to establish normal training de-
partments; duty of state board
of education to prescribe course
of study, to determine number
and qualification of teachers

and other regulations: such to
be known as a normal training
school, when approved, and enti-
tled to receive state aid to be
used for that purpose: state aid
of this character restricted to
ten in state and not to include
county where state normal
school is already established.

Be it enacted by the Legislature of West Virginia:

Section 29-a. Whenever in the judgment of any county high
2 school board or of any district or independent district board of
3 education in whose district a high school is maintained, it is
4 advisable to provide for the better training of the teachers in the
5 elementary schools of their county or districts, such county high
6 school board, district board of education or independent district
7 board of education shall have the authority to establish and main-
8 tain a normal training department in connection with any high
9 school under their control, to provide necessary rooms, furniture,
10 equipment and supplies, and to employ teachers therefor.
11 It shall be the duty of the state board of education to pre-
12 scribe a course of study for such normal training department, to
13 determine the number and qualifications of teachers to be em-
14 ployed therein, and to establish such other regulations and re-
15 quirements for their conduct as they may deem best; and when a
16 normal training department has been established in any high school
17 in accordance with the regulations and requirements of the state
18 board of education and has been approved by said board, such high
19 school shall be designated and known as a normal training high
20 school. The state board of education shall on or before the first
21 day of October annually, report the number and location of high
22 schools approved by them as normal training high schools, to the
23 state superintendent of schools. Normal training high schools so
24 approved shall be entitled to receive, in addition to the state aid
25 now provided by law for classified high schools, the sum of four
26 hundred dollars annually, the same to be paid out of the appropria-
27 tion for classified high schools at the time and in the manner pre-
28 scribed 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 ten high schools in the state
32 shall receive aid as normal training high 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 63.
(Senate Bill No. 78.)

AN ACT to provide for the payment of tuition fees of high school
pupils by boards of education not maintaining high schools, the
same to be section thirty-a of chapter forty-five of the code of
West Virginia.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the
Governor February 16, 1915.]

Sec. 30-a. Duty of board of education of any
district not maintaining a high
school to pay tuition of all pu-
pils in their district who have
completed course of study in ele-
mentary schools who desire to
attend other schools of high
school grade; limitation as to
amount to be paid and time;
other limitations as to pay for
four years course; tuition fees
to be paid out of building fund.

Be it enacted by the Legislature of West Virginia:

Section 30-a. It shall be the duty of the board of education of
2 any district which does not maintain a high school to pay the
3 tuition fees of all pupils in their district who have completed the 4 course of study in the elementary schools and who desire to attend 5 public high schools or other schools of high school grade in other 6 districts within the state; provided, that boards of education shall 7 not pay more than two dollars and fifty cents per month for such 8 tuition for each pupil attending a high school or other school of 9 high school grade in another district; and, provided, further, that 10 boards of education shall not be required to pay such tuition fees 11 for any pupils for more than four years; and, provided, further, 12 that any board of education maintaining a high school of less than 13 four years course, may pay the tuition of any pupil who has com- 14 pleted the course in such high school in any other school or schools 15 of high school grade of four years, or equivalent thereof, so that 16 such pupil may have the benefit of a four years' course in high 17 school. Fees for the tuition of high school pupils shall be paid 18 out of the building fund of the district upon the presentation of a 19 certificate signed by the president of the board of education con- 20 trolling the high school in which tuition pupils were in attendance 21 and by the principal of the school and giving the names of such 22 pupils and the number of months each was in attendance.

CHAPTER 64.
(Senate Bill No. 54.)

AN ACT authorizing incorporated cities and towns, and also counties and school districts, to levy taxes for the purpose of establishing public libraries and reading rooms; to appoint library boards and defining their duties and powers; provide penalties for the injury or defacement of library property, or the detention of books, magazines, newspapers, etc., belonging to a public library.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec. 1. Definitions of words and phrases used in this act.

Sec. 2. Municipal authority has power to establish, equip and maintain public library and may levy tax for the purpose of not more than one and one-half cents on the $100; how levied and collected, and to be known as "library fund;" exceptions when municipality already has library;
SEC. 1. The following words and phrases, wherever used in this act, shall include and be taken to mean as follows: the word "municipality" shall include an incorporated city, a town, a county and a school district; "municipal authority" shall include the mayor and common council of a city, a town, or board of commissioners, or other corresponding authority thereof, county courts and boards of education of school districts and independent school districts; "public library" shall include public library and reading room; "chief executive authority" shall include mayor and city council or other corresponding authority in cities and towns, and the county court and board of education in counties and school districts; "the directors of public library board" shall include the members of public library boards of cities, towns, counties and school districts established under this act.

Sec. 2. The municipal authority of any municipality shall have the power to establish, equip and maintain a public library, or take over and maintain and support any public library already established therein, for the use and benefit of the inhabitants of such municipality, and may levy an annual tax for the purpose of not more than one and one-half cents on the one hundred dollars, on all the taxable property in said municipality, such tax to be levied and collected in like manner as the general taxes of the municipality, which shall be kept separate in a fund to be known as the "library fund"; provided, that when any municipal-
ity makes a levy for a municipality in which there is already a
municipal library, and the said municipality does not join in the
proposed library, the said municipality shall omit from the levy
of the library tax all property within the limits of said munici-
pality not joining in said proposed library; provided, further,
that before establishing any public library, or levying any tax
therefor, the municipal authority shall submit the question to the
voters of such municipality, and the majority of the voters voting
thereon shall authorize the establishment of such library, and the
levy of such tax. The question shall be submitted at a general
or special election, upon the order of said municipal authority or
upon the petition, in case said municipal authority fail or refuse
to do so, in writing, of twenty per centum of the qualified voters
residents of the municipality; and the election, when ordered,
shall be conducted, held and returned in all respects as other elec-
tions; and the ballot used shall have written or printed thereon
under the heading "public library question" the words, in plain
letters, "for public library," "against public library." And
the municipal authority of said municipality shall give at least
two weeks notice of said election by publishing notice thereof in
one or more newspapers published in said municipality; or, if
none are therein published, by like notice posted for a like
period at each of the voting places in said municipality, and at
cfive other public places for a like period, before said election,
giving the date and object of the election.

Sec. 3. Whenever such public library is established under
this act, the chief executive authority of said municipality shall
appoint a board of six directors, chosen from the citizens at large
from said municipality, with reference to their fitness for such
office. Such directors shall hold office for three years from the
first day of July following their appointment, and until their suc-
cessors are appointed; but upon their first appointment they shall,
at their first meeting, divide themselves into three classes, so that
one-third of the number shall hold office for a period of one year,
one-third for two years, and one-third for three years. No per-
son shall be ineligible to serve on said board by reason of sex.
Vacancies in the board shall be reported to the municipal author-
ities, and filled by appointment in like manner as original ap-
pointments for the unexpired term. The municipal authorities
may remove any director for misconduct or neglect of duty. No
compensation shall be paid or allowed any director. The chief
school officer of each municipality establishing a public library
shall be ex-officio a member of its library board in addition to
the six directors provided for herein.

Sec. 4. The directors of each public library established un-
der this act shall, immediately after their appointment, meet
and organize by electing one of their number as president and
one as secretary. A majority of all the members of any board
shall constitute a quorum for the transaction of business. They
shall make and adopt such by-laws, rules and regulations for their
own guidance and for the government of the library as may be
expedient and not inconsistent with this act. They shall have
exclusive control of the expenditures of all the money collected
for the library fund and for the construction of any library build-
ing or repairs thereto, and the supervision, care and custody of
the grounds, rooms or building constructed, leased or set apart
for the purpose; provided, that all money received for public li-rary purposes, and deposited in the treasury of such municip-
ality to the credit of the library fund, shall be drawn by the proper
municipal officers upon the proper authenticated vouchers of the
library board. Public library boards may, with the approval of
the municipal authority, lease and occupy or purchase or erect
an appropriate building for the use of said library. They shall
have power to appoint a suitable librarian and assistants, and pre-
scribe rules for their conduct, and fix their compensation; and
shall have power to remove such appointee, and, in general, to carry
out the spirit and intention of this act in establishing and main-
taining free public libraries for their respective municipalities.

Sec. 5. Each library established under this act shall be free
for the use of the inhabitants of the municipality where located,
subject to such reasonable rules and regulations as the library
board may adopt and publish, in order to render the use of said
library of greatest benefit to the greatest number; and said board
may exclude from the use of said library any and all persons who
shall wilfully violate such rules. The board may extend the priv-
ilege and use of said library to non-residents of the municipality
upon such terms and conditions as said board may prescribe.

Sec. 6. Each library board shall, on or before the first day
of July in each year, make report to the municipal authority ap-
pointing it, stating the condition of the library property, the var-
ious sums of money received from the library fund, and all other
sources, and how such money was expended; the number of books
and periodicals on hand, the number added by purchase and gift,
the number lost or mislaid, the number of books loaned out and
the general character of such books, together with an itemized
budget estimate of expense of the library for the ensuing year,
with such other statistical information and suggestions as they
may deem of general interest or that may be required by said mu-
icipality.

Sec. 7. All persons desiring to make donations of cash or
other personal property or real estate for the benefit of such library,
shall have the right to vest the title thereof in the library board
created under this act, to be held in trust and controlled by such
board according to the terms and for the purposes set out in the
deed, gift, devise or bequest.

Sec. 8. Any one who shall wilfully deface or injure any
building or furniture, or deface, injure or destroy any picture,
plate, engraving, map, newspaper, magazine or book, or any ob-
ject of art belonging to a public library, shall be guilty of a mis-
demeanor, and on conviction thereof shall be punished by a fine
of not less than five dollars nor more than fifty dollars, or by im-
prisonment not exceeding six months. The fine in each case shall
be paid to the proper officer or custodian of the library fund to be
used by such library as other money paid into its treasury.

Sec. 9. Any person who shall wilfully detain any book,
newspaper, magazine, pamphlet or manuscript belonging to such
library, or to any incorporated library, for thirty days after no-
tice in writing from the librarian, after the expiration of the time
such books, newspaper, magazine, pamphlet or manuscript may
be kept according to the rules and regulations of said library,
shall be liable for damages, to be recovered by said library board
by appropriate proceeding before a justice of the peace; the re-
covery in each case to be paid to the proper officer or custodian
of its funds; provided, that the notice required hereby shall in-
clude a copy of this section.

CHAPTER 65.
(>House Bill No. 208.)
AN ACT to amend and re-enact sections one hundred and seventy-
three and one hundred and seventy-four of chapter forty-five of
the code of West Virginia (serial sections 2248 and 2249 of the code of 1913), concerning cadets of the military department of West Virginia university.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

**Sec. 173.** Besides prescribing general terms for admission of students, regents may admit as regular students, not more than 600 cadets in military department; cadets not to be under sixteen nor over twenty-four; term of service four years, but may re-enlist.

**Sec. 174.** Cadet admitted entitled to all privileges, etc., free of charge, and books and stationery to amount of $15; cadets to constitute a public guard of university property, ordinance and stores, and responsible for safe-keeping of arms, etc.

Be it enacted by the Legislature of West Virginia:

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

Section 173. Besides prescribing the general terms upon which students may be admitted to the university, the regents may admit, as regular students therein, not more than six hundred cadets in the military department. Such cadets shall not be under sixteen years of age nor over twenty-four years of age. Their term of service shall be four years, but any cadet at the expiration of his first term shall be entitled to re-enlist for the further term of two years upon giving notice of his intention to the commandant of cadets of least thirty days before the expiration of such term.

Sec. 174. The cadet admitted under the provisions of the preceding section shall be entitled to all the privileges, immunities, educational advantages and benefits of the university, free of charge for admission and tuition; and each of them may have books and stationery to the value of fifteen dollars in any fiscal year, free of charge. They shall constitute the public guard of the university and the property belonging thereto, and also of the ordnance and ordnance stores and camp and garrison equipage, of which a sufficient supply shall be kept in the arsenal belonging to the institution; and said cadets shall be individually and collectively responsible for the preservation and safe keeping of all arms and camp equipage belonging to said institution.
CHAPTER 66.
(House Bill No. 329.)

AN ACT providing for changing the name of the West Virginia colored institute and establishing collegiate courses therein, the same to be sections two hundred and five-a and two hundred and seven-a of chapter forty-five of the code of West Virginia.

[Passed February 17, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec. 205-a. Institution known as "The West Virginia colored institute," to be hereafter designated and known as "The West Virginia collegiate institute," and have and hold all property, rights, funds, etc., as heretofore.

Sec. 207-a. Board of regents to establish and maintain, in addition to the department already established, such college courses of study as shall be deemed expedient and to issue diplomas; also has power to do extension work in agriculture among negro population of state.

Be it enacted by the Legislature of West Virginia:

Section 205-a. The institution for the instruction of colored students located at Institute, in the county of Kanawha, and designated by an act of the legislature of one thousand eight hundred and ninety-one, regular session, chapter sixty-five, as "The West Virginia colored institute," shall hereafter be designated and known as "The West Virginia collegiate institute," and shall have and hold all the property, funds, rights, powers and privileges granted to said institution in said chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one, regular session, and such as have been or may be granted to it by the acts of the legislature of this state.

Sec. 207-a. The board of regents shall establish and maintain in the West Virginia collegiate institute, in addition to the departments already established, such college courses of study as may be expedient and possible, and shall prescribe the conditions for graduation therein and confer the proper degrees and issue the proper diplomas to those who complete such courses.

The West Virginia collegiate institute shall have power and authority to do extension work in agriculture, home economics and such other subjects as the board of regents may direct among the negro population of West Virginia.
CHAPTER 67.
(Senate Bill No. 173.)

AN ACT concerning the compilation of the code of West Virginia of one thousand nine hundred and thirteen, edited by Charles E. Hogg, declaring the same competent evidence of the law in all the courts of the state.

[Passed January 25, 1915. In effect from passage. Approved by the Governor January 26, 1915.]


Be it enacted by the Legislature of West Virginia:

Section 1. The general laws of the state of West Virginia, as edited and compiled by Charles E. Hogg, and published by the West Publishing Company, and entitled the "West Virginia Code Annotated, C. E. Hogg, 1913", are hereby declared competent evidence of the several acts and resolutions therein contained in all courts of this state, without further proof or authentication, and shall be known and cited as "Code 1913."

CHAPTER 68.
(Senate Bill No. 6.)

AN ACT to amend and re-enact chapter one hundred and thirteen of the code of West Virginia, relating to the supreme court of appeals.

[Passed February 8, 1915. In effect from passage. Approved by the Governor February 11, 1915.]

SEC. 1. Supreme court of appeals to consist of five judges, elected and qualified; any three a quorum.
2. One to be president; in absence of president any other judge to act.
3. Two terms to be held every year at Charleston, one commencing second Wednesday in January, the other first Wednesday in April; other terms to be held when and where designated by court.
4. Original jurisdiction extends to habeas corpus, mandamus and prohibition; appellate jurisdiction extends to civil cases of $100 and over, controversies concerning title or boundaries of land, etc.; also appellate jurisdiction in criminal cases, and where conviction has been had in any inferior court and affirmed in a circuit court, and cases relating to revenue, right of appeal belongs to state and defendant, as well.
5. Court may review and re-hear cases decided at next succeeding regular term, but no argument to be heard unless requested by court.
6. Court to appoint a clerk, crier and messenger, all removable at
RELATING TO THE SUPREME COURT.

SEC.

pleasure; vacancy in office of  
clerk to be by appointment in  
writing.

7. Duty of clerk, by himself or deputy.
8. Duty of officer, compensation and  
how paid.
9. Duty of messenger, compensation  
and how paid.
10. Special terms authorized to be held  
at Charleston, and under extra-  
ordinary circumstances, at other  
places.
11. Court may adjourn from day to day  
at pleasure of members.
12. Judges, or a majority, may by war-  
rant appoint a special term at  
Charleston, or under extraordi-  
inary circumstances, at any other  
point, designated by themselves  
or by law; duty of clerk hereun-  
der.
13. At special term any cause, record  
of which has been previously  
printed, may be heard and de-  
cided by consent, or upon thirty  
days' notice in writing.
14. Court may at any regular or  
special term decide any cause or  
proceeding previously heard.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

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

Section 1. The supreme court of appeals shall consist of  
five judges, elected and qualified according to the constitution  
and laws; any three of whom shall be a quorum:

Sec. 2. They shall designate one of their body to be the  
president of said court. In the absence of the president any other  
judge designated by the judges present, shall act as president.

Sec. 3. Two terms of the supreme court of appeals shall be  
held every year at Charleston, in the county of Kanawha, the first  
commencing on the second Wednesday in January, the second on the  
first Wednesday in September, and continue until the business is  
dispached. But when, in the judgment of the court, extraordinary  
circumstances require, such term or terms may be held at such  
other place or places within the state as the court may designate,  
such times and places to be fixed in the manner provided hereby  
for holding special terms of said court.

Sec. 4. The original jurisdiction of the supreme court of  
appeals shall extend to cases of habeas corpus, mandamus and  
prohibition. The appellate jurisdiction shall extend to civil cases  
when the matter in controversy, exclusive of costs, is of greater  
value or amount than one hundred dollars; in controversies con-  
cerning the title or boundaries of land, the probate of wills, the  
appointment or qualification of a personal representative, guardian,  
committee or curator; or concerning a mill, road, way, ferry or  
landing; or the right of a corporation or county to levy tolls or  
taxes; and also in cases of quo warranto, habeas corpus, man-  
damus, certiorari and prohibition, and in cases involving freedom  
or the constitutionality of a law. It shall have appellate jurisdic-
tion in criminal cases, where there has been conviction for felony or misdemeanor in a circuit court, and where a conviction has been had in any inferior court and been affirmed in a circuit court, and in cases relating to the public revenue, the right of appeal shall belong to the state, as well as the defendant, and such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.

Sec. 5. The supreme court of appeals may review and re-hear any cases decided by said court at the next succeeding regular term so far as to allow the correction of any clerical error in any decree or judgment pronounced by said court, or where the court on its own motion may desire to re-hear and correct such decree or judgment. But no argument shall be heard on such motion to re-hear unless requested by said court.

Sec. 6. The supreme court of appeals, or judges thereof in vacation, may appoint a clerk who shall give bond as required by chapter ten of the code. They may also appoint a crier and a messenger, all of which said officers shall be removable at the pleasure of said court or judges. Vacancies in the office of clerk occurring during vacation, may be filled by appointment in writing, made by the judges of said court or any three of them.

Sec. 7. It shall be the duty of the clerk of the supreme court of appeals to attend in person, or by deputy, all the sessions of the said court, to obey its orders and directions in time and in vacation to take care of and preserve in an office, kept for the purpose, all the records and papers of said court, and to perform such other duties as may be required of him by the said court, or which shall be prescribed by law.

Sec. 8. The crier of the supreme court of appeals shall attend the sessions of the court; shall keep order in the court and have its hall kept constantly clean, ventilated and supplied with water when necessary; obey the orders and directions of the court, and in all respects be under its direction and authority, for which he shall be allowed the sum of four dollars for each day of the term, Sundays excepted, to be paid out of the state treasury upon the certificate of the court.

Sec. 9. The messenger of the said supreme court of ap-
2 peals shall constantly attend the sessions of the said court, and
3 obey its orders and directions, for which he shall be allowed three
4 dollars for each day of the term, Sundays excepted, to be paid
5 out of the state treasury upon the certificate of the court.

Sec. 10. Special terms of the supreme court of appeals
2 may be held for the trial and decision of causes at Charleston, in
3 Kanawha county, specially designated as the place for holding the
4 regular terms thereof, and under extraordinary circumstances at
5 such other times and places as the said court may designate by
6 an order entered of record at a regular or special term of
7 said court. And said court may at any special term authorized
8 by this chapter, decide any cause which may have been heard at
9 a previous regular or special term.

Sec. 11. Said court may at any regular or special term,
2 adjourn from day to day, or from time to time, as the court may
3 order, until its close.

Sec. 12. The judges of said court, or a majority of them,
2 may by warrant signed by them, directed to the clerk, appoint a
3 special term to be held for the trial and decision of causes at
4 Charleston, or, under extraordinary circumstances, at any other
5 point within the state designated by them, or which may here-
6 after be designated by law for holding regular terms thereof. The
7 clerk shall enter such warrant in the order book of said court.

Sec. 13. At any special term of said court, any cause, the
2 record of which has been previously printed may, in the discretion
3 of said court, be heard and decided by consent of parties or their
4 counsel, entered of record, or upon at least thirty days’ notice in
5 writing, given by the parties desiring the hearing to the opposite
6 party or his counsel, of his intention to insist on a hearing, when
7 the same may, in the discretion of the court, be heard and deter-
8 mined at any such special term.

Sec. 14. The said court may, at any regular or special
2 term, decide any cause or proceeding which may have been pre-
3 viously heard by the court at any regular or special term thereof.
4 All acts and parts of acts inconsistent herewith are hereby
5 repealed.
CHAPTER 69.
(Senate Bill No. 169.)

AN ACT to amend and re-enact sections one, five, six and twenty-six of chapter one hundred and thirty-five of the code of West Virginia relating to the jurisdiction of the supreme court of appeals and regulating the manner and method of appeals thereto, and to add an additional section to said chapter giving the state the right to apply for a writ of error in criminal cases, where an indictment is held bad or insufficient for any cause, which additional section shall be numbered thirty-one.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.
1. Party to controversy in any circuit court may obtain from supreme court or judge in vacation, an appeal or writ of error or supersedeas in certain enumerated cases; questions of sufficiency of summons, return of service, or challenge of sufficiency of service may, in discretion of court where it arises, and shall on joint application of parties to suit, be certified to supreme court for decision, and further proceedings stayed until such question decided; forms on such questions to be prescribed by supreme court and to have precedence over appeals and writs of error; entry is sufficient notice.

5. Petition and copy thereof, where filed and duty of clerk as to transmission of original with the record; also duty of clerk as to arrangement of papers and table of contents or index; before petition and record is filed deposit required for costs, or a bond for payment of same; if appeal granted duty of clerk of supreme court of appeals to return record to clerk circuit court, not provided by law, as fixed by judge; what to be done in cases petition not granted.

SEC.
6. Unless directed otherwise, no copy to be made in transcript of any process, returns or evidence of service, etc.; exceptions; fee for clerk in certain cases; unless otherwise ordered, clerk to make out whole record, if either party so direct, but court or judge may direct omission of parts deemed immaterial; bond to be part of record.

26. Supreme court of appeals to affirm if no error found or reverse, if erroneous, and direct order: proceeding in case of appeal from an order granting new trial or re-hearing.

31. Notwithstanding anything hereinafter in this chapter in any criminal case where indictment is held bad, state may obtain writ of error to secure review or order by supreme court; action hereunder and limitations; precedence of writ of error in supreme court; in case of reversal case to be remanded to court in which indictment was found except as herein otherwise provided, all other provisions of this chapter applicable to petition for writ of error under this section and to all subsequent proceedings.

Be it enacted by the Legislature of West Virginia:

That sections one, five, six and twenty-six, of chapter one hundred and thirty-five of the code of West Virginia, be and the same are hereby amended and re-enacted so as to read as follows:

Section 1. A party to a controversy in any circuit court may 2 obtain from the supreme court of appeals, or a judge thereof, in 3 vacation, an appeal from, or a writ of error or supersedeas to,
a judgment, decree or order of such circuit court in the following cases:

First. In civil cases where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars, wherein there is a final judgment or decree or order.

Second. In controversies concerning the title or boundaries of land, the probate of a will, or the appointment of a personal representative, guardian, committee or curator.

Third. Concerning a mill, road, way, ferry or landing.

Fourth. Concerning the right of a corporation, county or district to levy tolls or taxes.

Fifth. In any case of quo warranto, habeas corpus, mandamus or prohibition.

Sixth. In any case involving freedom or the constitutionality of a law.

Seventh. In any case in chancery wherein there is a decree or order dissolving or refusing to dissolve an injunction, or requiring money to be paid, or real estate to be sold, or the possession or title of the property to be changed, or adjudicating the principles of the cause.

Eighth. In any case where there is a judgment or order quashing or abating, or refusing to quash or abate an attachment.

Ninth. In any civil case where there is an order granting a new trial or rehearing, and in such cases an appeal may be taken from the order without waiting for the new trial or rehearing to be had.

Tenth. In any criminal case where there has been a conviction in a circuit court or a conviction in an inferior court which has been affirmed in a circuit court.

Any question arising upon the sufficiency of a summons or return of service, or challenge of the sufficiency of a pleading, in any case within the appellate jurisdiction of the supreme court of appeals, may, in the discretion of the court in which it arises, and shall, on the joint application of the parties to the suit, in beneficial interest, be certified by it to the supreme court of appeals for its decision, and further proceedings in the case stayed until such question shall have been decided and the decision thereof certified back. The forms of the certificates of such questions, as well as the time and manner of the hearing and notice thereof...
and the portion of the record to be sent up, shall be as prescribed by the supreme court of appeals; but such hearings shall have precedence over those arising upon appeals and writs of error. Entry of such certificate, or the fact that it has been made, upon the record of the case in the trial court, shall be sufficient notice to the parties, of the pendency of the question in the appellate court.

Sec. 5. Such petition, together with a copy thereof, shall be first filed in the office of the clerk of the court wherein the judgment, decree or order complained of was entered. and, retaining in his office the copy of such petition, said clerk shall, as soon as may be, transmit to the clerk of the supreme court of appeals, or such judge of said court as the petitioner shall designate, if said court be not in session, by United States registered mail or valued express, the original, together with the record of so much of the case wherein the judgment, decree or order is, as will enable the court or judge to whom the petition is to be presented, properly to decide on such petition, and enable the court, if the petition be granted, properly to decide the questions that may arise before it. The clerk of the circuit court, before transmitting the record as aforesaid, shall arrange the papers, as nearly as may be, in the order of the filing and entry thereof, numbering the pages, make and certify copies of all orders entered in the case, copies of which are not in the files, and prepare and annex to the record a table of contents or index. Before such petition and record are transmitted as aforesaid, the petitioner shall deposit with the clerk of the circuit court a sufficient sum of money to defray the expenses of the preparation and indexing of the record, fees for filing the petition and making and certifying necessary copies of orders, costs of transmission and return of the record, and the making of a transcript of the record, or file with the clerk a bond conditioned to pay the same, in a penalty and with sureties to be fixed and approved by said clerk, who shall endorse on the petition that such deposit has been made or such bond filed. If the appeal or writ of error prayed for be granted, the clerk of the supreme court of appeals shall immediately after the issuance of the appellate process, return the record to the clerk of the circuit court, by mail or express, as aforesaid; and said circuit court clerk shall forthwith make a transcript of so much of the record as is required for the purposes of the appeal or writ of error and
transmit the same to the clerk of the supreme court of appeals. 
In so far as provision therefor is not made by existing law, the 
compensation of the clerk of the circuit court for services ren-
dered hereunder shall be fixed by the judge of said court. If the 
prayer of the petition be not granted, the petition and record shall 
be returned as aforesaid, and the clerk of the circuit court shall 
repay to the petitioner or his attorney, the money deposited with 
him, if any, less his fees and expenses.

Sec. 6. Unless the person who has obtained the appeal or 
2 writ of error direct otherwise, there shall not be copied in the 
3 transcript any of the process, returns or evidence of service, nor 
4 the commissions, if any, and notices to take depositions, the cap-
tions to such depositions, and certificates of their having been 
6 sworn to, except so far as may be necessary to the decision of ex-
7 ceptions taken to the reading of the depositions; but the name of 
each witness and the day of taking his deposition shall be stated 
at the head thereof; nor shall there be copied an account reported 
by a commissioner, to which there is no exception, nor any printed 
document of which either party will furnish to the clerk a copy, 
but such duplicate shall be attached to what is copied. If either 
of the parties to the suit or action shall furnish to the clerk an 
original carbon copy of any pleading, order, decree, deposition, 
bill of exception, or certificate of evidence, he shall, instead of 
copying the paper, a copy of which is so furnished, include such 
in the transcript, without charge therefor, except a comparing 
fee of ten cents per one thousand words. When a case has been 
before the supreme court of appeals, there shall be certified only 
the proceedings subsequent to the former appeal, writ of error or 
supersedeas. Unless otherwise ordered as herein provided, by the 
court or judge allowing the appeal, writ of error or supersedeas, the 
clerk shall make out the whole record in the manner herein pro-
vided, or any additional part thereof, if either party to the appeal 
shall so direct. But such court or judge may, on the allowance of 
the appeal, direct the omission from the transcript of such parts 
of the record as are deemed immaterial, by an endorsement there-
on, and such part shall, in such case, be omitted. The bond filed 
and the notice of appeal, if one has been served, shall be inserted 
in the record.

Sec. 26. The supreme court of appeals shall affirm the 
2 judgment, decree or order, if there be no error therein, and re-
verse 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. With
leave of the court previously granted, and after reasonable notice
to be prescribed by a rule of the court, a motion to dismiss, affirm
or reverse may be made at any time after the allowance of an ap-
peal, 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 reg-
ularly matured for final hearing.

Sec. 31. Notwithstanding anything hereinbefore contained
in this chapter, whenever in any criminal case an indictment is
held bad or insufficient by the judgment or order of a circuit court
or an inferior court, the state, on the application of the attorney
general or the prosecuting attorney, may obtain a writ of error
to secure a review of such judgment or order by the supreme court
of appeals. No such writ of error shall be allowed unless the
state presents its petition therefor to the supreme court of ap-
peals, or one of the judges thereof, within thirty days after the
entry of such judgment or order. No such judgment or order
shall finally discharge or have the effect of finally discharging
the accused from further proceedings on the indictment unless
the state fails, within said period of thirty days, to apply for such
writ of error, or fails to obtain such writ of error, upon an appli-
cation made within said period; but after the entry of such judg-
ment or order the accused shall not be kept in custody or re-
quired to give bail pending the hearing and determination of the
case by the supreme court of appeals. If, upon the allowance of
any such writ of error, process from the supreme court of ap-
peals cannot for any reason be served personally upon the ac-
cused, service may be made by filing a copy thereof in the
clerk's office of the court which entered such judgment or order.
Every such writ of error shall have precedence in the supreme
court of appeals, and shall be heard and determined as speedily as
possible. If said court reverses the lower court, and holds the in-
26. Dictment good and sufficient for a trial of the accused thereon, 27. the case shall be remanded to the court in which the indictment was found, in order that such trial may be had.

29. Except as herein otherwise provided, all the provisions of the other sections of this chapter shall, so far as appropriate, be applicable to a petition for a writ of error under this section, and to all subsequent proceedings thereon in the supreme court of appeals in case such writ of error is allowed or granted.

CHAPTER 70.

(House Bill No. 100.)

AN ACT relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children; to define contributory dependency, negligence and delinquency, and to make the same a misdemeanor; and to provide for the punishment of persons guilty thereof; to authorize county authorities to establish and maintain a detention home for the temporary care and custody of dependent, delinquent or neglected children; and to levy and collect a tax to pay the cost of its establishment and maintenance.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC. 1. Persons under twenty-one years of age, for the purposes of this act, considered wards of the state and subject to care, guardianship and control of the court hereinafter provided; for the purposes of this act, "dependent child," "neglected child," "delinquent child" defined; deposition or evidence of child under this act in any civil, criminal or other cause, not proper evidence against such child except in subsequent cases under this act; nor shall name of child be published in any newspaper except by permission of court; "child," "children," "parent" or "parents" defined; "association" applies to institutions for care or disposition of children.

SEC. 2. Circuit and criminal courts have original jurisdiction in all cases, and right of trial by jury not abridged.
Sec. 14. Report of guardian, etc., and how made; court may remove guardian at pleasure, or restore child to parents.

15. Child arrested in any county where court is held under section 24, instead of being taken before a justice or police magistrate, may be taken directly before court or judge in vacation for investigation and disposition in same manner as by petition.

16. No children under twelve years of age to be committed to jail, but child may be committed to custody of sheriff or probation officer; children not to be confined in same building with adults (provision for house separated from jail in certain counties); bond authorized for accused child, and counsel to be appointed.

17. Duties of agent of reformatories as to children paroled, to assist children in finding employment and maintain friendly supervision; agent to hold office at pleasure.

18. All institutions or associations under this act subject to visitaion, inspection and supervision of court, or clerk of circuit court with consent of board and certificate of fitness to be issued after inspection, good for one year, unless sooner revoked; court may require special report.

19. Application for incorporation of institutions for care of dependent or neglected children subject to examination by board of control, and certificate of desirability filed with secretary of state before issuance; same requirements as to amendments of by-laws.

20. Order in relation to adoption of child and how made; court may authorize guardian to consent to same; consent sufficient for court to enter order of adoption.

21. No association incorporated under laws of any other state to place child in any family home with or without indenture as for adoption unless under certain conditions; punishment for failure to comply with provisions of this act.

22. Court committing children to place them in care of individual holding same religious belief as parent or child.

23. Boards of visitors to be appointed by circuit judge and composed of six reputable inhabitants; duty of board as to visitation and reports, to whom submitted and how often.

24. Unlawful for clerk or other person to tax or collect, or for any county to pay, any fees for any case concerning any child under provisions of this act; exceptions.

25. Reports of juvenile court to be submitted by clerk of circuit court to county commissioners in writing; what to contain.
SEC. 26. Liberal construction required for purposes of act.
SEC. 27. Support of children and authority of court to order payment for same in certain cases.
SEC. 28. Order relating to support when person is employed for wages, salary or commissions; failure to obey may be punished as for contempt.
SEC. 29. Guardianship of child not guardianship of estate.
SEC. 30. Cases subject to review by writ of error.
SEC. 31. Population of counties fixed by last official census.
SEC. 32. Interference with officer of court in disposition of child to be held as contempt of court and punished accordingly.
SEC. 33. Contributory delinquency and penalty therefor; contributory delinquency defined.
SEC. 34. Court may suspend sentence, stay or enforcement, under certain conditions.
SEC. 35. Conditions under which sentence for contributory dependency may be suspended.
SEC. 36. Court may order child to be held in custody of person found guilty of contributing to its delinquency, under conditions as court may prescribe and after giving bond.
SEC. 37. Conditions of bond required by previous section and amount required; forfeiture on bond payable to clerk of circuit court to be applied to payment of costs and for care and maintenance of dependent children; residue to be turned over to treasurer of the county.
SEC. 38. Violation of suspended sentence will result in enforcement of penalty thereunder.
SEC. 39. No sentence to be stayed to exceed two years; may be released therefrom prior to that time under certain conditions; exceptions.
SEC. 40. Probation officers have right to file complaints against any person under this act, and duty of prosecuting attorney to prepare complaint and prosecute; exceptions as to further duty of prosecuting attorney.
SEC. 41. To procure conviction, what is necessary to prove; exceptions.
SEC. 42. Construction of law to be liberal for the state for the protection of child from neglect or omission of parental duty.
SEC. 43. Nothing to be construed to be in conflict or to repeal or prevent proceedings under any other act or statute, or to prevent or interfere with proceedings under any such act, or other laws for punishment of cruelty to children, etc.
SEC. 44. County court has authority to provide and establish detention home for care and custody of dependent, delinquent and truant children and to levy and collect taxes therefor provided same be adopted by the voters of county as hereinafter provided.
SEC. 45. Detention home and how conducted; character of employees and official designations to provide for care and instruction of children and to be supplied with facilities.
SEC. 46. Superintendent, matron, employees, salary; how appointed; length of term; salary and method of payment; supplies and how procured.
SEC. 47. Duty of superintendent and matron; records, how kept; what to contain and to whom directed; annual report to county court as of June first, and what to contain; authority of court as to information at any time.
SEC. 48. County court has power to levy and collect annual tax for purchasing, erecting, leasing and maintaining detention home, provided same is authorized by legal voters as provided in section forty-nine.
SEC. 49. Method of election for adoption of this act: form of ballot; majority required, and duty of court.
SEC. 50. Method for abandonment and repeal of sections 44-50; by petition for submission of question at general election; form of ballot; majority to decide; order to be entered.
SEC. 51. Court may commit child temporarily.
SEC. 52. Invalidity of any portion of this act not to affect any other portion.

Be it enacted by the Legislature of West Virginia:

Section 1. Definition—That all persons under the age of twenty-one years, shall for the purposes of this act only, be considered wards of this state and their persons shall be subject to the care, guardianship and control of the court as hereinafter provided.
7 and "neglected child" shall mean any male or female child who,
8 while under the age of eighteen years, for any reason, is destitute,
9 homeless or abandoned; or dependent upon the public for support;
10 or has not proper parental care or guardianship; or habitually
11 begs or receives alms.; or is found living in any house of ill-fame
12 or with any vicious or disreputable person; or has a home which
13 by reason of neglect, cruelty or depravity, on the part of its par-
14 ents, guardian or any other person in whose care it may be, in an
15 unfit place for such a child; and any child who while under the age
16 of ten years is found begging, peddling or selling any article,
17 or is found living in any house of ill-fame for gain upon the
18 street or giving any public entertainments or accompanying or be-
19 ing used in the aid of any person so doing.
20 The words "delinquent child" shall mean any male or female
21 child who, while under the age of eighteen years, violates any law
22 of this state; or is incorrigible, or knowingly associates with thieves,
23 vicious or immoral persons; or without just cause and without the
24 consent of its parents, guardian or custodian absents itself from
25 its home or place of abode, or is growing up in idleness or crime;
26 or knowingly frequents or visits a house of ill-repute; or knowingly
27 frequents or visits any policy shop or place where any gaming de-
28 vice is operated; or patronizes or visits any public poolroom
29 where the game of pool or billiards is being carried on for pay or
30 hire; or who wanders about the streets in the night time without
31 being on any lawful business or lawful occupation; or who habitu-
32 ally wanders about any railroad yards or tracks or who jumps, or
33 attempts to jump, on any moving train; or who enters any car
34 or engine without lawful authority; or who writes or uses vile ob-
35 scene, vulgar, profane or indecent language; or who is guilty of in-
36 decent, immoral or lascivious conduct. Any child com-
37 mitting any of these acts shall be deemed a delinquent
38 child and when proceeded against such proceedings shall
39 be on behalf of the state, in the interest of the child and
40 the state, with due regard to the rights and duties of par-
41 ents and others, by petition to be filed by any reputable person,
41-a and to that end the child shall be dealt with, protected
42 and cared for in any circuit court or other court having
43 chancery jurisdiction, as a ward of the state in the manner herein-
44 after provided.
45-6 A deposition of any child under this act or any evidence
Sec. 2. Jurisdiction—The circuit and criminal courts of the several counties in this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury of twelve persons, or the judge of his own motion may order a jury of the same number to try the case.

Sec. 3. Juvenile Court—The findings of the court shall be entered in a book or books to be kept by the circuit clerk for that purpose, and known as the “Juvenile Record” and the court may for convenience be called the “Juvenile Court”.

Sec. 4. Petition to the Court—Any reputable person, being a resident of the county, may file with the clerk of the court having jurisdiction of the matter, a petition in writing setting forth that a certain child, naming it, within his county, is either dependent, neglected or delinquent as defined in section one hereof; and that it is for the interest of the child and this state that the child be taken from its parents, parent, custodian or guardian and placed under the guardianship of some suitable person to be appointed by the court; and that the parents, parent, custodian or guardian of such child are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, correct, control or discipline such child, or that the parents, parent, guardian or custodian consent that such child shall be taken from them.

The petition shall also set forth either the name, or that the name is unknown to the petitioner (a) of the person having the custody of such child; and (b) of each of the parents or the sur-
17 living parent of a legitimate child; or of the mother of an illegitimate child; or (c) if it allege that both such parents are or such mother is dead, then of the guardian, if any, of such child; or (d) if it allege that both such parents are or that such mother is dead and that no guardian of such child is known to petitioner, the petition shall set forth such facts. All persons so named in such petition shall be made defendants by name and shall be notified of such proceedings by summons, if residents of this state, in the same manner as is now or may hereafter be required in chancery proceedings by the laws of this state, except only as herein otherwise provided.

23 All persons, if any, who or whose names are stated in the petition to be unknown to the petitioner, shall be deemed and taken as defendants by the name and designation of "all whom it may concern." The petition shall be verified by affidavit, which affidavit shall be sufficient upon information and belief. Process shall be issued against all persons made parties by the designation of "all whom it may concern" by such description, and notice given by publication as is required in this act shall be sufficient to authorize the court to hear and determine the suit as though the parties had been sued by their proper names.

Sec. 5. Summons—The summons shall require the person alleged to have the custody of such child to appear with the child at the time and place stated in the summons; and shall also require all defendants to appear and answer the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof and may be served by the sheriff, or by any duly appointed probation officer, even though such officer be the petitioner. The return of such summons, with indorsement of services by the sheriff or by such probation officer in accordance herewith, shall be sufficient proof thereof.

12 Whenever it shall appear from the petition or from affidavit filed in the cause that any named defendant resides or has gone out of the state, or in due inquiry cannot be found, or is concealed within this state or that his place of residence is unknown so that process cannot be served on him, or whenever any person is made defendant under the name or designation of "all whom it may concern", the clerk shall cause publication to be made twice in some newspaper of general circulation published in his county, and if
there be none published in his county, then in a newspaper published in the nearest place to his county in this state, which shall be substantially as follows:

A, B, C, D, etc. (here giving the names of such defendant, if any), and to "all whom it may concern" (if there be any defendant under such designation).

Take notice that on the .... day of .......... 19..... a petition was filed by ............... in the circuit court of ............ county to have a certain child, named ...........

declared a dependent (or delinquent) and to take from you the custody and guardianship of said child (and if the petition prays for the appointment of a guardian with power to consent to adoption, and add,) "and to give said child out for adoption."

Now, unless you appear within twenty days after the date of this notice and show cause against such application, the petition shall be taken for confessed and a decree granted.

E. F., Clerk.

Dated (the date of publication).

And he shall also within ten days after the publication of such notice send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who shall not have been served with summons. Notice given by publication as is required by this act shall be the only publication notice required either in the case of residents, non-residents or otherwise. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Every defendant who shall be duly summoned shall be held to appear and answer either in writing, orally in open court, or to the circuit judge in vacation on the return day of the summons or if such summons shall be served less than one day prior to the return day, then on the following day. Every defendant who shall be notified by publication as herein provided shall be held to appear and answer either in writing or orally in open court or to the circuit judge in vacation within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition.

In default of an answer at the time or times herein specified or at such further time as by order of court may be granted to a defendant, the petition may be taken as confessed.

If the person having the custody or control of the child shall
fail without reasonable cause to bring the child into court, he may be proceeded against as in the case of contempt of court. In case the summons shall be returned and not served upon the person having the custody or control of such child, or such person fails to obey the same, and in any case when it shall be made to appear to the court by affidavit, which may be on information and belief, that such summons will be ineffectual to secure the presence of the child, a warrant may be issued on the order of the court either against the parents or either of them, or the guardian or the person having the custody or control of the child, or with whom the child may be, or against the child itself to bring such person into court. On default of the custodian of the child or on his appearance or answer, or on the appearance in person of the child in court with or without the summons or other process and on the answer, default or appearance or written consent to the proceedings of the other defendants thereto or as soon thereafter as may be, the court shall proceed to hear evidence. The court may, in any case when the child is not represented by any person, appoint some suitable person to act on behalf of the child. At any time after the filing of the petition and pending the final disposition of the case, the court may continue the hearing from time to time and may allow such child to remain in the possession of its custodian or in its own home subject to the friendly visitation of a probation officer, or it may order such child to be placed in the custody of a probation officer of the court, or of any suitable person appointed by the court, or to be kept in some suitable place, provided by the city or county authorities, but in no event, except under order of the court, to be held in the county jail or city lock-up.

Sec. 6. Probation officers—The circuit courts of the several counties in this state shall have authority to appoint any number of discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury except as herein provided. It shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case, to be present in court to represent the interests of the child when the case is heard, to furnish to such court such information and assistance as the court or judge may require, and to take charge
of any child before and after the trial as may be directed by the court. The number of probation officers who may receive compensation from the county, named and designated by the circuit court, shall be as follows:

17 In counties having a population of over thirty thousand, two probation officers may be appointed, who shall each receive a salary of not exceeding six hundred per year; and expenses may be allowed each probation officer in a sum not exceeding one hundred dollars per year; in counties having a population of over fifteen thousand and less than thirty thousand, one probation officer may be appointed at a salary not to exceed six hundred dollars per year, and expenses of probation work may be allowed by the county in a sum not to exceed one hundred dollars per year.

27 In all counties of over fifteen thousand population probation officers receiving compensation from the county, may be appointed by the judge of the circuit court, and the said salary or expenses shall be paid in monthly installments from the county treasury.

31 In any county of less than fifteen thousand population, one probation officer, at a salary of not to exceed three hundred dollars per annum, to be paid as provided for probation officers in other counties, may be appointed by the circuit judge, whenever in the opinion of the circuit judge, the county superintendent of schools and a majority of the board of county commissioners of such county it shall be necessary so to care for the dependent and delinquent children of the county. The county superintendent of schools and the county commissioners in their respective counties shall constitute a board to investigate the competency of any person appointed to act as a probation officer when such probation officer is to receive from the county a salary or other compensation provided for under this act. Any circuit judge appointing such probation officer shall transmit such appointment to such board of the county in which such appointment is made, and it shall be the duty of a majority of said board to approve or disapprove of such appointee, within thirty days after submission thereof by the said circuit judge, and a failure to act thereon within such time shall constitute an approval of such appointment; if a majority of such board are of the opinion that such appointee does not possess the qualifications for a probation officer, they shall notify the circuit judge of their conclusions.
53 within thirty days of the submission of such appointments to the
54 respective members thereof, whereupon it shall be the duty of the
55 circuit judge to withdraw such appointment and appoint some one
56 who shall receive the approval of said board.
57 Probation officers receiving a salary or other compensation
58 from the county, provided for by this act, are hereby vested with
59 all the power and authority of police or sheriffs to make arrests
60 and perform any other duties ordinarily required by policemen
61 and sheriffs which may be incident to their office or necessary or
62 convenient to the performance of their duties; provided, that oth-
63 er probation officers may be vested with like power and authority
64 upon a written certificate from the circuit judge that they are
65 persons of discretion and good character, and that it is the desire
66 of the court to vest them with all the power and authority con-
67 ceded by law upon probation officers receiving compensation from
68 the county.
69 In counties of over thirty thousand population, whenever in
70 the opinion of the judge of the circuit court, the board of county
71 commissioners and the superintendent of schools, additional pro-
72 bation officers to those allowed by law are necessary for the care
73 of dependent and delinquent children, not to exceed two assistant
74 probation officers, in addition to the one provided for herein, may
75 be appointed in the manner provided by this act, at a salary not
76 to exceed six hundred dollars per year.
77 Salaries or compensation of paid probation officers permitted
78-79 by this act shall be fixed by the circuit judge, not to exceed
79 the sums herein mentioned, and any bills for expenses not exceed-
80 ing the sums herein provided for, shall be certified to by the cir-
81 cuit judge as being necessary in and about the performance of the
82 duties of probation officer or officers. The appointment of pro-
83 bation officers and the approval thereof as to the qualification of
84 such officers by the board herein designated, shall be filed in the
85 office of the clerk of the circuit court. Probation officers shall
86 take oath such as may be required of other county officers to per-
87 form their duties and file it in the office of the clerk of the cir-
88 cuit court.
89 Nothing herein contained, however, shall be held to limit or
90 abridge the power of the circuit judge to appoint any number of
91 persons as probation officers, whom said judge may see fit to ap-
point and who may be willing to serve without pay from the county for such services as probation officers.

Sec. 7. Dependent and Neglected Children—If the court shall find any male or female child under the age of eighteen years to be dependent or neglected within the meaning of this act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer or to report to the court or probation officer from its home or school at such times as the court may require. And if the parents, parent, guardian or custodian consent thereto, or if the court shall further find that the parents, parent, guardian or custodian of such child are unfit or improper guardians or are unable or unwilling to care for, protect, train, educate in accordance with the general school law of the state, correct or discipline such child and that it is for the interest of such child and of the people of this state that such child be taken from the custody of its parents, parent, custodian or guardian, the court may make an order appointing as guardian of the person of such child some reputable citizen of good moral character and order such guardian to place such child in some suitable family home or other suitable place, which such guardian may provide for such child, or the court may enter an order committing such child to some suitable state institution, organized for the care of dependent or neglected children, or to some training school or industrial or children's home-finding society or to some association embracing in its object the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided.

Sec. 8. Guardianship—In every case where such child is committed to an institution, or association, the court shall appoint the president, secretary or superintendent of such institution or association, guardian over the person of such child and shall order such guardian to place such child in such institution or with such association, WHEREOF he is such officer, and to hold such child, care for, train, and educate it subject to the rules and laws that may be in force from time to time governing such institution or association.

Sec. 9. Disposition of Delinquent Children—If the court shall find any male or female child under the age of eighteen
3 years to be delinquent within the meaning of this act, the
court may allow such child to remain at its own home subject
to the friendly visitation of a probation officer, such child to
report to the court or probation officer with such record of its
conduct in its home or school as the court may require, as often
as may be required, and if the parents, parent, guardian or cus-
todian consent thereto, or if the court shall further find either
that the parents, parent, guardian or custodian are unfit or im-
proper guardians or are unable or unwilling to care for, protect,
educate or discipline such child, and shall further find that
it is for the interest of such child and of the people of this
state that such child be taken from the custody of its parents,
parent, guardian or custodian, the court may appoint some proper
person or probation officer, guardian over the person of such
child and permit it to remain at its home, or order such guardian
to cause such child to be placed in a suitable family home, or
cause it to be boarded out in some suitable family home,
in case provision is made by voluntary contribution or otherwise
for the payment of the board; or the court may commit such,
child to any institution incorporated under the laws of this
state to care for delinquent children, or to any institution that
has been or may be provided by the state, county, city, town or
village suitable for the care of delinquent children, including
a detention home or school, or to some association that will re-
ceive it, embracing in its objects the care of neglected, depend-
ent or delinquent children and which has been duly accredited
as hereinafter provided. In every case where such child is com-
mitted to an institution or association, the court shall appoint
the president, secretary or superintendent to such institution
or association, guardian over the person of such child and shall
order such guardian to place such child in such institution or with
such association, whereof he is such officer, and to hold such
child, care for, train and educate it subject to the rules and
laws that may be in force from time to time governing such in-
stitution or association.

Sec. 10. Return to Home on Probation—Whenever it shall
appear to the court, before or after the appointment of a guar-
dian under this act, or after commitment to any institution or
that the home of a child or of its parents, former
5 guardian or custodian is a suitable place for such child, or that
6 such child could be permitted to remain or ordered to be returned
7 to said home consistent with the public good and the good of
8 such child, the court may enter an order to that effect return-
9 ing such child to its home on probation, parole or otherwise; it
10 being the intention of this act that no child shall be taken away.
11 or kept from its home or away from its parents and guardian
12 any longer than is necessary to preserve the welfare of such child
13 and the interest of this state;
14 Provided, however, that no such order shall be entered with-
15 out first giving ten days' notice to the guardian, institution or
16 association to whose care such child has been committed, unless
17 such guardian, institution or association consents to such order.

Sec. 11. Process Against Delinquent Child—The court
2 may in its discretion in any case of a delinquent child permit such
3 child to be proceeded against in accordance with the laws that
4 may be in force in this state governing the commission of crimes
5 or violation of city, village, or town ordinances; in such case the
6 petition filed under this act shall be dismissed.

Sec. 12. Placing in Public Hospital—The court may,
2 when the health or condition of any child found to be dependent,
3 neglected or delinquent, requires it, order the guardian to cause
4 such child to be placed in a public hospital or institution for
5 treatment or special care, or in a private hospital or institution,
6 which will receive it for like purposes, without charge to the
7 public authorities.

Sec. 13. Authority of Guardian, Institution or Association
2 —Any child found to be dependent, neglected or delinquent as
3 defined in this act, and awarded by the court to a guardian, in-
4 stitution or association, shall be held by such guardian, insti-
5 tution or association, as the case may be, by virtue of the order
6 entered of record in such case, and the clerk of the circuit court
7 shall issue and cause to be delivered to such guardian, institution
8 or association a certified copy of such order of the court, which
9 certified copy of such order shall be proof of the authority of
10 such guardian, institution or association in behalf of such child,
11 and no other process need issue to warrant the keeping of such
12 child. The guardianship under this act shall continue until the court shall by further order otherwise direct but not after such child shall have reached the age of twenty-one years.

Sec. 14. Report of Guardian; Citation Into Court—The court may, from time to time, cite into court the guardian, institution or association to whose care a dependent, neglected or delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such guardian, institution or association within ten days after such citation, to make such report either verified by affidavit, or verbally under oath in open court, or otherwise as the court shall direct; and upon the hearing of such report, with or without further evidence, the court may, if it sees fit, remove such guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents or former guardian or custodian.

Sec. 15. Transfer from Justice and Police Magistrates—When in any county where a court is held as provided in section two of this act, a male or a female child under the age of eighteen years is arrested with or without warrant such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court or the judge in vacation; or if the child is taken before a justice of the peace or police magistrate, such justice or magistrate shall inquire into such case; and unless he be of the opinion that no sufficient foundation exists for the charge of dependency or delinquency, it shall be the duty of such justice of the peace or police magistrate to transfer the child to the circuit court, and it shall be the duty of the officer having the child in charge to take the child before such court or the judge in vacation, and in any case the circuit court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

Sec. 16. Children Under Twelve Years Not to be Commit-
2 *ted to Jail*—No court or magistrate shall commit a child under
twelve years of age to a jail or police station, but if such child
is unable to give bail it may be committed to the care of the sher-
iff, police officer or probation officer, who shall keep such child
in some suitable place provided by the city or county outside of
the enclosure of any jail or police station. When any child shall
be confined in any institution in which adult prisoners or convicts
are confined, it shall be unlawful to confine such child in
the same building with such adult prisoners or convicts or to con-
fine such child in the same yard or enclosure with such adult
prisoners or convicts or to bring such child into any yard or build-
ing in which adult prisoners or convicts may be present.

In counties of over forty thousand population it shall be
the duty of the proper authorities to provide and maintain at
public expense a house separated and removed from any jail or
lockup to be in charge of a matron or other person of good moral
character wherein all children within the provisions of this act
shall, when necessary, before or after trial, be detained either for
securing the attendance of such child at any hearing or trial of
any cause or for such disciplinary purposes as may seem neces-
sary to the court for the best interests of said child and of the
state.

Any child within the provisions of this act, informed against
or regarding which a petition has been filed, or for any purpose
taken into custody, shall at any time before it is tried and ad-
judged to be delinquent be entitled by any friend or parent offer-
ing sufficient surety, to give bond or other security for its appear-
ance at any hearing or trial of such case, as such right given to
persons informed against for crime; and the court may in such
case, upon the request of said child or its parent or person repre-
senting it, appoint counsel to appear and defend on behalf of any
such child, such counsel to receive no pay from the county.

Sec. 17. *Agents of Juvenile Reformatories*—It shall be the
duty of the board of managers, trustees or such authorities as
may be vested by law with the control or management of any state
institution to which juvenile delinquents may be committed by the
courts of this state to maintain an agent of such institution, whose
duty it shall be to examine the homes of children paroled from such
institution for the purpose of ascertaining and reporting to said
institution whether they have suitable homes; to assist children
paroled or discharged from such institution in finding employment and to maintain a friendly supervision over paroled inmates during the continuance of their parole. Such agent shall hold office subject to the pleasure of the board or other authority having charge of said institution and making the appointment, and shall receive such compensation as such board or authorities controlling such institution may determine out of any funds appropriated for such institution which may be applicable thereto.

Sec. 18. **Supervision of State Board of Control**—All institutions or associations receiving children under this act shall be subject to visitation, inspection and supervision by the state board of control, and it shall be the duty of said board of control to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the supervision of this act, and every such association shall make report thereto, showing its condition, management and competency to adequately care for such children as arc or may be committed to it, and such other facts as said board may require, annually at such time as the said board of control may direct; and upon said board being satisfied that such association or institution is competent, and has adequate facilities to care for such children, the board shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such institution or association which shall not have received such certificate within eighteen months next preceding the commitment. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any institution or association whose standing, conduct, care of children, or ability to care for the same is not satisfactory to the court.

Sec. 19. **Incorporation of Association**—No association whose objects embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been submitted to the examination of the state board of control, and the secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of said board that the
8 said board has examined the said articles of incorporation, and
9 that, in their 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, neglected or delinquent chil-
13 dren. Any amendment proposed to the articles of incorporation
14 of any such association now existing or hereafter created shall be
15 submitted in like manner to the state board of control and the
16 secretary of state shall not record such amendment or issue his
17 certificate therefor unless there shall be filed in his office the
18 certificate of said board of control that the said board has ex-
19 amined the said amendment and that the association in question
20 is, in the judgment of the said board, performing in good faith
21 the work undertaken by it, and that the said amendment is, in
22 the judgment of the commissioner, a proper one and for the public
23 good, and in the interest of neglected, dependent or delinquent
24 children.

Sec. 20. Order Relating to Adoption—Whenever a peti-
2 tion filed as provided in section four hereof, or a supplemental
3 petition filed at any time after the appointment of the guardian,
4 shall pray that the guardian appointed or to be appointed shall
5 be authorized to consent to the legal adoption of the child, and
6 the court upon the hearing shall find that it is to the best interests
7 of such child that the guardian he given such authority, the court
8 may, in its order appointing such guardian, empower him to ap-
9 pear in court where any proceedings for the adoption of such
10 child may be pending, and to consent to such adoption. Such
11 consent shall be sufficient to authorize the court where the adoption
12 proceedings are pending to enter a proper order or decree of
13 adoption without further notice to, or consent by, the parents
13-a or relatives of such child; provided, however, that before enter-
14 ing such order the court shall find from the evidence that (1)
15 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 liv-
17-a ing, and the child has no guardian or the guardian is not
18 known to petitioner, then a known near relative of the child,
19 if any there be, consents to such order; or (2) that one parent
20 consents and the other is unfit for any of the reasons hereinafter
specified to have the child, or that both parents are or that the surviving parent is so unfit, or that the mother of an illegitimate child is so unfit for any such reasons—the grounds of unfitness being (a) depravity, (b) open and notorious adultery or fornication, (c) habitual drunkenness for the space of one year prior to the filing of petition, (d) extreme and repeated cruelty to the child, (e) abandonment of child or (f) desertion of the child for more than six months next preceding the filing of the petition; and (3) that such child, if of the age of fourteen years or over, consents to such order.

Sec. 21. Foreign Corporation—No association which is incorporated under the laws of any other state than the state of West Virginia shall place any child in any family home within the boundaries of the state of West Virginia either with or without indenture or for adoption, unless the said association shall have furnished the state board of control with such guaranty as they may require that no child shall be brought into the state of West Virginia 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 of West Virginia 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 association incorporated in any other state than the state of West Virginia, which shall not have complied with the requirements of this act, shall 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. 22. Religious Preference—The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith with that of the parents of the said child.

Sec. 23. County Boards of Visitors—The circuit judge of each county may appoint a board of six reputable inhabitants
who will serve without compensation, to constitute a board of
visitation, whose duty it shall be to visit, as often as once a
year, all institutions, societies and associations receiving children
under this act; said visits shall be made by not less than two of
the members of the board, who shall go together or make a joint
report; the said board of visitors shall report to the court, from
time to time, the conditions of children received by or in charge of
such associations and institutions, and shall make an annual re-
port to the state board of control in such form as said board may
prescribe.

