NOTE BY THE CLERK

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

The acts of the second extraordinary session will be found immediately following the acts and resolves of the extraordinary session, and are separated therefrom by a blue insert sheet.

The indexes for the acts of each session are likewise separated.

ERRATA

On page 402, in section one, line five should read as follows: "the name "the city of Princeton" by which name they shall"

On page 509, in section five, between lines twenty-six and twenty-eight, line twenty-seven to read as follows: "one member of the water board who shall serve for a term of" should be inserted.
ACTS

OF

THE LEGISLATURE

OF

WEST VIRGINIA

REGULAR SESSION 1917

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

REGULAR SESSION, 1917.

SENATE
President—WELLS GOODYKOOTZ, Williamson.
Clerk—J NOEL T. HARRIS, Parkersburg.
Chief Assistant—HOMER GRAY, Wheeling.
Sergeant-at-Arms—O. A. PETT, Charleston.
Door-keeper—JACK SMITH, Huntington.

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R. Republican.  
D. Democrat.  
*Holdover Senators.

RECAPITULATION.

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Standing Committees of the Senate.

ON PRIVILEGES AND ELECTIONS.
Messrs. Luther (Chairman), Burgess, Coalter, Gregory, Hough, McAboy, Frazier, Montgomery and Talbott.

ON THE JUDICIARY.
Messrs. Gregory (Chairman), Carter, Arnold, Duty, Miller, Parrish, Rosenbloom, Beckwith, Kump, Fox and Morton.

ON FINANCE.
Messrs. Hawley (Chairman), McAboy, Cobun, Godbey, Luther, Gribble, Rosenbloom, Hogg, Lowe, Montgomery and Talbott.

ON EDUCATION.
Messrs. Duty (Chairman), Parrish, Burgess, Carter, Hough, Sinsel, Beckwith, Morton and Talbott.

ON COUNTIES AND MUNICIPAL CORPORATIONS.
Messrs. Rosenbloom (Chairman), Coalter, Arnold, Carter, Gribble, McAboy, Fox, Frazier and Lowe.

ON ROADS AND NAVIGATION.
Messrs. Burgess (Chairman), Hough, Billings, Duty, Gregory, Arnold, Lowe, Morton and Vencill.

ON BANKS AND CORPORATIONS.
Messrs. Cobun (Chairman), McAboy, Burgess, Dodson, Gregory, Hawley, Beckwith, Montgomery and Talbott.
ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.
Messrs. Dodson (Chairman), Billings, Burgess, Cobun, Luther, Sinsel, Frazier, Kump and Vencill.

ON PENITENTIARY.
Messrs. Carter (Chairman), Sinsel, Gribble, Hawley, Hough, Luther, Beckwith, Hogg and Lowe.

ON RAILROADS.
Messrs. Coalter (Chairman), Godbey, Carter, Billings, Parrish, Sinsel, Frazier, Kump and Montgomery.

ON MILITIA.
Messrs. Dodson (Chairman), Billings, Gribble, Hough, Miller, Parrish, Fox, Lowe and Vencill.

ON FEDERAL RELATIONS.
Messrs. Luther (Chairman), Billings, Cobun, Dodson, Duty, Miller, Beckwith, Hogg and Kump.

ON INSURANCE.
Messrs. Parrish (Chairman), Coalter, Godbey, Gribble, McAboy, Rosenbloom, Beckwith, Fox and Morton.

ON IMMIGRATION AND AGRICULTURE.
Messrs. Gribble (Chairman), Gregory, Dodson, Cobun, Luther, Miller, Frazier, Kump and Vencill.

ON MINES AND MINING.
Messrs. Hough (Chairman), Godbey, Coalter, Cobun, Billings, Luther, Hogg, Montgomery and Vencill.

ON MEDICINE AND SANITATION.
Messrs. Sinsel (Chairman), Godbey, Gregory, Billings, Gribble, Hawley, Frazier, Hogg and Kump.

ON LABOR.
Messrs. Carter (Chairman), Rosenbloom, Arnold, Billings, Duty, Gregory, Dodson, Beckwith and Talbott.

ON CLAIMS AND GRIEVANCES.
Messrs. Billings (Chairman), Arnold, Burgess, Duty, Hawley, Rosenbloom, Fox, Montgomery and Morton.
STANDING COMMITTEES OF SENATE.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Hough (Chairman), Carter, Dodson, Duty, McAboy, Miller, Kump, Lowe and Morton.

ON PUBLIC PRINTING.

Messrs. Billings (Chairman), Godbey, Hawley, Luther, Miller, McAboy, Fox, Kump and Morton.

ON RULES.

Messrs. Goodykoontz (Chairman), Godbey, Duty, McAboy and Fox.

ON PUBLIC LIBRARY.

Messrs. McAboy (Chairman), Gregory, Hawley, Hough, Parrish, Rosenbloom, Montgomery, Talbott and Vencill.

TO EXAMINE THE CLERK'S OFFICE.

Messrs. Godbey (Chairman), Gribble, Luther, Miller, Rosenbloom, Sinsel, Beckwith, Hogg and Lowe.

ON PROHIBITION AND TEMPERANCE.

Messrs. McAboy (Chairman), Arnold, Burgess, Cobun, Coalter, Sinsel, Beckwith, Kump and Talbott.

ON FORESTRY AND CONSERVATION.

Messrs. Godbey (Chairman), Billings, Arnold, Coalter, Cobun, Duty, Hogg, Frazier and Morton.

ON THE VIRGINIA DEBT.

Messrs. Miller (Chairman), Godbey, Hawley, Dodson, McAboy, Gregory, Parrish, Fox, Lowe, Hogg and Morton.

JOINT COMMITTEE ON PASSED BILLS ON PART OF THE SENATE.

Messrs. Arnold (Chairman), Carter, Parrish, Montgomery and Vencill.
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STANDING COMMITTEES OF THE HOUSE OF DELEGATES

ON ELECTIONS AND PRIVILEGES.

Messrs. Straton (Chairman), Bouchelle, Johnson, Renshaw, Smith, Haymond, Talbot, Clay, Hall, Taylor (of Putnam), John, Harrison, Burdette, Porter and Hersman.

ON THE JUDICIARY.

Messrs. Johnson (Chairman), Bland, Haymond, Talbott, Straton, Arnold, Renshaw, McDonald, Bouchelle, Smith, Hall, John, Burdette, Harrison and Glover.

ON FEDERAL RELATIONS.

Messrs. Arnold (Chairman); Bassel, Henshaw, Terrill, Wells (of Wirt), Massau, Wells (of Wood), Cabell, Rader, Patrick, Dixon, Byrnes, Hagerman, Moore (of Harrison) and Otto.

ON TAXATION AND FINANCE.

Messrs. Renshaw (Chairman), Bray, Parks, Burr, Murray, Weir, Cottrill, Wells (of Wirt), Terrill, Hall, Shaw, Porter, Whitaker, Heaberlin and Wysong.

ON MILITARY AFFAIRS.

Messrs. Bassel (Chairman), Price (of Kanawha), Arnold, Skaggs, Rader, Massau, Riddleberger, Clay, Hardman, Twyman, Hilleary, Curry, Harrison, Sarver and Taylor (of Fayette).

ON PROHIBITION AND TEMPERANCE.

Messrs. L. T. Harvey (Chairman), Talbott, Price (of Wood), Parks, Ferguson (of Wayne), Alley, Bassel, Payne, Conner, Poling, Fleming, Dixon, Hickman, Mahan and Sullivan.

ON EDUCATION.

Messrs. Sweeney (Chairman), Lester, Ferguson (of Wayne), Arnold, Henshaw, Alley, Hiner, Price (of Kanawha), Cottrill, Harvey, Fleming, McBee, Ferguson (of Mercer), Poling and Honaker.

ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Bouchelle (Chairman), Stratton, Ferguson (of Wayne), Sweeney, Symns, Alley, Lester, Henshaw, Chipley, Riddleberger, Sullivan, Otto, Ferguson (of Mercer), Fleming and Twyman.
ON PRIVATE CORPORATIONS AND JOINT STOCK COMPANIES.
Messrs. Haymond (Chairman), Koontz, Bray, Alley, Graves, Price (of Wood), Davis, Hiner, Henshaw, Smith, Hunter, Glover, Hickman, Werner and Hughes.

ON MEDICINE AND SANITATION.

ON GAME AND FISH.
Messrs. Wilson (Chairman), Yeager, Arnold, Carder, Cabell, Cottrill, Harvey, Johnson, Lester, McDonald, Byrnes, Burdette, McBee, Curry and Wysong.

ON INSURANCE.
Messrs. Patrick (Chairman), Hall, Stratton, Clay, Davis, Lester, Sweeney, Symns, Wells (of Wirt), Yeager, Heaberlin, Taylor (of Putnam), Twyman, Moore (of Mineral) and Porter.

ON STATE BOUNDARIES.
Messrs. Riddleberger (Chairman), Patrick, Rader, Ferguson (of Wayne), Burr, Cabell, Skaggs, Emsley, Sturm, Sarver, Swope, Waldron, Mullins, Harper and Chipley.

ON RAILROADS.
Messrs. McDonald (Chairman), Weir, Riddleberger, Koontz, Conner, Yeager, Akins, Bland, Cabell, Bray, Terrill, Whitaker, John, Hunter and Somers.

ON LABOR.
Messrs. Massau (Chairman), Bland, Parks, Carder, Harvey, Patrick, Symns, Renshaw, Yeager, Cottrill, Curry, Porter, Moore (of Harrison), Somers and Weiss.

ON RULES.
Messrs. Thurmond (Speaker), Hall, Talbott, Koontz, Haymond and Honaker.

ON ROADS AND INTERNAL NAVIGATION.
Messrs. Parks (Chairman), Burr, Rader, Payne, Lester, Baxter, Wilson, Symns, Price (of Wood), Cottrill, Byrnes, Glover, Emsley, Fleming and Harrison.
STANDING COMMITTEES OF THE HOUSE OF DELEGATES.

ON FORFEITED AND UNAPPROPRIATED LANDS.
Messrs. Talbott (Chairman), Straton, Hall, McDonald, Bland, Haymond, Johnson, Baxter, Bray, Murray, Burdette, Mullins, Swope, Hagerman and Harper.

ON CLAIMS AND GRIEVANCES.
Messrs. Chipley (Chairman), Akins, Conner, Price (of Wood), Terrill, Carder, Sweeney, Skaggs, Graves, Price (of Kanawha), Ferguson (of Mercer), Swope, Hughes, Emsley and Harper.

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.
Messrs. Akins (Chairman), Clay, Bassel, Davis, Carder, Cottrill, Wells (of Wirt), Ferguson (of Wayne), Wells (of Wood), Henshaw, Honaker, Hughes, Moore (of Harrison), Mahan and Jones.

ON PRINTING AND CONTINGENT EXPENSES.
Messrs. Taylor (of Fayette) (Chairman), Hardman, Johnson, Payne, Hiner, Sweeney, Weir, Smith, Cabell, Graves, Hilleary, Shaw, Hersman, Sturm and Sullivan.

ON THE EXECUTIVE OFFICES AND LIBRARY.
Messrs. Koontz (Chairman), Bassel, Patrick, Hall, Akins, Parks, Clay, Rader, Hardman, Symns, Waldron, Mullins, Casto, Taylor (of Putnam) and Weiss.

ON FORESTRY AND CONSERVATION.
Messrs. Baxter (Chairman), Riddleberger, Bouchelle, Bray, Burr, Murray, Skaggs, Talbott, Johnson, Graves, Wysong, Shaw, Heaberlin, Whittaker and Byrnes.

ON ARTS, SCIENCE AND GENERAL IMPROVEMENTS.
Messrs. Henshaw (Chairman), Harvey, Graves, Hardman, Payne, Haymond, Conner, Massau, Taylor (of Fayette), Hiner, Waldron, Sarver, Moore (of Mineral), Jones and Otto.

ON THE PENITENTIARY.
Messrs. Price (of Wood) (Chairman), Davis, Koontz, Smith, Weir, Harvey, Wilson, Yeager, Arnold, Terrill, Hunter, Casto, Weiss, Moore (of Mineral) and Werner.

ON MINES AND MINING.
Messrs. Bland (Chairman), Haymond, McDonald, Wilson, Skaggs, Murray, Straton, Baxter, Renshaw, Davis, Sullivan, Curry, Honaker, Werner and Hunter.
ON IMMIGRATION AND AGRICULTURE.

Messrs. Burr (Chairman), Murray, Henshaw, Chipley, Wilson, Alley, Carder, Wells (of Wood), Hiner, Hardman, Somers, Moore (of Harrison), Mahan, Hersman and Shaw.

JOINT COMMITTEE ON PASSED AND ENROLLED BILLS.

Messrs. Weir (Chairman), Wells (of Wirt) and John on the part of the House.

COMMITTEE ON VIRGINIA DEBT.

Messrs. Hall (Chairman), Bouchelle, Bland, Haymond, Yeager, Bray, Riddleberger, Hickman, Glover, Fleming, Hunter, McDonald, Johnson, Arnold and John.
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AN ACT making appropriations of public money on account of the
contingent expenses of the legislature of one thousand nine-
hundred and seventeen.

[Passed January 24, 1917. In effect from passage. Approved by the Governor
January 30, 1917.]

SEC. 1. Appropriation for contingent expen-
ses of legislature.
SEC. 2. Order for supplies, and how signed.
SEC. 3. Auditor authorized to issue war-
rants.

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 thou-
sand five hundred dollars, or so much thereof as may be necessary
for said purposes.

Sec. 2. No supplies shall be purchased for either house, ex-
cept 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 is-
sue 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. 205.)

AN ACT making an appropriation of public money to defray the expenses incidental to the inauguration of Governor John J. Cornwall.

[Passed January 25, 1917. In effect from passage. Approved by the Governor February 5, 1917.]

Appropriation for inauguration expenses: available upon passage of bill.

Be it enacted by the Legislature of West Virginia:

That there be and there is hereby appropriated out of the treasury, to defray the expenses incidental to the inauguration of Governor John J. Cornwall, on March fifth, one thousand nine hundred and seventeen, the sum of twenty five hundred ($2500.00) dollars, or so much thereof as may be necessary, on requisition of the governor on the auditor. The sum hereby appropriated shall become available immediately upon the passage of this bill.

CHAPTER 3.

(House Bill No. 412.)

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 23, 1917. In effect from passage. Became a law without the Governor's approval.]

Be it enacted by the Legislature of West Virginia:

Section 1. That there shall be and are hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred and eighteen, and the fiscal year ending June thirtieth, one thousand nine hundred and nineteen, respectively. Salary of governor and other state officers, adjutant general, compensation commissioner, state librarian, state tax commissioner, commissioner of agriculture; state historian and archivist; state commissioner of health; keeper of the rolls, jani-
appropriations to pay salaries.

5 tively, the following sums of money to pay the salaries of the
6 officers of the government:

<table>
<thead>
<tr>
<th>Executive Department</th>
<th>Fiscal year ending June 30th, 1918</th>
<th>Fiscal year ending June 30th, 1919</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 To pay the salary of the governor</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>12 To pay the salary of the auditor</td>
<td>4,500.00</td>
<td>4,500.00</td>
</tr>
<tr>
<td>13 To pay the salary of the treasurer</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
<tr>
<td>14 To pay the salary of the attorney general</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>16 To pay the salary of the compensation commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>18 To pay the salary of the superintendent of free schools</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>20 To pay the salary of the secretary of state</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>22 To pay the salary of the adjutant general</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>25-27 To pay the salary of the state librarian</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>28 To pay the salary of state tax commissioner</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>30 To pay the salary of the commissioner of agriculture</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>32 To pay the salary of the state historian and archivist</td>
<td>2,700.00</td>
<td>2,700.00</td>
</tr>
<tr>
<td>34 To pay the salary of the state commissioner of health</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

Keeper of the Rolls.

37 To pay the salary of the keeper of the rolls | $300.00 | $300.00 |
| 39 To pay the salary of the janitor | 1,500.00 | 1,500.00 |

Commissioner of Banking.

41 To pay the salary of the commissioner of banking | $3,500.00 | $3,500.00 |
### Appropriations to Pay Salaries.

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Mines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salary of the chief of</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>the department of mines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bureau of Labor</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>Public Service Commission</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>Forestry, Fish and Game Warden</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>Board of Control</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>State Board of Regents</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>
<tr>
<td>Judicial Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To pay the salaries of the judges of the supreme court</td>
<td>$27,500.00</td>
<td>$27,500.00</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>
</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 seventeen and ending June thirtieth, one thousand nine hundred and eighteen; and the second column of figures 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...
10 hundred and eighteen, and ending on the thirtieth day of June, 
11 one thousand nine hundred and nineteen.

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

CHAPTER 4.

(House Bill No. 434.)

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 seventeen, and for salaries of the 
officers and attaches thereof.

[Passed February 23, 1917. In effect from passage. Became a law without the 
Governor's approval.]

SEC. 1. Appropriations: per diem and mileage of members of the House of 
Delegates;
per diem of officers, assistant clerks and other attaches of the House of 
Delegates;
per diem and mileage of members 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 
2 of the public treasury for the payment of the per diem of the 
3 members of the legislature for the session of one thousand nine 
4 hundred and seventeen and the per diem of the officers and at- 
5 taches thereof the following sums of money:

House of Delegates.

To pay the per diem of the members, seventeen thousand and 
8 ten dollars.
9 To pay the mileage of members, three thousand, three hun- 
10 dred, ninety-seven dollars and forty 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.
To pay the per diem of the doorkeeper, one hundred and eighty dollars.
To pay the per diem of the assistant doorkeeper, one hundred and eighty dollars.
To pay the per diem of the gallery doorkeeper, one hundred and eighty dollars.
To pay the per diem of the three cloak room keepers, one hundred and thirty-five dollars each, four hundred and fifty dollars.
To pay the per diem of the day watchman, one hundred and eighty dollars.
To pay the per diem of the night watchman, one hundred and eighty dollars.
To pay the per diem of eight committee clerks, one thousand, four hundred and forty dollars.
To pay the per diem of the clerk of the committee on taxation and finance, two hundred and seventy dollars.
To pay the per diem of the clerk of the judiciary committee, two hundred and seventy dollars.
To pay the per diem of the seven floor pages, six hundred and thirty dollars.
To pay the per diem of the mailing and banking page, one hundred and thirty-five dollars.
To pay the per diem of the five floor stenographers, nine hundred dollars.
To pay the per diem of the five journal clerks, nine hundred dollars.
To pay the per diem of the stenographer of the committee on taxation and finance, two hundred and seventy dollars.
To pay the per diem of the stenographer of the committee on the judiciary, two hundred and seventy dollars.
To pay the per diem of the stenographer to the speaker, two hundred and seventy dollars.
To pay the per diem of five printing clerks, one thousand, three hundred and fifty dollars.

To pay the per diem of clerk to sergeant-at-arms, twenty days, eighty dollars.

To pay the per diem of four stenographers to clerk, one thousand, and eighty dollars.

To pay the per diem of bill record clerk, two hundred and seventy dollars.

To pay the per diem of assistant bill record clerk, two hundred and seventy dollars.

To pay the per diem of two desk clerks, five hundred and forty dollars.

To pay the per diem of one reading clerk, two hundred and seventy dollars.

To pay the per diem of four assistant clerks, one thousand, and eighty dollars.

To pay the per diem of five assistant janitors, six hundred and seventy-five dollars.

To pay the per diem of the toilet room keeper, one hundred and thirty-five dollars.

To pay the per diem of one journal page, twenty-two days, forty-four dollars.

To pay the per diem of the clerk of the committee on engrossed bills, two hundred and seventy dollars.

To pay the per diem of the charwoman, one hundred and thirty-five dollars.

To pay the per diem of the chaplain of the house of delegates, ninety dollars.

To pay the per diem of the members, five thousand four hundred and ninety dollars.

To pay the mileage of the members, one thousand one hundred and seventy-nine dollars and seventy cents.

To pay the per diem of the chief clerk, five hundred and fifty dollars.

To pay the per diem of the sergeant-at-arms and one assistant, two hundred and twenty-five dollars each, four hundred and fifty dollars.

To pay the per diem of the doorkeeper, two assistant door-
keepers, and the gallery doorkeeper, seven hundred and twenty dollars.

93 To pay the per diem of the chief assistant clerk, minute clerk, reading clerk, and stenographer to the clerk, ten hundred and eighty dollars.

96 To pay the per diem of the supervisor of printing engrossed and enrolled bills and his assistant, a bill editor and his assistant, ten hundred and eighty dollars.

99 To pay the per diem of the roll clerk, voucher clerk, bookkeeper, and senate bill abstract clerk, ten hundred and eighty dollars.

102 To pay the per diem of the printing clerk in charge of correcting and printing the senate journal, two assistants, and two copyholders, thirteen hundred and fifty dollars.

105 To pay the per diem of the printing clerk in charge of printing senate bills, two assistants, and two copyholders, thirteen hundred and fifty dollars.

108 To pay the per diem of the senate bill record clerk, house bill record clerk, and the clerk and his assistant on the part of the senate to the joint committee on passed and enrolled bills, ten hundred and eighty dollars.

112 To pay the clerk and his assistant on engrossed bills, and two general stenographers, ten hundred and eighty dollars.

116 To pay the page to the clerk and the messenger to the clerk, two hundred and seventy dollars.

118 To pay the secretary to the president and stenographer to the president, five hundred and forty dollars.

120 To pay the clerk to the committee on finance, and his assistant, and the stenographer to the committee, eight hundred and ten dollars.

123 To pay the messenger to the finance committee, one hundred and eighty dollars.

125 To pay the clerk to the committee on the judiciary and the stenographer to the committee, five hundred and forty dollars.

127 To pay twenty-two committee clerks, three thousand nine hundred and sixty dollars.

129 To pay eight floor stenographers, fourteen hundred and forty dollars.
To pay the mailing and banking page and three journal pages, five hundred and forty dollars.

To pay eleven floor pages, nine hundred and ninety dollars.

To pay the per diem of the librarian, one day watchman and one night watchman, five hundred and forty dollars.

To pay the per diem of two cloakroom keepers and toilet-room attendant, four hundred and five dollars.

Sec. 2. The auditor of this state is hereby authorized and directed to issue his warrants upon the treasury from time to time for such amounts as are or may become due to the several members, officers and attaches 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 of delegates, respectively.

CHAPTER 5.
(Senate Bill No. 108.)

AN ACT to amend and re-enact section eight of chapter seventeen of the code, relating to time appropriations shall expire.

[Passed February 13, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

Sec. 8. Appropriations or so much as remain undrawn at end of year deemed expired.

Sec. 9. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter seventeen of the code be amended and re-enacted so as to read as follows:

Section 8. Every appropriation which is payable out of general revenue, or so much thereof as may remain undrawn at the end of the year for which made, shall be deemed to have expired and no warrant shall thereafter be issued upon it. Provided, however, that warrants may be drawn during a period of sixty days after the end of the year for which the appropriation is made, if the warrants are in payment of former years' bills; and, provided, further, that appropriations for buildings and land shall remain in effect, and shall not be deemed to have expired until the end of three years after the passage of the act by which such appropriations were made.

Sec. 9. All acts or parts of acts inconsistent with this act are hereby repealed.
CHAPTER 6.
(House Bill No. 5.)

AN ACT to amend and re-enact chapter seventy-five (75) of the code of West Virginia of one thousand nine hundred and thirteen, entitled "lien for purchase money, and lien of mechanics, laborers, and others."

[Passed February 16, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC. 1. Liens for purchase money to be reserved by deed.
2. (a) Lien on building and ground to secure payment to.
(b) Lien to laborer: for material furnished.
(c) Lien for material, machinery or other equipment.
(d) Lien for material equipment or supplies.
(e) Lien for workman, mechanic, artesian or laborer.
(f) Lien for workman or sub-contractor.
3. (a) Lien discharged if not perfected and preserved, as provided.
(b) General contractor shall cause to be recorded in clerk's office notice; time; form of notice; see.
(c) Sub-contractors shall give notice to owner or agent within sixty days; form of notice: shall within ninety days have recorded a notice of said lien.
(d) Materialman or furnisher shall have recorded in office of clerk of county court notice: time.
(e) Materialman or furnishers of machinery or equipment shall give notice; form of notice: furnish itemized account: form for account: shall have notice recorded in county court clerk's office.
(f) To perfect lien, workman, artesian, mechanic or other person shall have recorded in county court clerk's office, notice: time to give notice and itemized account to owner: forms.
(g) What failures shall operate as a discharge of lien.
(h) When publication of notice and posting shall be done as to non-residents or "not found."
4. One contract construed.
5. Priority of liens.
6. (a) Owner by notice in writing may require person working on building furnishing material, etc., to furnish account of work done, etc.; a failure to

SEC. do so releases lien against owner.
(b) A notice to owner before work is done or material furnished, that he will be held for payment if employer fails to pay obviates other notices.
7. Payment by owner to contractor, etc., does not impair lien of others.
8. How an owner may limit his liability.
9. How owner may be exempt from more than contract price.
10. Form of bond.
11. When lien is sought to be enforced, duty of court.
12. Contractors for construction of, or repairs on public buildings; required to file bond.
13. Who shall be parties to a suit.
14. When contractor is deemed an agent of owner.
15. Clerk of county court shall enter notice in mechanic's lien docket.
16. Proof as to use of material or machinery in building.
17. Furnishing for or working on one building secures liens on all, upon notice.
18. Failure of owner to perform his part of contract, causing contractor to fall in part, lien for reasonable compensation is held by contractor.
19. Workman or laborers for incorporated companies has lien to secure payment.
20. Such liens shall be discharged unless person ceased to work and files with clerk of the county court notice of such lien.
22. Time limit of suits to enforce lien.
23. If lien is established duty of court; effect of decree.
24. How common law lien enforced.
25. When debt secured by lien is paid, creditor to cause clerk to enter discharge.
26. Citizens of this state shall have lien on steamboats; etc., for labor, material, etc.
27. The owner of any stallion, jack or bull shall have lien on foal or calf; when; how collected.

Be it enacted by the Legislature of West Virginia:
That chapter seventy-five (75) of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 1. If any person convey any real estate and the
purchase money or part thereof remain unpaid at the time of the conveyance he shall not thereby have a lien for such unpaid purchase money, unless such lien is expressly reserved on the face of the conveyance.

Sec. 2. (a) Every person, firm or corporation, which shall erect, build, construct, alter, remove or repair any building or other structure, or other improvement appurtenant to any such building or other structure, under and by virtue of a contract with the owner or his authorized agent for such erection, building, construction, alteration, removal or repair, either for an agreed lump sum or upon any other basis of settlement and payment, under a contract with the owner or his authorized agent, shall have a lien upon such building or other structure or improvement appurtenant thereto, and upon the interest of the owner thereof in the lot of land wherein the same stands, to secure the payment of said contract price or other compensation therefor.

(b) Every person, firm or corporation who, under and by virtue of a contract with such general contractor or with a sub-contractor for part of said work, either for an agreed contract price or by day or by piece, or other basis of payment shall furnish any part of the materials, machinery or other necessary supplies or equipment, or shall perform any labor or do any work necessary to the completion of said general contract, in the erection, construction, alteration, repair or removal of any building or other structure or improvement appurtenant thereto, as provided in such general contract, shall have a lien upon such building or other structure or improvement appurtenant thereto, so built, erected, constructed, repaired or removed thereunder, and upon the interest of the owner thereof in the lot or tract of land wherein the same stands.

(c) Every person, firm or corporation, which shall furnish to any owner, for use in the erection, construction, alteration, repair or removal of any building or other structure or improvement appurtenant thereto, any materials, machinery or other equipment or supplies necessary to the completion of such building or other structure or improvement, shall have a lien upon the said building or other structure or improvement thereto, and upon the interest of the owner thereof in the lot or tract of land wherein the same stands, to secure the payment of the
Every person, firm or corporation, which shall furnish to any such general contractor or to any such sub-contractor, any materials, machinery or other equipment or supplies necessary to the completion of such building or other structure, or improvement appurtenant thereto, for use in the erection, construction, repair or removal thereof, by virtue of a contract between such general or sub-contractor and the materialman or furnisher of machinery, or other supplies or equipment necessary to the completion of said general contract, shall have a lien upon such building or other structure or improvement thereto and upon the interest of the owner in the lot or tract of land whereon the same stands to secure the payment of the value of such materials, machinery and other equipment and supplies.

Every workman, artisan, mechanic, laborer or other person, who shall perform any work or labor in the erection, construction, repair or removal of any building or other structure or improvement appurtenant thereto, by virtue of contract for such work and labor directly with the owner thereof, shall have a lien upon the said building, or other structure, or improvement thereto, and upon the interest of the owner in the land upon which the same stands, to secure the payment of the value of such work and labor.

Every workman, artisan, mechanic, laborer or other person, who shall perform any work or labor under the employment of any general contractor or of any sub-contractor in the erection, construction, repair or removal of any building or other structure, or improvement thereto necessary to the completion of said general contract, shall have a lien upon such building, or other structure, or improvement appurtenant thereto, and upon the interest of the owner in the lot or tract of land whereon the same stands, to secure the payment of the value thereof.

Sec. 3. (a) But the lien created and authorized by paragraph (a) of section two shall be discharged from and after ninety days from the completion of said contract, and the lien created and authorized by paragraph (b) of section two shall be discharged from and after sixty days from the completion of said sub-contract, and the lien created and authorized by paragraph (c) of section two shall be discharged from and after ninety days from the furnishing of the last of said materials, machinery or
9 other supplies and equipment, and the lien created and authorized
10 by paragraph (d) of section two shall be discharged from and
11 after sixty days from the date of the furnishing of the last of
12 said materials, machinery or other equipment or supplies, and
13 the lien created and authorized by paragraph (e) of section two
14 shall be discharged from and after ninety days from the date of
15 the performing of the last of said work and labor, and the lien
16 created and authorized by paragraph (f) of section two shall be
17 discharged from and after sixty days from the date of the per-
18 forming of the last of said work and labor, unless within the said
19 respective periods, the claimant of any such lien shall have per-
20 fected and preserved the same, as hereinafter provided.
21 (b) For the purpose of perfecting and preserving his said
22 lien, any such general contractor as provided in paragraph
23 (a) of section two, within ninety days after the com-
24 pletion of his work provided for in said contract, shall
25 cause to be recorded in the office of the clerk of the county
26 court of the county wherein such property is situate, a notice
27 of such lien, which notice shall be sufficient if in form and effect
28 as follows:

Notice of Mechanic's Lien.

To............................
State of West Virginia,
County of..........................

Notice is hereby given, in accordance with the laws of the
state of West Virginia, that the undersigned claims a lien to
secure the payment of the sum of $........ upon the interest
in and to lot number................. of block
number ............. as shown on the official map of the city
of ...................... (or other adequate and ascertainable de-
scription of the real estate to be charged), and upon the follow-
ing buildings, structures and improvements thereon: (list the
buildings, structures or improvements sought to be charged.)
Given under my hand this ...... day of ............. 19......

being first duly sworn upon
his oath says that the statements contained in the foregoing notice
of lien are true, as he verily believes.
Given under my hand this .... day of ............... , 19 ....
My commission expires ........................................

For the recordation whereof, the clerk of the said county court shall be entitled to receive a fee, payable in advance by the person claiming such lien, of the sum of fifty cents.

For the purpose of perfecting and preserving his said lien, if he desire to do so, every such sub-contractor within sixty days after the completion of his sub-contract shall give to the owner or his authorized agent, by any of the methods provided by law, for the service of legal notices or summons, a notice of lien, which notice shall be sufficient if in form and effect as follows:

Notice of Mechanic's Lien.

To ................
You will please take notice that the undersigned ......... was and is sub-contractor with ....................... who was and is general contractor for the furnishing of materials and doing of the work and labor, necessary to the completion of (here describe the nature of the sub-contract) on that certain building (or other structure or improvement as the case may be), owned by you and situate on lot number .......... of block number .......... as shown on the official map of ............... (or other definite and ascertainable description of the real estate) and that the contract price and value of said work and materials is $ ...........
You are further notified that the undersigned has not been paid therefor (or has been paid only $ .......... thereof) and that he claims and will claim a lien upon the said building (or other structure or improvement) and upon your interest in the said lot, (or tract) of land, to secure the full payment thereof.

State of West Virginia,
County of .................., being first duly sworn, upon his oath says that the statements in the foregoing notice of mechanic's lien are true, as he verily believes:
Taken, subscribed and sworn to before me this .... day of 19 ....
My commission expires

(Official Capacity.)

But said lien shall be discharged and avoided, unless within ninety days after the completion of his said sub-contract as aforesaid the said sub-contractor shall cause to be recorded in the office of the clerk of the county court of the county wherein such property is situate a notice of his said lien, which notice shall be sufficient if in form and effect as that provided in paragraph (b) of section three of this act.

(d) For the purpose of perfecting and preserving his said lien, every such materialman or furnisher of machinery or other necessary equipment, under a contract with the owner or his authorized agent, shall cause to be recorded in the office of the clerk of the county court of the county wherein such property is situate, within ninety days from the date when he shall have ceased to furnish material or machinery or other necessary equipment, a notice of his said lien, which notice shall be sufficient if in form and effect as that provided in paragraph (b) of section three of this act.

(e) For the purpose of perfecting and preserving his said lien, every such materialman or furnisher of machinery or other necessary equipment, who shall have furnished such material, machinery or equipment under a contract with any such contractor or with any such sub-contractor, within sixty days after he shall have ceased to furnish such material or machinery or other equipment, shall give to the owner, or with his authorized agent, by any of the methods provided by law for the service of legal notices or summons, a notice of his said lien, which notice shall be sufficient if in form and effect as follows:

Notice of Mechanic's Lien.

To

You will please take notice that the undersigned

has furnished and delivered to

who was contractor with you (or sub-contractor with)

who was contractor with you, as the case may be) for use in the erection and construction (or repair, removal, improvement, as the case may be) of (here list the buildings or other structure or improvement to be charged) on the real estate known as (here insert adequate and ascertainable description of the real estate to be charged) and that said materials were of the nature, were
furnished on the dates and in the quantities and at the price
as shown in the following account thereof:

(Here insert itemized account.)

You are further notified that the undersigned has not been
paid the sum of $ .......... (or that there is still due and
owing to the undersigned thereon the sum of $ ...........
and that he claims a lien upon your interest in the said lot (or
tract) and upon the said buildings, structures and improvements
thereon, to secure the payment of the said sum.

State of West Virginia,
County of .................

being first duly sworn upon his oath
says that the statements in the foregoing notice of lien con-
tained are true, as he verily believes.

Taken, subscribed and sworn to before me, this ...... day of
 .........., 19....

My commission expires.................

(Official Capacity.)

But such lien shall be discharged and avoided, unless within
ninety days after such materialman or other furnisher of machin-
ery or other necessary equipment, shall have ceased to furnish
such materials or machinery or other equipment, he shall cause
to be recorded in the office of the clerk of the county court of
the county wherein the said property is situate a notice of his
said lien, which notice shall be sufficient if in form and effect
as that provided in paragraph (b) of section three of this act,
and which said recorded notice need not include said itemized
account.

(f) For the purpose of perfecting and preserving his said
lien every such workman, artisan, mechanic, laborer or other per-
son who shall have done any work or performed any labor upon
any such building or improvement, under a contract direct with
the owner thereof or his authorized agent, shall cause to be record-
ed in the office of the clerk of the county court of the county where-
in the said property is situate within ninety days after he shall
have ceased to perform any such work or labor a notice of his
said lien, which notice shall be sufficient if in form and effect
as that provided in paragraph (b) of section three of this act.

(g) For the purpose of perfecting and preserving his said
liens, every such workman, artisan, mechanic, laborer or other
person who shall have performed any work or labor upon such
building or improvement thereto, under a contract with any gen-
eral contractor or with any sub-contractor, shall cause to be given
to the owner, by any of the methods provided by law for the
service of legal summons or notices, within sixty days after he
shall have ceased to perform any such work or labor, a notice of
his said lien, which notice shall be sufficient, if in form and
effect as follows:

Notice of Mechanic's Lien.

To ..........................................

You will please take notice that the undersigned has per-
formed work and labor under a contract with .................
who was general contractor with you (or who was sub-contractor
with .................), who was general contractor
with you) in the erection and construction (or removal, repair,
 improvement or otherwise, as the case may be) of a certain build-
ing (or other structure or improvement) on real estate known
as (here insert adequate and ascertainable description of the real
estate to be charged) and that said work and labor was of the
kind, was performed on the dates, for the purposes and at the
prices, as shown in the following itemized account thereof:

(Here insert itemized account.)

You are further notified that the undersigned has not been
paid the sum of $ .......... (or that there is still due and
owing to the undersigned thereon the sum of $ ........) and
that he claims a lien upon your interest in the said lot (or tract)
of land and upon the said buildings (or structure or other im-
provement) to secure the payment of the said sum.

State of West Virginia,
County of ..................................

being first duly sworn upon
his oath says that the statements in the foregoing notice of me-
chanic's lien contained are true, as he verily believes.

.................................

Taken, subscribed and sworn to before me, this ...... day
of .........., 19......

My commission expires ..........................

(Official Capacity.)
But said lien shall be discharged, unless said workman, artisan, mechanic, laborer or other person shall cause to be recorded in the office of the clerk of the county court wherein the said property is situate, within ninety days after he shall have ceased to do work or perform labor upon the said building or improvement thereto, a notice of his said lien, which notice shall be sufficient if in form and effect as that provided in paragraph (b) of section three of this act, and which said recorded notice need not include said itemized account.

(h) The failure of any such contractor or person dealing directly with the owner or his authorized agent to cause such notice to be recorded within ninety days, as above provided, or the failure of any such sub-contractor or any person dealing with any such contractor or sub-contractor to cause to be given to the said owner within sixty days as above provided, the notice herein required to be given and to be recorded in the office of the clerk of the county court, within ninety days, as above provided, the notice hereinbefore required to be recorded, or the failure of any such claimant of any such lien to comply substantially with all of the requirements of this act, for the perfecting and preservation of his said lien, within the time herein provided therefor, shall operate as a complete discharge of the said owner and of his said property from all liens for claims and charges of any such contractor, sub-contractor, materialman or laborer, for any work claimed to have been performed and for any materials, machinery or other necessary equipment claimed to have been furnished, in connection with said work.

(i) In the event that any such owners upon whose real estate or improvement thereof, it is desired to take such lien should be non-residents of this state, or in the event that any officer of this state authorized by law to execute legal process should make return, “not found” upon any notice of mechanics lien, which may be presented to him for service, then it shall be sufficient service of any such notice of mechanics lien upon such non-resident owner, or upon such owner, as to whom any such return of “not found” shall be made by any such officer, to publish a copy of such notice for two successive weeks in some newspaper of general circulation in said county, and to post a copy of such notice in a conspicuous place upon the property sought to be charged thereby, which publishing and posting
Cu. 6
LIENS.

Sec. 4. For the purposes of this act, all materials furnished and all work done by any one person, firm or corporation, upon any one building or the improvements appurtenant thereto shall be deemed and considered one contract, whether or not all of said material was bought at one time, or under one general agreement or otherwise and whether or not all of said work and labor was contracted for at one time or otherwise.

Sec. 5. All of the liens authorized and created by this act shall have priority over any and all other liens created by trust deed or otherwise, on such building or other structure and improvements appurtenant thereto and on the interest of the owner upon the lot of ground whereon the same stands or to which the same may have been removed, subsequently to the time when such labor shall have begun to be performed, or such material or machinery or other necessary equipment shall have begun to be furnished. Such laborers, artisans, mechanics, workmen and furnishers of material, machinery and other necessary equipment shall have first liens, and the lien of all such persons, when perfected and preserved as required by this act, shall take precedence over any lien taken or to be taken by the contractor indebted to them for labor, material, machinery or other equipment, and every assignment or transfer by any such head contractor of his contract with the owner or by any such sub-contractor of his contract with the contractor or any proceeding in attachment or otherwise against such head contractor or sub-contractor, with the purpose of incumbering or subjecting his interest in said contract, shall be subject and subsequent to the perfected liens of all such laborers, workmen, artisans, materialmen and furnishers of machinery and other necessary equipment. But all of the perfected liens of such laborers and workmen and of such materialmen and furnishers of machinery and of such contractors and sub-contractors shall be of equal dignity without priority among themselves, except as herein otherwise provided.

Sec. 6. (a) The said owner may, at any time, by notice in writing, require such laborer, mechanic, workman or other person doing work or labor upon said building or other structure or improvement appurtenant thereto, or to any such materialman or other person furnishing materials, machinery or other necessary
6 equipment for such work to file with said owner an itemized
7 account of the work done by said laborer or other person or of
8 the materials or machinery or other equipment furnished
9 by said materialman or other person for the said work,
10 to show the dates upon which said work was done or said ma-
11 terials were furnished, the price charged therefor and the nature
12 of such work or materials, and the neglect or failure of any
13 such laborer, mechanic or other person furnishing materials, ma-
14 chinery or other necessary equipment for the doing of the same,
15 so to file the said itemized statement with the said owner, within
16 ten days after the receipt by him of the said written notice so
17 to do, shall release the said owner from all responsibility and his
18 property from all lien or charge for all labor done and for all
19 materials furnished by the person so failing to file such required
20 itemized statement, prior to the giving of said notice.
21 (b) Any laborer or other person employed to do any work
22 or furnish any materials or machinery for the erection, construc-
23 tion, alteration, repair or removal of any building or other struc-
24 ture, or any improvement appurtenant thereto, by another who
25 may have contracted with the owner therefor may, before doing
26 any work or furnishing any material or machinery, give the
27 owner of such building or other structure or improvement thereto
28 notice in writing that if he is not paid therefor by the person
29 employing him, he will look to the owner for payment; and it
30 shall not be necessary for the person who has given such notice
31 in writing to file the account and notice with the owner within
32 sixty days of the date of the doing of the last work or of the
33 furnishing of the last of said materials or machinery, unless he
34 is required by the owner in writing within sixty days to do so, and
35 his neglect or failure to file such notice and account within sixty
36 days, unless so required to do so, shall in no way affect or impair
37 his said lien, if it be otherwise perfected and preserved.

Sec. 7. No payment by the owner or by his authorized agent
2 to any such contractor or sub-contractor of any part or all of the
3 contract price for the erection and construction of any such build-
4 ing, structure or improvement appurtenant thereto or for any
5 part or section of said work shall affect, impair or limit the lien
6 of the laborer, or materialman or furnisher of machinery or other
7 necessary material or equipment, as provided for in this act,
8 except as herein provided.

Sec. 8. Any such owner may limit his liability upon such
building contract to the sum agreed therein to be paid therefor,
by recording his said contract with the said general contractor
in the office of the clerk of the county court of the county wherein
such building or other structure is situate, prior to the beginning of
the building, erection and construction thereof, and by requiring to
be given by his general contractor and by recording with his
said general contract a valid and solvent bond, in a penalty
equal to the contract price, with solvent surety, conditioned that
in the event any such laborer, materialman or other person, having
perfeeted his lien as allowed by this act, be deprived by the
recording of his contract from receiving from said owner the
amount of his said lien, then the said bond and the sureties
thereon shall be responsible to said lien or for the amount of
said lien account, or for any balance thereof not collected by said
lien or from said owner and from his said property.

Sec. 9. Any such owner who shall cause his said general
contract to be recorded in the said clerk’s office and who shall
cause to be executed and recorded the bond therewith as pro-
vided by the next preceding section shall be exempt from the
payment of more than said contract price, and his said property
shall likewise be exempt therefrom, and all such liens created
by this act as are not fully satisfied and discharged by the said
owner, by reason of the limitation of said recordation, shall be
paid by said contractor and his said sureties on the said bond.

Sec. 10. The bond referred to in section eight of this act
shall be sufficient if in form and effect as follows:
Know all men by these presents:

as surety are held and

firmly bound unto .............................................
in the just and full sum of $..........., to the payment whereof
well and truly to be made, we bind ourselves, our heirs, adminis-
trators and assigns, jointly and severally by these presents.

Sealed with our seals and dated this............. day of
.............., 19....

The condition of the above obligation is such:
That whereas, the said ................................ has
entered into a certain contract with..........................
for the building and erection by the said....................
for the said.................................................. of a certain
.............................., to be situated....................;
and whereas, it is agreed between the above named principal
LIENS.

19 and surety that no change or modification of such contract shall
operate to discharge the surety upon this bond; now, therefore,
21 if the said .................................. shall well and truly
22 perform his said contract, shall pay off, satisfy and discharge
23 all claims of sub-contractors, laborers, materialmen and all per-
24 sons furnishing material or doing work upon said building, and
25 shall save the said ................................. and his property
26 harmless from any and all liability, over and above the contract
27 price thereof, between the said owner and the said contractor,
28 for all of said labor and materials, and shall fully pay off and
29 discharge and secure the release of any and all mechanic's liens
30 which may be placed upon said property by any such sub-contract-
31 or, laborer or materialman, then this obligation shall be null
32 and void. Otherwise to remain in full effect and virtue.
33 ................................................. (Seal)
34 ................................................. (Seal)
35 ................................................. (Seal)
36 Acknowledged before the subscriber, a notary public in and
37 for the state of West Virginia and county of ........................,,
38 this ............ day of ......................, 19 ...
39 My commission expires ........................
40 .................................................
41 Notary Public.
42 No change or modification of any such contract between such
43 owner and such general contractor shall operate to discharge or
44 release the obligation of the surety or sureties upon any such bond.

Sec. 11. Whenever a lien, perfected and preserved under this
2 act, is sought to be enforced against any property outside of any
3 city, town or village, it shall be the duty of the court before
4 which any suit for the enforcement of such lien is pending, in
5 its discretion to determine how much land surrounding any such
6 building shall be subject to such lien. In any event, not more
7 of such land shall be so subject to such lien than shall be rea-
8 sonably necessary to the full enjoyment of the said building or
9 other improvement.

Sec. 12. It shall be the duty of the state board of control,
2 and of all county courts, boards of education, boards of trustees,
3 and other legal bodies having authority to contract for the
4 erection, construction, improvement, alteration or repair of any
5 public building or other structure, or any building or other
6 structure used or to be used for public purposes, to require of
every person to whom it shall award, and with whom it shall enter into, any contract for the erection, construction, improvement, alteration or repair of any such public building or other structure used or to be used for public purposes, that said contractor shall cause to be executed and delivered to the secretary of said board or other legal body, or other proper and designated custodian of the papers and records thereof, a good, valid, solvent and sufficient bond, in the penal sum equal at the least to the reasonable cost of the materials, machinery, equipment and labor required for the completion of said contract, and conditioned that in the event such contractor shall fail to pay in full for all such materials, machinery, equipment and labor used by him in the erection, construction, improvement, alteration or repair of such public building or other structure, or building or other structure used or to be used for public purposes, then said bond and the sureties thereon shall be responsible to said materialmen, furnisher of machinery or equipment, and furnisher or performer of said labor, or their assigns, for the full payment of the full value thereof.

Sec. 13. Whenever it shall be necessary for suit to be brought for the enforcement of any of the liens contemplated by this act, as hereinafter provided, the said contractor and the sureties upon the said bond shall be made parties thereto and all matters arising upon said bond and the liabilities thereunder shall be litigated and determined in the said lien suit and it shall not be necessary for judgment upon said bond to be taken at law, but all such proceedings as are necessary to enforce liability upon such bond shall be had in said court of chancery, according to the usual and ordinary course of proceeding therein.

Sec. 14. In the event any such owner should fail to record such contract and bond, or should record such contract without bond, or in the event the penalty of said bond should not be equal to the contract price or in the event the said bond should be not solvent at the time when given, then the said contractor shall be deemed to be the agent of the said owner and the building or other structure and the improvements appurtenant thereto, together with the interest of the owner thereof in and to the lot of land whereon the same stands or to which it is removed, shall be held liable and subject to such perfected liens, for the full and true value of all work and labor done and of all materials, machinery and equipment furnished.
therefor, although the same may exceed in the aggregate the price stipulated in the contract between the owner and the contractor.

Sec. 15. It shall be the duty of the clerk of the county court of the county to enter every such notice of lien in a book by him to be kept for that purpose, to be called "Mechanic's Lien Record," which book shall be well and properly indexed, so as to show the names of the parties, the amount and character of the claim, when filed, and the description of the property to be charged by said lien, for which service he shall receive fifty cents, to be paid in advance by the person claiming the lien.

Sec. 16. Proof of the sale to any such owner, contractor or sub-contractor of any materials, machinery or other equipment for use in the performance of any such contract, and of the delivery of such materials, machinery or other equipment to the said contractor, sub-contractor or his authorized agent on the premises shall be prima facie proof of the use of said materials, machinery or equipment in the erection and construction of the said building or other structure and of the improvements appurtenant thereto, and upon the proving of such facts, the burden of showing that such materials, machinery and equipment were not used in the said building or other structure or improvement appurtenant thereto shall be upon the owner or other person disputing the said use thereof.

Sec. 17. Any materialman or furnisher of machinery or other equipment necessary to the performance of any one such general or sub-contract, who shall furnish such materials, machinery or other equipment in quantities for use in more than one building or other structure or improvement appurtenant thereto, and any workmen, laborer or other person who shall perform work or labor upon more than one such building or other structure or improvement appurtenant thereto, provided for in such contract, shall have a lien upon all of such buildings and other structures and improvement into which his materials were put or upon which his work and labor was expended and upon the interest of the owner in and to the lot of ground upon which all of such buildings and structures stand or to which they may be removed, and such lien may be perfected and preserved by one notice thereof to such owner and by one recordation thereof, and it shall not be necessary for such lienor to give
and record notice against each separate building or structure or improvement thereto.

Sec. 18. When the owner fails to perform his part of the contract and by reason thereof the other party, without his own default, is prevented from completely performing his part, he shall be entitled to reasonable compensation for so much as he shall have performed, in proportion to the price stipulated for the whole, and shall have a lien upon the building or other structure upon which his work may have been performed or for which his material or machinery was furnished, and upon the interest of the owner in the lot of ground whereon the same stands, to secure payment thereof, when properly perfected and preserved according to the provisions of this act.

Sec. 19. Every workman, laborer or other person who shall do or perform any work or labor, for any incorporated company doing business in this state, by virtue of a contract either directly with such incorporated company or with its general contract or with any sub-contractor shall have a lien for the value of such work or labor upon all real estate and personal property of said company, and such lien shall have priority over any lien created by deed or otherwise on such real estate or personal property, subsequent to the time when the said labor was performed, but there shall be no priority of lien as between the parties claiming under the provisions of this section.

Sec. 20. Such lien shall be discharged unless the person desiring to avail himself thereof, within ninety days from the time he shall have ceased to work or labor for such incorporated company or for such contractor, shall file with the clerk of the county court of the county in which such work or labor was performed, or in which the principal office, works, real estate or personal property of such incorporated company is situated, a notice of lien containing the amount due him after allowing all credits, which notice shall be sworn to by the person claiming them, or by some one in his behalf.

Sec. 21. The clerk of the county court, to whom such notice of lien is presented, shall record the same in the mechanic's lien record and for which service he shall receive fifty cents, to be paid by the person claiming the lien.

Sec. 22. Unless a suit to enforce any lien, authorized by this act, is commenced within six months after the person desiring to avail himself thereof, shall have filed his notice in the
26 Clerk’s office, as hereinbefore provided, such lien shall be dis-
charged; but a suit commenced by any person having such lien,
shall for the purpose of preserving the same, inure to the benefit
of all other persons having a lien under this chapter on the
same property.

Sec. 23. If the lien is established in favor of any of the
creditors whose claims are presented in such suit, the court shall
order a sale of the property on which the lien is established, or
so much thereof as may be sufficient to satisfy such claims as
in like manner as in other suits in chancery, and the court may,
in addition, give a personal decree in favor of such creditors
for the amount of their claims against any party so to whom
they may be established; such decree to have the effect of, and
to be enforced as other decrees for money.

Sec. 24. Any common law lien may be enforced against
any personal property upon which the same may exist, in the
same manner and by the same methods now or hereafter au-
thorized by law to be used by a landlord to enforce the pay-
ment of rent due, and the owner of such property may defend
and protect his rights therein in the same manner and by the
same methods now or hereafter authorized by law to be used
by a tenant in case of distress for rent.

Sec. 25. When a debt secured by such lien is fully paid
at any time after such creditor shall have filed his account in
the office of the clerk of the county court, such creditor shall
cause the clerk to enter a discharge of such lien in the margin
of the book in which such account is entered and immediately
opposite thereto, or shall execute a release thereof, which may
be recorded in the book in which the account is entered.

Sec. 26. The citizens of this state shall have a lien upon
all domestic steamboats, steamers, and vessels, propelled wholly
or in part by steam, gas, fluid, naphtha, or electricity, which
ply upon the navigable waters of this state, and which are reg-
istered in this state, for all work and labor done upon said
vessels, and for all materials, goods, wares and merchandise fur-
nished said vessels; said lien to be enforced by appropriate rem-
edy in courts having jurisdiction of the subject matter.

Sec. 27. That the owner of any stallion, jack or bull, shaH
have a lien upon the foal or calf thereof, whenever the service
of such stallion, jack or bull was had by contract with the
owner or agent of the owner, of the dam or cow of such foal
5 or calf, at time of such service. Such lien shall cease unless 6 the person desiring to avail himself thereof, shall within the six 7 months from the birth of such foal or calf, file before some 8 justice in the county in which the said foal or calf may be, 9 his own affidavit, or that of some credible person, stating the 10 amount of his lien against such foal or calf, and that such 11 amount is due by contract, also a description of the foal or calf 12 upon which such lien is claimed. Upon the filing of such 13 affidavit, the justice shall issue a warrant to the sheriff or any 14 constable of any county whose duty it shall be under such warrant 15 to distrain for the amount claimed in said affidavit, and such dis­ 16 tress shall be levied upon such foal, and the same shall be dis­ 17 posed of in the same manner as if taken under a distress for rent.

CHAPTER 7.

(House Bill No. 10.)

AN ACT authorizing and permitting members of a mining partner­ 1 ship to compel the payment of delinquent members without dis­ 2 solution of such mining partnership.

[Passed February 19, 1917. In effect ninety days from passage. Became a law 3 without the Governor's approval.]

Sec. 1. Any member of mining partnership may sue for accounting without 4 dissolution thereof: what the 5 court shall do.

Be it enacted by the Legislature of West Virginia:

Section 1. Any member or members of a mining partnership 2 may institute and prosecute to final decree a suit in equity for an 3 accounting among the members of the partnership without the 4 dissolution thereof. Upon such accounting the court shall decree 5 the sale of the undivided interest or interests of such member or 6 members, as may be ascertained to be indebted to any member 7 or members, or to the partnership, without decreeing the dissolu­ 8 tion thereof, unless such dissolution shall be necessary to enable 9 a fair sale of such undivided interest or interests to be made in 10 such suit.

Sec. 2. All acts or parts of acts inconsistent herewith are 2 hereby repealed.
CHAPTER 8.

(House Bill No. 37.)

AN ACT to adopt uniform warehouse receipts throughout the state of West Virginia and prescribe how such receipts shall be issued and the legality of such receipts when issued.

[Passed February 8, 1917. In effect ninety days from passage. Approved by the Governor February 19, 1917.]

Sec. 28. 21.

1. Who may issue warehouse receipts.
2. What receipt must embody in its terms; warehouseman liable for damage caused by omission from receipt.
3. Other terms and conditions governing receipts.
5. Negotiable receipt.
6. "Duplicate" receipt to be so marked; liable for damage upon failure to so mark.
7. "Non-negotiable" receipt to be so marked; exceptions.
8. Provisions as to delivery of goods; must establish lawful excuse for refusal to do so.
9. To whom warehouseman is justified in delivering goods.
10. Provisions as to delivery of goods to persons not lawfully entitled to them.
11. If warehouseman fails to cancel negotiable receipt, he shall be liable to purchaser for failure to deliver goods.
12. Liable for failure to cancel negotiable receipt after delivery of part of goods.
13. Alteration of receipts.
14. When court may order delivery of goods; payment of costs and fees; order of court not to relieve warehouseman from liability.
15. Receipt marked “duplicate,” warranty of its accuracy.
16. Title not to excuse warehouseman from liability for refusing to deliver goods.
17. Defense for non-delivery; may require claimants to interplead.
18. Investigation of adverse claims to possession of goods.
19. No right or title of third person shall be defense to an action against warehouseman for failure to deliver goods.
20. Liability in case of non-existence of goods; incomplete receipts shall not make warehouseman liable.
21. Warehouseman liable for loss or injury to goods; no liability in absence of agreement.
22. Goods to be kept separate for purpose of identification.
23. Goods may be mingled by agreement of custom; provisions as to ownership.
24. Warehouseman liable to each depositor.
25. Not liable to attachment by garnishment or levy; retain possession of goods until receipt is surrendered to him.
26. When creditors may invoke aid of courts.