Sec. 24. Officers of Courts—It shall be unlawful for any
court clerk or other person to tax or collect, or for any county to
pay any fees whatever which may be permitted by any law to be
taxed or collected for the benefit of any court officer or person
for any case concerning any child coming within the provisions
of this act for violating any law of this state, unless such child
shall be proceeded against under the provisions and in accordance
with the purpose of this act, except in capital cases or where the
courts shall direct a proceeding under the criminal code, as pro-
vided in section ten of this act, or where a case has been in-
ituated before a justice of the peace or police magistrate, who
shall duly comply with the terms of section fourteen of this act.

Sec. 25. Reports of the Juvenile Court—Between the first
and fifteenth days of January of each year, the clerks of the cir-
cuit courts shall submit to the county commissioners of their
respective counties a report in writing, upon blanks to be furnished
by said commissioners showing the number and disposition of
neglected, dependent or delinquent children brought before such
court, together with such useful information regarding such
cases and the parentage of such children and the character of
their dependency or delinquency as may be reasonably obtained at
trials thereof, and which may be required by the said commis-
sioners: provided, that the name or identity of any such child or
parent shall not be disclosed in such report.

Sec. 26. Construction of Act—This act shall be liberally
construed to the end that its purpose may be carried out, to-wit:
that the care, custody and discipline of the child shall approximate
as nearly as may be that which should be given by its parents,
5 and in all cases of dependency where it can be properly done, that
6 the child shall be placed in an approved family home, and become
7 a member of a home and family by legal adoption or otherwise, and
8 in cases of delinquency, that as far as practicable any delinquent
9 child shall be treated, not as a criminal, but as misdirected and
10 misguided and needing aid, encouragement and assistance, and if
11 such child cannot be properly cared for and corrected in its own
12 home; or with the assistance and help of the probation officers,
13 then, that it may be placed in a suitable institution where it may
14 be helped and educated and equipped for industrial efficiency and
15 useful citizenship.

Sec. 27. Support of Children—If it shall appear, upon the
2 hearing of the case that the parents, parent, or any person or
3 persons named in such petition who are in law liable for the
4 support of such child, are able to contribute to the support of
5 such child, the court shall enter an order requiring such parents,
6 parent or other person to pay to the guardian so appointed or
7 to the institution to which such child may be committed, a reason-
8 able sum from time to time for the support, maintenance or educa-
9 tion of such child, and the court may order such parents, parent
10 or other person to pay to the guardian so appointed or to the in-
11 stitution to which such child may be committed, a reasonable sum
12 from time to time for the support, maintenance or education of
13 such child, and the court may order such parents, parent or other
14 persons to give reasonable security for the payment of such sum
15 or sums, and upon failure to pay, the court may enforce obedience
16 to such order by proceeding as for contempt of court. The court
17 may, on application and on such notice as the court may direct
18 from time to time, make such alterations in the allowance as
19 shall appear reasonable and proper.

Sec. 28. Order Relating to Support—If the person so or-
2 dered to pay for the support, maintenance or education of a de-
3 pendent, neglected or delinquent child shall be employed for
4 wages, salary or commission, the court may also order that the
5 sum to be paid to him shall be paid to the guardian or institution
6 out of his wages, salary or commission and that he shall execute
7 an assignment thereof pro tanto. The court 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 as to his place of employment and
11 amount earned by him. Upon his failure to obey the orders of
12 court he may be punished as for contempt of court.

Sec. 29. Guardianship of Person—Nothing in this act shall
2 be construed to give the guardian appointed under this act the
3 guardianship of the estate of the child or to change the age of mi-
4 nority for any other purpose except the custody of the child.

Sec. 30. Appeals—Cases under this act may be reviewed
2 by writ of error to the supreme court.

Sec. 31. Population of Counties—In construing the pro-
2 visions of this act, all counties shall be deemed to have the popula-
3 tion as shown by the last official census taken prior to the inter-
4 pretation of any question arising under this act.

Sec. 32. Contempt of Court—Any person who shall inter-
2 fere with the direction or disposition of any child under any order
3 of the court concerning the child, made in pursuance of the pro-
4 visions of this act, or with any probation or other officer of the
5 court in carrying out the directions of the court under any such
6 order, shall be held to be in contempt of court and subject to pun-
7 ishment as for contempt of court.

Sec. 33. Definition—Any person who shall by any act cause,
2 encourage or contribute to the dependency or delinquency of a
3 child, as these terms with reference to children are defined by the
4 statutes of this state, or who shall for any cause be responsible
5 therfor, shall be guilty of a misdemeanor, and upon trial and
6 conviction thereof, shall be fined in a sum not to exceed five hun-
7 red dollars or imprisoned in the county jail for a
8 period not exceeding one year, or by both such fine and imprison-
9 ment. When the charge against any person under this act con-
10 cerns the dependency of a child or children, the offense for con-
11 venience may be termed contributory dependency, and when it
12 concerns the delinquency of a child or children, for convenience
13 it may be termed contributory delinquency.

Sec. 34. Suspension of Sentence—The court may suspend
2 any sentence, stay or postpone the enforcement of execution, or
3 release from custody any person found guilty in any case under
4 this act upon such conditions as shall be imposed by the court in
5 accordance with the provisions of this act.

Sec. 35. Conditions of Suspended Sentence—Such con-
2 ditions may include the following: any person found guilty un-
under this act of contributory dependency may be required to furnish a good and sufficient bond to the state of West Virginia in such penal sum as the court shall determine, not exceeding one thousand dollars, conditioned for the payment of such amount as the court may order not exceeding twenty dollars per month for the support, care and maintenance of the child to whose dependency such person has contributed; such sum to be expended under the directions and orders of the court for the purpose mentioned.

Sec. 36. Children Remain in the Custody of Persons Guilty of Contributory Dependency—The court may permit any child to remain in the custody of the person found guilty by this act of contributing to its dependency, under such suspended sentence, upon such conditions for the treatment and care of such child as may seem to the court to be for its welfare, or as may be calculated to secure obedience to the law or to remove the cause of such dependency or neglect, and while such conditions are accepted and complied with by any such person, such sentence may remain suspended subject to be enforced upon the violation of any of the conditions imposed by the court; and such bond may be forfeited upon a failure to comply with any such conditions, as well as upon the failure to pay any amount required for the maintenance of such child.

Sec. 37. Conditions of Bond—As a part of the conditions of any such bond mentioned in section thirty-four hereof it shall be understood that it shall not be necessary to bring a separate suit to recover the penalty of any such bond which has become forfeited, but the court may cause a citation or summons to issue to the surety or sureties thereon, requiring that he or they appear at a time named by the court, which time shall be not less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why a judgment should not be entered for the penalty of such bond and execution issued for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and upon failure to appear or failure to show any such sufficient cause, the court shall enter such judgment in behalf of the state of West Virginia against the principal and such surety or sureties on such bond not to exceed the sum of one thousand dollars including the costs. Any moneys collected or paid upon any such execution, or in any case upon such bond,
18 shall be turned over to the clerk of the circuit court (juvenile
19 court) of the county in which such bond is given, to be applied
20 first to the payment of all court costs and then to the care or main-
21 tenance of the child or children for whose dependency such con-
22 viction was had, in such manner and upon such terms as the court
23 may direct. If any such moneys so collected be unnecessary for
24 the purposes last mentioned, it shall be turned over within one
25 year to the treasurer of the county.

Sec. 38. Violation of Conditions of Suspended Sentence—
2 If, in the case of any person found guilty of contributory depend-
3 ency or contributory delinquency where the court has suspended
4 the execution of the sentence during the good behavior and satis-
5 factory conduct of the defendant or upon any other terms and
6 conditions which may have been imposed by the court, it shall be
7 made to appear to the satisfaction of the court at any time dur-
8 ing such suspended sentence or stay of execution, that it ought to
9 be enforced, the court may thereupon enforce the same, and any
10 jail sentence thereunder shall commence from the date upon which
11 such sentence is ordered to be enforced.

Sec. 39. Limitation of Sentence Two Years—No sentence
2 shall be suspended or final judgment or execution shall be stayed
3 in the case of any person found guilty under this act, to exceed
4 a period of two years. If at any time prior thereto it shall appear
5 to the satisfaction of the court that such person has complied faith-
6 fully with the conditions of any suspended sentence, judgment or
7 execution, or that he is for any cause in the opinion of the court,
8 entitled to be released therefrom, the court may suspend such sen-
9 tence indefinitely, in which case such person shall be finally re-
10 leased and discharged as he shall be in any event at the end of
11 two years from imposition of any sentence; provided, that if any
12 defendant be actually serving a jail sentence imposed by this act
13 and enforced before the expiration of said two years in accord-
14 ance with the provisions of this act, then in such case the defend-
15 ant shall not be finally discharged until the expiration of any such
16 sentence.

Sec. 40. Officers to File Complaints—Probation officers hav-
2 ing the powers of sheriffs or police officers, as well as county prose-
3 cuting attorneys shall have the right and be vested with all the
4 power necessary to file complaints against any person under this
5 act and to prosecute any such case. In all such cases it shall be
the duty of the county prosecuting officer representing the people to prepare any such complaints and prosecute any such cases for such probation officer when so requested by such officer or the judge of the juvenile court; but nothing herein shall be so construed to interfere with any county prosecutor representing the people prosecuting such cases under this or any other act as in other criminal cases.

Sec. 41. *Construction*—In order to find any person guilty of violating this act it shall not be necessary to prove that the child has actually become dependent or delinquent; provided, it appears from the evidence that through any act of neglect or omission of duty or by the improper act or conduct on the part of any such person the dependency or delinquency of any child may have been caused or merely encouraged.

Sec. 42. *Protection*—This act shall always be liberally construed in favor of the state for the purpose of the protection of the child from neglect or omission of parental duty toward the child by the parents, as well also to protect the children of the state from the acts of the improper conduct or acts, or the bad example of any person or persons whomsoever, which may be calculated to cause, encourage or contribute to the dependency or delinquency of children, although such persons are in no way related to the child.

Sec. 43. Nothing in this act shall be construed to be in conflict with or to repeal or prevent proceedings under any act or statute of this state which may have otherwise defined any specific act of any person as a crime of any character which act might also constitute contributory delinquency or contributory dependency, or to prevent or interfere with proceedings under any such acts, nor shall it be construed to be inconsistent with, nor to repeal any act providing for the support by the parent or parents of their minor children, or any act providing for the punishment of cruelty to children or the taking of indecent liberties with or for selling liquor, tobacco or firearms to children, or for permitting them in evil or disreputable places, and nothing in any such acts or similar acts shall be construed to be inconsistent with or to repeal this act or prevent proceedings hereunder, but in all cases where there shall be more than one prosecution for the same offense under whatever acts of the character herein described, the facts may be given in evidence to the judge of the court, and may
18 be in the discretion of the court considered in mitigation of any sentence in any such cases.

Sec. 44. The county court in any county in the state, shall have the power and authority to locate, purchase, erect, lease, or otherwise provide and establish and also to support and maintain a detention home for the temporary care and custody of dependent, delinquent or truant children, and to levy and collect a tax to pay the cost of its establishment and maintenance in accordance with the terms and provisions of this act; provided, the sections of this act relating to the establishment and maintenance of such a detention home be adopted by the legal voters of such county as hereinafter provided.

Sec. 45. How to Be Conducted; Employees—Such detention home shall be so arranged, furnished and conducted, that, as nearly as practicable, for their safe custody, the inmates thereof shall be cared for as in a family home and public school. To this end the employees provided and selected to control and manage such home shall consist of a discreet woman of good moral character, or of a man and woman of good moral character, who shall be designated respectively as “superintendent” and “matron” of the detention home, and of such help or assistance as in the opinion of the county commissioners shall be necessary to the proper care and maintenance of such home. The superintendent and matron shall reside in the home and at least one of them shall be competent to teach and instruct children in all branches of education similar to those embraced in the curriculum of the public schools of the county up to and including the eighth grade. The home shall be supplied with all necessary and convenient facilities for the care of the inmates as herein provided.

Sec. 46. Superintendent, Matron, Employees, Salary—The superintendent and matron shall be designated and appointed by the county court to serve during the pleasure of said court, and shall receive such salary, payable in monthly installments, as the said county court may provide and fix. All other necessary employees for the conduct, care and maintenance of said home shall be selected, named and appointed in like manner upon such salaries as shall be fixed and provided by said county court. The supplies or repairs necessary to maintain, operate and conduct said home,
10 shall be furnished upon the requisition of its superintendent to
11 the president of the county court and the bills therefor shall be
12 audited, passed upon, and paid as other bills for supplies fur-
13 nished for county institutions.

Sec. 47. Duty of Superintendent and Matron; Record; Report
2 —It shall be the duty of the superintendent or matron, until fur-
3 ther order of the court, to receive or detain temporarily, all chil-
4 dren who are committed to the home by the circuit or criminal
5 court of the county, and to keep a complete record of all children
6 committed to said home. Such record shall contain the name, age
7 and residence of each child and the cause of its detention, the
8 length of time detained, the offense alleged to have been com-
9 mitted by such child, if any, and other useful data or informa-
10 tion that may be directed to be kept by the circuit or criminal
11 court of such county. A record shall also be kept by such superin-
12 tendent or matron of all expenditures made by the county for the
13 care and maintenance of such home. An annual report shall be
14 made to the county court by the superintendent or matron on
15 the first day of June in each year and he shall file a copy thereof
16 with the county clerk of the county, which shall contain an item-
17 ized statement of all such expenses necessary to maintain said
18 home, together with the number of inmates therein during each
19 month. The circuit or criminal court or the president of the
20 county court, may at any time demand, in which case it shall be
21 the duty of the superintendent or matron to furnish, such informa-
22 tion as said circuit or criminal court or the president of said
23 county court may require, concerning the conduct, maintenance,
24 or inmates of said home.

Sec. 48. Power to Tax for Support and Establishment of
2 Home—The county court of any county shall have the power and
3 authority, in addition to taxes levied and collected for other
4 county purposes in each county, to levy and collect annually a tax
5 not exceeding one mill on the dollar valuation upon all property
6 within the county for the purpose of purchasing, erecting, leasing
7 or otherwise providing, establishing, supporting and maintaining
8 such detention home; provided, the sections of this act relating to
9 the establishment and maintenance of county detention homes,
10 shall be adopted and the levy and collection of such tax authorized
Sec. 49. *How Adopted.—* The electors of any county may adopt this act in the following manner: Whenever the legal voters of such county to the number of fifteen per cent. of the votes cast at the last general election shall petition the county court of such county not less than thirty days before any general election in such county to submit the proposition whether or not the electors will adopt the sections of this act relating to the establishment and maintenance of county detention homes, it shall be the duty of the county court to submit such proposition at the next general election. The proposition so to be voted for shall be on a separate ballot in plain, prominent type, and be prepared and provided for that purpose in the same manner as other ballots.

For adoption of the act to authorize county authorities to establish and maintain a detention home for dependent, delinquent or truant children, and to levy and collect a tax not to exceed one mill on the dollar valuation, to pay the cost of its establishment and of its maintenance.

If the majority of the votes cast for and against such proposition shall be for such proposition, the act shall be adopted, and the county court shall enter of record an order declaring this act in force in such county, and the tax provided for in the act shall thereafter be annually levied and collected in such county for the purposes specified in this act, until such time as the legal voters of the county shall abandon this act in the manner provided in section forty-six hereof.

Sec. 50. *How Electors May Abandon and Repeal Sections*—The electors of any county which shall have adopted the sections of this act as provided by section forty-five hereof, may abandon and repeal said sections in the following manner: Whenever the legal voters of such county to the number of fifteen per cent. of the votes cast at the last general election in such county shall petition the county court not less than thirty days before any general election to submit the proposition that the electors of such county shall abandon said sections, it shall be the duty of the county court to submit such proposition at the next gen-
11 eral election. The proposition so to be voted for shall be on a separate ballot in plain, prominent type, which ballot shall be prepared and provided for that purpose in the same manner as other ballots.

To abandon the sections of a certain act to authorize county authorities to establish and maintain a detention home for dependent, delinquent or truant children, and to levy and collect a tax not to exceed one mill on the dollar valuation, to pay the cost and establishment of its maintenance.

If a majority of the votes cast for and against the proposition to abandon sections forty-four and fifty shall be for such proposition of this act, the said sections shall be deemed abandoned, and the county court shall enter of record an order declaring sections forty-four and fifty of this act abandoned in such county.

Sec. 51. Jurisdiction to Commit to Home—Any court acting under and in pursuance of this act or any amendments thereto, may commit any child coming within the terms of said act to said home, temporarily.

Sec. 52. Validity of Acts—The invalidity of any portion of this act shall not affect the validity of any other portion thereof, of which can be given effect without such invalid part.

CHAPTER 71.

(Senate Bill No. 93.)

AN ACT to amend and re-enact section nine of chapter one hundred and twelve of the code of West Virginia, (serial section three thousand six hundred and twenty-eight of the code of one thousand nine hundred and six) relating to the residence of judges of the circuit, criminal and intermediate courts, and adding thereto certain limitations upon said judges disqualifying them from taking cognizance of suits by reason of interest in the result, relationship to the parties, or corporate connection.
Be it enacted by the Legislature of West Virginia:

That section nine of chapter one hundred and twelve of the code of West Virginia, (serial section three thousand six hundred and twenty-eight of the code of one thousand nine hundred and six) be amended and re-enacted to read as follows:

Section 9. Each circuit, criminal or intermediate judge during his continuance in office shall reside in the circuit or county for which he was elected and when such judge be a party to a suit, or be interested in the result thereof, otherwise than as a resident or taxpayer of the district or county, or be related to either of the parties, as grandfather, father, father-in-law, son, son-in-law, brother, or, brother-in-law, nephew, uncle, first cousin, guardian or ward, or if at the time of the institution of the suit or any time before the final termination of the suit he, his wife, or any party or parties related to him in the degree as in this section hereinbefore specified be a stockholder, or officer, in any stock company or corporation which is a necessary party to the proceedings, or if he be a material witness for either party, he shall not take cognizance thereof unless all parties to the suit consent thereto in writing; provided, that no judgment or decree rendered or pronounced by any such judge shall be invalidated by reason of such relationship unless the same appear of record in such suit or proceeding.

CHAPTER 72.

(House Bill No. 85.)

AN ACT to amend chapter one hundred and thirty-one of the code of West Virginia by adding thereto four additional sections, to be known as sections twenty-two, twenty-three, twenty-four and twenty-five of chapter one hundred and thirty-one of the code of West Virginia, regulating the instructions by courts to juries, in the trial of civil and criminal cases, and repealing chapter thirty-eight of the acts of one thousand nine hundred and seven.
INSTRUCTIONS TO JURIES.

[Passed February 20, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 22. Upon trial, civil or criminal, either party may pray court to give any instruction reduced to writing and submitted to other party; other party may object, but if it correctly propound law applicable and not covered, to be given as part of written charge. If charge be given, otherwise as an independent instruction, and court may, on its motion in writing, define issues involved and law, first submitting same to counsel on each side; in lieu of separate instructions court may instruct upon law, in form of charge, to be submitted to counsel with opportunity to object, but no objection to lie if law be correctly stated, and action of court to be noted on margin of charge and right of exception is saved.

Sec. 23. Instructions read by court before argument as action of court; court on motion of both parties, to permit jury to take instructions.

Sec. 24. Court to prescribe stages when instructions must be presented, at which objections may be made, subject to power of court to make exceptions.

Sec. 25. Nothing to affect power of court to instruct jury orally concerning matters not proper, or otherwise on its own motion on the law at any stage, subject to exceptions. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and thirty-one of the code of West Virginia be amended by adding thereto four additional sections, to be known as sections twenty-two, twenty-three, twenty-four and twenty-five, which are hereby enacted to read as follows:

Section 22. Upon the trial of any case, civil or criminal, before a jury, either party may pray the court to give to the jury any instruction which has been reduced to writing and submitted to the other party. Such other party may object to the giving of such instructions. Every such instruction which shall propound correctly law applicable to the case not covered by other instructions, shall be given by the court to the jury as part of a written charge by the court to the jury, as hereinafter provided, in case such charge be given, and otherwise shall be given as an independent instruction. The court may, on its own motion, whether requested or not, in writing define to the jury the issues involved and instruct them on the law governing the case, but all such instructions shall first be submitted to counsel upon each side with opportunity to object thereto.

In lieu of the giving of separate instructions as herein provided the court may in writing instruct upon the law governing the case, putting such instructions in the form of an orderly and connected charge, incorporating therein the substance and, as far as may be, the language of the instructions prayed upon either side or prepared by the court on its own motion, with correctly pro-
INSTRUCTIONS TO JURIES.

21 pounded law applicable to the case, which shall first be submitted to counsel upon each side with opportunity to object to any specified part thereof. No objections shall lie to the action of the court upon any instruction if the law to which it relates shall have been correctly stated by the court in such charge. The action of the court upon every instruction prayed, whether such instruction be given as asked or as modified, independently or as part of the court's charge, or be refused, shall be noted upon the margin thereof by the judge over his initials. Either party may except to any and every ruling by the court adverse to the prayer or objection by him with respect to any such instruction.

Sec. 23. All instructions shall be read by the court to the jury before argument of counsel as the action and ruling of the court, without reference to the party by whom they may have been prayed. The court, on motion of both parties, shall permit the jury to take the instructions given them to their room when they retire.

Sec. 24. The court shall, by suitable general rules, prescribe the stages of the trial at which instructions must be presented to the opposing counsel and to the court; at which objections may be made to charges and instructions prepared by the court and at which the instructions and charge shall be settled by the court and read by it to the jury; subject to the power of the court in a particular case to make exceptions to such rules when good cause therefor shall appear and justice may so require.

Sec. 25. Nothing herein contained shall affect the power of the court during the trial of the case to instruct the jury orally concerning matters not proper for their consideration or concerning the conduct of any person in connection with the trial; or, otherwise, on its own motion to instruct the jury in writing on the law of the case at any stage during the trial, subject to the right of exception by either party.

Chapter thirty-eight of the acts of the legislature of one thousand nine hundred and seven. "An Act prescribing certain rules for the circuit courts of West Virginia as to instructing petit jurors on the trial of cases, both civil and criminal," is hereby repealed.
CHAPTER 73.
(Senate Bill No. 47.)

AN ACT to amend and re-enact sections seven, eight and ten of chapter sixty-four of the code of West Virginia, relating to divorces; and to add five additional sections to said chapter to be known as sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of chapter sixty-four of the code of West Virginia of one thousand nine hundred and thirteen relating to divorce procedure, and to provide a penalty for the violation thereof.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.
7. Circuit court on chancery side to have jurisdiction of suits for annulling or affirming marriages; or for divorces; if marriage not performed in U. S. no suit maintainable unless plaintiff is a citizen of U. S. or cause arose within the U. S.; in no case maintainable unless plaintiff is bona fide citizen of state; suit to be brought in county where parties last cohabited or in county in which defendant resides, if not, then in county in which plaintiff resides; by whom suit may be prosecuted, and publication required.

8. Suit instituted as other chancery suits, except as hereinafter provided; how pleadings to be verified, but no bill taken for confessed and case to be tried independent of admission; costs and how awarded and requirement of court.

10. No divorce to be granted for adultery on uncorroborated testimony of prostitute, or participes criminis, etc.

14. Neither party to a divorce to again marry within six months, but provision not to prevent re-marriage to each other; court may further prohibit marriage not to exceed five years, and violation is criminal; restraint may be modified under certain conditions.

15. If process is served on defendant sixty days before first day of court, and otherwise if a non-resident, case goes on docket and tried in chambers, and law governing taking depositions shall apply, or court may refer same to a commissioner.

16. Circuit court has authority to appoint in each county commissioner to investigate divorce cases; requirements and oath and how removed; duties of commissioner and compensation.

17. Plaintiff to give notice and time required; other requirements of plaintiff.

18. Instead of proceedings as in the fifteenth section, court may refer case to commissioner to take testimony; scope of inquiry and report; if testimony taken in another county to be before commissioner of county in which taken; if of witnesses residing out of the state, other proceedings; if taken out of county or state to be forwarded to clerk of court; duty of clerk; person before whom taken to be personally present and no deposition read unless authenticated; further duty of person before whom taken; penalty for violation; court may refer cause back and take further evidence on which to base finding; compensation of commissioner.

19. On final decree, duty of clerk as to testimony, bill and other papers. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections seven, eight and ten of chapter sixty-four of the code of West Virginia be amended and re-enacted; and that there be added to said chapter five additional sections to be known as sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of chapter
sixty-four of the code of West Virginia, of one thousand nine hundred and thirteen, which are hereby enacted to read as follows:

Section 7. The circuit court, on the chancery side thereof, shall have jurisdiction of suits for annulling or affirming marriages, or for divorces. If the marriage was not performed in the United States of America, no such suit shall be maintainable unless the plaintiff is a citizen of the United States, or the cause of action arose within the United States; and in no case shall a suit for divorce be maintainable unless the plaintiff be an actual bona fide citizen of this state, and shall have resided in the state for at least one year immediately preceding the bringing of the suit.

The suit shall be brought in the county in which the parties last cohabited, or (at the option of the plaintiff) in the county in which the defendant resides, if a resident of this state; but if not, then in the county in which the plaintiff resides. Such suit may be brought and prosecuted by the wife in her own name, without a next friend, and a decree may be entered in the case upon an order of publication had, published and posted, as provided in chapter one hundred and twenty-four of the code of West Virginia; but such publication shall be in a newspaper of general circulation in the county.

Sec. 8. Such suit shall be instituted and conducted as other chancery suits, except as hereinafter provided. All pleadings shall be verified by the party in whose name they are filed; but the bill shall not be taken for confessed, and whether the defendant answers or not, the case shall be tried and heard independently of the admissions of either party in the pleadings, or otherwise. Costs may be awarded to either party as equity and justice require, and in all cases the court, in its discretion, may require payment of costs at any time, and may suspend or withhold any order or decree until the costs are paid.

Sec. 10. No divorce for adultery shall be granted on the uncorroborated testimony of a prostitute, or a particeps criminis, or when it appears that the parties voluntarily cohabited after the knowledge of the adultery, or that it occurred more than three years before the institution of the suit, or that it was committed by the procurement or connivance of the plaintiff.

Sec. 14. Neither party to a divorce suit shall again marry within six months from the date of a decree of divorce; but this provision shall not apply to, or prohibit the divorced parties from
being re-married to each other at any time. The court may further prohibit the guilty party from marrying within a certain time, to be fixed in the decree, not to exceed five years from the date of the decree; and any marriage contracted by the parties, or either of them, except a re-marriage by the divorced parties to each other, within the prohibited period, shall be void, and the party shall be criminally liable the same as if no divorce had been granted. The court may, at any time after the expiration of one year, modify the restraint imposed upon the guilty party, upon it being shown that such person, by reason of his or her life and conduct, since the date of the decree, is entitled to such relief.

Sec. 15. If the process has been served on the defendant sixty days before the first day of the term of court, or if the defendant is a non-resident, and has been proceeded against by an order of publication which has been fully completed at least thirty days before the first day of the term, the case shall be placed on the docket for trial and the same shall be tried before the court in chambers, and all witnesses shall appear and testify at the trial the same as witnesses in an action at law; and the law governing the taking and reading of depositions in an action at law shall apply to depositions in the trial of divorce cases; provided, the court may, instead of proceeding with the case under this section, refer the same to a commissioner in chancery, or a special commissioner, as hereinafter provided.

Sec. 16. The circuit court of each county, or the judge thereof in vacation, may in his discretion, appoint a competent attorney in each county as a commissioner in chancery, to investigate divorce cases, who shall be designated as "divorce commissioner." He shall be a man of good moral character, of standing in his profession, and a resident of the county for which he is appointed, and shall, before assuming the duties of such commissioner, take the oath required of other commissioners in chancery; said commissioner shall discharge his duties and hold his office at the pleasure of the court, and may be removed at any time by the court. It shall be the duty of the divorce commissioner to investigate all divorce suits; to appear at all trials and examine witnesses when necessary, and defend the interests of the state; to bring before the court, at the trial, all witnesses necessary to develop the true facts, and generally take all necessary steps to prevent fraud and collusion in divorce cases. For which services
he shall be allowed the sum of not less than five dollars nor more
than fifteen dollars, to be fixed by the court, which amount shall
be taxed as a part of the costs of the case.

Sec. 17. The plaintiff shall, in every case, at least thirty
days before the first day of the term at which it is expected to
try the case before the court, give the divorce commissioner no-
tice in writing that a trial will be demanded. If the plaintiff has
not in the bill stated the residence and post office address of the
defendant, he shall furnish it to the commissioner at the time of
giving such notice; but if the residence and post office address of
the defendant are unknown to the plaintiff, at the time of giving
the notice, an affidavit of this fact, by the plaintiff, delivered to
the commissioner with the notice will be sufficient.

Sec. 18. Instead of proceeding with the cause under the pro-
visions of the fifteenth section of this act, the court may, in its dis-
cretion, refer it to one of the commissioners in chancery of such
court, or to a special commissioner, who shall take and return the
testimony in such cause, together with a report of all such facts as
the commissioner may be able to obtain as to property rights of the
parties, their income, their character, conduct, health, habits, their
children, and their respective places of residence from the time
of their marriage up to the time of such report, and any other
matter deemed necessary by the court, and all such facts so re-
ported shall be considered by the court in passing on the merits
of the cause, whether the same be referred to in the pleadings or
evidence, or not.

If testimony is to be taken in a county other than that in
which the cause is pending, the same shall be taken before one
of the commissioners in chancery of the circuit court of the county
in which the same is taken. If testimony is taken of witnesses
residing out of the state of West Virginia, the same shall be tak-
en before some person duly authorized to take depositions in di-
verce cases in the state where taken. If depositions are taken out
of the county in which the cause is pending, or without the state,
the same shall be, by the person taking the same, filed with or
forwarded to the clerk of the court wherein such cause is pending,
and on receipt of such depositions said clerk shall lay the same
before the commissioner to whom said cause has been referred,
who shall consider the same in connection with his report herein-
before mentioned. The person before whom depositions are taken
28 hereunder, shall be personally present at the time and place of
29 taking depositions, and no depositions shall be taken or read in
30 the cause unless it appear therefrom that such person was person-
31 ally present during the taking of same. It is hereby made the
32 duty of the person before whom such depositions are taken, to
33 see that all witnesses are so examined as to elicit all facts within
34 their knowledge pertaining to the cause. If any person before
35 whom any such depositions are taken certify falsely as to his
36 presence at the taking of said depositions, he shall be guilty of
37 a misdemeanor, and on conviction thereof, shall be fined not less
38 than fifty dollars nor more than five hundred dollars. The court
39 in which such cause is pending may refer the same as often as in
40 its judgment justice requires, and may, if it so elect, summons
41 any one to appear before said court, and give evidence with ref-
42 erence thereto, and base its finding on such oral evidence solely.
43 The commissioner shall be allowed for his services the same com-
44 pensation as is allowed in other chancery causes, and all costs,
45 including stenographer's fees, shall be taxed as in all other chan-
46 cery causes.

Sec. 19. When a final decree is entered in any divorce cause
2 the clerk shall immediately seal in a package all the testimony,
3 bill and other papers, and the same shall not be again re-opened
4 unless by order of the court entering such decree, or his successor
5 in office.
6 All acts or parts of acts in conflict herewith are hereby re-
7 pealed. This act shall not apply to any divorce cases now pending
8 in any court in this state.

CHAPTER 74.
(Senate Bill No. 67.)

AN ACT relating to the proof by affidavits of debts and demands for
money due on contract, in proceedings before commissioners in
chancery and commissioners of accounts.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the
Governor February 25, 1915.]
Sec. 1. Every creditor in chancery cause pending before a commissioner under decree, other than to enforce a lien on real estate under section 7, chapter 139, or in proceedings under section 13, chapter 87 of the Code, may establish his debt by filing itemized statement with affidavit. What to contain; counter affidavit may be filed, and proceedings before commissioner.

Be it enacted by the Legislature of West Virginia:

Section 1. That every creditor, in any chancery cause pending in any court before a commissioner in chancery under a decree of reference in said cause, other than in a suit to enforce a lien on real estate under the seventh section of chapter one hundred and thirty-nine of the code of West Virginia, or in any proceedings before a commissioner of accounts of any county, under the thirteenth section of chapter eighty-seven of said code, may establish his debt or demand against the debtor, if it be for the recovery of money due on contract, by filing before the commissioner with such debt or demand, completely itemized where it is upon an account, the affidavit or affidavits of any person or persons competent and not disqualified by law (which affidavit or affidavits shall affirmatively show in every case where the creditor is seeking to prove a debt or demand against a deceased debtor or his estate) to testify as a witness or as witnesses before the commissioner about or concerning the debt or demand in question, stating in such affidavit or affidavits every essential element necessary to constitute proof of such debt or demand, the same as though affiant or affiants had testified before the commissioner as a witness or as witnesses in person; unless the debtor, his personal representative, or any party, or creditor, or other person interested shall file before the commissioner a counter-affidavit denying the correctness of debt or demand, as a whole or in part, in which case the creditor presenting such debt or demand shall be required to produce his witness or witnesses before the commissioner, reasonable notice of which shall be given in writing to the creditor or his attorney, and the taking of the testimony relative to such debt or demand shall be proceeded with before the commissioner in like manner as if no affidavit or affidavits had been filed.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 75.

(Senate Bill No. 71.)

AN ACT to cure defective deeds and acknowledgments thereto, and the recordation thereof, and making a certified or attested copy thereof competent evidence in lieu of the original.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the Governor February 21, 1915.]

SEC. 1. No grant, bargain and sale, feoffment, etc., or other assurance of land, etc., or power of attorney relating thereto, delivered by husband and wife to bona fide customer for consideration, and acknowledged prior to February 21, 1891, deemed or held invalid nor defective by reason of informality of omission in particulars, or for other reasons; but valid as if all requisites were set forth, and exemplifications to be legal evidence in all cases where original would be competent; exceptions as to land heretofore held invalid.

Be it enacted by the Legislature of West Virginia:

Section 1. That no grant, bargain and sale, feoffment, deed of conveyance, mortgage, trust, release, assignment, or other assurance of land, tenements and hereditaments or real estate whatsoever, or power of attorney, relating thereto, made, or executed, and delivered by husband and wife to bona fide purchaser for good and valuable consideration, and acknowledged by them before an officer duly authorized by law to take such acknowledgment, made, executed, acknowledged and delivered prior to the twenty-first day of February one thousand eight hundred and ninety-one, shall be deemed, held or adjudged invalid nor 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 certificate thereof, or in stating the official character of such officer or the place of taking the acknowledgment, but every such power of attorney shall be valid, and all and every such grant, bargain and sale, feoffment, mortgage, trust, deed of conveyance and acknowledgment as 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, of, 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 force at the date of any such grant, bargain and sale, feoffment, deed of conveyance, mortgage, trust, release, assignment or other assurance,
26 were particularly set forth in the certificate thereof, and the record
27 of the same duly made in the proper office for recording of deeds
28 in the state of West Virginia, or in the state of Virginia, before
29 the formation of West Virginia; and exemplifications of the same
30 duly certified shall be legal evidence in all cases in which the origi-
31 nal would be competent evidence; provided, always, that this act
31 shall not apply to suits now pending and undetermined or to any
32 suit that may be brought within one year after the passage of this
33 act, or to any such deed, grant, bargain and sale, feoffment, mort-
34 gage, trust, release, assignment of other assurances of land, tene-
35 ments, and hereditaments or real estate whatsoever, or power of
36 attorney relating thereto, which has heretofore been declared or
37 held invalid by any court of competent jurisdiction.

CHAPTER 76.

(Act No. 293.)

AN ACT to amend and re-enact section one of chapter one hundred
and thirty-two of the code of West Virginia of one thousand nine
hundred and thirteen, (serial section 4931) relating to the ap­
pointment of special commissioners and special receivers and
specifying the county in which they shall deposit their moneys,
and prescribing a penalty for the violation of the provisions
thereof.

[Passed February 16, 1915. In effect from passage. Approved by the Governor
February 20, 1915.]

SEC. 1. A court in a suit pending may make
a decree or order sale of property
in any part of state, fix terms
and appoint commissioner or re-
cipient, who must be a resident
of West Virginia, and to receive
no money until bond is given;
conditions require money receiv-
ed to be deposited in banks of
county where suit is instituted,
not to be removed except on or-
der of judge; violations of this
provision a misdemeanor; pen­
alty: after last payment commis-
sioner required to make report;
what to contain and to be enter-
ed of record; time may be ex-
tended under certain conditions,
but failure to report a misde-
meanor.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and thirty-two (serial
section four thousand nine hundred and thirty-one of one thousand
nine hundred and thirteen code) of the code of West Virginia be
amended and re-enacted so as to read as follows:
Section 1. A court in a suit, pending properly therein, may
make a decree or order for the sale of property in any part of the
state, and may direct the sale to be for cash, or on such credit and
terms as it may deem best; and it may appoint a special commis-
sioner or special receiver to make such sale. Every special commis-
sioner or special receiver appointed under this section shall be a resi-
dent of the state of West Virginia, and he shall receive no money
under a decree or order until he give a bond with good security be-
fore the said court or its clerk, conditioned as the law
requires for the faithful accounting thereof, and with the
further condition that he will deposit in his name as
such special commissioner or special receiver all moneys
received by him as such special commissioner or special
receiver in one or more banks in the county in which the suit
or cause is properly instituted, and will not remove the same
therefrom without the order or decree of distribution of the pre-
siding judge; and any special commissioner or special receiver
violating the conditions of his bond or the provisions of this section,
by receiving money before executing bond as aforesaid, or failing
to deposit the money in one or more banks in the county in which
the suit or cause is properly instituted as aforesaid, and keep-
ing the same therein subject to a decree of distribution, shall be
a misdemeanor and shall be punished by a fine of not less than
twenty-five nor more than one hundred dollars and may be im-
prisoned in the county jail for a term not to exceed ten days. And
the said special commissioner shall, after the last payment required
by said decree of sale or decree confirming said sale is made, make
report to the court in writing, at the next term of the court there-
after, showing how the proceeds of said sale have been applied by
him; which report shall be approved and entered of record in the
chancery order book and filed with the papers in the cause. If
from any cause said report cannot be made, showing a final settle-
ment, within the time aforesaid, the court may enter an order ex-
tending the time for a final report to be made. If said commis-
sioner fail to make said report, as aforesaid, he shall be deemed
guilty of a misdemeanor and, upon conviction thereof, shall be fined
not less than fifty dollars nor more than five hundred dollars.
AN ACT to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, relating to jury commissioners.

[Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC. 3. Requires two jury commissioners for each county, to be of opposite politics, citizens in good standing, etc., appointed by judge of circuit court; term of office four years, to begin June first; exceptions; may be removed by court or judge for cause; vacancies filled as in the first instance; proceedings, how kept and compensation; first appointments, when made; jury commissioners at levy terms and at other times if required, to prepare list of inhabitants for jury duty; requirements; oath to be filed in office of clerk of circuit court; two jury commissioners authorized for courts of limited jurisdiction; same duties, compensation and requirements.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and sixteen of the code of West Virginia, be amended and re-enacted so as to read as follows:

Section 3. There shall be two jury commissioners of the circuit court for each county. They shall be of opposite politics, citizens of good standing, residents in the county for which they are appointed and well known members of the principal political parties thereof. They shall be appointed by the circuit court, or the judge thereof in vacation, of their respective counties. Their term of office shall be four years, and shall commence on the first day of June next after their appointment, but the first two shall be appointed, one for two years and the other for four years, and thereafter, alternately, for the full term of four years. They may be removed from office by the court or judge having the power of appointment, for official misconduct, incompetency, habitual drunkenness, neglect of duty or gross immorality. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. The jury commissioners shall keep in a well bound book a record of the proceedings to be preserved by the clerk of the circuit court in his office. They shall receive two dollars per day for each day necessarily employed as such jury commissioners, payable out of the county treasury, upon the order of the circuit court. The first appointment of said commissioners shall be made within thirty days after this act takes effect. The jury Commissioners shall...
23 commissioners of each county shall, at the levy term of the county court thereof, annually, and at any other time when required by the circuit court of such county, without reference to party affiliations, prepare a list of such inhabitants of the county, not exempted as aforesaid, as they shall think well qualified to serve as jurors, being persons of sound judgment and free from legal exception, which list shall include not less than two hundred nor more than six hundred persons. But the name of no person shall be put on such list, who may have requested the jury commissioners, or either of them, by himself or another person, to have his name placed on such list. Before entering upon the discharge of their duties, the jury commissioners shall take and subscribe an oath to the following effect:

"State of West Virginia, )
County of ............., )
I, A ............. B .............; do solemnly swear that I will support the constitution of the United States and the constitution of this state and will faithfully discharge the duties of jury commissioner to the best of my skill and judgment, and that I will not place any person upon the jury list out of fear, favor or affection."

The said oath shall be taken before the clerk of the circuit court who is hereby authorized to administer the same, and filed and preserved by him in his office. There shall also be two jury commissioners for every court of limited jurisdiction, who shall be appointed by said courts, or the judges thereof in vacation, respectively, and whose terms of office and compensation shall be the same as the jury commissioners for the circuit courts. The same powers conferred and duties imposed by this chapter upon the circuit courts, or the judges thereof in vacation, and upon the clerks and jury commissioners of the circuit courts, are hereby conferred and imposed upon every court of limited jurisdiction and the judges thereof respectively, and upon the clerks and jury commissioners of said courts of limited jurisdiction.

**CHAPTER 78.**

(Senate Bill No. 67.)

AN ACT to amend and re-enact section six of chapter one hundred and twenty-one of the code of West Virginia, relating to motions
for judgment for moneys due on contract, and to provide for sworn pleadings in connection with such proceedings.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

**Sec. 6.** Any person entitled to recover money by action on contract may, on motion, obtain judgment for such money after twenty days' notice, to be returned to clerk's office fifteen days before motion is heard; how notice to be served and what to contain; if plea filed be admitted judgment may be taken for sum due, and trial for residue; motion docketed not discontinued by reason of no docketing or no order of continuance.

Be it enacted by the Legislature of West Virginia:

That section six of chapter one hundred and twenty-one of the code of West Virginia, (serial section number four thousand seven hundred and twenty-six), be amended and re-enacted so as to read as follows:

Section 6. Any person entitled to recover money by action on any contract may, on motion before any court which would have jurisdiction in an action, otherwise than under the second section of the one hundred and twenty-third chapter of this code, obtain judgment for such money after twenty days' notice, which notice shall be returned to the clerk's office of such court fifteen days before the motion is heard. In any such motion, if the plaintiff shall file with his notice, and shall serve upon the defendant at the same time and in the same manner as the notice is served, an affidavit by himself, or his agent, stating distinctly the several items of the plaintiff's claim, and that there is, as the affiant verily believes, due and unpaid from the defendant to the plaintiff upon the demand or demands stated in the notice, including principal and interest, after deducting all payments, credits and sets-off made by the defendant, or to which he is entitled, a sum certain to be named in the affidavit, no plea shall be filed in the case unless the defendant shall file with his plea the affidavit of himself, or his agent, that there is not, as the affiant verily believes, any sum due by the defendant to the plaintiff upon the demand or demands stated in the plaintiff's notice, or stating a sum certain less than that stated in the affidavit filed by the plaintiff, which, as the defendant, or his agent, verily believes, is all that is due from the defendant to the plaintiff upon the demand or demands stated in the plaintiff's notice. If such plea and affidavit be filed by the defendant and it be admitted in such
26 affidavit that any such sum is due from the defendant to the
27 plaintiff, judgment may be taken by the plaintiff for the sum so
28 admitted to be due, with interest thereon from the date of the
29 plaintiff's affidavit until paid, and the case tried as to the residue.
30 A motion under this section, which is docketed under the first
31 section of chapter one hundred and thirty-one of this code, shall
32 not be discontinued by reason of no order docketing the same upon
33 the return day thereof, or of no order of continuance being entered
34 in it from one day to another, or from term to term.

CHAPTER 79.
(Senate Bill No. 65.)

AN ACT authorizing proof by affidavit of demands for money due on
contract, in civil actions before justices of the peace, founded upon
accounts.

[Passed February 15. 1915. In effect ninety days from passage. Approved by the
Governor February 22. 1915.]

Sec. 1. In every civil action before justice
upon account for money due on
contract where plaintiff has filed
complete statement of account,
with affidavit, no answer to be
filed unless defendant shall file
affidavit stating there is not any
sum due, or a certain sum less
than stated: If such answer be
not filed judgment to be entered

Sec. for sum stated, with interest: If
answer of defendant denies sum
due, trial to be proceeded with
as if affidavit had not been filed:
if any sum admitted judgment
may be taken and trial as to
residue: nothing to preclude
continuance under section 58 of
chapter 50 of the code.

2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That in every civil action before a
2 justice of the peace upon an account for money due
2-a on contract, where the plaintiff has filed with the jus-
3 tice on or before the return day of the summons, a com-
4 plete statement of the items of his account, together with
5 an affidavit stating that there is, as he verily believes, due and
6 unpaid to him from the defendant, including principal and inter-
7 est, after deducting all payments, credits and sets-off made by the
8 defendant, and to which he is entitled, a sum certain to be named
9 in the affidavit, no answer shall be filed before the justice, unless
10 the defendant shall file with his answer, his affidavit stating that
11 there is not, as he verily believes, any sum due from him to the
12 plaintiff upon the demand or demands stated in said summons: or
stating a sum certain less than stated in the affidavit, which, as he
verily believes, is all that is due from him to the plaintiff upon the
demand or demands stated in the summons. If such answer and
affidavit be not filed, judgment shall be entered for the plaintiff by
the justice for the sum stated in his affidavit, with interest thereon
from the date of the affidavit till paid. And if such answer and
affidavit be filed by the defendant, and it be denied in such affidavit
that any sum is due the plaintiff, the trial of the case shall be
proceeded with as if the affidavits hereinbefore mentioned had not
been filed. If it be admitted in such affidavit that any sum is due
from the defendant, judgment may be taken by the plaintiff for
the sum so admitted to be due, with interest thereon from the date
of plaintiff’s affidavit till paid, and the case tried as to the residue.
But nothing herein contained in this act shall be so construed as to
preclude the defendant from demanding of right a continuance of
the case under the provisions of section fifty-eight of chapter fifty
of the code of West Virginia.

Sec. 2. All acts and parts of acts inconsistent herewith are
hereby repealed.

CHAPTER 80.
( Senate Bill No. 7.)

AN ACT to empower the courts of this state to release upon parole
or probation certain minor offenders from punishment, or imprison­
ment, and providing conditions for such release, and parole.

[Passed January 28, 1915. In effect ninety days from passage. Approved by the
February 4, 1915.]

Sec. 1. In any case in which a person under the age of twenty-one
years is convicted of an offense not capital, under extenuating circumstances,
court may direct that he or she be released on recognizance pending good behavior, with or
without security, for such time as court may prescribe; to ap­
pear and receive judgment when called upon; court may also
make special directions as to payment of costs.

Sec. 2. Court may at any time issue process for apprehension of offend­
er if conditions of recognizance violated, and impose sentence.
Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. In any case in which a person under the age of
twenty-one years is convicted before a court of this state, of any
offense not capital, if it appears to the court before whom he
or she is so convicted, regard being had to the youth, character
CONCERNING BAIL. [CH. 81

5 and environments of the offender, to the nature of the offense, 6 and to any extenuating circumstances, under which the offense 7 was committed, that it is expedient that the offender be released on 8 probation of good conduct, the court may, instead of sentencing 9 him or her at once to any punishment, direct that he or she be 10 released upon his or her entering into a recognizance, conditioned 11 to keep the peace and be of good behavior, with or without se- 12 curity, as the court may see fit, for such period of time as the 13 court may prescribe, and to appear and receive judgment when 14 called upon. And the court may, if it thinks fit, direct that 15 such offender shall pay the cost of prosecution, or any portion 16 of the same, directed by the court, within such period, and in 17 such installments as the court may direct.

Sec. 2. The court may at any time within such period of 2 release or probation, but not afterwards, upon being satisfied by 3 information on oath, that the offender has failed to observe any 4 of the conditions of his recognizance, issue process for his ap- 5prehension, and thereupon without any further proceedings, at any 6 general or special term of court, impose sentence upon him 7 or her as provided by law, the same as if this statute had not 8 been enacted.

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

CHAPTER 81.

(Senate Bill No. 102.)

AN ACT to amend and re-enact section six (serial section five thou- 1 sand five hundred and twenty-two) of chapter one hundred and fifty-six of the code of West Virginia of one thousand nine hundred and thirteen, as amended and re-enacted by chapter seventy-nine of the acts of the legislature of one thousand eight hundred and eighty-two, concerning bail.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 22, 1915.]

Sec. 6. Justices may let to bail person charged with but not convicted of an offense not punishable by death; if offense be punished by confinement in penitentiary bail shall not be less than $500; not to admit if bail has been previously refused, nor admitted for less than amount stated in order of commitment; but circuit or supreme courts, or judges, may, for good cause, admit any person to bail before or after conviction; exceptions, and conditions of bail.
Be it enacted by the Legislature of West Virginia

Section 6. A justice may let to bail a person who is charged
2 with, but not convicted of, an offense not punishable with death.
3 If the offense be punished by confinement in the penitentiary, he
4-5 shall not admit such person to bail in a less sum than five hun-
6 dred dollars. But a justice shall not admit any person to bail if bail
7 has been previously refused to such person by any court or judge;
8 nor shall any person confined in jail by an order of commitment
9 in which the amount of bail he is to give is specified, or where
10 an order has been made by a court or judge fixing the bail such
11 person is to give, be admitted to bail by a justice in a less sum than
12 is specified in such order. But a circuit court, or supreme court
12-a of appeals, or a judge of either of said courts, in vaca-
13 tion, may, for good cause shown, admit any person to bail
14 before conviction, or after conviction, except a conviction for
15 offenses where the penalty is confinement in the penitentiary for
16 life, or death, and during the suspension of the execution
17 of the judgment of conviction or pending an appeal or writ
18 of error, and may, by order, direct the clerk of the cir-
19 cuit court of the county in which the offense is charged
20 to have been committed to take the bond with good security in
21 such a sum as the court or judge may fix in said order; provided,
22 that in cases where bail has been allowed, after conviction as
23 aforesaid, the condition of the recognizance, or bond, shall be,
24 that the accused shall appear before the said circuit court at its
25 first regular term after the appellate court shall have rendered
26 its final order or judgment, upon said writ of error, appeal, or
27 supersedeas, and submit himself to such order or judgment, and
28 to be further dealt with according to law.

CHAPTER 82.
(Senate Bill No. 232.)

AN ACT to re-enact section four thousand seven hundred of the West Virginia code of one thousand nine hundred and thirteen, regulating the practice of law and the manner of licensing attorneys-at-law, who have been admitted to practice in other states and territories and in the District of Columbia, to practice in this state.
Be it enacted by the Legislature of West Virginia:

That section four thousand seven hundred of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 4700. Any person duly authorized and practicing as a counsel or attorney at law in any state or territory of the United States, or in the District of Columbia, may practice as such in the courts of this state, as a visiting attorney upon producing before the courts in which he intends to practice satisfactory evidence of his being so authorized. But this section shall not be construed as allowing such counsel or attorney to practice law in this state, as a resident counsel or attorney on a license granted by another state, or territory, or by the District of Columbia. A counsel or attorney at law licensed to practice as such under the laws of another state, territory or the District of Columbia, who shall desire to practice law in this state as a resident counsel or attorney therein shall, before attempting to practice law in this state, after he becomes a resident thereof, submit to the same examination and be licensed and admitted under the same rules and regulations, including proof of good character, as are now required of persons seeking to be licensed under the laws of this state. But nothing in this act contained shall be construed as affecting the rights or status of lawyers admitted to practice in this state, at or before the time this act takes effect.
and other employees; to require the collection and payment of all fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites into the county treasury; to require retiring sheriffs to make settlement as treasurer at the end of their terms of office; to provide penalties for violations hereof.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

**SEC.**

1. All fees, costs, percentages, penalties, compensation, income; and perquisites by law now or hereafter collected for services by clerk county court, sheriff, clerk circuit, criminal or intermediate court and prosecuting attorney to be received for sole use of the treasury of county and held as public moneys belonging to county fund.

2. Duty of clerks, sheriff and prosecuting attorney to have charge and collection of all fees and perquisites allowed by law, and method of collection.

3. Each officer required to keep full and regular accounts, subject to examination by proper tribunal; books of account to be a part of records; system to be as prescribed by inspector of public offices.

4. Officers named to make payments into county treasury at end of each month all moneys collected, to be credited to county fund.

5. No officer authorized to make reduction of fees of any kind; default or failure to make report a misdemeanor; penalty: failure to pay over or to appropriate for his own use, embezzlement, penalty: same penalty if offense by assistant or deputy.

6. Poor persons exempted from payment of fees under certain conditions: "poor person" defined for purposes of this act; penalty for false swearing as to this section.

7. When action at law, suit in equity or other proceeding instituted clerk to require from plaintiff reasonable deposit for services; directions as to custody of deposit now paid over; requirement of defendant to any action as to deposit; after demand for deposit service required until demand is complied with.

8. On or before December 1, 1920, clerks county court and clerks circuit court, and on or before December 1, 1916, sheriffs to file with county court detailed statement of amount necessary to be expended for deputies, assistants and all other employees for the calendar year; same requirement for each year thereafter; failure of this requirement a misde-
Sec. 14. County court required to provide suitable office for sheriff, clerks and prosecuting attorney and furnish the same.

Sec. 15. No fees earned heretofore required to be paid over.

Sec. 16. Sheriff is ex-officio county treasurer of county and of districts, school districts and independent school districts; duty of sheriff as to list of uncollected taxes, when made up and credit therefore; to be turned over to successor for delinquent list; retiring sheriff to turn over all public moneys January first.

Sec. 17. No compensation authorized for assistants to prosecuting attorneys except where authorized by law; prosecuting attorney to be reimbursed for traveling expenses, when properly verified.

Sec. 18. Authority of chief inspector to enforce provisions of this act; all books, etc., for this act to be prescribed by chief inspector; false swearing, and penalty therefore.

Sec. 19. Every county officer named herein required to file December first of each year, with state tax commissioner itemized sworn statement for twelve months preceding; failure a misdemeanor, penalty.

Sec. 20. All acts or parts of acts authorizing allowance of any kind to officers named herein repealed.

Sec. 21. Act effective as to sheriff and prosecuting attorney January 1, 1917, as to clerks January 1, 1921; exceptions; section sixteen to take effect July 1, 1917. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. All fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites of whatever kind which by law may now or hereafter be collected or received as compensation for services by any clerk of the county court, sheriff, clerk of the circuit court (or clerk of the circuit and criminal or intermediate court) and prosecuting attorney shall be received and collected by such officer, for the sole use of the treasury of the county in which he is located, and shall be held as public moneys belonging to the county fund, and shall be accounted for and paid over as such in the manner hereinafter provided.

Sec. 2. Each clerk of the county court, sheriff, clerk of the circuit court (or clerk of the circuit and criminal or intermediate courts) and prosecuting attorney shall have charge of and collect the fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites of whatever kind which are now or may hereafter be allowed by law. Whenever there remain due the county and unpaid, for a period of more than six months, any fees, costs, percentages, penalties, commissions, allowances, compensation, income or any other perquisites of any kind, it shall be the duty of the county court, or other tribunal in lieu thereof, by the prosecuting attorney, to proceed to the collection thereof in the circuit court, upon motion, whereof the defendant and the sureties on his bond shall have at least twenty days’ notice, or in any other manner provided for by law, and the amount so
15 collected shall be paid into the county treasury to the credit of the
16 general county fund.

Sec. 3. Each of the officers herein named shall keep full and
2 regular accounts, subject at all times to the examination of the
3 county court, or tribunal in lieu thereof, the state tax commissioner
4 or any individual, of all sums charged or collected by said officers
5 on account of official fees, costs, percentages, penalties, commissions,
6 allowances, compensation, income and all other perquisites of what-
7 ever kind, and said book of accounts shall be a part of the records
8 of the respective offices herein named belonging to the county, and
9 shall be transmitted by each county officer to his successor in office.
10 The system of books and accounts to be kept by the officers herein
11 named shall be prescribed by the state tax commissioner, ex-
12 officio inspector and supervisor of public offices under the pro-
13 visions of chapter thirty-three, acts one thousand nine hundred
14 and eight.

Sec. 4. Each of the officers herein named shall at the end of
2 each month pay into the county treasury all fees, costs, percentages,
3 penalties, commissions, compensation, income and all other per-
4 quisites of whatever kind collected by his office during said month,
5 which moneys shall be credited to the general county fund.

Sec. 5. None of the officers named in this act shall be au-
2 thorized to make any reduction, abatement or remission of any of
3 the fees, costs, percentages, penalties, commissions, allowances, com-
4 pensation, income or any other perquisites of whatever kind that
5 it may be their duty to charge and collect. If any officer named in
6 this act shall wilfully make default in the payment of fees, costs,
7 percentages, penalties, commissions, allowances, compensation, in-
8 come or any other perquisites of whatever kind received and col-
9 lected by him, for a period longer than ten days after the end of
10 the month during which the same were collected, he shall be guilty
11 of a misdemeanor, and upon conviction thereof shall be fined not
12 more than five hundred dollars, and in the discretion of the court
13 may be imprisoned not more than thirty days, and may be removed
14 from his office, and he and the sureties on his bond shall be liable
15 for any and all such moneys collected. If any officer named in this
16 act shall fail to pay such fees, costs, percentages, penalties, commis-
17 sions, allowances, compensation, income or any other perquisites
18 of whatever kind, to the treasurer of his county, and shall appro-
priate the same for his own use, or shall fail to pay over such fees, costs, percentages, penalties, commissions, allowances, compensation, income or any other perquisites of whatever kind, within thirty days after demand has been made upon him by the county court of his county, or tribunal in lieu thereof, or prosecuting attorney, he shall be guilty of embezzlement, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years, and shall forfeit his office; and if any deputy or assistant of any of the officers named in this act shall appropriate to his own use any fees, costs, percentages, penalties, commissions, allowances, compensation, income or any other perquisites of whatever kind, or fail to pay the same within thirty days after demand has been made upon him by the county court, or tribunal created in lieu thereof, or prosecuting attorney of his county, he shall be guilty of embezzlement and upon conviction be confined in the penitentiary not less than one nor more than five years.