Sec. 27. Lien of warehouseman on goods; lien for other charges.
28. Provisions as to enforcement of lien.
29. When warehouseman may lose lien on goods.
30. Warehouseman to have no lien if negotiable receipt is issued; exception.
31. Valid lien cause for refusal to deliver goods.
32. Warehouseman entitled to remedies allowed by law to creditor against debtor.
33. How warehouseman’s claim for lien may be satisfied; what notice shall contain; sale of goods by auction may be had to satisfy claim for lien; application of proceeds of sale; claimant to goods may satisfy lien before goods are sold.
34. Disposition of goods of a perishable nature; proceeds of sale.
35. Remedy for enforcing lien herein provided not to preclude other remedies allowed by law.
36. If goods are lawfully sold, warehouseman not liable for failure to deliver goods.
37. When a negotiable receipt may be negotiated by delivery.
38. Receipt may be negotiated by endorsement; form of endorsement.
39. When a receipt may be transferred; non-negotiable receipt cannot be negotiated.
40. By whom a negotiable receipt may be negotiated.
41. Person to whom negotiable receipt has been negotiated acquires title and obligation of warehouseman to hold goods.
42. Person to whom receipt is transferred acquires title, subject to agreement; if non-negotiable receipt, warehouseman to be notified of transfer; transfer of non-negotiable receipt defeated by attachment or execution.
43. Endorsement of transferee essential for negotiation; when negotiation shall take effect.
44. What is warranted by transfer of a receipt by endorsement or delivery.
45. Endorsement not to make endorser liable for failure of warehouseman to fulfill obligations.
46. Mortgagor who receives payment of debt not deemed to warrant genuineness of receipt.
47. Validity of negotiation of a receipt not impaired by being breach of duty or that owner was induced by fraud to entrust custody of receipt.
48. Person selling goods for which negotiable receipt has been issued, then selling or pledging receipt representing goods, continuing in possession of receipt, subsequent negotiation thereof for value has same effect as if first purchaser had authorized negotiation.

49. When negotiable receipt is issued, seller’s lien shall not defeat rights of purchaser; warehouseman not obligated to deliver goods to unpaid seller unless receipt is surrendered.

50. Warehouseman or agent issuing receipt for goods not received, guilty of crime; penalty.

51. Warehouseman or agent fraudulently issuing receipts, guilty of crime; penalty.

52. Warehouseman or agent issuing duplicate negotiable receipt without marking same, guilty of crime; penalty.

53. Warehouseman or agent owning goods, and issuing receipt without stating ownership, guilty of crime; penalty.

54. Warehouseman or agent delivering goods, knowing that receipt is uncancelled, guilty of crime; penalty.

55. Person depositing goods to which he has no title, taking receipt which he afterwards negotiates, guilty of crime; penalty.

56. Other cases not herein provided for, governed by rules of law and equity.

57. How act shall be interpreted and construed.

58. (1) Definition of descriptive terms used in act; (2) construction of term “in good faith.”

59. Provisions not to apply to receipts prior to act.

60. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Warehouse receipts may be issued by any ware-

2 houseman.

Sec. 2. Warehouse receipts need not be in any particular

2 form, but every such receipt must embody within its written or

3 printed terms—

4 (a) The location of the warehouse where the goods are stored.

5 (b) The date of issue of the receipt.

6 (c) The consecutive number of the receipt.

7 (d) A statement whether the goods received will be delivered

8 to the bearer, to a specified person, or to a specified person or his

9 order.

10 (e) The rate of storage charges.

11 (f) A description of the goods or of the packages containing

12 them.

13 (g) The signature of the warehouseman, which may be made

14 by his authorized agent.

15 (h) If the receipt is issued for goods of which the warehouse-

16 man is owner, either solely or jointly or in common with others,

17 the fact of such ownership, and

18 (i) A statement of the amount of advances made and of lia-

19 bilities incurred for which the warehouseman claims a lien. If

20 the precise amount of such advances made or of such liabilities

21 incurred is, at the time of the issue of the receipt, unknown to

22 the warehouseman or to his agent who issues it, a statement of the

23 fact that advances have been made or liabilities incurred and the

24 purpose thereof is sufficient.

25 A warehouseman shall be liable to any person injured there-
26 by, for all damage caused by the omission from a negotiable re-
27 ceipt of any of the terms herein required.

Sec. 3. A warehouseman may insert in a receipt, issued by
2 him, any other terms and conditions, provided that such terms
3 and conditions shall not——
4  (a) Be contrary to the provisions of this act.
5  (b) In any wise impair his obligation to exercise that degree
6 of care in the safe-keeping of the goods entrusted to him which
7 a reasonably careful man would exercise in regard to similar goods
8 of his own.

Sec. 4. A receipt in which it is stated that the goods re-
2 ceived will be delivered to the depositor, or to any other specified
3 person, is a non-negotiable receipt.

Sec. 5. A receipt in which it is stated that the goods received
2 will be delivered to the bearer, or to the order of any person
3 named in such receipt is a negotiable receipt.
4 No provision shall be inserted in a negotiable receipt that it
5 is non-negotiable. Such provision, if inserted, shall be void.

Sec. 6. When more than one negotiable receipt is issued for
2 the same goods, the word “duplicate” shall be plainly placed upon
3 the face of every such receipt, except the one first issued. A
4 warehouseman shall be liable for all damage caused by his failure
5 so to do to any one who purchased the subsequent receipt for value
6 supposing it to be an original, even though the purchase be after
7 the delivery of the goods by the warehouseman to the holder of
8 the original receipt.

Sec. 7. A non-negotiable receipt shall have plainly placed
2 upon its face by the warehouseman issuing it “non-negotiable,”
3 or “not negotiable.” In case of the warehouseman’s failure so
4 to do, a holder of the receipt who purchased it for value suppos-
5 ing it to be negotiable, may, at his option, treat such receipt as
6 imposing upon the warehouseman the same liabilities he would
7 have incurred had the receipt been negotiable.
8 This section shall not apply, however, to letters, memoranda,
9 or written acknowledgments of an informal character.

Sec. 8. A warehouseman, in the absence of some lawful
2 excuse provided by this act, is bound to deliver the goods upon a
3 demand made either by the holder of a receipt for the goods or by
4 the depositor, if such demand is accompanied with——
5  (a) An offer to satisfy the warehouseman’s lien.
6  (b) An offer to surrender the receipt if negotiable, with such
7 indorsements as would be necessary for the negotiation of the 8 receipt, and
9 (c) A readiness and willingness to sign, when the goods are 10 delivered, an acknowledgment that they have been delivered, if 11 such signature is requested by the warehouseman.
12 In case the warehouseman refuses or fails to deliver the goods 13 in compliance with a demand by the holder or depositor so ac- 14 companied, the burden shall be upon the warehouseman to estab- 15 lish the existence of a lawful excuse for such refusal.

Sec. 9. A warehouseman is justified in delivering the goods, 2 subject to the provisions of the three following sections, to one 3 who is—
4 (a) The person lawfully entitled to the possession of the 5 goods, or his agent,
6 (b) A person who is either himself entitled to delivery by the 7 terms of a non-negotiable receipt issued for the goods, or who has 8 written authority from the person so entitled either endorsed upon 9 the receipt or written upon another paper, or
10 (c) A person in possession of a negotiable receipt by the 11 terms of which the goods are deliverable to him or order or to 12 bearer, or which has been endorsed to him or in blank by the 13 person to whom delivery was promised by the terms of the receipt 14 or by his mediate or immediate indorsee.

Sec. 10. Where a warehouseman delivers the goods to one 2 who is not in fact lawfully entitled to the possession of them, the 3 warehouseman shall be liable as for conversion to all having a 4 right of property or possession in the goods if he delivered the 5 goods otherwise than as authorized by sub-divisions (b) and (c) 6 of the preceding section and though he delivered the goods as 7 authorized by said sub-divisions he shall be so liable, if prior to 8 such delivery be had either—
9 (a) Been requested, by or on behalf of the person lawfully 10 entitled to a right of property or possession in the goods, not to 11 make such delivery, or
12 (b) Had information that the delivery about to be made was 13 to one not lawfully entitled to the possession of the goods.

Sec. 11. Except as provided in section thirty-six, where a 2 warehouseman delivers goods for which he had issued a negotiable 3 receipt, the negotiation of which would transfer the right to the 4 possession of the goods, and fails to take up and cancel the receipt, 5 he shall be liable to any one who purchases for value in good
faith such receipt, for failure to deliver the goods to him, whether
such purchaser acquired title to the receipt before or after the
delivery of the goods by the warehouseman.

Sec. 12. Except as provided in section thirty-six, where a
warehouseman delivers part of the goods for which he had issued
a negotiable receipt and fails either to take up and cancel such
receipt, or to place plainly upon it a statement of what goods or
packages have been delivered he shall be liable, to any one who
purchases for value in good faith such receipt, for failure to
deliver all the goods specified in the receipt, whether such pur-
chaser acquired title to the receipt before or after the delivery of
any portion of the goods by the warehouseman.

Sec. 13. The alteration of a receipt shall not excuse the
warehouseman who issued it from any liability if such alteration
was
(a) Immaterial,
(b) Authorized, or
(c) Made without fraudulent intent
If the alteration was authorized, the warehouseman shall
be liable according to the terms of the receipt as altered. If the
alteration was unauthorized, but made without fraudulent intent,
the warehouseman shall be liable according to the terms of the
receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not ex-
cuse the warehouseman who issued it from liability to deliver,
according to the terms of the receipt as originally issued, the
goods for which it was issued, but shall excuse him from any
other liability to the person who made the alteration and to any
person who took, with notice of the alteration. Any purchaser
of the receipt for value without notice of the alteration shall
acquire the same rights against the warehouseman which such
purchaser would have acquired if the receipt had not been altered
at the time of the purchase.

Sec. 14. Where a negotiable receipt has been lost or destroy-
ed, a court of competent jurisdiction may order the delivery of
the goods upon satisfactory proof of such loss or destruction and
upon the giving of a bond with sufficient sureties to be approved
by the court to protect the warehouseman from any liability or
expense, which he or any person injured by such delivery may
incur by reason of the original receipt remaining outstanding.
8 The court may also in its discretion order the payment of the
9 warehouseman's reasonable costs and counsel fees.
10 The delivery of the goods under an order of the court as
11 provided in this section, shall not relieve the warehouseman from
12 liability to a person to whom the negotiable receipt has been or
13 shall be negotiated for value without notice of the proceedings or
14 of the delivery of the goods.

Sec. 15. A receipt upon the face of which the word "dupli-
2 cate" is plainly placed is a representation and warranty by the
3 warehouseman that such receipt is an accurate copy of an original
4 receipt properly issued and uncancelled at the date of the issue of
5 the duplicate, but shall impose upon him no other liability.

Sec. 16. No title or right to the possession of the goods, on
2 the part of the warehouseman, unless such title or right is derived
3 directly or indirectly from a transfer made by the depositor at
4 the time of or subsequent to the deposit for storage, or from the
5 warehouseman's lien, shall excuse the warehouseman from liabil-
6 ity for refusing to deliver the goods according to the terms of the
7 receipt.

Sec. 17. If more than one person claims the title or pos-
2 session of the goods, the warehouseman may, either as a defense
3 to an action brought against him for non-delivery of the goods,
4 or as an original suit, whichever is appropriate, require all known
5 claimants to inter-plead.

Sec. 18. If some one other than the depositor or person
2 claiming under him has a claim to the title or possession of the
3 goods, and the warehouseman has information of such claim, the
4 warehouseman shall be excused from liability for refusing to de-
5 liver the goods, either to the depositor or person claiming under
6 him or to the adverse claimant, until the warehouseman has had
7 a reasonable time to ascertain the validity of the adverse claim or
8 to bring legal proceedings to compel all claimants to interplead.

Sec. 19. Except as provided in the two preceding sections
2 and in sections nine and thirty-six, no right or title of a third
3 person shall be a defense to an action brought by the depositor or
4 person claiming under him against the warehouseman for failure
5 to deliver the goods according to the terms of the receipt.

Sec. 20. A warehouseman shall be liable to the holder of a
2 receipt for damages caused by the non-existence of the goods or
3 by the failure of the goods to correspond with the description
4 thereof in the receipt at the time of its issue. If, however, the
5 goods are described in a receipt merely by a statement of marks
6 or labels upon them, or upon packages containing them, or by a
7 statement that the goods are said to be goods of a certain kind,
8 or that the packages containing the goods are said to contain
9 goods of a certain kind, or by words of like purport, such state-
10 ments, if true, shall not make liable the warehouseman issuing
11 the receipt, although the goods are not of the kind which the
12 marks or labels upon them indicate, or of the kind they were said
13 to be by the depositor.

Sec. 21. A warehouseman shall be liable for any loss or
2 injury to the goods caused by his failure to exercise such care
3 in regard to them as a reasonably careful owner of similar goods
4 would exercise, but he shall not be liable, in the absence of an
5 agreement to the contrary, for any loss or injury to the goods
6 which could not have been avoided by the exercise of such care.

Sec. 22. Except as provided in the following section, a
2 warehouseman shall keep the goods so far separate from goods of
3 other depositors, and from other goods of the same depositor for
4 which a separate receipt has been issued, as to permit at all times
5 the identification and re-delivery of the goods deposited.

Sec. 23. If authorized by agreement or by custom, a ware-
2 houseman may mingle fungible goods with other goods of the
3 same kind and grade. In such case the various depositors of the
4 mingled goods shall own the entire mass in common and each
5 depositor shall be entitled to such portion thereof as the amount
6 deposited by him bears to the whole.

Sec. 24. The warehouseman shall be severally liable to each
2 depositor for the care and re-delivery of his share of such mass to
3 the same extent and under the same circumstances as if the goods
4 had been kept separate.

Sec. 25. If goods are delivered to a warehouseman by the
2 owner or by a person whose act in conveying the title to them to a
3 purchaser in good faith for value would bind the owner, and a
4 negotiable receipt is issued for them, they can not thereafter, while
5 in the possession of the warehouseman, be attached by garnish-
6 ment or otherwise, or be levied upon under an execution, unless
7 the receipt be first surrendered to the warehouseman, or its nego-
8 tiation enjoined. The warehouseman shall in no case be com-
9 pelled to deliver up the actual possession of the goods until the
10 receipt is surrendered to him or impounded by the court.

Sec. 26. A creditor whose debtor is the owner of a negotia-
BLE receipt shall be entitled to such aid from courts of appropriate
jurisdiction, by injunction and otherwise, in attaching such re-
cipient or in satisfying the claim by means thereof as is allowed at
law or in equity, in regard to property which can not readily be
attached or levied upon by ordinary legal process.

Sec. 27. Subject to the provisions of section thirty, a ware-
houseman shall have a lien on goods deposited or on the proceeds
thereof in his hands, for all lawful charges for storage and
preservation of the goods; also for all lawful claims for money
advanced, interest, insurance, transportation, labor, weighing,
coopering and other charges and expenses in relation to such
goods; also for all reasonable charges and expenses for notice,
and advertisements of sale, and for sale of the goods where de-
fault has been made in satisfying the warehouseman's lien.

Sec. 28. Subject to the provisions of section thirty a ware-
houseman's lien may be enforced—
(a) Against all goods, whenever deposited, belonging to the
person who is liable as debtor for the claim in regard to which the
lien is asserted, and
(b) Against all goods belonging to others which have been
deposited at any time by the person who is liable as debtor for
the claims in regard to which the lien is asserted if such person
has been so entrusted with the possession of the goods that a
pledge of the same by him at the time of the deposit to one who
took the goods in good faith for value would have been valid.

Sec. 29. A warehouseman loses his lien upon goods—
(a) By surrendering possession thereof, or
(b) By refusing to deliver the goods when a demand is made
with which he is bound to comply under the provisions of this
act.

Sec. 30. If a negotiable receipt is issued for goods, the ware-
houseman shall have no lien thereon, except for charges for stor-
age of those goods subsequent to the date of the receipt, unless
the receipt expressly enumerates other charges for which a lien is
claimed. In such case there shall be a lien for the charges
enumerated so far as they are within the terms of section twenty-
seven, although the amount of the charges so enumerated is not
stated in the receipt.

Sec. 31. A warehouseman having a lien valid against the
person demanding the goods may refuse to deliver the goods to
him until the lien is satisfied.
Sec. 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Sec. 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due,

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be
posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Sec. 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Sec. 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Sec. 36. After goods have been lawfully sold to satisfy a
2 warehouseman’s lien, or have been lawfully sold or disposed of
3 because of their perishable or hazardous nature, the warehouse-
4 man shall not thereafter be liable for failure to deliver the goods
5 to the depositor, or owner of the goods, or to a holder of the
6 receipt given for the goods when they were deposited, even if
7 such receipt be negotiable.

Sec. 37. A negotiable receipt may be negotiated by de-
2 livery—
3 (a) Where, by the terms of the receipt, the warehouseman
4 undertakes to deliver the goods to the bearer, or
5 Where, by the term of a negotiable receipt, the goods are
6 deliverable to bearer or where a negotiable receipt has been in-
7 dorsed in blank or to bearer, any holder may indorse the same
8 to himself or to any other specified person, and in such case the
9 receipt shall thereafter be negotiated only by the indorsement of
10 such indorsee.

Sec. 38. A negotiable receipt may be negotiated by the in-
2 dorsement of the person to whose order the goods are, by the
3 terms of the receipt, deliverable. Such indorsement may be in
4 blank, to bearer or to a specified person. If indorsed to a speci-
5 fied person, it may be again negotiated by the indorsement of
6 such person in blank, to bearer, or to another specified person.
7 Subsequent negotiation may be made in like manner.

Sec. 39. A receipt which is not in such form that it can be
2 negotiated by delivery may be transferred by the holder by de-
3 livery to a purchaser or donee.
4 A non-negotiable receipt can not be negotiated, and the in-
5 dorsement of such a receipt gives the transferee no additional
6 right.

Sec. 40. A negotiable receipt may be negotiated—
2 (a) By the owner thereof, or
3 (b) By any person to whom the possession or custody of
4 the receipt has been entrusted by the owner, if, by the terms of
5 the receipt, the warehouseman undertakes to deliver the goods to
6 the order of the person to whom the possession or custody of the
7 receipt has been entrusted, or if at the time of such entrusting
8 the receipt is in such form that it may be negotiated by delivery.

Sec. 41. A person to whom a negotiable receipt has been
2 duly negotiated acquires thereby—
3 (a) Such title to the goods as the person negotiating the
4 receipt to him had or had ability to convey to a purchaser in good
faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Sec. 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Sec. 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Sec. 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

(a) That the receipt is genuine,

(b) That he has a legal right to negotiate or transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular pur-
pose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Sec. 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Sec. 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Sec. 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Sec. 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Sec. 49. Where a negotiable receipt has been issued for goods, no seller's lien or right or stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.
Sec. 50. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Sec. 51. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Sec. 52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncancelled, without plainly placing upon the face thereof the word “Duplicate,” except in the case of a lost or destroyed receipt after proceedings as provided for in section fourteen, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

Sec. 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Sec. 54. A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncancelled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections fourteen and thirty-six, be guilty of a crime, and upon conviction shall be punished
for each offense by imprisonment not exceeding one year, or by a
fine not exceeding one thousand dollars, or by both.

Sec. 55. Any person who deposits goods to which he has
not title, or upon which there is a lien or mortgage, and who takes
for such goods a negotiable receipt which he afterwards negoti-
ates for value with intent to deceive and without disclosing
his want of title or the existence of the lien or mortgage shall be
guilty of a crime, and upon conviction shall be punished for each
offense by imprisonment not exceeding one year, or by a fine not
exceeding one thousand dollars, or by both.

Sec. 56. In any case not provided for in this act, the rules
of law and equity, including the law merchant, and in particular the
rules relating to the law of principal and agent and to the effect
of fraud, misrepresentation, duress or coercion, mistake, bank-
ruptcy, or other invalidating cause, shall govern.

Sec. 57. This act shall be so interpreted and construed as
to effectuate its general purpose to make uniform the law of
those states which enact it.

Sec. 58. (1) In this act, unless the context or subject
matter otherwise requires—
"Action" includes counter claim, set-off, and suit in equity.
"Delivery" means voluntary transfer of possession from one
person to another.
"Fungible goods" means goods of which any unit is, from
its nature or by mercantile custom, treated as the equivalent of
any other unit.
"Goods" means chattels or merchandise in storage, or which
has been or is about to be stored.
"Holder" of a receipt means a person who has both actual
possession of such receipt and a right of property therein.
"Order" means an order by indorsement on the receipt.
"Owner" does not include mortgagee or pledgee.
"Person" includes a corporation or partnership of two or
more persons having a joint or common interest.
To "purchase" includes to take as mortgagee or as pledgee.
"Purchaser" includes mortgagee and pledgee.
"Receipt" means a warehouse receipt.
"Value" is any consideration sufficient to support a simple
contract. An antecedent or pre-existing obligation, whether for
money or not, constitutes value where a receipt is taken either in
satisfaction thereof or as security therefor.
24 "Warehouseman" means a person lawfully engaged in the 25 business of storing goods for profit.

26 (2) A thing is done "in good faith" within the meaning of 27 this act, when it is in fact done honestly, whether it be done 28 negligently or not.

Sec. 59. The provisions of this act do not apply to receipts 2 made and delivered prior to the taking effect of this act.

Sec. 60. All acts or parts of acts inconsistent with this act 2 are hereby repealed.

CHAPTER 9.

( ,House Bill No. 32.)

AN ACT to authorize the county court of any county the territory whereof is separated from the territory of any other state by a river to appropriate money, lay levies and expend money procured by bonds or otherwise, for the construction and maintenance of an interstate bridge or bridges over said river or rivers; and to authorize any such county court to enter into agreements with the proper authorities of any such state or any county of said state for the erection and maintenance jointly of said bridge or bridges.

[Passed February 8, 1917. In effect from passage. Approved by the Governor February 15, 1917.]

Sec. 1. County court has power to lay levy for bridges.

Sec. 2. Authorized to supervise expenditure.

Sec. 1 to make agreements with authorities of another state separated by river from West Virginia.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county of West Virginia, where the territory of said county is separated from the territory of any other state by a river, is hereby authorized and empowered to appropriate money, lay levies and expend money procured by bond or otherwise, for the construction and maintenance of bridges over said river, in the same manner and to the same extent as such county courts are now authorized by law to appropriate money, lay levies and expend funds for the construction and maintenance of bridges over streams lying wholly within the territory of such counties.

Sec. 2. The county court of any such county is authorized and empowered to supervise the expenditure of such money and to make such or any agreements with the proper authorities of any
CHAPTER 10.

AN ACT to create in the state department of agriculture, a bureau to be known as the “Bureau of Markets.”

[Passed February 17, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Bureau of markets. The commissioner of agriculture with approval of the governor, may appoint chief of bureau of markets; board of control to fix compensation.

2. Acting under direction of commissioner of agriculture, co-operating with bureau of federal department of agriculture; duties of.

3. Chief may cause to be established auction markets; notice; products consigned to licensed auctioneer of bureau; chief has power.

4. License may issue to such persons as qualify as official auctioneers; how license may issue; bond required; commissions; duties of commissioner of agriculture.

5. To inspect and determine grade of farm produce.

6. May prescribe zone from which farm produce may be consigned; safeguarding of food produce; shall proceed to sell; what to be done in case it cannot be sold at auction; proceeds of sale.

7. As far as practicable a daily bulletin shall be published giving quotations; best method of standardizing, etc. list of producers, etc.

8. Investigate delays in transportation; prevent restraint of trade, unlawful combinations etc.

9. Any licensed auctioneer, fails to account for, market conditions, purchase, false statements, excessive charges, penalty.

10. Commissioner of agriculture to call upon county and state officials; their duty.

Sec. 2. Acting under the general direction of the commissioner of agriculture and co-operating with the bureau of markets of the federal department of agriculture, it shall be the duty of the chief in the bureau of markets to investigate the cost of food production and marketing in all its phases; to aid and assist in the organization of co-operative societies among producers and consumers for
the purpose of securing more direct business relations between
them, of promoting and conserving the interests of producers, and
reducing the cost of living to consumers, to hear complaints and
suggestions, take testimony of witnesses and obtain evidence,
and, for the exercise of such powers may issue subpoenas and
compel the attendance of witnesses and the production of evi-
dence; to advise and assist in the location and establishment of
local markets whenever it is determined that public necessity or
the welfare of the community requires such markets provided he
shall be satisfied that such markets will be successfully operated
by a co-operative company; to have power to make rules and
regulations for the grading, packing, handling, storage and sale
of all food stuffs within the state, not contrary to law, and to
enforce such rules and regulations by actions or proceedings in
any court of competent jurisdiction.

Sec. 3. The chief in the bureau of markets may cause to be
established at such points in the state as may be deemed ad-
visable, auction markets, and for such purpose may lease premises
therefor. Upon the establishment of such a market the chief
in the bureau of markets shall cause a notice to be published in
such manner as he deems proper stating that such market has
been established and that farm products may be consigned to a
licensed auctioneer at such market for sale at public auction
by such licensed auctioneer of the bureau of markets at such
market, as hereinafter provided. The chief of the bureau of
markets shall have power to make regulations, not inconsistent
with law, for operating the facilities in such auction markets,
leasing space therein and otherwise regulating the management
thereof.

Sec. 4. Upon the establishment of an auction market, the
commissioner of agriculture may issue a license to such persons as
qualify, as hereinafter provided, in the city, town or village in which
such market is located, authorizing them to act as official auc-
tioneers for the bureau of markets, in the sale of such goods
consigned to them. Such license may be issued upon written
application to the commissioner of agriculture, stating the full
name of the person applying for such license, his address, and
such other facts as to his character, responsibility and experience,
as the commissioner shall require. The issuance of such license
shall be in the discretion of the commissioner of agriculture and
shall be without charge. The commissioner shall require a per-
13 son licensed as an auctioneer pursuant to this section to execute
14 and deliver to him a bond with satisfactory sureties in such sum
15 as the commissioner may determine, not less than one thousand
16 dollars, conditioned for the faithful performance of his duties
17 and the faithful accounting to a consignor of all moneys to
18 which such consignor may be entitled after the deduction of
19 commissions and other expenses authorized by this act. Such
20 auctioneers shall receive no compensation from the state but
21 shall be entitled to charge commissions for the sale of farm
22 produce in accordance with the schedules of the bureau of mar-
23 kets. Every shipper consigning food produce to such licensed
24 auctioneers for sale shall be charged in addition to the com-
25 mission of the licensed auctioneer, as above provided, an addi-
26 tional commission of three per centum of the gross amount re-
27 ceived for such produce, which shall be paid into the state treas-
28 ury and applied to the support of the bureau of markets.
29 The commissioner of agriculture shall adopt, and may from
30 time to time amend, a schedule of commissions which official
31 auctioneers shall be authorized to charge for the sale of farm
32 produce at public auction under the jurisdiction of the bureau
33 of markets. Such commissions may vary according to the quality
34 and character of the produce; provided, however, that nothing
35 herein contained shall prevent any owner of farm produce from
36 selling in person or by order without charge. The commissioner
37 shall also establish a schedule of charges for inspection by the
38 bureau of markets.

Sec. 5. The bureau of markets shall have power to inspect
2 and determine the grade and condition of farm produce at col-
3 lecting centers, receiving centers and shipping points.

Sec. 6. The commissioner of agriculture may, in the es-
2 tablishment of an auction market, also prescribe the zone from
3 which farm produce may be consigned thereto. The chief of the
4 bureau of markets shall make arrangement for the proper place
5 and be responsible for the safeguarding of food produce con-
6 signed to auction markets. Farm produce so consigned to an
7 auction market shall be received by the licensed auctioneer or
8 auctioneers of the bureau of markets, who shall proceed to sell
9 such produce at public auction as auctioneers for the consignor
10 at the best price obtainable therefor. If for any reason such
11 an auctioneer be unable to sell it at auction at a satisfactory
12 price, such unsold portion may be distributed and sold at private
sale at the best price obtainable therefor. After such sale, such auctioneer shall deduct his commissions and other authorized charges, and promptly transmit the balance to the consignor.

Sec. 7. So far as may be practicable the chief in the bureau of markets shall publish a daily bulletin, setting forth the quotations for which produce has been sold for the preceding day in all the principal markets of the state, including the auction markets, and also giving advice as to the available supplies of the principal farm produce, and as to the demand in the several markets for local as well as foreign produce. He shall also prepare from time to time bulletins as to the most efficient methods of standardization, packing and transportation, and cause notice thereof to be distributed in such manner as the commissioner of agriculture may determine. He shall also investigate the source of supply of food produce and prepare and publish lists of the names and addresses of producers and consignors and supply the same to persons applying therefor.