Sec. 6. A poor person may be allowed by a court to sue or defend a suit therein without paying fees, or costs, whereupon he shall have from all officers all needful services and process and also the assistance of witnesses, without any fees to them therefor, except what may be included in the costs recoverable from the opposite party. A poor person within the meaning of this section, shall be one who shall make and file in the court or with the officer whose services may be demanded or required, an affidavit stating that he is pecuniarily unable to pay fees or costs, or counsel fees, and upon the filing of such affidavit in court or with any officer named in this act, then such officer shall perform any services required by law to be performed by him, as though the legal fees for such services had been paid. If any person shall swear falsely in such affidavit, and shall represent himself to be a poor person within the meaning of this act, when in fact he is pecuniarily able to pay the fees fixed by law, or to pay reasonable counsel fees, in any suit or action wherein he is a party, he shall be guilty of false swearing, and upon conviction thereof he shall be confined in jail not more than one year, and fined not more than five hundred dollars, and shall be ineligible for any position of honor or trust of public service.
Sec. 7. When any action at law, suit in equity or other proceeding is instituted, the clerk of the court wherein the same is instituted shall require from the plaintiff reasonable deposit of money for the services to be performed by himself, or any other officer named in this act; provided, however, that such clerk shall not be required to pay any part of such deposit to any officer (other than himself) for any services to be performed, unless he is directed so to do by the plaintiff at the time such deposit is made. The action, cause or proceeding wherein any deposit is made shall be credited therewith, and there shall be charged against such deposit all payments made by the clerk to any other such officer for services performed by the latter; and at the end of the month said clerk shall be required to pay into the county treasury such part of the deposit as has been earned by services performed by him or by any other officer whose services he has been directed by the plaintiff to pay. Upon the appearance of any defendant to any action at law, other than criminal cases, suit in equity or other proceeding, such defendant shall likewise be required to deposit with the clerk any reasonable amount, and the same shall be applied and accounted for in like manner as a deposit made by the plaintiff or petitioner. After demand by the clerk for deposit provided for in this section he shall not be required to perform any service until the demand is complied with, unless affidavit is filed as provided for by section six of this act.

Sec. 8. On or before December first, one thousand nine hundred and twenty, each person elected to the office of clerk of the county court, clerk of the circuit court (or clerk of the criminal or intermediate courts); and on or before December first, one thousand nine hundred and sixteen, each person elected to the office of sheriff, shall file with the county court, or tribunal in lieu thereof, a detailed statement of the probable amount necessary to be expended for deputies, assistants and all other employees of their respective offices for the following calendar year; and every year thereafter, each of said officers shall, on or before December first, file a like statement, showing in detail the requirements of his office for the services of deputies, assistants and all other employees for the year beginning January first thereafter. If any person or officer shall fail to file the statement hereby required, and at the time required, he shall be guilty of a misdemeanor and upon conviction...
thereof shall be punishable by a fine of not less than fifty nor more
than one hundred dollars, or imprisonment not less than thirty
days nor more than six months, or both, at the discretion of the
court. The county court, or tribunal in lieu thereof, shall, not
later than fifteen days after the filing of said statement, take up
and consider the same and shall determine and fix an aggregate
sum to be expended for the period covered by said statement for
the compensation of all such deputies, assistants and other em-
ployees of said respective officers, which shall be reasonable and
proper, regard being had to the amount of labor necessary to be
performed by those to receive the same, and enter upon its court
order a finding of its action. The amount to be expended
for the office of clerk of the circuit court shall be fixed by the
concurrent jurisdiction of the county court or tribunal in lieu
thereof, and the judge or judges of the circuit court and criminal
intermediate courts.

27 The officers herein named shall appoint and employ such depu-
ties, assistants and other employees in the manner provided by
law, as may be necessary for their respective offices and fix their
compensation, and shall file with the clerk of the county court or
other tribunal in lieu thereof, a statement in writing showing such
action and setting forth the name of each deputy, assistant and
employee, the time for which employed and the monthly compen-
sation; but the compensation for all deputies, assistants
and other employees shall not exceed in the aggregate for
each office, the amount so fixed for that office as here-
inbefore provided. The compensation of the sheriff, clerk of the
county court, clerk of the circuit court (or clerk of the
circuit and criminal or intermediate courts), and prosecuting
attorney shall be paid monthly to those entitled to the same
out of the county fund in the manner provided by law; and the
compensation of their deputies, assistants and other employees,
duly appointed or employed, after being so fixed, shall be paid
monthly to those entitled to the same out of the county fund. The
county court (or other tribunal in lieu thereof), after filing of the
statement provided for by this section, showing the names of the
depuies, assistants and other employees, the time for which em-
ployed and their compensation may, by order of record, authorize
and direct orders or drafts on the treasurer, payable out of the gen-
eral county fund, to be drawn in favor of the officer, his deputy,
assistant, or employee named in such statement, in payment of
the monthly salary to which such officer is entitled, and in payment
of the monthly compensation to which his deputy, assistant or em-
ployee is entitled, and when such order has been entered of record,
the president and clerk of the county court (or other tribunal in
lieu thereof) shall be authorized to sign such orders and drafts for
the purposes aforesaid; provided, however, that no orders shall be
issued to the officer or deputy, assistant, or other employee until
the officer has filed a detailed monthly statement with the county
treasurer and has filed with the county clerk a duplicate copy there-
of, together with a receipt from the county treasurer showing that
he has paid into the county treasury all fees, costs, percentages,
commissions, allowances, compensation, income and all other per-
quisesites of whatever kind that have been collected during said
month, as shown by said statement. The officers herein
named shall have authority to discharge any deputy, assistant or
other employee, by filing with the clerk of the county court or
tribunal in lieu thereof, a statement in writing showing such action.
All statements required to be filed by this section, shall be verified
by the affidavit of the person making them, and among other things
contained in the affidavit shall be the statement that the amounts
shown therein were the amounts actually paid or intended to be
paid to the deputies, assistants, or other employees; that no re-
bates, agreement, understanding and expectation that any part
thereof shall be repaid to him, and that nothing has heretofore
been paid or promised him on that account, and that if he shall
thereafter receive any money, or thing of value, on account thereof,
he will account for and pay the same to the county. Until the
statements required by this section have been filed, no allowances
or payments shall be made to any officer for deputies, assistants
or other employees.

Sec. 9. Before the clerk of the county court (or tribunal in
lieu thereof) delivers an order upon the county treasury to any
deputy, assistant or any other employee for his compensation,
such person shall sign a receipt which shall be in the following
form:

“No. ............. .........................., 19...
"Received of .................., clerk of the
county court, (or tribunal in lieu thereof), of.................."
9 county, draft payable to my order, drawn on the treasurer of said
10 county for ........................................ dollars ($..............)
11 in full for all services as...............................
12 (here state service)
13 for ....................................................... of said county
14 (here insert name of office)
15 ending ...................................................., 19....
16 (month and day)
17 "I hereby certify that I have rendered the service as herein
18 stated, and that I have received the full sum set forth in the above
19 receipt for my own use and benefit, and that I have not paid, de-
20 posited or assigned, or contracted to pay, deposit or assign any
21 part of such compensation for the use of any other person, or in
22 any way, directly or indirectly, paid or given, or contracted to
23 pay or give, any reward or compensation for such position or the
24 emoluments thereof."
25 (Signed) ........................................
26 All of said receipts shall be preserved and filed by the clerk
27 of the county court, or tribunal in lieu thereof.

Sec. 10. If any clerk shall issue and deliver an order or
draft to any sheriff, clerk of the county court, clerk of the circuit
court (or clerk of the circuit and criminal or intermediate courts),
prosecuting attorney, or any of their deputies, assistants, or em-
ployees in payment of his compensation, without the requiremen-
t of sections eight and nine hereof being complied with, the order so
issued and delivered shall be illegal, invalid and of no effect, and
such clerk and the sureties on his bond shall be liable to the county
court of his county, or tribunal in lieu thereof, for the payment
thereof.

Sec. 11. No officer shall receive or be paid, directly or indi-
rectly, any part of the compensation of any deputy, assistant, or
other employee, or any fee or reward for appointing him to such
position. No member of a county court, or tribunal in lieu there-
of, shall receive or be paid, directly or indirectly, any part of the
compensation of any county officer, named in this act, his deputy,
assistant or other employee. Any violation of the provisions of
this section shall be punishable, upon conviction, by a fine of not
exceeding five hundred dollars or imprisonment not exceeding one
year, or both, and by forfeiture of his office.
Sec. 12. The annual compensation of the sheriff in each county shall be as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour County</td>
<td>$2,500</td>
</tr>
<tr>
<td>Berkeley County</td>
<td>$3,000</td>
</tr>
<tr>
<td>Boone County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Braxton County</td>
<td>$2,800</td>
</tr>
<tr>
<td>Brooke County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Cabell County</td>
<td>$4,000</td>
</tr>
<tr>
<td>Calhoun County</td>
<td>$1,600</td>
</tr>
<tr>
<td>Clay County</td>
<td>$1,700</td>
</tr>
<tr>
<td>Doddridge County</td>
<td>$2,400</td>
</tr>
<tr>
<td>Fayette County</td>
<td>$4,000</td>
</tr>
<tr>
<td>Gilmer County</td>
<td>$2,200</td>
</tr>
<tr>
<td>Grant County</td>
<td>$1,800</td>
</tr>
<tr>
<td>Greenbrier County</td>
<td>$2,700</td>
</tr>
<tr>
<td>Hampshire County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Hancock County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Hardy County</td>
<td>$1,600</td>
</tr>
<tr>
<td>Harrison County</td>
<td>$4,500</td>
</tr>
<tr>
<td>Jackson County</td>
<td>$2,500</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>$2,500</td>
</tr>
<tr>
<td>Kanawha County</td>
<td>$5,000</td>
</tr>
<tr>
<td>Lewis County</td>
<td>$3,000</td>
</tr>
<tr>
<td>Lincoln County</td>
<td>$2,500</td>
</tr>
<tr>
<td>Logan County</td>
<td>$3,500</td>
</tr>
<tr>
<td>Marion County</td>
<td>$4,500</td>
</tr>
<tr>
<td>Marshall County</td>
<td>$3,500</td>
</tr>
<tr>
<td>Mason County</td>
<td>$2,500</td>
</tr>
<tr>
<td>Mercer County</td>
<td>$3,800</td>
</tr>
<tr>
<td>Mineral County</td>
<td>$2,200</td>
</tr>
<tr>
<td>Mingo County</td>
<td>$3,500</td>
</tr>
<tr>
<td>Monongalia County</td>
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<tr>
<td>McDowell County</td>
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<td>Morgan County</td>
<td>$1,500</td>
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<tr>
<td>Nicholas County</td>
<td>$2,500</td>
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<td>Ohio County</td>
<td>$4,500</td>
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<td>Pendleton County</td>
<td>$1,600</td>
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<td>Pleasants County</td>
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<td>Pocahontas County</td>
<td>$2,750</td>
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<td>Preston County</td>
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<tr>
<td>Putnam County</td>
<td>$1,800</td>
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<tr>
<td>Raleigh County</td>
<td>$3,000</td>
</tr>
<tr>
<td>Randolph County</td>
<td>$3,000</td>
</tr>
<tr>
<td>Ritchie County</td>
<td>$2,750</td>
</tr>
<tr>
<td>Roane County</td>
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</tr>
<tr>
<td>County</td>
<td>Compensation</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Summers County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Taylor County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Tucker County</td>
<td>$2,200</td>
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<tr>
<td>Tyler County</td>
<td>$2,400</td>
</tr>
<tr>
<td>Upshur County</td>
<td>$2,500</td>
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<tr>
<td>Wayne County</td>
<td>$2,400</td>
</tr>
<tr>
<td>Webster County</td>
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<tr>
<td>Wetzel County</td>
<td>$3,000</td>
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<tr>
<td>Wirt County</td>
<td>$1,650</td>
</tr>
<tr>
<td>Wood County</td>
<td>$4,000</td>
</tr>
<tr>
<td>Wyoming County</td>
<td>$2,100</td>
</tr>
</tbody>
</table>

Except for the year one thousand nine hundred and seventeen, the compensation of a sheriff shall be three-fourths of the amount fixed by this section, one-fourth to be paid during the first six months, and the remaining two-fourths during the last six months, the retiring sheriff being required to act as treasurer until July first, one thousand nine hundred and seventeen, and perform all the duties now required by law and receive as compensation therefor the commission provided by law.

63-a. The annual compensation of the clerk of the County Court in each county shall be as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour County</td>
<td>$1,800</td>
</tr>
<tr>
<td>Berkeley County</td>
<td>$2,000</td>
</tr>
<tr>
<td>Boone County</td>
<td>$1,800</td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Doddridge County</td>
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<tr>
<td>Fayette County</td>
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<tr>
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<tr>
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<td>Marshall County</td>
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<td>$2,500</td>
</tr>
<tr>
<td>McDowell County</td>
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### Salaries of County Officers

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mercer County</td>
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<tr>
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<tr>
<td>Pocahontas County</td>
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</tr>
<tr>
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<td>Tucker County</td>
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<tr>
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<tr>
<td>Upshur County</td>
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<tr>
<td>Wayne County</td>
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<tr>
<td>Webster County</td>
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<tr>
<td>Wetzel County</td>
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</tr>
<tr>
<td>Wirt County</td>
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</tr>
<tr>
<td>Wood County</td>
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<td>Wyoming County</td>
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</table>

The annual compensation of the clerk of the circuit court (or clerk of the circuit and criminal or intermediate courts), in each county shall be as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour County</td>
<td>$1,650</td>
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<tr>
<td>Berkeley County</td>
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<tr>
<td>Brooke County</td>
<td>$1,200</td>
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<tr>
<td>Cabell County</td>
<td>$3,000</td>
</tr>
<tr>
<td>Calhoun County</td>
<td>$ 800</td>
</tr>
<tr>
<td>Clay County</td>
<td>$1,200</td>
</tr>
<tr>
<td>Doddridge County</td>
<td>$1,500</td>
</tr>
<tr>
<td>Fayette County</td>
<td>$3,000</td>
</tr>
<tr>
<td>Gilmer County</td>
<td>$1,600</td>
</tr>
<tr>
<td>Greenbrier County</td>
<td>$1,600</td>
</tr>
<tr>
<td>Hampshire County</td>
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</tr>
<tr>
<td>Hancock County</td>
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<tr>
<td>Harrison County</td>
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</tr>
<tr>
<td>Jackson County</td>
<td>$1,500</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>$1,400</td>
</tr>
</tbody>
</table>
SALARIES OF COUNTY OFFICERS.

133-c Kanawha County ........................................... $4,500
133-d Lewis County ........................................... $2,200
133-e Lincoln County ........................................... $1,500
133-f Logan County ........................................... $2,000
133-g Marion County ........................................... $4,000
133-h Marshall County ........................................... $2,250
133-i Mason County ........................................... $1,800
133-j McDowell County ........................................... $4,000
134 Mercer County ........................................... $2,750
135 Mingo County ........................................... $3,000
136 Monongalia County ........................................... $2,250
137 Monroe County ........................................... $1,200
138 Morgan County ............................................ $800
139 Nicholas County ........................................... $2,000
140 Ohio County ........................................... $3,500
141 Pleasants County ........................................... $1,350
142 Pocahontas County ........................................... $1,500
143 Preston County ........................................... $2,000
144 Putnam County ........................................... $1,400
145 Raleigh County ........................................... $2,000
146 Randolph County ........................................... $2,250
147-148 Ritchie County ........................................... $1,800
149 Roane County ........................................... $1,700
150 Summers County ........................................... $1,500
151 Taylor County ........................................... $1,800
152 Tucker County ........................................... $1,600
153 Tyler County ........................................... $1,800
154 Upshur County ........................................... $1,800
155 Wayne County ........................................... $1,800
156 Webster County ........................................... $1,800
157 Wetzel County ........................................... $2,000
158 Wirt County ........................................... $900
159 Wood County ........................................... $3,000
160 Wyoming County ........................................... $1,500

161 The annual compensation of the prosecuting attorney in
162 each county shall be as follows:

163 Barbour County ........................................... $1,000
164 Berkeley County ........................................... $1,200
165 Boone County ........................................... $1,000
166 Braxton County ........................................... $1,200
167 Brooke County ........................................... $1,200
168 Cabell County ........................................... $3,000
169 Calhoun County ........................................... $800
170 Clay County ........................................... $1,000
171 Doddridge County ........................................... $1,000
172 Fayette County ........................................... $3,000
<table>
<thead>
<tr>
<th>County</th>
<th>Compensation</th>
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</thead>
<tbody>
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<tr>
<td>174 Grant County</td>
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<tr>
<td>175 Greenbrier County</td>
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<tr>
<td>176 Hampshire County</td>
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<tr>
<td>177 Hancock County</td>
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<tr>
<td>178-179 Hardy County</td>
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<tr>
<td>180 Harrison County</td>
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<tr>
<td>182 Jefferson County</td>
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<tr>
<td>183 Kanawha County</td>
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<tr>
<td>184 Lewis County</td>
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</tr>
<tr>
<td>185 Lincoln County</td>
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<td>186 Logan County</td>
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<td>188 Marshall County</td>
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<td>189 Mason County</td>
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<td>192 Mineral County</td>
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<tr>
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<td>195 Monroe County</td>
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<td>196 Morgan County</td>
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<td>197 Nicholas County</td>
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<tr>
<td>198 Ohio County</td>
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<td>199 Pendleton County</td>
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<td>206 Ritchie County</td>
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<tr>
<td>207 Roane County</td>
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<tr>
<td>208 Summers County</td>
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<tr>
<td>209 Taylor County</td>
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<tr>
<td>210 Tucker County</td>
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<tr>
<td>211 Tyler County</td>
<td>$1,200</td>
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<tr>
<td>212 Upshur County</td>
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<td>213 Wayne County</td>
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<td>214 Webster County</td>
<td>$1,200</td>
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<tr>
<td>215 Wetzel County</td>
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<tr>
<td>216 Wirt County</td>
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<tr>
<td>217 Wood County</td>
<td>$2,000</td>
</tr>
<tr>
<td>218 Wyoming County</td>
<td>$1,200</td>
</tr>
</tbody>
</table>

The annual compensation of the clerks of the
courts in the counties where both the office of clerk of the county court and clerk of the circuit court are held by the same person, shall be as follows:

- Hardy County: $1,800
- Grant County: $1,900
- Mineral County: $2,600
- Pendleton County: $1,900

And said salaries shall be in lieu of all fees, costs, penalties, percentages, allowances, and all other perquisites, of whatever kind, which any of the officers herein named may now or hereafter collect or receive, except as hereinafter provided.

Sec. 13. The county court, or tribunal in lieu thereof, of every county shall, in addition to the compensation and salary hereinafter provided, allow to the sheriff for keeping and feeding prisoners, as provided by law, only the exact, actual and necessary expenses thereof but in no event shall such expenses exceed fifty cents per day for each prisoner, and shall allow the actual and necessary expenses incurred or expended in arresting, pursuing or transporting persons accused or convicted of crime and offenses and in conveying or transferring to or from any state institution to which any person may be committed from his county where, by law, the sheriff is authorized to convey or transfer such persons. Whenever a sheriff gives bond with a fidelity and indemnity company as surety, the county court shall pay the premium thereon, provided said premium shall not exceed one dollar and fifty-cents per thousand dollars. Every sheriff shall file, under oath, monthly, a full, accurate and itemized account of all his actual and necessary expenses mentioned in this section before the same shall be allowed by the county court.

Sec. 14. The county court, or tribunal in lieu thereof, of every county, at the expense of the county, shall provide at the county seat thereof suitable offices for the sheriff, clerk of the county court, clerk of the circuit court, (or clerk of the circuit and criminal or intermediate courts), and prosecuting attorney, and shall keep the same in adequate repair and supplied with the necessary furniture, record books, stationery, postage, fuel, light, telephone and such other things as shall be necessary.

Sec. 15. Nothing in this act shall be construed to require any county officer to pay into the county treasury any fees earned
3 prior to the time this act goes into effect. Fees are held to be
4 earned at the time the service is rendered and not at the time the
5 matter is finally adjudicated.

Sec. 16. The sheriff shall be ex-officio county treasurer of
2 his county and the several districts, school districts and independent
3 school districts thereof, and the word or designation “sheriff”
4 whenever used in this act, shall be held to include the sheriff as
5 ex-officio treasurer of the county and the several districts, school
6 districts and independent school districts thereof. Between the
7 fifteenth and thirty-first days of December of the last year of the
8 retiring sheriff’s regular term of office, said sheriff shall make up
9 a list of all uncollected taxes, shall make a complete settlement
10 with the county court and several boards of education in the man-
11 ner as provided for by law for settlements required at the end of
12 the fiscal year. The sheriff shall receive credit in said settlement
13 for the amount of taxes remaining unpaid, and said list of taxes
14 remaining unpaid shall be turned over to his successor in office
15 January first, whose duty it shall be to collect said taxes and make
16 up a delinquent list as provided and required by law; also to make
17 settlement at the end of the fiscal year with the county court, or
18 tribunal in lieu thereof, and the several boards of education in
19 the manner as provided for by law. The retiring sheriff shall, on
20 January first, turn over to his successor all public moneys.

Sec. 17. Nothing in this act shall authorize, or be construed
2 to authorize any county court, or tribunal in lieu thereof, to com-
3 pensate out of the public funds, assistants or other help to prose-
4 cutting attorneys, except in counties wherein the prosecuting at-
5 torneys are authorized by law to have assistants appointed and
6 their compensation paid out of the county treasury, within the
7 limits fixed by law. In addition to his salary, the prosecuting at-
8 torney shall be reimbursed for actual traveling expenses within
9 his county, in the performance of his official duties, and when out
10 of the state for the purpose of taking depositions in cases in which
11 other counsel is not employed by the court under section
12 one, chapter one hundred and fifty-nine, code of one thousand nine
13 hundred and six; which account shall be duly itemized and veri-
14 fied and shall, if found correct, be allowed by the county court, or
15 tribunal in lieu thereof, and be paid monthly out of the general
16 county fund.
Sec. 18. If, upon any examination made under authority of 
chapter thirty-three, acts one thousand nine hundred and eight, 
it is disclosed that the provisions of this act are not being complied 
with, the chief inspector shall have authority to institute or cause to 
be instituted the necessary proceedings to enforce the provisions 
5-a of this act.

All books, records, blanks, forms and forms for verifications, 
7 required to carry out the provisions of this act, shall be prescribed 
by the chief inspector. If any person shall swear falsely in any 
9 verification required under this act, he shall be guilty of false 
10 swearing, and upon conviction thereof he shall be punished by 
11 a fine of not exceeding five hundred dollars or imprisonment not 
12 exceeding one year, or both, and by forfeiture of his office.

Sec. 19. Every county officer, except prosecuting attorney, 
2 named in this act, shall, on December first, one thousand nine 
hundred and fifteen, and annually thereafter, file with the county 
court, or tribunal in lieu thereof, and with the state tax commis-
5 sioner, an itemized sworn statement of the amount expended by 
6 him, including compensation, emoluments and other outlay of 
7 money or thing of value for the twelve months next preceding the 
8 time of filing said report, for the services of the several deputies, 
8-a assistants and all other employees.

If any person or officer shall fail to file the statements hereby 
10 required, and at the time required, he shall be deemed guilty of 
a misdemeanor and upon conviction thereof shall be punishable by 
12 a fine of not less than fifty nor more than one hundred dollars, or 
13 imprisoned not less than thirty days or more than six months, 
14 or both at the discretion of the court.

Sec. 20. All acts or parts of acts heretofore authorizing al-
2 lowances, fees, commissions, or any other compensation to be paid 
3 to the sheriff, clerk of the county court, clerk of the circuit court 
4 (or clerk of the circuit and criminal or intermediate courts), or 
5 prosecuting attorney, out of the moneys belonging to the public. 
6 (including state, county, road, district, school district, indepen-
7 dent school district and municipalities) are hereby repealed. No 
8 county officer named herein shall receive for his services any com-
9 pensation of any kind whatsoever, or from any person whatsoever, 
10 except as specifically provided by this act.

Sec. 21. This act (except sections eight, sixteen and nine-
2 teen) in so far as the act relates to the office of sheriff and pros-3 ecuting attorney shall take effect January first, one thousand 4 nine hundred and seventeen. This act (except sections eight, 5 sixteen, and nineteen) in so far as the act relates to the office 6 of clerk of the county court, clerk of the circuit court (or clerk 7 of the circuit and criminal or intermediate courts) shall take 8 effect January first, one thousand nine hundred and twenty-one. 9 Sections eight and nineteen shall take effect ninety days from 10 passage. Section sixteen shall take effect July first, one thou-11 sand nine hundred and seventeen.

All acts and parts of acts inconsistent herewith are hereby 13 repealed.

CHAPTER 84.
(Senate Bill No. 14.)

AN ACT authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto.


Sec.
1. County court to designate by order bank or banks, or trust companies situated in county, as depository or depositories of public moneys; provision in case of no bank or where banks fail or refuse to comply with provisions of this act; limit of deposits and eligibility of depository.

2. Not later than July 1, 1916, and every two years, every sheriff to name in writing one or more banks or trust companies within his county as depositories and court shall designate same; in case of failure to comply with provisions of this act county court to designate other depositories; in case of no banks or failure to comply with provisions, other depositories to be named; risk and expense of deposits outside county seat to be borne by institution in which deposits are made.

3. In case of failure of sheriff county court to name depositories in the county, if eligible; county courts may be required by mandamus to comply upon petition of any taxpayer.

4. Bond required as condition precedent for establishment of de-
SEC. 1. The county court of each county, by order of record, shall designate, in the manner hereinafter provided, a bank, or banks, or trust companies situated in the county and duly incorporated under the laws of this state, or organized under the laws of the United States, as a depository or depositories of public moneys; provided, that in any county where no such bank or trust company exists, or where such bank or banks fail, refuse or neglect to comply with all the provisions and conditions of this act, the county court shall designate any other convenient bank, or banks, or trust companies incorporated under the laws of the state, or organized under the laws of the United States, located and doing business in the state; and, provided, further, that no such depository shall have on deposit at any time more than one hundred thousand dollars of public moneys. A depository to be eligible for designation hereunder must be such bank or trust company as is described in this section.

Sec. 2. Not later than July one, one thousand nine hundred and sixteen, and every two years thereafter the sheriff of every county shall file with the county court, or tribunal in lieu thereof, a statement in writing naming one or more banks or trust companies within his county in which he desires to deposit public funds, and thereupon and within twenty days thereafter the county court shall designate the same county depository or depositories; pro-
8 vided, said bank, banks or trust companies, comply with all the
9 provisions and requirements of this act. If the banks or trust
10 companies named in said statement filed by the sheriff do not
11 comply with the requirements and provisions of this act, then the
12 county court shall designate any other bank, banks or trust
13 companies within the county as county depository or depositories,
14 when they comply with all the requirements and provisions of this
15 act.
16 If there are no banks or trust companies within the county
17 eligible for county depository or depositories, or if eligible to be
18 designated as such, either decline to be designated, or if designated,
19 fail, refuse or neglect to comply with the requirements and pro-
20 visions hereof, then the sheriff shall file with the county court a
21 statement naming one or more banks or trust companies conven-
22ient to his county within the state in which he desires to deposit
23 the public funds; thereupon, the county court shall designate the
24 same county depository or depositories; provided, said bank, banks,
25 or trust companies comply with all the requirements and provi-
26sions of this act. If the banks or trust companies named in said
27 statement filed by the sheriff do not comply with the requirements
28 and provisions of this act, then the county court shall designate
29 any other bank, banks or trust companies convenient to the county,
30 and within the state, as county depository or depositories, when
31 they comply with all the requirements and provisions of this act.
32 Risk and expense of making deposits in county depositories
33 located outside of the county seat, shall be borne by the bank, or
34 banks, or trust companies in which the deposits are made.

Sec. 3. If the sheriff shall fail or neglect to file the state-
2 ment provided for by the second section hereof, by the time pro-
3 vided in said section, naming eligible county depository or deposi-
4 tories, then the county court shall name some bank, banks, or trust
5 companies within the state as county depository or depositories.
6 The depositories named by the county court shall be located in
7 the county, if any therein eligible and willing to comply with the
8 requirements and provisions of this act. When any bank or trust
9 company has been named by the county court as provided for by
10 this section, and has complied with all the requirements and pro-
11 visions of this act, the court shall designate it a county depository.
12 The county court of any county may be required by mandamus
to comply with the requirements of this act, upon the petition of any citizen and taxpayer of the county, or any officer charged with the duty of enforcing compliance with the laws relating to the collection and disbursement of public moneys.

Sec. 4. No such designation shall be binding on such county, nor shall any public money be deposited thereunder until the hypothecation of the bonds provided for in section seven of this act, or until there is executed by the bank, or banks, or trust companies designated, bond with good and sufficient sureties, to be accepted and approved by the county court, payable to the state of West Virginia, in such sum as the county court shall direct, and which shall not be less than the maximum sum that shall be deposited in the depository at any one time; such bond shall be executed by at least four resident freeholders as sureties; or, by a fidelity or indemnity company authorized to do such business within the state, satisfactory to, and acceptable by the county court, and having not less than one hundred thousand dollars capital; and such bond shall be conditioned for the receipt, safe-keeping and payment over of all money which may be deposited in or come under the custody of the bank or trust company designated a county depository under the provisions hereof, together with the interest thereon at the rate specified by this act; and such bond shall be further conditioned for the faithful performance by the bank or trust company so designated, of all the duties imposed by this act upon a depository of public moneys. An action shall lie on such bond at the instance of the county court, or the sheriff, for the recovery of any money deposited in the depository, upon failure or default of the depository to fully and faithfully account for and pay over any and all public moneys deposited by the sheriff, and of all interest earned and accrued thereon as required by this act.

Sec. 5. Such bond shall not be accepted by the county court until it shall have been submitted to the prosecuting attorney, and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be endorsed thereon, and if any bank or trust company designated as aforesaid, fail to execute bond as required hereby, to the satisfaction and acceptance of the county court, or fail to hypothecate the bonds, as provided in section seven of this act, within thirty days from the time...
CH. 84. DEPOSITORIES FOR PUBLIC MONEY.

9 the designation is made, the county court shall designate other de-
10 pository or depositories in the manner hereinbefore provided.

Sec. 6. The bank, banks or trust companies designated in the
2 manner hereinbefore provided, shall, upon the acceptance by the
3 county court of the bond, or upon the hypothecation of the bonds as
4 provided for herein, be the depository or depositories of public
5 moneys, and remain such for two years, and until the bond of its
6 successor or successors is accepted by the county court; but the
7 county court, at any time it deems the same necessary, may require
8 additional security from a depository in such sum as the court shall
9 by order designate; and if a depository refuse, or neglect, for the
10 period prescribed by the court, to give such additional security, or
11 to comply with the provisions of this act, the court may order the
12 removal of the public moneys therefrom to some other depository,
13 and if no county depository is available at the time, then to some
14 reliable bank or banks or trust companies to be the depository
15 thereof temporarily. Such removal, and all other removals, or-
16 dered by the county court under the provisions of this act, shall
17 be made by order of record upon the check of the county treasurer,
18 countersigned by the county clerk, after ninety days notice to said
19 depository. In event any county depository shall cease to do busi-
20 ness, or shall suspend business, the county treasurer and county
21 court at once shall designate and approve, respectively, another
22 bank as a depository in place of the suspended depository. But, in
23 such event, and pending the designation and approval of another
24 depository (when there is no other approved depository in the
25 county) the treasurer shall deposit public funds coming into his
26 hands, in some reliable bank or trust company, eligible to be a
27 county depository, as a temporary depository, until a depository is
28 designated and approved in the manner herein prescribed.

29 If the money, in case of such removal, be deposited in a bank
30 designated as a depository, temporarily, such bank or trust com-
31 pany shall, before the receipt by it of any such money, enter into a
32 bond or hypothecate the bonds as required by this act; but if no
33 bank or trust company be so designated, the money shall be kept
34 in the county treasury, and steps at once taken by the county court
35 to create a new depository under this act.

Sec. 7. The county court may in lieu of the bond provided
2 for by preceding sections, accept as security for money deposited
as aforesaid, interest-bearing securities of the United States, or a state, county, district or municipal corporation, the indebtedness whereof does not exceed five per cent of the assessed valuation; the face value of which shall not be less than the sum specified in section four of this act as the amount to be named in the bond in lieu of which such bonds are accepted; or they may accept such bonds as partial security to the extent of their face value for the money so deposited, and require bond for the remainder of the full amount specified in said section, to be named in the bond, and in the bond so required, such acceptance of bonds as partial security, and the extent thereof shall be set forth. The hypothecation of such bonds shall be by proper legal transfer as collateral to protect and indemnify by trust any and all loss in case of any default on the part of the bank in its capacity as depository as aforesaid, and such collateral shall be released only by order of record of the county court when satisfied full and faithful accounting and payment of all the moneys has been made under the provisions hereof. The county court shall make ample provision for the safekeeping of such hypothecated bonds, and the interest thereon when paid shall be turned over to the bank or trust company, so long as it is not in default as aforesaid.

Sec. 8. The treasurer upon receipt of a certified copy of the order of the county court, showing that a depository or depositories have been designated and bond accepted in compliance with the provisions of this act, and naming the depository or depositories shall deposit therein to the credit of the county treasurer, all public money in his possession, except such as may be necessary to meet current demands; and, thereafter, he shall make daily deposits in the public depositories of all public money received by him, except as hereinafter provided, the deposit of such money to be made as early as practicable after the receipt or collection thereof, and such money shall be payable by the depository only on an order issued by the county court, or board of education after said order has been endorsed by the treasurer directing payment by the depository. If at any time the cash in hands of the treasurer is not sufficient to meet current demands, he is authorized to withdraw sufficient cash from the depository to meet said current demands, such withdrawal to be made by check drawn by the treasurer, and countersigned by the county clerk. The said
current demands shall not be anticipated more than a week in advance. All moneys due the treasurer are to be drawn from the depository on an order issued by the county court and endorsed by the treasurer. At the end of each month the president and clerk of the county court shall sign proper orders on the treasurer, in his favor, to pay him the moneys due him. All moneys belonging to the state, or any municipality, shall be disbursed from the depository on a check drawn by the county treasurer, payable to the auditor of the state of West Virginia, or to the treasurer of the municipality.

Sec. 9. All money deposited in any depository shall bear interest at the rate of three per cent. per annum, to be computed on daily balances, and such interest shall be placed to the credit of the county treasurer on the first day of each calendar month, or at any time when the account may be closed. When the interest is credited to the treasurer the depository shall, in writing, notify the clerk of the county court and treasurer, each separately, the amount thereof, before noon of the next business day, and all of such interest shall be credited to the general county fund by the clerk of the county court and treasurer.

Sec. 10. On the first business day of each month a county depository under the provisions of this act shall furnish to the clerk of the county court a written statement, showing the amount on deposit to the credit of the county treasurer at the close of each day of the preceding month, which statement shall be filed and kept in the office of the clerk of the county court, as part of the public records.

Sec. 11. The treasurer shall keep an account with each depository showing each deposit and disbursement; the depository upon payment of any order or draft drawn by authority of the county court or board of education on the treasurer, and endorsed by him for payment, or upon payment of any check drawn by the treasurer for the purposes herein authorized, shall cancel the same, showing clearly the payment thereof and the date of payment. The orders or drafts and checks so paid shall be delivered by the depository to the treasurer upon his demand, and the orders or drafts shall be by him preserved for settlement with the county court, and the checks shall be filed and preserved as part of the records of his office.
Sec. 12. The term "public moneys," as used in this act, shall include all money which by law the sheriff in his capacity as such, and as treasurer of the county and districts, is authorized to collect, receive and disburse for public purposes, including state, county, districts, school districts, independent school districts and municipalities. The term "county court," shall include all tribunals in lieu thereof.

Sec. 13. If any sheriff shall wilfully fail, refuse or neglect to comply with the requirements and provisions hereof, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, or confined in the county jail not exceeding six months, or both, and shall forfeit his office. When the sheriff shall have fully complied with all the provisions of this act, he shall not be held personally liable on account of any loss that the county or any district may sustain by reason of the default or failure of any such depository that has given bond approved by the county court.

Sec. 14. It shall be unlawful for any sheriff or member of a county court to demand or receive any gift, reward, token, or thing of value from any county depository, or from any bank or trust company, for naming, designating or accepting it as a county depository. It shall also be unlawful for any person who is a candidate for the office of sheriff, or member of a county court, either for the nomination, or election to the office after nomination, to demand or receive any gift, reward, token, or thing of value from any bank or trust company eligible for designation as a county depository. Upon conviction for any violation of this section, the person convicted shall be fined not more than five hundred dollars or confined in the county jail not exceeding six months, or both, at the discretion of the court, and in addition thereto shall forfeit his office.

Sec. 15. The sheriff of the county shall receive, collect and disburse all school money for the county and the several districts therein. But, before receiving or collecting any such school money, he shall give in addition to his bond as collector of the state and county taxes, a bond with such security to be approved by the county court or other tribunal in lieu thereof, in a penalty of not less than twenty thousand nor more than one hundred thousand
8 dollars, said amount to be fixed by the county court or other tri-
9 bunal in lieu thereof.

10 Section one hundred and thirty-seven, chapter twenty-seven, 
11 acts one thousand nine hundred and eight, relating to sheriffs' 
12 bonds, as treasurer for school moneys, in so far as inconsistent 
13 with this section, is hereby repealed.

Sec. 16. All acts or parts of acts inconsistent herewith are 
2 hereby repealed. But this act shall not be effective until July first, 
3 one thousand nine hundred and sixteen.

CHAPTER 85.

(House Bill No. 8.)

AN ACT to amend and re-enact sections eight and nine of chapter 
nine, acts of the legislature of one thousand nine hundred and 
eight (sections eight and nine of chapter twenty-eight-a, serial 
sections 881 and 882 of the code of 1913) relating to rate and 
manner of laying levies, special debt levy, provisions as to certain 
funds, and certain acts prohibited, and penalties.

[Passed February 4, 1915. In effect ninety days from passage. Became a law 
without the Governor's approval.]

Sec. 8. Counties, magisterial or school dis-
tricts having outstanding un-
paid orders or unsatisfied judg-
ments previous to July 1, 1915, 
that cannot be discharged out 
of regular levy, and if it be deemed 
advisable, may lay additional 
levy, to be known as "special 
debt levy," not exceeding twen-
ty cents, and continue levy as 
many years as necessary to pay 
off such debt with interest; 
not to be used for any other 
purpose and treasurer to keep 
funds separate; balance re-
mainin, if any, to revert to 
sinking fund, or to general pur-
pose fund in county, to teach-
ers' fund if school district, for 
general purposes if a munici-
pality or for road fund if a 
magisterial district; special debt 
levy to be first submitted to tax 
commissioner and what required; 
eight of such levy to expire 
June 30, 1918; method to be 
followed in listing indebtedness;

Sec. failure of owners to present 
8. claims forever barred after levy 
term of 1917; special debt levy 
to be used for no other purpose.

9. Unlawful for county court, board of 
education, council or other body 
to expend monies or incur obliga-
tions not expressly authorized 
by law; further restrictions as 
to certificates or evidences of 
debt, and debt created in vio-
lation void; officer exceeding 
money in violation of this act 
personally liable, and guilty of 
a misdemeanor; penalty; and 
forfeiture of office; any tax-
payer may institute suit for re-
cover of money expended in 
violation of law, and money re-
covered to be paid into treas-
ury; costs, against whom to be 
taxed; may also institute pro-
ceedings for removal of fiscal 
officer; tax commissioner may 
also act in same proceedings; 
form of proceeding.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections eight and nine of chapter nine of the acts of the
legislature of one thousand nine hundred and eight (sections eight and nine of chapter twenty-eight-a, serial sections 881 and 882 of the code of 1913) relating to rate and manner of laying levies, special debt levy, provisions as to certain funds, and certain acts prohibited and penalties, be amended and re-enacted so as to read as follows:

Section 8. If any county or any magisterial district or any school district or any independent school district or any municipal corporation have outstanding unpaid orders on the treasury thereof, or unsatisfied judgments, which orders were issued or which judgments were recovered previous to the first day of July in the year one thousand nine hundred and fifteen, the amount whereof is so considerable that it is impracticable to discharge the same out of the proceeds of the regular levy, and the county court or board of education or common council, as the case may be, deem it inadvisable to submit to the voters of the county, district or municipality the question of an additional levy as provided in section five, such court, board, or council may lay a levy in addition to said regular levy, to be called "special debt levy," not exceeding twenty cents on each one hundred dollars of the valuation of the taxable property of the county, district, or municipality, as the case may be, according to the last assessment of such property, and continue such levy for as many years as may be necessary to pay off such debt, and the interest that may accrue thereon, but not longer. The net amount produced by any such levy, or by any additional levy authorized by section five, or by any special levy authorized by section six, shall not be used for any other purpose, as to such special debt levy than for the payment of such debt, or as to such additional or special levy than for the purpose or purposes named in the order submitting the question to the voters. The treasurer of each of such funds shall keep an accurate account of the same separately from other funds. If, after paying off such debts or effecting the object of said additional levy or of said special levy, any balance remains of any of said funds, the same shall, first, revert to the sinking fund of the county, or of the magisterial district, or independent school district, or of the municipal corporation, as the case may be; or, secondly, if there be no such sinking fund, it shall, in case the fund was raised by taxes levied throughout the county, revert to the fund for general purposes of the county; if the fund was raised
34 by taxes levied on the property of a school district or independent
35 school district, said balance shall revert to the teachers' fund of
36 the district; if the fund was raised by taxes levied on the prop-
37 erty of a municipal corporation, said balance shall revert to the
38 fund for general purposes of the municipality; and in case of a
39 magisterial district, said balance shall revert to the road fund there-
40 of; provided, however, that before any such special debt levy may
41 be laid as provided for in this section, the same shall be submitted
42 to and approved by the state tax commissioner. Before giving his
43 approval, the state tax commissioner shall require a certified state-
44 ment or list showing in detail the orders and judgments, including
45 names of payees and amounts thereof intended to be paid by such
46 levy. The approval of the state tax commissioner shall be in
47 writing and filed with the clerk, secretary or recorder of the
48 county court, board of education or municipality, as the case may
49 be; and provided, further, that the right to lay such levy shall
50 expire with the fiscal year ending June thirty-first, one thousand
51 nine hundred and eighteen; and provided, further, that the own-
52 ers or holders of such orders or judgments, which represent such
53 indebtedness, shall file the same with the clerk of the county
54 court, secretary of board of education or recorder of the munici-
55 pality, as the case may be, and it shall be the duty of every such
56 clerk, secretary or recorder to list such evidences of indebtedness
57 in the order in which presented, giving the number, the date, the
58 payee, the amount thereof and the date when presented to the
59 sheriff for payment, and the present owner or holder; and it shall
60 be his further duty to make four copies of such list, one of which
61 shall be retained in his office, one certified to the state tax com-
62 missioner, one to the sheriff or other treasurer of the fiscal body,
63 one to the county court and one to the board of education or
64 council before the first levy term of said bodies for the first fiscal
65 year next following the making of said lists; and that such listed
66 orders of indebtedness shall be paid in the order in which they
67 are so filed, out of the said special debt levy as hereinbefore pro-
68 vided; and all persons or corporations owning or holding such
69 evidences of indebtedness as the owner, pledgee, assignee or as col-
70 lateral security, who shall fail to present the same for listing with
71 said officers before the levy term in the year one thousand nine hun-
72 dred and seventeen, shall be forever barred from bringing any suit,
73 action or proceeding for the purpose of collecting the same. No sher-
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74 iff or other treasurer of any fiscal body herein named shall apply any
75 part of the special debt levy hereby authorized except in payment
76 of the listed orders or evidences of debt hereinbefore provided for,
77 and in the order as herein provided for. And no sheriff or other
78 treasurer shall pay any order, draft or judgment, issued or re-
79 covered before July first, one thousand nine hundred and fifteen,
80 out of any funds in his hands except the special debt fund herein
81 provided for, whenever the same is laid as herein provided for.

Sec. 9. It shall be unlawful for any county court, board
2 of education, or council of a municipal corporation, or other body
3 charged with the administration of the fiscal affairs of any county,
4 school district or independent district, or municipality, to expend
5 any money or to incur any obligation or indebtedness which such
6 tribunal is not expressly authorized by law to expend or to incur.
7 Nor shall any such tribunal make any contract, express or im-
8 plied, the performance of which, in whole or in part, would in-
9 volve the expenditure of money in excess of funds legally at the
10 disposal of such tribunal, nor issue or authorize to be issued any cer-
11 tificate, order or other evidence of indebtedness which cannot be
12 paid out of the levy for the current year, or out of the fund
13 against which it is issued. Nor shall any such tribunal attempt
14 to lay any levy the rate whereof shall exceed the rate specified by
15 law. Any indebtedness created, contract made or order or draft
16 issued in violation hereof, shall be void and of no effect, and any
17 money received thereon may be recovered from the person re-
18 ceiving the same by the fiscal body who created, made or issued
19 the indebtedness, contract, order or draft.
20 Any member of any such tribunal, or any officer or person,
21 who, in violation of any of the provisions of this act, shall expend
22 any money, or incur any debt or obligation, or make or partici-
23 pate in the making of any such contract, or be a party thereto in
24 any official capacity, or issue or cause to be issued any such cer-
25 tificate, order or other evidence of indebtedness, shall be person-
26 ally liable therefor, both jointly and severally, and an action may
27 be maintained therefor by the state, or by any county, municipal
28 corporation, district or person prejudiced thereby, in any court of
29 competent jurisdiction. Any such member, officer or person who
30 shall negligently or wilfully violate the provisions of this act shall
31 be guilty of a misdemeanor, and upon conviction thereof shall be
32 fined not more than five hundred dollars, or be confined in jail not
33 more than one year, or be both fined and imprisoned, and in addi-
34 tion thereto shall forfeit his office. Whenever any court of com-
35 petent jurisdiction by mandamus, injunction, or trial of
36 any action at law, or other judicial proceeding, shall ascer-
37 tain or determine that any member or officer has negligently or
38 wilfully violated any of the provisions of this section, it shall en-
39 ter an order declaring the office of such member or officer for-
40 feited.
41 Any taxpayer of the county, district, board of education or
42 municipality, as the case may be, or the state tax commissioner,
43 for the use and benefit of the county, district, board of education
44 or municipality, as the case may be, may, in his name institute
45 and prosecute to final judgment (including the right of appeal to
46 the supreme court of the state) in any court having jurisdiction,
47 proper action, suit or proceeding, against the individual members
48 of a county court, board of education, municipal council or other
49 bodies in lieu thereof, to recover from them any moneys expend-
50 ed in violation of, or without authority of law. All moneys re-
51 covered in any such action, suit or proceeding shall be paid into
52 the treasury of the proper fiscal body to the credit of the proper
53 fund. The plaintiff, in case he prevails, shall recover his costs
54 against the defendants, including a reasonable attorney’s fee to be
55 fixed by the trial court and included in the taxation of costs. Any
56 such taxpayer, or the state tax commissioner, shall have the right
57 to institute and prosecute to final judgment, any proceeding for
58 the removal of any member of any county court, board of educa-
59 tion, municipal council or other bodies in lieu thereof, for ex-
60 pendng public moneys in violation of, or without authority of
61 law. Upon the filing of a petition by such taxpayer or the state
62 tax commissioner, either in term or vacation, the court, or judge,
63 shall set a time for hearing such petition. An attested copy of
64 the petition, and specification of charges therein contained, shall
65 be served for a period of at least twenty days upon the defend-
66 ants named therein, and no other pleading or notice of such pro-
67 ceeding shall be necessary.
68 All acts and parts of acts inconsistent herewith are hereby
69 repealed.
CHAPTER 86.
(Senate Bill No. 192.)

AN ACT to amend and re-enact section seventy-three, of chapter twenty-nine of the code, relating to the assessment of taxes.

[Passed February 26, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

Be it enacted by the Legislature of West Virginia:

That section seventy-three chapter twenty-nine of the code, relating to taxation, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 73. If any person whose duty it is by law to list any real estate or personal property for taxation, refuses to furnish a proper list thereof, or refuses to furnish a list within the time required by law, or refuses to answer questions asked by assessor or answer untruly, to forfeit $25, and denied all remedy at law for correction of assessment; person, firm or corporation, including public service corporation, to forfeit ten per cent. for like offense; how forfeiture enforced. Inconsistent acts repealed.
22 ered. Each failure to make a true return as herein required, shall
23 constitute a separate offense, and a forfeiture shall apply to each
24 of them, but all such forfeitures to which the same person, firm
25 or corporation is liable, shall be enforced in one proceeding against
26 such person, firm or corporation, or against the estate of any de-
27 ceased person, and shall not exceed fifty per centum of the prop-
28 erty not returned. It shall be the duty of the state tax commis-
29 sioner, or prosecuting attorney of the county in which the default-
30 ing taxpayer resides, or in which county such property should have
31 been returned, to enforce the collection of the same in the name of
32 the state of West Virginia against the defaulting taxpayer, or in
33 case of a decedent, his personal representative, in the circuit court,
34 upon motion, whereof the defendant shall have at least twenty
35 days notice. Either party shall have the right to have the issue
36 tried by jury, and the state, as well as the defendant, shall have
37 the right to an appeal. The prosecuting attorney shall receive
38 ten per centum of the amount collected as his compensation, and
39 an attorney's fee of ten dollars; or, if the suit be instituted by the
40 state tax commissioner, ten per centum of the amount collected
41 and an attorney’s fee of ten dollars shall be paid to any person
42 employed by the state tax commissioner to prosecute such pro-
43 ceedings, to be taxed as part of the cost against the defendant, in
44 the event a judgment is recovered against such defendant; the res-
45 idue collected on said judgment shall be turned over to the sheriff
46 and his receipt taken therefor. The sheriff shall apportion said
47 fund among the state, county, district, school district and municip-
48 alities which would have been entitled to the taxes on said
49 property if it had been assessed, in the proportion that the
50 rate of taxation for each purpose, for the current year in
51 which judgment is obtained, bears to the sum of the
52 rates for all purposes. When the list of property returned
53 by the appraisers of the estate of any deceased person
54 shows an amount greater than the last assessment list of such de-
55 ceased person next preceding the appraisement of his estate, it
56 shall be prima facie evidence that such deceased person returned
57 an imperfect list of his property; provided, however, that any one
58 liable for the tax, or his personal representative, may always be
59 permitted to prove by competent evidence that the discrepancy
60 between said assessment list and the appraisement of the estate,
61 is caused by a difference of valuation returned by the assessor and
62 that made by the appraisers of the same property or by property
63 acquired after assessment, or that any property enumerated in
64 the appraisers' list had been otherwise listed for taxation, or that
65 it was not liable to taxation. Any judgment recovered under this
66 section shall be a lien, from the time of the service of the notice,
67 upon all the real estate and personal property of such defaulting tax-
68 payers, owned at the time or subsequently acquired, in preference
69 to any other lien. The provisions of this act shall apply to return
70 of property for taxation for the fiscal year beginning July first,
71 one thousand nine hundred and fifteen.

Sec. 74. All acts or parts of acts inconsistent with the pro-
visions of this act are hereby repealed.

CHAPTER 87.
(Senate Bill No. 328.)

AN ACT to amend and re-enact sections six, seven and ten of chapter
twenty-nine of the code of West Virginia, as last amended and
re-enacted, relating to assessors, assistant assessors, and the salary
of assessors and assistant assessors.

[Passed February 20, 1915. In effect from passage. Approved by the Governor
February 26, 1915.]

Sec. 6. Each county one assessment district
and to elect one assessor every
four years; assessors now in of-
cice to serve until expiration of
term, and successors elected at
general election of 1916; no
person eligible not a resident
and freetholder; county court to
provide an office to be kept
open during time of listing prop-
erty.

7. Assistant assessors: for counties of
20,000, two; of 22,500 and not
exceeding 30,000, three; of
30,000 and not to exceed 60,000,
not less than two nor more than
four; of 60,000 and not to ex-
cceed 70,000, five, and in excess
of 70,000, six, to be voters and
residents; one additional au-
thorized to be known as office
assistant, salary to be fixed by
court, not less than $500 nor
more than $900 annually.

10. Salary of assessor and assistants,
how fixed and paid.

Be it enacted by the Legislature of West Virginia:
That sections six, seven and ten of chapter twenty-nine of the
code of West Virginia, as last amended and re-enacted, be and the
same are hereby amended and re-enacted so as to read as follows:

Section 6. Each county in the state shall constitute one as-
2 sessment district, and shall elect one assessor, whose term of
3 office shall be four years. The assessors now in office shall serve
4 until the expiration of the term for which they were elected, and
5 their successors shall be elected at the general election of one
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RELATING TO ASSESSORS AND ASSISTANTS.

Sec. 7. In every county whose population, as shown by the next registration of voters last preceding the election of an assessor, on the basis of a population of five for each voter so registered, does not exceed twenty thousand, there shall be appointed two assistant assessors; in each county whose population is thus shown to exceed twenty-two thousand five hundred, and not to exceed thirty thousand, there shall be appointed three assistant assessors; in every county whose population is thus shown to exceed thirty thousand and not to exceed sixty thousand, there shall be appointed not less than two nor more than four assistant assessors; in every county whose population is thus shown to exceed sixty thousand, and not to exceed seventy thousand, there shall be appointed five assistant assessors; and in every county whose population is thus shown to exceed seventy thousand, there shall be appointed six assistant assessors. Each of said assistant assessors shall be a voter and resident of the county in which he is appointed.

Sec. 10. The assessor and his assistants in each county shall receive annually the following compensation to be paid out of the county fund: Each assessor shall receive annually thirty dollars for each full one hundred voters voting at the preceding presidential election for president of the United States in his county, for the first three thousand voters thereof; twenty-five dollars for each full one hundred additional voters as aforesaid up to three thousand additional voters as aforesaid; twenty dollars
9 for each full one hundred additional voters as aforesaid up to three 10-12 thousand additional voters as aforesaid; provided, however, 13 that the compensation of any assessor in any county shall in no 14 case be more than twenty-one hundred dollars or less than one 15 thousand dollars, except in those counties in which the popula- 16 tion according to the last preceding census exceeds fifty-five 17 thousand and does not exceed seventy thousand, the assessor 18 shall be paid a salary not exceeding twenty-five hundred dollars; 19 and in counties whose population as aforesaid exceeds seventy 20 thousand, said assessor shall be paid a salary not exceeding three 21 thousand dollars. The salary of the assistant assessors shall be 22 uniform throughout the county, which shall be fixed by the coun- 23 ty court, and which shall not be less than three hundred nor more 24 than six hundred dollars per year.

CHAPTER 88.

(House Bill No. 259.)

AN ACT to amend and re-enact section ten, chapter four, of the code of West Virginia, serial section one hundred and twenty-nine of the code of one thousand nine hundred and six, section one hundred and forty-eight of Hogg's code of one thousand nine hundred and thirteen, relating to vacancies in the office of prosecuting attorney, sheriff, surveyor of lands and assessor.

[Passed February 10, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

Be it enacted by the Legislature of West Virginia:

That section ten, chapter four, of the code of West Virginia, serial section one hundred and twenty-nine, of the code of one thousand nine hundred and six, section one hundred and forty-eight of Hogg's code of one thousand nine hundred and thirteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 10. A vacancy in the office of prosecuting attorney,
2 happening after the last general election before the expiration of
3 the term of office of such attorney, shall be filled by the circuit
4 court of the county, or judge thereof, for the unexpired term,
5 except that in any county wherein there has been or may hereafter
6 be created a court of limited jurisdiction vested with criminal
7 jurisdiction throughout the county, said last named court, or the
8 judge thereof, shall fill such vacancy; otherwise it shall be filled
9 by said court or judge until the next general election; and a
10 vacancy so happening in the office of sheriff, surveyor of lands, or
11 assessor, shall be filled by the county court for the unexpired term;
12 otherwise it shall be filled by the said county court until the next
13 general election, at which general election every vacancy shall
14 be filled by a vote of the people, where an appointment has been
15 made, as aforesaid, from the next general election, for the unex-
16 pired term. A notice of every such election of prosecuting at-
17 torney shall be given by order of such circuit court or court of
18 limited jurisdiction, or the judge thereof in vacation, and of the
19 election of a sheriff, surveyor of lands, or an assessor, by the order
20 of the county court or the president thereof in vacation, as pre-
21 scribed in the eighth section of this chapter.

CHAPTER 89.
(House Bill No. 57.)

AN ACT to revive, amend and re-enact section twenty-eight of chapter
thirty-nine of the code of West Virginia, permitting county
courts to aid county agricultural organizations in the employ-
ment of county agricultural agents.

[Passed February 3, 1915. In effect from passage. Approved by the Governor
February 13, 1915.]

SEC. 28. When county agricultural organiza-
tion files with county court
memorandum of understanding
with agricultural extension de-
partment of West Virginia uni-
versity, guaranteeing payment
of field and office expenses of
county agent, county court is
authorized to levy and appro-
priate from general fund for
salary not to exceed one and
one-half cents; how used and
duties of person employed; se-
lection to be made by extension
department and approved by
agricultural organization and
county court; money expended
to conform to provisions of
"Smith-Lever Act" of congress;
in pursuance of these provisions
one or more counties may co-
operate.
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 county agricultural organization with not less than fifty members, files with the county court of the county a memorandum of understanding with the agricultural extension department of the college of agriculture, West Virginia university, guaranteeing the payment by said county organization of the field and office expenses of a 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 may levy and 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 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 department. Such person or persons as employed shall be appointed by the agricultural extension department and approved by the directors of the county agricultural organization and the county court. All the 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 shall be filed with the said agricultural extension department in such form as will comply with the provisions of the act of congress approved May eighth, one thousand nine hundred twenty-four and fourteen, known as the "Smith-Lever Act," but no part of any money so appropriated shall be used to compensate any representative of the West Virginia university or any other person except the persons who may be employed under this act. It shall be the duty of the agricultural extension department to co-operate with each county court and county agricultural organization raising or appropriating money under this act. Any county court may co-operate with the county court of one or more adjoining counties in carrying out the purposes of this act.
CHAPTER 90.

(Senate Bill No. 185.)

AN ACT to amend and re-enact sections six, seven, twenty-one, twenty-four, twenty-seven and twenty-eight of chapter forty-six of the code of West Virginia, relating to the care of poor persons, and to incorporate in said chapter a new section, to be known as section twenty-six-a thereof, so as to permit the county courts to expend county funds in payment for hospital service rendered to the poor.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval]

Sec. 6. On application by or on behalf of any person unable to maintain himself, or on behalf of the family unable to maintain itself, person or family to be provided for or assisted under orders of overseer of district, and not having legal settlement to be provided for until removed; visit of overseer and relief if husband is dead or confined in some institution, but not to exceed ten dollars a month for one child, and in all not to exceed $25.00 per month: manner of expenditure; upon failure of overseer to act remedy in the county court, but county court may rescind order of overseer of the poor and render relief.

Sec. 7. Any person to be provided for or assisted may be kept at place of general reception or assisted elsewhere: exceptions where county maintains an infirmary; requirements as to labor to be performed at place of general reception; duty of overseer of the poor in case of a poor person, and limitation of expenditure for relief.

Sec. 21. County court to cause infirmary to be visited once each month by one of their number: duty and power.

Sec. 24. Annually at levy term agent or overseer to render a correct account of his transactions: forfeiture for failure: same requirements as to hospitals receiving pay for service and attention rendered any poor person.

Sec. 26-a. In addition to other powers, county court may pay for hospital service under certain conditions.

Sec. 27. County court at levy term to enter of record statement of number of poor persons provided for, with details, and what will be required for the ensuing year; how statement shall be kept, and expenditures to be part of financial statement.

Sec. 28. Upon completion of statement court to provide in county levy such amount as deemed necessary, including arrears, same to be then appropriated as needed as herein provided.

Be it enacted by the Legislature of West Virginia:

That sections six, seven, twenty-one, twenty-four, twenty-seven and twenty-eight of chapter forty-six of the code of West Virginia be amended and re-enacted, and that section twenty-six-a be incorporated in said chapter so that said sections shall read as follows:

Section 6. On application by or on behalf of any person who is unable to maintain himself, or by or on behalf of the family of any person when he is unable to maintain it, and the family is unable to maintain itself, such person or family, if he or they have a legal settlement in the county, shall be provided for, or assisted as his or their necessities may require, under the order and direction of the overseer of the district in which such settlement may be; and if
8  he or they have not a legal settlement in the county, shall neverthe-
9  less be so provided for or assisted under the order and direction of
10  the overseer of the district in which he may be, until properly re-
11  moved as hereinafter provided. Whenever it shall appear to any
12  overseer that there is in his district any woman who has such legal
13  settlement and who has one or more legitimate children dependent
14  upon her and that they are in need of assistance, it shall be the
15  duty of said overseer to visit the home of such family without de-
16  lay, and investigate the circumstances, and if it shall appear that
17  assistance is needed to enable such woman to remain with and care
18  for such children, and if it shall further appear that the husband
19  of said woman is dead, or totally incapacitated by reason of mental
20  or physical infirmity, or is confined in some state institution or has
21  abandoned his wife, and that family is dependent upon said mother
22  for support, such assistance may be allowed said woman as may be
23  reasonably necessary under the circumstances to enable said woman
24  to maintain and care for said children at their home, such assist-
25  ance to continue only so long as may be necessary, and in no event
26  to exceed ten dollars per month for one child and five dollars per
27  month for each additional child, the allowance for any child not to
28  continue beyond the age of fourteen years and the total amount al-
29  lowed any family not to exceed twenty-five dollars in one month.
30  The amount allowed shall be expended in such manner as in the
31  opinion of the overseer will best serve the interests of said family.
32  Upon the refusal or failure of any overseer to act in such mat-
33  ter, application may be made by or on behalf of any such woman to
34  the county court, who shall investigate the circumstances and grant
35  or withhold relief as to it may seem proper. In such investigation
36  the overseer of the district to whom application has been made shall
37  be heard concerning his reasons for failing or refusing to grant re-
38  lief in such case.
39  But the county court of the county may change or rescind any
40  order or direction given by such overseer, and may direct any per-
41  son or family to be provided for or assisted, though the overseer of
42  the district has refused to do so.

Sec. 7. Any person to be provided for, or assisted as afore-
2 said, may either be kept at the place of general reception or be
3 supported or assisted elsewhere. But in a county where there is
4 a county infirmary, he shall not be kept at the expense of the
5 county at any place other than such infirmary, except in case of
6 emergency or necessity, and then only as long as the emergency
7 or necessity may require, unless in the opinion of the court
7-a the interests of the county and of the individual or family to be
7-b assisted will be better subserved by tendering such assistance else-
7-c where than at said infirmary. His need of medical, institutional or
8 surgical attention or hospital or other service which cannot be
9 obtained at such infirmary shall in the discretion of the county
10 court be deemed to constitute such necessity. All poor persons
11 kept at the place of general reception who are able to work,
12 shall be required to perform such reasonable and moderate labor
13 as may be suited to their sex, age, and bodily strength; and the
14 proceeds of such work shall be appropriated to the support of the
15 poor of the county in such manner as the court may from time
16 to time direct, and in those cases where poor persons are sup-
17 ported in whole or in part by the county outside of the poor
18 houses, by allowing annually a certain sum for the support of
19 each person. It shall be the duty of the overseer of the poor,
20 in case of the sickness of any such poor person, to visit him or
21 cause him to be visited by some reliable person, and if it is found
22 that such sick person is suffering for aid or medical or surgical
23 attention or hospital service, such overseers shall furnish the neces-
24 sary aid and cause the necessary medical or surgical attention
25 or hospital service to be given to such poor person, notwith-
26 standing the sum allowed for the support of such person may
27 previously have been exhausted; but the additional aid, attention
28 and service so furnished through such overseer shall not exceed
29 fifty per cent. of the amount already allowed as aforesaid.

Sec. 21. The county court shall cause the county infirmary to
2 be visited at least once a month by one or more of their number,
3 or by one or more of the overseers of the poor, who shall care-
4 fully examine the condition of the inmates, the manner in which
5 they are treated and provided for, ascertain what labor they are
6 required to perform, inspect the books and accounts of the agent,
7 and generally inquire into all matters pertaining to the infirmary
8 and report to the said court. The county court shall have full
9 power to cause like examinations and inquiries to be made with
10 reference to all poor persons who are receiving any hospital ser-
11 vice or similar attention at the expense of the county funds.
Sec. 24. Annually at the session of the county court at which the county levy is laid, and more frequently, if required, every agent or overseer shall render to the court a correct account of his transactions, with proper vouchers, and pay according to its order such balance as may be in his hands. Any agent or overseer failing to do so shall forfeit not less than thirty nor more than one hundred dollars. Every hospital or similar institution which has received or has applied for any payment out of county funds for service and attention rendered to any poor person, shall, when required by the county court, submit for its inspection such statements of account as will correctly and completely show the nature, extent and value of the service and attention rendered by it to every such person within the current period.

Sec. 26-a. In addition to all other powers and duties respecting the care of the poor, the county court of each county may in its discretion pay for hospital service rendered not more than one year previously, within the state of West Virginia, to poor persons resident or found in the county, and for medical, surgical or institutional attention given to such persons within this state. But no such payment shall be made to any hospital or other institution which shall fail to permit all such examinations or to answer all such inquiries as are authorized by the twenty-first section, or which shall fail to render on request such statements of account as are required by the twenty-fourth section.

Sec. 27. The county court of every county shall, at the session thereof at which the county levy is laid in each year, make up and enter of record a statement of the number of the poor provided for during the year next preceding, and showing how many were white and how many colored; how many were males and how many females; for what length of time, and where each was provided for or assisted, and the nature of such provision or assistance in each case; the name of each person so provided for or assisted; the amount of money at their disposal for the support of the poor for such year, showing how much from the annual levy, and how much otherwise; the amount expended by them for the year, showing how much was expended at the place of general reception, and how much for those supported or assisted elsewhere; the balance remaining in their hands or under the control of the county court; what amount in addition will be re-
16 quired to pay arrears for the past and meet expenditures for the
17 ensuing year, and what will be the nature of the said expenditures.
18 It shall show whether any, and if any, which of the poor under
19 its charge were kept at work at the place of general reception, for
20 what length of time and in what manner, whether in the work
21 house, or in tilling the land or otherwise. The said statement,
22 and all other proceedings of the county court in relation to the
23 poor, shall be kept in a separate book, to be provided by it for
24 that special purpose. And the amount expended by said court,
25 or under its direction in each year, with the items thereof, shall
26 be published as a part of its financial statement, under section
27 thirty-five of chapter thirty-nine of this code.

Sec. 28. Upon the completion of said statement the county
2 court of the county shall provide in the county levy for such
3 amount as it may deem necessary for the support of the poor for
4 the ensuing year, including the payment of arrears; and from
5 time to time thereafter shall appropriate out of the county treasury
6 such sums for that purpose as the said court may deem proper,
7 and cause proper orders therefor to be issued on the county treasury.
8 In such levy the county court may include an amount not ex­
9 ceeding one mill on each dollar of assessed valuation, to provide
10 for such payments as the county court shall in its discretion make
11 for hospital service or medical or surgical or institutional atten­
12 tion given to poor persons resident or found in the county.
13 All acts and parts of acts in conflict herewith are hereby re­
14 pealed.

CHAPTER 91.
(Senate Bill No. 316.)

AN ACT to amend and re-enact sections 56-a-LI, 56-a-LII and 56-a-
LIII of chapter forty-three of the code of West Virginia, edition
of one thousand nine hundred and thirteen (being serial sections
one thousand eight hundred and seventeen, one thousand eight
hundred and nineteen and one thousand eight hundred and
twenty of said code), relating to county road engineers, their
appointment and removal.
Be it enacted by the Legislature of West Virginia:

That sections 56-a-LI, 56-a-LII and 56-a-LIII of chapter forty-three of the code of West Virginia, edition of one thousand nine hundred and thirteen (being serial sections one thousand eight hundred and seventeen, one thousand eight hundred and nineteen, and one thousand eight hundred and twenty of said code), relating to county road engineers, their appointment and removal, be amended and re-enacted so as to read as follows:

Section 56-a-LI. There is hereby created in the several counties of the state of West Virginia, the office of county road engineer. The county court in each of the counties of this state may appoint as county road engineer, some practical road builder or civil engineer, who shall be competent to establish grades and keep the roads and records as provided by law. In the event the county court shall not appoint a county road engineer as herein provided, then it may appoint a competent man as road supervisor for each magisterial district, who shall, under the direction and control of the county court, devote his entire time to any work in progress in the district for which he is appointed and perform the duties hereinafter defined, and who shall be allowed a reasonable compensation by the court for the time in which he is actually engaged in his official capacity, but not to exceed two dollars and a half per day; but nothing in this act contained shall be so construed as to require or compel the county court of any county to appoint either a county road engineer or road supervisor for each magisterial district; such appointment being left to the discretion of the county court.
Every road supervisor provided for in this act shall, before entering upon the duties of his office, give bond, with security to be approved by the county court of the county, in such sum as may be required by the said court, the same to be made payable to the county court of the county, and be conditioned for the faithful performance of his duties.

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

Said road supervisor shall make such reports and perform such duties from time to time as said court may require; and especially he shall report to the county court on or before the fifteenth day of May of each year the condition of the roads in his district, the improvements proposed, and an estimate of the funds required for the coming fiscal year, and any other matters deemed by him pertinent; and, in addition thereto, he shall within his magisterial district perform the following duties: he shall superintend the county roads and bridges, cause the same to be put in good order and repair, of the proper width, well drained, and to be kept clear of rocks, falling timber, landslides, carcasses of dead animals, and other obstructions, and remove all dead timber standing within thirty feet thereof. He shall cause to be opened and made all new county roads and alterations of former roads by proper authority. He shall cause to be placed and kept at the forks or crossings of every county road a guide board, on which shall be stated in plain letters the most noted place to which each road leads. Across every stream, where it is necessary and practicable, he shall cause to be placed and kept a suf-
ficient bridge, bench or logs, for the accommodation of foot pas-
sengers. Where any more important bridge is necessary, and
it is practicable for him to have it made, with the money and
labor which is at his disposal by virtue of his office, he shall cause it
to be made safe and convenient, and at least twelve feet broad,
with a railing not less than three feet high on each side. When
a county road is suddenly obstructed at any time of the year,
by the falling of rock, or timber, landslides or any other cause,
or a county bridge is from any cause rendered unsafe, he shall
immediately cause such obstructions to be removed or bridge to
be repaired.

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

The county road engineer if, and when so appointed,
shall serve for such term as the county court may fix, but
not to exceed a term or period of one year or until his
successor is appointed and qualified; and said county court may
employ such county road engineer either for a term or period not
to exceed one year or by the day.

Vacancies in the office of county road engineer shall be filled
by appointment for the unexpired term by the county court of
the county at their next session. The county road engineer shall
receive such compensation, either by salary or per diem, as may
be fixed by order of the county court of the county; provided,
such compensation shall not be more than fifteen hundred dollars
per annum; except in counties containing a population of forty-
five thousand, or more, the county court of the county in its discre-
tion may allow the county road engineer compensation not to
exceed three thousand dollars per annum when employed by the
year, and not more than ten dollars per day when employed by
95 If thought advisable by the county court, the county sur-
96 veyor of the county elected at the last preceding general election
97 may receive such appointment; provided, he be competent as
98 provided by this chapter, and for such services he shall receive
99 the compensation fixed by the county court as provided in this
100 section in lieu of all fees except as are allowed by law for his
101 services as county surveyor.
102 It shall be the duty of the county clerk to give written
103 notice to the appointees provided in this chapter, of their ap-
104 pointment as soon thereafter as practicable, and each person so
105 appointed shall, within ten days after having been notified of
106 such appointment, qualify by giving bond as the court may
107 direct for the faithful performance of his duties, and by taking
108 and subscribing to the oath prescribed by the fifth section of
109 the fourth article of the constitution of the state, a copy of
110 which shall be filed in the office of the clerk of the county court.
111 The county road engineer shall have office room in the
112 court house of the county, or such other place at the county seat
113 as may be provided by the county court.

Sec. 56-a-LII. The county road engineer may be removed
2 summarily at any time by the county court of the county upon
3 its own volition and for such cause as to said court may seem
4 sufficient.

Sec. 56-a-LIII. The county court of the county may, within
2 ten days after such removal, if, in its discretion, it concludes so
3 to do, appoint a county road engineer to fill the vacancy caused
4 by such removal. The person so appointed shall hold office for
5 the unexpired term of the engineer so removed, or for such day
6 or days as said county court may employ him.
7 All acts or parts of acts inconsistent herewith are hereby re-
8 pealed.

CHAPTER 92.
(Senate Bill No. 103.)

AN ACT relating to a special levy for the period of three years in any
county where the court house or jail has been or may be destroy-
ed by fire or other casualty, or become unsafe or unfit for use,
and enable such county to repair or rebuild or build anew such
court house or jail.
Be it enacted by the Legislature of West Virginia:

That chapter thirty-four of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, be and the same is hereby amended and re-enacted so as to read as follows:

Section 1. That the county court of any county in this state in which the court house or jail has been destroyed by fire, or other casualty, or become unsafe or unfit for use or in need of repair, and which does not lay a levy in excess of thirty cents for county and district purposes, may for three consecutive years lay a special building levy not exceeding twenty cents on the one hundred dollars valuation. 2. Inconsistent acts repealed.

CHAPTER 93.

AN ACT to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by chapter thirty-eight of the acts of the legislature of one thousand nine hundred and thirteen, relating to jailers' fees in civil and criminal cases.

Sec. 22. Fees: for receiving person in jail, twenty-five cents; for keeping person confined in jail, per day, fifty cents; for each person sentenced to work on county roads, ten cents additional may be paid; for heating county jail; for attendance upon courts and as juror, not exceeding $150; in cases of felony and misdemeanor fees to be paid out of county treasury, in civil cases at whose instance person is committed.
Be it enacted by the Legislature of West Virginia:

That section twenty-two of chapter one hundred and thirty-seven of the code as amended by chapter thirty-eight of the acts of the legislature of one thousand nine hundred and thirteen, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 22. For receiving a person in jail, twenty-five cents, and the like sum for discharging him therefrom.

For keeping and supporting a person confined in jail, for each day the sum of fifty cents.

For each person sentenced to work upon the county roads, the jailer may be allowed the sum of ten cents in addition to the amount hereinbefore authorized to be paid by the county court, for each day such person is employed on the county road and kept and supported by such jailer, outside of the county jail for said purpose of working the roads.

Upon the affidavit of the jailer the county court shall allow him out of the county treasury the amount actually paid for fuel necessary in heating the jail.

For attendance upon the circuit and county courts, and acting as janitor of the court house, he shall be allowed not exceeding one hundred and fifty dollars per annum, to be ascertained and fixed by the county court and paid out of the county treasury.

In cases of felony and in cases of misdemeanor the fees of the jailer shall be paid out of the county treasury, and in civil cases by the party at whose instance a person is committed to jail.

CHAPTER 94.

(House Bill No. 212.)

AN ACT to authorize the advertising of the resources of the counties and the advantages and opportunities of the cities, towns and villages of the state.

[Passed February 12, 1915. In effect from passage. Approved by the Governor February 16, 1915.]

Sec. 1. County court of any county may at discretion contract for advertising resources in 1915 handbook of West Virginia, cost to be paid out of general county fund: limitations.

Sec. 2. Same provision as to council, board of aldermen, board of affairs or other governing body of city, town or village. Inconsistent acts repealed.
Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county may, in its discretion, contract for advertising the material resources of such county in the one thousand nine hundred and fifteen handbook of West Virginia, now being compiled and to be published under direction of the West Virginia commission to the Panama-Pacific exposition, the cost of such advertising to be paid out of the general fund of such county; provided, that in no case shall the cost of such advertising exceed the sum of one-fourth of one cent on the one hundred dollars assessed valuation of the property of such county for the year one thousand nine hundred and fourteen.

Sec. 2. The council, board of aldermen, board of affairs or other governing body of any city, town or village may, in its discretion, contract for advertising the advantages and opportunities of such city, town or village in the one thousand nine hundred and fifteen hand-book of West Virginia hereinbefore described, the cost of such advertising to be paid out of the general fund of such city, town or village; provided, that in no case shall the cost of such advertising exceed the sum of one-fourth of one cent on the one hundred dollars assessed valuation of the property in such city, town or village for the year one thousand nine hundred and fourteen.

Sec. 3. All acts or parts of acts coming within the purview of this act, and in conflict therewith, are hereby repealed.

CHAPTER 95.

(House Bill No. 3.)

AN ACT to reform, alter and modify the county court of Randolph county, under the twenty-ninth section of the eighth article of the constitution of West Virginia.

[Passed February 5, 1915. In effect ninety days from passage. Approved by the Governor February 11, 1915.]

Sec. 1. County of Randolph to be laid off into nine districts; present division into districts to remain until changed by court; county court reformed, altered and modified; to be comprised of nine commissioners to be elected one from each district; qualifications; offices of commissioner and Justice of the peace incompatible; compensation.

Sec. 2. At general election of 1916 one commissioner elected in each district; term of office and provision as to present member of court.

Sec. 3. When not inconsistent, all provisions of chapter 30, of code,
Sec. respecting courts, applicable: a majority to constitute a quorum.
4. First meeting to be held first Monday in January, 1917, and one member to be elected president.
5. At general election of 1916, question of adoption of system provided by this act, to be submitted: notice of election, pre-

paration of tickets and what to contain.
6. Election conducted in same manner as elections for members of the legislature.
7. If majority cast for modification this act to be in force, if majority against to have no effect.

Be it enacted by the Legislature of West Virginia:

Section 1. The county of Randolph shall be laid off into 2 nine districts as nearly equal as may be in territory and popula-
3 tion. The present divisions of said county into districts, namely:
4 Beverly, Dry Fork, Huttonsville, Leadsville, Middle Fork, Mingo,
5 New Interest, Roaring Creek and Valley Bend, shall constitute
6 such districts until changed by the county court, hereinafter men-
7 tioned, and according to law. The county court established in
8 the said county by the eighth article of the constitution of this
9 state, is hereby reformed, altered and modified, that is to say:
10 the county court of the county of Randolph shall be composed of
11 nine commissioners. The voters of each district shall elect one
12 commissioner who shall be a resident of such district. Should
13 any commissioner remove from the district of which he was a
14 resident at the time of his election, his office shall thereby be-
15 come vacant. The office of commissioner and of justice of the
16 peace, shall be deemed incompatible. Each commissioner shall
17 receive for his services two dollars for each day he shall attend
18 the court, to be paid out of the county treasury.

Sec. 2. At the general election in the year one thousand
2-3 nine hundred and sixteen, and at each succeeding general elec-
4 tion, there shall be elected by the voters of each of said districts
5 one commissioner, whose term of office shall begin on the first day
6 of January next after his election, and continue for two years;
7 provided, that the district in which the present member of the
8 county court resides, who has an unexpired term of four years to
9 serve from the first day of January, one thousand nine hundred
10 and fifteen, and the said district in which the present member of
11 the county court resides, who has an unexpired term for six
12 years from the first day of January one thousand nine hundred
13 and fifteen, shall elect no such commissioner until the general
14 election immediately preceding the first day of January, when
15 the respective terms of such commissioners shall expire. And the
16 present members of the said county court shall be and remain the
17 members of the court from the districts in which they respectively reside, for and during the period for which they were respectively elected.

Sec. 3. So far as they are not inconsistent herewith, all of the provisions of chapter thirty-nine of the code of West Virginia, "concerning county courts, and jurisdiction and powers," and all provisions of law respecting county courts generally, the commissioners composing such courts, and the clerks of such courts shall be applicable to the county court herein provided and to the commissioners composing the same; and the clerk of the county court of Randolph county now in office, and his successors, shall be clerk of the county court herein provided. A majority of such commissioners shall be a quorum for the transaction of business.

Sec. 4. The first meeting of the county court herein provided shall be held on the first Monday in January in the year one thousand nine hundred and seventeen, or as soon thereafter as a majority of them may assemble for the purpose, at which time and annually thereafter at their first meeting in each year, or as soon thereafter as practicable, they shall elect one of their number president of the court.

Sec. 5. At the general election in the year one thousand nine hundred and sixteen, the question of the adoption of the system provided for by this act, shall be submitted to the voters of the county of Randolph, voting at such election. Notice of such election shall be given by the publication of this act, in each weekly newspaper published in said county, once in each week for two successive weeks next preceding said election. The tickets for the vote on such question shall be furnished by the county court, and shall have printed thereon, "for modification of county court" and "against modification of county court," and the said ballots shall otherwise conform to the requirements of chapter three of the code of West Virginia respecting ballots to be voted at a general election, but the said ballot shall be separate from the ballots voted at such general election aforesaid.

Sec. 6. Such election, at each place of voting in said county, shall be superintended, conducted and returned by the same officers, at the same time, and in the same manner as the election of members of the legislature is superintended, conducted and returned, and the result at each place of voting shall be certified.
6 and returned to the county court now in existence in Randolph 7 county. Said court shall convene in special session as a board of 8 canvassers, and do and perform all acts and things respecting the 9 said election required of them by the code of West Virginia with 10 relation to elections by the people, so far as applicable thereto.

Sec. 7. If a majority of the votes cast upon the question 2 be “for modification of county court,” this act shall be and remain 3 in full force and effect; but if a majority of such votes be “against 4 modification of county court,” this act shall be of no further force 5 or effect.

CHAPTER 96.
(House Bill No. 33.)

AN ACT to amend chapter eighty-eight of the acts of the legislature 1 of one thousand eight hundred and ninety-seven, entitled, “An act to amend and re-enact chapter fifty-five of the acts of the legislature of one thousand eight hundred and seventy-two, entitled ‘An act to establish an independent school district in the town of Grafton’ and to abolish the independent school district of West Grafton.”


Sec. Board of education to consist of 2 president and four commissioners, citizens and freeholders; to be a body corporate, etc.; terms of office and when to begin; first election at general election in November, 1916, and subsequent elections; provision as to president now in office.

Be it enacted by the Legislature of West Virginia:

That the second section of chapter eighty-eight of the acts of the legislature of one thousand eight hundred and ninety-seven, entitled, “An act to amend and re-enact chapter fifty-five of the acts of the legislature of one thousand eight hundred and seventy-two, entitled, ‘An act to establish an independent school district in the town of Grafton,’ and to abolish the independent school district of West Grafton,” be amended and re-enacted so as to read as follows:

Section 2. There shall be a board of education for said district, 2 to consist of a president and four commissioners, who shall be 3 citizens and freeholders thereof. The said president and four 4 commissioners shall constitute a body corporate and be denomi-
nated, "Board of education of Grafton independent school district." Their terms of office shall be for four years or until their successors are elected and qualified and shall begin on the first day of July following their respective elections. The president and commissioners shall be elected by the duly qualified voters of said district at the regular election at which representatives in the congress of the United States are elected, the president and two commissioners to be elected at such general congressional election held in November, one thousand nine hundred and sixteen, one thousand nine hundred and eighteen, and in the same manner every four years thereafter respectively; provided, that the terms of the president and four commissioners now in office shall be extended to the last day of June following the time when their respective terms would otherwise expire; and the successors to the two commissioners whose terms thus expire on the last day of June, one thousand nine hundred and fifteen, shall be elected at a special election to be held in said district on the second Tuesday of June, one thousand nine hundred and fifteen, at which election there shall be not less than one polling place in each of the five wards of the district, and which election shall be conducted by the county court of Taylor county in the manner provided by law.

CHAPTER 97.
(House Bill No. 50.)

AN ACT to enable the board of directors of Clay county high school to raise sufficient funds with which to grade and improve its school grounds and to discharge any indebtedness against said board.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC. 1. Board of directors Clay county high school authorized to lay levy for year 1915, for sufficient money to grade and improve school grounds in town of Henry, and to pay off existing indebtedness, not exceeding ten cents on the one hundred dollars valuation.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of directors of Clay county high school is hereby authorized and empowered to lay a levy for the
3 year beginning on the first day of July in the year one thousand 
4 nine hundred and fifteen, for an amount sufficient to grade and 
5 improve its school grounds, in the town of Henry, in said Clay 
6 county, and to pay off any indebtedness now existing against said 
7 board, but said levy shall not exceed ten cents on each one hundred 
8 dollars valuation of taxable property in said county for said year.

CHAPTER 98.

(Proposed in No. 54.)

AN ACT authorizing the establishment of a school teachers’ retire¬
ment pension fund for the school district of Wheeling.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the 
Governor February 16, 1915.]

Sec. 1. Board of education school district of Wheeling given authority to 
establish school teachers’ retirement pension fund.

Sec. 2. Fund to be made up of certain specified items.

Sec. 3. Fund so established to be maintained solely for benefit of re¬
tiring school teachers, under regulations.

Sec. 4. “Public schools” and “teachers” defined for purposes of this act.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the school district of 
2 Wheeling is hereby authorized to establish a school teachers’ re¬
tirement pension fund for the school district of Wheeling, and to 
4 adopt and enforce rules and regulations, not inconsistent here¬
5 with, for the creation, maintenance, government, investment and 
6 distribution of said fund.

Sec. 2. Said fund, if so established, shall be made up of, 
2 (a) deductions from the salaries of teachers in the employ of said 
3 board of education; (b) such sums as said board of education 
4 shall from time to time appropriate for the benefit of said fund 
5 from the school fund of the school district of Wheeling; (c) such 
6 donations, legacies and gifts as shall at any time be made for the 
7 benefit of said fund.

Sec. 3. Said fund, if so established, shall be maintained 
2 solely for the benefit of retiring school teachers who shall have 
3 rendered long service in the employ of said board of education, 
4 and who retire or are retired from said service after such length 
5 of time as shall, by uniform rules, be fixed by said board.
Sec. 4. The words “public schools,” as used in this act, shall be taken to include both the primary or sub-district schools and the high school of the school district of Wheeling, and the word “teachers” as used in this act shall be taken to include all teachers, superintendents of instruction, principals and special teachers regularly employed by said board of education in said public schools.

CHAPTER 99.

(House Bill No. 131.)

AN ACT to amend and re-enact section nineteen of chapter sixteen of the acts of the special session of the legislature of West Virginia of one thousand nine hundred and eight, fixing the terms and time for holding circuit courts.

[Passed January 25, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

SEC. 19. For the county of Morgan, for county of Berkeley, for county Jefferson county for exception as to

Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter sixteen of the acts of the legislature of West Virginia of the special session of one thousand nine hundred and eight, be amended and re-enacted so as to read as follows:

Section 19. For the county of Morgan, on the first Tuesday in January, the first Tuesday in April, and the first Tuesday in September.

For the county of Berkeley, on the third Tuesday in January, the third Tuesday in April, and the third Tuesday in September.

For the county of Jefferson, on the third Tuesday in May, and the third Tuesday in September.

Provided, however, that the February term of the circuit court for Jefferson county for the year nineteen hundred and fifteen shall begin on the second Tuesday in February of said year as required by section nineteen of chapter sixteen of the acts of one thousand nine hundred and eight.
CHAPTER 100.

AN ACT to provide for a special election to vote on the school levy in Cabin Run district, Mineral county, and in other districts.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 24, 1915.]

Be it enacted by the Legislature of West Virginia:

Section 1. That a special election on the question of school levy shall be held on the first Tuesday in June, one thousand nine hundred and fifteen, in Cabin Run district, Mineral county, and in all other districts of the state which failed to vote the school levy at the general election in November, one thousand nine hundred and fourteen. The voting at said special election shall be by ballot at the several places of voting as determined by the board of education, and it shall be the duty of the board of education of each district to give at least ten days' notice of such election by posting the same at each place of voting and such other places as they may determine.

The ballots used at said special election shall have written or printed thereon the words “For school levy” and “Against school levy.” If a majority of the votes cast in said special election be in favor of the levy, it shall be the duty of the board of education to make the levy as required by chapter ninety of the acts of the legislature of West Virginia for the year one thousand nine hundred and fourteen, and the levy voted for at such election shall continue for four years; but if a majority of the votes cast in said special election shall be against the levy, no levy shall be made by said board for the next year succeeding. But it shall be the duty of said board to cause a special election to be held on the same day in the following year, at which the question of levy or no levy shall be submitted to the people for their decision, and if a majority of the votes cast at such special election be in favor of the levy, such levy shall be made as hereinbefore required. Of every such special election the secretary of the board of educa-

SEC. 1. Special election authorized in Cabin Run district, Mineral county, and all other districts of state which failed to vote school levy at general election of 1914; manner of voting, ballots, how conducted and result ascertained; notice to be given by secretary; provisions of section 150 of chapter 45, acts of 1908 to govern.
CHAPTER 101.  
(House Bill No. 100.)

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

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 25, 1915.]

SEC. 1. County high school established in county of Pleasants at or near St. Marys, under control of board of directors of six; how chosen; in event a majority cast at special election hereunder shall form establishment of said high school; nominations, and how made; terms of office of members of board and how determined; county superintendent ex-officio a member and president.

2. Board of directors to have authority to make rules, employ teachers, establish courses of study, grant diplomas, elect secretary and fix compensation.

3. Board to be a body corporate to sue and be sued, receive, hold and dispose of gifts, grants, etc., liable for claims.

4. For procuring suitable grounds county court to submit at special election question of issuing bonds not to exceed $50,000; to lay levy, limit of levy.

5. Qualifications for admission to high school.

6. Revenue from taxation to be collected and disbursed by sheriff.

7. Members of board allowed a compensation for services.

8. Before act takes effect to be submitted to voters at special election ordered by county court; notice of same to be by publication; what ballot to contain.

Be it enacted by the Legislature of West Virginia:

Section 1. That a county high school be and the same is hereby established in the county of Pleasants in the state of West Virginia, at or near the town of St. Marys in said county, which shall be known as the "Pleasants county high school," and shall be under the control of a board of directors which shall be known as the "Board of directors of the Pleasants county high school." Said board of directors shall consist of seven members; six of said members—one to be chosen from each
magisterial district—shall be elected at the special election pro-
vided for in section eight of this act and shall qualify according
to law and enter upon the duties of their office as soon as their
election has been duly declared; provided, that a majority of
the votes cast at said special election are in favor of establishing
the said county high school. The nomination of each person to
be voted upon at said special election for membership on the
board of directors shall be made by petition of at least twenty-
five qualified voters in his magisterial district, which petition
shall be presented to the county court of said county at least ten
days before the election. Three of the members elected at said
special election shall serve until the general election held in one
thousand nine hundred and sixteen and until their successors are
elected and qualified according to law; and three members shall
serve until the general election held in one thousand nine hundred
and eighteen and until their successors are elected and qualified
according to law. The board of directors shall, at its first meet-
ing, determine by lot or otherwise what members so elected shall
serve until the general election in one thousand nine hundred
and sixteen and what members shall serve until the general elec-
tion in one thousand nine hundred and eighteen. At the general
election held in one thousand nine hundred and sixteen and
every two years thereafter, three members shall be elected and
shall serve for a term of four years and until their successors
are elected and qualified according to law. Their term of office
shall begin on the first day of July next after their election.
The county superintendent of schools shall be ex-officio a mem-
ber and president of said board of directors, but shall have a
vote on said board only in case of a tie.

Sec. 2. The said board of directors, as heretofore constituted,
shall have full power and authority to make such rules and regula-
tions as it may deem proper or necessary for the building, manage-
ment and control of said high school; employ necessary teachers
and fix the salaries of the same; establish a graded course of study
and grant diplomas upon graduation of pupils, and perform such
other acts as are necessary and essential to the welfare and mainte-
nance of said high school; and shall elect a secretary and prescribe
the duties and compensation of same.

Sec. 3. Said board of directors shall be a body corporate, and
as such may sue and be sued, and shall receive, hold and dispose of,
3 according to the usual form of law and the intent of the instrument
4 conferring titles, all gifts, grants or devises made for the use of
5 such high school, and shall be deemed the owner of all such property
6 belonging to said high school, and shall be liable for all claims
7 which may legally exist against it.

Sec. 4. For the purpose of procuring suitable grounds
2 and of erecting and equipping a suitable building or buildings
3 for said county high school, the county court shall at the special
4 election provided for in section eight of this act, submit to the
5 voters of the county under the provisions of section thirty-nine
6 of chapter twenty-seven of the acts of one thousand nine hun-
7 dred and eight, the question of issuing bonds in an amount not
8 to exceed fifty thousand dollars, which bonds shall bear interest
9 at a rate not to exceed six per cent. It shall be the duty of the
10 county court to lay a county levy sufficient each year to provide
11 for the interest on said bonds and a sinking fund to pay off said
12 bonds at maturity. After said high school building is erected
13 and equipped from said bond issue, the board of directors may
14 levy not to exceed five cents on the one hundred dollars valuation
15 each year thereafter for building purposes, and for maintaining
16 said school said board of directors may levy not to exceed ten
17 cents on the one hundred dollars valuation for any year.

Sec. 5. The qualifications for admission to the said county
2 high school shall be subject to such regulations as may be pre-
3 scribed by the said board of directors of said county high school.

Sec. 6. All revenue from taxation as provided herein shall be
2 collected and disbursed by the sheriff of the county of Pleasants in
3 the manner provided by general law.

Sec. 7. The members of said board of directors shall be
2 allowed a compensation of two dollars per day for their services for
3 the time they are actually employed in transacting the business of
4 said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect,
2 it shall within ninety days be submitted to the voters
2-a of Pleasants county at a special election ordered by
3 the county court of said Pleasants county, general notice of
4 which election shall be given by publication of said notice in two
5 newspapers of opposite politics and general circulation in the said
6 county of Pleasants, for four weeks preceding said election, if there
7 be two such newspapers that will publish the same at the legal rate
8 for such publications; but if there be no such newspaper that will
9 publish such notice at such rate, then said notice may be posted at
10 three of the most public places in each magisterial district in said
11 county for a like period. Said county court shall provide a ballot
12 bearing thereon the words, “For county high school” and “Against
13 county high school” and if a majority of the votes cast at said
14 election be in favor of said county high school, then this act shall
15 be of binding force and effect from the time of the official an-
16 nouncement of said vote.

CHAPTER 102.
(House Bill No. 171.)

AN ACT to establish a high school in Wayne county, and creating
a board of control, and providing for support of same.

[Passed February 16, 1915. In effect from passage. Approved by the Governor
February 20, 1915.]

SEC. 1. High school established in Wayne
county at or near the town of
Wayne, at site to be selected by
board of directors, and board to
consist of three members, coun-
ty superintendent to be one and
ex-officio president; two others
elected and terms.

2. Directors to have full power to
make rules for management and
control of high school.

3. Board a body corporate, for pur-
poses of management and con-
rol of school.

4. For securing grounds and builds
board of directors may lay levy

SEC. not to exceed ten cents on the
one hundred dollars valuation
for 1915, and for subsequent
years.

5. Qualification for admission to high
school.

6. Revenues from taxation to be col-
lected and disbursed by sheriff.

7. Members of board of directors al-
lowed a compensation.

8. Before act takes effect to be ap-
proved at special election called
by county court; how called and
conducted; majority to decide;
may be re-submitted at next
general election.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby es-
tablished in the county of Wayne, state of West Virginia, in or
near the town of Wayne, in said county, which shall be known as
the Wayne county high school, the site of which is to be selected
by the board of directors of said school, which said board of di-
rectors shall consist of three members composed of the county su-
perintendent of schools of said Wayne county, who shall be ex-officio
a member and president thereof, and two members who shall be
elected at the special election herein provided for and who shall
take office immediately thereafter and serve until their successors
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 for the management and control of said high school; employ the necessary teachers and fix the salaries of same; establish a graded course of study, and grant diplomas upon graduation of pupils, and perform such other acts as are necessary and essential to the welfare and maintenance of said high school; shall elect a secretary and prescribe the duties and compensation of same.

Sec. 3. Said board of directors shall be a body corporate and as such may sue and be sued, and shall receive, hold and dispose of, according to the usual form of law, and the intent of the instrument conferring titles, all gifts, grants or devises made for the use of said 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 securing proper grounds and erecting and equipping suitable buildings thereon for said high school, the board of directors may lay a levy of not exceeding ten cents on the one hundred dollars valuation for taxable purposes for the year one thousand nine hundred and fifteen, and not to exceed ten cents on the one hundred dollars valuation for such purposes for subsequent years.

Sec. 5. The qualifications for admission to the said county high school shall be subject to such rules and regulations as may be prescribed by the said board of directors of said county high school.

Sec. 6. All revenues from taxation as provided herein shall be collected and disbursed by the sheriff of the county of Wayne, in the manner provided by general law.

Sec. 7. The members of said board of directors shall be allowed a compensation of two dollars per day for their services on said high school board, not to exceed ten days in any one year.

Sec. 8. Before this act shall take effect it shall be submitted to the voters of Wayne county at a special or general election.
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3 If special, ordered by the county court of said Wayne county, no-
4 tice of such election shall be given by publication of said notice
5 in two newspapers of opposite politics, and of general circula-
6 tion in said county of Wayne for four consecutive weeks preceding
7 such election. Said county court of Wayne county shall provide
8 a ballot bearing thereon the words "For county high school"
9 and "Against county high school," and if a majority of the
10 votes cast at such election be in favor of said county high school,
11 then this act shall be of binding force and effect from the time of
12 the official announcement of said vote; if this act should fail to
13 carry at the said first election, it may be re-submitted at the next
14 general election following.

CHAPTER 103.
(House Bill No. 173.)

AN ACT to amend and re-enact section three of chapter sixteen, of
the acts of the legislature of West Virginia, passed February
twenty-fourth, one thousand nine hundred and nine, pertaining
to the school district of Huntington.

[Passed February 10, 1915. In effect from passage. Approved by the Governor
February 16, 1915.]

SEC. 3. Qualified voters of district to elect
eight persons as board of edu-
cation at regular election for
municipal officers, to hold office
for six years; except that every
third year four to be elected for
six years, and how nominations

B e it enacted by the Legislature of West Virginia:

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

Section 3. The qualified voters of said district shall elect
2 eight persons who shall compose the board of education of said
3 district. The members of said board shall be elected at the reg-
4 ular election held in the city of Huntington for the election of
5 municipal officers of said city; and they shall hold their said of-
6 fices for the term of six years and until their successors shall have
7 been elected and qualified; provided, that in every third year,
8 at the election of municipal officers for said city four persons from
9 the members of said board shall be elected for the full term of six
10 years. Nomination for candidates for said board shall be made
11 and certified in the same manner as provided for the nomination
12 for candidates for the board of commissioners of said city under
13 its charter as the same now is or may hereafter be amended; and
14 such candidates for members of the board of education shall be
15 voted for, elected and the result of the election ascertained and
16 declared at the time and in the same manner as provided by the
17 charter of said city as the same now is or as it may hereafter be
18 amended; provided, that in no event shall there be at any elec-
19 tion more than two persons elected from the same political party;
20 it being the intention of this act to make and keep said board of
21 education non-partisan, and that no political party, at any time,
22 shall have on said board more than one-half of the members to be
23 elected thereto.

24 The election for members of said board of education shall be
25 at the same time, and shall be held, returned and the result there-
26 of ascertained and declared in the same manner and under the
27 supervision of the same authorities as is now or may hereafter
28 be provided for the election of the board of commissioners of said
29 city of Huntington.
30 And the term of office of the members of the board of edu-
31 cation shall commence on the first Monday in June following the
32 election; and if any member fail to qualify by making or filing
33 the oath required by section five, chapter sixteen of the acts of
34 one thousand nine hundred and nine, within thirty days after he
35 shall have been elected, his office shall ipso facto become vacant.
36 All contested elections for members of the board shall be held
37 and conducted in the same manner as provided by the charter of
38 the city of Huntington as the same now is or as hereafter amended.

CHAPTER 104.

(1 House Bill No. 181.)

AN ACT to create and establish the independent school district of
Pennsboro, in the county of Ritchie.
Be it enacted by the Legislature of West Virginia:

Section 1. That in the event a majority of the votes cast at an election to be held on the third Tuesday in May, one thousand three hundred and nineteen, in the district of Clay, be in favor
4 thereof, the following described territory, in the county of Ritchie, 5 shall after the result of such election is ascertained and declared, 6 be the independent school district of Pennsboro, to-wit:
7 Beginning at a pine tree, corner of Brown’s heirs and Sad- 8 ler’s lands;
9 N. 15° 30’ E. 47 poles to a jack oak at Doyle’s corner;
10 N. 43° 30’ W. 77 poles to white oak at Wells’ knob;
11-12 N. 55° E. 46 poles to jack oak in Wells and McDougal’s corner;
13 N. 20° W. 46 poles to persimmon in Wells’ fence;
14 N. 3° 30’ E. 43 poles to sycamore at McDougal’s foot bridge;
15 N. 11° W. 63 poles to a post, corner of McDougal’s fence;
16 N. 89° 30’ W. 66 poles to pine tree in Geo. Boyce’s fence;
17 N. 84° W. 127 poles to white oak in Sill’s land near where 18 Monroe lives;
19 S. 63° W. 47 poles to an oak near the Bonds Creek road;
20 S. 86° 30’ W. 106 poles to a corner in Wilson’s and Sill’s lands;
21 S. 21° W. 138 poles to jack oak in woods in M. H. Davis’s land;
22 S. 44° 30’ W. 160 poles to a telephone pole on Kelly’s point;
23 S. 51° 30’ W. 38 poles to a telephone pole near pike at fair 24 grounds;
25 S. 62° 15’ W. 12 poles to west corner post at pike entrance to 26 fair grounds;
27 S. 18° 15’ W. 38 poles to a black walnut by fair ground fence;
28 S. 13° 30’ W. 32 poles to west end fair ground fence;
29 S. 63° E. 17 poles to a sugar, corner to fair ground fence;
30 N. 70° E. 30 poles to a post in fair ground fence;
31 N. 89° E. 165 poles to a stone in Thomas’ land;
32 N. 69° E. 157.5 poles to a stone in Wilson’s field;
33 S. 57° E. 40 poles to a stone in Wilson’s field;
34 S. 56° E. 48 poles to Flesher’s line;
35 S. 23° W. 30 poles to Flesher’s corner;
36 S. 73° 30’ W. 20 poles to Flesher’s and Taylor’s corner;
37 N. 22° 30’ E. 24 poles to a stone in Flesher’s line;
38 S. 56° E. 7.7 poles to a persimmon in Taylor’s land;
39 S. 63° E. 47 poles to a stone in Taylor’s land;
40 S. 89° 30’ W. 89 poles to a stone in Taylor’s land;
41 N. 1° W. 78 poles to a white oak on ridge in Brown’s line;
42 N. 12° 30’ W. 12.4 poles to a pine at the beginning.

Sec. 2. The board of education of said independent
2 school district shall consist of three members, who to be eligible
3 shall be citizens of and residents of said independent school dis-
4 trict and shall be elected by the qualified voters resident therein
5 and shall be vested with the same rights and exercise the same
6 powers, perform the same duties and receive the same compensa-
7 tion and be governed by the same laws that boards of education
8 otherwise than those of independent school districts are governed
9 by, except in so far as charged by the provisions of this act; pro-
10 vided, that the three members of the board of education for the
11 year beginning July first, one thousand nine hundred and fifteen,
11a shall be elected on the second Tuesday in June, one thousand nine
12 hundred and fifteen, and shall serve until their successors are elect-
13 ed and qualified; which election held on the second Tuesday in
14 June, one thousand nine hundred and fifteen, shall be conducted by
15 commissioners to be appointed by the county court of Ritchie coun-
16 ty and shall be at the usual voting places in the territory wherein
17 said election is required to be held.

Sec. 3. At the first meeting of the board, which is here-
2 by required to be held on the first Monday in July of each year,
3 or as soon after as practicable, the board shall organize and elect
4 one of their members president and shall also elect a secretary, who
5 shall not be a member of the board, who shall perform the duties
6 required by law or prescribed by said board and shall be allowed
7 a compensation not to exceed fifty dollars per year.

Sec. 4. The said three members shall constitute a board
2 of education for said district, named independent school district of
3 Pennsboro, and shall be a body corporate and as such may sue and
4 be sued, plead and be impleaded, purchase and hold so much real
5 estate and personal property as may be necessary for the purposes
6 of education within said district; may receive any gift, grant, do-
7 nation, devise or bequest; may become a party to suits and con-
8 tracts and other corporate acts and shall succeed to and have all the
9 rights of the school property heretofore exercised, held and owned
10 by the board of education of Clay district situated within the afore-
11 said boundaries of independent school district of Pennsboro and
12 assume all liabilities of the present board of education of said Clay
13 district which the said board of said Clay district shall turn over
14 and account for to the new board of education of independent
15 school district of Pennsboro, elected pursuant to the provisions of
16 this act, all the moneys, accounts and property within its control
17 or in the control of the sheriff of said county, which may be the
18 property of the said independent school district of Pennsboro. 
19 The said board shall have exclusive control of all schools within 
20 said district; shall have power to make all necessary rules and reg-
21 ulations for the government of the schools of the district; for the 
22 admission of pupils therein and for the exclusion of pupils whose 
23 attendance would be dangerous to the health or detrimental to 
24 the morals of the school; they may prescribe a uniform line of text 
25 books for the use of the schools in the independent school district 
26 of Pennsboro and may furnish books and stationery for the 
27 children in attendance at the schools, and they may furnish all 
28 necessary apparatus, books and appliances for the use of the schools 
29 and incur all other necessary expense to make the system efficient 
30 for the purpose for which it was established and pay the cost 
31 of same from the building fund of the district.

32 Vacancies in the office of the president or commissioner shall 
33 be filled by the board at the first regular meeting after which said 
34 vacancy shall be declared, by the appointment of a duly qualified 
35 person, who shall hold office until the next election, at which time 
36 a qualified person shall be elected to fill the unexpired term caused 
37 by said vacancy.

Sec. 5. The board of education shall have power to estab-
2 lish within the independent school district such schools, including 
3 high schools, by such names as may be prescribed by said board 
4 and may in their judgment be best for the interest of the inde-
5 pendent school district, and may issue bonds to raise sufficient 
6 funds wherewith to establish such schools; but no such bonds 
7 shall be issued until the question of issuance of such bonds be 
8 first submitted to the legal voters of the district at some election 
9 in said independent school district and a three-fifths vote of the 
10 voters voting be cast in favor of the issuance of such bonds, which 
11 election may be held as other elections provided for by the laws 
12 of West Virginia.

13 The branches to be taught in the high school and other 
14 schools in said independent school district shall be such as may 
15 be prescribed by the board of education; the schools of the said 
16 independent school district shall be subject to such grading as the 
17 board may direct; the said high school shall be open to all pupils 
18 in the district, but no pupils shall be entitled to enter it until the 
19 superintendent of the schools within the said independent school 
20 district shall have satisfied himself that the said pupil has made
Sec. 6. The board of education for said district shall hold stated meetings at such times and places as they may appoint, two members of which shall constitute a quorum for the transaction of business. Special meetings of said board may be called by the president or at the request of any member by the secretary. No business shall be transacted at a special meeting except it be mentioned in the call, which call shall be in writing and be recorded in the proceedings of said special meeting; no contracts shall be made by the board in special meetings involving one hundred dollars or more unless all members of said board shall have at least twelve hours notice of said meeting and by personal service of the call. The members of the board of education shall receive the same compensation provided by general law for members of boards of education.

Sec. 7. The board of education of said district shall appoint all teachers, and provide for substitute teachers when necessary, for the public schools within said district, and fix their compensation; the said teachers shall be subject in all respects to the rules and regulations adopted by the said board, and they may be removed by said board for incompetency, neglect of duty, or gross immorality, or whenever from any cause it shall appear to said board that their removal is to the best interests of the schools of said district. The said board may also appoint such principals and superintendents as may in their judgment be necessary for the supervision of said schools and may employ such janitors and custodians of their school buildings and fix the compensation, and may remove any such principal, the superintendent, teacher, janitor or custodian for neglect of duty, incompetency, gross immorality, or whenever it shall appear to said board from any cause that such removal is for the best interests of the schools of said district.

Sec. 8. It shall be the duty of said board of education to provide by purchase or by condemnation proceedings in a court of competent jurisdiction, or by leasing or building or otherwise, all necessary school buildings, grounds, furniture, fixtures, supplies, apparatus and appliances, for the education of the children of school age within said district, and to keep the school property in said district in good order and repair and to supply the school
8 buildings therein with proper fuel or heat, and other things nec-
9 essary for the comfort and convenience of said schools, and there
10 shall be no limitation as to the number of acres or quantity of land
11 which the said board of education shall have the right to con-
12 demn or cause to be condemned for school purposes.

Sec. 9. The secretary shall record in a well bound book
2 to be provided for the purpose, all official acts and proceedings of
3 the board, which shall be a public record open to the inspection of
4 all persons interested therein; he shall also keep and preserve books
5 of accounts 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 each
10 fund, together with a descriptive entry, showing for what purpose
11 each item of disbursement is made, which books of account shall
12 always show the financial resources of the district and shall always
13 be open to the inspection of any taxpayer of the said district; he
14 shall also preserve in his office all papers containing evidences of
15 title, contract and obligations; and in general, shall record and
16 keep in his office all records, papers and documents as shall be re-
17 quired by this act, and perform such duties, not inconsistent here-
18 with, as may be prescribed by the board; he shall make such re-
19 ports as are required to be made by secretaries of the board of ed-
20 ucation by the general school laws of the state; and he may be re-
21 moved at any time by a majority of the members of the board in
22 regular session.

Sec. 10. Not later than the first regular meeting in
2 March in each year, the board shall employ a competent person,
3 a resident of the district, to make an enumeration of all the youths
4 resident in said district, who shall be over six and under twenty-
5 one years of age on the first day of July following, in the manner
6 prescribed by the general school law of the state, which enumera-
7 tion shall be verified in the manner and returned to the secretary
8 of the board within the time prescribed by said general school law;
9 the board shall examine said report of enumeration at its next
10 regular meeting after its return, and shall take such steps as it
11 may deem necessary to verify the same, and the secretary shall
12 certify the said enumeration to the county superintendent of
13 schools within the time and in the manner prescribed by law.
Sec. 11. The state superintendent of schools, in his report to the auditor, shall specify separately the enumeration of the youth in said district, and in the apportionment of the school funds, the amount to be due said district shall be apportioned and certified to the secretary of said board separately, and requisition therefor shall be drawn in favor of the board of education of said district accordingly.

Sec. 12. In order to provide the funds which are necessary for the purpose of this act, the board of education shall annually at its first regular meeting in July, or as soon as practical thereafter, levy a tax on the property taxable in the said district, in the manner, within the limits and not to exceed the amount prescribed by the general school laws of the state relating to levy by boards of education for that purpose, and as provided by chapter ninety of the acts of the legislature of West Virginia for the year one thousand nine hundred and nine.

Sec. 13. In addition to the levy named in the preceding section, the board of education shall for the support of the schools in the district annually levy such tax on the taxable property in the district, as will, with the money received from the state for the support of free schools, be sufficient to keep said schools in operation for not less than nine months in the year. The proceeds of this levy, together with the money received from the state aforesaid, shall constitute a special fund, to be called the "teachers' fund", and no part thereof shall be used for any other purpose than the payment of teachers' salaries and the salary of the superintendent and the establishment and maintenance of the public school library provided for in this section; the board of education shall have power to establish and maintain a public library; and the library so established and maintained shall be known as the Pennsboro public school library, and shall be for the use of the public schools of the Pennsboro district and the inhabitants thereof, and shall be governed by such rules and regulations as the board of education shall prescribe.

Sec. 14. Upon failure by the board of education to lay the levies required by this act, or any of them, they shall be compelled to do so by the circuit court by writ of mandamus. The taxes so levied by the board of education shall be collected in the same manner and at the same time as the state and county taxes by the sheriff of Ritchie county; and he shall deposit
the same immediately, when collected, with some bank or banks in a separate account or accounts, and shall credit the same to the proper fund or funds. The said sheriff shall report in writing to the board of education monthly, and as otherwise required by said board, as to the condition of the several funds. The sheriff shall receive for his services two per cent. of the sum so collected, and deposited, as full compensation and in lieu of any commission thereon provided by general law. The bank or banks with which such funds are deposited shall allow thereon reasonable interest at the rate of not less than two and one-half per cent. on the average daily balance, and the interest so received shall be added to the fund which produced it and be expended for the same purpose for which the original fund was expended. The sheriff shall pay out such sums as may be ordered by the board upon orders signed by the president and secretary of the board. Any sum derived at any time from the sale of bonds or property of said board of education shall be credited to the proper fund and shall be deposited in some bank or banks designated by the board, to the credit of the board of education of the independent school district of Pennsboro, which bank or banks shall allow interest thereon as hereinafter provided, and the interest so received shall be added to the fund which produced it to be expended for the same purpose as the original fund, or, in the discretion of the board, for the payment of interest on such bonds, if the fund is derived from sale of bonds. The sheriff of Ritchie county shall not be entitled to any commission on, or on account of, funds derived from the sale of such bonds or property. The bank or banks receiving on deposit any such funds for the credit of said board shall furnish to the board of education bonds with approved surety in such sums as the board may require, which bonds shall be conditioned to safely care for said funds and to account for the same, together with the agreed interest, and to pay same out only upon duly signed orders as herein provided. Before designating any bank or banks as depositories hereunder, the said board shall ask for bids from the various banks in Pennsboro and shall award such deposits to the bank or banks making the most advantageous bids therefor, in such amounts as to the board may seem fit; provided, that the rate of interest shall not be less than two and one-half per cent. on the average daily balance. The said bank or banks shall pay out such sums as may be ordered by the board.
Sec. 15. The board of education is hereby authorized to establish and maintain schools for manual training and domestic science, which shall be conducted under the order and direction of the board, and in accordance with such rules and regulations as it may prescribe; for this purpose the board is authorized to expend each year such sums out of the building fund and out of the teachers' fund of the district as it may deem necessary; provided, however, that for the purpose of acquiring the necessary buildings and grounds, furniture, fixtures and appliances, debt may be contracted by the board, provided the same is authorized by the people of the district at a special election to be held and conducted according to the provisions of this act. The secretary of the board shall keep separate accounts of the cost of establishing and maintaining each of the schools established pursuant to the provisions of this section and the annual statements of disbursements shall show by item all disbursements made on account thereof.

Sec. 16. No money shall be disbursed except by order of the board, duly entered of record, and every order on the treasurer for payment of money shall be signed by the president and secretary and shall specify upon its face the particular account to which the same is chargeable.

Sec. 17. At the first meeting in May after this act takes effect, the board shall appoint a district superintendent of schools and fix his salary, whose term of office shall begin on the first day of July next succeeding his appointment and continue not to exceed a period of two years as determined by the board; but he may be removed at any time for immorality, misconduct, or lack of proficiency; any vacancy in the office shall be filled by the board of education for the unexpired term. The superintendent shall have general supervision of the conduct of the schools, make all necessary reports and perform such other duties as the board may prescribe; the said district superintendent shall not receive, directly or indirectly any gift, emolument or reward for his influence or services in securing any contract, supplies or apparatus, or the adoption of any such book, supply or apparatus, and in case he shall do so he shall be removed from the office.

Sec. 18. The board of education shall appoint two competent persons to act with the district superintendent as an examining committee to examine all applicants for teachers of schools.
4 in the district; each applicant for examination shall pay a fee of
5 one dollar. Certificates of qualification shall be issued by said
6 committee, according to proficiency, as follows: number one, very
7 good; number two, good; number three, medium; but the board
8 may by special regulation, provide for issuance of certificates to
9 colored teachers; no certificate shall be issued for longer than one
10 year, but the number one certificate may be renewed from year to
11 year by the examining committee, at its option, under such regula-
12 tions as the board may prescribe; the committee shall hold meet-
13 ings for such examinations at such times and places as the district
14 superintendent may appoint; the examining committee shall re-
15 ceive such fees for their services as the board may allow, to be paid
16 out of the examination fees, the excess of any such fees, if any, to
17 be paid into the building fund.

Sec. 19. Every person having under his control a child or
2 children between the ages of seven and fifteen years, residing in the
3 independent school district of Pennsboro, shall cause such child or
4 children to attend public school in said district and such attend-
5 ance shall begin at the beginning, and shall continue through the
6 school year thereof, and for every neglect of such duty the person
7 offending shall be guilty of a misdemeanor and shall, upon con-
8 viction thereof, be fined two dollars for the first offense and five
9 dollars for each subsequent offense together with the costs of prose-
10 cution, and, in the discretion of the court or justice, be required to
11 enter into a bond in the penal sum of fifty dollars, payable to the
12 board of education of said district with security to be approved by
13 the court or justice, conditioned that the person so convicted will
14 cause such child or children to attend public school in accordance
15 with the provisions of this act, and any and all amounts that may
16 be recovered on any and all such bonds shall be placed to the credit
17 of the building fund of said district.

Any failure to give such bond in the manner and within the
18 time therefor prescribed by such court or justice shall be a misde-
19 meanor and be punished by a fine of not less than one dollar nor
20 more than five dollars and the cost of prosecution.

An offense, as intended and provided by this act, shall consist
22 in the failure of such person to send to school any such child or
23 children for more than one day in any one week in which the
24 schools are in session unless the attendance of such child or chil-
25 dren be prevented by personal sickness or other reasonable excuse;
provided, that if such child or children shall have graduated from
the grammar grades, or if such child or children have been other-
wise instructed for a like period of time in the branches of learn-
ing required by law to be taught in public schools, or have already
acquired such branches, or if, in the opinion of the superintendent
of said school district, the mental or physical condition of such
child or children is such as to render such attendance inexpedient
or impracticable, such penalty shall not be incurred.

Any and all fines so collected shall be paid to the secretary of
the board of education of said district, who shall pay the same to
the sheriff and take his receipt therefor and the sheriff shall de-
posit the same in the proper account to the credit of the building
fund of said district.

If the person against whom such proceedings shall be insti-
tuted shall satisfactorily prove in the course of such proceedings
that he has made all proper efforts and used due diligence to com-
pel such child to attend school as hereinbefore provided, and that
because of the disobedience of the child he has been unable to do
so, such facts shall constitute a defense to such proceedings. There-
upon the attendance officer shall take such steps and proceedings
before the proper court to have such child adjudged incorrigible
and committed to the state reform school at Pruntytown or the
girls' industrial school at Salem.

To aid in the enforcement of this act the board of education
shall appoint and employ one or more attendance officers whose
term of office and compensation shall be fixed by the board. The at-
tendance officer shall be and is hereby vested with police powers
with authority to serve warrants, and shall have authority to enter
work shops, factories, stores and other places where children may
be employed and do whatever may be necessary in the way of in-
vestigation or otherwise to enforce this act.