Sec. 8. The commissioner of agriculture in pursuance of the purposes of this act may investigate delays in transportation, and may cause to be initiated proper proceedings to prevent restraint of trade and of unlawful combinations to fix prices on agricultural products when notified by producers, that food products produced within the state seem likely to spoil for lack of a ready market, make such suggestions to such producers or take such steps as seem advisable for facilitating the sale thereof.

Sec. 9. Any licensed auctioneer doing business at an auction market established under the provisions of this act, who shall,

2. Fails to account for such farm produce promptly and properly and to make settlements therefor, with intent to defraud; or

3. Make false or misleading statement or statements as to market conditions with intent to deceive; or

4. Directly or indirectly purchases for his own account goods received by him upon consignment; or

5 Make false statements as to grade, conditions, markings, quality or quantity of goods shipped or packed in any manner with intent to deceive; or

6. Makes any charge for commissions, or otherwise, in ex-
cession of those authorized by the department of agriculture, is
guilty of a misdemeanor and upon conviction thereof shall be fined
not more than one hundred dollars for the first offense and not less
than one hundred dollars for each subsequent offense, and the com-
missioner shall forthwith revoke the license granted to such auc-
tioneer and direct his bond to be forfeited.

Sec. 10. In pursuance of the purposes of this act, it shall be
the duty of the commissioner of agriculture to obtain all facts
and statistics bearing upon the subject of agriculture and he may
call upon all state and county officials having in possession such
information whose duty it shall be without delay to supply in-
formation requested under schedules provided by the commis-

CHAPTER 11.

(House Bill No. 57.)

AN ACT to amend and re-enact section eighty-one-a-XVII of chap-
ter fifty-four of the code of West Virginia, one thousand nine
hundred and thirteen, relating to banks and other institutions,
and making it a felony for any officer or agent thereof to embez-
zle, abstract, or wilfully misapply any of the money, funds or
credits of such institution, or otherwise to act without authority
of the directors of such bank or institution with intent to in-
jure or defraud any such institution, company, body politic, or
corporate, or any person, and fixing the penalty therefor.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor’s approval.]

Sec.
81-a XVII. Penalty for embezzlement, deceit or false statement.

Be it enacted by the Legislature of West Virginia:

That section eighty-one-a XVII of chapter fifty-four of the code
of West Virginia, one thousand nine hundred and thirteen, be amend-
ed and re-enacted so as to read as follows:

Section 81-a XVII. Every president, director, cashier, teller,
clerk or agent of any institution mentioned in this act who em-
bezzles, abstracts or wilfully misapplies any of the money, funds
or credits of the institution, or who, without authority from the
directors, issues or puts in circulation any of the notes of any
bank or other institution, or who, without such authority,
7 issues or puts forth any certificates of deposits, draws any order on
8 or bill of exchange, makes any acceptance, assigns any note, bond,
9 draft, bill of exchange, mortgage, judgment or decree; or who
10 makes any false entry in any book, report, or statement of the
11 institution, with intent, in either case, to injure or defraud the
12 institution or any other company, body politic or corporate, or
13 any individual person, or to deceive any officer of any bank or
14 other institution or any agent appointed to examine the affairs
15 of such bank or other institution, and every person who with like
16 intent, in any way aids or abets any officer, clerk or agent in the
17 violation of this section, shall be deemed guilty of a felony, and
18 on conviction thereof shall be imprisoned in the penitentiary not
19 less than five nor more than ten years.

CHAPTER 12.

(House Bill No. 61.)

AN ACT for the control and eradication of dangerously contagious
and infectious diseases among honey bees in West Virginia, and
providing for their inspection and eradication.

[Passed February 7, 1917. In effect ninety days from passage. Approved by the
Governor February 16, 1917.]

Sec. 1. "Commissioner" defined; "entomologist" defined; "inspector"
defined.

Sec. 2. Entomologist to examine apiaries; instructions as to treatment of
diseases; to burn colonies of bees if necessary.

Sec. 3. To sell apiary if disease exists, a misdemeanor; penalty.

Sec. 4. Authorized agents to have ingress and egress to apiaries; to hinder
officers, a misdemeanor; penalty.

Sec. 5. Duty of persons raising and selling queen bees; requirement as to
proper inspection; violation of provisions, a misdemeanor; penalty.

Be it enacted by the Legislature of West Virginia:

Section 1. (a) The word "commissioner" as used in this
act shall mean the state commissioner of agriculture.

(b) The word "entomologist" as used in this act shall mean
the state entomologist, who is in charge of the enforcement of
law for the control and eradication of crop pest and plant diseases.

(c) The word "inspector" as used in this act shall mean
the commissioner of agriculture, the state entomologist, or any
person duly authorized and employed to carry out any of the
provisions of this act.

Sec. 2. The entomologist or other person duly authorized
by the commissioner shall, so far as practicable, upon information,
examine all reported apiaries and other apiaries in that locality.
not reported, to ascertain the existence of any of the aforesaid
diseases affecting bees, and if satisfied of the existence of any
such diseases, he shall give the owner or person in charge of
the diseased apiary, full instructions how to treat them. The
entomologist or assistant shall visit all said diseased apiaries a
second time after a period of ten days, and if necessary, burn
all colonies of bees that he may find not properly treated and
cured of such diseases, together with all honey and appliances
which would spread diseases.

Sec. 3. If the owner of an apiary, honey or appliances
wherein diseases exist, shall sell, barter or give away or remove,
without the consent of the inspector, any such diseased or infected
bees (be they queens, workers, colonies) honey or appliances, or
expose other bees to the danger of such diseases, or fail to notify
the inspector of the existence of such diseases, said owner shall
be guilty of a misdemeanor and upon conviction before a justice
of the peace, shall be liable to a fine not to exceed one hundred
dollars in the discretion of the court.

Sec. 4. For the enforcement of the provisions of this act the
commissioner, the entomologist, the inspector, or other duly au-
thorized agents, shall have access, ingress and egress, to all apiaries
or places where bees are kept, and any person who shall resist
or hinder in any way the said officers in the discharge of their
duties under the provisions of this act, shall be guilty of a mis-
demeanor, and upon conviction thereof, shall be liable to a fine
not to exceed one hundred dollars in the discretion of the court.

Sec. 5. It shall be the duty of any person in West Virginia
engaged in the raising of queen bees for sale to boil for at least
thirty minutes the honey used in the mailing cages for the trans-
portation of honey bees. Any such person engaged in the raising
and selling of queen bees shall have his queen raising apiary
inspected at least twice during the summer season, by the ento-
mologist or any other duly authorized person, and upon the dis-
covery of the existence of any of said diseases injurious to bees in
their egg, larval, pupal or adult stages, such person shall at once
cease to ship queen bees from such apiary until the inspector
shall declare the same to be free from said diseases.

Any person engaged in raising queen bees for sale who shall
violate the provisions of this section shall be guilty of a misde-
meanor and subject to a fine of not more than one hundred dollars
in the discretion of the court.
CHAPTER 13.

(HOUSE BILL NO. 77.)

AN ACT to regulate the public service of stallions and jacks and provide a penalty for the violation thereof.

[Passed February 17, 1917. In effect April 1, 1917. Approved by the Governor February 24, 1917.]

SEC. 1. Offering stallion or jack for public service shall have him enrolled and license shall be secured; word stallion.

SEC. 2. Duty of commissioner of agriculture.

SEC. 3. How license is secured; what disqualifies stallion or jack from public service; certificate of soundness; commissioner of agriculture may in case of emergency.

SEC. 4. Complaint, how made; investigation.

SEC. 5. Commissioner shall use as standard for action.

SEC. 6. Certificate of enrollment shall be posted; how printed and what it shall contain; what illegal.

SEC. 7. License certificate, form.

SEC. 8. Owner of bull, ram, or boar kept for public service may cause the same to be registered; he may forward to the commissioner; whose duty then.

SEC. 9. Fees; certificate to be renewed annually; duplicates may be issued, when.

SEC. 10. Transfer of ownership; license may be transferred; fee.

SEC. 11. Penalty for fraud or misrepresentation.

SEC. 12. Funds accruing from fees how applied.

SEC. 13. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Every person, association, firm, or corporation standing or offering any stallion or jack for public service in this state, shall cause the name, description and pedigree of such stallion or jack to be enrolled by the commissioner of agriculture and shall secure a license from said commissioner as provided for in section three of this act. The word "stallion" wherever used in this act shall be construed to include the word "jack."

Sec. 2. It shall be the duty of the commissioner of agriculture to verify and enroll the breeding and pedigrees of all stallions; to inspect certificates of conditions of soundness; to issue stallion license certificates and to provide suitable forms for the same; to make all necessary rules and regulations and to perform such other duties as may be necessary to carry out the provisions of this act.

Sec. 3. In order to secure the license certificate herein provided for, the owner, owners, part owners or keeper of each stallion shall obtain a certificate of the condition of soundness of said stallion signed by a practicing veterinarian approved by the commissioner of agriculture, who shall make oath to said certificate before a notary public or any officer duly authorized to administer oaths, and shall forward this certificate of the condition of soundness, together with the original stud book certificate of registry of pedi-
9 gree of the stallion in case of pure bred stallions, and a certified
10 statement of the breeding in all other cases, and in all cases other
11 necessary papers relating to his breeding and ownership to the
12 office of the commissioner of agriculture, the presence of faulty
13 conformation, and of any one of the following named diseases shall
14 disqualify a stallion or jack for public service; cataract, amaurosis
15 (glass eye); periopic opthalmia (moon blindness); laryngeal
16 hemiplegia (roaring or whistling); pulmonary emphysema (heaves,
17 broken wind); chorea (St. Vitus' dance, crampiness, shivering,
18 string halt); bone spavin; ringbone; sidebone; navicular disease
19 (disease of coffin joint); bog spavin; curb, with curby formation
20 of hock; glanders; farcy; maladie de coit; urethral gleet; mange;
21 melanosis; and the commissioner of agriculture is authorized to
22 refuse his certificate of enrollment to any stallion or jack effected
23 with any one of the diseases hereby specified and to revoke the
24 previously issued enrollment certificate of any stallion or jack
25 found upon investigation by the commissioner or his agents to be
26 so affected. Certificate of the condition of soundness shall be made
27 upon the application for the first certificate of enrollment, and
28 every two years thereafter until the stallion is ten years old, and
29 after the date of the issuance of the first certificate of enrollment,
30 certificate of the condition of soundness shall not be required again
31 if the stallion is ten years old or over. The commissioner of agri-
32 culture is authorized in case of emergency to grant temporary
33 license certificate without a veterinary examination on receipt of
34 an affidavit made by the owner to the effect that to the best of his
35 knowledge said stallion is free from infectious, contagious or trans-
36 missible diseases or unsoundness. Temporary license certificates
37 shall be valid until veterinary examination can be reasonably made
38 and not to exceed ninety days.

Sec. 4. When a specific complaint signed by three responsi-
ble parties is made to the commissioner of agriculture that a stal-
ion is unsound, and, on investigation an examination is by the
4 commissioner deemed necessary, such examination shall be made
5 by a veterinarian, but the owner of the stallion shall have the
6 right to employ a legally qualified and reputable graduate veter-
8 inarian to act with the veterinarian representing the commissioner,
9 and in case these two shall fail to agree they shall appoint a third
10 graduate veterinarian to act as referee, and his decision shall be
11 final.

Sec. 5. The commissioner of agriculture whose duty it shall
2 be to pass upon the merits of each pedigree submitted shall use
3 as his standard for action (1) the stud books and signatures of
4 the duly authorized officers of the following foreign horse pedigree
5 registry associations, societies, or companies, recognized by
6 the department of agriculture, Washington, D. C., in
7 bureau of animal industry order number one hundred and seventy-
8 five, November twenty-five, nineteen hundred and ten, and amend-
9 ment number one, thereto, December thirty, nineteen hundred and
10 ten; Belgian, Stud· Book des Chevaux de trait Belges, Societe le
11 Cheval de Trait Clydesdale, Clydesdale Studbook, Clydesdale Horse
12 Society of the United Kingdom of Great Britain and Ireland,
13 French Draft, Studbook des Chevaux de Trait Francais, Societe
14 des Agriculture de France; Hackney, Hackney studbook; Hackney
15 Horse society; percheron, Studbook Percheronne de France, So-
16 ciete Hippique Perceronne de France; shetland pony; shetland
17 pony studbook; Shetland Pony Studbook Society; shire, Shire
18 Horse Society Studbook; Shire Horse Society; suffolk, suffolk
19 studbook, Suffolk Horse Society; thoroughbred, Australian gen-
20 eral studbook; Welsh Pony and Cob, Welsh Pony and Cob stud-
21 book, The Welsh Pony and Cob Society; Belgian, Clydesdale, Hack-
22 ney, Shire, Suffolk, and Welsh Pony and Cob, Canadian National
23 Records, Ottowa, Canada: (2) the stud books and signature of
24 the duly authorized officers of the following American horses and
25 jack pedigree registry associations, societies or companies, certi-
26 fied by the department of agriculture, Washington, D. C., in bureau
27 of animal industry order number one hundred and thirty-six, June
28 twenty, nineteen hundred and six, and in the amendments thereto.
29 American Trotter, American Trotting Register, American Trot-
30 ting Register association; Arabian, the Arabian national stud-
31 book, the Arabian Horse Club of America; Belgian, National
32 Register of Belgian Draft Horses, the American Association of
33 Importers and Breeders of Belgian Draft Horses; Cleveland Bay,
34 American Cleveland Bay Studbook, Cleveland Bay Society of
35 America; Clydesdale, American Studbook, American Clydesdale
36 association; French Coach, French Coach Studbook of America,
37 French Coach Horse Society of America; French Draft, Na-
38 tional Register of French Draft Horses, National French Draft
39 Horse Association of America; German; Hanoverian and Olden-
40 burg Coach, German, Hanoverian and Oldenburg Coach Horse
41 Studbook, German, Hanoverian and Oldenburg Coach Horse As-
42 sociation of America, Hackney, American Hackney Studbook,
STALLIONS, AND JACKS.

43 American Hackney Horse Society; Morgan, American Morgan Register; American Morgan Register association; Percheron, Percheron Studbook of America, Percheron Society of America; Saddle Horse, American Saddle Horse Register, American Saddle Horse Breeders' association; Shetland Pony, American Shetland Pony Studbook, American Shetland Pony club; Shire, American Shire Horse Studbook, American Shire Horse association; Suffolk, American Suffolk Horse Studbook, American Suffolk Horse association; Thoroughbred, American Studbook, the Jockey club; Welsh Pony and Cob, Welsh Pony and Cob Studbook, the Welsh Pony and Cob Society of America; Jacks and Jennets, American Jack Stock Studbook, American Breeders' Association of Jacks and Jennets; Jacks and Jennets, Standard Jack and Jennet Registry of America, Standard Jack and Jennet Registry association, and any other recognized American or foreign horse associations and societies or companies. The said commissioner of agriculture shall accept as pure bred and entitled to a license certificate as such each stallion or jack for which the pedigree registry certificate is furnished bearing the signatures of the fully authorized officers of one of the above named American associations, societies or companies.

Sec. 6. The owner of any stallion used for public service in the state, shall post and keep affixed correct copies of the certificate of enrollment of such stallion issued under the provisions of this act, in conspicuous places both within and upon the outside of his home stable, and the stables or buildings where the stallion is used for public service at any farm or place away from his home. Every bill or poster issued by the owner of any stallion enrolled under this act, or used by him or his agent for advertising such stallion, shall contain a correct copy of his enrollment certificate printed in bold-face type not smaller than "small pica" and the first mention on said bill or poster of the name of the stallion, shall be preceded by the words, "pure-bred," "grade," "cross-bred," "standard-bred," "non-standard bred" or "scrub," and the condition of soundness of said stallion indicated by the word "sound," or "unsound," in accordance with the wording of the enrollment certificate, and it shall be illegal to print upon any poster any misleading reference to the breeding or condition of soundness of said stallion, his sire or dam, or to use a upon any such bill or poster, or in any other advertising matter whatsoever, the portrait of a stallion in a misleading manner;
20 and every newspaper advertisement, post card, circular letter, or 21 other form of advertising matter whatsoever, of any stallion for 22 public service shall show the enrollment certificate number and 23 state whether said certificate reads “pure-bred,” “grade,” “cross- 24 bred,” “standard-bred,” “non-standard bred,” or “scrub,” and the 25 condition of soundness as stated in said enrollment certificate. 26 All advertising that is found, upon inspection by the commiss- 27 sioner of agriculture, to be at variance with the intent and pur- 28 poses of this act, shall be suppressed or corrected until it shall 29 comply with the purposes and provisions of this act, and the cer- 30 tificate of enrollment of the stallion for which such advertising 31 is issued shall be temporarily revoked until such advertising is 32 corrected and fees charged for services of said stallion during 33 such time shall be illegal and not subject to collection.

Sec. 7. The license certificate issued after a proper exam- 2 ination for a stallion whose sire and dam are of pure breeding 3 and the pedigree of which is registered in a stud book recognized 4 by the commissioner of agriculture as named in section five of 5 this act, shall be in the following form:

6
7 STATE OF WEST VIRGINIA
8 Department of Agriculture.
9 Certificate of Pure Bred Stallion No............................
10 The pedigree of the (breed)..................Stallion (name and 11 number) ............owned by.............P. O..........
12 County...............color and marks...............foaled 13 in..................has been examined by the commissioner 14 of agriculture or one of his duly authorized agents, and it is hereby 15 certified that the said stallion is of pure breeding, and is register- 16 ed in a stud book recognized by the said commissioner of agri- 17 culture.
18 The above named stallion has been examined by:.............,
19 a legally qualified veterinarian, duly authorized by the commis- 20 sioner of agriculture to make such examination, and by him found 21 to be sound.
22 (Signature) .................................
23 Commissioner of Agriculture.
24 Dated at Charleston, West Virginia, this......day of..........
25 2. The license certificate issued for a stallion whose sire or dam 26 is not of pure breeding shall be in the following form:
STATE OF WEST VIRGINIA

Department of Agriculture.

Certificate of Graded Stallion No.

The pedigree of the grade (breed) stallion (named)

owned by P. O.

County color and marks

sire or dam (name and number)

has been examined by the commissioner of agriculture or his duly authorized agent, and it is found that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any stud book recognized by the said commissioner.

(Signature)

Commissioner of Agriculture.

Dated at Charleston, West Virginia, this day of.

3. The license certificate issued for a stallion whose sire and dam are pure bred, but not of the same breed, shall be in the following form:

STATE OF WEST VIRGINIA

Certificate of Cross Bred Stallion No.

The pedigree of the cross bred stallion (named)

owned by P. O.

County, color and marks

foaled in has been examined by the commissioner of agriculture or his duly authorized agent, and it is found that his sire is registered in the and his dam in the and the said stallion is, therefore, not eligible for registration in any stud book recognized by the said commissioner of agriculture.

The above named stallion has been examined by a legally qualified veterinarian, duly authorized by the state commissioner of agriculture to make such examination, and by him found to be sound.

(Signature)

Commissioner of Agriculture.

Dated at Charleston, West Virginia, this day of.

4. The license certificate issued for a non-standard bred stallion shall be in the following form:

STATE OF WEST VIRGINIA

Certificate of Non-Standard Bred Stallion No.
The pedigree of the non-standard bred (breed) stallion (named) owned by P. O. county color and marks foaled in has been examined by the commissioner of agriculture or his duly authorized agent, and it is found that the said stallion is not eligible for registration as standard bred, and for the purpose of this certificate is not pure bred, although recorded in the non-standard department of the American Trotting Register.

The above named stallion has been examined by a legally qualified veterinarian duly authorized by the commissioner of agriculture to make such examination and by him found to be sound.

(Signature) Commissioner of Agriculture.

Dated at Charleston, West Virginia, this day of.

5. The license certificate for a stallion that has neither sire nor dam of pure breeding, shall be in the following form:

STATE OF WEST VIRGINIA Department of Agriculture.

Certificate of Mongrel or Scrub Stallion No.

The breeding of the stallion (named) owned by P. O. county color and marks foaled in has been examined by the commissioner of agriculture or his duly authorized agent and it is found that the said stallion is of mongrel or scrub breeding and is therefore, not eligible, for registration in any stud book recognized by the said commissioner of agriculture.

The above named stallion has been examined by, a legally qualified veterinarian duly authorized by the commissioner of agriculture to make such examination, and by him found to be sound.

(Signature) Commissioner of Agriculture.

Sec. 8. Any owner or keeper of any bull, ram, or boar, kept for public service within the state of West Virginia, or any owner or keeper of any bull, ram or boar, kept for sale, exchange or transfer, who represents such animal to be pure bred, may cause the same to be registered in some herd, flock or record book as the case may be, recognized by the United States department of agriculture at Washington, D. C. for the registration of pedigrees,
8 and obtain a certificate of registration of such animal. He may
9 then forward the same to the commissioner of agriculture of the
ten state of West Virginia, whose duty it shall be to examine and
11 pass upon the correctness or genuineness of such certificate filed for
12 enrollment. In making such examination said commissioner of
13 agriculture shall use as his standard the record books recognized
14 by the United States department of agriculture at Washington,
15 D. C., and shall accept and enroll as pure bred, any animal regis-
tered in any such record books. If such registration is found to
17 be correct and genuine, he shall issue a certificate of enrollment
18 under the seal of the department of agriculture of the state of
19 West Virginia, which certificate shall set forth the name, breed,
20 age and color of the animal, also the volume and page of the
21 herd, flock or swine record book in which said animal is regis-
tered. Any owner or keeper of any bull, ram, or boar, kept for
23 public service within the state of West Virginia, who represents
24 or holds such animal as pure breed, may place on the door or stall
25 where the animal is usually kept, a copy of the certificate of en-
26 rollment from the commissioner of agriculture as provided in sec-
tion one of this act.

Sec. 9. A fee of not to exceed two dollars shall be paid to the
2 commissioner of agriculture for the examination of a license
3 certificate in accordance with the breeding of any stallion, and
4 one dollar for the enrollment and certificate of any bull, ram or
5 boar. All license certificates shall expire with the first of Janu-
6 ary of each year following date of issuance, and must be renewed
7 annually before the first of April following and a fee of fifty cents
8 shall be paid to the commissioner of agriculture for the renewal
9 of certificates. Duplicates of license certificates issued by the
10 commissioner of agriculture which have been lost, destroyed or
11 mutilated shall be furnished upon return of the old certificate or
12 part thereof to the said commissioner of agriculture or upon the
13 proper showing by affidavit that the original certificate was lost or
14 destroyed and for each of said duplicates as issued the commis-
15 sioner of agriculture shall charge a fee of ten dollars.

Sec. 10. Upon transfer of ownership of any stallion, bull,
2 ram or boar licensed under the provisions of this act, the license
3 may be transferred by the commissioner of agriculture to the
4 transferee upon the submission of satisfactory proof of such trans-
5 fer of ownership and the payment of fifty cents.

Sec. 11. Any person who shall fraudulently represent any
2 animal, horse, cattle, sheep or swine to be pure bred, or any person who shall post or publish, or cause to be posted or published any false pedigree or certificate, or shall use any stallion for public service, exchange or transfer any such animal for service within the state of West Virginia, representing such animal to be pure bred without first having such animal registered, and obtaining the certificate of the commissioner of agriculture as herebefore provided, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and be punished by a fine of not more than one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or by both fine and imprisonment, and it is hereby made the duty of the prosecuting attorney of the county in which the violation takes place to prosecute the action.

Sec. 12. The funds accruing from the fees provided for in this act shall be paid into the state treasury and shall be held by the state treasurer as a separate fund to be distributed only in payment of the expenses involved in the administration of this act, and said fund is hereby appropriated for said purpose, and the state auditor shall issue his warrant on the state treasury for payment out of said funds of any bills approved by the commissioner of agriculture, and it is hereby made the duty of the commissioner of agriculture to publish annually and have on hand for distribution a list, by counties, of all pure bred male animals so listed with the department of agriculture as required by the provisions of this act, together with the name and post office addresses of their respective owners.

Sec. 13. All acts or parts of acts in conflict with this act are hereby repealed. This act shall become effective April 1, 1918.

CHAPTER 14.

(House Bill No. 82.)

AN ACT requiring railroad companies to provide suitable space for the transportation of the sick and injured.

[Passed February 10, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Railroad companies required to provide suitable space for transportation of sick and injured persons.

Sec. 2. No charges in excess of regular first-class shall be collected.

Sec. 3. Space in baggage car a compliance with this statute; passenger assumes additional risk.

Sec. 4. Railroad companies may exclude from trains persons with contagious diseases.

Sec. 5. Penalty for violation of this act.
Be it enacted by the Legislature of West Virginia:

Section 1. All railroad companies operating regular trains in this state are hereby required to provide suitable space for the transportation of sick and injured persons who present themselves for travel on cots or stretchers who declare themselves unable to travel in any other manner; provided, that such cot or stretcher shall not be more than three feet wide and six and one half feet long.

Sec. 2. For the transportation of any such sick or injured person on cots or stretchers no railroad company shall make any charge in excess of the regular first-class fare charged for one passenger; provided, that in case such sick or injured passenger needs one or more attendants, the railroad company shall have the right to charge the regular first-class passenger fare for each of such attendants.

Sec. 3. It shall be deemed a satisfactory compliance with the provisions of this act if said railroad company shall offer a sufficient amount of space in the baggage car of any train for the accommodation of any such sick or injured person traveling on a cot or stretcher; and any person who becomes a passenger in such baggage car shall in all cases, be held to have thereby assumed all additional risk of death or injury that may come from occupancy of such baggage car, instead of any ordinary passenger coach.

Sec. 4. Nothing in this act shall be held to prevent any railroad company from excluding from its trains persons who are ill of diseases considered contagious under the laws of this state, and persons whose illness is of such a character that their transportation in such trains would be, under the laws of this state, a menace to the public health.

Sec. 5. Any railroad company or any responsible agent thereof violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

CHAPTER 15.

(House Bill No. 87.)

AN ACT to amend and re-enact clause (e) of section two and section ninety-five of chapter thirty-two of the code of West Virginia relating to license taxes and particularly relating to tax on
merchandise brokers; and to repeal clause (f) of said section two and to make it unlawful to carry on what is commonly known as a bucket shop, or other transactions of like or similar character.

[Passed February 23, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 93. License fee for stock broker; for real estate agent defined. Any person carrying on a bucket shop or

Be it enacted by the Legislature of West Virginia:

That clause (e) of section two and section ninety-five of chapter thirty-two of the code of West Virginia be and the same are hereby amended and re-enacted so as to read as hereinafter set out, and that clause (f) of said section two be and the same is hereby repealed.

(e) Practice the business of real estate agent, stock broker, or other broker, by buying or selling for others, stocks, securities or any other property, for a commission or reward; or

Section 95. On every license to practice the business of stock broker, or other broker (other than that of a pawn broker) by buying or selling for others, stocks, securities, or property, for commission or reward, fifty dollars.

On every license to practice the business of real estate agent, or real estate broker, fifty dollars, in addition to all other taxes prescribed by this chapter or by any other law.

The term real estate agent shall include any person or corporation, that, for a commission, compensation or reward, is engaged in the selling of or who negotiates sale of real estate belonging to another or others, or obtains or places loans for others on real estate, or advertises for sale or solicits the sale of real estate belonging to another or others, or collects rent and attends to the letting and sale of houses and land.

If any person shall carry on in this state what is commonly known as a bucket shop, or act as agent for any person, firm or corporation carrying on such business; or engaged in transactions for the purchase or sale for others of grain, provisions, stocks, securities, merchandise or other property wherein the parties thereto or the broker intend that such transactions shall be settled according to the public market quotations on any board of trade or exchange, and without a bona fide transaction on such board of trade or exchange, or intend that such transaction may be deemed ter-
MARKING OF STATE LINE.

24. When such public market quotations shall reach a certain figure, or intend that such property shall be re-sold before or at the time fixed in such transaction for the delivery of such property and that the difference between the contract price and the market price thereof shall be paid or received without the prior receipt or delivery of such property under the former sale, he shall be guilty of a felony, and upon conviction thereof shall be confined in the state penitentiary not less than two nor more than five years.

33. Clause (f) of section two of chapter thirty-two of the code is hereby repealed, and all acts and parts of acts inconsistent here- with are also hereby repealed.

CHAPTER 16.

(House Bill No. 135.)

AN ACT to provide for the survey, establishment and marking of the state line between the county of Hardy, State of West Virginia, and the counties of Frederick, Shenandoah and Rockingham, State of Virginia.

[Passed February 15, 1917. In effect from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Governor to appoint commission to cause boundary surveyed between States of Virginia and West Virginia.

Sec. 2. Duty of commissioners.

Sec. 3. Compensation of commissioners.