The attendance officer shall have power, without warrant, to
apprehend any child between the ages of seven and fifteen years
who shall have been reported to him in writing by the superintend-
ent or any principal and to place such child in a public school
which he should have attended or in which he should have been or
has been enrolled, or to place such child, at the expense of the
parent, guardian or other person having such child under his con-
trol in such private school as he may select. In case such parent,
guardian or other person having such child under his control shall
67 fail or refuse immediately, upon being applied to, to select such
68 private school, then the said attendance officer shall at once place
69 such child in the public school of the district in which such child
69-a resides.
70 Any person who induces or attempts to induce any such child
71 unlawfully to absent itself from school, or who harbors or employs
72 such child unlawfully absent from school while the school in the
73 district in which the child lives is in session, shall be guilty of a
74 misdemeanor and shall be fined in punishment therefor twenty-five
75 dollars and may be also imprisoned not to exceed ten days in jail.
76 The attendance officer shall institute proceedings against any
77 and all persons violating this act, and perform such other duties
78 and offices as the superintendent or board of education may deem
79 necessary or require to preserve the morals and secure the good
80 conduct of any and all school children in said district and to en-
81 force this act and its provisions.
82 Such attendance officer shall keep a record of his transactions
83 for the inspection and information of the superintendent and of
84 the board of education and shall make reports to the superintend-
85 ent or to the board of education throughout the school year, as he
86 or it may require, and the superintendent shall make such reports
87 to the board as it may require. The principals and teachers of all
88 schools, public, private or otherwise, in said school district hereby
89 created shall report to the board of education the names, ages and
90 residences of all pupils of compulsory age who are in attendance at
91 their respective schools, together with such other facts as the board
92 of education may require to facilitate the carrying out and enforcing
93 of the provisions of this act, and said board of education shall
94 furnish blanks for such purposes and reports shall be made at such
95 time or times as the said board of education shall prescribe by rules
96 to be adopted by it. Such teachers shall also report to the proper
97 attendance officers, or to the superintendent of schools of the said
98 district all cases of truancy and unlawful absence in their respective schools as soon as practicable after such truancy or absence.
100 If any person fail to comply with the requirements and pro-
101 visions of this section of this act requiring reports to be made as
102 aforesaid, he shall be guilty of a misdemeanor and be punished
103 by a fine of five dollars and costs of prosecution. Any fine so paid
104 shall be paid to the secretary of the board of education and by
105 him paid to the sheriff of the county who shall receipt to him
106 therefor and deposit same in the proper account and place it to 
107 the credit of the building fund of said district. If to any prosecu-
108 tion instituted under the provisions of this act a satisfactory de-
109 fense be made so that such proceedings be dismissed or defendant
110 be adjudged not guilty, the costs of such prosecution shall be paid
111 in that event to the proper officers entitled to fees therefor by
112 the board of education of said district out of funds under its con-
113 trol.

114 When so directed by the superintendent, or by the board of ed-
115 ucation, or when it comes to his notice otherwise, such attendance
116 officer shall examine into any and all cases of truancy or unex-
117 plained absence of any of the school children of compulsory age
118 in said district.

119 When any child or children are not attending school without
120 lawful excuse in violation of the provisions of this act, the attend-
121 ance officer shall notify in writing the person having the control of
122 such child or children to send same to some school, but the service
123 of such notice shall not be an essential preliminary to any provis-
124 ions of this act. Any court or justice of Ritchie county shall
125 have jurisdiction over and take cognizance of all offenses provided
126 by and all violations of this act.

Sec. 20. All provisions of the general school law of this
2 state which are inconsistent with or in conflict with any of the pro-
3 visions of this act shall be void within said district; otherwise to
4 have full force and effect therein.

CHAPTER 105.

(AN ACT to abolish the independent school district of Fayetteville, in
the county of Fayette.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the
Governor February 25, 1915.]

SEC.

1. Act creating Independent school dis-
2. Board of education of Independent

3. School building, grounds and all
other property goes to board of
education of Fayetteville dis-

4. full authority.

5. appoint trustees

6. levy for support of same.
Be it enacted by the Legislature of West Virginia:

Section 1. An act of the legislature, entitled "An act to create the independent school district of Fayetteville, in the county of Fayette," passed by the legislature of West Virginia, February twenty-one, one thousand eight hundred and eighty-seven, and which constitutes chapter nineteen of the acts of the legislature of one thousand nine hundred and seven, is hereby repealed and annulled and the said independent school district of Fayetteville is hereby abolished, the same to take effect July one, one thousand nine hundred and fifteen.

Sec. 2. The board of education of the independent free school district of Fayetteville shall conduct the schools in said independent district during the school year ending June thirty, one thousand nine hundred and fifteen, as in the manner provided by the act creating said independent school district, and collect all the levies and moneys, sue and be sued in reference to any contract or for the collection of any levies or obligations due to said district prior to July one, one thousand nine hundred and fifteen.

Sec. 3. The school building, and school grounds, and other property, including personal property and school equipment, belonging to said independent school district, shall on and after July one, one thousand nine hundred and fifteen, become and the title thereto be vested in the board of education of Fayetteville district in said Fayette county, and the board of education of said Fayetteville district shall appoint trustees for the said school as one of the sub-districts of said Fayetteville district, and a levy for the support of said schools shall be laid upon the entire property of the district of Fayetteville in said county for the school year beginning July one, one thousand nine hundred and fifteen.

CHAPTER 106.

( House Bill No. 217.)

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

**Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.**

**Sec. 1.** High school established in Mingo county in city of Williamson, and designation; board of directors to consist of one to be elected at next general election; president and commissioners of the county court and county superintendent of schools, *ex-officio* president; when member to be elected.

**Sec. 2.** Board of directors to have full power for control of school, employment of teachers, establish courses of study, grant diplomas and elect a secretary.

**Sec. 3.** Board of directors a body corporate with all powers.

**Sec. 4.** For procuring grounds and erecting buildings thereon board may lay levy not exceeding ten cents on the one hundred dollars valuation first two years, and not exceeding five cents for subsequent years, and ten cents for maintenance.

**Sec. 5.** Qualifications for admission to be fixed by board.

**Sec. 6.** All revenue from admission to be collected and disbursed by sheriff.

**Sec. 7.** Board to receive compensation of two dollars per day, not to exceed ten days.

**Sec. 8.** Before act takes effect all matters connected herewith to be submitted at regular or special elections; to be ordered by county court; publication of notice and how ballot prepared; result and effect.

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**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 Mingo, state of West Virginia, in the city of Williamson, in said county, which shall be known as “The Mingo 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 Mingo county and the county superintendent of free schools of said county of Mingo shall be *ex-officio* members of said board of directors, and the county superintendent of free schools 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 Mingo county high school until the elective member of said board of directors shall have been elected and qualified.

Sec. 2. The said board of directors, as heretofore constituted, shall have full power and authority to make such rules and regulations as it may deem proper or necessary for the management and control of said high school, employ necessary teachers and fix the salaries of the same, establish a graded course of study and grant diplomas upon graduation of pupils, and perform such other acts as are necessary and essential to the welfare and main-
Sec. 2. Tenance of said high school, and shall elect a secretary and pre-
scribe the duties and compensation of same.

Sec. 3. Said board of directors shall be a body corporate and, as such, may sue and be sued, and shall receive, hold and dispose of, according to the usual form of law and the intent of the instrument conferring titles, all gifts, grants or devises made for the use of such high school, and shall be deemed the owner of all property belonging to said high school, and shall be liable for all claims which may lawfully exist against it.

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

Sec. 5. The qualifications for admission to the said county high school shall be subject to such regulations as may be prescribed by the said board of directors of said county high school.

Sec. 6. All revenue from taxation, as provided herein, shall be collected and disbursed by the sheriff of the county of Mingo, in the manner provided by general law.

Sec. 7. The members of said board of directors shall be allowed a compensation of two dollars per day for their services for the time they are actually employed in transacting the business of said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect it shall be submitted to the voters of Mingo county, at a regular or a special election and, if at a special election, the same to be ordered by the county court of said Mingo county, general notice of which election shall be given by publication in two newspapers of opposite politics and of general circulation in said county of Mingo for four weeks preceding said election, if there be two such newspapers that will publish the same at the legal rate for such publications; but if there be no such newspapers that will publish such notice at said rate, then said notice shall be posted at three of the most public places in each magisterial district in said county for a like period. Said county court shall provide a ballot bearing
13 thereon the words: "For county high school" and "Against 14 county high school." And if a majority of the votes cast at said 15 election be in favor of said high school then this act shall be of 16 binding force and effect from the time of the official announce- 17 ment of said vote.

CHAPTER 107.

(Hand Bill No. 224.)

AN ACT to amend and re-enact section three of chapter nineteen of the acts of one thousand nine hundred and five, relating to the independent school district of Burnsville, in the county of Brax- 10

TON.

(Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 22, 1915.)

SEC. 3. Board of education to consist of president and two commissioners elected by voters thereof: when elected; provision as to commis- 12

sioner now in office; term of office to begin July 1, next after their election and to be for four years, or until successors are chosen.

Be it enacted by the Legislature of West Virginia:

That section three of chapter nineteen of the acts of one thou- 13

sand nine hundred and five, relating to the independent school dis- 14

trict of Burnsville, in the county of Braxton, be and the same is hereby amended and re-enacted so as to read as follows:

Section 3. The board of education of said district shall con- 15

sist of a president and two commissioners elected by the voters 16

thereof. One commissioner shall be elected on the first Thursday 17

in January, one thousand nine hundred and seventeen, and one 18

commissioner on the first Thursday in January every two years 19

thereafter; provided, however, that the commissioners now in 20

office or elected shall continue to serve for the full term for which 21

they were elected and until their successors are elected or ap- 22

pointed and qualified as required by law. The president of said 23

board shall be elected on the first Thursday in January, one thou- 24

sand nine hundred and nineteen, and on the first Thursday in 25

January every four years thereafter. The term of office of the 26

president and commissioners of said board of education shall begin 27

on the first day of July next after their election and they shall
15 continue in office for four years and until their successors are 
16 elected or appointed and qualified according to law.

CHAPTER 108.
(House Bill No. 220.)

AN ACT to authorize the city of Charleston to convert the acre of 
ground known as the Ruffner graveyard into a park for the use 
of the inhabitants of said city.

[Passed February 20, 1915. In effect ninety days from passage. Became a law 
without the Governor's approval.]

Sec. 1. City of Charleston authorized to 
vacate as a graveyard and use 
as park, acre known as Ruffner

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Charleston, in the county of Kanawha, 
2 is hereby authorized and empowered to vacate as a graveyard and 
3 use as a park, for the benefit of all of the residents of such city, 
4 the acre of ground known as the Ruffner graveyard, and being the 
5 same acre of ground that was conveyed to the president, recorder 
6 and trustees of the town of Charleston by deed dated on the 
7 twelfth day of February, one thousand eight hundred and thirty- 
8 one, and recorded in the office of the clerk of the county court of 
9 Kanawha county in deed book "H," page three. The municipal 
10 authorities of the city of Charleston shall, by proper ordinance, 
11 provide for the suitable and proper vacation of such graveyard and 
12 the conversion of the same into a public park.

CHAPTER 109.
(House Bill No. 242.)

AN ACT establishing a court of limited jurisdiction within the county 
of Kanawha, to be known and designated as the “Court of com- 
mon pleas of Kanawha county,” and prescribing the limitations 
therefor.
Be it enacted by the Legislature of West Virginia:

Section 1. That a court of limited jurisdiction is hereby es-
Established within and for the county of Kanawha, to be held
and presided over by a judge to be selected as hereinafter pro-
vided, which court shall be named and designated as the "Court
of common pleas of Kanawha county."

Sec. 2. The said court shall have original jurisdiction
within the county of Kanawha, concurrent with the circuit
court of said county, in all civil causes, both at law and in
equity, except where it shall appear that the matter or thing in
controversy exceeds in value the sum of one hundred thousand
dollars; subject to the right of appeal to the circuit court of
Kanawha county as hereinafter provided.

Sec. 3. The judge of said court shall be a resident mem-
ber of the bar of Kanawha county, and have the same qualifica-
tions as a circuit judge. The governor shall appoint and com-
mission a judge of said court for the term beginning on the
first day of May, one thousand nine hundred and fif-
ten, and ending on the thirty-first day of December, one thou-
sand nine hundred and sixteen; and there shall, at the general
election in this state to be held on Tuesday after the first Mon-
day in November, one thousand nine hundred and sixteen, and
every eight years thereafter, be elected by the legal voters of said
county, a judge of the court of common pleas of Kanawha county,
for the term of eight years, from the first day of January suc-
ceeding said election, who shall be, except as herein otherwise
provided, subject to the laws in force governing circuit judges.

Sec. 4. The powers and jurisdiction conferred by law upon
the circuit courts in the trial of civil cases and proceedings, and
the modes and procedures authorized therein within the county
of Kanawha, including the appointment of commissioners in
chancery, are hereby conferred upon and shall be exercised by
the said court of common pleas of Kanawha county, in respect
to all cases, matters and proceedings, of which the last named
court is given jurisdiction by this act; and the judge of said
court shall have the same powers in vacation as are now or may
hereafter be conferred upon the judge of the circuit court of
Kanawha county in respect to all cases, matters and proceedings
within the jurisdiction of said court of common pleas.

Sec. 5. It shall not be necessary in any case or proceeding
in said court of common pleas that the facts authorizing it to
3 take jurisdiction or proceeding shall be set forth upon the record, 
4 but the jurisdiction shall be presumed unless the contrary plainly 
5 appears from the record.

Sec. 6. The said court of common pleas shall have the 
2 same powers to punish for contempt as are conferred upon the 
3 circuit court by law.

Sec. 7. The county court, or tribunal acting in lieu thereof 
2 in Kanawha county, shall provide all record books and other 
3 books and stationery that may be necessary, and likewise a seal, 
4 for said court of common pleas. Full faith and credit shall 
5 be given to the records of said court and to the certificate of 
6 its judge or clerk, whether the seal of the court be affixed thereto 
7 or not, in like manner and with like effect as if the same were 
8 records of the circuit court or certificates of the judge or clerk 
9 of the circuit court similarly authenticated.

Sec. 8. The clerk of the circuit court of Kanawha county 
2 shall be ex-officio clerk of said court of common pleas and per-
3 form the duties thereof and shall receive the same fees as are 
4 allowed by law, for similar services to the clerk of the circuit 
5 court; and in the discharge of his duties as clerk of the court 
6 of common pleas he shall be subject to all statutes relating to 
7 the clerk of the circuit court. All process, rules and orders of 
8 said court in the exercise of its jurisdiction shall be signed by 
9 the clerk thereof, and be directed to the sheriffs of the proper 
10 counties wherein the same are to be executed, and they shall be 
11 executed in like manner and with the same effect as process 
12 issuing from the circuit court of said county.

Sec. 9. The said judge shall for his services receive forty-
2 five hundred dollars per annum, to be paid out of the county 
3 treasury of said county of Kanawha.

Sec. 10. The clerk of said court shall in addition to the 
2 fees of his office be paid out of the county treasury the sum 
3 of one thousand dollars per annum, and the sheriff shall be al-
4 lowed the same compensation for attendance upon said court as 
5 is now or may hereafter be allowed by law for attendance upon 
6 the circuit court.

Sec. 11. There shall be three terms of said court held in 
2 each year, commencing on the third Monday in January, third 
3 Monday in May, and the third Monday in September. Adjourned
and special terms of said court may be called and held as provided
for special and adjourned terms of the circuit court.

Sec. 12. The said terms of said court shall be held in
Charleston in said county of Kanawha at the court house thereof.

Sec. 13. The sheriff of Kanawha county and the sheriffs
of the several counties of the state shall by themselves or their
deputies execute all process of said court, or issued by the clerk
thereof, directed to them respectively, and all process emanating
from said court, or issued by the clerk thereof, shall be directed
to and executed by them in the same manner as is provided by
law as to process issuing from the circuit court or its clerk;
and the sheriff of Kanawha county shall perform the same duties
and services for the court of common pleas of Kanawha county
as he now by law is required to perform for the circuit court of
said county; and in the execution of the process, rules and or-
ders of said court the said officers shall have the same power and
rights, be subject to the liabilities, govern themselves by the same
rules and principles of law and the statutes of the state, and be
entitled to the same fees as though the process issued from the
circuit court of said county.

Sec. 14. The petit juries for said court shall be chosen and
empaneled in the same manner as they are chosen and empaneled
in the circuit court, and shall receive the same compensation.

Sec. 15. If the judge of said court in his judgment cannot
properly preside at the hearing of any cause pending therein, said
cause may be, in his discretion, certified to, and the original
papers, together with a copy of the orders of the court, filed in
the circuit court of said county, and the cause shall be docketed
therein and proceeded with as though the cause had originally
been brought and proceedings therein had in the circuit court.
When for any cause the judge of said court of common pleas
is incapable of acting, or is absent, a special judge may be elected
in the same manner as a special judge of the circuit court, and
be governed in all respects so far as applicable by the laws gov-
erning special judges of the circuit court, and he shall be al-
lowed five dollars a day to be paid out of the county treasury.

Sec. 16. And to the end that justice may be administered
without delay and to expedite the dispatch of the business of
the circuit court and the court of common pleas of Kanawha
4 county, the circuit court may by order entered of record certify
5 down for trial by the court of common pleas, any suit or pro-
6 ceeding at law or in equity now, or which may hereafter be,
7 upon the docket of said circuit court, and within the jurisdiction
8 of said court of common pleas, and such cause shall thereupon
9 be docketed, proceeded with, heard and determined the same in
10 all respects as though originally brought, matured and docketed
11 in said court of common pleas; and the court of common pleas
12 may, likewise, by and with the consent of the circuit court, cer-
13 tify for trial by the circuit court, any cause upon its docket, the
14 same to be proceeded with in the circuit court in like manner.

Sec. 17. Appeals may be allowed and writs of error and
2 supersedeas awarded to the judgments, decrees and orders of
3 said court, by the circuit court of said county, or the judge
4 thereof in vacation, in the following cases:
5 (1) In all civil cases where the matter in controversy ex-
6 clusive of costs, is of greater value or amount than one hun-
7 dred dollars, wherein there is a final judgment or order.
8 (2) In controversies concerning the title or boundaries of
9 land, the probate of a will, or the appointment of a personal
10 representative, guardian, committee or curator.
11 (3) Concerning a mill, road, way, ferry or landing.
12 (4) Concerning the right of a corporation, county or district
13 to levy tolls or taxes.
14 (5) In any case of quo warranto, habeas corpus, mandamus
15 or prohibition.
16 (6) In any case involving freedom or the constitutionality
17 of a law.
18 (7) In any case in chancery wherein there is a decree or
19 order dissolving or refusing to dissolve an injunction, or re-
20 quiring money to be paid, or real estate to be sold, or the posses-
21 sion or title of the property to be changed, or adjudicating the
22 principles of the cause.
23 (8) In any case where there is a judgment or order quash-
24 ing or abating, or refusing to quash or abate on attachment.
25 (9) In any case where there is an order granting a new
26 trial or rehearing; and in such cases an appeal may be taken
27 from the order without waiting for the new trial or rehearing
28 to be had.

Sec. 18. Any person who is a party to any such controversy
2 wishing to obtain an appeal, writ of error or supersedeas, in the
3 cases named in the seventeenth section of this act, may present
4 to the circuit court of Kanawha county, or the judge thereof in
5 vacation, a petition therefor, and chapter one hundred and thirty-
6 five of the code of West Virginia, concerning appeals to the su-
7 preme court of appeals shall so far as applicable, govern the
8 proceedings on such appeal, writ of error or supersedeas, as to
9 the duties of the petitioner, the said court and clerk thereof;
10 *provided, however*, that such petition shall be heard and deter-
11 mined upon the original papers of the cause and the recorded
12 orders and decrees in lieu of a transcript thereof, and in case of
13 oral testimony having been taken in the case, a transcript thereof
14 duly certified by the stenographer or other person taking the same,
15 shall be held and treated as part of the original papers. And
16 the court may likewise consider an agreed statement of facts,
17 and in case the evidence on the trial below was not taken down
18 and preserved, a certificate of facts made by the judge of the
19 court of common pleas may be considered.

Sec. 19. Every appeal, writ of error or supersedeas from said
2 court shall be docketed in the circuit court of Kanawha county,
3 and shall be proceeded in in the same manner as appeals, writs
4 of error or supersedeas are proceeded in, heard and determined
5 in the supreme court of appeals.

Sec. 20. In a case wherein the appeal, writ of error or
2 supersedeas is to the circuit court and the court or judge thereof
3 deems the judgment or order plainly right, and rejects it on
4 this ground, if the order of rejection so state, no further petition
5 shall afterward be presented for the same purpose, but the peti-
6 tion and order of rejection with transcript of the record may be
7 presented to the supreme court of appeals, or judge thereof, in
8 vacation, for an appeal from said order of rejection, if the
9 matter is one of which said supreme court of appeals has juris-
10 diction and, if allowed, the same proceeding may be had thereon
11 as if the same was a petition originally from the circuit court
12 of said county to the supreme court of appeals.

Sec. 21. The said circuit court, where an appeal, writ of
2 error or supersedeas has been allowed by the said court or the
3 judge thereof in vacation shall, upon the hearing thereof affirm
4 said judgment or order if there be no error therein prejudicial
5 to the appellant, or reverse the same in whole or in part if erro-
neous, and if reversed, shall remand the same back to said court of common pleas, to be further proceeded in and finally determined.

And the clerk of said circuit court shall, as soon as practicable, transmit the decision of said circuit court to the clerk of said court of common pleas; provided, however, that from any action of the circuit court in affirming or reversing any order or judgment of the court of common pleas, an appeal or writ of error shall lie to the supreme court of appeals.

Sec. 22. Any party aggrieved by the judgment, decree or order of the court of common pleas as to any matter in which an appeal or writ of error shall lie to the circuit court under section seventeen of this act, may, if the matter be one of which the supreme court of appeals has jurisdiction, present his petition with a transcript of the record, to the supreme court of appeals, or to a judge thereof in vacation, for an appeal, writ of error and supersedeas, without having first presented the same to the circuit court or the judge thereof; and the supreme court of appeals may award and proceed with the same in like manner and with like effect as in the case of a judgment, decree or order of the circuit court.

Sec. 23. If the office of judge of said court be contested, the contest shall be heard and determined in the same manner as the election of judges of the circuit court are determined.

Sec. 24. If from any cause the office of judge of said court shall become vacant, the vacancy shall be filled in the same manner as in the case of a vacancy in the office of judge of the circuit court.

Sec. 25. The judge of said court may be removed from office for the same reasons and in the same manner as judges of the circuit courts.

Sec. 26. In the taxation of costs in said court the clerk and court shall be governed by the same rules and provisions of law as are provided in the circuit court.

Sec. 27. Chapter one hundred and fourteen of the code of West Virginia shall apply to the court of common pleas of Kanawha county, in the same manner and to the same extent that it does to the circuit courts of the state.

Sec. 28. Chapter one hundred and fifty-six of the code of West Virginia shall apply to the court of common pleas of Kanawha county and to the judge thereof in vacation, in the same
manner and to the same extent as to the circuit court of Kanawha county, or the judge thereof in vacation, and the same powers may be exercised within the county of Kanawha by said court, and judge thereof in vacation, concurrent with the circuit court of said county as provided for in said chapter.

Sec. 29. The court of common pleas of Kanawha county and the judge thereof in vacation shall, concurrent with the supreme court of appeals, the circuit court of said county, or any judge of either of said courts in vacation, grant the writ of habeas corpus ad subjiciendum, as provided in chapter one hundred and eleven of the code of West Virginia, and all the provisions of said chapter shall be applicable thereto, and the same shall be governed as herein provided.

Sec. 30. The West Virginia reports and bound acts of the legislature are to be delivered to the said judge of the said court in the same manner as they are required to be delivered to the circuit courts of the state.

Sec. 31. Rules shall be held for said court in the clerk's office thereof in the same manner with like effect and under the regulations provided by law in respect to circuit courts.

Sec. 32. Upon every judgment of said court the judgment creditors shall be entitled to all liens, executions and remedies to secure or recover the same to which they would be entitled if the same were a judgment of the circuit court of the said Kanawha county; judgments rendered in said court of common pleas may be docked in the judgment lien docket kept in the county clerk's office of any county in like manner and with like effect as other judgments, and executions on said judgments may likewise be docked the same as executions from the circuit court.

Sec. 33. Attachments may be issued by the clerk of said court of common pleas under the same regulations and in the same cases as attachments are now issued by the clerks of the circuit courts, whenever applicable, and be served in the same manner and with like effect.

Sec. 34. In case it should be judicially determined that the right of direct appeal to the supreme court of appeals, as provided in section twenty-two of this act, or that any other provision or provisions of this act, cannot be exercised or enforced under the constitution and laws of this state, it is nevertheless the intention
AN ACT to enlarge the boundaries of Charleston independent school district.

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 22, 1915.]

1. Boundaries of Charleston independent school district enlarged, so as to include all territory within corporate limits, provided same is ratified by voters of school districts of Loudon and Charleston, Independent school districts at special election held April 3, 1915.

SEC. 2. Tickets for special election and what to contain; election and how held, conducted and result to be canvassed and declared by county court; notice of election to be by publication; if a majority favor enlargement, action to be taken.

Be it enacted by the Legislature of West Virginia:

Section 1. That the boundaries of the Charleston independent school district as defined in section one of an act of the legislature of West Virginia, passed on the fifteenth day of February, one thousand nine hundred and eleven, (being chapter forty-seven of the acts of one thousand nine hundred and eleven of said legislature) be, and the same are, hereby enlarged so as to include all the following described territory, lying south of Kanawha river and now included within the district of Loudon in the county of Kanawha, namely:

All territory on the south side of said Kanawha river now included within the present corporate limits and boundaries of the city of Charleston, in said Kanawha county, said new territory being the tenth ward of said city, so that said Charleston independent school district shall hereafter include all the territory within the present corporate limits of said city; provided, however, that before this act shall take effect it shall be submitted to the voters of said school district of Loudon and of said Charleston independent school district, at a special election to be held in said districts under the direction of the county court of Kanawha county on Saturday, the third day of April, one thousand nine hundred and fifteen.

Sec. 2. The ticket for said special election shall have writ-
CHAPTER 111.

(House Bill No. 249.)

AN ACT establishing a county high school in Calhoun county, West Virginia, providing for its support, and creating a board of directors therefor.

(Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.)

SEC.

1. County high school established in county of Calhoun, designated "The Calhoun county high school"; site to be selected by board of directors; before effective question to be submitted to a vote ordered by county court within four months.

2. Notice of special election to be published, and court to provide ballot; majority to determine and if carried, election then to be ordered for member from each district of board of directors of said high school; notice of election to be posted in six public places.

3. County superintendent ex-officio secretary of the board, but to have no vote; directors so elected to assemble at court house first Monday of month after election and give bond, take oath of office and elect one member president; term of office to be determined by lot; how meetings may be called; after organization board to select and secure title to site for county high school.

4. Board a corporation to contract and be contracted with; has power to lay levy annually, with limitations, for purchase of property and for support of said school; to employ teachers, fix compensation and prescribe rules; compensation of board.

5. Revenues herein provided to be collected and disbursed by sheriff.
Be it enacted by the Legislature of West Virginia:

Section 1. That a county high school be and the same is hereby established in the county of Calhoun, state of West Virginia, which shall be known as "The Calhoun county high school", the site for which shall be selected by the board of directors thereof. Before any of the provisions of this act shall take effect, the question whether said county high school shall or shall not be established shall be submitted to a vote of the legal voters of said county, at a special election, which shall be ordered by the county court of said county and held within four months after the date of the passage of this act.

Sec. 2. Notice of said special election shall be given by said county court, by causing the same to be published in two newspapers of different politics published in said county, for a period of four weeks next prior to said election, the cost of publishing which notice shall not exceed the rate fixed by law for publishing any other notice; and in case said notice can not be so published then the same shall be posted at three public places in each magisterial district of said county for the time aforesaid.

The said county court shall provide a ballot to be used at said election on which shall be printed in one line the words "For county high school." and in another line the words "Against county high school."

If a majority of the legal votes cast at said election be against the establishment of said county high school, the same shall not be established, but if a majority of such votes be cast in favor of establishing said county high school, then, as soon as may be thereafter said county court shall cause an election to be held in each magisterial district of said county for the purpose of electing by the voters of each of said districts separately, a member of the board of directors of said county high school. Notice of said election shall be given by posting in each of said districts notice therein for at least ten days before it is held.

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

The said directors so elected shall assemble at the court house of said county on the first Monday of the month next after their election and each give before the clerk of the county court of said
4 county, a bond with security to be approved by said clerk, in the
5 penalty of five hundred dollars, conditioned for the faithful per-
6 formance of his duties as a member of said board of directors, and
7 shall take the oath of office required of other county officers.
8 After said directors have given bond and taken the oath of
9 office as aforesaid, they shall elect one of their number president,
10 and two of them shall hold their office until the general election to
11 be held in one thousand nine hundred and eighteen, and three shall
12 hold their office until the general election to be held in one thou-
13 sand nine hundred and sixteen, and who of them shall hold the
14 long and who of them the short terms, they shall determine by
15 lot at their first meeting after taking their office, and each of them
16 shall hold his office until his term expires or until his successor is
17 elected from his said district and hold office for a term of four years
18 or until his successor is elected and qualified according to law.
19 The members shall from time to time as they may see fit,
20 elect one of their number to act as president thereof, and the
21 said president, or a majority of said board, shall from time to time
22 as deemed proper by them call meetings of said board of direc-
23 tors. Said board of directors, as soon as may be after they have
24 chosen their president, shall select and secure title for a site for
25 said county high school, which site shall contain at least four
26 acres.

Sec. 4. Said board of directors shall be a corpora-
2 tion and as such may contract and be contracted with, sue and be
3 sued, and shall have power to lay a levy, annually, of not more
4 than fifteen cents on every one hundred dollars assessed valua-
5 tion of property in said county for the purpose of purchasing
6 said site and erecting suitable buildings thereon for said county
7 high school; and said board shall also have power to levy, annual-
8 ly, not more than ten cents on every one hundred dollars assessed
9 valuation of property in said county for the support and opera-
10 tion of said county high school; and said board shall have full
11 power to employ teachers and other necessary employees for said
12 school, fix their compensation and prescribe and enforce rules and
13 regulations for the control and operation of said school.
14 For their services, each of the members of said board of di-
15 rectors shall be paid, out of the money raised for the use of said
16 school, the sum of two dollars and fifty cents per day for the time
17 actually and necessarily spent by them in the discharge of their
18 duties as such board of directors. But they shall not receive pay
19 for more than ten days for any one year.

Sec. 5. The revenue from the levies herein provided
2 for shall be collected by the sheriff of said county, and disbursed
3 by him upon the warrants issued by order of said board of direc-
4 tors, signed by its president and secretary, and also by the county
5 financial secretary, as now required by law.

CHAPTER 112.
(House Bill No. 257.)

AN ACT to amend and re-enact section eleven of chapter twenty-eight
of the acts of the legislature of one thousand nine hundred and
nine, relating to the criminal court of McDowell county.

[Passed February 5, 1915. In effect ninety days from passage. Approved by the
Governor February 10, 1915.]

Sec. 11. To be four terms of court held each
year; second Monday in Jan-
uary, second Monday in April,
second Monday in July and sec-
ond Monday in November; ad-
journed and special terms au-
thorized; all at court house.

Be it enacted by the Legislature of West Virginia:

That section eleven of chapter twenty-eight of the acts of the
legislature of one thousand nine hundred and nine be amended and re-
enacted to read as follows:

Section 11. There shall be four terms of said court held in
2 each year, commencing on the second Monday in January, the
3 second Monday in April, the second Monday in July and the sec-
4 ond Monday in November.
5 Adjourned and special terms of said court may be called and
6 held as provided for special and adjourned terms of the said court.
7 The terms of said court shall be held at the court house of said
8 McDowell county.

CHAPTER 113.
(House Bill No. 267.)

AN ACT authorizing and empowering the county court of Lewis coun-
ty to lay a special levy each year for the purpose of permanently
improving the four public roads or turnpikes leading out of the city of Weston, in said county, providing for such permanent improvement and the receipt and expenditure of all moneys raised by such levy.

[Passed February 17, 1913. In effect from passage. Became a law without the Governor's approval.]

Sec. 1. County court of Lewis county authorized to levy each year, in addition to all other levies, twenty-five cents, to be called special road levy; purposes; to improve four public roads named.

Sec. 2. Said roads to be permanently improved under authority of county court, and moneys realized to be placed in separate fund and separate account kept.

Sec. 3. Fund so arising for purposes of this act and no other.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Lewis county is hereby authorized and empowered to lay a levy each year, in addition to all other levies allowed by law, not exceeding twenty-five cents on each one hundred dollars of valuation on the taxable property of the county for the year the levy is laid, to be called a special road levy, for the purpose of permanently improving the four public roads or turnpikes leading out of the city of Weston, and within the said county, being the Staunton and Parkersburg turnpike, sometimes called the Weston and Glenville turnpike; the Weston and Beverly turnpike, sometimes called the Weston and Buckhannon turnpike; the Weston and Gauley-Bridge turnpike, sometimes called the Weston and Sutton turnpike; and the Weston and Clarksburg turnpike.

Sec. 2. Said roads or turnpikes shall be permanently improved by said county court of Lewis county, in such manner as it shall decide and shall be so permanently improved under the direction, authority and supervision of said county court; and all moneys realized from such special levy shall be placed in a separate fund, apart from all other funds, and a separate account shall be kept by said court of the receipt and expenditure of the same, setting forth clearly the sum received by reason of said levy and the manner in which the same has been expended.

Sec. 3. The fund arising from such road levy shall be used for the purpose herein designated and no other.
CHAPTER 114.
(House Bill No. 281.)

AN ACT to empower the judge of the circuit court of the nineteenth judicial circuit, to employ a competent stenographer, defining his duties, the uses to which the records made by him may be put, and providing for the manner of his payment.

[Passed February 20, 1915. In effect from passage. Became a law without the Governor's approval.]

SEC. 1. Circuit court of the 19th circuit empowered to employ a stenographer to take and report proceedings, including testimony before grand jury for use of prosecuting attorney, and other proceedings; authority of stenographer, and employment to be entered on record, and official designation.

SEC. 2. Duty of reporter as to shorthand notes and authenticity; to furnish copy in longhand or typewriting upon request of judge in criminal cases without extra charge.

SEC. 3. Reporter to furnish upon request to any party to a case, copy of testimony or other proceedings; rate of charge authorized; copy when certified to be authentic, and may be used in making up record.

SEC. 4. Such compensation to be paid reporter as judge shall determine and allow; misdemeanor cases to be certified by court to the county court in which service is rendered and to be paid out of county treasury, and felony cases to the auditor; provision as to collection of criminal charges; expense of reporting civil cases to be paid equally by parties to cause, but to be taxed as part of costs recovered.

SEC. 5. Also authorized to take and certify depositions and to administer oaths, and entitled to same fees as notary public; exceptions.

SEC. 6. Other acts inconsistent with this act not to apply to circuit court of nineteenth circuit.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit court of the nineteenth judicial circuit, or the judge thereof in vacation, is hereby empowered and authorized to employ and appoint a competent stenographer to take and report the proceedings had and the testimony given in any case, either civil or criminal, or in any other proceeding had in said court, including the taking of testimony before the grand jury of said court for the use of the prosecuting attorney of said court, and in proceedings before the judge of said court in vacation, and otherwise to aid said judge in the performance of his official duties. Said stenographer shall be authorized to attend the sessions of said grand jury but shall retire from said session when directed by the foreman or a majority of the grand jury or ordered to do so by the court, and when the grand jury desires to consult or vote upon any matters before them. Said appointment and employment of such stenographer may be made by the judge of said court by an order entered of record in said court, and the stenographer so appointed shall be designated as, "the of-
Sec. 2. It shall be the duty of such reporter to take full shorthand notes of the testimony and proceedings in which his services may be required, and such notes shall be deemed and held to be official, and the best authority in any matter in dispute, and a copy of the same written out in longhand or in typewriting, made as herein provided, shall be used by the parties to the cause, and in any further proceeding therein, wherein the use of the same may be required. It shall be the duty of said official reporter to furnish a copy of his notes written out in longhand or typewriting of the testimony and proceedings in any cause, upon the request of the judge, and without extra charge in criminal cases, the copy to be filed in the clerk’s office.

Sec. 3. Said official reporter shall furnish, upon request, to any party to a case, a copy of the testimony or other proceedings written out in longhand or typewriting, and shall certify the same as being correct, and shall be paid therefor at the rate of ten cents for each one hundred words so transcribed and certified. A copy of such testimony or proceedings, when certified by the official reporter and by the judge of said court, shall be authentic for all purposes, and may be used in making up the record on appeal and in all cases of appeal, said reporter shall also make a carbon copy of the testimony and proceedings required of him, which copy he shall file in the circuit clerk’s office of the county in which the case is pending, to be used, if necessary, in making up the record on appeal, but without cost for such copy, and the said clerk shall not be entitled to any fee for that part of the record in any case wherein the testimony or proceedings so transcribed and certified by said official reporter shall be used in said record.

Sec. 4. Said official reporter shall receive such compensation for his services as the judge of said court shall in his discretion determine and allow, for taking the shorthand notes in any cause or proceeding. Such compensation and expenses in all misdemeanor cases shall be certified by said circuit court to the county court of the county in which such services are rendered, and the same shall be paid by said county court out of the county treasury; and in all felony cases such compensation and expenses shall be certified to the auditor of the state, and be paid out of
10 the state treasury. All such criminal charges shall be taxed as
11 costs in the case by the clerk, to be collected by the sheriff and
12 by him accounted for to the county treasurer in misdemeanor
13 cases and to the state treasurer in felony cases. The expense of
14 reporting and transcribing any civil case shall be paid equally by
15 the parties to the cause, plaintiff and defendant, but the expenses
16 so paid by the prevailing party shall be taxed as a part of the
17 costs recovered.

Sec. 5. Said official reporter is hereby authorized to take
2 and certify depositions in the same manner and with the same
3 force and effect, within the counties embraced in the nineteenth
4 judicial circuit, as a notary public, and to administer all oaths
5 necessary in the taking of such depositions, and he shall be en-
6 titled to the same fees as a notary public within the counties em-
7 bracing said judicial circuit, except when taking depositions to be
8 used in any cause or matter pending in said court, he may, by or-
9 der of the court, be allowed compensation in full as hereinbe-
10 fore provided in lieu of all other fees.

Sec. 6. So far as any act or part of any act of the legis-
2 lature is inconsistent with this act or any of its provisions, they
3 shall not be applicable to the judge of the circuit court of the
4 nineteenth judicial circuit, nor to said official reporter.

CHAPTER 115.
(House Bill, No. 288.)

AN ACT authorizing the county court of Wayne county to lay a spe-
2 cial levy of fifteen cents for general road purposes for the fiscal
3 year one thousand nine hundred and fifteen.

[Passed February 18, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 1. County court of Wayne county au-
1 thorized to lay levy of fifteen
cents on each $100 valuation at

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Wayne county be and is
2 hereby authorized to lay a levy of fifteen cents on each one hundred
3 dollars property valuation in said county, at its levy term, for the
4 fiscal year one thousand nine hundred and fifteen, to be known 5 as "special county road levy," the same to be collected as other 6 taxes and expended under the direction of said county court for 7 road purposes only.

CHAPTER 116.

(House Bill No. 292.)

AN ACT to amend and re-enact section one of chapter two hundred and sixteen of the acts of the legislature of West Virginia for one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act relating to the school district of Martinsburg, West Virginia," as amended and re-enacted by section one of chapter nineteen of the acts of the legislature of West Virginia for one thousand nine hundred and seven, as further amended and re-enacted by section one of chapter eighteen of the acts of the legislature of West Virginia for one thousand nine hundred and nine, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 1. Boundaries of Independent school district to include all territory within present corporate limits of city of Martinsburg.

1-a. But before taking effect, provisions of this act to be submitted to voters of present school district of Martinsburg, as to territory to be taken from district of Hedgesville, as to territory to be taken from district of Opequon and as to territory to be taken from district of Arden at special elections.

1-b. Elections herein provided to be held and conducted and results ascertained, in each district, by officers appointed by boards of education; a majority vote to be ratification of proposed enactment.

1-c. Election to be held and result ascertained in usual manner; no registration required.

1-d. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section one of chapter two hundred and sixteen of the acts of the legislature of West Virginia for one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act relating to the school district of Martinsburg, West Virginia," as amended and re-enacted by section one of chapter nineteen of the acts of the legislature of West Virginia for one thousand nine hundred and seven, and as further amended and re-enacted by section one of chapter eighteen of the acts of the legislature of West
Virginia for one thousand nine hundred and nine, be amended and
re-enacted so as to read as follows:

Section 1. The boundaries of the independent school district
of the city of Martinsburg shall include all the territory lying
within the present corporate limits of the city of Martinsburg
as such limits are particularly defined in section two of chapter
eighty of the acts of the legislature of West Virginia for one
thousand nine hundred and eleven. The territory embraced within
in said boundaries shall constitute but one school district and
shall be known as "The independent school district of the city
of Martinsburg."

Sec. 1-a. Before this act shall take effect, however, as to
the territory taken from the present school district of Martins-
burg and included within said independent school district above
provided for, it shall be submitted to the voters of the present
school district of Martinsburg at a special election to be held
therein for the purpose under the direction of its board of educa-
tion; and before the same shall take effect as to the territory
taken from the present school district of Hedgesville and incul-
ded within said independent school district above provided for, it
shall be submitted to the voters of the said school district of
Hedgesville at a special election to be held therein for the pur-
pose under the direction of its board of education; and before
the same shall take effect as to the territory taken from the pres-
ent school district of Opequon and included within said independ-
ent school district above provided for, it shall be submitted to the
voters of the said school district of Opequon at a special election
to be held therein for the purpose under the direction of its board
of education; and before the same shall take effect as to the ter-
ritory taken from the present school district of Arden and incul-
ded within said independent school district above provided for,
it shall be submitted to the voters of the said school district of
Arden at a special election to be held therein for the purpose un-
der the direction of its board of education.

Sec. 1-b. The elections herein provided for shall be held
and conducted, and the results thereof ascertained, in each of
said districts by officers to be appointed by the boards of educa-
tion thereof, respectively, and if a majority of the votes cast at
such elections be in favor of said independent school district
then so much and such parts of the territory now forming a part
7 of such school districts, respectively, as are included within the
8 present corporate limits of the city of Martinsburg shall there-
9 after be included in and form a part of the independent school
district of the city of Martinsburg as hereby created. The tickets
11 for such election shall have written or printed thereon "For in-
dependent school district," and "Against independent school dis-
13 trict."

Sec. 1-c. The elections herein provided for shall be con-
ducted and the results ascertained as in other elections, except
3 that no registration of voters shall be required. At such elec-
tions it shall be lawful to use the registration of voters made in
5 each of said districts, respectively, next preceding the last gen-
eral election held therein.

Sec. 1-d. All acts and parts of acts inconsistent herewith
2 are hereby repealed.

CHAPTER 117.
(House Bill No. 301.)

AN ACT fixing the number of terms and the times for holding the
circuit court in each of the counties of the sixth judicial circuit
of West Virginia.

[Passed February 17, 1915. In effect from passage. Approved by the Governor
February 25, 1915.]

Sec.
1. Three terms of circuit court to be
   held in counties of Cabell and
   Putnam and four in county of
   Lincoln.
2. Terms: Cabell, first Monday in
   January and May and third
   Monday in September; Putnam,
   third Monday in March, July
   and November; Lincoln, first
   Monday in March, fourth Monday
   in June, first Monday in
   September and December, of
   each year.

Be it enacted by the Legislature of West Virginia:

Section 1. There shall be held in each year at least three
2 terms of the circuit court of the county of Cabell and the county
3 of Putnam, and four terms of the circuit court of the county of
4 Lincoln, of the sixth judicial circuit, and the terms of each of the
5 said counties shall commence and be held as provided in section
6 two of this act.

Sec. 2. For the county of Cabell: The first Monday in Jan-
uary, the first Monday in May and the third Monday in Septem-


3 timber of each year; for the county of Putnam, the third Monday
4 in March, the third Monday in July and the third Monday in No-
5 vember, of each year; for the county of Lincoln, the first Monday
6 in March, the fourth Monday in June, the first Monday in Sep-
7 tember and the first Monday in December of each year.

Sec. 3. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 118.

(House Bill No. 302.)

AN ACT to amend and re-enact sections one, four, six, thirteen and
fourteen of chapter fifty-five of the acts of one thousand eight
hundred and ninety-five, relating to the independent school dis-
trict of Weston.

[Passed February 15, 1915. In effect from passage. Approved by the Governor
February 25, 1915.]

SEC. 1. City of Weston and parts of school
districts contained in boundar-
ies herein described to constitute
one independent school district
of Weston.

4. Any vacancy in office of school com-
mis­
missioner by death, or otherwise,
to be filled by board of educa-
tion, and to hold until next elec-
tion for that office; in case of
failure to appoint, election to
be called within thirty days.

6. Compensation of commissioners,
president and secretary and how
paid.

13. Superintendent of schools of Wes-
ton to act as examiner, his
duties as to applicants; limita-
tions as to certificates and pro-
vision for renewal; time of ex-
amination and subjects prescrib-
ed; fee for examination; super-
intendent may receive compensa-
tion, payable out of fees, and
balance of fees to go to building
fund; provision as to authority
of board to issue certificates
without examination.

14. Board to appoint teachers of all
grades and fix salaries not later
than first Monday in August:
teachers subject to rules of
board and appointments to be
in writing, and subject to re-
moval for cause.

Be it enacted by the Legislature of West Virginia:

That sections one, four, six, thirteen and fourteen of chapter
fifty-five of the acts of one thousand eight hundred and ninety-five
be amended and re-enacted so as to read as follows:

Section 1. The city of Weston and parts of school districts
2 contained within the following boundaries, shall constitute one in-
3 dependent school district of Weston, to-wit:

4 Beginning at the centre of the Gee Lick road on top of the
5 hill between Polk creek and Gee Lick, S. 51 W. 174 poles; S. 14
6 45 W., crossing Polk creek, 203.5 poles to the top of the hill near
7 the old Tunstill house; thence with the ridge S. 51 45 E. 2
8 poles; S. 23 25 E. 88.6 poles; S. 76 30 E. 58.1 poles; S. 11 W
9 22 poles; S. 8 55 E. 58.4 poles; S. 66 55 E. 90.6 poles; S. 19 10
E., leaving the ridge, 87.5 poles to a point near the West Fork
11 river; thence, crossing said river, S. 55 E. 40.2 poles; S. 64 30 E.,
12 passing between the two glass factory buildings, 92 poles to the
13 head of Panther run; N. 42 30 E. 360 poles to the railroad
14 bridge across Stone Coal creek; thence up said creek N. 43 E.
15 22 poles; N. 32 40 E. 25 poles; N. 87 30 E. 26 poles; N 56 E 12.8
16 poles to a sycamore on the bank of said creek; N. 31 30 W. 208
17 poles to the top of Harrison knob; thence, with the ridge, N. 44
18 E. 29.2 poles; N. 20 35 E. 56.8 poles; N. 6 30 W. 25.8 poles; N 44
19 W 22.8 poles; N. 66 30 W. 18.7 poles; N. 59 W. 24.3 poles; N. 31
20 45 W 16.7 poles to a stake on the point overlooking Deanville; S.
21 78 30 W. 80 poles to the center of the West Fork river, just oppo-
22 site the southern end of the street car barn; thence down the
23 river N. 1 15 E. 19 poles; N. 16 30 W. 10 poles; N. 20 W. 26
24 poles; N. 29 50 W. 18.8 poles; N. 55 W. 36.7 poles to a point just
25 opposite a lane; S. 89 W. 232 poles to the place of beginning.

Sec. 4. Any vacancy that may occur in the office of school
2 commissioner by death, resignation, refusal to serve, or otherwise,
3 shall be filled by the board of education of the district at their
4 first regular meeting thereafter, or as soon as circumstances will
5 permit, by the appointment of a suitable person, who shall hold
6 the office till the next election of school commissioners, when a
7 commissioner shall be elected for the unexpired term; provided
8 that in case the board fails or refuses to appoint such suit-
9 able person to fill any such vacancy, a special election to fill the
10 same shall be called by the board of education within thirty days
11 from any such failure or refusal.

Sec. 6. The commissioners of the board of education shall
2 receive as compensation fifty dollars per annum; the president of
3 the board of education shall receive sixty dollars per annum; and
4 the secretary shall receive such compensation as the board of edu-
5 cation may direct; to be paid out of the building fund of the dis-
6 trict.

Sec. 13. The superintendent of schools for Weston dis-
2 trict shall act as examiner for the district; and it shall be his
3 duty to examine all applicants for positions as teachers in the
4 district; but no applicant shall be entitled to examination who
5 shall not furnish satisfactory evidence of good moral character.
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, numbering from one to two, 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. Examinations shall be held not later than the last Monday in July, at such time and place as the superintendent may appoint. The subjects for examination shall be prescribed by the superintendent, with the consent of the board. All applicants for examination shall pay a fee of one dollar. The superintendent may receive such compensation for holding examinations as the board may allow out of fees received for examining teachers; the remainder of such fees, if any, shall be paid into the building fund of the district; provided, that the board of education may by unanimous vote, without examination, or with such partial examination as they may deem advisable, issue a high school certificate based upon a diploma from the West Virginia university or a diploma from such other college as the board of education may place on an accredited list. Under like conditions the board of education may issue a certificate of any class based on other certificates, when, in their opinion, such other certificates are of a rank to justify their action.

Sec. 14. The board of education shall appoint all teachers for public schools of any grade within the district, and fix their salaries, at a meeting held not later than the first Monday of August of any year; but no person shall be employed to teach in any public school of the district who shall not first have obtained a certificate of qualification to teach a school of the grade for which the appointment is made. Teachers shall be subject in all respects to the rules and regulations of the board of education. All appointments of superintendent and teachers shall be in writing, and they may be removed by the board of education for incompetency, profanity, cruelty or immorality.
CHAPTER 119.
(House Bill No. 325.)

AN ACT fixing the annual allowance to the clerk of the county court of McDowell county.

[Passed February 17, 1915. In effect ninety days from passage. Became a law without the Governor’s approval.]

SEC. 1. County court of McDowell county to annually allow the clerk of the county court not less than $600 nor more than $2,400 for his public services, not otherwise allowed. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of McDowell county shall annually allow to the clerk of the county court of said county, the sum of not less than six hundred dollars and not more than two thousand four hundred dollars, for his public services, for which no other fee or reward is allowed by law.

All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 120.
(House Bill No. 334.)

AN ACT to amend and re-enact section twenty-nine of chapter twenty-nine of the acts of the legislature of West Virginia of one thousand nine hundred and seven, concerning the salary and duties of the prosecuting attorney of Raleigh county, West Virginia.

[Passed February 17, 1915. In effect from passage. Became a law without the Governor’s approval.]

SEC. 20. Prosecuting attorney of Raleigh county or assistant, to attend terms or criminal court and perform duties required by section 6, chapter 120 of code, and receive as compensation annually $2,000, in quarterly installments. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 20. The prosecuting attorney of Raleigh county shall attend the terms of said criminal court, either by himself or his assistant, and perform the duties of his office as required by section 6, chapter one hundred and twenty of the code, and for his
compensation shall receive annually two thousand dollars to be
paid quarterly from the treasury of said county of Raleigh.
All acts and parts of acts inconsistent with this section are
hereby repealed.

CHAPTER 121.

(House Bill No. 345.)

AN ACT providing for the appointment and compensation of the
official court reporter for the seventh judicial circuit.

[Passed February 18, 1915. In effect ninety days from pas­sage. Approved by the
Governor February 25, 1915.]

SEC. 15. Judge of seventh judicial circuit au­thorized to employ stenograp­her; appointment to be entered
of record and person so appoint­ed to be qualified under oath
and known as official reporter.
16. Reporter to receive $7.50 per day
in addition to actual expenses.
17. Compensation, in felony cases, paid
by the auditor; in civil cases,

by parties to the cause; other
compensation out of county
treasurer; duty of reporter as
to other cases and compensa­
tion.
18. Shorthand notes held official, and
duty in relation thereto; to
furnish testimony and proceed­
ing to judge without extra com­
pen­sation; fees for other copies.

Be it enacted by the Legislature of West Virginia:

That the following sections be added to chapter one hundred
and fourteen-b of the code of one thousand nine hundred and thirteen,
providing for the appointment and compensation of an official reporter
for the seventh judicial circuit:

Section 15. The judge of the circuit court of the seventh
judicial circuit of West Virginia, comprising the counties of
Boone, Wayne and Logan, is hereby authorized and empowered to,
at his discretion, employ a competent stenographer to report the
proceedings had and the testimony given in any civil or criminal
proceeding had in the courts of said circuit, or before the afore­
said judge. Said appointment and employment may be made by
the said judge by order entered in the circuit court of any county
in said circuit, and the stenographer so appointed shall be duly
qualified under oath and known as the official reporter of said
court, and shall be a resident of the state of West Virginia.

Sec. 16. Said official reporter, when so employed, shall
receive as compensation the sum of seven dollars and fifty cents
per day, in addition to his actual expenses, while attending such
courts.
Sec. 17. Such compensation and expenses, in felony cases, shall be paid by the auditor out of the state treasury, upon a certified order of the judge of the court in which the service was rendered.

Such compensation in reporting any civil cases shall be paid equally by the parties to the cause, but the compensation or amount of same so paid by the prevailing party, shall be taxed as part of the costs recovered.

Such compensation and expenses for the remaining number of days the official reporter shall be required to be in attendance at court, shall be paid out of the county treasury of the county in which such attendance was required, upon a certified order of the judge.

It shall be the duty of the reporter to report all misdemeanor cases in which his services are required, without extra charge or compensation, except in cases where his services are required and paid for by the defendant; and in case of conviction in misdemeanor cases, the per diem of the reporter shall be taxed as part of the costs against the defendant, and if collected repaid into the county treasury.

Sec. 18. It shall be his duty to take full shorthand notes of the testimony and proceedings in which his services may be required, and such notes shall be deemed and held to be official, and the best authority in any matter in dispute, and a copy of same extended in typewriting, made as herein provided, shall be used by the parties to the cause in any further proceeding wherein the use of the same may be required. It shall be the duty of the said official reporter to furnish a copy, typewritten, of said notes of testimony and proceedings, upon the request of the judge, without extra charge, and in case either party to the cause shall request or require a transcript, said reporter shall furnish the same and shall be paid therefor at the rate of twenty cents per each hundred words so transcribed.

CHAPTER 122.

(House Bill No. 354.)

AN ACT to amend and re-enact sections one and twenty-four of chapter three of the acts of the legislature of West Virginia of
one thousand nine hundred and eight, which act is entitled “An act to establish the independent school district of Buckhannon in the county of Upshur and state of West Virginia,” by including additional territory in said independent school district of Buckhannon, and submitting the question to the vote of the people.

[Passed February 17, 1915. In effect from passage. Approved by the Governor March 4, 1915.]

SEC. 1. If a majority of votes cast at an election held second Tuesday in April, 1915, in Buckhannon and Union districts, Upshur county, be in favor, territory described to be independent school district of Buckhannon; act not to be effective until certain territory becomes property of Knight of Pythias as a site for Pythian home.

SEC. 24. Election to be by ballot, how voted and ascertaining and declaring result thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. That in the event a majority of the votes cast at an election to be held on the second Tuesday in April, one thousand nine hundred and fifteen, in Buckhannon independent school district and in Union district in Upshur county, West Virginia, be in favor thereof, the following described territory, in the county of Upshur, shall after the result of such election is ascertained and declared, be an independent school district and shall be known as the independent school district of Buckhannon, to wit: all the town of Buckhannon and the territory adjacent there to, and bounded and described as follows:

Beginning at the line of Jacob Dean and D. W. Dix on the Buckhannon river, beyond said Dean’s residence; thence a straight line in a western direction to the low gap where the Clarksburg and Buckhannon turnpike crosses the hill south of Luther Martin’s residence; thence a straight line in a westward direction to a point where the Glady road intersects the Staunton and Parkersburg turnpike; thence a straight line in a southern direction to the line between the farm of M. J. Jackson and the Montaville Reger heirs; thence with the said line in an eastern direction to the Buckhannon river; thence with and down the said river to the southern line of the Benton Queen land; thence with the line of the said land to the old road between the said Benton Queen’s land and Jason Sexton’s land; thence with the old road, which is the line between Benton Queen and the L. D. Strader heirs on the one side and
25 Jason Sexton and H. B. Marshall on the other side to the property
26 line between the said Jason Sexton and H. B. Marshall land;
27 thence with the property line of the said Marshall land between
28 the said Marshall's land and the Sexton land, and continuing with
29 the line of the said Marshall land so as to include the same herein
30 to the intersection of the said old road with Florida street; thence
31 with Florida street in a western direction to a point where it is
32 intersected by the road leading to the Poe bridge; thence with said
33 road to a point where it first reaches the bank of the Buckhannon
34 river; thence in a western direction to the Buckhannon river;
35 thence with and down said river to a point in said river, on the
36 south side thereof, and opposite the place of intersection of the old
37 Crites mill road with the Staunton and Parkersburg turnpike;
38 thence across said river to the intersection of the said old Crites
39 mill road; thence a straight line through the lands of Adam Post
40 and J. W. Heavner to the Heavner ford in the Buckhannon river;
41 thence with and down said river to the place of beginning; pro-
42 vided, however, that this act shall not become effective and the
43 additional territory included by it shall not become a part of the
44 said independent school district of Buckhannon until the additional
45 property included by this act shall become the property of the
46 Fraternal Order of Knights of Pythias of the Grand Domain of
47 West Virginia, as a site and location for a state Pythian home, and
48 in the event said additional property should ever be abandoned for
49 use as such state Pythian home then this act shall be null and void
50 and of no effect.

Sec. 24. The election provided for in section one of this act,
2 shall be by ballot, and those voting for the establishment of said
3 independent district shall have written or printed on their ballots
4 the words "For independent district," and those voting against
5 the establishment thereof shall have written or printed on their
6 ballots "Against independent district."
7 The election shall be superintended and the results thereof
8 ascertained by election officers appointed by the county court of
9 Upshur county, and all the provisions of the election laws in this
10 state, so far as applicable, shall be enforced and govern such elec-
11 tion.
CHAPTER 123.

(AN ACT to amend and re-enact sections one and two of chapter twenty-one, acts of the legislature of one thousand eight hundred and ninety-three, so as to change the boundaries of the independent school district of Elkins, and submitting the question to the vote of the people.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 1. That in the event a majority of the votes cast at the general election to be held in November, one thousand nine hundred and sixteen, in Elkins independent school district and Leadsville district in Randolph county, be in favor thereof, the following described territory, in the county of Randolph, shall after the result of such election is ascertained and declared be an independent school district and shall be known as the independent school district of Elkins, to-wit: all the city of Elkins and the territory adjacent thereto, and bounded and described as follows:

Commencing at a point on the Tygart’s Valley river at the southwest corner of the land conveyed by Sarah Yokum to S. B. Elkins and thence with the southern boundary of the same to the Beverly and Fairmont turnpike at the corner of the James Shoemaker land, thence with the southern and eastern boundary of said land to Seneca road, thence to the southeast corner of Z. D. Wees’ land, thence with a line between said Wees and Andrew Taylor to P. H. Wees line, thence with said line to a corner near Cheat road, thence to the eastern corner of D. A. Harper’s land and thence with the northern boundary of said Harper’s land to S. B. Elkins’ land, thence to the Beverly and Fairmont pike at the J. W. Phares corner near school house,
21 including lands conveyed to Elkins and Davis by Mouse; thence
22 to where the county road crosses Leading creek near the old
23 Curtis mill site, thence with the county road to the northwest
24 corner of Z. D. Wees' farm on said road, thence with the western
25 boundary of the same to the Tygarts Valley river; thence
26 across the river to the corner between the Odd Fellows home
27 farm and the Leonard farm; thence with the west line of said
28 Odd Fellows farm, south to the Valley river; thence with said
29 river to the place of beginning.

Sec. 2. The election provided for in section one of this
2 act shall be by ballot, and those voting for the establishment of
3 said independent district, shall have written or printed on their
4 ballots the words “For independent district,” and those vot-
5 ing against the establishment thereof shall have written or print-
6 ed on their ballots “Against independent district.” The elec-
7 tion shall be superintended and the results thereof ascertained
8 by election officers appointed by the county court of Randolph
9 county, and all the provisions of the election laws in this state,
10 so far as applicable, shall be enforced and govern such election.

CHAPTER 124.
(House Bill No. 407.)

AN ACT to establish a county high school in the county of Putnam;
to provide for the election of a board of directors, and to author-
ize the laying of levies therefor.

(Passed February 20, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.)

Sec.
1. High school to be established in county of Putnam at or near
Winfield, under control of board of three directors, the county
superintendent of schools ex-
officio a member and chairman,
others to be chosen at a special
election, provided a majority of
votes cast at special election be
in favor thereof; nominations
for members of board to be
made by petition presented to
county court ten days before
election; term of members and
how determined.

2. Board has authority to select and
purchase site for high school
and erect building, to make
rules and regulations, employ
teachers, establish grades and
perform all duties pertaining to
conduct of school.

Sec.
3. Board a body corporate and deemed
owner of school property.
4. For procuring grounds and erecting
buildings, levy of fifteen cents
for first two years following
adoption of this act authorized;
for maintenance, levy of five
cents authorized.
5. Revenues from taxation to be col-
lected and disbursed by sheriff.
6. Compensation of board.
7. Before becoming effective this act
to be submitted to voters of
county at special election or-
dered by county court, and gen-
eral notice to be published or
posted; duty of court in provid-
ing for election and ballot; ma-
jority to determine; if act fails
at special election may be re-
submitted next general election.
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 Putnam at or near the town of Winfield in said county, which shall be known as the Putnam county high school. Said county high school shall be under the control of a board of directors, which shall consist of three members and shall be composed of the county superintendent of schools, who shall be ex-officio a member and chairman thereof, and two members who shall be elected at the special election provided for in section seven of this act. The members of said board shall enter upon the duties of their office as soon as their election has been duly declared; provided, that a majority of the votes cast at said special election are in favor of establishing said county high school. The nomination of each person to be voted upon at said special election for membership on the board of directors shall be made by a petition signed by at least fifty qualified voters in Putnam county, which petition shall be presented to the county court of said county at least ten days before the election. One of the members elected at said special election shall serve until the general election in one thousand nine hundred and sixteen and until his successor is elected and qualified according to law; and one member shall serve until the general election in one thousand nine hundred and eighteen and until his successor is elected and qualified according to law. The board of directors shall at its first meeting determine by lot or otherwise which member shall serve until the general election in one thousand nine hundred and sixteen and which member shall serve until the general election in one thousand nine hundred and eighteen. At the general election held in one thousand nine hundred and sixteen and every two years thereafter one member shall be elected and shall serve for a term of four years and until his successor is elected and qualified according to law. His term of office shall begin on the first day of July next after his election.

Sec. 2. The said board of directors, as heretofore constituted, shall have full power and authority to select and purchase a site for said county high school and to erect a building or buildings thereon, and to make such rules and regulations as it may deem proper and necessary for the management and control of said high school. It shall employ necessary teachers and fix the salaries of the same, establish a graded course of study and grant diplomas
8 upon graduation of pupils and perform such other duties as are
9 necessary and essential to the welfare and maintenance of said high
10 school, and shall elect a secretary and prescribe the duties and
11 compensation of the same.

Sec. 3. Said board of directors shall be a body corporate,
2 and as such may sue and be sued, contract and be contracted with,
3 and shall receive, hold and dispose of, according to the usual form
4 of law and the instrument conferring titles, all gifts, grants or de-
5 vises made for the use of such high school, and shall be deemed the
6 owner of all property belonging to said high school, and shall be
7 liable for all claims which may legally exist against it.

Sec. 4. For the purpose of procuring proper grounds, and
2 for erecting and equipping suitable buildings thereon for said
3 high school, said board of directors may lay a levy of not exceed-
4 ing fifteen cents on the one hundred dollars valuation of property
5 for taxable purposes for the year following the adoption of this act
6 as hereinafter provided for, and for the next year following; and
7 not to exceed two cents on the one hundred dollars valuation for
8 such purposes for each subsequent year thereafter; and for main-
9 taining said school said board of directors shall lay a levy not to
10 exceed five cents on the one hundred dollars valuation for each
11 year thereafter.

Sec. 5. All revenue from taxation as provided herein shall
2 be collected and disbursed by the sheriff of said county in the
3 manner provided by general law.

Sec. 6. The members of said board of directors shall be al-
2 lowed a compensation of two dollars per day for their services for
3 the time they are actually employed in transacting the business of
4 said high school, not to exceed ten days in any one year.

Sec. 7. But before this act shall take effect, it shall be sub-
2 mitted to the voters of Putnam county at a special election or-
3 dered by the county court of said county, general notice of which
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
13 of the candidates for members of said board of directors and also
14 bearing thereon the words “For county high school,” and
15 “Against county high school,” and if a majority of the votes
16 cast at said election be in favor of said county high school, then
17 this act shall be of binding force and effect from the time of the
18 official announcement of said vote. Said election shall be con-
19 ducted in the manner provided by law for the conducting of gen-
20 eral elections. If this act should fail to carry at such special
21 election it may be re-submitted at the next general election fol-
22 lowing.

CHAPTER 125.

(House Bill No. 422.)

AN ACT to authorize the county court of Monongalia county to lay
a special levy for the years one thousand nine hundred and fifteen,
one thousand nine hundred and sixteen, one thousand nine hun-
dred and seventeen and one thousand nine hundred and eighteen,
or for any one or more of said years sufficient to raise an amount
not exceeding in the aggregate the sum of seventy-five thousand
dollars and its interest until raised, not more than the amount of
thirty-seven thousand five hundred dollars and its interest to be
raised in any one year, and the money so raised to be placed at
the disposal of the state board of control for the purposes of the
West Virginia university.

[Passed February 25, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 1. County court of Monongalia county
authorized to lay levy for 1915,
1916, 1917 and 1918, at same
time other levies are laid, to
raise an aggregate sum of $75.

Sec. 000 and interest to be placed at
disposal of state board of con-
trol for purposes of the Uni-
versity.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Monongalia county is
2 hereby authorized, notwithstanding any law limiting the powers
3 of said county court in laying the county and district levies, to lay
4 a levy for the years one thousand nine hundred and fifteen, one
5 thousand nine hundred and sixteen, one thousand nine hundred and
6 seventeen and one thousand nine hundred and eighteen, at the same
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7 time other levies are laid on the taxable property of said county, 8 sufficient to raise an amount not to exceed in the aggregate the 9 sum of seventy-five thousand dollars and its interest until raised, 10 not more than the amount of thirty-seven thousand five hundred 11 dollars and its interest to be raised by such special levy for any 12 one year, and that the moneys raised by said levy shall be placed 13 at the disposal of the state board of control for the purposes of 14 the West Virginia university.

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

CHAPTER 126.

(SENATE BILL NO. 1.)

AN ACT to establish a county high school in the county of Wirt, upon 1 a site to be selected by the board of directors, and to provide for 2 the laying of levies for the erection of a building for said high 3 school, and for the maintenance thereof.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the 4 Governor February 16, 1915.]

SEC. 1. High school established in Wirt 1 county, in or near Elizabeth, to 2 be known as “Wirt county high 3 school,” site to be selected by 4 board of directors of three, 5 county superintendent of schools 6 a member and president, one 7 appointed by state superintendent 8 of schools and one elected at 9 special election: no two mem­ 10 bers to be residents of same 11 magisterial district.

2. Board has full power to make rules, employ teachers, fix salaries, est­ 12 able graded course of study, grant diplomas, etc., and to elect secretary and fix compen­ 13 sation.

3. Board a body corporate and deemed 14 owner of all property and liable 15 for legal claims.

4. For procuring grounds and erecting 16 and equipping buildings direc­ 17 tors may lay levy not exceeding 18 twenty cents for two years and 19 two cents for each subsequent 20 year, and for maintenance a 21 levy of not to exceed ten cents.

5. Qualifications for admission subject 22 to regulations of board.

6. Revenues from taxation to be col­ 23 lected and disbursed by sheriff.

7. Board to be allowed compensation 24 of $3.00 per day, not to exceed 25 ten in any one year.

8. Before act takes effect to be sub­ 26mitted to voters at special elec­ 27 tion called by county court, and 28 general notice to be published; 29 ballot to bear names of candi­ 30 dates for board, etc.; majority 31 to determine; if failure at spe­ 32 cial election may be re-sub­ 33 mitted at next general election.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby 2 established in the county of Wirt, state of West Virginia, in or 3 near the town of Elizabeth, which shall be known as the “Wirt 4 county high school,” the site for which shall be selected by the
5 board of directors of said school, which said board of directors
6 shall consist of three members, composed of the county superin-
7 tendent of schools of said county of Wirt, who shall be *ex-officio*
8 a member and president thereof; one member who shall be ap-
9 pointed by the state superintendent of free schools, after said spe-
10 cial election provided for herein, whose term of office shall be four
11 years and serve until his successor is appointed and qualified; and
12 one member who shall be elected at the special election provided
13 for herein and serve until his successor is elected and qualified.
13-a His successor shall be elected at the next general election and serve
14 four years, or until his successor is elected and qualified. After
15 the first election provided for the term of office shall begin the
16 first day of January following the election of said member. No
17 two members of this board shall be residents of the same magis-
18 terial district.

Sec. 2. The said board of directors, as heretofore consti-
2 tuted, shall have full power and authority to make such rules and
3 regulations as it may deem proper and necessary for the manage-
4 ment and control of said high school; employ necessary teachers
5 and fix the salaries of the same; establish a graded course of study
6 and grant diplomas upon graduation of pupils, and perform such
7 other duties as are necessary and essential to the welfare and
8 maintenance of said high school; and shall elect a secretary
9 and prescribe the duties and compensation of the same.

Sec. 3. Said board of directors shall be a body corporate,
2 and as such may sue and be sued, contract and be contracted with.
3 and shall receive, hold and dispose of, according to the usual form
4 of law and the instrument conferring titles, all gifts, grants or
5 devises made for the use of such high school, and shall be deemed
6 the owner of all property belonging to said high school, and shall
7 be liable for all claims which may legally exist against it.

Sec. 4. For the purpose of procuring proper grounds, and
2 for erecting and equipping suitable buildings thereon for said
3 high school, said board of directors may lay a levy of not exceed-
4 ing twenty cents on the one hundred dollars valuation of property
5 for taxable purposes for the year following the adoption of this
6 act as hereinafter provided for, and for the next year following;
7 and not to exceed two 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, 10 not to exceed seven cents on the one hundred dollars valuation for 11 each 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 2 be 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 2 allowed a compensation of three dollars per day for their services 3 for the time they are actually employed in transacting the business 4 of said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect, it shall be 2 submitted to the voters of Wirt county at a special election ordered 3 by the county court of said county of Wirt, and general notice 4 of said election shall be published in two newspapers of opposite 5 politics and general circulation in said county, for four succes- 6 sive weeks preceding said election, if there be two such news- 7 papers that will publish the same at the legal rate for such pub- 8 lications; but if there be no such newspapers that will publish 9 such notice at such rate, then such notice may be posted at three 10 of the most public places in each magisterial district in said county 11 for a like period of time.

12 Said county court shall provide a ballot bearing the names 13 of the candidates for members of said board of directors and also 14 bearing thereon the words “For county high school,” and 15 “Against county high school,” and if a majority of the votes 16 cast at said election be in favor of said county high school, then 17 this act shall be of binding force and effect from the time of the 18 official announcement of said vote. Said election shall be con- 19 ducted in the manner provided by law for the conducting of 20 general elections. If this act should fail to carry at such special 21 election it may be re-submitted at the next general election fol- 22 lowing.
CHAPTER 127.
(Senate Bill No. 34.)

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, concerning the salary of the judge of the criminal court of Raleigh county, West Virginia.

[Passed February 5, 1915. In effect from passage. Approved by the Governor February 11, 1915.]

SEC. 1. Judge of court to receive for services not less than $2,500 nor more than $3,000 per annum, to be paid out of county treasury, and disqualified from practicing law in state during term.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine, section nine, of the acts of the legislature of West Virginia, of one thousand nine hundred and seven, be amended and re-enacted so as to read as follows:

Section 9. The judge of the said court shall for his services receive not less than twenty-five hundred dollars, nor more than three thousand dollars per annum, to be paid out of the county treasury of the said county of Raleigh, in the same manner as the salaries of the other county officers are paid; and he shall be disqualified from practicing law in all of the courts in this state, during his continuance in office.

CHAPTER 128.
(Senate Bill No. 38.)

AN ACT to amend and re-enact sections thirteen, fourteen and nineteen of chapter seventy-five of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, entitled, "An act to amend and re-enact and reduce into one the several acts creating the Parkersburg independent school district and fixing the compensation and commission to be paid to the sheriff of Wood county for collection of taxes for school purposes in that independent district; and providing for compulsory attendance."

[Passed January 27, 1915. In effect from passage. Became a law without the Governor's approval.]
Be it enacted by the Legislature of West Virginia:

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

Section 13. The board of education shall provide by condemnation, purchase, lease, construction or otherwise, school houses and grounds, furniture, fixtures and appliances, as may be necessary for school purposes, and keep and maintain the same in good order and repair; and for the purpose of high schools and grounds, may acquire land, by condemnation or otherwise, not to exceed in quantity thirty acres in one parcel; shall supply said school buildings with fuel and other things necessary for comfort and convenience; and shall pay all charges incurred by virtue of any of the provisions of this act which are not chargeable to the teachers' fund. In order to provide the funds which are necessary for the purpose of this section, the board of education shall annually, at its first regular meeting in July, or as soon as practical thereafter, levy a tax on the property taxable in the said district, in the manner, within the limits and not to exceed the amount prescribed by the general school laws of the state relating to levy by boards of education for that purpose.

All contracts made by the board, to the extent that they shall involve the levy of any future year, shall be void, and no debts shall be contracted or incurred by the board in any one year which shall exceed the funds available for that purpose, unless the object, nature and extent thereof shall have been submitted to the voters of the district, at a special election to be called by the board for that purpose, and shall have received a majority of all
25 the votes cast for and against the same. The president of said board
26 shall issue a proclamation of said special election, in which he
27 shall recite the object, nature and extent of the indebtedness pro-
28 posed to be incurred, and for what purpose, which proclamation
29 shall be published once in each week for four weeks previous to the
30 day of election in at least two newspapers published in the said
31 district. Every special election held pursuant to the provisions of
32 this section, except as herein otherwise specially provided, shall
33 be held and conducted and the results certified in the manner pre-
34scribed by the general election laws of the state relating to county
35 or magisterial elections. The proceeds of taxes so levied, or prop-
36erty sold, of all donations and devises applicable to any of the pur-
37poses mentioned in this section shall constitute a fund to be called
38 the “building fund,” to be appropriated exclusively to the purpose
39 mentioned in this section.

Sec. 14. In addition to the levy named in the preceding sec-
2 tion, the board of education shall for the support of the school in
3 the district, annually levy such tax on the taxable property in the
4 district, as will, with the money received from the state for the
5 support of free schools, be sufficient to keep said schools in opera-
6 tion for not less than nine months in the year. Such levy shall
7 not exceed the limits prescribed for such purpose by the general
8 school laws of the state. The proceeds of this levy, together with
9 the money received from the state aforesaid, shall constitute a
10 special fund, to be called the “teachers’ fund,” and no part there-
11of shall be used for any other purpose than the payment of teach-
12ers’ salaries and the salary of the superintendent. The board of
13education shall have power to establish and maintain a public li-
14brary, and the library so established and maintained shall be
15known as the Parkersburg public school library, and shall be for
16the use of the public schools of the Parkersburg district and the
17inhabitants thereof, and shall be governed by such rules and regula-
18tions as the board of education shall prescribe; for the establish-
19ment and maintenance of said public library the board of education
20shall have authority to levy annually a tax on the taxable property
21of the district not to exceed two cents on the one hundred dollars;
22the proceeds of this levy shall be known as the “public library
23fund.”

Sec. 19. The board of education shall appoint two competent
2 persons to act with the district superintendent as an examining
3 committee to examine all applicants for teachers of schools in the
4 district; each applicant for examination shall pay the fee of one
5 dollar, but the examining committee, with the consent of the board
6 of education, may grant a certificate without examination, or with
7 such partial examination as they may deem advisable, to any per-
8 son holding a diploma from the West Virginia university, or a
9 diploma from such other colleges or universities as the examining
10 committee may place on an accredited list; under like conditions
11 the examining committee may issue a certificate to any graduate
12 of the normal department of the West Virginia state normal
13 school or any of its branches, or such other normal schools as the
14 examining committee may place on an accredited list; also, under
15 like conditions the examining committee may issue a certificate
16 based on other certificates when in their opinion such other cer-
17 tificates are of a rank to justify their action. Certificates of quali-
18 fication shall be issued by said committee, according to proficiency,
19 as follows: Number one, very good; number two, good; number
20 three, medium; but the board may by special regulation, provide
21 for issuance of certificates to colored teachers. No certificate shall
22 be issued for longer than one year; but the number one certificate
23 may be renewed from year to year by the examining committee,
24 at its option, under such regulations as the board may prescribe.
25 The committee shall hold meetings for such examinations at such
26 times and places as the district superintendent may appoint. The
27 examining committee shall receive such fees for their services
28 as the board may allow, to be paid out of the examination fees, the
29 excess of any such fees, if any, to be paid into the building fund.

CHAPTER 129.
(Senate Bill No. 42.)

AN ACT to abolish the criminal court of Wood county from and after
the thirtieth day of January, in the year one thousand nine hun-
dred and seventeen.

[Passed January 26, 1915. In effect ninety days from passage. Approved by the
Governor February 3, 1915.]

Sec. 1. Criminal court of Wood county
abolished from and after January 1, 1911.

2. All indictments, suits, actions and
proceedings of every kind pending
on last day aforesaid and all
papers and documents to be

transmitted to the office of clerk
of the circuit court; other pro-
cedings to terminate in said
court and re-docketed in circuit
court of said county.

3. Inconsistent acts repealed from
and after day last aforesaid.
Be it enacted by the Legislature of West Virginia:

Section 1. That the criminal court of Wood county, created by section twelve of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-one, entitled "An act establishing a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses, within and for the county of Wood," as amended by chapter thirty-three of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, and as amended by chapter eighty of the acts of the legislature of one thousand eight hundred and ninety-seven, and as amended by chapter eighty of the acts of the legislature of one thousand nine hundred and five, be, and the same is hereby abolished from and after the first day of January, in the year one thousand nine hundred and seventeen.

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

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

CHAPTER 130.
(SENATE BILL NO. 56.)

AN ACT to authorize the judge of the thirteenth judicial circuit
to appoint an official shorthand reporter at his discretion, and pre-
scribing his duties and compensation.

[Passed February 20, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.]

SEC. 1. Judge of thirteenth judicial cir-
cuit authorized to employ short-
hand reporter, and designated
official shorthand reporter; du-
ties as to report of proceedings,

Be it enacted by the Legislature of West Virginia:

Section 1. The judge of the thirteenth judicial circuit of
2 West Virginia is hereby authorized and empowered, at his discre-
3 tion, to employ a competent shorthand reporter to be known as the
4 official shorthand reporter, to report under such regulations as the
5 judge may prescribe, the proceedings and testimony given in the
6 trial of any civil or misdemeanor cases in the courts of said circuit,
7 as well as the proceedings had and the testimony given in any other
8 matter in hearing before said courts, and shall allow said shorthand
9 reporter a reasonable compensation per diem for his attendance
10 upon the courts of said circuit, and actual expenses, to be certified
11 by the judge of said court to the county court of the county in
12 which any such trial may take place or such other matters may be
13 heard and the same shall be paid by such county court out of the
14 county treasury. It shall be the duty of said official shorthand re-
15 porter to keep an accurate record of all cases or proceedings re-
16 ported by him together with the fee for reporting in each case or
17 proceeding, which fee shall be taxed by the clerk as a part of the
18 costs in such case or proceeding, and when paid by the parties to
19 the case or proceeding, it shall be paid into the county treasury.
20 The court may, when necessary, authorize said official shorthand
21 reporter to appoint a deputy official shorthand reporter, who shall
22 be entitled to the same fees for like services as his principal, and
23 be paid in the same manner.

CHAPTER 131.
(Senate Bill No. 205.)

AN ACT to amend and re-enact section eight of chapter twenty-nine
of the acts of the legislature of West Virginia of one thousand
nine hundred and seven, concerning the salary of the clerk of
the circuit court of Raleigh county.

[Passed February 15, 1915. In effect from passage. Approved by the Governor
February 25, 1915.]

Sec. 8. Clerk circuit court of Raleigh coun-
y ex-officio clerk criminal court;
to receive same fees as are al-
lowed by law for clerks of cir-
cuit courts, and subject to stat-
utes; all processes, etc., or said
court to be signed by clerk, and
in addition to fees of office, to
be paid out of county treasury
not less than $1,000 nor more
than $1,500 per annum as clerk
of the criminal court.

Be it enacted by the Legislature of West Virginia:

Section 8. The clerk of the circuit court of Raleigh county
2 shall be ex-officio clerk of said criminal court and perform the
3 duties thereof; and shall receive the same fees as are allowed by
4 law for similar services to the clerks of the circuit court; and in
5 the discharge of his duties as clerk of the criminal court he shall
6 be subject to all statutes relating to the clerks of the circuit
7 court. All processes, rules and orders of said court, in the exer-
cise of its jurisdiction, shall be signed by the clerk thereof, and
9 be directed to the sheriffs of the proper counties wherein the
10 same are to be executed, and they shall be exercised in like man-
11 ner and with the same effect as processes issuing from the cir-
cuit court of said county; and the clerk of said court shall, in
13 addition to the fees of his office, be paid out of the county treas-
14 ury, in the same manner as the salary of the other county officers
15 are paid, not less than one thousand nor more than fifteen hundred dollars per annum, to cover in full his salary as clerk of 17 said criminal court, to be fixed by the county court of Raleigh 18 county.

CHAPTER 132.
(Senate Bill No. 222.)

AN ACT fixing the time for holding the terms of the circuit court in the counties of Mingo and Wyoming, for the twenty-second judicial circuit of this state.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC.
1. Terms of circuit court for counties of Mingo and Wyoming: For the county of Mingo, first Monday in January, April, July and October; for county of Wyoming, second Monday in February, May, August and November: special terms to be called as provided by general law. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:
That section two of chapter ten, acts of the legislature of one thousand nine hundred and eleven, be amended and re-enacted to read as follows:

Section 2. There shall be held in each year in the county of Mingo at least four terms of the circuit court, and in the county of Wyoming at least four terms of the circuit court, and the terms of the several courts for the counties aforesaid shall commence and be held as follows:
For the county of Mingo, on the first Monday in January, April, July and October of each year.
For the county of Wyoming, on the second Monday in February, May, August and November of each year.
Special terms of said court may be called and held as provided by general law.
All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 133.
(Senate Bill No. 235.)

AN ACT to amend and re-enact section thirty-eight of chapter one
hundred and one of the acts of one thousand eight hundred and ninety-seven, relating to the maximum rate of levy, statement of fiscal affairs, etc., of the city of Clarksburg.

(Passed February 17, 1915. In effect from passage. Approved by the Governor February 26, 1915.)

SEC. 38. At session held second Tuesday in August, common council of city of Clarksburg to make up itemized statement, and what to contain; statement certified by clerk to be published as provided in section two of chapter 28-a of 1913 code, and posted: at adjourned meeting of council held fourth Tuesday in August to proceed as required by section two of chapter 28-a of 1913 code; after entering statement council to proceed to levy such amount as will produce amount shown necessary for municipal purposes; but levy not to exceed forty-five cents on the one hundred dollars valuation.

Be it enacted by the Legislature of West Virginia:

That section thirty-eight of chapter one hundred and one of the acts of one thousand eight hundred and ninety-seven, in relation to the city of Clarksburg, be amended and re-enacted so as to read as follows:

Section 38. At its session held on the second Tuesday in August, the common council of the city of Clarksburg shall ascertain the condition of its fiscal affairs, and make up an itemized statement of the same, which shall set forth in detail:

(a) The amount due the city, and the amount that will become due thereto and collectible during the current fiscal year, from every source, but excepting the amount that will be produced by the levy of taxes to be made for the year.

(b) The debts and demands owed by the municipality, and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness, funded or bonded or otherwise.

(c) All other expenditures, under the several heads of expenditures, to be made and payable out of the funds of the city for the current fiscal year, including the cost of collection of taxes and other claims, with proper allowance for delinquent taxes and contingencies. Said statement shall also set forth the total amount necessary to be raised by the levy of taxes for the current fiscal year, and the proposed rate of levy of taxes on the property of the city, and also the aggregate of the taxable property in the city, stating separately the amount of personal property, of real estate, and of the property assessed by the board of public works. A copy of such statement duly certified by the city clerk shall be published as
provided in section two of chapter twenty-eight-a of the code of one thousand nine hundred and thirteen, and posted at each voting place in the city at least eight days before an adjourned meeting of the common council to be held on the fourth Tuesday in August, at which time the council shall reconvene and proceed in all respects as provided in section two of chapter twenty-eight-a of the code of one thousand nine hundred and thirteen. After having entered the said statement, as finally approved, in its book of record of proceedings, the council shall thereupon levy as many cents on each one hundred dollars of the assessed valuation of the property within the city, according to the last assessment thereof, as will produce the amount shown by the said statement necessary to be raised for municipal purposes during the fiscal year; provided, that such levy shall not exceed forty-five cents on each one hundred dollars of the valuation for the year one thousand nine hundred and fifteen, and shall not exceed forty-five cents on each one hundred dollars after that year, anything in the statutes of this state to the contrary notwithstanding.

CHAPTER 134.

(Senate Bill No. 240.)

AN ACT authorizing the county court of the county of Jefferson to change the site and relocate the county jail.

[Passed February 13, 1016. In effect from passage. Became a law without the Governor's approval.]

Sec. 1. County court of Jefferson county authorized to change site of jail of said county as deemed advisable within corporate limits of Charles Town, and county court or trustees authorized to dispose of or exchange lots or parts of lots upon which present jail is located.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county be and it is hereby authorized, if in its discretion it is found proper to do so, to change the site of the jail, in said county, and to locate it at such place as it may deem most advisable within the corporate limits of the town of Charles Town, and to purchase or acquire the title to such lands as may be necessary and convenient therefor, or to locate it upon such lands as the county may now have, and to
8 erect thereon a building, or buildings, for jail purposes, sheriff's
9 residence and other offices, for county purposes or public use; and
10 in case said change is determined upon by said court, the county
11 court of Jefferson county and the trustees, if any, holding the
12 legal title, heretofore or hereafter appointed, are hereby author-
13 ized and empowered to sell, exchange or dispose of in whole or in
14 part, the lot, or lots, upon which the present jail building, sheriff's
15 residence and other offices are now located on the corner of Wash-
16 ington and George streets in Charles Town, and to sell or remove
17 the buildings, structures or other improvements upon said lot, or
18 lots, and by deed to convey and grant unto the purchaser, or pur-
19 chasers, the title to said lot, or lots, and buildings and improve-
20 ments, or any part thereof so sold, and the proceeds arising from
21 said sale, or sales, shall be applied so far as necessary and practi-
22 cally to the acquisition of a new site, or to the erection of new
23 buildings, as herein authorized.

CHAPTER 135.

(Senate Bill No. 245.)

AN ACT to amend and re-enact sections two, four, six and seventeen
of chapter thirty-three of the acts of the legislature of one thou-
sand nine hundred and five, establishing the independent school
district of Williamson, in the county of Mingo, in the state of
West Virginia, and adding sections seventeen-a, seventeen-b and
seventeen-c thereto.

(Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor March 4, 1915.)
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stated times and be paid out of fees, excess to go into building fund; conditions for employment of teachers, except superintendent, who is employed by the board.

17-a. Truancy provision, and authority of truant officer, superintendent or board of education thereunder.

Sec.

17-b. Board at first meeting after first day of July, 1915, to appoint truant officer; duties and authority.

17-c. Board of education as presently constituted to continue in office until July 1, 1915, as required by general laws. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections two, four, six and seventeen of chapter thirty-three of the 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, be and the same are hereby amended and re-enacted, and sections seventeen-a, seventeen-b and seventeen-c added thereto, so as to read as follows:

Section 2. There shall be elected by the qualified voters of the independent school district of Williamson, at a special election to be held on the first Tuesday in June, one thousand nine hundred and fifteen, in said district, at the voting places hereinafter provided for, three commissioners; and every two years thereafter, one commissioner, whose term of office shall commence on the first day of July following their election, and continue six years, and until their successors are elected and qualified, except that one of the commissioners elected in the year one thousand nine hundred and fifteen shall serve two years, another four years and another six years.

The ballot used in the said special election shall have printed on it by the officers whose duty it is to make up the ballot, the term of office of each member. The said commissioners shall constitute a board of education for the Williamson independent school district to be denominated "the board of education of the Williamson independent school district." Said election to be held, conducted and certified in accordance with the provisions of the general election laws of this state, so far as applicable, and except as specifically provided herein. The officers holding and conducting such elections shall be appointed by the board of education. The district chairman of the two political parties, respectively, casting the highest number of votes in the state at the last preceding general election, shall have the the right to nominate each a commissioner and a clerk for each of the voting precincts in said district, and it shall be the duty of the board of education to appoint the same, as required by general law.
28. The said election shall be held at the several voting precincts, 29 as established by the city of Williamson, the corporate limits 30 of said city being the same as the boundaries of said district.

Sec. 4. The board of education shall elect annually at their 1 first meeting on the second Monday in July, or as soon thereafter 2 as may be practicable, one of their number to act as president of 3 said board who shall perform all of the duties which shall be re- 4 quired to be performed by any board of education, which will not 5 be inconsistent with the provisions of this act. The board shall 6 appoint at the same time a secretary who may, or may not, be a 7 member of the said board, who shall perform the said duties of 8 the said board, as required by the secretaries of other boards of 9 education. The president shall have one vote as commissioner, 10 and shall not vote upon any question arising before the board by 11 reason of being such officer.

Sec. 6. The board of education shall hold stated meetings 1 at such times and places as they may appoint, not less than two 2 members being required to constitute a quorum for the transac- 3 tion of business. Special meetings may be called by the presi- 4 dent, or at the request of any member, by the secretary. The 5 concurrence of two members of the board shall be required to 6 elect superintendent or teachers, and to decide all questions. The 7 members of the board of education shall each receive a compensa- 8 tion of two dollars for each meeting of the board attended by 9 them, and no compensation shall be paid said commissioners for 10 any meeting of the board at which they are not present.

Sec. 17. The board of education may, annually, at their 1 first regular meeting, appoint two competent persons of opposite 2 politics to act with the superintendent as an examining com- 3 mittee. The superintendent, who shall be ex-officio chairman of 4 the board of examiners, shall be required to take no examination 5 for teaching in case he is to teach in said district. The other 6 two members of the board of examiners shall not be eligible to 7 appointment as teachers in the said district during their term of 8 office. It shall be the duty of the said committee to examine all 9 applicants for positions as teachers in the schools of the district, 10 if the board shall so direct, in all common branches, and such 11 other branches as they may be required to teach, and each person 12 so examined shall pay a fee of one dollar; but no applicant shall 13 be entitled to examination who shall not furnish evidence, satis-
The committee shall hold meetings for the examination of teachers at such times and places as the superintendent may appoint. They may receive such compensation as the board may allow out of the fees for examining teachers. The excess of such fees, if any, shall go into the building fund of the district. But the said board of education shall not employ any person to teach in the public schools of said district who does not have a certificate for the grade for which the appointment is made, issued and obtained, as required by law in the examination of teachers for the public schools of this state, except that the superintendent shall not be required to obtain a certificate, nor shall it be necessary, unless the board shall so require, that the teacher of domestic science shall have a certificate. And, except, further, that persons shall be eligible as teachers in the said school without examination who hold state special certificates, high school certificates in this state, or university or college diplomas from institutions in this state or other states; provided, the members of the board do unanimously agree that such persons may teach without further credentials. But so-called number two and three uniform certificates shall not be recognized.

The superintendent shall be appointed by the board and enter into a contract, the form of which shall be prescribed by the board, the teachers to sign the form of contract in use generally in the state.

Sec. 17-a. Any child who habitually absents itself from school may be declared by the truant officer, the superintendent or board of education of said district, a confirmed truant. Such confirmed truant, if a boy, may be sentenced by the judge of the circuit court, or by any justice of the peace of Mingo county, to the West Virginia industrial school for boys; or, if a girl, to the West Virginia industrial home for girls; provided, that such
8 child is within the age limit set for admission to such institutions. 9 In all cases where a child is so committed to such institution, it 10 shall be placed in charge of some person designated by the court 11 committing such child, to be conveyed under his direction to the 12 designated institution, and the actual necessary expense thereby 13 incurred shall be paid by the board of education of the inde- 14 pendent school district of Williamson.

Sec. 17-b. The board of education of the independent 2 school district of Williamson shall, at its first meeting held after 3 the first day of July, in the year one thousand nine hundred and 4 fifteen, and every two years thereafter, appoint some person as 5 truant officer for said district. Such truant officer shall take his 6 office immediately after appointment. He shall see that the pro- 7 visions of this act are complied with, and when, from personal 8 knowledge, or by report or complaint from any resident or teach- 9 er of the independent school district of Williamson under his su- 10 pervision, he believes that any child, subject to the provisions of 11 this act, is habitually tardy or absent from school, he shall imme- 12 diately give written notice to the parent, guardian or custodian 13 of such child that the attendance of such child is required, and 14 the provisions of the general law applicable to compulsory at- 15 tendance, in so far as it does not conflict with this chapter, shall 16 apply.

Sec. 17-c. The board of education of said independent 2 school district of Williamson, as presently constituted, shall con- 3 tinue in office until the first day of July, one thousand nine hun- 4 dred and fifteen, and until their successors are elected and quali- 5 fied as required by this act and the general laws of the state of 6 West Virginia.
7 All acts and parts of acts inconsistent herewith are hereby 8 repealed.

CHAPTER 136.
(Senate Bill No. 207.)

AN ACT to amend and re-enact sections one, three and four of chapter twenty-six of the acts of the legislature of West Vir- ginia, of one thousand nine hundred and eleven, relating to establishing a county high school in Nicholas county, and by adding one section to said chapter to be known as section nine.
Be it enacted by the Legislature of West Virginia:

That sections one, three and four of chapter twenty-six of the acts of the legislature of one thousand nine hundred and nine, be amended and re-enacted, and that one additional section be added to said chapter to be known as section nine, which amended sections and added section shall 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 for which is to be selected by the board of directors of said school, which said board of directors shall, after the first day of July, one thousand nine hundred and fifteen, consist of three members, as follows: the present elective member, whose term expires on the thirteenth day of June, one thousand nine hundred and seventeen, and whose successor shall be elected at the general election in the year one thousand nine hundred and sixteen, 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 county superintendent of schools of said county shall be ex-officio a member and president of said board of directors; the other member of said board of directors 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 fifteen, and every four years thereafter, which said member shall be a resident and 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.
Sec. 3 Said board of directors shall be a body corporate, by the name of the “Nicholas county high school,” and as such may sue and be sued, and shall receive, hold and dispose of, according to the usual form of law and the intent of the instrument conferring titles, all gifts, grants or devises made for the use of such high school, and shall be deemed the owner of all property belonging to said high school, and shall be liable for all claims which may legally exist against it.

Sec. 4. Said board of directors is hereby authorized for each year hereafter to lay a levy of ten 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 procuring proper grounds, erecting and equipping suitable buildings thereon for said high school, for grading grounds, laying sidewalks and for any purpose of carrying on and maintaining said high school.

Sec. 9. On and after the first day of July, one thousand nine hundred and fifteen, the independent school district of Richwood, in said Nicholas county, shall be exempt from taxation for the purpose of carrying on and maintaining said Nicholas county high school; provided, that said independent school district shall maintain its own high school, and after said date the assessor of Nicholas county shall not extend the levy for “county high school” against any assessment of property in said independent school district of Richwood if a high school is maintained therein.

All acts and parts of acts not consistent herewith are hereby repealed.

CHAPTER 137.

(Senate Bill No. 270.)

AN ACT authorizing the county court of Jefferson county to substitute the bonds of said county bearing interest at the rate of five per centum per annum for the bonds of said county now outstanding bearing interest at the rate of four per centum per annum, and prescribing the conditions for such substitution.
Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county is hereby authorized to substitute for its bonds now outstanding, which are exempt from taxes for county, district, or municipal levies, and which bear interest at the rate of four per centum per annum, its bonds which, when issued as hereinafter provided for, shall bear interest at the rate of five per centum per annum.

Section 2. The county court of said county shall, should said bonds be issued, as hereinafter provided for, lay a levy in each year sufficient to pay the interest on said bonds, and to create a sinking fund for the liquidation thereof at their maturity, which shall be not longer than thirty-four years from the date thereof.

Section 3. Before any such bonds are issued, the same shall be authorized by a three-fifths vote of the voters of the county voting upon the question at the next general election held in the county.

Section 4. Before any such bonds are issued, the same shall be authorized by a resolution entered of record by the said county court, specifying that the interest on said bonds is to be increased, and such resolution shall further specify the amount and kind of bonds so to be issued, the proposed date of their issuance and of their maturity, where payable, and the rate of interest thereon, which resolution shall be published in two newspapers of opposite political parties, if such be published in the county; if not, then in some newspaper of general circulation in the county, for at least four weeks prior to said election.

Such other notice of said election shall be given as the county court may by resolution provide.

Section 5. Such election shall be provided for, conducted and
2 the result ascertained and declared as provided by law for hold-
3 ing and ascertaining and declaring the result of general elections,
4 and the ballots to be voted at such election, after containing a
5 statement of the amount, and time for the bonds to be issued,
6 and the rate of interest they are to bear, and the purpose or pur-
7 poses for which the proceeds are to be used, shall contain the
8 words “For the bonds,” and the words “Against the bonds.”

CHAPTER 138.
(Senate Bill No. 275.)

AN ACT to amend and re-enact section seven of chapter thirty-nine of
the acts of the legislature of West Virginia of the year one thou-
sand eight hundred and eighty-seven.

[Passed February 11, 1915. In effect ninety days from passage. Approved by the
Governor February 16, 1915.]

SEC. 7. Board of said independent district or Point Pleasant to establish
and maintain first class high
school within meaning of section
30, chapter 45 of the code, and
requirements of this section
may be enforced by any tax-
payer; in addition board to es-

SEC. 7. The board of education of said independent
district shall establish and maintain first class high school, within
the meaning of division (b) of section thirty of chapter
4. The board of said independent district shall establish and maintain
first class high school within the meaning of division (b) of section thirty of chapter
4, forty-five of the code of West Virginia, in which no person, ex-
cept a thoroughly qualified high school teacher holding a degree
6 from a college at least equal to West Virginia university in its
7 curriculum and standing, shall be employed or permitted to teach
8 any of the branches regularly prescribed for first class high schools
9 provided for in said division (b); and the requirements of this
section, as to such high school, may be enforced by any taxpayer
11 of said independent district by mandamus to compel performance
12 of official duty thereunder, or injunction to prevent violation
13 thereof.
14 In addition to said high school said board of education shall
15 establish and maintain such other schools as shall, in their judg-
16 ment, be promotive of the educational interests of children of said
17 independent school district.
18 Pupils between the ages of six and twenty-one years residing
19 elsewhere than in said independent district, shall be admitted to
20 said schools upon payment to said board of education, in advance,
21 of a reasonable monthly tuition, to be fixed by said board, and to
22 become a part of the teachers' fund of said independent district.
23 Said board of education shall, at a meeting to be held not earlier
24 than the first day of July nor later than the first day of September
25 in each year, appoint the teachers for said schools for the current
26 school year, and fix and determine their salaries for such year.
27 Such appointments shall be recorded by the secretary of said board;
28 and any teacher appointed by said board may, by them, be removed
29 for incompetency, neglect of duty, intemperance, profanity, cruelty
30 or immorality.

CHAPTER 139.

(Senate Bill No. 305.)

AN ACT authorizing the employment of a stenographer by the judge
of the fourth judicial circuit, fixing his compensation, and pro-
viding how he shall be paid.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor February 26, 1915.]

Sec. 1. Judge of Fourth Judicial circuit au-
thorized to employ stenographer
1. to assist him in clerical work.
2. Appointment made and compensa-
3. tion fixed by circuit judge by
4. order of record.
5. Compensation fixed by judge and

§ec. not to exceed $100 per month,
and paid at end of month on
order of Judge by county courts,
pro rata, according to popula-
tion of counties in circuit.
Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The judge of the circuit court in the fourth judi-
2 cial circuit is hereby authorized to appoint and employ one sten-
3 ographer to assist him in the performance of the clerical work re-
4 quired by his official duties, whose term of employment shall be at
5 the will of the judge making such appointment.
Sec. 2. The appointment of such stenographer shall be made and the compensation fixed by such circuit judge, by an order entered in the law order book of the circuit court in each county in his circuit.

Sec. 3. The compensation of such stenographer shall be fixed by such judge at such sum as he shall deem proper, not to exceed one hundred dollars per month, and be paid at the end of each month on the order of such judge by the county courts of the counties composing such judicial circuit, pro rata, according to the population of such county as established by the next preceding census of the United States; provided, that the court or judge thereof, may in his discretion fix a per diem compensation to be paid to such stenographer in lieu of all compensation.

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

CHAPTER 140.
(Senate Bill No. 309.)

AN ACT authorizing and empowering the state board of control to grant to the city of Weston, in the county of Lewis, in this state, an easement or right of way upon and over a parcel or strip of land owned by this state in said city, for the use of said city for public street and sidewalk purposes.

[Passed February 20, 1915. In effect from passage. Approved by the Governor March 4, 1915.]

Sec. 1. The state board of control is hereby authorized to grant to the city of Weston an easement over certain land in said city, owned by state for use of city for street and sidewalk and other purposes, as described.

Sec. 2. Terms and conditions of grant.

3. If city ceases use or abandons said strip of land, or fails to carry out terms and conditions, same to revert back to state.

Be it enacted by the Legislature of West Virginia:

Section 1. The state board of control is hereby authorized and empowered to grant to the city of Weston, in the county of Lewis, in this state, by proper and apt deed, upon the terms and conditions herein named, an easement or right of way upon and over a certain strip or parcel of land in said city and owned by the state, for the use of said city for public street and sidewalk purposes, including the right in said city to grant franchises over, through and upon said strip or parcel of land for water, light, gas,
9 electric railroad and other public utility purposes, in order to en-
able said city to extend Mulberry avenue, in what is commonly
known as West Weston of said city, in a continuous straight line,
beginning at State street in said city and extending for a width of
fifty feet through the said land of the state a distance of
six hundred and fifty feet to the middle of the West Fork
river. Said parcel of land is a part of the lot or premises on which
are located the buildings of the West Virginia hospital for the
insane, and is more particularly described as follows: Beginning
at the present terminus of Mulberry avenue at State street and
extending for the full width of fifty feet north sixty degrees east
six hundred and fifty feet to the middle of said West Fork river;
which extension of said Mulberry avenue and description of said
strip of land are shown and designated upon a map or blue print
made by D. D. Britt, city engineer of said city of Weston, in the
month of January, one thousand nine hundred and fifteen, marked
on the face thereof “City of Weston Proposed Extension of Mul-
berry Avenue through the grounds of the West Virginia State
Hospital,” which map or blue print is filed with the state board
of control, and a copy thereof with the clerk of the house of
delegates.

Sec. 2. The terms and conditions of said grant, all which
shall be set forth in the deed, are as follows:

(1). The said city of Weston shall accept said grant, and
agree to the terms and conditions thereof, by an ordinance of the
common council thereof duly passed and entered of record upon
its book of proceedings, which ordinance shall contain and recite
the said deed of the state board of control, within three months
after the date of said deed.

(2). The said city shall permanently pave the said new
street in a proper and substantial manner with concrete, brick or
other suitable material, in the judgment of the state board of con-
trol, and subject to its approval, and maintain the same in good
condition, for the said full width of fifty feet, beginning at
said State street and extending to the right of way of the Balti-
more and Ohio Railroad Company, or as near to said right of way
as the state board of control may require, a distance of approxi-
mately three hundred and eighty-eight feet; and shall also con-
struct and maintain a permanent sidewalk of not less than six
feet in width, of concrete, brick or other suitable material, in the
20 judgment of the state board of control, and subject to its ap-
21 proval, along the front of the grounds of said hospital, from the
22 intersection of said proposed extension of said Mulberry avenue
23 with the fence in front of said hospital, between the said fence
24 and the right of way of the Baltimore and Ohio Railroad Com-
25 pany, as may be designated by the state board of control, to what
26 is commonly known as the front gate of the said hospital, a dis-
27 tance of approximately three hundred and fifty feet.

28 (3). In making said street through the said described strip
29 of land, the grade thereof shall not be raised farther than is neces-
30 sary, and approved by the state board of control, above the pres-
31 ent surface of said ground; and where said street shall cross the
32 hollow or depression in the grounds of said hospital, there shall
33 be put in by the said city a permanent and proper culvert of suf-
34 ficient size to carry off all water that will likely collect above the
35 said proposed street, in such manner as shall be satisfactory to the
36 state board of control, and shall maintain such culvert in good con-
37 dition.

38 (4). The said city shall construct a good and substantial
39 iron fence, or fences, along both sides of said extension of Mul-
40 berry avenue through said strip of land, and provide gates in said
41 fence or fences at such place or places as the state board of con-
42 trol shall designate, for the use of the state in crossing over said
43 proposed new street, and for other purposes of the state; and after
44 said fence or fences and gates are so constructed and provided,
45 the state of West Virginia, or the governing body of the West Vir-
46 ginia hospital for insane, shall maintain the same.

47 (5). Said city, as a further condition of the granting of
48 said strip of land, shall grant and convey to the state of West
49 Virginia all of its right, title and interest in and to that part of
50 the present county road, sometimes called River avenue, extend-
51 ing from a point on the eastern edge of the right of way of the
52 Baltimore and Ohio Railroad Company in a line of the land of
53 the state occupied by said hospital for the insane, to a point in
54 said extension of Mulberry avenue, where such extension crosses
55 the present county road or River avenue, which points of begin-
56 ning and ending are marked on said map or blue print “E” and
57 “F,” respectively, so that that part of said present county road
58 may be abandoned and closed up as a street or road, and be used
59 by the state. And to that end, the said city will arrange with the
county court of said Lewis county, if said court shall have any authority or jurisdiction in or over the same, for a change in the location of said county road, so that the same shall pass over said proposed extension of Mulberry avenue through said strip of land, from a point where the said county road intersects it to State street; provided, however, that in said grant and conveyance, and in said order abandoning said part of said River avenue or county road, there shall be reserved to the said city of Weston or to the said county of Lewis, in favor of the party or parties to whom the same may have been granted, all rights and franchises heretofore granted by said city or county for water, gas, sewerage, light, telephone or telegraph purposes, and now in use; and there shall be further reserved in favor of said city the right and privilege of said city itself to construct and maintain sewers, water, electric or gas lines or utilities of like character, but not to include highways, tramways or railroads of any kind, through, over and upon said part of said county road or River avenue, so to be abandoned as a street or road.

(6). The state of West Virginia reserves for itself, the state board of control, or other governing body of said state hospital, the right to pass over and under said proposed street, to make crossings over the same wherever it shall be convenient and necessary; to put in gates, or other openings in the fences along said new street wherever and whenever convenient and necessary; and in general reserve all other rights in connection with said strip of land which may not be necessary for the use of said city for the purpose of said grant.

(7). The state board of control may, in said deed, prescribe such other terms and conditions as in their judgment may be proper or necessary; and the construction of said street through said strip of land, the paving of said proposed street, the making of the said sidewalk, and the work to be done generally and the materials used shall be subject to the inspection and approval of the state board of control.

Sec. 3. If the said city shall cease to use or abandon said strip of land for public street and sidewalk purposes, or shall fail to carry out the terms and conditions of said grant, said land shall revert to and revest in the state of West Virginia.
CHAPTER 141.
(Senate Bill No. 331.)

AN ACT authorizing and empowering the board of education of Parkersburg district, in the county of Wood, to retire an issue of bonds heretofore authorized, and to apply proceeds from the levies collected and on hand to take up all outstanding bonds of such issue, and to turn the balance of the proceeds from said levies into the building fund of Parkersburg independent school district.

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 25, 1915.]

SEC. 1. Board of education of Parkersburg authorized to retire and cancel a bond issue of $300,000, authorized by an election held June 10, 1913, and board empowered to apply proceeds to pay interest and create a sinking fund to retire said bonds.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Parkersburg district, in the county of Wood, is hereby authorized and empowered to retire and cancel an issue of three hundred thousand dollars of bonds authorized by an election held in Parkersburg independent school district on the tenth day of June, one thousand nine hundred and thirteen, and that the board of education of Parkersburg district is hereby authorized and empowered to apply the proceeds arising from the levies to pay the interest on said bonds, and create a sinking fund to retire said bonds for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, together with interest accrued thereon, to the payment of the outstanding bonds of said issue; and to apply any residue of said proceeds, after all outstanding bonds of said issue have been paid for and taken up, to be retired and cancelled under the provisions of this act, to the building fund of said Parkersburg independent school district.

CHAPTER 142.
(Senate Bill No. 356.)

AN ACT fixing the maximum of the county clerk’s salary in the county of Jefferson.
WHEREAS, By an act of the legislature of West Virginia of one thousand nine hundred and nine, the salary of the clerk of the county court of Jefferson county, West Virginia, was inadvertently fixed at a sum not in excess of two hundred dollars a year, instead of a sum not in excess of five hundred dollars a year; and,

WHEREAS, The county court of Jefferson county has allowed said clerk the sum of five hundred dollars a year from the beginning of his term of office, January the first, one thousand nine hundred and nine, and want authority of law for so doing; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county, West Virginia, is hereby authorized to pay to said clerk of the county court of Jefferson county, West Virginia, a sum not in excess of five hundred dollars a year from the first day of January, one thousand nine hundred and nine.

CHAPTER 143.

(House Bill No. 316.)

AN ACT to amend and re-enact section thirty-two, chapter twenty-two, acts of the legislature of one thousand nine hundred and seven.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]
bequest or devise for such library. For the purpose of establishing and maintaining such library, the board is authorized to lay a levy, to be laid at the same time other school levies are laid, not to exceed five cents upon every one hundred dollars worth of taxable property within said district, which tax is to be known as the "library fund," and to be collected and paid out by the sheriff of the county as other school taxes are collected and paid out by him. The sheriff shall keep said tax separate from all other taxes collected by him from said district, and shall make settlement with the board in relation to said fund at the same time he makes his settlement with the said board.

HOUSE JOINT RESOLUTION NO. 7.

(Adopted February 6, 1915.)

Authorizing Anthony R. Brown to practice medicine and surgery.

WHEREAS, it appearing by affidavits filed herewith, that Anthony R. Brown, of Duck, in the county of Braxton, had practiced medicine and surgery for more than ten years prior to the year 1881, and has continued to do so continuously to the present time, and that the said Anthony R. Brown had prepared and executed an affidavit as required by the act of the legislature for the year one thousand eight hundred and eighty-one, and delivered the same to H. C. Lockney, a practicing attorney, to be presented to the State Board of Health, as required by said act, and that said affidavit was not acted upon by said board, or that the same was not presented to said board by said attorney, and that no certificate was issued by said board to said Anthony R. Brown, as provided for by said act; therefore, be it

Resolved by the Legislature of West Virginia:
That the State Board of Health be requested to issue to Anthony R. Brown, a certificate to practice medicine and surgery in all their branches within this state from and after the passage of this resolution.

HOUSE JOINT RESOLUTION NO. 11.

(Adopted February 16, 1915.)

Authorizing the state board of health to issue to S. J. Ross, of
Schultz, Pleasants county, West Virginia, a license to practice medicine and surgery.

WHEREAS, S. J. Ross has been engaged in the practice of medicine since one thousand eight hundred and seventy, and was entitled under the act of one thousand eight hundred and eighty-one to a license to practice medicine and surgery, but by an oversight failed to obtain said license; and,

WHEREAS, the said S. J. Ross is prevented by a technicality from obtaining a license to practice his profession; and,

WHEREAS, the said S. J. Ross is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the Legislature of West Virginia, That the state board of health be authorized and requested to issue to S. J. Ross, a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

SENATE JOINT RESOLUTION NO. 4.

(Adopted February 1, 1915.)

"Assenting to and accepting the provisions and requirements of the act of Congress known as the 'Smith-Lever Act,' approved May 8, 1914."

WHEREAS, The Congress of the United States has passed an act approved by the President, May 8, 1914, entitled "An Act to provide for Co-operative Agricultural Extension Work between the Agricultural Colleges in the several states receiving the benefits of the act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture;" and,

WHEREAS, It is provided in section three of the act aforesaid, that the grants of money authorized by this act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this act;" therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby assents to the provisions and requirements of said act, and that the State Board of Control be and they are hereby empowered to receive the grants of money
Joint Resolutions.

4 appropriated under said act, the same to be expended in organiz-
5 ing and conducting agricultural extension work which shall be
6 carried on in connection with the College of Agriculture of the
7 West Virginia University, in accordance with the terms and con-
8 ditions expressed in the act of Congress aforesaid.

SENATE JOINT RESOLUTION NO. 5.

(Adopted February 28, 1915.)

"Amending section one of article four of the Constitution of West
Virginia, granting to women the right of suffrage."

Resolved by the Legislature of West Virginia, two-thirds of all the
members elected to each house agreeing thereto:
That the following be and the same is hereby proposed as an
2 amendment to the Constitution of this state, to-wit:
That section one of article four of said Constitution as it now
2 is, be altered and amended so as to read as follows:
Section 1. The citizens of the state, both male and female,
2 shall be entitled to vote at all elections held within 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 he
7 or she offers to vote, for sixty days next preceding such offer,
8 shall be permitted to vote while such disability continues; but no
9 person in the military, naval or marine service of the United
10 States shall be deemed a resident of this state by reason of being
11 stationed therein.

SENATE JOINT RESOLUTION NO. 6.

(Adopted January 26, 1915.)

"Authorizing the secretary of state to furnish the law library of West
Virginia University with copies of the Supreme Court Reports."

Resolved by the Legislature of West Virginia:
That the secretary of state is hereby authorized and directed to
JOINT RESOLUTIONS.

2 transmit to the law library of West Virginia University, eight full
3 sets of the reports of the Supreme Court of Appeals of this state in
4 addition to the two sets heretofore delivered.

SENATE JOINT RESOLUTION NO. 7.

(Adopted January 29, 1915.)

Adopting joint rules for the government of the two Houses of the
Legislature during the present session, or until otherwise ordered.

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates as
they appear in the Legislative Manual of 1913, be and they are here-
by adopted for the government of the two Houses during the present
session, or until otherwise ordered, excepting that Rule No. 7, pertain-
ing to the manner of electing United States Senator shall be stricken
out, and Rule No. 2 be amended to read as follows:

2. After a bill has been passed by both houses, the type from
2 which it was originally printed shall be corrected as to any typo-
3 graphical errors that may not theretofore have been corrected, and
4 to meet any amendments that may have been made by either
5 House since the last printing of the bill, and after the type has
6 been so corrected twenty copies of the bill shall be printed on
7 eight by ten heavy bond paper for the use of the Joint Committee
8 on Passed Bills, otherwise known as the Joint Committee on En-
9 rolled Bills, one of which copies, when properly authenticated,
10 shall become the enrolled bill. The Joint Committee on Passed
11 Bills, otherwise known as the Joint Committee on Enrolled Bills,
12 shall consist of five members of the Senate and five members of
13 the House of Delegates, to be appointed by the presiding officer of
14 each House, whose duty it shall be to compare carefully all bills
15 and joint resolutions passed by both Houses, with the enrollment
16 thereof, and to correct any errors or omissions they may discover
17 and to make report to their respective Houses each day of the cor-
18 rectly enrolled bills or joint resolutions. They shall be authenti-
19 cated by the signature of the Chairman of the House Committee
20 and the Chairman of the Senate Committee, composing such Joint
21 Committee on Passed Bills, otherwise known as the Joint Com-
JOINT RESOLUTIONS.

22 mittee on Enrolled Bills, but in the absence of such chairman 23 another member of the committee may act in his stead, and they 24 shall require all bills and joint resolutions before such authen- 25 tication to be free from interlineation or erasures, and destroy any 26 previous enrollment containing any interlineation or erasure. 27 After enrolled bills and joint resolutions are authenticated as 28 aforesaid, they shall be signed by the Speaker of the House and by 29 the President of the Senate.

Resolved, further, that the remaining joint rules as printed 2 in the Manual of 1913 be and the same are hereby adopted as the 3 remaining joint rules governing the two Houses during the pres- 4 ent session.

Resolved, further, that the Clerks of the two Houses are here- 2 by directed to make any consequential amendments in section 3 numbers of the rules that are made necessary by the adoption of 4 this resolution.

SENATE JOINT RESOLUTION NO. 8.

(Adopted February 24, 1915.)

"Proposing an amendment to the constitution in relation to county courts."

Resolved by the Legislature of West Virginia, two-thirds of the members elected to each House agreeing thereto:

That article eight, section twenty-three of the constitution, be amended so as to read as follows:

Sec. 23. The commissioners shall be elected by the voters 2 of the county, and hold their office for the term of six years, except 3 at the first meeting of said commissioners they shall designate by 4 lot, or otherwise in such manner as they may determine, one of 5 their number who shall hold his office for a term of two years, one 6 for four years and one for six years, so that one shall be elected 7 every two years. But no two of said commissioners shall be elected 8 from the same magisterial district. But if two or more persons 9 residing in the same district shall receive the greater number of 10 votes cast at any election, then only the one of such persons receiv- 11 ing the highest number of votes shall be declared elected, and the 12 person living in another district who shall receive the next highest 13 number of votes shall be declared elected.
Said commissioners shall annually elect one of their number 2 as president, and each shall receive four dollars per day for his 3 services in court, to be paid out of the county treasury; provided, 4 however, that said payment of four dollars per day shall not ex- 5 ceed the sum of four hundred dollars per year for each commis- 6 sioner; and, provided, further, that such compensation may be in- 7 creased in any county by the assent of a majority of the votes cast 8 on the question at any general or special election.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted January 28, 1915.)

Raising a joint committee of the House of Delegates and Senate to attend the funeral of the Hon. H. N. Ogden.

Resolved by the House of Delegates of West Virginia, the Senate concur- 11 ring therein:

That a special committee consisting of two members of the Senate and three members of the House of Delegates be appointed by the respective presiding officers thereof, to attend the funeral of Hon. H. N. Ogden, late member of the Public Service Commission, and accompany the remains to the city of Fairmont; and the funeral arrangements be in charge of the Sergeant-at-Arms of the House of Delegates, who shall accompany said Committee.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 13, 1915.)

"Raising a Joint Committee to wait upon the Governor."