Be it enacted by the Legislature of West Virginia:

Section 1. That the governor be, and he is hereby authorized and required, to appoint a commission composed of three persons who, together with a like commission, appointed on the part of the state of Virginia, shall cause the boundary line between the county of Hardy, state of West Virginia and the counties of Frederick, Shenandoah and Rockingham, state of Virginia, to be accurately surveyed, traced and marked.

Sec. 2. That it shall be the duty of the commissioners so appointed, after surveying, locating, establishing and marking the said boundary line between the said counties, to make a report to the governor setting forth all of the facts touching the same, accompanied by such maps, drafts, exhibits and evidence as may be necessary to a clear understanding thereof; and the governor shall
transmit the proceedings of said commission to the legislature at the session next after the same shall have been completed, for confirmation or rejection.

Sec. 3. That the commissioners for West Virginia, appointed as aforesaid, shall each receive five dollars per day while so employed, and they are hereby authorized and empowered to employ a surveyor or surveyors, and such other persons as are necessary to carry out the provisions of this act. It shall be the duty of said commissioners to ascertain and keep a correct account of the work done by the surveyors and others employed by said commission, and transmit the same to the governor for his approval, and when approved by him he shall issue his warrant upon the state auditor for payment of the same.

Sec. 4. The governor of this state is authorized to communicate with the governor of the state of Virginia with a view to having a commission created by the said state of Virginia to act in conjunction with the commission hereby appointed.

Sec. 5. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the salary and expenses incurred by said commission.

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CHAPTER 17.

(House Bill No. 140.)

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 misrepresentations; to provide penalties for the violation of its provisions; to repeal all acts or parts of acts inconsistent therewith.

[Passed February 23, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]
5. Appeal from order of state entomologist.
6. Compensation for destruction of property; payment of expenses for treating infested premises.
7. Permission to enter upon public or private property.
8. Local inspectors to be paid by county court; how; amount not to exceed.
10. Quarantine removal of infected material.
12. Notice concerning receipt of nursery stock from foreign countries.
13. Permit tags and duties of transportation companies.
14. Registration of nurserymen.
15. Dealer's registration certificates.
16. Names of agents and copy of registration certificate required.
17. Grade, character and quality of trees.
18. Fines for violation of act.
19. Duties of prosecuting attorney.
20. Disposal of monies received by the state auditor.
21. Form of vouchers prescribed by commissioner.
22. Commissioner to make report.
23. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the commissioner of agriculture, hereinafter called the commissioner, by and with the consent of the governor, shall appoint a qualified entomologist and plant pathologist, hereinafter called the state entomologist, and such other assistants, inspectors, special agents, clerks, or other employees necessary to carry out the provisions of this act, and shall fix their compensation by and with the consent of the governor. Traveling expenses incurred on account of services herein prescribed by the commissioner and the said appointees shall be paid out of any funds available for the enforcement of this act. The said commissioner shall from time to time make and publish a list of dangerously injurious insects and diseases attacking plants, which he believes to be necessary to control or eradicate. Said commissioner shall also from time to time make and publish rules and regulations to more fully carry out the intent of this act, and said rules and regulations shall have full force and effect of law.

Sec. 2. The terms used in this act shall be construed as follows:

(a) The terms “plant” or “plants” shall include nursery stock, orchard, fruit and shade trees, vines, cuttings, seeds and bulbs, plants or parts of plants, or any products of the foregoing.

(b) 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 and plant diseases.

(c) The term “nursery stock” shall include all field-grown florist stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees and shrubs, and other plants and plant products for propagation, ex-
14 cept field, vegetable, and flower seeds, bedding plants, and other
15 herbaceous bulbs and roots.
16 (d) The term “nursery” shall be construed to mean any
17 grounds or premises on or in which nursery stock is propogated
18 and grown for sale, or any grounds or premises on or in which
19 nursery stock is being fumigated, treated, packed or stored.
20 (e) The term “nurseryman” shall mean the person who
21 owns, leases, manages or is in charge of a nursery.
22 (f) The term “dealer” shall be construed to apply to
23 any person not a grower of nursery stock who buys nursery
24 stock for the purpose of re-selling and re-shipping, independently
25 of any control to a nursery.
26 (g) The term “agent” shall be construed as applying to
27 any person selling nursery stock under the partial or full con-
28 trol of a nurseryman, or of a dealer or other agent. This term
29 shall also apply to any person engaged with a nurseryman, deal-
30 er or agent in handling nursery stock on a co-operative basis.

Harboring Pests and Disposing of Infected Stock.

Sec. 3. It shall be unlawful for any person in this state
2 knowingly to permit any dangerous insects or plant diseases to
3 exist in or on his premises, unless efforts are being made to
4 eradicate such dangerous insects or plant diseases as may exist.
5 It shall also be unlawful to sell or offer for sale any stock infest-
6 ed or infected with such insect or disease.

Infested Trees Marked and Owners Notified to Treat or Destroy
Same.

Sec. 4. That should the state entomologist, his assistants
2 or local inspectors, find any plants infested or diseased with or
3 harboring insects or diseases published by the commissioner as
4 dangerously injurious, the aforesaid officers shall mark or tag or
5 otherwise specifically designate all such plants infested with or
6 harboring the aforesaid insects or disease. The state entomolo-
7 gist shall have power, under the rules and regulations of said
8 commissioner to determine the nature and method of treatment,
9 including destruction, to which such infested or diseased plants
10 harboring dangerously injurious insects or plant diseases shall
11 be subjected, and he shall give notice of his findings in print or
12 writing to the owner of the infested premises or plants, his
13 agents or tenants or persons in charge of the infested premises,
and a copy of such notice shall be submitted to the commis-
soner, and there shall accompany each and every such notice
specific directions as to the treatment or destruction of the in-
fested plants harboring such dangerously injurious insects or
plant diseases, which directions may be in printing or writing.
Service of such notice may be made by mail or in the manner
prescribed by chapter one hundred and twenty-one of the code
for the service of notices, except, that should the person upon
whom it is desired that notice should be served be a non-resi-
dent, 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 post-
ing the notice at the usual place of abode the same as though the
tenants 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 regard-
ed as sufficient service five days next after the posting of such
notice.

Appeal from Order of State Entomologist.

Sec. 5. In case of objection to the order of the state en-
tomologist for the reason that no disease or infection exists, an
appeal shall lie from said order to the commissioner, which ap-
peal, however, must be made within ten days next after the ser-
vice to 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 de-
cided.

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 testi-
cmony, provided, however, that if the commissioner for any rea-
son cannot be present in person at any such hearings he may
appoint a suitable person to conduct said hearings in his stead,
which person so appointed to conduct said hearings shall per-
form the same duties and have the same powers as are herein
vested in the commissioner. If an appeal be taken because such
infestation 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.

Compensation for Destruction of Property.

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 assistants, 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 forwarded 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 assistants, in writing, of his disagreement. The amount of damages 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 re-imbursed for one-half of the damages paid by it, and the county court shall draw its warrant against the commissioner for one-half of the damages paid by said county court, which shall, when approved
by the commissioner, be paid as other bills against said commis-
sioner; provided, however, that when in his judgment, the in-
terest 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 prem-
ises 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 de-
cision 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 assist-
ants, then the owner shall pay the cost of arbitration. Arbi-
trators must be citizens of the state, of good moral character
and owners of real estate.

Payment of Expenses for Treating Infested Premises.

The necessary expense shall be paid by the owner or own-
ers of the real estate from which said infestation has been re-
moved in pursuance of this act. The state entomologist shall as-
certain 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 with-
in twenty days from date of service of said notice, that the same
shall become a lien upon the real estate. Copy of said notice in-
cluding 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 herein stated said
amount shall become a lien on said real estate and shall becollected
as delinquent taxes are collected; the sheriff adding thereto a com-
mission of ten per cent of the entire amount as compensation to
him for collection, and said real estate shall be sold for non-pay-
ment of said charges, the same as now, or may hereafter be pro-
vided by law for sale of real estate for delinquent taxes, and at
the same time. If the sheriff is unable to collect the same with-
in thirty days next after the twenty days shall have expired, the
COUNTY COURT

CH. 17]

SAN JOSE SCALE.

69

72 county court shall draw an order and pay such charges out of
73 the general fund of the county. When said amount is collected
74 by the sheriff it shall be paid back into the general fund of
75 said county. The sheriff shall forward to the state treasurer on
76 the first of each month all amounts due the commissioner. These
77 amounts shall be paid into the general fund of the commissioner.
78 When a copy of the notice is sent to the sheriff, the state
79 entomologist shall forward a copy also to the county clerk of
80 said county, and the same shall be entered upon the proper
81 judgment lien docket, and, when so received and indexed by
82 the clerk, shall be notice to all subsequent purchasers and credi-
83 tors. This lien created by this section shall be superior to all
84 other liens upon the property, except taxes, and in incorporated
85 cities, towns and villages, the lien shall be superior to all other
86 liens, except taxes and assessment for sewering, paving and other
87 public improvements. The lien, when paid, shall be released by
88 the sheriff.

Permission to Enter Upon Public or Private Property.

Sec. 7. The commissioner, his agents or employees, the
2 state entomologist, assistants, local inspectors, and all other per-
3 sons in their employ, are hereby empowered with authority, dur-
4 ing reasonable working hours, to enter upon any public or private
5 premises for the purpose of inspecting, destroying or treating
6 insects or plant diseases determined and published by the com-
7 missioner to be dangerously injurious, or such plants as may
8 harbor such injurious insect pests or plant diseases as pre-
9scribed in section one of this act. Any person who shall re-
10 fuse to allow inspection of premises under his care or control,
11 or who shall obstruct or hinder the commissioner, his agents, or
12 employees, the state entomologist, assistants, local inspectors, and
13 all persons in their employ, in the discharge of their duties, shall
14 be guilty of a misdemeanor. A mandatory injunction brought
15 in the name of the commissioner will also lie against the owner
16 to compel submission to such inspection.

Sec. 8. A local inspector shall be paid by the county
2 court. The county court shall also pay his expenses. Local
3 inspectors shall file with the commissioner of agriculture, on
4 blanks to be furnished by him and under such regulations as he
5 may prescribe, itemized accounts of the expenses and costs in-
6 incurred in the performance of their duties, and a statement of
7 the days actually occupied in the performance of the duties here-
8 inbefore prescribed, and the same, if found to be correct, shall
9 be approved by him and forwarded to the county court of the
10 county in which said inspector is employed, and shall be allowed
11 and paid by said court out of the general funds of said county,
12 except that the said county court shall not be compelled to pay
13 on account of local inspectors more than two hundred and fifty
14 dollars in any one year; but the county court of any county may
15 pay any sum in excess of two hundred and fifty dollars that it
16 may deem proper.

Nursery Inspection.

Sec. 9. Prior to October fifteenth of each year, the state
2 entomologist, or his assistants, shall inspect all nursery stock
3 grown in the state, and the state entomologist shall issue a cer-
4 tificate stating the condition of the said nursery and the number
5 of acres or fraction thereof, in such form as may be prescribed
6 by the commissioner, but the said certificate shall not be issued
7 to any nurseryman until he has fully complied with section four-
8 teen of this act.

Quarantine Against Removal of Infested Plant Material.

Sec. 10. The state entomologist with the approval of the
2 commissioner is hereby empowered to prohibit and prevent the
3 removal or shipment or transportation of plant material and
4 any other material into the state or from any private or public
5 property, or property owned or controlled by the state, or any
6 area of the state, which in his judgment may contain dangerously
7 infested or infected nursery stock, or plant or other material of
8 any kind for such periods and under such conditions as in his
9 judgment seems necessary in order to prevent the further spread
10 of the infestation or infection, giving such notice thereof as may
11 be prescribed by the commissioner, and during the existence of
12 such order no person shall remove or ship from such area any
13 such material whatsoever, except by special permission or direc-
14 tion (certificate) of the state entomologist. In case the state
15 entomologist, his assistants or a local inspector shall find pres-
16 ent on any nursery or dealer's premises or any packing ground
17 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.

Application for Inspection of Nursery Stock.

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 charges to
cover traveling expenses of the inspector.

Notice Concerning Receipt of Nursery Stock from Foreign
Countries.

Sec. 12. Every person receiving directly or indirectly any
nursery stock from foreign countries shall notify the state en-
tomologist of the arrival of such shipments, the contents thereof
and the name of the consignor; and also hold such shipment
unopened until duly inspected or released by the inspector. In
case any infested or infected stock is discovered in such ship-
ment, the shipment shall be subject to the provisions of this
act.

Permit Tags and Duties of Transportation Companies.

Sec. 13. It shall be unlawful for any nurseryman to deliv-
er or give away, within the boundaries of this state, plants com-
monly known as nursery stock, which have not been duly in-
spected 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 is-
sued 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 ap-
parently free from any dangerously injurious insect pest or
plant disease. All transportation companies and common car-
riers bringing nursery stock into this state shall immediately,
upon receiving such consignment, notify the state entomologist of
the fact that such consignment is in their possession or enroute
to some point within the state, and give the names of the con-
signor and consignee, the point of shipment and the destination
of such consignment and whether it bears the official tag here-
inbefore required.

It shall be unlawful after the promulgation of the rules
and regulations provided for in this act, for any person to trans-
port by land or water, plants commonly known as nursery stock,
in violation of the same, and every such offense shall constitute
misdemeanor.

Registration of Nurserymen.

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 ap-
proved and countersigned by the state entomologist, who shall
have full power, and is hereby authorized and required to can-
cel 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 twenty dollars, and shall
forward all certificates to the state entomologist for his approv-
al and countersignature, before allowing same to the party mak-
ing 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 him-
self 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.
This act shall not be construed so as to prevent a neighbor
from giving away a plant or tree which is not from a nursery.

Dealers' Registration Certificates.
Sec. 15. All dealers within the meaning of this act, lo-
cated 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 fur-
nishing a sworn affidavit that he will buy and sell only stock
which has been duly inspected and certified by an official state in-
pector; and that he will maintain with the inspector a list of
all sources from which he secures his stock. Said certificate
shall expire and become null and void June thirtieth next suc-
ceeding date of issue thereof, and before said certificate is is-
sued the dealer shall pay to the commissioner a fee of twenty
dollars.

Names of Agents and Copy of Registration Certificate Required.
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 subse-
quently file with the state entomologist the names of any other
carried salesmen or agents when so employed.
Any person, firm or corporation acting as an agent for an-
other in the sale of fruit-bearing trees in this state shall carry
with him, at all times when engaged in selling trees, a certifi-
cate in writing signed by his principal, and properly acknowl-
edged, showing his authority to act as such an agent, and upon
request, shall exhibit the same to the purchaser and shall leave
with the purchaser a copy of the contract.

Grade, Character and Quality of Trees.
Sec. 17. Wilful misrepresentation of grade, character, va-
riety, 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 misde-
5 meanor. All persons selling nursery stock in the state shall, if
6 required, furnish the state entomologist copies of all their lit-
7 erature, which is printed or otherwise duplicated, including cat-
8 alogues, price lists, order forms, contracts and agreements, which
9 are furnished for the use of agents or customers or both.

Fines for Violation of Act.

Sec. 18. Any person violating any section of this act or
2 any rule or regulation promulgated under this act, shall be
3 guilty of a misdemeanor and liable to a fine not to exceed one
4 hundred dollars in the discretion of the court.

Duties of Prosecuting Attorney.

Sec. 19. It shall be the duty of each prosecuting attorney
2 to whom the commissioner shall present evidence of violation
3 of any provision of this act, to institute and prosecute without
4 delay appropriate proceedings for its enforcement, and to de-
5 fend any actions brought against the commissioner. Justices
6 of the peace shall have concurrent jurisdiction with the circuit
7 court to enforce the misdemeanor penalties hereinbefore pre-
8 scribed.

Disposals of Moneys Received by the State Auditor.

Sec. 20. The state auditor shall set aside and reserve all
2 moneys coming into his hands in pursuance of the provisions
3 of this act, and shall from time to time, pay the same into the
4 state treasury to be placed to the credit of the commissioner as
5 a fund of the same, to be used as part payment of services and
6 expenses incurred under this act.

Form of Vouchers Prescribed by Commissioner.

Sec. 21. All charges against any appropriations for car-
2 rying out the provisions of this act shall be upon properly item-
3 ized vouchers as may be prescribed by the commissioner, and
4 shall be certified by the state entomologist and the commissioner.

Sec. 22. It shall be the duty of the commissioner to make
2 a detailed biennial report to the governor of all operations under
3 this act, together with an itemized statement of all receipts and
4 disbursements of funds and appropriations.

Sec. 23. All acts or parts of acts inconsistent with this act
2 are hereby repealed.
CHAPTER 18.

(House Bill No: 183.)

AN ACT relating to automobile insurance coverage by fire insurance companies.

[Passed February 21, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Authority to insure automobiles; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any fire insurance company now or hereafter authorized to do business in this state may, in addition to insurances now authorized, include insurances upon automobiles and other motor vehicles, whether stationary or being operated under their own power, against any or all of the hazards of fire, explosion, transportation, collision, loss by legal liability for damage to property resulting from the maintenance and use of automobiles, and loss by burglary or theft or both, but shall not include insurance against loss by reason of bodily injury to the person, upon filing with the insurance department official notification of their purpose so to do.

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

CHAPTER 19.

(House Bill No. 188.)

[Passed February 16, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

Sec. 9-10. Marriage within certain degree of relationship prohibited.

AN ACT to amend and re-enact sections nine and ten of chapter sixty-three of the code of West Virginia, relating to marriages, being serial sections numbered three thousand six hundred and nine and three thousand six hundred and ten of Hogg's annotated code of West Virginia, edition of one thousand nine hundred and thirteen.

Be it enacted by the Legislature of West Virginia:

That sections nine and ten of chapter sixty-three of the code of West Virginia, being serial sections numbered three thousand six hundred and nine and three thousand six hundred and ten of Hogg's annotated code of West Virginia, edition of one thousand nine hun-
dred and thirteen, be amended and re-enacted so as to read as follows:

Section 9. No man shall marry his mother, grand-mother, step-mother, sister, daughter, grand-daughter, half sister, aunt, son's wife, wife's daughter, or her grand-daughter or step-daughter, brother's daughter, sister's daughter, first cousin, double cousin, or wife of his brother's or sister's son. If any man has heretofore married his brother's widow, uncle's widow, first cousin or double cousin, such marriage is hereby declared to be legal and valid and exempt from penalties prescribed by former laws.

Sec. 10. No woman shall marry her father, grand-father, step-father, brother, son, grand-son, half-brother, uncle, daughter's husband, husband's son, or his grand-son or step-son, brother's son, sister's son, first cousin, double cousin, or husband of her brother's or sister's daughter.

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

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CHAPTER 20.

(AN ACT to provide for the appointment of an inspector of sand mines, sand pits, clay mines, clay pits, quarries and cement works, prescribing the duties of such inspector and making an appropriation to carry out the provisions of this act.

[Passed February 21, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Inspector sand mines, etc., to be appointed; qualification; compensation.
Sec. 2. Provisions to safeguard, etc.
Sec. 3. Appropriation to pay salary.

Be it enacted by the Legislature of West Virginia:

Section 1. That the chief of the department of mines shall by and with the consent of the governor appoint an inspector of sand mines, sand pits, clay mines, clay pits, quarries and cement works, in addition to the fifteen district mine inspectors now provided for by law. Such inspector shall be a man who has had practical experience in the operation of sand mines, sand pits, clay mines, clay pits, crushers and quarries, and in the use of explosives in sand mining and quarrying operations. Such in-
spectator shall rank as a district mine inspector, receiving the com-
ensation provided for such district mine inspectors by section
nine of chapter ten of the acts of one thousand nine hundred and
fifteen, and subject to all the requirements of sections nine, ten,
eleven and twelve of said chapter, except that such inspector shall
not be required to have the knowledge and experience of coal
mining operations required of district mine inspectors.

Sec. 2. All provisions of the mining laws of this state in-
tended to safeguard life and property shall extend to the opera-
tion of sand mines, sand pits, clay mines, clay pits, quarries and
cement works, in so far as such laws are applicable thereto; and
the chief of the department of mines shall make and enforce under
said laws such rules and regulations as may be necessary to secure
safe and sanitary working conditions in such sand mines, sand
pits, clay mines, clay pits, quarries and cement works.

Sec. 3. There is hereby appropriated to pay the salary of the
inspector herein provided for and to carry out the purposes of
this act the sum of one thousand eight hundred dollars for the
fiscal year ending June thirtieth, one thousand nine hundred and
eighteen, and one thousand eight hundred dollars for the year end-
ing June thirtieth, one thousand nine hundred and nineteen.

CHAPTER 21.

(AN ACT to amend and re-enact section 81-a (4), chapter fifty-four
of the code of West Virginia, one thousand nine hundred and
thirteen, relating to banks and other institutions, providing for
the examination thereof, and fixing the duties of the commis-
sioner or assistant commissioner of the bank, making it a felony
for any such commissioner or assistant commissioner knowingly
and wilfully to make any false or fraudulent report of the con-
dition of any bank with intent to aid or abet the officers, owners
or agents thereof in continuing to operate an insolvent bank,
or to receive or accept any bribe for the purpose of preventing
the filing of reports, or to neglect to make an examination of
any bank by reason thereof, and fixing the punishment there-
for.)
SECT. 81-a IV. Examination of banks.

Be it enacted by the Legislature of West Virginia:

That section 81-a (4), of chapter fifty-four of the code of West Virginia, one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

81-a (4) At least twice in each twelve months the said commissioner, or an assistant commissioner, shall personally make a thorough and complete examination of the condition and affairs of each of said banks and other institutions subject to his supervision. He shall ascertain whether the officers and directors thereof have properly taken the oath prescribed by law as such, and whether or not the said officers have executed proper and legal bonds in sufficient amount and with ample security. He shall examine and ascertain whether the books of said institution are properly kept, and he shall ascertain carefully and fully the assets and liabilities of each and all of said banks and other institutions, and whether such assets are solvent and good or otherwise, and whether all the laws of this state pertaining to banks and banking are carefully observed. The commissioner of banking or his assistant shall examine each and every bank in the hands of a receiver at least once in each six months, until its affairs shall be wound up, and shall file a copy of each of said examinations with the clerk of the circuit court of the county where such bank is located. Receivers of all insolvent banks shall make reports to the commissioner of banking in the same manner as required of other banks, and shall cause statements to be published in like manner. Any receiver of any insolvent bank who shall fail to comply with the provisions of this section, or who shall neglect or refuse to submit the affairs of such bank to an examination by the commissioner of banking or his assistant, or who shall violate any of the provisions of this act relating to the examination of banks, shall be subject to the same penalties provided for officers or employees of banks.

Any commissioner or assistant commissioner acting under this section, in making the examination into all the books, papers, notes, bills, securities, moneys and affairs of any bank or other institutions in this state subject to his supervision, such examination shall be in the presence of at least two members of the board of directors of any such bank or institution, and it shall
be the duty of the commissioner or assistant commissioner to make the report herein referred to the names of the directors in whose presence the examination is made, and in making such examination the commissioner or assistant commissioner shall have the power to administer oaths and affirmations, and to examine on oath or affirmation the officers, agents and clerks of any such bank or other such institution, touching the matter which the said commissioner or assistant commissioner may be authorized and directed to inquire into and examine, and to summon, and by attachment compel the attendance of any person or persons in this state to testify under oath before him in relation to the affairs of any such bank or other such institution. The commissioner or assistant commissioner making such examination shall make a full and detailed report of the condition of such bank or other institution to the state banking department of this state as soon as possible after completing the examination.

Any such commissioner or assistant commissioner who shall knowingly and wilfully make any false or fraudulent report of any bank or other institution which shall have been examined by him with the intent to aid or abet the officers, owners or agents of such bank or other institution in continuing to operate an insolvent bank, or who shall receive or accept any bribe or gratuity, directly or indirectly, for the purpose of inducing him not to file any report of an examination of any bank or other such institution made by him; or who shall neglect or omit to make an examination of any bank or other such institution by reason of having received or accepted, or being offered any bribe or gratuity, directly or indirectly, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than two, nor more than ten years.

CHAPTER 22.

(AN ACT to amend chapter fifty-seven of the acts of one thousand eight hundred and ninety-nine, chapter fifteen-a of the code of one thousand nine hundred and thirteen by inserting therein after section five of said act, a new section to be known as section five-a, providing for the treatment and care in state hospitals of deformed, crippled and defective children.)
CHILDREN’S HOME AT ELKINS.

Chapter 23.

An act to amend and re-enact sections one and four of chapter eighty of the acts of one thousand nine hundred and nine, relating to children’s home at Elkins.

Sec. 1. Children’s home established; under control of.

Sec. 4. State board of control shall make rules, etc.

Be it enacted by the Legislature of West Virginia:

Section 1. A state institution to be called the West Virginia children’s home is hereby established and shall be carried on in a building or buildings suitable for the purpose to be provided by the state at such locality as may be selected in accordance with this act. After July first, one thousand nine hundred and seventeen, this institution shall be under the direction and control of the state board of control.
Sec. 4. The state board of control shall make such rules and regulations relative to the management, government, instruction, discipline, employment and disposition of the children in the said home, not contrary to law, as said board may deem proper and shall appoint such officers, agents and servants as it may deem necessary to transact the business and carry on the operation of said home, and may designate their duties and fix their compensation.

Sec. 5. All acts or parts of acts inconsistent or in conflict herewith are hereby repealed.

CHAPTER 24.

(No. 231.)

AN ACT creating a standard of grades for packing apples, prescribing said grades and penalties for violation, and providing for the enforcement of this act by the state department of agriculture.

[Passed February 20, 1917. In effect September 1, 1917. Approved by the Governor February 23, 1917.]

SEC.

2. Marks and brands.
3. The facing shall represent the contents.
4. Tolerance permitted.
5. Minimum size of apples.
7. Unlawful to offer or expose for sale misbranded apples.
8. Penalty for misbranding or adulterating.
10. Definitions.
11. This act shall not apply when.
12. Enforcement of this act vested in department of agriculture; power to enter land, etc.
13. Act takes effect September first one thousand nine hundred and seventeen.

Be it enacted by the Legislature of West Virginia:

Section 1. That the standard grades or classes for apples grown in West Virginia when packed in closed packages shall be as follows:

First: West Virginia standard fancy apples shall consist of apples of one variety, which are well grown, sound, hand-picked, properly packed, normal in shape, uniform in size, of good color for the variety, free from dirt, insect injury, fungus disease, bruises and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than five per centum below the foregoing specifications on a combination of all defects or three per cent on a single defect.

"Uniform size" shall be construed to mean that apples con-
tained in any package shall not vary more than one-half inch in
diameter.
Second: "West Virginia Standard A" apples shall consist
of apples of one variety which are well grown, sound, hand picked,
properly packed, normal in shape having not less than fifty per
centum color for the variety, practically free from dirt, insect in-
jury, fungus disease, bruises and other defects, except such as are
necessarily caused in the operation of packing, or apples of one
variety which are not more than ten per centum below the fore-
going specifications on a combination of all defects or five per
centum on a single defect.
Third: "West Virginia Standard B" apples shall consist of
apples of one variety which are well grown, sound, hand picked,
properly packed practically free from insect injury, dirt and fun-
gus diseases, provided that apples showing healed over insect
punctures, small scab or blotch specks, fruit spots or other in-
conspicuous defects which taken singly or collectively do not
materially deform or disolor the fruit or injure its keeping qual-
ities shall be admitted to this grade, or apples of one variety which
are not more than fifteen per centum below the foregoing specifi-
cations on a combination of eight per centum on a single de-
fect.
Fourth. "West Virginia Unclassified" apples shall consist of
apples which do not conform to the foregoing specifications of
grades, or which though conforming are not branded in accord-
ance therewith, provided that if more than five per centum of
such apples shall show decay, or shall be badly deformed or shall
be badly defective from scab, blotch, insect injury or other de-
fects, the package containing them shall be marked "Culls" in addi-
tion to any other marks or brands required by this act.

Sec. 2. The marks and brands required by this act may be
accompanied by any additional marks or brands desired, provided
such marks or brands are not inconsistent with the provisions of
this act. Apples packed and branded in accordance with the
provisions of the act of congress approved August third nineteen
hundred and twelve shall be exempt from the provisions of this
act.

The marks or brands required by this act shall be in all
cases plain and conspicuous, and if stamped or stenciled shall be
of block letters and figures of size not less than thirty-six point
gothic.
Sec. 3. In all classes and grades herein specified the facing of the package shall fairly represent the contents, as to size, color and quality.

Sec. 4. A tolerance of five per centum for size shall be permitted, but such toleration or variance shall not be in addition to allowances made in the first section of this act.

Sec. 5. The minimum size of apples in all classes and grades including the unclassified, shall be taken by measuring the transverse diameter of the smallest fruit in the package at right angles to the stem and blossom ends.

Minimum sizes shall be stated in variations of one quarter of an inch, like two inches, two and one quarter inches and so on in accordance with the facts. Minimum sizes may be designated by figures instead of words. The word minimum may be abbreviated, thus “Min.”

Sec. 6. Every closed package containing apples grown and packed in the state of West Virginia, which is sold, offered or exposed for sale by any person shall bear upon the outside of one end in plain letters and figures the name and address of the person by whose authority the apples were packed and the package marked with the true name of the variety, the grade or class of the apples therein contained and the minimum size of the fruit in the package.

If the true name of the variety be not known to the packer, or to the person under whose authority the packing is done, then such variety shall be marked “unknown.” Every package of apples which is re-packed shall bear the name and address of the person under whose authority such re-packing is done, such name and address to be preceded by the words “re-packed by.”

Sec. 7. It shall be unlawful for any person within this state to sell, offer or expose for sale apples which are misbranded or adulterated within the meaning of this act.

For the purposes of this act apples shall be deemed to be misbranded,

First, if the package shall fail to bear the statements required by this act.

Second, if the package shall be falsely branded or shall bear any statement, design or device regarding such apples which is false or misleading, or if the package bears any statement, design or device indicating that the apples therein contained are a given
GRADING APPLES.

12 grade, and said apples when packed or repacked do not conform 13 to said grade.
14 For the purposes of this act apples shall be deemed to be adul- 15 terated if their quality or grade when packed or repacked does 16 not conform to the marks upon the package.

Sec. 8. Any person who misbrands or adulterates apples 2 within the meaning of this act, or who violates any of the pro- 3 visions of this act shall be guilty of a misdemeanor, and on con- 4 viction thereof shall be fined not more than fifty dollars for the 5 first offense, and not less than twenty-five dollars nor more than 6 two hundred for each subsequent violation.

Sec. 9. No person shall be prosecuted under the provisions 2 of this act when such person can establish satisfactory evidence 3 to the effect that he was not a party to the packing and grading 4 of such apples illegally packed or misbranded, and that he had 5 no knowledge the same were illegally packed or misbranded, or 6 when he can establish a guaranty, signed by the person from 7 whom he received such apples, to the effect that the same are not 8 misbranded or adulterated within the meaning of this act. Such 9 guaranty, or satisfactory evidence, to afford protection, shall con- 10 tain the true name and address of the party or parties from whom 11 said apples were received, or who made the sale or shipment of 12 such apples to such person.

Sec. 10. Definitions. The word “person” as used herein shall 2 be construed to include both singular and plural, individuals, cor- 3 porations, co-partnerships, companies, societies and associations. 4 The act, omission or failure of any officer, agent, servant or em- 5 ployee acting in the scope of his employment shall be deemed 6 to be the act, omission or failure of his principal. The words 7 “closed package” shall mean a box, barrel or other package 8 the contents of which cannot be easily inspected when such 9 package is closed.

Sec. 11. This act shall not apply to apples actually trans- 2 ported to storage within the state until the same are sold, 3 offered or exposed for sale, packed or transported for sale, nor 4 shall the provisions of this act as regards transportation apply 5 to common carriers.

Sec. 12. The enforcement of this act shall be vested in the 2 state department of agriculture, and its officers, agents and em- 3 ployees are authorized and empowered to enter upon the lands 4 of any person within this state for the purpose of inspecting
5 packages of apples and securing evidence in relation to violations
6 of this act, and the said department of agriculture shall promul-
7 gate such rules and regulations as may be necessary in construing
8 and enforcing this act, provided, however, that any such grades
9 or classes for apples packed in closed packages which may here-
10 after be prescribed by any act of congress may be established and
11 promulgated by the state department of agriculture in lieu of the
12 grades and classes herein provided.

Sec. 13. This act shall take effect September first, one
2 thousand nine hundred and seventeen.

Sec. 14. All acts or parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 25.

(House Bill No. 250.)

AN ACT to amend and re-enact section three of chapter one hundred
and thirty-seven of the code of one thousand nine hundred and
thirteen, pertaining to the fees of surveyors.

[Passed February 10, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 3. Fees of surveyors.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and thirty-seven be
amended and re-enacted so as to read as follows:

Sec. 3. For all surveying actually done (unless by special con-
tact), for the first one hundred poles, or any less distance, long
3 measure, per pole, one cent; after the first one hundred poles, long
4 measure, per pole, one-half cent; for tracing and examining old sur-
5 vey to ascertain the true lines, their distance and courses, or for
6 doing surveying in and about any mines, cities, towns and villages,
7 the surveyor may charge five dollars for every day necessarily so
8 employed, in lieu of charging by the pole; provided, that nothing in
9 this section shall prevent any party having surveying done, making
10 a contract for a different compensation. For calculating the quan-
tity for less than six courses or lines, fifty cents; when land is divid-
ed, for calculating each division if less than six courses, fifty
13 cents, for every course or line of more than six, three cents; for
14 making a plat of six courses, or less, fifty cents; for every course
15 more than six, three cents; for recording a plat and certificate, if
16 not more than six courses, fifty cents for any course above six, three
17 cents; for a copy of a plat and certificate, where there are not more
18 than six courses, fifty cents; for every course above six, three
19 cents; for a copy of an entry, fifty cents; for every search where no
20 copy is required, twenty-five cents; for giving receipt for any paper,
21 fifteen cents; for traveling to the place of surveying and returning,
22 per mile, five cents. If surveying be done at different places, on
23 the same tour, the mileage shall be apportioned among the different
24 surveys according to their distance from the residence of the sur-
25 veyor or deputy and each other, so that the surveyor shall not re-
26 ceive more than five cents a mile for going and returning for any
27 one trip.

CHAPTER 26.

(House Bill No. 269.)

AN ACT to provide for the drainage of farm, wet, swamp, and over­
flowed lands in the state of West Virginia through the establish­
ment, organization, and operation of drainage, levee, and reclama­
tion districts, to confer upon such districts authority to
straighten, widen and deepen existing ditches, drains, creeks and
streams, and to construct such canals, levees, ditches, flood-gates,
pumping plants, and such other improvements as may be neces­
sary to accomplish the drainage of lands in such districts, to
confer upon such drainage and levee districts the right of emi­
nent domain to the extent necessary to carry out the purposes
of this act, and to provide for raising funds for the payment
of costs and expenses of installing and maintaining such districts
by issuing bonds or otherwise, so as to make available for agri­
cultural purposes lands which in their present state are too wet
for cultivation, and to promote the public health, utility, con­
venience and public welfare.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the
Governor February 24, 1917.]

SEC.

1. Power and authority conferred upon
circuit courts to organize drain­
age districts etc.; jurisdiction
and power; words construed to
mean.

2. Precedence over other cases; ex­
cept.

3. Proceedings to organize district.

SEC.

4. Duty of court after petition is filed
selecting engineer, his duty; clerk, his duty; notice of appli­
cation to form drainage district.

5. Objections may be filed, when, and
what; duty of court; costs; may appeal; copies of findings to
be filed in office of clerk of county court.
6. When meeting of owners shall be called and how; how organize; election of supervisors; term.
7. Meetings of owners; what to do; who entitled to vote.
8. Supervisor to take oath; failure to qualify.
9. Board of supervisors to elect president and secretary; other duties; compensation.
10. Civil drainage engineer to be appointed; his duties.
11. Funds to be raised to pay expenses: what to be done with funds when.
12. "Plan for reclamation;" appoint appraisers; to take oath; duty: quorum.
15. Owner of property may file exceptions to report, how disposed of.
16. Owner may demand jury to fix damages.
17. Power of board of supervisors to build, etc.; employ; let contracts; who prohibited from contracting; how paid.
18. Levy a tax to pay costs of completion; in case bonds issued what to be done; duty of secretary.
19. Supervisors each year thereafter levy; certify to sheriff; sheriff to collect; other duties of sheriff.
20. Duties of sheriff.
21. Taxes when payable; delinquent taxes collected by suit; notice; bond-holder to have right to bring suit when.
22. Suits conducted in name of drainage district: one defense; sale of delinquent land or property; right to redeem.
23. All bonds issued by supervisors lien on lands; bonds how collected.
24. Treasurer-secretary; salary; shall give bond; duties; books to be audited.
25. Supervisors authorized to change, widen, fill up water courses; to construct roadways, where; remove buildings, etc.; condemn.
26. May employ attorney.
27. Record of board.
28. Right to enter and appropriate funds; when property shall vest in district.
29. Public ditch to cross highway, etc.; who to pay cost of construction; to enlarge or change bridge or culvert; bridges, culverts, trestles, etc.
30. Warrant if not paid for lack of funds to draw interest.
31. Surety bonds made payable to.
32. No action to abate on account of death: what to do.
33. The word "owner" construed.
34. Supervisors or owners may ask to amend petition, etc.; form of notice to be given by clerk; who has right to file prayer of petition; court to hear petition and objections; duty of clerks; appraisers to be appointed to; duty of appraisers.
35. Serial bonds may be issued, when and how.
36. Supervisors have right to formulate new plans; make additional assessments, etc.
37. Officer or other employee may be removed.
38. Connection of ditches or drains, shall not be made unless consent be obtained.
39. To maintain and preserve ditches, etc.; may levy a "maintenance tax:" the duty of sheriff.
40. Two or more adjacent districts may be united and consolidated; how.
41. Penalty for obstructing drain or damaging draining works.

Be it enacted by the Legislature of West Virginia:

Section 1. That original jurisdiction, power, and authority are hereby conferred upon all circuit courts of this state to establish, lish and organize drainage, levee and reclamation districts in this state, and to the end that the public design and intention of this act may be carried into full force and effect, power and authority are hereby conferred upon such courts to provide ways and means consistent with the provisions of this act for the organization, operation and maintenance of drainage, levee and reclamation districts in this state.

10 The jurisdiction, power and authority conferred upon the circuit courts of this state by this act shall include the establishment, lishing, organizing and providing for the operation and maintenance of drainage, levee and reclamation districts in this state, which districts when organized shall have the power to construct
DRAINAGE OF LANDS.

15 all levees, ditches, drains or canals, pumping plants, flood-gates,
16 and other needed improvements, or to have constructed, straight-
17 ened, widened, deepened, strengthened and improved any levee,
18 ditch, drain, creek or water courses within this state, all for the
19 purpose of reclaiming, draining or improving any low, wet, swampy
20 or overflowed lands in this state, or to prevent the overflow of
21 lands, or to protect towns, municipalities and cities from such over-
22 flow therein; provided and conditioned, however, that in so doing
23 navigation upon navigable streams in this state shall not thereby
24 be impaired; and provided that such improvement will result in
25 public benefit or will promote the public health or will be con-
26 ductive to the general welfare of the community in which the
27 proposed district is established.

28 Whenever the words “court”, “judge” and “clerk of the
29 court” are used in this act, they shall be construed to mean
30 “circuit court”, “circuit judge” and “clerk of the circuit court”,
31 respectively, unless otherwise indicated.

Sec. 2. Proceedings under the provisions of this act shall
2 have precedence on the dockets of all circuit courts of this state
3 over all other civil cases, except election cases and special pro-
4 ceedings which heretofore by other laws may have been given
5 precedence on the courts’ dockets. If the court does not act
6 promptly in complying with the terms of this act it may be com-
7 pelled to do so by mandamus.

Sec. 3. Proceedings to establish and organize a drainage,
2 levee or reclamation district shall be commenced by three or more
3 owners of real property within the proposed district whose lands
4 will be affected by the proposed improvement filing a petition
5 in the circuit court, or before the judge thereof in vacation, of
6 the county wherein said lands and other property proposed
7 to be organized into a drainage, levee or reclamation district are
8 situated. Upon the filing of such petition the court, or the judge
9 thereof in vacation, shall require a bond in sufficient penalty, to
10 be given and filed, with good and sufficient surety, and conditioned
11 for the payment of all preliminary costs and expenses that may
12 be incurred in case the district is not formed. If the lands to
13 be included in the proposed district are situated in two or more
14 counties, then the petition may be filed in the office of the clerk
15 of the circuit court or before the judge thereof in vacation,
16 of either of the counties in which such lands are situated, and
17 said court shall retain jurisdiction thereafter regardless of county lines.
19 The petition shall describe in a general way and by reference to roads, streams, railroads and other landmarks, the body of land or other property proposed to be reclaimed, drained, leved, improved and embraced within the district, and shall set forth in a general way the conditions existing and the advantages that will result from the proposed improvement. It also shall indicate opposite the name of each signer the approximate acreage of each signer which will be affected. Said petition also shall contain a prayer praying that the lands described therein be declared a drainage district under the provisions of this act. The petition may be amended or supplemented at any time before the drainage, levee or reclamation district is fully and completely organized.
31 The petition may be signed by any landowner, male or female, married or single; guardians may sign for their wards, and trustees, executors and administrators may sign for the estates represented by them. If the signature of any corporation, by its authorized officer or officers, is attached thereto, attested by the corporate seal, the same shall be sufficient evidence of the assent of the corporation to said petition. Any person having signed the petition shall have no right to have said proceedings dismissed as to him without the written consent of the majority in acreage of the owners who signed the petition.

Sec. 4. Immediately after such petition shall have been filed it shall be the duty of the court, or the judge thereof in vacation, to enter upon its records an order appointing an engineer to be selected by the petitioners; provided, the engineer whom they select is a qualified and suitable person. If the engineer designated by the petitioners is, in the opinion of the court, not a proper person, the court shall appoint such other engineer as it may deem qualified to perform the duties imposed upon him by this act. The said engineer shall forthwith proceed to ascertain in a general manner the limits of the region which will be benefited by the proposed improvements, and the names of the landowners and the approximate acreage of each landowner's holdings, as nearly as they can be determined without actual survey, and file a report of his findings with the clerk of the circuit court at the earliest date practicable. In his report said engineer shall give a general idea of the improvements required and an approximate estimate of their cost, together with such other suggestions as he may
think will be of service to the court in passing on the prayer of the petitioner. For service rendered in this connection the compensation of the engineer shall be fixed by the court.

Immediately upon the filing of the engineer's report, the clerk of the circuit court shall give notice by causing publication to be made once a week for three consecutive weeks in two newspapers of opposite politics, if such there be, published in each county, in which are situated lands of the proposed district, the last insertion to be made at least fifteen days prior to the first day of the next regular or special term of the circuit court at which said petition is to be heard. Such notice shall be substantially in the following form which shall be deemed sufficient for all purposes of this act:

Notice of Application to Form Drainage District.

Notice is hereby given to all persons interested in the following described real estate in ................. county of West Virginia (here describe the property as set out in the petition) that a petition asking that the foregoing lands and other property be formed into a drainage district under the provisions of an act of the legislature of West Virginia of one thousand nine hundred and seventeen, and that the lands and other property as above described will be affected by the formation of said drainage district and be rendered liable for taxation for the purposes of paying the expenses of organizing and making and maintaining the improvements that may be found necessary to drain, protect and reclaim the lands and other property in said district, and you and each of you are hereby notified to appear at a term of the circuit court of ................. county, to be held on the day of ................., 19........,..., at the court house thereof, and show cause, if any there be, why said drainage district, as set forth in the petition should not be organized.

Clerk of the Circuit Court ................. County.

The circuit court of the county in which the petition shall have been filed shall thereafter maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district without regard to county lines for all purposes of this act.

Sec. 5. Any owner of real estate or other property in said proposed district who may not have signed the petition and who
objects to the organization and formation of the proposed drainage
district shall, on or before the first day of the term of court at
which the cause is to be heard, file his objection or objections
to the organization of such proposed drainage district. Such
objection or objections shall be limited to a denial of the state­
ments in the petition and shall be heard by the court in a sum­
mary manner without unnecessary delay, and in case all such
objections are overruled, and if the court shall be of the opinion
that the establishment of a drainage district will be to the ad­
vantage of the owners of real property therein or will be conducive
to the public health, utility, convenience and public welfare, it
shall without making further inquiry make an order establishing
a district and which district shall have the power and authority
to acquire, hold and convey property, levy taxes and collect same,
and shall have all the powers and authority necessary to carry
out the provisions of this act, and may sue and be sued under the
name and style of ......................... drainage district.
Such order shall have all the force and effect of a judgment. If
the court finds that the property set out in the petition should
not be organized into a drainage district, it shall dismiss the
said proceedings and adjudge the costs against the signers of
the petition in proportion to the acreage represented by each
petitioner. Any owner of real property within the district may
appeal from the judgment of the court within twenty (20) days
after the same has been made, but if no appeal is taken within
that time such judgment shall be deemed conclusive and binding
upon all the real property within the bounds of the district and
upon the owners thereof, and any owner of property in the district
may within a like time appeal from an order refusing to establish
such district. Such appeals must be accompanied by a bond
approved by the court conditioned for the payment of costs if
the appeal should be decided against the appellant. If the court
orders the drainage district established, copy of the findings and
decree of the court shall be filed in the office of the clerk of the
county court in each of the counties having lands and other prop­
erty in the said drainage district where the same shall become
a permanent record.

Sec. 6. Within thirty days after any drainage district shall
have been organized and established under the provisions of this
act the circuit clerk of the court organizing said district shall call
a meeting of the owners of real estate or other property situate
in said district, at a day and hour specified, in some public place in the county in which the district was organized, for the purpose of electing a board of three supervisors, to be composed of owners of real estate in said district, two of whom at least shall be residents of the county or counties in which such district is situate, or some adjoining counties. Notice of such meeting shall be given by said clerk by causing publication thereof to be made once a week for two consecutive weeks in two newspapers of opposite politics. if such there be, published in each county in which lands of the district are situate, the last insertion to be at least ten days before the day of such meeting. The landowners, when assembled, shall organize by the election of a chairman and a secretary of the meeting who shall conduct the election; at such election each owner shall be entitled to one vote in person or by proxy for every acre of land or mile of right-of-way owned by him in such district, and the three persons receiving the highest number of votes shall be declared elected as supervisors; and said supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two and three years, and they shall serve until their successors shall have been elected and qualified.

Sec. 7. In the same month of each year after the election of the first board of supervisors, the board of supervisors shall call a meeting of the owners of land and other property herein described in the district by publication, in the same manner as provided for in section six, and such owners shall meet at the time and place fixed by the board of supervisors and elect one supervisor therefor in like manner as prescribed in the preceding section, who shall hold his office for three years or until his successor is elected and qualified; and in case of a vacancy in the office of supervisor, the remaining supervisors may fill such vacancy by appointment until the next annual meeting, when a successor shall be elected for the unexpired term; 'provided, that after the report of the appraisers has been confirmed by the court under the provisions of section fifteen, only owners of land and other such property having benefits assessed against it shall be entitled to vote at the annual meetings held under the provisions of this section.

Sec. 8. Each supervisor before entering upon his official duties shall take and subscribe to an oath before some officer authorized by law to administer oaths, that he will honestly and
4 impartially perform the duties devolving upon him in office as
5 supervisor of the drainage district in which he was elected, and
6 that he will not neglect any of the duties imposed upon him by
7 this act. Any supervisor-elect who fails to qualify by taking such
8 oath and filing same in the office of the secretary of the drainage
9 district within ten days after his election, shall be deemed to
10 have declined such election, and the vacancy shall be filled as
11 herein provided.

Sec. 9. The board of supervisors immediately after their
2 election shall choose one of their number president of the board,
3 and elect some suitable person secretary, who may or may not be
4 a member of the board. Such board shall adopt a seal with
5 a suitable device, and shall keep a record of all its proceedings,
6 as hereinafter provided, which shall be open to the inspection of
7 all owners of real estate and other property herein described of
8 the district, as well as to all other interested parties. The board
9 shall report to the land owners at the annual meeting held under
10 the provisions of section seven of this act what work has been
11 done, either by the engineers or otherwise. The members of the
12 board shall receive for attending to business for and in behalf
13 of said district actual transportation expenses, which shall be
14 audited by the board before payment; each member shall receive
15 four dollars ($4.00) per day as compensation for his services
16 while actually engaged in work for the district; provided, however,
17 that if the secretary be a member of the board he shall be en-
18 titled to compensation as hereinafter provided for.

Sec. 10. Within thirty days after organizing, the board of
2 supervisors shall appoint a competent civil and drainage engineer
3 as chief engineer, who may be an individual, co-partnership, or
4 corporation. The chief engineer may, by and with the consent
5 of the board of supervisors, consult any eminent engineer or en-
6 gineers and obtain his or their opinion and advice concerning the
7 reclamation of the lands in the district. He shall have authority
8 to engage such assistants as may be needed. He shall make all
9 necessary surveys of the lands within the boundary lines of said
10 district, as described by the petition, and of all lands adjacent
11 thereto that may or will be improved or reclaimed in part or in
12 whole by any system of drainage or levees that may be outlined
13 and adopted, and said engineer shall make a report in writing
14 to the board of supervisors with maps and profiles of said surveys,
15 which report shall present a plan for draining, leveeing and
16 reclaiming the lands and property described in the petition or
17 'adjacent thereto from overflow or damage by water. Said maps
18 and profiles shall also indicate as far as necessary the physical
19 characteristics of the lands and location of any public roads,
20 railroads, other public utilities, and other rights-of-way, road-
21 ways, and other property and improvements located on such lands.
22 The chief engineer shall make a report in writing to the board
23 of supervisors, showing the progress that has been made at such
24 times as the board may require. When the final report of the
25 chief engineer is submitted the board of supervisors shall have
26 authority to employ a reputable consulting engineer or engineers
27 to pass on the adequacy of the proposed improvement: as covered
28 in the chief engineer's report and plans. When the board is
29 satisfied of the adequacy of the plans it shall adopt the report and
30 plans and thereafter such adopted report shall be the plan for
31 draining, leveeing or reclaiming such lands and other property
32 from overflow or damage by water, and it shall after such adop-
33 tion be known and designated as "the plan for reclamation", 34 which plan shall be filed with the secretary of the board of super-
35 visors and by him copied into the records of the district.

Sec 11. For the purpose of paying expenses incurred or to
be incurred in organizing said district, making surveys of the
same, and assessing benefits and damages, and to pay other ex-
penses necessary to be incurred, before the board of supervisors
shall be empowered by subsequent provisions of this act to provide
funds to pay the total cost of works and improvements of the
district, the board of supervisors of any drainage district organized
under the provisions of this act shall as soon as elected and
qualified, levy a uniform tax of not more than fifty cents per acre
upon each acre of land and each mile of right-of-way within
such district, as shown by the preliminary report of the engineer
required by section four of this act. In case the boundary lines
of the district shall be extended under the provisions of a sub-
sequent section of this act so as to include lands and other prop-
erty not described in this petition, the same uniform tax shall
be made on such lands and other property as soon as the same
shall have been annexed and included in the district. In case
lands are included in the district and assessed in accordance with
this provision which it subsequently develops should not have
been included, taxes collected from such lands shall be returned
to the owners of such lands. Such tax shall be due and payable
as soon as assessed and if not paid within sixty days after the tax has been levied the same shall become delinquent. It shall become a lien on the land and other property against which it has been assessed and the delinquent list shall be certified by the secretary of the district to the sheriff of the county wherein the property so assessed is situated, and the same shall be collected by the sheriff in the same manner as state and county taxes, and bear the same penalty. In case the sum received from such assessment exceeds the total cost of items for which the same has been levied, the surplus shall be placed in the general fund of the district and used to pay cost of construction, provided, that if the district be dissolved before the improvements are completed the amount of the surplus, if there be any, shall be prorated and refunded to the landowners paying such uniform tax.

Sec. 12. After the board of supervisors has adopted the plan for reclamation the secretary of said board shall file a certified copy of same together with a copy of the order of said board approving the "plan for reclamation", with the clerk of the circuit court in which the district was organized. The court shall then in term time, or the judge in vacation, by an order, appoint a board of three appraisers who are in no way interested in the said proceedings, for the purpose of assessing benefits and damages that may result from the making of the improvements described and set forth in the "plan for reclamation" approved by the board of supervisors. The secretary of the board of supervisors shall transmit to the said board of appraisers a certified copy of the petition and of "the plan for reclamation," which has been approved by the board of supervisors. The members of the board of appraisers at a meeting to be held within ten days after their appointment, shall each take and subscribe to an oath before the clerk of the court that they will faithfully and impartially discharge their duties and make a true report of the work done by them. If any person appointed as an appraiser fails to take the oath within the prescribed time he shall be deemed as having declined appointment and the court or judge shall make further appointment either in term time or vacation. They shall at the same meeting organize by electing one of their number as chairman. A majority of said board of appraisers shall constitute a quorum and shall control the action of the board on all questions. The secretary of the board of supervisors
shall furnish to the board of appraisers a complete list of lands and
corporate and other property described in the petition.

Sec. 13. Within thirty days after qualifying, as provided
for in the previous section, the appraisers shall begin their duties;
and the chief engineer or one of his assistants shall accompany
said appraisers at all times and shall render his opinion in writing
when called for. Said appraisers shall proceed to view the
premises and determine the value of all land and other property,
within or without the district, to be acquired and used for rights-
of-way, or other works set out in the “plan for reclamation”; they shall assess the amount of benefits, and the amount of dam-
ages, if any, that will accrue to each parcel of land, public high-
way, railroad and other right-of-way, railroad, roadway and other
property, from carrying out and putting into effect the “plan for
reclamation” heretofore adopted. The appraisers in assessing
the benefits to lands, public highways, railroad and other rights-
of-way, railroad, roadways and other property not traversed by
such works and improvements as provided for in “the plan for
reclamation”, shall not consider what benefits will be derived
by such property after other drains, ditches, improvements or
other plans for reclamation shall have been constructed, but they
shall assess only such benefits as will be derived from the con-
struction of the works and improvements set out in “the plan
for reclamation”, or as the same may afford protection from over-
flow to such property. The appraisers shall give due considera-
tion and credit to any other ditch or other systems of reclamation,
which may have already been constructed and which afford partial
or complete protection to any tract or parcel of land in the new
district, and if the appraisers shall find that any drain or other
works have been constructed under any general or special law
of this state, which can be used in making the drains and im-
provements herein contemplated, they shall include the same in
their report, and thereafter the said board of supervisors may
order such drains or such works to be used, so far as they extend,
for the purpose of the drainage district in which they are situated,
and that the district or other owners of such drains or other
improvements or persons having an interest in same by virtue of
having contributed money, material or labor in the construction
of the same, shall be allowed in proportion to the interest held
or owned in said drains or improvements, a compensation which
shall not exceed the amount of such drainage district’s indebted-
ness as evidenced by outstanding script, bonds or other evidences
of indebtedness. The railroad and other rights-of-way, railroad
and other property shall be assessed according to the increased physical efficiency and decreased maintenance cost by reason of the protection to be derived from the proposed works and improvements.

The appraisers shall also assess all damages that will accrue to any landowner by reason of the proposed improvement, including all injury to lands taken or damages; and when they return no such assessment of damages as to any tract of land, it shall be deemed a finding by them that no damage will be sustained. If the board of appraisers finds that other lands not embraced within the boundaries of the district will be affected by the proposed improvement, they shall assess the estimated benefits and damages to such land and shall specifically report to the court the assessments which they have made on the lands beyond the boundaries of the district as already established. It shall then be the duty of the clerk of the circuit court to give notice by publication for three successive weeks in two newspapers of opposite politics, if such there be, in the county where such lands lie, describing the lands which have been assessed, and the owners of real property so assessed shall be allowed twenty days after the publication of such notice to file with the clerk of the circuit court their protest against being included within the district. The circuit court shall at its next session investigate the question whether the lands beyond the boundaries of the district so assessed by the appraisers will in fact be benefited or damaged by the making of the improvement; and from its findings in that regard either the property owners affected by the assessment of the appraisers or the district may within twenty days file an appeal. If the finding is in favor of the district, the limits of the district shall be extended so as to embrace any lands that may be affected by the making of the improvements and such lands shall be subject to the taxes provided for in section eleven of this act. The appraisers shall have no power to change "the plan for reclamation" heretofore provided for. The board of appraisers shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column one, "owner of property assessed"; column two, "description of property assessed"; column three, "number of acres assessed"; column four, "amount of benefits assessed expressed in dollars and cents"; column five, "number of acres taken for right-of-way"; column six, "value of property taken"; column seven, "damages.
assessed”. They shall also, by and with the advice of the engi-
neer of the district, estimate the cost of works set out in “the
plan for reclamation”, which estimate shall include the cost of
property required for rights-of-way and damages and the actual
to organization and administration, as estimated by the
board of supervisors, and shall itemize and tabulate the same.
Said reports shall be signed by at least a majority of the appraisers
and filed in the office of the circuit clerk, in which the petition
was filed. The secretary of the board of supervisors, or his deputy,
shall accompany said appraisers while engaged in their duties,
and shall perform all clerical work of said board; he shall also
under the advice, supervision and direction of the attorney for
the district, prepare their report. Said board of appraisers shall
report to the board of supervisors the number of days each had
been employed and the actual expenses incurred. Each appraiser
shall be paid five dollars per day for his services, and necessary
expenses in addition thereto.