Resolved by the Senate of West Virginia, the House concurring therein:

That the two Houses concur in the appointment of a select committee of five, composed of two members of the Senate, appointed by the President, and three members of the House of Delegates, appointed by the Speaker, to jointly wait upon the Governor and inform him that the Legislature is organized, with a quorum of each House present,
and is prepared to receive any communication he may be pleased to make.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted January 29, 1915.)

"Raising a joint committee to confer with the governor on the Virginia debt."

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:
That a special committee consisting of three members from each house be appointed by the presiding officers thereof—not more than two members of the committee from each body to belong to the same political party—to confer with the governor in conformity with his special message.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted February 5, 1915.)

Authorizing and directing the clerks of the two houses to have printed advance copies of Senate Bill No. 79.

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:
That the clerks of the senate and house of delegates are hereby authorized and directed to have printed 2500 advance copies of Senate Bill No. 79, amending the prohibition laws of the state, for distribution among the members of the legislature and for public distribution.

SENATE CONCURRENT RESOLUTION NO. 4.

(Adopted February 10, 1915.)

Authorizing and directing the clerks of the two houses to have printed advance copies of Senate Bill No. 131.
Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

That the clerks of the senate and the house of delegates are hereby authorized and directed to have printed two thousand five hundred advance copies of Senate Bill No. 131, amending the mining laws of the state, for distribution among the members of the legislature and for public distribution.

SENATE CONCURRENT RESOLUTION NO. 5.

"Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and fifteen."

Resolved by the Senate, the House of Delegates 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 headnoted, 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 county, circuit, criminal and intermediate courts, 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. The said Clerks are also authorized and directed to have printed in signature or advance sheet form laws 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 or so much thereof as is actually used for the purpose, 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 expressing of said advance copies.
For the extra work provided for in this resolution, the time of said Clerk and one assistant clerk from each House is extended for sixty days, the per diem 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. 5.

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, to be appointed by the Speaker, and two on the part of the Senate, to be appointed by the President, be appointed to notify the Governor that the legislature is ready to adjourn by reason of the expiration of the constitutional limit of forty-five days.
AN ACT to amend and re-enact sections two, three, seven fourteen, eighteen, nineteen, twenty-five and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by the legislature at the regular session of one thousand nine hundred and fifteen.

[Passed March 13, 1915. In effect May 21, 1915. Approved by the Governor March 18, 1915.]

ACTS OF 1915.

EXTRAORDINARY SESSION.

CHAPTER 1.

(House Bill No. 3.)

2. All expenses peculiar to the administration of this act to be paid out of workmen's compensation fund hereinafter created, and $50,000. or so much as necessary appropriated.

3. Payments of salaries and expenses to be by state treasurer on order or voucher signed by secretary and approved by commissioner, directed to auditor and how charged; total charges not to exceed appropriation.

7. Commissioner authorized to employ secretary and other assistants and fix compensation; commissioner and other officers and employees entitled to actual expenses while traveling on business of the department, when properly made out.

14. Officer serving a subpoena to have same fee as sheriff, and witness before commissioner to receive same fee as witness in civil case in circuit court, to be audited and paid as other claims; no witness entitled to be paid except on certificate of commissioner.

18. For purposes of this act industries subject thereto divided into schedules: (a) coal mines, etc.; (b) pulp manufactories, etc.; (c) iron and steel mills, etc.; (d) sheet and tin plate mills, etc.; (e) foundries, machine shops, etc.; (f) stamped metal works, etc.; (g) logging, logging railroads, etc.; (h) planing mills, etc.; (i) glass houses, etc.; (k) printing plants, etc.; (n) slaughter and packing houses; (o) steam laundries, etc.; (p) steam and other railroads, etc.; (q) street and interurban railroads; (r) telegraph and telephone plants, etc.; (s) quarries, stone crushers, etc.; (t) same works as scheduled above without power driven machinery; (u) match factories, powder mills, etc.; (v) construction of tunnels, shafts, etc.; (w) construction and installation of sewers, etc.; (x) any other industry not heretofore scheduled, and commissioner has authority to classify and reclassify; also has authority to sub-divide any schedule into classes based on degrees of hazard in twelve month periods, list to be determined from records of commissioner, and fixed accordingly; (y) duty of commissioner to fix lowest possible rates under certain requirements: (1) to keep account of premiums paid, liabilities incurred, etc.; (2) premium rate to be paid into fund, etc.; (3) re-adjustment July 1, 1916, and annually thereafter, but nothing to prevent adjustment of any class; duty of commissioner as to notification of employer affected by new rate.
Be it enacted by the Legislature of West Virginia:

That sections two, three, seven, fourteen, eighteen, nineteen, twenty-five and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by the legislature at the regular session of one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 2. All expenses peculiar to the administration of this act, including the premiums to be paid for the bonds of the state treasurer and the compensation commissioner required under this act, and when on official business, the traveling and incidental expenses of the commissioner, and salaries or other compensation, traveling and other expenses of all officers or employees of the commissioner, and all expenses for furniture, books, maps, stationery, appliances and property of all kinds, shall be paid out of the workmen's compensation fund, hereinafter created, and the sum of eighty thousand dollars per annum, or so much thereof as may be necessary, is hereby appropriated out of the said fund for the purpose of paying the salaries and expenses necessary in the administration of this act.

Sec. 3. All payments of salaries and expenses in the administration of this act shall be made by the state treasurer upon order or voucher signed by the secretary and approved by the commissioner, directed to the auditor of the state, who shall draw his warrant therefor, and any such payment shall be charged to the workmen's compensation fund; provided, that the total charges against said fund under this section for any one fiscal year shall not exceed the amount appropriated under section two of this act.

Sec. 7. The commissioner may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants, and fix their compensation which.
4 shall be paid as provided in sections two and three of this act.
5 The commissioner, secretary, actuaries, accountants, inspectors,
6 examiners, experts, clerks, stenographers and other assistants that
7 may be employed shall be entitled to receive from the workmen's
8 compensation fund their actual and necessary expense while traveling
9 on business of the commissioner. Such expenses shall be
10 itemized and sworn to by the person who incurred the expense, and
11 allowed by the commissioner.

Sec. 14. Each officer who serves such subpoena shall
2 receive the same fee as a sheriff, and each witness who appears, in
3 obedience to a subpoena, before the commissioner, or an inspector,
4 or an examiner, shall receive for his attendance the fees and mileage
5 provided for witnesses in civil cases in the circuit court, which
6 shall be audited and paid out of the workmen's compensation fund
7 in the same manner as other expenses are audited and paid, upon
8 presentation of proper vouchers approved by the commissioner.
9 No witness subpoenaed at the instance of a party other than
10 the commissioner, or an inspector, or an examiner, shall be
11 entitled to receive any fee or mileage out of the workmen's com-
12 pensation fund unless the commissioner shall certify that his
13 testimony was material to the matter investigated.

Sec. 18. For the purpose of this act the industries that
2 now are or hereafter may be subject thereto, are divided into
3 schedules as follows:
4 (a) Coal mines, including their tipples, power, light, heating
5 and ventilating plants, tramways, private tracks and sidings,
6 and accessory and auxiliary plants working in or with by-products.
7 (b) Paint manufactories, oil refineries, oil and gas wells,
8 including their pipe lines, storage, power or light plants, tram-
9 ways, private tracks and sidings, and accessory and auxiliary
10 plants working in or with by-products.
11 (c) Iron and steel mills, including blast furnaces, smelting
12 ers, tube works, rolling mills, and their accessory and auxiliary
13 plants working in or with by-products, generating power, light
14 or heat or operating tramways, private tracks and sidings.
15 (d) Sheet and tin plate mills, including their accessory
16 and auxiliary plants working in or with by-products, generating
17 power, light or heat or operating tramways, private tracks and
18 sidings.
19 (e) Foundries, machine shops, fire arms factories, tool
factories, car building and repairing, structural iron works, and
working in or with iron or steel, not otherwise specified, where
power driven machinery is used, together with their accessory
and auxiliary plants working in or with by-products, or gen-
erating power, light or heat, or operating tramways, private
tracks and sidings.

(f) Stamped metal works, can factories, enamel iron works,
and working in or with sheet iron or tin plate, not otherwise
specified, where power driven machinery is used, together with
their accessory and auxiliary plants working in or with by-prod-
ucts, or generating power, light or heat, or operating tramways,
private tracks and sidings.

(g) Logging, logging railroads and tramways, saw mills,
including their accessory and auxiliary plants working in or with
by-products, or generating power, light or heat, or operating
tramways, private tracks and sidings.

(h) Planing mills, wood pulp, cordage and paper mills,
box factories, cooperage plants, furniture factories, woodenware
or wood fibre ware manufactories, vehicle works of every kind,
including their accessory and auxiliary plants working in or with
by-products, or generating power, light or heat, or operating
tramways, private tracks and sidings.

(i) Glass houses of all kinds, including manufactories of
tableware, bar goods, bottles, tumblers, lamps, glass light fix-
ture parts, window and plate glass potteries of all kinds, includ-
ing tile, bricks, terra-cotta, fire clay, earthenware, porcelain,
china and crockeryware using automatic machinery, together
with accessory and auxiliary plants working in or with by-prod-
ucts, or generating light or heat, or operating tramways, private
tracks and sidings.

(k) Printing plants of all kinds, electrotyping, photo-en-
graving, engraving, lithographing, embossing, book-binding, and
accessory and auxiliary lines of work and manufacture.

(l) Woolen mills, knitting mills, cotton mills, carpet and
rug mills, clothing manufactories of every kind and working in
or with textiles not otherwise specified.

(m) Breweries, bottling works, canneries of fruits, vege-
tables, oils, fish, milk or meat, manufactories of preserves, jellies,
ketchup, sauces, relishes, pickles, flour and feed mills, bakeries,
confectioneries, drug and extract manufactories, tobacco, cigar,
58 stogie and cigarette manufactories, in which power driven ma-
59 chinery is used.
60 (n) Slaughter and packing houses, stock yards, soap, tal-
61 low, lard and grease manufactories, tanneries, artificial ice, and
62 refrigerating and cold storage plants, creameries, and carbon
63 black factories, in which power driven machinery is used.
64 (o) Steam laundries, dyeing and cleaning plants, stamp-
65 ing, embossing and working with leather, shoe and harness man-
66 ufactories, mattress and bedding factories, upholstering factor-
67 ies, manufacturers of rubber goods, and auxiliary and accessory
68 lines of work and manufacture not otherwise specified.
69 (p) Steam and other railroads and transportation systems
70 not otherwise specified.
71 (q) Street and interurban railways, whether propelled by
72 electricity or other power.
73 (r) Telegraph and telephone plants and systems, electric
74 light and power plants and systems, steam heat and power p.ants
75 and systems, water works systems, gas works and systems, grain
76 elevators, and all lighting, heating or power systems not otherwise
77 specified.
78 (s) Quarries, stone crushers, gravel pits, mines other
79 than coal mines and working with asphalt, cement, stone or other
80 building material not otherwise specified, power propelled ferries,
81 sand diggers and other water craft.
82 (t) Such works, occupations and manufactories specified
83 in the foregoing schedules as are operated without power driven
84 machinery.
85 (u) Match factories, powder mills, fireworks factories, and
86 works in which articles of an explosive nature are mixed or man-
87 ufactured.
88 (v) Construction of tunnels, shafts, bridges, trestles,
89 steeples, towers, grain elevators, tanks, water towers, wind mills,
90 subaqueous works, iron or steel frame structures or parts of
91 structures, blast furnaces, smoke stacks, cupolas or chimneys more
92 than fifty feet high, water works and systems, electric lights and
93 power plants and systems, gas works and systems, installation of
94 steam boilers, engines and dynamos, steam railroads, logging rail-
95 roads, street railways and systems, boat building with scaffolds,
96 floating docks, engineering works, structural work on buildings
97 over three stories in height, not otherwise specified, and drilling of
98 wells.
99  (w) Construction and installation of sewers, fire escapes,
100 freight or passenger elevators, advertising signs, ornamental
101 metal work on or in buildings, metal ceilings, plate or window
102 glass, electrical wiring, stairways, buildings which require gal-
103 vanized iron or tin work, marble, stone or brick work, roof work,
104 slate work, plumbing work, carpenter work, electric work, in-
105 stalling automatic sprinklers, electric or fire alarm systems,
106 heating or ventilating systems, or machinery not otherwise speci-
107 fied, covering steam pipes and boilers, road and street making,
108 street or other grading, and structural work not otherwise
109 specified.
110  (x) Any industry or business not specified in the fore-
111 going schedules, for which any employer shall voluntarily apply
112 to the commissioner to be brought under the provisions of this
113 act; and the commissioner shall have the authority to classify
114 and place in one of the schedules aforesaid, or any schedule
115 created by him as hereinafter mentioned, any industry or busi-
116 ness subject to this act not hereinbefore specifically mentioned.
117 The commissioner shall have the power to reclassify into
118 schedules, at any time, the industries subject to this act, and
119 to create additional schedules if deemed advisable by him.
120 In addition to classifying into schedules the industries sub-
121 ject to this act, as hereinbefore provided, it shall be the duty of
122 said commissioner, when in his opinion there is a sufficient
123 number of employers with different degrees of hazard in
124 any schedule to warrant the same, to sub-divide any schedule
125 into classes based upon the respective degrees of hazard of such
126 employer as shown upon the books of the commissioner for a
127 period of twelve months previous to the time of such sub-divi-
128 sion; and any such employer who shall not have been a sub-
129 scriber for said period of twelve months shall be assigned to
130 one of said classes as may be deemed proper by the commissioner
131 until his record for one year can be obtained.
132 The risk of the different classes shall be determined from
133 the record of the employers forming each class as shown upon
134 the books of the commissioner, and the commissioner shall
135 fix the rate of premium for each class according to the risk of
136 the same.
It shall be the duty of the commissioner in the exercise of the powers and discretion conferred upon him in the preceding sub-section, to fix and maintain the lowest possible rates of premium consistent with the maintenance of a solvent workmen's compensation fund and the creation and maintenance of a reasonable surplus after providing for the payment of all liability incurred by reason of injury or death to employees entitled to benefits under the provisions of this act and the expenses of the administration of same; and, in order that said object may be accomplished, the commissioner shall observe the following requirements in classifying occupations and fixing the rates of premium for the risk of the same:

(1) He shall keep an accurate account of the money paid in premiums by each of the several schedules, and the liability incurred, and disbursements on account of injuries and death of employees thereof; and also keep an account of the money received from each individual employer, and the liability incurred and disbursements on account of injuries and death of the employees of such employer.

(2) Ten per centum of all that may hereafter be paid into the workmen's compensation fund shall be set aside for the creation of a surplus fund until such surplus shall amount to the sum of one hundred thousand dollars, after which time the sum of five per centum of all the money paid into the said fund shall be credited to such surplus fund, until such time as, in the judgment of the commissioner, such surplus shall be sufficiently large to cover the catastrophe hazard and all other unanticipated losses.

(3) On the first day of July, one thousand nine hundred and sixteen, and annually thereafter, a re-adjustment of the rates shall be made for each of the several classes in accordance with the experience of the commissioner in the administration of the law, as shown by the accounts kept, as provided herein; provided, that nothing contained in this sub-section shall prevent the commissioner from adjusting at any time the premium rate for any class.

It shall be the duty of the commissioner whenever he changes any rate to notify every employer affected thereby of that fact and of the new rate and when the same takes effect. It shall also be his duty to furnish to each employer yearly, or
17 oftener if requested by the employer, a statement giving the
18 name of each of his employees who were paid for injury and the
19 amount so paid during the period covered by the statement.

Sec. 19. The commissioner shall establish a workmen's com-
20 pensation fund from premiums and other funds paid thereto by
3 employers and employees as herein provided, for the benefit of
4 employees of employers that have paid the premium applicable
5 to the classes to which they belong and for the benefit of the de-
6 pendents of such employees and for the payment of the expenses
7 of the administration of this act, and shall adopt rules and regula-
8 tions with respect to the collection, maintenance and disburse-
9 ment of said fund, not in conflict with the provisions of this act.
10 Employers electing as herein provided to individually and
11 directly compensate their injured employees and their fatally in-
12 jured employees' dependents, shall do so in the manner prescribed
13 by the compensation commissioner and shall make all reports,
14 execute all blanks, forms and papers as directed by said com-
15 missioner and as herein provided in this act.

Sec. 25. The commissioner shall disburse the workmen's
2 compensation fund to the employees of such employers as have
3 paid into said fund the premiums for the month in which the in-
4 jury occurs, or who have on deposit in said fund, as hereinbefore
5 provided for, an amount sufficient to guarantee the payment of
6 said premiums, and which employees shall have received injuries
7 in this state in the course of and resulting from their employment,
8 or to the dependents, if any, of such employees in case death has
9 ensued according to the provisions hereinafter made, and also for
10 the expenses of the administration of this act as provided in section
11 two hereof.
12 In all claims for compensation for hernia resulting from injury
13 received in the course of and resulting from the employee's em-
14 ployment, it must be definitely proven to the satisfaction of the
15 commissioner:
16 First, That there was an injury resulting in hernia;
17 Second, That the hernia appeared suddenly;
18 Third, That it was accompanied by pain;
18-a Fourth, That the hernia immediately followed an injury;
19 Fifth, That the hernia did not exist prior to the injury for
20 which compensation is claimed.
All hernia, inguinal, femoral or otherwise, so proven to be the result of an injury received in the course of and resulting from the employment, shall be treated in a surgical manner by radical operation. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of section thirty-three. In non-fatal cases, time loss only shall be paid, unless it is shown by special examination that the injured employee has a permanent partial disability resulting after the operation. If so, compensation shall be paid in accordance with the provisions in section thirty-one with reference to permanent partial disability.

In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that it is considered unsafe for him to undergo said operation, he shall be paid as provided in section thirty-one.

Sec. 54. Notwithstanding anything contained in this act, employers subject to this act who are of sufficient financial responsibility to insure the payment of compensation to injured employees and the dependents of fatally injured employees, whether in the form of pecuniary compensation or medical attention, funeral expenses or otherwise as herein provided, of the value at least equal to the compensation provided in this act, or employers of such financial responsibility who maintain their own benefit funds or systems of compensation, to which their employees are not required or permitted to contribute, or such employers as shall furnish bond or other security to insure such payments, may, upon a finding of such facts by the compensation commissioner, elect to pay individually and directly or from such benefit funds, department or association the said compensation and expenses to injured employees or fatally injured employees' dependents; and the compensation commissioner shall require such security or bond from said employer to be approved by him and of such amount as is by him considered adequate and sufficient to compel or secure to said employees, or their dependents, payment of the compensation and expenses herein provided for, which shall in no
21 event be less than the compensation paid or furnished out of the 22 state workmen’s compensation fund in similar cases, to injured 23 employees or the dependents of fatally injured employees whose 24 employers contribute to said fund; provided, that any employer 25 electing under this section shall on or before the twenty-fifth day 26 of each month, for the preceding month, file with the commissioner 27 a sworn statement of the total earnings of all his employees sub- 28 ject to this act for such preceding month and shall pay into the 29 workmen’s compensation fund a sum sufficient to pay his proper 30 proportion of the expense of the administration of this act, as 31 may be determined by the commissioner. The commissioner shall 32 make and publish rules and regulations governing the mode and 33 manner of making application and the nature and extent of the 34 proof required to justify the finding of facts by said commissioner, 35 to consider and pass upon such election by employers subject to 36 this act, which said rules and regulations shall be general in 37 their application; and any employer subject to this act who shall 38 elect to carry his own risk and who has complied with the re- 39 quirements of this section and the rules of the compensation 40 commissioner, shall not be liable to respond in damages at common 41 law or by statute for the injury or death of any employee, however 42 occurring, after such election and during the period that he is 43 allowed to carry his own risk by said commissioner; provided, the 44 injured employee has remained in his service with notice given, as 45 provided for in section twenty-three of this act, that his employer 46 has elected to carry his own risk as herein provided. The con- 47 tinuation in the service of such employer with such notice shall 48 be deemed a waiver by the employee and by the parents of any 49 minor employee of the right of action, as aforesaid, which the 50 employee or his or her parents would otherwise have. 51 And, provided, further, that any employer whose record upon 52 the books of the public service commission or compensation com- 53 missioner shows a liability against the workmen’s compensation 54 fund, incurred on account of injury to or death of any of his em- 55 ployees, in excess of premiums paid by said employer, shall not 56 be granted the right to individually and directly or from such 57 benefit funds, department or association, to compensate his in- 58 jured employees and the dependents of his fatally injured em- 59 ployees until he has paid into the workmen’s compensation fund
60 the amount of said excess of liability over premiums paid, in-
61 eluding his proper proportion of the liability incurred on account
62 of explosions or catastrophes occurring within the state and
63 charged against said fund.
64 And, provided, further, that in any case under the provisions
65 of this section that shall require the payment of compensation or
66 benefits by an employer in periodical payments, and the nature
67 of the case makes it possible to compute the present value of all
68 future payments, the commissioner may, in his discretion, at any
69 time, compute and permit or require to be paid into the workmen's
70 compensation fund an amount equal to the present value of all
71 unpaid compensation for which liability exists, in trust; and
72 thenceupon such employer shall be discharged from any further
73 liability upon such award, and payment of the same shall be assum-
74 ed by the workmen's compensation fund.

Section sixty-two of the general appropriation bill of the
2 regular session of one thousand nine hundred and fifteen and all
3 other acts and parts of acts in conflict with this act are hereby
4 repealed.

CHAPTER 2.
(House Bill No. 28.)

AN ACT making appropriations of public moneys to pay the per
diem of the members of the legislature for the extraordinary
session of one thousand nine hundred and fifteen, and for sala-
ries of the officers and attaches thereof.

[Passed March 13, 1915. In effect from passage. Became a law without the
Governor's approval.]

Sec. 1. Appropriation from public treasury
authorized for payment of per
diem of members of legislature
for extraordinary session of
1915, and of officers and at-
taches thereof.

Sec. 2. Auditor directed to issue his war-
rants on the treasury for the
amounts due or to become due;
manner of payment of certain
items.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and hereby are appropriated out
2 of the public treasury for the payment of the per diem of the
3 members of the legislature for the extraordinary session of one
4 thousand nine hundred and fifteen and the per diem of the offi-
5 cers and attaches thereof the following sums of money:
House of Delegates.

To pay the per diem of the members, five thousand one hundred and ninety dollars.

To pay the per diem of the clerk, one hundred and fifty dollars.

To pay the per diem of the sergeant-at-arms, one hundred and fifty dollars.

To pay the per diem of the doorkeeper, sixty dollars.

To pay the per diem of the assistant doorkeeper, sixty dollars.

To pay the per diem of the gallery doorkeeper, forty-five dollars.

To pay the per diem of the night watchman, sixty dollars.

To pay the per diem of three floor pages, ninety dollars.

To pay the per diem of two journal pages, one hundred and twenty dollars.

To pay the per diem of two cloak room attendants, ninety dollars.

To pay the per diem of two floor stenographers, one hundred and twenty dollars.

To pay the per diem of the private secretary to the speaker, ninety dollars.

To pay the per diem of the clerk of the committee on taxation and finance, ninety dollars.

To pay the per diem of two committee clerks, one hundred and twenty dollars.

To pay the per diem of the stenographer to the committee on taxation and finance, ninety dollars.

To pay the per diem of the stenographer to the clerk, ninety dollars.

To pay the per diem of eight assistant clerks, seven hundred and twenty dollars.

To pay the per diem of seven assistant clerks, six hundred and thirty dollars.

To pay the per diem of mailing and banking page, sixty dollars.

For contingent fund of the house of delegates, or so much thereof as may be necessary, five thousand dollars.
37

Senate.

38 To pay the per diem of the members, one thousand eight hundred and thirty dollars.
39 To pay the per diem of the clerk, one hundred and fifty dollars.
40 To pay the per diem of the chaplain, thirty dollars.
41 To pay the per diem of the clerk to the committee on the judiciary, ninety dollars.
42 To pay the per diem of the clerk to the finance committee, ninety dollars.
43 To pay the per diem of the stenographer to the judiciary committee, ninety dollars.
44 To pay the per diem of the general committee clerk, sixty dollars.
45 To pay the per diem of the stenographer to the president, ninety dollars.
46 To pay the per diem of the mailing and banking page, forty-five dollars.
47 To pay the per diem of the journal and bill page, forty-five dollars.
48 To pay the per diem of six floor pages, two hundred and seventy-five dollars.
49 To pay the per diem of the manager of pages, sixty dollars.
50 To pay the per diem of the sergeant-at-arms, seventy-five dollars.
51 To pay the per diem of two cloakroom keepers, ninety dollars.
52 To pay the per diem of the chief assistant clerk, ninety dollars.
76 To pay the per diem of the supervisor of printing engrossed
and enrolled bills, ninety dollars.
78 To pay the per diem of the page to the clerk, ninety dollars.
78-a To pay the per diem of the stenographer to the clerk, ninety
78-b dollars.
79 To pay the per diem of twelve assistant clerks, one thousand
80 and eighty dollars.
80-a For contingent fund of the senate, or so much thereof as
80-b may be necessary, five thousand dollars.

Janitors.
81 To pay the per diem of the janitor, extra compensation dur-
ing the extraordinary session of the legislature provided by sec-
tion one of chapter eleven of the code, at three dollars per day,
85 forty-five dollars.
86 To pay the per diem of ten assistants to the janitor, during
87 the extraordinary session, as provided in section one of chapter
88 eleven of the code, at three dollars per day, four hundred and fifty
89 dollars.
90 To pay the per diem of two charwomen, during the extraor-
dinary session, at one dollar and fifty cents per day each, forty-
92 five dollars.

Sec. 2. The auditor of this state is hereby authorized and
directed to issue his warrants upon the treasury for such amounts
as are or may become due to the several members, officers and at-
taches of the senate and the house of delegates and janitor's help,
upon the request of the clerk of the senate and the sergeant-at-
arms of the house, respectively. The three items with regard to
janitor and assistants to be paid one-half out of the senate con-
tingent fund and one-half out of the house contingent fund.

HOUSE JOINT RESOLUTION NO. 1.
(Adopted March 9, 1915.)

Authorizing the Auditor to draw his warrants upon the Treasurer
for the per diem of the members of the Legislature and the per
diem of the officers and attaches of the senate and house of
delegates, extraordinary session of one thousand nine hundred
and fifteen.
Resolved by the Legislature of West Virginia:
That the Auditor is hereby authorized to issue his warrants upon the Treasurer for such amounts as are or may become due to the several members, officers and attaches of the Senate and House of Delegates for their per diem, upon the proper requisition of the clerk of the Senate and the sergeant at arms of the House respectively.

HOUSE CONCURRENT RESOLUTION NO. 1.
(Adopted February 27, 1915.)

"Raising a Joint Committee to wait upon the Governor."

Resolved by the House of Delegates, the Senate concurring therein:
That a committee of three be appointed on the part of the House of Delegates and two on the part of the Senate to jointly wait upon the Governor and inform him that the two Houses have assembled in their respective halls, pursuant to his proclamation, dated February 26, 1915, with a quorum of each House present and that the legislature is ready to receive and communication he may be pleased to make."

HOUSE CONCURRENT RESOLUTION NO. 4.
(Adopted March 15, 1915.)

"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 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.
ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA
SECOND EXTRAORDINARY SESSION
MAY 18-24, 1915
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LEGISLATURE OF WEST VIRGINIA

ACTS OF 1915

SECOND EXTRAORDINARY SESSION

CHAPTER 1

(House Bill No. 15.)

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

[Passed May 24, 1915. In effect from passage. Approved by the Governor May 25, 1915.]

Sec.
1. Appropriation authorized out of state treasury for years ending June 30, 1915 and 1916:
2. Criminal charges.
3. For King’s daughters and city hospitals; how paid.
4. Governor’s office, paid on order of governor, but no part for clerk hire.
6. The militia.
7. Forestry, game and fish; how expended and purposes; fund designated.
7-a. Department of archives and history.
8. Department of agriculture; for carrying out provisions of chapter 13, acts 1915.
8-a. State board of control; for repairs and improvements.
8-b. West Virginia university; mining extension work; girls’ dormitories and agricultural buildings; requirement as to citizens of county court of Monongalia before funds are available.
8-c. Further condition as to appropriation for athletic board.
9. State hotel inspector; to be paid from fund collected for inspection.
11. Fairmont state normal school.
12. West Liberty state normal school.
13. West Virginia industrial home for girls.
15. West Virginia colored orphans’ home.
17. Spencer state hospital.

Sec.
19. Preparatory branch West Virginia university at Montgomery.
20. State geological and economic survey.
22. Contingent legislative expenses.
23. State road bureau.
25. State librarian.
26. Miscellaneous appropriations.
27. Explanation as to columns of figures, and fiscal year in which sums are to be paid.
28. Appropriations for state board or institution, how drawn and in what amounts; directions to auditor as to warrants; no warrants to be issued except money is needed for immediate use; pay of members of state boards and expenses, but no mileage allowed; itemized statement required, and penalty for making improper return.
29. Printing, binding and paper for state superintendent of schools to be paid out of school fund; printing for other institutions and how paid for; duty of superintendent of public printing as to stationery and printing paper, or printing for boards, and duty of auditor; exceptions as to reports made to the governor.
30. No money to be paid for years 1915 and 1916, beyond amounts appropriated, unless provided for by the constitution or some general law.
31. Duty of clerks of two houses upon adjournment of session.
Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred and sixteen and for the fiscal year ending June thirtieth, one thousand nine hundred and seventeen, the following sums of money for the following purposes:

Criminal Charges.

Sec. 2. For transportation of prisoners and extradition of criminals .... $5,000.00  $5,000.00

Sec. 3. For extradition of fugitives .............. 3,000.00  3,000.00

King's Daughters and City Hospitals.

Sec. 3. For King's daughters and city hospitals, for the treatment of laborers and others who may become a public charge, said amount to be paid upon approval of the state board of control ............... $10,000.00  $10,000.00

Bureau of Labor.

Sec. 4. For the salary of two factory inspectors ..................... $2,400.00  $2,400.00

For traveling expenses of same .................. 2,000.00  2,000.00

Governor's Office.

Sec. 5. For civil contingent fund, to be expended upon the order of the governor, no part of which, however, is to be used for clerk hire in any of the state offices or institutions, other than the governor's office ............... $20,000.00

The Militia.

Sec. 6. To carry into effect provisions of chapter forty-one of the acts of one thousand eight hundred and ninety-
4 seven, as amended by the acts of one
5 thousand nine hundred and nine, relat-
6 ing to the militia .................. $ 65,000.00 $ 65,000.00

Forestry, Game and Fish.

Sec. 7. For the protection of forests,
2 and the protection and propagation of
3 fish and game, to be expended by and
4 upon the approval of the forest, game
5 and fish warden, in the manner and for
6 the purposes provided by section 31,
7 chapter 60 of the acts of one thousand
8 nine hundred and nine ............... $ 10,000.00 $ 10,000.00
9 Which sums are appropriated to be
10 paid out of the fund known as “the
11 forest, game and fish protective fund,”
12 which was created by section 31 of chap-
13 ter 60 of the acts of one thousand nine
14 hundred and nine, and from no other
15 fund.

Department of Archives and History.

Sec. 7-a. Salary of librarian...... $ 1,500.00 $ 1,500.00
2 Purchase of books and periodicals.... 2,400.00 2,400.00

Department of Agriculture.

Sec. 8. For the department of
2 agriculture .......................... $ 17,500.00 $ 17,500.00
3 Of which sum $12,500 each year or
4 so much thereof as may be necessary is
5 to be used only for carrying out the pro-
6 visions of chapter 13 of the acts of the
7 regular session of 1915 relating to dis-
8 eased animals.

State Board of Control.

Sec. 8-a. Repairs and improvements $ 5,000,00
General Appropriations.

West Virginia University.

Sec. 8-b. Mining extension work...$ 10,000.00 $ 10,000.00
2 For girls’ dormitories and agricultural
3 buildings .................... 100,000.00 100,000.00
4 Provided, that the citizens or county
5 court, or both, of Monongalia county,
6 shall raise and place at the disposal of
7 the state board of control for the pur-
8 poses of the university the sum of $37,-
9 500.00 for the year 1916, and the same
10 amount for the year 1917. Said appro-
11 priation for the year 1916 to be available
12 for use upon the raising of said sum of
13 $37,500.00 and placing the same at the
14 disposal of said state board of control for
15 that year.

Sec. 8-c. That the condition in section thirty-five, chapter
2 four of the acts of one thousand nine hundred and fifteen, regular
3 session, contingent to the appropriation of five thousand dollars
4 to the athletic board; “provided, the school raise the sum of
5 five thousand dollars to supplement this appropriation. No
6 portion of this appropriation to be available until said sum of
7 five thousand dollars is raised and placed at the disposal of the
8 state board of control,” be and the same is hereby repealed and
9 said sum of five thousand dollars for each year is appropriated
10 without condition.

State Hotel Inspector.

Sec. 9. Salary hotel inspector...$ 812.50 ............
2 Contingent and traveling expenses.... 750.00 ............
3 To be paid out of the fund collected from hotels and restau-
4 rants for inspection thereof and from no other fund.

Marshall College State Normal School.

Sec. 10. Buildings and land.......$ 22,500.00 $ 22,500.00

Fairmont State Normal School.

Sec. 11. Buildings and land ...... 30,000.00 30,000.00
West Liberty State Normal School.
Sec. 12. Buildings and land .... 30,000.00 40,000.00

West Virginia Industrial Home for Girls.
Sec. 13. Buildings and land .... 10,000.00 15,000.00

State Tuberculosis Sanitarium.
Sec. 14. Buildings and land .... 15,000.00 15,000.00

West Virginia Colored Orphans Home.
Sec. 15. Buildings and land .... 3,000.00 3,000.00

Weston State Hospital.
Sec. 16. Buildings and land .... 20,000.00 20,000.00

Spencer State Hospital.
Sec. 17. Buildings and land .... 7,500.00 7,500.00

Huntington State Hospital.
Sec. 18. Buildings and land .... 7,500.00 7,500.00

Preparatory Branch West Virginia University at Montgomery.

Sec. 19. In addition to appropriation of session of 1915, the following:
Salaries of officers, teachers and employees.$ 3,000.00 $ 4,000.00
Current and general expenses .............. 1,500.00 1,500.00
Repairs and improvements ................. 2,000.00 2,000.00


Sec. 20. In addition to the amount appropriated at the regular session of 1915, the following $15,000.00 $15,000.00

Point Pleasant Monument.

Sec. 21. For improvement and ornamentation of Tu-Endie-Wei Park at 3 Point Pleasant, owned by the state, and
GENERAL APPROPRIATIONS. [CH. 1

4 containing Point Pleasant battle monu-
5 ment, and to be in lieu of the appropria-
6 tions made for “protecting and improv-
7 ing river bank around Point Pleasant
8 monument,” by chapter three of the acts
9 of one thousand nine hundred and thir-
10 teen, five thousand dollars, which is un-
11 expended .................................. $ 2,500.00 $ 2,500.00

Contingent Legislative Expenses.

Sec. 22. For contingent expenses
2 of the house of delegates, or so much
3 thereof as may be necessary........... $ 5,000.00 ...........
4 For contingent expenses of the sen-
5 ate, or as much as may be necessary.... 5,000.00 ...........

State Road Bureau.

Sec. 23. Current and contingent
2 expenses .................................. $ 5,000.00 $ 5,000.00

State Tax Commissioner.

Sec. 24. For expenses of carry-
2 ing out the provisions of Senate Bill No.
3 1, second extraordinary session, so far
4 as the same relates to excise taxes on cor-
5 porations, including compensation for
6 assistants, clerks, stenographers and all
7 other expenses.............................. $ 7,500.00 $ 7,500.00
8 Filing cases ............................... $ 2,000.00

State Librarian.

Sec. 25. For librarian at Charles Town each year $500.00

Miscellaneous Appropriations.

Sec. 26. For the payment of the following miscellaneous
2 items, the sum set opposite each item is hereby appropriated:
3 county court, McDowell county, for clothing furnished
4 prisoners ................................... $ 2,455.23
5 To pay the Chesapeake & Potomac Telephone Company,  
6 telephone service for the regular and extraordinary  
7 session, 1915 ........................................ 100.34  
8 To pay Lovett Printing Company for rubber stamps  
9 To pay Charleston Paper & Stationery Company for  
10 pencil sharpeners and drinking cups for the house  
11 and senate ........................................ 24.00  
12 To pay Underwood Typewriter Company for rental of  
13 machines, etc. .................................... 96.53  
14 To pay J. K. Monroe, balance on boundary line survey  
15 To pay S. Spencer Moore Company for pencil sharpen-  
16 ers, shades, etc., for the senate and house ........ 6.20  
17 To cover printing, binding and stationery for extraor-  
18 dinary sessions, 1915, and deficit in appropriation for  
19 1914 and 1915 ..................................... 10,000.00  
20 To pay West Publishing Co. for twenty copies of the code  
21 To pay refund license tax Ohio Valley Commission Co. $ 208.30  
22 To pay refund of license tax of James Greer & Co ...... 208.30  
23 To pay Civilla Grass for washing towels .............. 10.00  
24 To pay Rose Cuzzins, charwoman .................... 9.00  
25 To pay Mary Elam, charwoman ....................... 9.00  
26 To pay Will E. Long for rent of personal typewriter  
27 To pay the city of Fairmont for one-third of the total  
28 amount for paving Gaston avenue, between Second  
29 and Third streets, and abutting on the east side of  
30 the normal school property ........................ 415.40  
31 Walnut Hill Lithia Water Co ........................ 139.60  
32 To pay F. A. Holsberry & Co. for refund of license fees  
Sec. 27. Wherever the figures "1916" are used in this bill,  
2 it is intended that the amount appearing in the column under  
3 such figures shall be appropriated for the purposes herein named  
4 for the fiscal year ending June thirtieth, one thousand nine hun-  
5 dred and sixteen; and wherever the figures "1917" are used in  
6 this bill, it is intended that the amount appearing in the column  
7 under such figures shall be appropriated for the purposes herein named  
8 for the fiscal year ending June thirtieth, one thousand nine  
9 hundred and seventeen.  

Be it further enacted by the Legislature of West Virginia:  
Sec. 28. The appropriations herein made to or for any  
2 state board or institution shall be drawn from the treasury upon
the requisition of the proper officers thereof made upon the auditor at such times and in such amounts as may be necessary for the purposes for which such appropriations are made; and the auditor shall pay the amount named in any such requisition at such times and in such installments as shall be necessary for the purpose for which any such appropriation is made. But all requisitions for appropriations for new buildings and substantial betterments, except such as are under control of the board of control, shall be accompanied by the architect's estimate that the amount named in such requisition is needed for immediate use. The auditor shall not issue his warrants to pay any money out of the state treasury unless the same is needed for present use.

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

Sec. 29. All printing, binding and printing paper and stationery for the state superintendent of free schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions shall be paid for out of the appropriation for public printing, public binding, or for supplying paper or stationery, but shall be paid for out of the appropriations therefor herein made, or out of the expense fund for contingent expense fund thereof, namely:

Public service commission, workmen's compensation fund, forest, game and fish warden, board of dental examiners, state
12 vaccine agents, commissioners of pharmacy, state board of examiners, state board of agriculture, state board of embalmers, Welch hospital No. 1, McKendree hospital No. 2, Fairmont hospital No. 3, West Virginia humane society, normal schools, schools for the deaf and the blind, the university and all its departments and branches, including the experiment station, Weston and Spencer state hospitals, industrial school for boys, the collegiate institute, the industrial home for girls and the Huntington state hospital. Such boards, officers and institutions, except the state superintendent of free schools, that are herein required to pay for their own printing, stationery and printing paper and binding, have authority to procure the same, or have the same done on requisition of the superintendent of public printing, or may buy such printing and stationery, or have such printing and binding done on competitive bids, under such rules as may be made by the commissioners of public printing.

When stationery or printing paper is procured from the superintendent of public printing, or printing and binding are done on requisition on his office, by any such board, officers and institutions, the superintendent of public printing as to such printing, binding, stationery and printing paper, shall certify the cost thereof to the auditor, stating to what officer, board or institution the same was furnished, and the auditor shall charge against the proper fund or appropriation of such officers, institutions or board the amount thereof, and credit such amount to the proper appropriation made by this act for public printing, binding, stationery, and printing paper. Provided, that the annual or biennial reports required by law to be made to the governor by such board, officers and institutions shall be printed and paid for out of the appropriation for public printing, public binding and for supplying printing paper and stationery, but all such reports shall be typewritten, or prepared in such a manner that the same shall be legible and suitable for printers' copy, and only so much of any such reports shall be printed as may be ordered by the governor; and no such reports shall be printed by the public printer except on requisition therefor, signed by the governor, which requisition shall state the number to be printed and how the same are to be bound. Such officers, boards and institutions as are required by law to make a report to the governor shall place the same in his hands within thirty days after the close of the period which they are to cover.
Sec. 30. No sum of money shall be paid out of the treasury for the years ending June thirtieth, one thousand nine hundred and sixteen, and one thousand nine hundred and seventeen, beyond the amounts hereby appropriated, unless the same be provided for by the constitution or some general law.

Sec. 31. Upon the adjournment of this session of the legislature, the clerk of the house and the clerk of the senate shall jointly make up and furnish the auditor, without delay, a certified copy of this and all other acts carrying appropriations.

CHAPTER 2

(>House Bill No. 11.)

AN ACT making appropriations of public moneys to pay the per diem and mileage of the members of the legislature for the second extraordinary session of one thousand nine hundred and fifteen, and for the salaries of the officers and attaches thereof.

[Passed May 24, 1915. In effect from passage. Approved by the Governor May 24, 1915.]

SEC. 1. Appropriations authorized for mileage and per diem of members of the legislature for second extraordinary session of 1915, and per diem of officers and attaches.

SEC. 2. Auditor authorized and directed to issue his warrants on the treasury upon requisition of clerk of the senate and sergeant-at-arms of the house.

Be it enacted by the Legislature of West Virginia:

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

House of Delegates.

8 To pay the mileage of the members, $3,053.50.
9 To pay the per diem of the members, $2,768.00 or as much as may be necessary to pay the per diem of the members.
9-a To pay the per diem of the clerk and for services preliminary to the extraordinary session, $180.00.
10 To pay the per diem of the sergeant-at-arms, $40.00.
11 To pay the per diem of the doorkeeper, $32.00.
14 To pay the per diem of the assistant doorkeeper, $32.00.
15 To pay the per diem of nine assistant clerks, $432.00.
16 To pay the per diem of two committee clerks, $96.00.
17 To pay the per diem of two stenographers, $96.00.
18 To pay the per diem of the private secretary to speaker, $48.00.
19 To pay the salary of the gallery doorkeeper, $32.00.
20 To pay the per diem of the night watchman, $32.00.
21 To pay the per diem of the cloakroom attendant, $24.00.
22 To pay the per diem of two journal pages, $64.00.
23 To pay the per diem of three floor pages, $72.00.
24 To pay the per diem of the assistant sergeant-at-arms, $32.00.

Senate.
25 To pay the per diem of ten assistant clerks, $480.00.
26 To pay the per diem of two stenographers, $96.00.
27 To pay the per diem of four floor stenographers, $160.00.
28 To pay the per diem of three committee clerks, $144.00.
29 To pay the per diem of page to the clerk, $24.00.
30 To pay the per diem of stenographer to select committee, $40.00.
31 To pay the per diem of the day watchman $32.00.
32 To pay the per diem of the night watchman, $32.00.
33 To pay the per diem of the gallery doorkeeper, $32.00.
34 To pay the per diem of two cloakroom attendants, $64.00.
35 To pay the per diem of chief page, $32.00.
36 To pay the per diem of two journal pages, $48.00.
37 To pay the per diem of mailing and banking page, $24.00.
38 To pay the per diem of six floor pages, $144.00.
Janitors.

To pay the per diem of the janitor, extra compensation during this extraordinary session, $24.00.
To pay the per diem of six assistants to the janitor, $144.00.
To pay the per diem of two charwomen, at one dollar and fifty cents per day, $24.00.

Sec. 2. The auditor of this state is hereby authorized and directed to issue his warrants upon the treasury for such amounts as are or may become due to the several members, officers and attaches of the senate and the house of delegates, upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house of delegates, respectively.

CHAPTER 3

( Senate Bill No. 1.)

AN ACT to provide additional revenue for the state by amending and re-enacting section twenty-four-a-I and twenty-four-a-III of chapter fifty-four of the code, serial sections 2918 and 2920 of the code of one thousand nine hundred and thirteen, and repealing section twenty-four-a-VI, serial section 2923, relating to corporations; and by amending and re-enacting section sixty-two of chapter thirty-two of the code, as last amended and re-enacted by chapter sixty-six of the acts of one thousand nine hundred and thirteen, relating to the rate of taxation on real and personal property for state and state school purposes and the amount of the general school fund; and by repealing sections one hundred and twenty-six, one hundred and twenty-seven and one hundred and twenty-eight of chapter thirty-two of the code, serial sections 1259, 1260 and 1261, and enacting in lieu thereof a section to be numbered one hundred and twenty-six of said chapter, serial section 1259 of the code, relating to license tax on resident and non-resident corporations; and by amending and re-enacting section one hundred and thirty of chapter thirty-two of the code, serial section 1263 of the code, relating to annual license tax on foreign corporations for the privilege of holding property and doing business in this state; and by imposing a special excise tax on corporations, joint stock companies, associations, and insurance companies, for the privilege of doing business in the state of West Virginia; amending chapter thirty-two of the code,
by adding thereto sections five to sixteen, both inclusive, of this act, to be numbered from one hundred and forty-seven to one hundred and fifty-eight, both inclusive, of said chapter.

[Passed May 21, 1915. In effect ninety days from passage. Approved by the Governor May 24, 1915.]

SEC. 1. Amending and re-enacting sections 24-a-I and 24-a-II of chapter 54 of code; chapter 24-a-VI repealed.

24-a-I. Auditor constituted attorney in fact for foreign and domestic corporations doing business in this state; act of corporations not necessary in such designation.

24-a-II. Post office or change of address to be filed with power of attorney; duty of auditor when served with process or notice.

SEC. 62. Chapter 32, of code, as amended by chapter 66, acts 1913, amended and re-enacted:

62. On real and personal property for 1915, 14 cents on the $100 valuation; for 1916, not to exceed 14 cents on the $100; thereafter not to exceed 10 cents for state and state school taxes authorized; board of public works to reduce levy or eliminate same under certain conditions; duty of auditor as to apportionment of levy.

SEC. 126, 127, 128, chapter 32, of code, repealed; section 126 enacted:

126. License tax of resident and non-resident corporations for fiscal year beginning July 1, 1915, all amendatory taxes thereinafter fixed.

SEC. 130, chapter 32, of code, 1913, amended and re-enacted:

130. Foreign corporations holding property or doing business in this state to make annual report to the auditor; when made and what to contain, and how verified; duty of auditor as to fixing license tax; no license tax less than $150; how additional information may be obtained; penalties for failure.

SEC. 7. Ascertainment of net income and method to be employed; taxes imposed to be computed on net income for year ending December 31; tax imposed under this chapter to be upon corporations, etc., named in section 4; exceptions as to insurance companies.

SEC. 8. Blank forms to be furnished by state tax commissioner and to conform to United States forms for excise tax provided by act of congress October 3, 1913; companies may use duplicate of return made to collector of internal revenue; exceptions as to insurance companies.

SEC. 9. State tax commissioner to make assessment of tax and notify company; how notice to be given; how to proceed in case of failure to make return.

SEC. 10. Remedy of company in case of grievance is to board of public works; petition and procedure.

SEC. 11. No injunction to be awarded to restrain collection of taxes except under certain conditions.

SEC. 12. Payment of taxes to be made within sixty days after notice, etc.; all taxes a debt to the state and ten per cent. penalty added if not paid when due.

SEC. 13. Special excise tax is a tax in addition to all licenses or other taxes; certificate of payment to be issued by state tax commissioner.

SEC. 14. Penalty for false or fraudulent return.

SEC. 15. Unlawful to divulge information disclosed in any statement, and penalty for violations; state tax commissioner custodian of returns; supreme court may prescribe conditions upon which return may be made public; exceptions.

SEC. 16. State tax commissioner to adopt rule of construction of United States internal revenue commissioner in determining what are items of income.

SEC. 17. Chapter 32 of code amended by adding sections 5 to 16, inclusive, of this act, numbered from 142 to 158, both inclusive.

SEC. 18. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That sections twenty-four-a-I and twenty-four-a-II, of chapter fifty-four of the code of West Virginia, being serial
3 providing additional revenue. [CH. 3

sections 2918 and 2920, be amended and re-enacted so as to read 4 as follows:
5 That chapter twenty-four-a-VI of said chapter, being serial 6 section 2923, be repealed.

Sec. 24-a-I. The auditor of this state shall be, and he is 2 hereby, constituted the attorney in fact for and on behalf of every 3 foreign corporation doing business in this state and of every non- 4 resident domestic corporation, with authority to accept service of 5 process on behalf of and upon whom service of process may be 6 made in this state for and against every such corporation. No 7 act of such corporation appointing the auditor such attorney in 8 fact shall be necessary.

Sec. 24-a-III. The post office address of such corporation 2 shall be filed with the power of attorney, and there shall be filed 3 with the auditor from time to time statements of any change of 4 address of said corporation. Immediately after being served with, 5 or accepting any such process or notice, the auditor shall make 6 and file a copy of such process or notice, with a note thereon in- 7 dorsed of the time of service, or acceptance, as the case may be 8 and transmit such process or notice by registered mail to such 9 corporation at the address last furnished as aforesaid. But no 10 such process or notice shall be served on the auditor or accepted 11 by him less than ten days before the return thereof.

Sec. 2. That section sixty-two of chapter thirty-two of the 2 code, as last amended and re-enacted by chapter sixty-six of the 3 acts of one thousand nine hundred and thirteen, relating to the 4 rate of taxation on real and personal property for state and state 5 school purposes and the amount of the general school fund, be 6 amended and re-enacted so as to read as follows:

"Sec. 62. On all real and personal property not exempt from 8 taxation for the year one thousand nine hundred and fifteen, 9 fourteen cents on the one hundred dollars valuation, for the year 10 one thousand nine hundred and sixteen not to exceed fourteen 11 cents on the one hundred dollars, and thereafter not to exceed 12 ten cents on the one hundred dollars valuation, for state and 13 state school taxes, shall be imposed upon real and personal prop-
14 erty; provided, that the board of public works for the year one 15 thousand nine hundred and sixteen, and thereafter may reduce 16 and fix the amount of the levy for the state and state school 17 purposes to any amount not less than one cent on each one
18 hundred dollars; and said board may, when it deems that no state
19 levy is necessary for any year, so declare, and refrain from fixing
20 or laying any such levy for such year; and, provided, further,
21 that said board, in its discretion, for the year one thousand nine
22 hundred and fifteen, or any year thereafter, may apportion the
23 levy fixed by it between the state fund and the general school
24 fund. But if the amount of the general school fund in any year
25 is less than seven hundred and fifty thousand dollars, the board
26 of public works shall transfer thereto from the state fund an
27 amount necessary to make the general school fund at least seven
28 hundred and fifty thousand dollars. Any act of the board of
29 public works in fixing the levy shall be certified by the president
30 and secretary of said board to the clerk of the county court, the
31 assessor and the sheriff of every county not later than the first
32 day of September for the year one thousand nine hundred and
33 fifteen, and thereafter not later than the first day of August of
34 the year for which said levy is to apply; and it shall be the duty
35 of said officers to extend the levy so fixed by the board of public
36 works on the personal property books and the land books of their
37 county:"

Sec. 3. That sections one hundred and twenty-six, one hun-
2 dred and twenty-seven and one hundred and twenty-eight of
3 chapter thirty-two of the code, being serial sections 1259, 1260
4 and 1261, be repealed, and the following enacted, to be numbered
5 section one hundred and twenty-six of said chapter, serial section
6 1259 of the code.
7 "Sec. 126. Every resident and non-resident domestic cor-
8 poration shall pay a license tax on its charter for the fiscal year
9 beginning the first day of July, one thousand nine hundred and
10 fifteen, and annually thereafter, based on its authorized capital
11 stock as follows:
12 If the authorized capital stock be five thousand dollars, or
13 less, twenty dollars.
14 If more than five thousand dollars and not more than ten
15 thousand dollars, thirty dollars.
16 If more than ten thousand dollars and not more than twenty-
17 five thousand dollars, forty dollars.
18 If more than twenty-five thousand and not more than fifty
19 thousand dollars, fifty dollars.
20 If more than fifty thousand dollars and not more than
21 seventy-five thousand dollars, eighty dollars.
PROVIDING ADDITIONAL REVENUE.

If more than seventy-five thousand dollars and not more than one hundred thousand dollars, one hundred dollars.

If more than one hundred thousand dollars and not more than one hundred and twenty-five thousand dollars, one hundred and ten dollars.

If more than one hundred and twenty-five thousand dollars and not more than one hundred and fifty thousand dollars, one hundred and twenty dollars.

If more than one hundred and fifty thousand dollars and not more than one hundred and seventy-five thousand dollars, one hundred and forty dollars.

If more than one hundred and seventy-five thousand dollars and not more than two hundred thousand dollars, one hundred and fifty dollars.

If more than two hundred thousand dollars and not more than one million dollars, one hundred and eighty dollars, and an additional twenty cents on each one thousand dollars, or fraction thereof, in excess of two hundred thousand dollars.

If more than one million dollars, three hundred and forty dollars and an additional fifteen cents on each one thousand dollars, or fraction thereof, in excess of one million dollars.

Sec. 4. That section one hundred and thirty of chapter thirty-two of the code, being serial section 1263 of the code of West Virginia nineteen hundred and thirteen, relating to the annual license tax on foreign corporations for the privilege of holding property and doing business in this state be amended and re-enacted to read as follows:

"Sec. 130. Every foreign corporation holding property or doing business in this state shall make report to the auditor annually in the third month preceding the beginning of the license tax year, in which report shall be set out:

First. The name of such corporation, the name of the state or country by which incorporated, the date of the incorporation, the date of the certificate of the secretary of state authorizing it to do business in this state, the place of its principal office, the names and post office addresses of its president, secretary, and of its officers, if any, charged with the duty of making returns of its property for taxation and the name and post office address of its attorney of record in this state;
Second. The number of shares of its authorized capital stock, and the par value of each share;

Third. The value of the property owned and used by such corporation within this state, where situate, of what it consists, and the number of acres of land it holds in this state; and the value of its property owned and used within this state; and,

Fourth. The proportion of its capital stock which is represented by property owned and used in the state of West Virginia. Such report shall be verified by the affidavit of the president, secretary or other executive officer of such corporation.

It shall be the duty of the auditor to assess and fix the license tax of such corporation according to the proportion of its capital stock which is represented by its property owned and used in this state, which license tax shall be at the rate prescribed in section three of this act, plus fifty per centum of such tax; provided, that no such corporation shall pay an annual license tax of less than one hundred and fifty dollars. The auditor may in any case require such additional information as he may deem necessary to enable him to assess and fix the just amount of license tax of such corporation; and it shall be his duty to notify every such corporation of the amount so assessed by him; and it shall be the duty of the corporation to pay the same into the treasury of the state within thirty days thereafter, and if it fail to do so it shall be liable to the penalties prescribed in sections one hundred and thirty-six and one hundred and thirty-seven of this chapter.”

Sec. 5. Every corporation, joint stock company, or association organized for profit, and having a capital stock represented by shares, and every insurance company, respectively, now or hereafter organized under the laws of this state, or under the laws of any other state or government and engaged in any business whatsoever in the state of West Virginia, shall pay an annual special excise tax for the privilege of carrying on or doing business in the state of West Virginia, equivalent to one-half of one per centum upon the entire net income of such company, received by it from all sources during the year, on business transacted and capital invested in this state, as hereinafter set forth; provided, however, that nothing in this section contained shall apply to labor, agricultural or horticultural organizations; nor to mutual savings banks not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors; nor
to cemetery companies, which are organized and operated exclusively for the benefit of their members; nor to fraternal beneficiary societies, orders or associations operating under the lodge system, or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders or associations, and dependents of such members; nor to domestic building and loan associations organized and operated exclusively for the benefit of their members; nor to any corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes; nor to business leagues, chambers of commerce or boards of trade, or any civic league or organization organized and operated exclusively for the promotion of social welfare, none of which said organizations, savings banks, cemetery companies, fraternal beneficiary societies or fraternities, building and loan associations, charitable, religious, scientific or educational associations, business leagues, chambers of commerce or boards of trade, or civic leagues, named in this proviso, are organized for profit, and no part of the net income of which inures to any private stockholder or individual.

Sec. 6. Every such corporation, joint stock company, association, or insurance company, hereinafter called company, liable under the preceding section for the tax imposed by this act, shall, on or before the first day of March, one thousand nine hundred and sixteen, and on or before the first day of March in each year thereafter, deliver to the state tax commissioner a return in writing, which shall be signed and sworn to by its president, vice-president, or other principal accounting officer, in the form prescribed by the state tax commissioner, as hereinafter prescribed, for the year ending December thirty-first, next preceding; provided, that any corporation, joint stock company or association, or insurance company subject to this tax may designate the last day of any month in the year as the day of the closing of its fiscal year and shall be entitled to have the tax payable by it computed upon the basis of the net income, ascertained as herein provided, for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the tax commissioner not less than thirty
21 days prior to the date upon which its annual return shall be filed.
22 And all corporations, joint stock companies or associations, and
23 insurance companies, computing taxes upon the income of a fiscal
24 year which it may designate in the manner hereinbefore provided,
25 shall render a like return within sixty days after the close of its
26 said fiscal year, and within sixty days after the close of its fiscal
27 year in each year thereafter. Such return shall accurately and
28 fully set forth:
29  First. The total amount of paid up capital stock of such
30 company outstanding at the close of the year; or, if no capital
31 stock, the amount employed in its business at the close of the year.
32  Second. The total amount of its bonded and other indebtedness
33 at the close of the year.
34  Third. The gross amount of its income received during such
35 year from all sources, and in the case of insurance companies dis-
36 tinuing between that arising from business transacted within
37 this state and out of this state; and also stating separately the
38 amount received by it within the year, by way of dividends upon
39 stock of other corporations, joint stock companies, associations
40 or insurance companies subject to the tax imposed by this act,
41 giving the name and location of every such company, upon the
42 stock of which such dividends are received, and the amount of
43 such dividends received from each of such companies.
44  Fourth. The total amount of all the ordinary and necessary
45 expenses paid out of the earnings within the year in the main-
46 tenance and operation of the business and properties thereof, sta-
47 ting separately all charges such as rentals or other payments re-
48 quired to be made as a condition to the continued use or possess-
49 ion of the property.
50  Fifth. The total amount of all losses actually sustained dur-
51 ing the year and not compensated by insurance or otherwise,
52 stating separately any amounts claimed for depreciation of prop-
53 erty; and, in the case of insurance companies, also of dividends
54 paid within the year, including those paid on policy and annuity
55 contracts, and the net addition, if any, required by law to be made
56 within the year to reserve funds in this state.
57  Sixth. The amount of interest accrued and paid within the
58 year on its bonded and other indebtedness not exceeding one-half
59 of the sum of its interest-bearing indebtedness and its paid up
60 capital stock outstanding at the close of the year, or if no capital
ADDITIONAL REVENUE.