Sec. 14. Upon the filing of the report of the appraisers, the
clerk of said court shall give notice thereof by causing publica-
tion of said report to be made once a week for three consecutive
weeks in two newspapers of opposite politics, if such there be,
published in each county in the district. And notice shall be in
form as follows:

NOTICE OF FILING OF APPRAISER’S REPORT

For ......................... Drainage District.
Notice is hereby given to all persons interested in any land
and property included within “......................... Drainage
District” in ................. county (or counties) West
Virginia, that the appraisers heretofore appointed to assess ben-
fits and damages to the property and lands situated in said drain-
age district and to appraise the cash value of the land necessary
to be taken for rights-of-way, and other works of said district
within or without the limits of said district, filed their report in
this office on the ................ day of .......... 191...
as follows: (Here insert report of appraisers) and you and each
of you are hereby notified that you may examine said report and
file exceptions to all or any part thereof, as provided by law.

Clerk of the Circuit Court of ................. County,

West Virginia.
Provided, that where lands in different counties are contained in said report, it shall not be necessary to publish in each county, the appraisers' report on all of said lands in said district, but only that part relating to property situate in the respective counties.

Sec. 15. The drainage district or any owner of land or other property in said district, may file exceptions to said report or to any assessment for either benefits or damages, within ten days after the last day of publication of the notice provided for in the preceding section. All exceptions shall be heard by the court and determined in a summary manner so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the court, after having heard and determined all of said exceptions, that the estimated cost of constructing the improvement contemplated in "the plan for reclamation" is less than the benefits assessed against the land and other property in said district, then the court shall approve and confirm said appraisers' report so modified and amended. The court shall adjudge and apportion the costs incurred by the exceptions filed and shall condemn any land or other property, within or without the boundary lines of the district, that is shown by the report of the appraisers to be needed for rights of way, holding basins and other works, or that may be needed for material to be used in constructing said works, following, as nearly as possible, the procedure that is now provided by law for the appropriation of land and other property taken for telegraph, telephone and railroad rights-of-way. The clerk of said circuit court shall transmit a certified copy of the court's decree and a copy of the appraisers' report as confirmed or amended by the court, to the secretary of the board of supervisors of the district, who shall make and transmit a certified copy of the said decree and that part of the same report affecting land in each county to the clerk of the county court of each county having lands in the district, or affected by the said report, where the same shall become a permanent record. If after determining the objection made to the appraisers' report, the court shall find that the estimated cost of works and improvements as approved by the board of appraisers' or as amended by the court, exceeds the estimated benefits, the court shall then render its decree, declaring the district to be dissolved as soon as all costs incurred, which shall include court costs and all obligations and expenses incurred in behalf of the district by the board of supervisors, shall have
been paid, and if the uniform tax levied under the provisions of costs the board of supervisors shall make such additional uniform tax levies as will be necessary to pay such deficiency. Any owner of real property within the district who conceives himself to be aggrieved by the assessment of benefits or damages, or who deems that the assessment of any land in the district is inadequate, shall present his complaint to the circuit court at the first regular, adjourned, or special session held more than ten days after the last publication of said notice, and the said court shall consider the same and enter its findings thereon either confirming such assessment or increasing or diminishing the same, and its findings shall have the force and effect of a judgment from which an appeal may be taken within twenty days, either by the property owners or by the supervisors of the district.

Sec. 16. Any property owner may accept the assessment of damages in his favor made by the appraisers or acquiesce in their failure to assess damages in his favor and shall be construed to have done so unless he gives to said board of supervisors within thirty days after the assessment is filed, notice in writing that he demands an assessment of damages by a jury, in which event the board of supervisors shall institute in the circuit court an action to condemn the lands that must be taken or damaged in the making of such improvement, which action shall be in accordance with the proceedings for condemnation of rights-of-way by railroad, telegraph and telephone companies, with the right of paying into court a sum to be fixed by the circuit court or judge and of proceeding with the work before assessment by the jury. If there is more than one claimant to the lands and to the fund paid into court, all claimants may be made parties defendant in such suit, leaving the claimants to contest in that action their respective rights to the fund.

Sec. 17. The board of supervisors of said district shall have full power and authority to build, construct, excavate and complete all or any works and improvements which may be needed to carry out, maintain and protect "the plan for reclamation." To accomplish that end the said board of supervisors is hereby authorized and empowered to employ men and teams and to purchase machinery, employ men to operate same and directly have charge of and construct the works and improvements, or by the use of other or more efficient means than provided for in the
10 plans adopted. They may, in their discretion, let contracts for
11 such works and improvements, either as a whole or in sections,
12 and when such contract or contracts are let, they shall be advertise-
13 ed and let to the lowest and best bidder, who shall give a good
14 and approved bond, in an amount equal to the contract price,
15 with ample security, conditioned that the contractor will well
16 and promptly carry out the contract for such work and improve-
17 ments, which contract shall be in writing and to which shall be
18 attached and made a part thereof complete plans and specific-
19 tions of the work to be done and the improvements to be made
20 under said contract, which plans and specifications shall be pre-
21 pared by the chief engineer, and shall be incorporated in and
22 attached to the contract, and before the work is commenced shall
23 be approved by the board of supervisors and signed by the presi-
24 dent of the board and the contractor and shall be executed in
25 duplicate. No supervisor, secretary, treasurer, or engineer of
26 any drainage district shall be awarded any such contract, or have
27 any interest in the profits thereof either directly or indirectly.
28 The chief engineer shall be the superintendent of construction
29 of all the works and improvements, and shall, whenever required,
30 and at least once each year, make a full report to said board of
31 all work done and improvements made and make such sugges-
32 tions and recommendations to the board as he may deem proper.
33 It shall be the duty of the board of supervisors to have the
34 amount of work performed by any contractor estimated from time
35 to time, as may be desirable, by the chief engineer, and the
36 board shall draw its warrants in favor of the contractor for not
37 more than eighty per cent. of the amount of work so required;
38 reserving the remainder until it has been ascertained that the
39 work has been completed according to contract, and is free from
40 liens.

Sec. 18. After the lists of lands and other property, with
2 the assessed benefits and the decree and judgment of court, have
3 been filed in the office of the clerk of the county court of each
4 county in which any of such lands are situate, as provided in
5 section fifteen of this act, then the board of supervisors shall with-
6 out any unnecessary delay, levy a tax of such portion of said bene-
7 fits on all lands, and other property in the district to which benefits
8 have been assessed, as may be found necessary by the board of
9 supervisors to pay the costs of the completion as shown in said
10 “plan for reclamation” and in carrying out the objects of said
DRAINAGE OF LANDS.

11 district, plus ten per cent of said total amount for emergencies;
12 and said taxes so levied shall be a lien upon all the real property
13 in the district from the time that the same is levied, and shall be
14 entitled to preference over all demands, encumbrances, execu-
15 tions or liens whatsoever except state and county taxes, and shall
16 continue until such taxes, with any penalty and costs that may
17 accrue thereon, shall have been paid. The said tax shall be appor-
18 tioned to and levied on each tract of land or other property in said
19 district in proportion to the benefits assessed and not in ex-
20 cess thereof, and in case bonds are issued as hereinafter provided,
21 then the amount of the interest (as estimated by said board of
22 supervisors, which will accrue on such bonds shall be included and
23 added to the said tax, but the interest to accrue on account of
24 the issuing of said bonds shall not be construed as a part of the
25 costs of construction in determining whether or not the ex-
26 penses and costs of making said improvements are or are not
27 equal to or in excess of the benefits assessed. Within thirty
28 days after the assessment of benefits is made and the amount of
29 taxes to be levied against each piece of property has been de-
30 termined, the property owners shall have the privilege of paying
31 such taxes in full. The secretary of the board of supervisors, as
32 soon as said total tax is levied, shall, at the expense of the dis-
33 trict, prepare a list of all taxes levied, in the form of a well bound
34 book, which book shall be endorsed and named "drainage tax
35 record of .......... drainage district ............ "
36 which endorsement shall also be printed or written at the top of
37 each page in said book and shall be signed and certified by the
38 president and secretary of the board of supervisors, attested by
39 the seal of the district, and the same shall thereafter become a
40 permanent record in the office of the secretary.

Sec. 19. The said board of supervisors shall each year
2 thereafter determine, order and levy the amount of the annual
3 installment of the total taxes levied under the preceding sec-
4 tion, which shall become due and be collected during said year
5 at the same time that state and county taxes are due and col-
6 lected, which said annual installment and levy shall be evidenc-
7 ed and certified by the said board not later than July first of
8 each year to the sheriff of each county in which any of the lands
9 or other property subject to such drainage district tax are situat-
10 ed. The certificate of said installment tax shall be in substan-
11 tially the following form:
12 State of West Virginia
13 County of .......... ) ss
14 To ................... , sheriff of said county:
15 This is to certify that by virtue and authority of the laws
16 of West Virginia relating to drainage districts, the board of sup-
17 ervisors of .................... drainage district of West
18 Virginia has levied and does hereby levy the sum of $............
19 as the annual installment of tax for the year 19.... of the
20 total tax levied under the provisions of said laws; and said
21 board of supervisors of said district by and with the authority
22 of said laws, has levied also the sum of $............ as a main-
23 tenance tax for said year; said annual installment of tax and
24 maintenance tax on the real estate and other property in said
25 drainage district situate in your county are set out in the follow-
26 ing table, in which are: First, the names of the owners of
27 said lands and other property as they appear in the decree of the
28 court organizing said district, are as they appear on the records
29 of the clerk of the county court on the first day of April of each
30 year subsequent to the decrees of the court; Second, the des-
31 criptions of said lands and other property opposite the names
32 of said owners; third, the amount of said installment of tax
33 levied on each tract of real estate and other property, and
34 fourth, the said amount of maintenance tax levied against the
35 same. The said taxes shall be collectible and payable for the
36 present year at the same time that state and county taxes are
37 due and collected, and you are directed and ordered to demand
38 and collect the said taxes between the first day of October and
39 last day of December of the present year, and this certificate
40 "drainage tax book" shall be your warrant and authority for
41 making such demand and collection.
42 Witness the signature of the president of the said board
43 of supervisors, attested by the seal of said district, and the
44 signature of the secretary of said board, this ............. day
45 of ................., A. D., 19....
46
47 President of District.
48 Then shall follow a table of schedules showing in proper-
49 ly ruled columns, first, the names of the owners of said lands
50 and other property; second, the description of the said lands
51 and other property opposite the names of said owners; third,
52 the amount of said annual installment tax levied on each tract of
land or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the sheriff of the county shall record the several amounts as collected by him; sixth, a blank column in which the sheriff shall record the date of payment of the different sums; seventh, a blank column in which the sheriff shall record the names of the person or persons paying the several amounts. The columns in which the annual installment tax and the maintenance tax, if any, appear, shall be correctly totaled and the total amount shall correspond to the amount set out in the above mentioned certificate. The said certificate and table shall be prepared in the form of a well bound book which shall be endorsed and named “drainage tax book” drainage district county, West Virginia, for the year , which endorsement shall also be printed at the top of each page in said book.

Sec. 20. It shall be the duty of the sheriff of each county in which lands or other property of any drainage district organized under this act are situate, to receive the “drainage tax book” each year and he is hereby empowered and it shall be his duty to promptly and faithfully collect the tax therein set out and to exercise all due diligence in so doing. He is further directed and ordered to demand and collect such taxes at the same time that he demands and collects state and county taxes due on the same and other properties. Where any tract or part thereof has been divided and sold or transferred, the sheriff shall receive taxes on any part of any tract, or parcel of land or other property charged with such taxes and give his receipt accordingly. The certificate and “drainage tax book” herein provided for shall be the warrant and authority of the sheriff for making such demand and collection. The said sheriff shall make due return of all “drainage tax books” each year to the secretary of the board of supervisors of the aforesaid drainage district, and shall pay over and account for all moneys collected thereon at the end of each month to the treasurer of said district, and shall make an annual return of same at the close of each year. Said sheriff shall in said “drainage tax book,” verify by affidavit his said return. The said secretary shall each year, within ten days after the annual return of said sheriff is delivered to him, prepare and certify to said sheriff a “drainage back tax book” containing the list of lands and other property so returned by said sheriff as delinquent, deliver the same to him, and take his re-
27 ceipt therefor, and said sheriff shall proceed to collect such de-
28 linquent drainage taxes and demand payment therefor in the
29 same manner as hereinafter provided. Before receiving the afore-
30 said “drainage tax book” the sheriff of each county in which lands
31 or other property of the drainage district are located, shall ex-
32 ecute to the board of supervisors of the district a bond with at
33 least two good and sufficient sureties in a sum that is equal to
34 the probable amount of any annual installment of said tax to be
35 collected by him during any one year, conditioned that said
36 sheriff shall pay over and account for all taxes so collected by
37 him according to law. Said bond after approval by said board
38 of supervisors shall be deposited with the secretary of the board
39 of supervisors, who shall be custodian thereof, and who shall
40 produce same for inspection and use as evidence whenever and
41 wherever lawfully requested so to do. Whenever the sheriff shall
42 give such bond with a fidelity and indemnity company as surety,
43 the drainage district shall pay such premium thereon as may be
44 provided by law.

Sec. 21. All taxes levied under the terms of this act shall
2 be payable between the first day of October and the last day of
3 December of each year; and if any taxes levied by the board
4 of supervisors in pursuance to this act are not paid at maturity,
5 the sheriff shall not embrace such taxes in the taxes for which
6 he shall sell the lands, but he shall report such delinquencies
7 to the board of supervisors of said district, who shall add to the
8 amount of the tax a penalty of twenty-five per cent.; and said
9 board of supervisors shall enforce the collection of such delinquent
10 taxes by chancery proceedings in the circuit court of the county
11 in which the lands are situated; and said court shall give judg-
12 ment against said lands, or other property for the amount of
13 such taxes and said penalty of twenty-five per cent. and interest on
14 same, from the end of the period allowed for the collection thereof,
15 at the rate of six per cent. per annum, and all costs of the proceed-
16 ings. Such judgment shall provide for the sale of said delinquent
17 lands for cash, by a commissioner of the court, after advertise-
18 ment hereinafter set out. Said proceeds and judgment shall be
19 in the nature of proceedings in rem, and it shall be immaterial
20 that the ownership of said lands be incorrectly alleged in said pro-
21 ceedings, and such judgment shall be enforced wholly against such
22 lands or other property so assessed, and not against any other
23 property or estate of said defendant. All or any part of said
24 delinquent lands or other property for each of said counties may
25-26 be included in one suit for each county, instituted for the col-
27 lection of said delinquent taxes, together with interest, penalties
28 and costs, as aforesaid; and notice of the pendency of such suit
29 shall be given by publication weekly for four weeks in two news-
30 papers of opposite politics, if such there be, published in the
31 county, where such suits may be pending, before judgment is
32 entered for the sale of said lands or other property: which public
33 notice may be in the following terms:
34 Board of Supervisors, ...................... Drainage District
35 v.
36 Delinquent lands.
37 All persons having or claiming an interest in any of the
38 following-described lands, are hereby notified that suit is pend-
39 ing in the circuit court of ............... county, West Virginia,
40 to enforce the collection of certain drainage taxes on the sub-
41 joined list of lands, the name of each supposed owner having been
42 set opposite his or her or its lands, together with the amounts
43 severally due from each, to-wit:
44 (Then shall follow a list of supposed owners, with a de-
45 scriptive list of said delinquent lands, and amounts due thereon
46 respectively as aforesaid), and said public notice may conclude
47 in the following form:
48 All persons and corporations interested in said lands are
49 hereby notified that they are required by law to appear within
50 thirty days after the first publication hereof and make defense
51 to said suit, or the same will be taken for confessed, and final
52 judgment will be entered directing the sale of said lands for
53 the purpose of collecting said taxes, together with the payment of
54 interest, penalty and costs allowed by law.
55 ........................................
56 Clerk of said Court.
57 And said suit shall stand for trial at the first term of court
58 after the completion of said publication, respectively, unless a
59 continuance be granted for good cause shown, within the dis-
60cretion of the court; and such continuance, for good cause shown,
61 may be granted as to a part of said lands or defendants, without
62 affecting the duty of the court to dispose finally of the others
63 as to whom no continuance may be granted, and in all cases where
64 notice has been properly given as aforesaid, and where no answer
65 has been filed, or if filed, and the cause decided for the plaintiff,
the court by its decree shall grant the relief as prayed for in the
complaint, and shall direct said commissioner to sell the lands,
or other property described in the complaint at the court house
door of the county wherein the decree is entered, at public out-
cry, to the highest and best bidder for cash in hand, after having
first advertised such sales (such advertisement may include all
the lands described in the decree) weekly for two weeks con-
secutively, in two newspapers of opposite politics, if such there
be, published in the county, and if no newspaper, then such ad-
vertisement may be published in some newspaper in an adjoining
county; and if all the lands, or other property be not sold on
the day as advertised, such sale shall continue from day to day
until completed; and said commissioner shall sell such lands as
directed, and the court, upon approval and confirmation of such
sale shall appoint a commissioner to execute proper deeds convey-
ing to the purchaser the lands and other property so sold, and
the title to said lands, and other property shall thereupon become
vested in such purchaser as against all others whomsoever, saving
to infants and to insane persons having no guardian or committee,
the right they now have by law to appear and except to said pro-
ceedings within three years after their disabilities are removed.

In all suits brought under this section a reasonable attorney's
fee shall be taxed in favor of the attorney for the plaintiff, which
fee shall be added to the amount of the costs.

In case the supervisors shall fail to commence suit within
sixty days after the taxes become delinquent, the holder of any
bond issued by the district shall have right to bring suit for
-collection of the delinquent assessments, and the proceedings in
such suit brought by the bond-holder shall in all respects be
governed by the provisions applicable to suits by the supervisors.

Sec. 22. Said suits shall be conducted in the name of such
2 drainage district, and in accordance with the practice and pro-
ceedings of chancery courts in this state, except as herein other-
wise provided, save that oral testimony may be heard; and
this law shall be liberally construed to give to said assessment and
tax lists the effect of a bona fide mortgage for valuable considera-
tion, and a first lien upon said lands, or other property as against
all persons having an interest therein. In such suits it shall be
sufficient to allege generally and briefly the organization of the
district and the non-payment of the taxes, setting forth the de-
scription of the lands proceeded against, and the amount charge-
able to each tract, with prayer for foreclosure; provided, that no informality or irregularity in holding any of the meetings provided for herein, or valuation, or assessment of the lands, or in the name of the owners, or the number of acres therein, shall be a valid defense to such action; nor shall any defense to said suit be interposed save only the plea of payment. Provided, that in any case where the lands, or other property, are offered for sale by said commissioner, as provided by this act, and the sum of the tax due, together with interest, costs and penalty, is not bid for the same, the said commissioner, shall bid the same off in the name of the said board of supervisors of such drainage districts, bidding therefor the whole amount due as aforesaid; and upon confirmation of such sale, the court shall appoint a commissioner who shall make a proper deed therefor, as in other cases under this act, conveying such land to such drainage district; and such deeds, when duly executed in conformity to the provisions of this act and recorded, shall be received as evidence in all cases showing an indefeasible title in said purchaser, unassailable in either law or equity; that the former owner shall have the right to redeem any property sold at such sale within one year after the same is offered for sale by paying the purchaser the amount paid by him in the purchase of the property and any other tax thereon he may have paid, plus ten per cent. interest on the whole amount.

Sec. 23. All bonds issued by supervisors, under the terms of this act shall be a lien on all lands, or other property so assessed in the district, and the board of supervisors shall see to it that a tax is levied annually and collected under the provisions of this act, so long as it may be necessary to pay any bond issued or obligation contracted under its authority; and the making of said assessments or levy and collection may be enforced by mandamus.

If any bond or interest coupon or any bond issued by said board is not paid within thirty days after its maturity, it shall be the duty of the circuit court of the proper county, on application of any holder of such bond or interest coupon so overdue, to appoint a receiver to collect the taxes aforesaid; and the proceeds of such taxes and collections shall be applied, after payment of costs, first to overdue interest, and then to payment pro rata of all bonds issued by the said board which are then due and payable; and the said receiver may be directed by suit to foreclose the lien
of said taxes on said lands; and the suits so brought by the said receiver, shall be conducted in all matters as suits by the board as hereinbefore provided, and with like effect; and the decrees and deed herein shall have the same presumptions in their favor; provided, however, that when all such past due sums have been paid, the receiver shall be discharged, and the affairs of the district conducted by the board of supervisors of said district as hereinbefore provided.

Sec. 24. The secretary of the board of supervisors in any drainage district shall hold the office of treasurer of such district, except as otherwise provided herein. Said secretary shall receive a salary, payable monthly, such as the board of supervisors may fix, and all necessary expenses. He shall obtain from the office of the clerk of the county court of the county or counties within which any land in the drainage district is situate, records of transfer of property within such district made prior to April first of each year subsequent to the date of confirmation of the assessments by the court; he shall receive and receipt for all the drainage taxes collected by the county sheriff, and he shall receive and receipt for the proceeds at all tax sales made under the provisions of this act. Said treasurer shall give a bond in such amount as shall be fixed by the board of supervisors, conditioned that he will well and truly account for and pay out, as provided by law, all moneys received by him as taxes from the county collector or collectors, or as proceeds from the sales of delinquent taxes, or from any other source whatever on any account or claim of said district, which bond shall be signed by at least two sureties, approved and accepted by said board of supervisors, and said bond shall be in addition to the bond for proceeds of sale of bonds, which is required by a subsequent section of this act. The bond of said treasurer may, if the board so direct, be furnished by a surety or bonding company, which shall be approved by said board of supervisors; said bond shall be placed and remain in the custody of the president of the board of supervisors, and shall be kept separate from all papers in the custody of the secretary and treasurer. Said treasurer shall keep all funds received by him from any source whatever deposited at all times in some bank, banks or trust company to be designated by the board of supervisors. All interest accruing on such funds shall be extended each month to the credit of such district and statement thereof made to the board of supervisors. It shall be the duty of the supervisors to audit or have audited the books of said treasurer of said dis-
35 district as of June 30th of each year, and they shall publish a financial statement within thirty days thereafter showing the amount of money received, the amount paid out during such year, and the amount in the treasury at the beginning and end of each year.

39 The aforesaid treasurer of the district shall pay out funds of the district only on warrants authorized by the board of supervisors, signed by the president of the board of supervisors and attested by the signature of the secretary and treasurer, and showing the purpose for which issued.

Sec. 25. In order to effect the draining, protection and reclamation of the land and other property in the district subject to tax, the board of supervisors is authorized and empowered to straighten, widen, change the course and line of any drain in or out of said district; to fill up any creek, drain, channel, river, watercourse or natural stream; and to divert or divide the flow of water in or out of said district; to construct and maintain sewers, drains, dikes, dams, sluices, revertsments, drainage ditches, pumping stations, syphons, and any other works and improvements deemed necessary to preserve and maintain the works in or out of said district; to construct roadways over embankments; to construct any and all of said works and improvements across, through or over any public highway, railroad, right-of-way, track, grade, fill or cut in or out of said district; to remove any fence, building or other improvements in or out of said district, and shall have the right to hold, control and acquire by donation or purchase, and if need be, condemn any land, easement, railroad or other right-of-way, sluice, or franchise in or out of said district for right-of-way, or for any of the purposes herein provided, or for the material to be used in constructing and maintaining said works and improvements for draining, protecting and reclaiming the lands in said district. Said board shall also have the right to condemn for the use of the district, any land or property within or without said district not acquired or condemned by the court on the report of the appraisers assessing benefits and damages and shall follow the procedure that is now provided by law for the appropriation of land or other property taken for telegraph, telephone and railroad rights-of-way.

Sec. 26. The board of supervisors may employ an attorney or attorneys to act for the district and to advise said board. Such employment shall be evidenced by an agreement in writing, which, as far as possible, shall specify the exact or approximate amount
to be paid to said attorney for all services and expenses. Such attorney shall conduct all legal proceedings and suits in court where the district is a party or interested, and shall in all legal matters advise the said board of supervisors, all officers, employees or agents of said district and board, and generally look after and attend to all matters of a legal nature for said district.

Sec. 27. The board of supervisors of any district organized under this act shall cause to be kept a well-bound book, entitled "Record of board of supervisors of district," in which shall be recorded minutes of all meetings, proceedings, certificates, bonds given by all employees and all corporate acts, which record or records shall at all times be open to the inspection of any one interested, whether taxpayers or bondholders.

Sec. 28. The board of supervisors of drainage districts organized under this act shall not have the right to enter upon or appropriate any land for right-of-way, or other works of the districts, until the price awarded to the owners of such land by the commissioners shall have been paid to such owners or into the hands of the circuit clerks of the courts organizing such districts for the use of such owners; and if the sums awarded be not so paid within five years from the date of filing the commissioners' reports all proceedings as to the taking of such property for rights-of-way and other works not so paid for shall abate at the cost of said district. Whenever any land is acquired by any district under the provisions of this act and the price of such property has been paid to the owner by the district, the title, use, possession and enjoyment of such property shall pass from the owner and be vested in the district, and subject to its use, profit, employment and final disposition. The price awarded for all land acquired by any district for rights-of-way, or other works, and the amount of damages assessed by the board of appraisers and confirmed by the court to any tract or parcel of land or other property in the district shall be paid in cash to the owner thereof or to the clerk of the court for the use of such owner, and that portion of any tract or parcel of land or other property not taken for the use of the district shall be assessed for the benefits accruing in accordance with the provisions of previous sections in this act.

Sec. 29. Where any public ditch or drain constructed under the provisions of this act crosses a public highway or the right-of-way of any railroad, tramway, or any public utility, the cost
of constructing such ditch or drain across such highway, railroad;
5 tramway or other public utility shall be paid by the drainage
district, when, in crossing such highway, right-of-way of rail-
roads, tramways or other public utilities, the ditch or drain
8 follows a natural water course or the natural flow of the water,
9 it becomes necessary to construct, enlarge or reconstruct any
10 bridge, culvert, aqueduct or other structure, such structures shall
11 be constructed so as to conform to the plans and specifications
12 of the chief engineer as provided for in "the plan for reclamation"
13 at the expense of the county in the case of crossing public high-
14 ways and at the expense of the railroad, tramway or other public
15 utility when public utilities are involved. In all cases where
16 the ditch or drain does not follow a natural water course but the
17 water is diverted from its natural flow by the improvements, all
18 necessary bridges, culverts, aqueducts and other structures across
19 public highways, rights-of-way of railroads, tramways and other
20 public utilities shall be constructed at the expense of the district,
21 but such structures shall thereafter be maintained by and at the
22 expense of the county or public utilities as the case may be.
23 Whenever it becomes necessary for any county or any public
24 utility to construct, enlarge or reconstruct any bridge, culvert,
25 aqueduct or other structure under the provisions in the paragraph
26 immediately preceding, such changes shall be made within the time
27 directed by the circuit court either in term or vacation. In case
28 such changes or adjustments are not made within the prescribed
29 time, the board of supervisors may proceed to make such neces-
30 sary changes at the expense of the county or public utility.
31 In case it is necessary to pass any dredge boat or other
32 equipment through a bridge, aqueduct, trestle or other structure
33 of any railroad company or other public utility, county, town-
34 ship, or municipality, the board of supervisors shall give twenty
35 (20) days notice to the owner of said structure that the same
36 shall be removed temporarily by a certain date to allow the pas-
37 sage of such equipment, or that an agreement be immediately
38 entered into in regard thereto. The owner of said structure
39 shall keep an itemized account of the cost of the removal, and,
40 if necessary, of the replacing of said structure, and said actual
41 cost shall be paid by the district. In case the owner of said
42 structure shall refuse to provide for the passage of said equip-
43 ment, the board of supervisors may remove such structure at
44 its own expense, interrupting traffic in the least degree consistent
45 with good work and without delay or unnecessary damage. In
46 case they shall be prevented from doing so, the owner of said
47 structure shall be liable for damages for the resulting delay.

Sec. 30. In case any warrant issued under this act is not
2 paid when presented to the treasurer of the board of supervisors
3 of the district, because of lack of funds in the treasury, such fact
4 shall be endorsed on the back of such warrant, and such warrant
5 shall draw interest thereafter at the rate of six per cent. per
6 annum, until such time as there is sufficient money on hand to
7 pay the amount of such warrant and the interest then accumu-
8 lated.