Section 6. The amount of interest paid within the year on the amount of the indebtedness not exceeding the amount of the capital employed in the business at the close of the year; and in case of a bank, banking association, or trust company, stating separately all interest paid within the year on deposits.

Section 7. The amount paid by it within the year for taxes of every kind imposed under the authority of this state, and separately the amount so paid by it for taxes imposed by any other government.

Section 8. The net income of such company, after making the deductions and exemptions authorized by the next section.

Section 8. The net income of every such company as is required to make the return named in the preceding section, and for which the tax shall be assessed which is imposed by this chapter, shall be ascertained by deducting from the gross amount of its income:

First. All of the ordinary and necessary expenses actually paid within the year out of its earnings in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of the property.

Second. All losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any; and in case of mines, a reasonable allowance for the depletion of ores and of other natural deposits, not to exceed five per centum of the gross value at the mine of the output for the year for which the computation is made; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds, and the sums other than dividends paid within the year on policy and annuity contracts; provided, that mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses, shall be entitled to deduct from gross income any portion of such premium deposits returned to policy holders within any year; and that life insurance companies shall be entitled to deduct from gross income in any year such portion of any actual premium received from any individual policy holder as shall have been paid back or credited to such individual policy holder, or treated as an abatement of premium of such individual
policy holder, within such year, and that assessment insurance companies shall be entitled to deduct from gross income in any year the actual amount deposited with any state officer, pursuant to law, as addition to guaranty or reserve funds.

Third. The amount of interest accrued and paid within the year on its bonded or other indebtedness as defined and limited in the preceding section; and in case of a bank, banking association, or trust company, all interest actually paid by it within the year on deposits; provided, that in case of bonds or other indebtedness that have been issued with a guaranty that the interest payable thereon shall be free from taxes, no deduction for the payment of the tax herein imposed shall be allowed, and in case of a bank, banking association, loan or trust company, interest paid within the year on deposits or moneys received for investment and secured by interest bearing certificates of indebtedness issued by such bank, banking association, loan or trust company.

Fourth. All sums paid by it within the year for taxes of every kind, other than assessments for local benefits or improvements.

Fifth. All amounts received by it within the year as dividends upon stock of other corporations, joint stock companies, associations, or insurance companies, subject to the tax hereby imposed.

The tax herein imposed shall be computed upon the entire taxable net income accrued within the year ending December thirty-first, one thousand nine hundred and fifteen, and for each calendar or fiscal year thereafter.

It is the intention of this chapter to assess the tax imposed thereby on the net income as defined therein of the corporations, joint stock companies, associations, and insurance companies named in section four, arising from business transacted and capital invested in this state. Every such company having capital invested in its business in this state only, shall pay the tax upon its entire net income ascertained as herein provided; and every such company, except an insurance company, engaged in business and having capital invested and transacting business both in and out of the state, shall pay the tax upon that part of its entire net income which bears the same proportion to its whole net income that the assessed value for purposes of taxation of its assets and property within the state bears to the total assessed value of all of
its assets and property in the jurisdictions where it is located.

Insurance companies transacting business both in and out of the state shall pay the tax upon that part of the entire net income which bears the same proportion to the whole net income ascertained, as herein provided, that the gross receipts from business transacted within the state bears to the total gross receipts from all sources for the period the tax is assessed.

No life insurance company, subject to the tax imposed by this act, and the tax of two per centum on its premium income imposed by chapter seventy-seven of the acts of one thousand nine hundred and seven, nor any agent thereof, shall be required to pay a license or other like tax to any municipal corporation for the privilege of transacting business therein.

Sec. 8. The state tax commissioner shall furnish blank forms for making all returns required by this chapter, which forms shall conform as far as practicable to those furnished from time to time to such companies by the collector of internal revenue for the United States for making returns for the excise tax provided for by act of congress passed on the third day of October, nineteen hundred and thirteen. And any company required to make a return by any provision of this chapter may furnish to the state tax commissioner a copy or duplicate of the return for the same period which it may make to the collector of internal revenue, except that an insurance company, transacting business both in and out of the state, shall supplement the same by a statement showing separately the gross income from business transacted in the state and the gross income from all sources; and any such company, other than an insurance company, engaged in business and having capital invested both in and out of the state, shall supplement said copy or duplicate to be furnished to the state tax commissioner, with a statement showing the assessed valuation of all property and assets for purposes of taxation in the state, and the total assessed value for purposes of taxation of all property and assets out of the state. Such duplicate or copy and any supplemental statement furnished with the same, shall be verified by the oath of the president or a vice president and treasurer of the company making the return, and the affidavit shall state that the copy or duplicate is an exact and true copy of the account and statement contained in the return made for the same period to the collector of internal
27 revenue, under the provisions of said act of congress. The return
28 so made shall be accepted as conclusive by the state tax commis-
29 sioner for the purposes of this act, except that any company which
30 may be required to make any amended or supplemental return
31 to the collector of internal revenue under said act of congress for
32 any year, shall, upon making the same, forthwith furnish to the
33 state tax commissioner a copy or duplicate of such amended or
34 supplemental return, which shall be considered in connection with
35 the original return to the state tax commissioner in assessing the
36 tax levied under this act.

Sec. 9. The state tax commissioner shall ascertain and assess
2 the tax upon the company making a return, and shall notify it of
3 the amount of such tax by a notice deposited in the postoffice ad-
4 dressed to such company at its principal office or place of business.
5 Such ascertainment of the tax shall be final and conclusive, unless
6 the same be appealed from in the manner following, within thirty
7 days after such notice is so deposited. If any company fail or
8 refuse to make a return, the state tax commissioner shall proceed,
9 in such manner as may seem best, to obtain the facts and informa-
10 tion required to be furnished by such return; and to this end he
11 may, by himself or his duly appointed agent, make examination of
12 the books, records and papers of any such company, and may take
13 the evidence, on oath, of any person who he may believe shall be
14 in possession of facts or information pertinent to the subject of
15 inquiry, which oath he or the agent so appointed by him may
16 administer. As soon as possible after procuring such information
17 as he may be able to do with respect to any company failing or
18 refusing to make a return, the state tax commissioner shall pro-
19 ceed to ascertain and assess the tax upon such company, and shall
20 notify it of the amount thereof as hereinbefore provided. And his
21 act shall be final as to any company which refused to make a return.

Sec. 10. If any such company, making a return as provided
2 by this act, feels aggrieved by the assessment so made upon it for
3 any year by the state tax commissioner, it may apply to the
4 board of public works by petition, in writing, within thirty days
5 after the notice is deposited as provided in the preceding section,
6 for a hearing and a correction of the amount of the tax so assessed
7 upon it by the state tax commissioner, in which petition shall be
8 set forth the reasons why such hearing should be granted and
9 the amount such tax should be reduced. The board shall
promptly consider such petition, and may grant such hearing or
deny the same. If denied, the petitioner shall be forthwith
notified thereof; if granted, the board shall notify the petitioner
of the time and place fixed for such hearing. After such hearing
the board may make such order in the matter as may appear to
them just and lawful, and shall furnish a copy of such order to
the petitioner.

Sec. 11. No injunction shall be awarded by any court or
judge to restrain the collection of the taxes imposed by this act,
or any part of them, so assessed upon any corporation, joint
stock company, association, or insurance company, except upon
the ground that the assessment thereof was in violation of the
constitution of the United States, or of this state; or, that the
same were fraudulently assessed; or that there was a mistake
made in the amount of taxes assessed upon such corporation,
joint stock company, association, or insurance company. In the
latter case no such injunction shall be awarded, unless applica-
tion shall be first made to the board of public works to correct
the alleged mistake, and the board shall refuse to do so, which
fact shall be stated in the bill, or unless the complainant pay
into the treasury of the state all taxes appearing by the bill of
complaint to be owing.

Sec. 12. Every company so assessed with taxes shall pay
the same into the state treasury within sixty days after the date
of the mailing of the notice of the amount thereof, or within
thirty days after notification of the amount thereof, when ascer-
tained and assessed by the board of public works on appeal. All
taxes assessed under provisions of this act against any such com-
pany shall constitute a debt to the state, and may be collected
by action of assumpsit, or appropriate judicial proceeding, which
remedy shall be in addition to all other existing remedies. It
shall be the duty of the state tax commissioner to proceed to
collect such taxes with a penalty of ten per centum added thereto
if not paid when due.

Sec. 13. The special excise tax imposed by this act shall
be a tax in addition to all license or other taxes now imposed or
prescribed by law as a condition for the transaction of any busi-
ness in this state, by any corporation, joint stock company, asso-
ciation, or insurance company; and when paid, shall authorize
the company making payment to engage in the business author-
ized by its charter, if otherwise lawful, and if such authority be
not otherwise forfeited, within the state of West Virginia for
the year for which the same is levied. At the time of paying the
taxes the state tax commissioner shall issue to the company pay-
ing the same a certificate of payment for the proper fiscal year.

Sec. 14. Any person required or authorized by law to make,
2 sign or verify any return by this act, who makes any false or
3 fraudulent return or statement with intent to defraud the state,
4 or defeat or evade the payment of the tax, or any part thereof,
5 imposed by this act, shall be guilty of a misdemeanor, and upon
6 conviction thereof, shall be fined not less than one hundred dol-
7 lars nor more than five thousand dollars, or may be imprisoned
8 not exceeding one year, or both, at the discretion of the court, to
9 which fine shall be added the costs of the prosecution.

Sec. 15. It shall be unlawful for any officer, agent, clerk or
2 other employee of the state to divulge or make known in any man-
3 ner whatever, not provided by law, to any person, the amount or
4 source of indebtedness, income, profits, losses, expenditures, or
5 any particular thereof, set forth or disclosed in any income re-
6 turn made under the provisions of this act; or to permit any such
7 return or copy thereof, or any book containing any abstract or par-
8 ticulars thereof, to be seen or examined by any person, except as
9 provided by law; and it shall be unlawful for any person to print
10 or publish in any manner whatever, not provided by law, any such
11 return or any part thereof, or the amount or source of income,
12 profits, losses or expenditures appearing in any such return. Any
13 person violating the foregoing provision shall be guilty of a mis-
14 demeanor, and, upon conviction thereof, shall be fined not ex-
15 ceeding one thousand dollars, or be imprisoned not exceeding
16 one year; or, in the discretion of the court, be both so fined and
17 imprisoned; and if the offender be an officer or an employee of
18 this state he shall be dismissed from office and be incapable there-
19 after of holding any office in the state or any subdivision of the
20 state. The state tax commissioner shall be custodian of all such
21 returns, and shall securely keep the same. The supreme court of
22 appeals of the state may, in each particular case, on application
23 of any officer of the state charged with the enforcement of the
24 laws of the state, and of any person or corporation interested, pre-
25 scribe the manner in, and conditions upon, which any return may
26 be made public or the use thereof in any court or judicial pro-
27 proceedings be procured. The court may also provide for the use
28 of a copy of such return instead of the original; provided, how-
29 ever, that nothing herein shall prohibit the making public of
30 any such return by and with the consent of the president or other
31 chief officer of the company making the return.

Sec. 16. In determining what is or is not a proper item of
2 income of any company, or a proper deduction from gross in-
3 come, for the purposes of this chapter, the state tax commissioner
4 shall follow and adopt any rule, or construction, which may here-
5 after be promulgated by the commissioner of internal revenue of
6 the United States, or given to said act of congress passed on the
7 third day of October, one thousand nine hundred and thirteen,
8 by the courts of the United States, and no item which may be
9 excluded by any such rule, or construction of said act, shall be
10 included in the income of any such company, or taxed as a part
11 of its income under the provisions of this chapter, and any item
12 of deduction from gross income made proper by such rule, or
13 construction of said act of congress, shall be allowed as a proper
14 item of deduction under this act.

Sec. 17. That chapter thirty-two of the code be amended by
2 adding thereto sections five to sixteen, both inclusive, of this act,
3 to be numbered in said chapter from one hundred and forty-seven
4 to one hundred and fifty-eight, both inclusive.

Sec. 18. All acts and parts of acts inconsistent with the
2 provisions of this act are hereby repealed.

CHAPTER 4

(Senate Bill No. 2.)

AN ACT to amend and re-enact section fifteen of chapter eight of the
acts of one thousand nine hundred and fifteen, regular session,
creating a public service commission, prescribing its powers and
duties and penalties for violation of the provisions of said chapter.

(Passed May 24, 1915. In effect ninety days from passage. Approved by the
Governor May 29, 1915.)


Sec. 16. Public service corporations to pay
a special license fee in addition
to those prescribed by law, to be
fixed by auditor, and apportioned
to produce revenue of $00,000;
when and how paid; sum, or so
much as necessary, appropriated
for paying expenses of commission,
etc.; salaries of members
of commission to be paid out of
state fund.
Be it enacted by the Legislature of West Virginia:

That section fifteen, chapter eight of the acts of one thousand nine hundred and fifteen, regular session, be amended and re-enacted as follows:

Section 15. There shall be paid by all public service corporations subject to the provisions of this act a special license fee in addition to those now required by law. Such fees shall be fixed by the auditor, upon each of such public service corporations, according to the value of its property, as ascertained by the last preceding assessment, and shall be apportioned among such public service corporations upon the basis of such valuation, so as to produce a revenue of sixty thousand dollars per annum, or so much thereof as may be necessary, which shall be paid on or before the twentieth day of January in each year. Such sum of sixty thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside for the purpose of paying the expenses of the commission, and the salaries, compensations, costs and expenses of its employees. The salaries of the members of the commission shall be payable out of the state fund, in the same manner as the salaries of other state officers are paid, and charged to the appropriations which have been and shall hereafter be made from time to time by the legislature for the administration of this act.

CHAPTER 5
(Senate Bill No. 3.)

AN ACT to amend and re-enact section 45-a-I of chapter sixty-two (serial section 3509), of the code of West Virginia, of one thousand nine hundred and thirteen, relating to game and fish.

[Passed May 24, 1915. In effect ninety days from passage. Approved by the Governor May 24, 1915.]

Be it enacted by the Legislature of West Virginia:

Section 1. That section 45-a-I (serial section 3509) of the code...
2 of West Virginia of one thousand nine hundred and thirteen, be
amended and re-enacted to read as follows:

Sec. 45-a-1. It shall be unlawful for any person, firm or cor-
poration to throw, discharge or cause to enter into any stream,
water-course or water in this state, saw-dust or other matter
deleterious to the propagation of fish. It shall be lawful, however,
to drain or cause to be drained from any mine in the state by the
owner or operator thereof the water that naturally collects in such
mine and the water from any coal washery, and to discharge the
same into any stream, water-course or water in the state; provided,
however, that any mine from which the water is so discharged
or drained shall be kept in a sanitary condition and the water
draining or flowing from such mine, and from such washery, shall,
while in the mine and on the premises of the mine owner or
operator, be kept free from pollution by human or animal excre-
ture or substance deleterious to health. And the state board of
health, its agents, employees and servants shall at all seasonable
times have authority to enter upon the premises and into any such
mine in order to see that the same is kept in a sanitary condition
and that the waters draining therefrom are free from the objec-
tionable substance named herein; with the right to the state
board of health to prevent any mine owner or mine operator
who fails to comply with the provisions of this act from draining or
discharging the water or waters from his or its mine into any
stream, water or water-course in the state; provided, further, that
any mine owner or operator having one suitable, convenient and
sufficient outlet for the water from his or its mine into one stream
shall not cause the same to be drained into any other stream.

Any person, firm or corporation violating any of the provisions
of this section shall be guilty of a misdemeanor and fined not less
than twenty-five dollars nor more than one hundred dollars for
each and every such offense; provided, that no prosecution to en-
force this section shall be instituted or conducted without the con-
sent and approval of the forest, game and fish warden; such con-
sent to be evidenced in writing and filed and entered of record
in the court or before the justice and in his docket, in which or
before whom the prosecution is begun or pending.

All acts or parts of acts inconsistent or in conflict with this act:
are hereby repealed.
AN ACT to amend and re-enact sections thirty-two, thirty-three, thirty-four and thirty-five of chapter fifty-eight of the code of West Virginia, as last amended by chapter fifty-one of the acts of the regular session of the legislature of one thousand nine hundred and fifteen.

Passed May 24, 1915. In effect from passage. Approved by the Governor May 29, 1915.

Code amended, chapter 58, sections 32, 33, 34 and 35.

Be it enacted by the Legislature of West Virginia:

That sections thirty-two, thirty-three, thirty-four and thirty-five of chapter fifty-eight of the code of West Virginia, as amended by chapter fifty-one of the acts of the regular session of the legislature of one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 32. When an attendant is sent out from a state hospital to bring in a person committed thereto, the expense incurred in taking the person to the hospital, including the transportation and other necessary traveling expenses of such person and of the attendant, shall be paid out of the treasury of the State. A written and fully itemized statement of such expenses, sworn to by the attendant making the same and attested by the superintendent of the hospital, shall be sent by mail to the auditor, who shall issue his warrant upon the treasury therefor.

Sec. 33. Every county shall pay into the state treasury at the rate of fifty dollars per annum for every epileptic, idiot, imbecile, or such other incurable defective heretofore or hereafter admitted as a patient or inmate to the Huntington state hospital from
such county, but the counties shall not be required to pay at said
rate of fifty dollars per annum or any other sum to the state for
the maintenance of any insane person proper, anything in this act
or any other provision of the laws of this state to the contrary
notwithstanding. At every levy term of each county court
it shall estimate for and levy a sufficient amount to meet all
such expenses. The superintendent of said hospital, on or be-
fore the tenth day of January of each year, shall certify to
the auditor a list of all the patients in the said hospital during
the whole or any part of the preceding year for which the coun-
ties are to pay, showing on such list under the name of the
county, the number from each county and the length of time he
was in said hospital during the year, and showing the amount due
from each county for each patient, and the total amount due from
each county for the year. As soon as such list is received by the
auditor he shall charge to each county the amount appearing to
be due therefrom from the certificates of the said superintendent.
Within ten days after the receipt of such certificate the auditor
shall make out a copy thereof for each county and certify the same
to the county court 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
constitute 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
drawn out of the state treasury on the requisition of the state
board of control for the current expenses of the said hospital, and
all such moneys are hereby appropriated for that purpose.
Sec. 34. All moneys which any county shall pay or become
liable for under the provisions of this chapter on account of any
inmate from the county in any state hospital, the county court
of the county may recover, within five years after payment of
the same by the county or from the time the county became lia-
ble therefor, from the persons and in the manner following,
7 namely: If the inmate be a minor, from his guardian; or, if
8 he have no estate, or it be insufficient, from his father; or, if he
9 have no father or his estate be insufficient, from his mother. If
10 the inmate be an adult, from his or her estate; but if such es-
11 tate be insufficient, and the inmate be a wife, from the estate
12 of her husband; or, if his estate be insufficient, from the estate
13 of her children, or such of them as have sufficient estate. If the
14 inmate be a husband, and his estate be insufficient, from the
15 estate of his wife; or, if her estate be insufficient, from the estate
16 of his children, or such of them as have sufficient estate.
17 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 resident,
19 if he have sufficient estate in his hands to do so, the money 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 and
23 the amount of each, and be certified by the clerk as correct, and
24 by him delivered to the sheriff for collection. The clerk shall
25 charge against the sheriff the amount of each of such bills, show-
ing the date when delivered to the sheriff. It shall be the duty
27 of 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
32 return all such bills he has been unable to collect. The county
33 court may redeliver any of such bills to the sheriff for collection,
34 and in respect thereto the sheriff shall make report as above pro-
35 vided.

Sec. 35. In the recovery of moneys due the county under the
2 provisions of this chapter, in addition to the provisions of this
3 chapter, all the provisions of sections fifteen, sixteen, seventeen
4 and eighteen of chapter forty-six of said code shall apply as far as
5 they may be applicable; and the county court may proceed ac-
6 cording to said provisions without first placing the claim in the
7 hands of the sheriff for collection; provided, that as to any per-
8 son liable to the county for any money under the provisions of
9 this chapter, the county court may, if it find he is unable to pay
10 the same, or that the payment of the same would work a hard-
11 ship upon him or his family or others dependent upon him, ex-
12 onerate him from the payment of the same or from a part there-
13 of, or make any other order in the matter that the county court
14 shall deem just and equitable or expedient under all the circum-
15 stances of the case.

CHAPTER 7

(Senate Bill No. 6.)

AN ACT to amend chapter thirteen, acts of the legislature of one
1 thousand nine hundred and thirteen, as amended by chapter
2 seven, acts of the legislature of one thousand nine hundred and
3 fifteen, regular session, relating to prohibiting the manufacture,
4 sale and keeping for sale of intoxicating liquors and the enforce­
5 ment of the amendment of section forty-six, article six of the
6 state constitution, ratified on the fifth day of November, one
7 thousand nine hundred and twelve, by enacting one additional
8 section thereto, to be numbered section thirty-four, and to be
9 part of said act.

(Passed May 24, 1915. In effect ninety days from passage. Approved by the
Governor May 29, 1915.)

Acts amended, 1915, regular session, chapter 7, section 34 added.

Sec. 34. Unlawful to receive, directly or in-
4 directly, intoxicating liquors
5 from common or other carrier, not to apply in certain cases; penalty and exceptions.

Be it enacted by the Legislature of West Virginia:

That chapter thirteen, acts of the legislature of one thousand
1 nine hundred and thirteen, as amended by chapter seven, of the acts of
2 the legislature of one thousand nine hundred and fifteen, regular ses­
3 sion, relating to prohibiting the manufacture, sale and keeping for
4 sale, of intoxicating liquors and the enforcement of the amendment
5 of section forty-six of article six of the state constitution, ratified
6 on the fifth day of November, one thousand nine hundred and twelve,
7 be amended by enacting, as additional thereto, one section, as part
8 thereof, numbered thirty-four, as herein set out.

Sec. 34. It shall be unlawful for any person in this state to
2 receive, directly or indirectly, intoxicating liquors from a com-
3 mon, or other carrier. It shall also be unlawful for any person
4 in this state to possess intoxicating liquors, received directly or
5 indirectly from a common, or other carrier in this state. This 6 section shall apply to such liquors intended for personal use, 7 as well as otherwise, and to interstate, as well as intrastate, ship- 8 ments or carriage. Any person violating this section shall be 9 guilty of a misdemeanor and upon conviction shall be fined not 10 less than one hundred dollars nor more than two hundred dollars, 11 and in addition thereto may be imprisoned not more than three- 12 months; provided, however, that druggists may receive and pos- 13 sess pure grain alcohol, wine and such preparations as may be 14 sold by druggists for the special purpose and in the manner as set 15 forth in sections four and twenty-four.

CHAPTER 8

(House Bill No. 9.)

AN ACT amending chapter thirty-nine of the acts of nineteen hun­ 12 dred and thirteen, sections twenty-three, twenty-four and twenty- 15 five-a, chapter fifty-two, acts of nineteen hundred and nine, re­ 20 lating to the limiting of indebtedness and authority of counties 21 and districts to issue bonds for roads and bridges and providing 22 the manner of issuing said bonds and the disbursement of funds 23 arising therefrom.

[Passed May 24, 1915. In effect from passage. Became a law without the Governor's approval.]


SEC. 1. No county, etc., hereafter allowed 20 to become indebted for any pur- 21 pose exceeding in the aggregate 2½ per centum on value of tax- 22 able property; how ascertained; nor without providing for collec- 23 tion of annual tax to pay inter- 24 est and principal; exceptions for 25 locating, etc., and permanently improving roads; exceptions as to municipal corporations for streets, sewers, etc., provided same is submitted to vote of the people and approved by three- fifths; this section not to apply in certain municipal corpora- 26 tions having charters.

SEC. 2. Authority of county court when 27 repair or purchase of a bridge becomes necessary.

SEC. 3. Same authority as to locating, 28 grading, draining, paving and permanently improving county roads.

SEC. 4. When levy is insufficient, bonds may 29 be issued and sold.

SEC. 5. Upon petition of legal voters, vote 30 to be taken at general or special election; publication of order for election and how made; how conducted, ballots, what to con- 31 tain and result; three-fifths required for approval; authority 32 of court as to sale of bonds so authorized.

SEC. 6. Duty and authority of engineer to 33 close road being constructed or repaired.

SEC. 7. Authority of county court under 34 this chapter as to rights-of-way, 35 etc., and compensation there- 36 for.

SEC. 8. County court has authority to 37 make regulations for usage of public roads, same to be pub- 38 lished from time to time, and refusal to obey same is misde- 39 meanor; penalty.

SEC. 9. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. No county, city, school district or municipal cor-
poration, except in cases where such corporation has already au-
thorized bonds to be issued, shall hereafter be allowed to become
indebted in any manner or for any purpose, to an amount, includ-
ing existing indebtedness, in the aggregate, exceeding two and
one-half per centum on the value of taxable property therein; to
be ascertained by the last assessment, for state and county pur-
poses, previous to the incurring of such indebtedness; nor, without
at the same time providing for the collection of a direct annual
tax to pay annually the interest on such debt and the principal
thereof within and not exceeding thirty-four years.

Provided, however, that any county, magisterial district or
group of magisterial districts, is hereby authorized and allowed
to become indebted, notwithstanding anything in this act to the
contrary, and additional sum not to exceed two and one-half per
centum on the value of the taxable property therein, ascertained
as aforesaid, for the purpose of locating, grading, draining, paving
and permanently improving the roads or highways and for the
construction or repair of bridges therein, or the purchase of exist-
ing toll bridges.

Provided, further, however, that any city or municipal corpo-
rating of one thousand inhabitants or more is hereby authorized
and allowed to become indebted, notwithstanding anything in this
act to the contrary, in an additional sum not to exceed two and
one-half per centum on the value of taxable property therein, as-
certained as aforesaid, for the purpose of grading, paving, sewer-
ing, and otherwise improving the streets and alleys of said city or
municipal corporation— the term “sewering” being used in a com-
prehensive sense so as to include mains, laterals, connections,
traps, incinerating and disposal plants, and other necessary and
convenient accessories to a modern, sanitary and efficient sewerage
system; and, provided, further, that no debt shall be contracted
under this section, unless all questions connected with the same
shall have been first submitted to a vote of the people, and have
received three-fifths of all the votes cast for and against the same.

And, provided, further, that in all cases where like authority
is given to such cities or municipal corporations by their charters
this section shall not apply.

Sec. 2. When it is necessary to build or repair a bridge, or to
purchase any existing toll bridge within any county or within any
magisterial district, or across the boundary thereof, the county
4 court of the county may contract for the same, or any part thereof
5 on such terms as may be agreed upon and take bond and security
6 from the contractors in the sum of fifty per cent of the amount
7 of such contract, for its faithful performance, and pay for the
8 work in full or in part, out of the county treasury or out of funds
9 of the district or districts in which said improvement is located,
10 or by issuing bonds or other evidence of debt for the amount as
11 may be agreed upon and to this end they shall appoint a compe-
12 tent engineer to make a thorough investigation and estimate of the
13 cost of said improvement. Upon receiving the estimate of cost,
14 the court, being satisfied with the correctness of same and the
15 necessity and importance of such improvement, may advertise for
16 and receive proposals and make such other order in the premises
17 from time to time as shall be necessary and proper.

Sec. 3. In like manner the county court of any county may
2 contract and pay for locating, grading, draining, paving and per-
3 manently improving or repairing the whole or any part of any
4 county road, including the bridges and culverts thereon within the
5 county.

6 They may permanently improve by the use of asphaltum, brick,
7 concrete, macadam, stone-block or other process of equal merit
8 the main roads within the county, or any district or districts of
9 their county and may contract therefor with any contractor for
10 the use of any of these foregoing systems and take bonds and se-
11 curity from the contractor in the sum equal to fifty per cent of
12 the estimated cost of the work in question, for the faithful per-
13 formance of such contract. They may pay for the work done un-
14 der such contract in whole or in part out of the county treasury
15 or out of the funds of any district or districts by levies to be laid
16 in manner and form as provided by law or by issuing bonds or
17 other evidence of indebtedness for the same. To this end, the
18 county court shall appoint a competent engineer to go upon the
19 road or roads proposed to be located or improved and, after a thor-
20 ough investigation, shall report to the court an estimate of cost
21 and furnish therewith such maps, profiles and plats as are neces-
22 sary, and the court, after examining the same and satisfying itself
23 with the correctness thereof and the importance and necessity of
24 the improvement, may advertise for and receive proposals for the
25 grading and paving, and other work collectively or separate from
26 the bridges and culverts, and shall make such other order in the
27 premises from time to time as shall be necessary and proper.
28 No road or bridge contract, under the provisions of this chap-
29 ter, shall be awarded without the same being first duly advertised
30 once a week for four successive weeks in one or more newspapers,
31 if such there be published in the county.

Sec. 4. When, in the opinion of the county court, the levies
3 provided by law together with any funds appropriated by the
3 state or federal governments, are insufficient to construct any coun-
4 ty road or district road and the bridges thereon, or purchase any
5 toll bridge or bridges, the said court is hereby authorized to issue
6 and sell bonds of the county or magisterial district or group of dis-
7 tricts, in which said improvement is located for such improve-
8 ment or purchase, in the following manner:

Sec. 5. Upon petition of one hundred legal voters, who are
2 free-holders of such county, the county court shall submit the
3 proposition for issuance of bonds as aforesaid, to the legal voters
4 of said county and by order specifying the work for which the
5 money is proposed to be appropriated, the amount of proposed
6 appropriation and shall cause a vote to be taken upon the question
7 at the several places of voting in said county at the succeeding
8 general election which is first held in the county after such vote is
9 taken, or, if the petition so specifies, the court shall order a spe-
10 cial election for the purpose within ninety days.

Upon petition of fifty legal voters, who are freeholders in any
12 magisterial district, or of fifty legal voters who are freeholders
13 in each of two or more magisterial districts, reciting and specify-
14 ing roads or bridges to be built or improved, or existing toll
15 bridges to be purchased, the county court shall submit the propo-
16 sition for issuance of bonds in said district or districts grouped
17 together in one petition, desiring to be bonded, and shall specify
18 the work to be done or the bridge to be purchased for which the
19 money is proposed to be appropriated and the amount of the pro-
20 posed appropriation, and cause a vote to be taken upon the ques-
21 tion at the several places of voting in said magisterial district or
22 districts, at the succeeding general election for state and county
23 officers, or any special election which is first held in the county
24 after such vote is ordered taken, or, if the petition so recites, the
25 court shall order a special election not later than ninety days from
26 the filing of such petition. But such order for any county or dis-
27. A vote shall thereupon be taken and result ascertained under the regulations prescribed for general election of county and district officers; or, if the said vote is taken at a special election, ordered for the purpose, the same shall be held by commissioners appointed for the purpose, by the county court at the time said election is ordered and the result shall be ascertained and certified according to the regulations prescribed by law for ascertaining and certifying the election of county and district officers.

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

29. If it appears by said poll that not less than three-fifths of the voters of the county or magisterial district or districts, who voted upon the proposed issuance of bonds, are in favor of the same, the county court will then have authority to issue, and shall issue, the amount of the bonds so voted in the name of the county, magisterial district or magisterial districts, grouped together for the purpose of making one improvement, or any less amount on any such terms as they may deem advisable, and provide for the
payment thereof by taxation on the county, district or group of 67 districts, as the case may be.

68 The county court shall have authority to and shall issue said 69 bonds for and in the name of said county, district or group of 70 districts and shall make provision for the payment of principal 71 and interest of the same by said county, district or group of dis- 72 tricts as is specified in the order under which said vote is taken.

73 The president of the county court shall have power, when so 74 directed by such court, by an order entered of record therein, to 75 execute, sell and deliver the bonds of said county, district or group 76 of districts and receive the proceeds therefrom and said bonds of 77 said county, district or group of districts shall be valid and bind- 78 ing thereon when signed by the president of the county court of 79 such county and countersigned by the clerk thereof, with the seal 80 of said county attached thereto.

Sec. 6. If it shall appear necessary to the engineer in charge 2 to close a public road, which is being constructed or repaired 3 under this chapter, so as to permit a proper completion of such 4 work, he shall execute a notice in duplicate; such notice shall state 5 the necessity for closing such public road, describing the portion 6 to be closed; he shall cause to be posted at each end of the por- 7 tion to be closed, a copy of said notice and may have the same 8 published in one or more newspapers in the county one week and 9 shall thereupon close the same to public travel by erecting suit- 10 able obstructions and posting conspicuous notices. In the event 11 the public road is closed, the engineer in charge may direct a 12 detour or provide a new location by the construction of a tem- 13 porary road to be used by the traveling public in lieu of the 14 closed public road and may erect temporary bridges when neces- 15 sary. For the purpose of locating and constructing such tem- 16 porary road and bridge, the engineer in charge may enter upon 17 the land adjoining or near to the closed public road and may, with 18 the approval of the county court, agree with the owner of such 19 lands, the damages, if any, caused thereby; if the engineer in 20 charge is unable to agree with such owner for the amount of 21 damages, if any, the amount thereof shall be ascertained, deter- 22 mined and paid as provided in this chapter. When such public 23 road shall have been closed to the public as provided herein, any 24 person who disregards the obstruction and notice and drives or 25 rides over the portion of the public road so closed, shall be liable
for the damages done to any section or portion of the road being
constructed and shall be guilty of a misdemeanor and upon con-
viction thereof may be fined not less than five dollars nor more
than fifty dollars.

Sec. 7. When the county court has decided to undertake work
under this chapter and the compensation to be paid any pro-
prietor or tenant for right of way either permanent or temporary,
be not fixed by agreement, or if the court deems wise to widen
out, straighten or repair any old road, the court through its
representative, is authorized to enter upon any lands, other than
those prohibited by law, locate and build said highways and the
court shall, sixty days after said highway is completed, cause to
be summoned five different freeholders who shall go upon the
land and assess the damages and benefits and shall take into
consideration the benefits accruing to the property and the dam-
ages sustained by the property and shall then fix the compensa-
tion or damages as said jury may see proper, and the amount so fixed
shall be paid out of the road fund of the county, and if after
changing, locating or re-locating any public road or highway or
establishing any new road or highway, the damages so assessed
be not satisfactory to the property owners, proprietor or tenant,
he may within six months after said location, change or re-lo-
cate, appeal or apply to the circuit court which court shall appoint
a jury to go upon the ground and assess the damages and benefits
as herein provided, subtract the one from the other and the result
shall be their verdict, and if said jury award no more damages
than the amount offered by the county court or fixed by its com-
mission then the party aggrieved shall pay the cost of making
said assessment: provided, however, before entering upon said land
as authorized by this section, it shall be the duty of the county
court or its representatives to serve notice upon the owner or
owners of said land as provided by law, notifying the property
owners that the highway is to be located upon their land under
the authority of this act and any person who shall obstruct the
public road or engineer in charge or employee or employees of the
county court in making the survey, changing the road or opening
up a new public road, shall be guilty of a misdemeanor and upon
conviction thereof shall be fined not to exceed fifty dollars, or
imprisoned not to exceed one month, or both, in the discretion of
the court.
Sec. 8. The county court of any county may make such rules and regulations, not inconsistent with law, pertaining to the usage, maintenance and protection of the roads, and where any person, persons, firm, firms, corporation or corporations, are making continuous use of any piece of the road or driving thereon any wagon, wagons, motor vehicle, tractor, tractors, truck, trucks or bus, and by such use are causing more than the usual wear, the county court may compel such person, persons, firm, firms, corporation, or corporations to put thereon a section man or men and keep or assist in keeping said road in such repair as the court may order.

Such rules, when prescribed, shall be reasonable and be entered of record and by order of the court be published four successive weeks in two newspapers of opposite politics, if such there be in the county; one copy posted at the front door of the court house, one copy furnished the state road bureau to be included and published in its annual report.

Any person disobeying, or refusing to obey the order of any county court shall be adjudged guilty of a misdemeanor and upon conviction thereof may be fined not to exceed fifty dollars, or imprisoned, or both. Justices of the peace shall have jurisdiction in cases arising under this section.

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

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted May 18, 1915.)

Raising a joint committee to wait upon the Governor.

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

That a committee of two on the part of the senate and three on the part of the house of delegates, be appointed to jointly wait upon the governor and notify him that the legislature is now in extraordinary session pursuant to his proclamation dated May 12, 1915, with a quorum of each house present, and awaits any communication he may desire to make. The members of said committee to be appointed respectively by the president of the senate and speaker of the house of delegates.
Providing for the printing and distribution of the advance copies of the acts of the second extraordinary session.

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

That the clerk of the senate is hereby authorized and directed to concur with the clerk of the house of delegates in the publication of ten thousand advance copies of the acts of this extraordinary session, in pamphlet form, and that twenty-five copies of the same shall be mailed to each member of the senate and house of delegates; and that the clerks of the two houses shall also supply the tax commissioner, the secretary of state and the auditor with ten thousand additional copies of Senate Bill No. 1, known as the excise tax law.

Resolved, further, that the per diem of the clerk of the senate and house of delegates and the supervisor of printing and one assistant clerk for each house, be extended thirty days each, to head-note, print and mail the advance copies of the acts hereinbefore provided for; said per diem to be paid out of the contingent fund of the respective houses upon proper warrants drawn by the clerk of the senate and sergeant-at-arms of the house of delegates, upon the auditor.

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 of the house, 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.
HOUSE JOINT RESOLUTION NO. 1.

(Adopted May 24, 1915.)

Authorizing transfer of certain books from state library at Charles Town, in Jefferson county, to the library of the college of law of West Virginia university, at Morgantown.

Resolved by the Legislature of West Virginia:

That the printed briefs and records of cases decided by the supreme court of appeals of West Virginia now in the state library at Charles Town, in Jefferson county, be transmitted to the library of the college of law of West Virginia university, at Morgantown, and that the state librarian be authorized and directed to carry out such transfer. And that the law books belonging to the state of West Virginia now in the law library at Charles Town be permitted to remain there for the use of the circuit court of Jefferson county, West Virginia.
# STATE GOVERNMENT

STATE CAPITOL, CHARLESTON, KANAWHA COUNTY.

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Residence</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>HENRY D. HATFIELD</td>
<td>Eckman</td>
<td>McDowell</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>STUART F. REED</td>
<td>Clarksburg</td>
<td>Harrison</td>
</tr>
<tr>
<td>State Supt. of Free Schools</td>
<td>M. P. SHAWKEY</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>Auditor</td>
<td>JOHN S. DARST</td>
<td>Cottageville</td>
<td>Jackson</td>
</tr>
<tr>
<td>Attorney General</td>
<td>A. A. LILLY</td>
<td>Beckley</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Assistants</td>
<td>FRANK LIVELY</td>
<td>Hinton</td>
<td>Summers</td>
</tr>
<tr>
<td>Treasurer</td>
<td>E. L. LONG</td>
<td>Welch</td>
<td>McDowell</td>
</tr>
<tr>
<td>Commissioner of Agriculture</td>
<td>H. E. WILLIAMS</td>
<td>Trout</td>
<td>Greenbrier</td>
</tr>
<tr>
<td>State Tax Commissioner</td>
<td>FRED O. BLUE</td>
<td>Philippi</td>
<td>Barbour</td>
</tr>
<tr>
<td>Librarian</td>
<td>L. O. WILSON</td>
<td>Weston</td>
<td>Lewis</td>
</tr>
<tr>
<td>Commissioner of Banking</td>
<td>S. P. SMITH</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>Commissioner of Health</td>
<td>S. L. JEPSON</td>
<td>Wheeling</td>
<td>Ohio</td>
</tr>
<tr>
<td>Adjutant General</td>
<td>JOHN BOND</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>Workmen's Compensation Com'r</td>
<td>LEE OTT</td>
<td>Thomas</td>
<td>Tucker</td>
</tr>
<tr>
<td>Commissioner of Labor</td>
<td>J. H. NIGHTINGALE</td>
<td>Parkersburg</td>
<td>Wood</td>
</tr>
<tr>
<td>Chief Mine Inspector</td>
<td>EARL A. HENRY</td>
<td>Clifton</td>
<td>Mason</td>
</tr>
<tr>
<td>Game and Fish Warden</td>
<td>J. A. VICKENNEY</td>
<td>Jelington</td>
<td>Barbour</td>
</tr>
<tr>
<td>Pardon Attorney</td>
<td>E. O. PIERSHON</td>
<td>Fayetteville</td>
<td>Fayette</td>
</tr>
<tr>
<td>Archivist and Historian</td>
<td>HENRY S. GREEN</td>
<td>Morgantown</td>
<td>Monongalia</td>
</tr>
</tbody>
</table>

# STATE BOARD OF CONTROL

<table>
<thead>
<tr>
<th>Name</th>
<th>Postoffice</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAMES S. LAKIN, President</td>
<td>Kingwood</td>
<td>Preston County</td>
</tr>
<tr>
<td>J. M. WILLIAMSON</td>
<td>Moundsville</td>
<td>Marshall County</td>
</tr>
<tr>
<td>A. B. McCrum</td>
<td>Kingwood</td>
<td>Preston County</td>
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# PUBLIC SERVICE COMMISSION

<table>
<thead>
<tr>
<th>Name</th>
<th>Postoffice</th>
<th>County</th>
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<tbody>
<tr>
<td>ELLIOTT NORTICOTT</td>
<td>Huntington</td>
<td>Cabell County</td>
</tr>
<tr>
<td>WM. M. O. DAWSON</td>
<td>Charleston</td>
<td>Kanawha County</td>
</tr>
<tr>
<td>E. F. MORGAN</td>
<td>Fairmont</td>
<td>Marion County</td>
</tr>
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</table>

# UNITED STATES SENATORS

<table>
<thead>
<tr>
<th>Name</th>
<th>Postoffice</th>
<th>County</th>
<th>Term Expires</th>
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<tbody>
<tr>
<td>WILLIAM E. CHILTON</td>
<td>Charleston</td>
<td>Kanawha</td>
<td>March 4, 1917</td>
</tr>
<tr>
<td>NATHAN GOFF</td>
<td>Clarksburg</td>
<td>Harrison</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>DISTRICT</td>
<td>NAME</td>
<td>POSTOFFICE</td>
<td>COUNTY</td>
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<tr>
<td>--------------</td>
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</tr>
<tr>
<td>First</td>
<td>M. M. NEELEY</td>
<td>Fairmont</td>
<td>Marion</td>
</tr>
<tr>
<td>Second</td>
<td>WILLIAM G. BROWN</td>
<td>Kingwood</td>
<td>Preston</td>
</tr>
<tr>
<td>Third</td>
<td>ADAM B. LITTLEPAGE</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>Fourth</td>
<td>HUNTER H. MOSS</td>
<td>Parkersburg</td>
<td>Wood</td>
</tr>
<tr>
<td>Fifth</td>
<td>EDWARD COOPER</td>
<td>Bramwell</td>
<td>Mercer</td>
</tr>
<tr>
<td>At Large</td>
<td>HOWARD SUTHERLAND</td>
<td>Elkins</td>
<td>Randolph</td>
</tr>
</tbody>
</table>
THE JUDICIARY

UNITED STATES COURTS

CIRCUIT COURT OF APPEALS, FOURTH CIRCUIT, RICHMOND, VA.

COMMENCEMENT OF TERMS.

First Tuesday in February, first Tuesday in May and first Tuesday in November.

Edward Douglass White, Chief Justice, Washington, D. C.
Jeter C. Pritchard, Circuit Judge, Asheville, N. C.
Charles A. Woods, Circuit Judge, Florence, Marion, S. C.
John C. Rose, District Judge, Baltimore, Md.
Henry GrovesConnor, District Judge, Wilson, N. C.
James Edmond Boyd, District Judge, Greensboro, N. C.
Henry A. M. Smith, Charleston, S. C.
Edmund Waddill, Jr., District Judge, Richmond, Va.
Alston G. Dayton, District Judge, Philippi, W. Va.
Benjamin F. Keller, District Judge, Charleston, W. Va.
Henry T. Melouey, Clerk, Richmond, Va.
Claude M. Deau, Deputy, Richmond, Va.

DISTRICT COURTS OF WEST VIRGINIA

NORTHERN DISTRICT.

COMMENCEMENT OF TERMS.

Parkersburg—Second Tuesday of January and Second Tuesday of June.
Wheeling—First Tuesday of May and third Tuesday of October.
Clarksburg—Second Tuesday of April and first Tuesday of October.
Martinsburg—First Tuesday of April and third Tuesday of September.
Philippi—Fourth Tuesday of May and second Tuesday of November.
Elkins—First Tuesday of July and first Tuesday of December.

Alston G. Dayton, District Judge, Philippi.
Charles R. Kefauver, Clerk, Parkersburg.
John H. Conrad, Deputy Clerk, Parkersburg.
H. G. Chaney, Deputy Clerk, Philippi.
Geo. E. Boyd, Jr., Deputy Clerk, Wheeling.
A. C. Nedenbousch, Deputy Clerk, Martinsburg.
S. R. Harrison, Deputy Clerk, Clarksburg.
Stuart W. Walker, District Attorney, Martinsburg.
H. J. Byrer, Assistant District Attorney, Philippi.
J. J. P. O’Trion, Assistant District Attorney, Wheeling.
Garland H. Moore, Clerk, Martinsburg.
C. E. Smith, United States Marshal, Parkersburg.
Thomas E. Joyce, Chief Deputy, Parkersburg.
John F. Throckmorton, Office Deputy, Parkersburg.
Charles P. Cook, Office Deputy, Parkersburg.
Katherine W. Rex, Office Deputy, Parkersburg.
John D. Moore, Field Deputy, Philippi.
C. F. Allison, Field Deputy, Wheeling.
E. W. Athey, Field Deputy, Martinsburg.
<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>George E. Boyd, Jr.</td>
<td>Wheeling</td>
</tr>
<tr>
<td>Dorr Casto</td>
<td>Parkersburg</td>
</tr>
<tr>
<td>James T. Dailey</td>
<td>Kingwood</td>
</tr>
<tr>
<td>H. A. Downs</td>
<td>Martinsburg</td>
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<tr>
<td>Samuel R. Harrison, Jr.</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Glenn Hunter</td>
<td>Morgantown</td>
</tr>
<tr>
<td>John W. Mason, Jr.</td>
<td>Fairmont</td>
</tr>
<tr>
<td>Alva B. Moore</td>
<td>New Martinsville</td>
</tr>
<tr>
<td>J. H. Siler</td>
<td>Berkeley Springs</td>
</tr>
<tr>
<td>Charles R. Lilly</td>
<td>Grafton</td>
</tr>
<tr>
<td>T. A. Brown</td>
<td>Referee in Bankruptcy</td>
</tr>
<tr>
<td>O. E. Wyckoff</td>
<td>Referee in Bankruptcy</td>
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<tr>
<td>B. L. Butcher</td>
<td>Referee in Bankruptcy</td>
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<tr>
<td>M. H. King</td>
<td>Referee in Bankruptcy</td>
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<tr>
<td>J. Ben Brady</td>
<td>Referee in Bankruptcy</td>
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<tr>
<td>Wilbur H. Thomas</td>
<td>Referee in Bankruptcy</td>
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<tr>
<td>J. W. Cummins</td>
<td>Referee in Bankruptcy</td>
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<tr>
<td>H. A. Nolte</td>
<td>Referee in Bankruptcy</td>
</tr>
<tr>
<td>T. P. Jacobs</td>
<td>Referee in Bankruptcy</td>
</tr>
</tbody>
</table>

Counties composing the Northern District—Barbour, Berkeley, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt and Wood.

### SOUTHERN DISTRICT.

**Commencement of Terms.**

Charleston—First Tuesday in June and third Tuesday in November.

Huntington—First Tuesday in April and first Tuesday after the third Monday in September.

Bluefield—First Tuesday in May and third Tuesday in October.

Webster Springs—First Tuesday in September.

Lewisburg—Second Tuesday in July.

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benjamin F. Keller</td>
<td>Charleston</td>
</tr>
<tr>
<td>Edwin M. Keatley</td>
<td>Charleston</td>
</tr>
<tr>
<td>Albert V. Fitzwater</td>
<td>Charleston</td>
</tr>
<tr>
<td>Ceres K. Adkins</td>
<td>Huntington</td>
</tr>
<tr>
<td>R. L. Gosling</td>
<td>Bluefield</td>
</tr>
<tr>
<td>William G. Barnhart</td>
<td>Charleston</td>
</tr>
<tr>
<td>F. Witcher McCullough</td>
<td>Huntington</td>
</tr>
<tr>
<td>Fleming N. Alderson</td>
<td>Richwood</td>
</tr>
<tr>
<td>William E. Ross</td>
<td>Bluefield</td>
</tr>
<tr>
<td>Wm. Osborne</td>
<td>United States Marshal</td>
</tr>
<tr>
<td>John H. Campbell</td>
<td>Huntington</td>
</tr>
<tr>
<td>Alphonse M. Foote</td>
<td>Huntington</td>
</tr>
<tr>
<td>G. C. Rutherford</td>
<td>Huntington</td>
</tr>
<tr>
<td>L. H. Oakes</td>
<td>Charleston</td>
</tr>
<tr>
<td>H. T. Lemon</td>
<td>Beckley</td>
</tr>
<tr>
<td>J. H. Mitchell</td>
<td>Welch</td>
</tr>
<tr>
<td>C. F. McQueen</td>
<td>Sutton</td>
</tr>
<tr>
<td>Jas. A. Farley</td>
<td>Williamson</td>
</tr>
<tr>
<td>V. C. Champe</td>
<td>United States Commissioner</td>
</tr>
</tbody>
</table>

Montgomery.
Joseph M. Crockett. United States Commissioner, Welch.
J. P. Douglass. United States Commissioner, Huntington.
A. M. Sikes. United States Commissioner, Huntington.
H. M. Patterson. United States Commissioner, Beckley.
Joseph Ruffner. United States Commissioner, Charleston.
John A. Thayer. United States Commissioner, Charleston.
Howard C. Smith. United States Commissioner, Charleston.
Paris D. Yeager. United States Commissioner, Marlinton.
Thos. A. Sheppard. Referee in Bankruptcy, Huntington.
Harold A. Ritz. Referee in Bankruptcy, Bluefield.
T. S. McNeel. Referee in Bankruptcy, Marlinton.


STATE COURTS

SUPREME COURT OF APPEALS

<table>
<thead>
<tr>
<th>Judges</th>
<th>Residence</th>
<th>County</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wm. N. Miller</td>
<td>Parkersburg</td>
<td>Wood</td>
<td>Dec. 31, 1916</td>
</tr>
<tr>
<td>Geo. Poffenbarger</td>
<td>Point Pleasant</td>
<td>Mason</td>
<td>Dec. 31, 1924</td>
</tr>
<tr>
<td>L. Judson Williams</td>
<td>Lewisburg</td>
<td>Greenbrier</td>
<td>Dec. 31, 1921</td>
</tr>
<tr>
<td>Chas. W. Lynch</td>
<td>Clarksburg</td>
<td>Harrison</td>
<td>Dec. 31, 1924</td>
</tr>
</tbody>
</table>

CIRCUIT COURTS


Counties.

Commencement of Terms.

Hancock. Second Monday in March, third Monday in June and first Monday in November.

Brooke. Third Monday in February, first Monday in June and second Monday in October.

Marshall. Second Tuesday in February, last Tuesday in May and second Tuesday in October.

Ohio. Last Monday in March, first Monday in September and fourth Monday in November.
SECOND JUDICIAL CIRCUIT—P. D. Morris, Judge, New Martinsville.

Counties. Commencement of Terms.
Wetzel. Second Tuesday in January, first Tuesday in May and third Tuesday in September.
Tyler. Fourth Tuesday in February, third Tuesday in June and first Tuesday in November.
Doddridge. Third Tuesday in March, second Tuesday in July and fourth Tuesday in September.

THIRD JUDICIAL CIRCUIT—Homer B. Woods, Judge, Hartford.

Counties. Commencement of Terms.
Ritchie. Second Tuesday in February, second Tuesday in June and second Tuesday in October.
Pleasant. Second Tuesday in January, fourth Tuesday in April and second Tuesday in September.
Gilmer. First Tuesday in April, first Tuesday in August and fourth Tuesday in November.

FOURTH JUDICIAL CIRCUIT—Walter E. McDougle, Judge, Parkersburg.

Counties. Commencement of Terms.
Wood. First Monday in March, first Monday in July, first Monday in October and first Monday in December.

FIFTH JUDICIAL CIRCUIT—W. H. O'Brien, Judge, Ripley.

Counties. Commencement of Terms.
Roane. Third Tuesday in January, third Tuesday in May and third Tuesday in September.
Jackson. First Tuesday in April, first Tuesday in August and first Tuesday in November.
Calhoun. Third Tuesday in April, third Tuesday in August and third Tuesday in November.
Mason. First Tuesday in February, first Tuesday in June and first Tuesday in October.

SIXTH JUDICIAL CIRCUIT—John T. Graham, Judge, Huntington.

Counties. Commencement of Terms.
Cabell. First Monday in January, first Monday in May and third Monday in September.
Lincoln. First Monday in March, fourth Monday in June, first Monday in December.
Putnam. Third Monday in March, third Monday in July and third Monday in November.

SEVENTH JUDICIAL CIRCUIT—John B. Wilkinson, Judge, Logan.

Counties. Commencement of Terms.
Boone. Second Monday in March, second Monday in June, second Monday in September and second Monday in December.
Logan. Second Monday in January, second Monday in April, second Monday in July and second Monday in October.
EIGHTH JUDICIAL CIRCUIT—ISAIAH C. HEINDON, Judge, Welch.

Counties. Commencement of Terms.
Mercer . . . Second Tuesday in May, second Tuesday in August and fourth Tuesday in November.
McDowell . . . Second Tuesday in February, second Tuesday in June and second Tuesday in September.
Monroe . . . Second Tuesday in April, second Tuesday in July and second Tuesday in November.

NINTH JUDICIAL CIRCUIT—JAMES H. MILLER, Judge, Hinton.

Counties. Commencement of Terms.
Raleigh . . . Third Monday in February, first Monday in May, fourth Monday in August and first Monday in December.
Summers . . . First Monday in January, second Monday in March, second Monday in June and first Monday in October.

TENTH JUDICIAL CIRCUIT—SAMUEL D. LITTLEPAGE, Judge, Charleston.

Counties. Commencement of Terms.
Clay . . . First Monday in January, first Monday in April, third Monday in June and second Monday in October.

ELEVENTH JUDICIAL CIRCUIT—WM. L. LEE, Judge, Fayetteville.

Counties. Commencement of Terms.
Fayette . . . Second Tuesday in February, second Tuesday in May and third Tuesday in September.

TWELFTH JUDICIAL CIRCUIT—WM. S. O'BRIEN, Judge, Buckhannon.

Counties. Commencement of Terms.
Upshur . . . Second Monday in March, first Monday in July and second Monday in November.
Webster . . . Third Tuesday in January, fourth Tuesday in May and third Tuesday in September.

THIRTEENTH JUDICIAL CIRCUIT—HAYMOND MAXWELL, Judge, Clarksburg.

Counties. Commencement of Terms.
Lewis . . . First Monday in March, first Monday in July and first Monday in November.
Harrison . . . First Monday in January, first Monday in May and first Monday in September.

FOURTEENTH JUDICIAL CIRCUIT—WILLIAM S. HAYMOND, Judge, Fairmont.

Counties. Commencement of Terms.
Marion . . . Second Monday in March, first day of June and second Monday in November.
FIFTEENTH JUDICIAL CIRCUIT—NEIL J. FORTNEY, Judge, Kingswood.

Counties: Commencement of Terms.
Taylor........ Second Tuesday in January, fourth Tuesday in April and second Tuesday in September.
Preston........ Second Tuesday in March, second Tuesday in June and third Tuesday in November.

SIXTEENTH JUDICIAL CIRCUIT—F. M. REYNOLDS, Judge, Keyser.

Counties: Commencement of Terms.
Grant........ First Tuesday in April, second Tuesday in July and third Tuesday in November.
Mineral........ Third Tuesday in January, third Tuesday in April, fourth Tuesday in July and third Tuesday in October.
Tucker........ Second Tuesday in March, first Tuesday in June, first Tuesday in September and first Tuesday in December.

SEVENTEENTH JUDICIAL CIRCUIT—R. W. DAILEY, Judge, Romney.

Counties: Commencement of Terms.
Hampshire..... First Tuesday in January, first Tuesday in March, first Tuesday in July and third Tuesday in September.
Hardy......... Third Tuesday in February, third Tuesday in June and third Tuesday in October.
Pendleton..... Third Monday in March, fourth Monday in July and first Monday in December.

EIGHTEENTH JUDICIAL CIRCUIT—J. M. WOODS, Judge, Martinsburg.

Counties: Commencement of Terms.
Morgan......... First Tuesday in January, first Tuesday in April and first Tuesday in September.
Berkeley....... Third Tuesday in January, third Tuesday in April and third Tuesday in September.
Jefferson......... Third Tuesday in February, third Tuesday in May and third Tuesday in October.

NINETEENTH JUDICIAL CIRCUIT—WARREN B. KITTLE, Judge, Philippi.

Counties: Commencement of Terms.
Barbour........ Second Tuesday in January, second Tuesday in April and second Tuesday in September.
Randolph....... Second Tuesday in February, second Tuesday in May and second Tuesday in October.

TWENTIETH JUDICIAL CIRCUIT—CHAS. S. DICE, Judge, Lewisburg.

Counties: Commencement of Terms.
Greenbrier..... Third Tuesday in April, fourth Tuesday in June and third Tuesday in November.
Pocahontas...... First Tuesday in April, fourth Tuesday in July and first Tuesday in December.

TWENTY-FIRST JUDICIAL CIRCUIT—JAKE FISHER, Judge, Sutton.

Counties: Commencement of Terms.
Braxton......... Third Monday in March, second Monday in July and third Monday in November.
Nicholas......... Fourth Tuesday in January, second Tuesday in June and first Tuesday in October.
TWENTY-SECOND JUDICIAL CIRCUIT—JAMES DABRON, Judge, Williamson.

Counties. Commencement of Terms.
Mingo. First Monday in January, first Monday in April, first Monday in July and first Monday in October.

TWENTY-THIRD JUDICIAL CIRCUIT—GEORGE C. STURGIS, Judge, Morgantown.

Counties. Commencement of Terms.
Monongalia. First Monday in January, first Monday in April, first Monday in July and first Monday in October.

JUDGES OF INTERMEDIATE AND CRIMINAL COURTS

<table>
<thead>
<tr>
<th>Counties</th>
<th>Names</th>
<th>Address</th>
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<tbody>
<tr>
<td>Barbour</td>
<td>Albert C. Jenkins</td>
<td>Philippi.</td>
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<tr>
<td>Berkeley</td>
<td>W. W. Downey</td>
<td>Martinsburg.</td>
</tr>
<tr>
<td>Boone</td>
<td>John B. Hager</td>
<td>Madison.</td>
</tr>
<tr>
<td>Braxton</td>
<td>James E. Cutlip</td>
<td>Sutton.</td>
</tr>
<tr>
<td>Brooke</td>
<td>William M. Werkman</td>
<td>Wellsburg.</td>
</tr>
<tr>
<td>Cabell</td>
<td>Henry Simms</td>
<td>Huntington.</td>
</tr>
<tr>
<td>Calhoun</td>
<td>Albert Smith</td>
<td>Grantsville.</td>
</tr>
<tr>
<td>Clay</td>
<td>T. O. Horan</td>
<td>Clay.</td>
</tr>
<tr>
<td>Doddridge</td>
<td>A. F. McCue</td>
<td>West Union.</td>
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