Sec. 31. All surety bonds required to be given by this act
2 shall be made payable to the district in its corporate name, in
3 which name all suits shall be instituted and prosecuted. All
4 penalties on any bond herein named shall be payable to and re-
5 coverable by said district. All bonds required by this act shall
6 cover defaults of deputies, clerks or assistants of the officers ap-
7 pointing them.

Sec. 32. No action under this act shall abate by reason of
2 the death or disability of any party to any proceeding, but upon
3 suggestion of such death or disability the cause shall be im-
4 mediately revived in the name of the heirs, devisees or their legal
5 representatives, and summons must be served on such heirs, de-
6 vicees and legal representatives at least five days before the day
7 set for hearing the cause, and said summons may be served in
8 vacation or term time; if the heirs, devisees or legal representa-
9 tives of the deceased party are non-residents notice shall be given
10 them in the manner and for the time provided in section four
11 of this act, and the cause shall then proceed in all respects as in
12 case of the original parties in court.

Sec. 33. The word “owner” as used in this act shall mean
2 the owner of the freehold estate, as appears by the deed of record,
3 and it shall not include reversioners, remainders, trustees, or
4 mortgagees, who need not be notified by publication, or served
5 by process, but shall be represented by the present owners of the
6 freehold estate in any proceeding under this act; provided, how-
7 ever, that all procedure under this act being in rem, failure to
8 notify or summon into court any owner or other person shall in
9 no wise invalidate any act, proceeding, order or decree, under
10 this act or under any act or law invoked in aid thereof.
Sec. 34. The board of supervisors for and in behalf of any 
2 drainage district organized under the provisions of this act, or 
3 the owners of land adjacent to such district, shall have the right 
4 to file a petition in the office of the clerk of the court organizing 
5 the district praying the court to amend its former decree incor- 
6 porating the district, by correcting the names of landowners, by 
7 striking out any such names, by adding, striking out and cor- 
8 recting the descriptions of any lands within or alleged to be 
9 within the boundary lines of any such district, or in any other 
10 manner amend its decree; said petition may ask permission of the 
11 court for said board to amend or change “the plan for reclama-
12 tion,” or to correct any errors, omissions or other mistakes that 
13 have been discovered in “the plan for reclamation”; or said peti-
14 tion may ask that the boundary lines of said district be extended 
15 so as to include lands described by and included in the petition 
16 and the decree of the court incorporating the district. If such 
17 petition asks the court permission to change “the plan for re-
18 clamation” or that the boundary lines of such district be in any 
19 manner changed, it shall also ask the court to appoint three ap-
20 praisers as provided for under the provisions of section twelve to 
21 appraise the land that shall be taken for rights-of-way or other 
22 works, or assess the benefits and damages to any or all lands, and 
23 other property already in the district or that may be annexed to 
24 the district by the proposed amendments, and changes to “the 
25 plan for reclamation” or the proposed change in the boundary 
26 lines of said district. As soon as said petition shall have been 
27 filed the clerk of the court shall give notice for the time required 
28 by section four of this act, said notice to be substantially in the 
29 following form:

Notice of Drainage Hearing.

To the owners and all persons interested in the lands, cor-
porate and other property in and adjacent to ............... drain-
age district:

You and each of you are hereby notified that (here state by 
whom petition was filed) has filed in the office of the circuit clerk 
of ............... county, ............... , a pe-
tition praying said court for permission to (here insert the prayer 
of said petition) and unless you show cause to the contrary on or 
before the first day of a term of the circuit court of ...............
Any owner of land or other property located in the district, or any owner of land or property located outside of the district, that will be affected by the proposed changes, amendments and corrections enumerated in the petition, shall have the right to file objections to the granting of the prayer of said petition on or before the first day of the term of the court at which the petition is to be heard. The court shall hear said petition and all objections that may have been filed against said petition in a summary manner and enter its decree according to its findings. The clerk of said court shall, within fifteen days after the granting of such decree, transmit a certified copy of said decree and a copy of the petition to the secretary of the board of supervisors, who shall transmit a copy of the same to the clerk of the county court of each county having land in the district. Each such county clerk shall file and preserve the same in his office. If said decree of the court provides that the plan for reclamation may be amended, changed or corrected or the boundary lines of the district extended, the court shall appoint three appraisers having the same qualifications as the appraisers appointed under the provisions of section twelve of this act, to appraise property to be taken, assess benefits and damages and estimate the cost of improvements the same as is required of appraisers acting under the provisions of section fourteen of this act. Said appraisers shall make their report in writing and file the same with the circuit clerk, after which the case shall be proceeded with in the same manner as is now provided for in the previous sections of this act for the organization of drainage districts: provided, that if the petition be dismissed the petitioner shall pay the cost, but if the petition be sustained in whole or in part the objectors shall pay the court costs.

Sec. 35. The board of supervisors may, if in their judgment it seems best, issue serial bonds not to exceed ninety per cent of the total amount of unpaid taxes levied under the provisions of section eighteen of this act, in denominations of not less than one hundred dollars, bearing interest from date at a rate not to exceed six per cent per annum, payable semi-annually, to mature
7 at annual intervals within fifteen years, commencing after a
8 period of years not later than five years, to be determined by the
9 board of supervisors, both principal and interest payable at some
10 convenient banking house or trust company's office to be named
11 in said bonds, which said bonds shall be signed by the president of
12 the board of supervisors, attested with the seal of said district and
13 by the signature of the secretary of the said board. All of said
14 bonds shall be executed and delivered to the treasurer of said dis-
15 trict, who shall sell the same with accrued interest to the best
16 possible advantage in such quantities and at such times as the
17 board of supervisors may direct. Said bonds shall show on their
18 face the purpose for which they are issued, and shall be payable
19 out of the money derived from the aforesaid taxes. A sufficient
20 amount of the drainage tax shall be appropriated by the board of
21 supervisors for the purpose of paying the principal and interest
22 of said bonds and the same shall, when collected, be preserved in
23 a separate fund for that purpose and no other. All bonds and
24 coupons not paid at maturity shall bear interest at the rate of six
25 per cent per annum from maturity until paid, or until sufficient
26 funds have been deposited at the place of payment. Any expenses
27 incurred in paying said bonds and interest thereon and a reasona-
28 ble compensation to the bank or trust company for paying same, shall
29 be paid out of the other funds in the hands of the treasurer and
30 collected for the purpose of meeting the expenses of administra-
31 tion. It shall be the duty of said board of supervisors in making
32 the annual tax levy as heretofore provided, to take into account
33 the maturing bonds and interest on all bonds, and to make ample
34 provisions in advance for the payment thereof. In case the pro-
35 ceeds of the original tax levy made under the provisions of section
36 eighteen of this act are not sufficient to pay the principal and in-
37 terest on all bonds issued, then the board of supervisors shall
38 make such additional levy or levies as are necessary for this pur-
39 pose, and under no circumstances shall any tax levies be made
40 that will in any manner or to any extent impair the security of
41 said bonds or the fund available for the payment of the principal
42 and interest of the same. Said treasurer, at the time of the re-
43 ceipt by him of said bonds, shall execute and deliver to the presi-
44 dent of the board of supervisors of the said district, a bond with
45 good and sufficient sureties, to be approved by the said board of
46 supervisors, conditioned that he shall account for and pay over as
47 required by law and as ordered to do by said board of supervisors
any and all money received by him on the sale of such bonds, or any of them, and that he will only sell and deliver such bonds, to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he will return, duly cancelled, any and all bonds not sold, to the board of supervisors, when ordered by said board so to do, which said bond shall remain in the custody of the said president of said board of supervisors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do. The said treasurer shall promptly report all sales of bonds to the board of supervisors, and the board shall, at the proper time, issue warrants for the payment of the maturing bonds so sold, and the interest payments coming due on all bonds sold and a reasonable compensation to the bank or trust company, and the said treasurer shall place sufficient funds at the place of payment to pay the same. In case proper warrants are not issued by the board of supervisors as herein provided the treasurer shall of his own accord place funds at the place of payment, and the cancelled bonds and coupons and the receipt of the bank or trust company shall be accepted in lieu of warrants. The successor in office of any such treasurer shall not be entitled to said bonds or the proceeds thereof until he shall have complied with all the foregoing provisions applicable to his predecessor in office. 

provided, if it should be deemed more expedient by the board of supervisors, as to moneys, derived from the sale of bonds issued, said board may by resolution, select some suitable bank or banks or other depository, as temporary treasurer or treasurers, to hold and disburse said moneys on the orders of the board as the work progresses, until such fund is exhausted or transferred to the treasurer by order of the said board of supervisors. The funds derived from the sale of said bonds or any of them shall be used for the purpose of paying the cost of the drainage works and improvements and such costs, expenses, fees and salaries as may be authorized by law, and shall be for no other purpose.

Sec. 36. Where “the plan for reclamation” of the drainage district is found insufficient to reclaim in whole or in part any or all of the land of the district, the board of supervisors shall have the right to formulate new or amended plans containing new ditches, levees or other works, and additional assessments may be made in conformity with the provisions of section thirteen, the same to be made in proportion to the increased benefits accruing
8 to the lands because of the additional works. If it should be
9 found at any time that the amount of total tax levied under the
10 provisions of section seventeen is insufficient to pay cost of works
11 set out in "the plan for reclamation" or additional work done
12 under the provisions of this section the board of supervisors may
13 make an additional levy to provide funds to complete the work,
14 provided, the total of all the levies of such tax does not exceed the
15 total amount of benefits assessed.

Sec. 37. The board of supervisors may at any time remove
2 any officer, attorney or other employee appointed or employed by
3 said board.

Sec. 38. At the time of the construction in any district incor-
2 porated under this act of "the plan for reclamation" hereinbe-
3 fore referred to, all ditches or systems of drainage already con-
4 structed in said district and all water courses shall, if necessary
5 to the drainage of any of the lands in said district, be connected
6 with and made a part of the works and improvements of the plan
7 of drainage of said district. But no ditches, drains or systems of
8 drainage constructed in said district, shall be connected there-
9 with, unless the consent of the board of supervisors shall be first
10 had and obtained, which consent shall be in writing and shall par-
11 ticularly describe the method, terms and conditions of such con-
12 nection, and shall be approved by the chief engineer. Said con-
13 nections, if made, shall be in strict accord with the method, terms
14 and conditions laid down in said agreement. If the land owner
15 or owners wishing to make such connection are refused by the
16 board of supervisors or decline to accept the consent granted, the
17 said land owner or owners may file a petition for such connection
18 in the circuit court having jurisdiction in said district, and the
19 matter in dispute shall in a summary manner be decided by said
20 court which decision shall be final and binding on the district
21 and land owner or owners. No connection with the works or im-
22 provements of said plan of drainage of said district or with any
23 ditch, drain or artificial drainage wholly within said district shall
24 be made, caused or affected by any land owner or owners, com-
25 pany or corporation, municipal or private, by means of any ditch,
26 drain, cut, fill, roadbed, levee, embankment or artificial drain-
27 age, wholly without the limits of said district, unless such con-
28 nection is consented to by the board of supervisors, or in the man-
29 ner hereinbefore provided.

Sec. 39. To maintain and preserve the ditches, drains,
2 levees or other improvements made pursuant to this act and to
3 strengthen, repair and restore the same, when needed, and for
4 the purpose of defraying the current expenses of the district, the
5 board of supervisors may, upon the completion of said improve-
6 ments, and on or before the first day of July in each year there-
7 after, levy a tax upon each tract or parcel of land and upon cor-
8 porate property within the district, to be known as a "maintenance
tax." Said maintenance tax shall be apportioned upon the
10 basis of the net assessments of benefits accruing for original
11 construction, shall not exceed ten per cent. thereof in any one
12 year, and shall be certified to the sheriff of each county in which
13 lands of said districts are situated in the same manner and at
14 the same time as the annual installment tax is certified. The
15 sheriff of the county shall demand and collect the maintenance
tax and the return thereof at the same time and in the same
17 manner as is provided herein for the annual installment tax.

Sec. 40. Any two or more adjacent districts, whether in-
2 corporated in the same or different counties, may be united and
3 consolidated in one district, and such new district and the board
4 of supervisors thereof shall have the rights, powers and privileges
5 of any districts organized under this act. In order to effect such
6 consolidation, the board of supervisors of each of the original dis-
7 tricts shall call an election in the same manner as elections of
8 supervisors, stating the time, place and object of such election.
9 If a majority of the acreage voting in each district vote in favor
10 of the proposition to unite and consolidate such districts, the
11 board of supervisors of each district shall present a petition to
12 the circuit court of the county in which the greatest amount of
13 the land is located, accompanied with a complete return of said
14 election, in which petition shall be stated the name of the original
15 district, when established, the names of the owners of the lands
16 and boundaries of the district. When said petition has been
17 filed the circuit clerk shall give notice of such filing in the man-
18 ner provided for giving notice in section four of this act, said
19 notice to state the contents of said petition and the objects sought
20 and the term of court at which said matter is to be heard. Any
21 person owning land in either of said districts, on or before the first
22 day of said court, may file objections to the regularity or suffi-
23 ciency of any of the proceedings had in the premises, and if such
24 objections are overruled, or if no objections are made, the court
25 shall make an order that any two or more of the several districts
26 so asking to be united and consolidated as one district, under
27 some appropriate designation, with all the rights, powers and
28 privileges of such districts organized under this act and the lands
29 so included in the new district shall be subject to all liens, liabili-
30 ties and obligations of the original districts, and a new board of
31 supervisors shall be elected, as is now provided in case of election
32 of supervisors, and all orders made in regard to extension of time,
33 boundaries or uniting districts shall be spread on the records of
34 the circuit court, and a certified copy thereof shall be filed with
35 the recorder of deeds of each county in which any of such lands
36 are located.

Sec. 41. Any person who shall obstruct a drain or damage
2 drainage works constructed under the provisions of this act shall
3 be guilty of a misdemeanor and fined one hundred dollars, and
4 he shall also be liable to the district for double the cost of re-
5 moving such obstructions and repairing such damage.

CHAPTER 27.
(House Bill No. 270.)

AN ACT to amend chapter eighty-six of the code of West Virginia,
relating to real estate of decedents, by adding thereto sections
twelve, thirteen, fourteen and fifteen, authorizing administration
of estates of persons presumed in law to be dead.

[Passed February 22, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 12. Any person who has resided in this
state and has gone and not been
heard of for seven years or more
continuous years presumed in
law to be dead; proceedings had
as to estate.

13. Administrator may bring suit in the
circuit court: notice to be pub-
lished requiring supposed dece-
dent to appear at court.

Sec. 14. If such supposed decedent shall not
appear, and no evidence offered
as to his being alive, the court
may enter decree: notice to cred-
itors: bond required: what to be
done if bond is not given.

15. The court may upon proof that sup-
posed decedent is alive, revoke
letters of administration.

16. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter eighty-six of the code of West Virginia, relating to
real estate of decedents be amended by adding thereto sections twelve,
thirteen, fourteen and fifteen, authorizing the administrator of the
estates of persons presumed in law to be dead, on account of absence
from the place of their last domicile within this state, for the period
of seven or more successive years, and providing for notice and hear-
ing upon administration and security for refunding claims or shares, as follows:

Section 12. In case any person who has resided in this state has gone from his last known domicile and has not returned to this state or been heard of for a period of seven or more successive years, he shall be presumed in law to be dead, in the absence of proof to the contrary; and upon affidavit of such absence and motion, before the county court of the county in which any estate of such party is situate, of any distributee, preferring first the husband or wife and next any other distributee or creditor, letters of administration shall be granted to such distributee, or creditor of any person so presumed to be dead, after the court or clerk thereof shall have caused notice of the fact of such application to be published once a week for four successive weeks in a newspaper of general circulation in the county, stating a day certain, not less than two weeks after the last publication of such notice, on which the court will hear evidence concerning the alleged absence of the supposed decedent. At the hearing on said day the court shall consider evidence in relation to said matters, and no person shall be disqualified as a witness by reason of relationship to the supposed decedent or interest in his estate. If the court be satisfied upon the hearing that the legal presumption of death is established, it shall grant letters of administration to such distributee or creditor or any other person it may see fit, who shall qualify and give bond as in cases of persons dying intestate. The clerk of any county court may exercise the same powers as are herein conferred upon such court.

Sec. 13. The administrator of the estate of such supposed decedent may thereupon bring a suit in equity in the circuit court of the county in which the estate of such supposed decedent is, to which the widow, heirs, distributees and all known creditors of the supposed decedent shall be made defendants, and in which attested copies of the orders and notice relating to the appointment and qualification of such administrator shall be filed. The administrator shall also cause notice to the supposed decedent to be issued by the clerk of the circuit court, and published once a week for four successive weeks in a newspaper of general circulation in the county, and for the same period in a newspaper of general circulation in the county of the last known domicile of the supposed decedent in this state, requiring him to appear on a certain day of a regular or special term of said court, not less than three nor
15 more than six months from the date of the first publication thereof.

Sec. 14. If such supposed decedent shall not appear or satisfac-
2 tory evidence that he is alive shall not be offered, on or before
3 such date, the circuit court shall hear proof in relation to the pre-
4 sumption of his death and as to his estate and the persons enti-
5 tled thereto and if satisfied of the rights of the persons entitled
6 thereto, may enter a decree assigning and transferring such estate
7 to the persons entitled thereto, or directing sale thereof and distri-
8 bution of the proceeds of sale among the persons entitled thereto.
9 But before any assignment of such estate or the distribution of
10 the proceeds of the sale thereof is made, notice to creditors of such
11 supposed decedent shall be given as required by section eight of
12 this chapter. And before such assignment or distribution the
13 court shall also require the persons entitled thereto respectively to
14 enter into a joint or separate bond before the clerk of the court.
15 in the penalty required by the court, with sureties to be approved
16 by the clerk, with condition that if the supposed decedent shall
17 at any time thereafter appear, they will respectively refund the
18 amounts received, on demand, with interest; but if the persons
19 entitled thereto are jointly or separately unable to give such se-
20 curity, then the said estate shall be sold and the proceeds thereof
21 paid into the hands of the general receiver of the court until such
22 security is given or until the further order of the court.

Sec. 15. The circuit court may at any time thereafter, on
2 satisfactory proof that the supposed decedent is in fact alive, re-
3 voice the letters of administration of his estate and require a set-
4 tlement by such administrator; and the said estate, or the pro-
5 ceeds of the sale thereof, with interest, shall be transferred or re-
6 funded to the said supposed decedent as the true owner thereof.

Sec. 16. That sections forty-four and forty-five, of chapter
2 one hundred and thirty, of the code of West Virginia, and all
3 other acts and parts of acts inconsistent herewith are hereby re-
4 pealed.

CHAPTER 28.

(>House Bill No. 201.)

AN ACT authorizing, empowering and directing the county court of
Cabell county, to lay a special levy each year for the years nineteen
hundred and seventeen, nineteen hundred and eighteen, nineteen
hundred and nineteen, nineteen hundred and twenty and nineteen hundred and twenty-one, for the purpose of building a permanent hard road from the town of Barboursville in said county, through McComas district to the Lincoln county line, providing for the building thereof and for the receipt and expenditure of all moneys raised by said levy.

(Passed February 22, 1917. In effect ninety days from passage. Became a law without the Governor's approval.)

SEC. 1. The county court of Cabell county authorized to lay a special road levy. Fund to be used for no other purpose.

SEC. 2. Said permanent hard road shall be built by Cabell county court in such manner as it shall decide and shall be permanently maintained 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 disbursement 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 29.

(House Bill No. 207.)

AN ACT to authorize county courts to change the method of improving public roads with the proceeds of bonds voted pursuant to chapter eight of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session, after having received authority therefor from the voters of the county or district affected, in an election held for that purpose.

[Passed February 14, 1917. In effect from passage. Became a law without the Governor's approval.]

SEC. 1. Where a bond issue has been voted for prescribed permanent improvement to roads as to material, upon petition the question, as to the use of other material may be submitted to vote.

Be it enacted by the Legislature of West Virginia:

Section 1. That in any case where the issuance of bonds has been authorized by a vote of the people of any county or district, pursuant to chapter eight of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session, for the purpose of permanently improving roads therein, and in the order or proceedings submitting to the voters the question of the issuance of said bonds, such permanent improvements shall have been prescribed or specified to be made by the use of any one particular material authorized in said chapter eight and the county court of the county may deem it expedient that the proposed permanent improvements be made by the use of some other material authorized by law, to-wit, by the use of asphaltum, brick, concrete, macadam, stone-block or other process of equal merit; such county court shall upon the petition of one hundred legal voters who are free holders of such county, or upon the petition of fifty legal voters who are free holders of such district, as the case may be, submit to the voters of the county or the district to be affected the question of permitting such permanent improvement to be made by the use of any of the materials aforesaid. Such question shall be submitted to the voters within sixty days after such petition shall have been filed with the county court, and the election thereupon held in the manner provided for elections held pursuant to sections four and five of said chapter eight of the acts of one thousand nine hundred and fifteen, second extraordinary session; and if not less than three-fifths of the voters of such county or district, who shall vote upon the question, shall vote in favor of such proposed
28 change in the material and specifications for constructing said
29 roads, the said county court shall be authorized to make said
30 change and to construct such permanent improvements with any
31 of the materials prescribed by law, to the same extent and with
32 the same effect as if such materials had been originally specified
33 for such improvements.

CHAPTER 30.
(House Bill No. 315.)
AN ACT concerning the compilation of the code of West Virginia
of one thousand nine hundred and sixteen, declaring the same
competent evidence of the law in all courts of the state:
[Passed February 20, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]
SEC. 1. West Virginia code one thousand nine hundred and sixteen, declared compe-
tent evidence.

Be it enacted by the Legislature of West Virginia:

The general laws of this state, as edited and compiled by Uriah
Barnes and published by the J. B. Lyon company, and entitled the
"West Virginia code one thousand nine hundred and sixteen", are
hereby declared competent evidence of the several acts and resolutions
therein contained, in so far as correctly copied from said original
acts and resolutions, in all courts of the state, without further proof
or authentication, and shall be known and cited as "code one thousand
nine hundred and sixteen."

CHAPTER 31.
(House Bill No. 324.)
AN ACT to amend and re-enact section three of chapter sixty of the
code of West Virginia of 1916, relating to animals running at
large, and prescribing a penalty therefor.
[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]
SEC. 3. Trespass by animals: stock running at large: owner guilty of misdemeanor;
penalty: Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:
That section three of chapter sixty of the West Virginia code of one
thousand nine hundred and sixteen, be amended and re-enacted so as
to read as follows:
Section 3. If any horses, mules, cattle, sheep, hogs or goats, shall enter into any grounds enclosed by a lawful fence, the owner or manager of any such animal shall be liable to the owner of such grounds for any damage he may sustain thereby; and for every successive trespass by such animal or animals, the owner thereof shall be liable in damages in double the amount thereof, and after having given at least five days' notice in writing to the owner or manager of such animal, of the fact of two previous trespasses, the owner or occupier of such grounds shall be entitled to such animal if it be found again trespassing on said grounds. It shall be unlawful for any such animal to run at large on any public road or highway or railroad right-of-way in this state where such road or highway is enclosed on both sides thereof by a lawful fence, or any river considered a lawful fence; and should such stock while running at large destroy or injure the property of another, the owner shall be guilty of a misdemeanor and fined not less than five dollars and not more than ten dollars, and shall pay to the party whose property may be injured or destroyed, the amount of damages sustained by him by reason of such destruction or injury. And the party so injured, may, if he find such stock on his premises, retain them or a sufficient number thereof, until said damages and costs of keeping be paid. It shall also be unlawful for any male sheep or goats, over four months old, bull over six months old, or hog to run at large, over four months, and if the owner of such property shall permit same to run at large, he shall be guilty of a misdemeanor and be fined not less than five dollars and not more than ten dollars, and the owner of such animal shall pay to the party whose property may be injured, the amount of damages sustained by him by reason of the running at large of any such animal.

All acts or parts of acts heretofore passed, pertaining to male hogs, sheep, goats, and cattle running at large are hereby repealed.

CHAPTER 32.

(=House Bill No. 331.)

AN ACT to amend and re-enact sections twenty-nine-d II, twenty-nine-d III, twenty-nine-d IV, twenty-nine-d V, twenty-nine-d VI and twenty-nine-d VII of chapter one hundred and fifty of
the code of West Virginia, relating to the state board of examiners for the examination and registration of nurses, to provide for the appointment of a permanent secretary, and an improved regulation of the examination and registration of nurses.

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 24, 1917.]

SEC. 1. Board of examiners shall organize, elect a permanent secretary; duties of secretary; quorum; board authorized to frame by-laws; duties of board: compensation.

SEC. 2. Duty of board of examiners to meet; notice to be published; to examine applicants; certificate to be recorded.

Be it enacted by the Legislature of West Virginia:

Section 1. That sections twenty-nine-d II, twenty-nine-d IV, twenty-nine-d V, twenty-nine-d VI and twenty-nine-d VII of chapter one hundred and fifty of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 29-d. II. And be it further enacted; that the members of the state board of examiners, shall, in the month of June of each year, organize by electing from their members a president and a treasurer; and shall, in the month of June of each year, elect a permanent secretary, who shall be an experienced graduate nurse duly registered in the state of West Virginia; the salary of the permanent secretary shall be fixed by the board and the board shall provide for the secretary, headquarters, office equipment and such clerical assistance as may be necessary; the duties of the secretary shall be to keep accurately and securely all records of the board, to perform for the board all the customary duties of a secretary, to visit and advise with, on behalf of the board, all of the schools for nurses in the state of West Virginia, to keep a register of the names of all nurses duly registered under this act, which register shall, at all reasonable times, be open to public scrutiny; and to investigate all cases wherein a violation of any of the provisions of this act is suspected, and upon probable cause, to file complaint, cause prosecution, and, generally, to act for the board in the enforcement of the provisions of this act; three members of this board of examiners shall constitute a quorum, and special meetings of the board shall be called by the secretary upon the written request of any two
23 members; the said board of examiners is authorized to frame such
24 by-laws as may be necessary to govern its proceedings; and said
25 board shall make, to the governor, for transmission to the legis-
26 lature, a biennial report of all its receipts and disbursements; the
27 members of the board shall receive four dollars for each day
28 actually engaged in this service, and all legitimate and necessary
29 expenses; said expenses and salaries and the expenses and salaries
30 of the secretary and the secretary's office shall be paid from a
31 fund maintained by the fees received by the board under the pro-
32 visions of this act; all money received in excess of said salaries
33 and other expenses provided for, shall be held by the treasurer
34 for meeting the expenses of the said board, and the cost of
35 the annual report of the board.

Sec. 29-3 III. It shall be the duty of the said board
2 of examiners to meet at some convenient point within the state
3 not less frequently than once a year, notice of which meeting
4 shall be given in the public press and in one nursing journal one
5 month previous to the meeting; at this meeting it shall be their
6 duty to examine all applicants for registration under this act, and
7 to determine their fitness and ability to give efficient care to the
8 sick; any person successfully passing such examination shall be
9 registered as hereinbefore provided, and shall receive a certificate
10 from the said board; provided, however, that no applicant shall be
11 examined who has not complied with the provisions of section 29-d
12 IV of chapter one hundred and fifty of the code of West Virginia,
13 as amended and re-enacted by this act; no such certificate shall
14 be considered in force or effect for the purposes of this act unless
15 it be recorded in the office of the clerk of the county court of
16 the county in which the registered nurse, holder of the certificate,
17 is a resident, and for recording such certificate the said holder
18 shall pay to the clerk of the county court the sum of fifty cents.

Sec. 29-d IV. No person shall be admitted to examination
2 who has not presented, upon a blank to be provided for that pur-
3 pose by the board, her application to the board of examiners, at
4 least ten days prior to the date set for the examination; every
5 application shall be accompanied by the payment of a fee of ten
6 dollars ($10.00), which fee shall not in any case be returnable: no
7 applicant shall be examined who does not first furnish satisfactory
8 evidence that she is at least twenty-one years of age, of good
9 moral character, and that she has had at least one year of high
10 school training, or its equivalent, and that she has been graduated
11 from a recognized school for nurses; provided, however, that the
12 applicant shall be eligible for examination if she has so far com-
13 pleted her training in a recognized school, that she is to be duly
14 graduated therefrom within three months from and after the date
15 of the examination, in which case no certificate is to be issued
16 to her until the diploma of her school, duly attested, is presented
17 to the board of examiners and found satisfactory; that a training
18 school, to be a recognized school for nurses, within the meaning,
19 and for the purposes, of this act, must be connected with a hos-
20 pital having a daily average of at least fifteen patients; such
21 school must not send out pupil nurses for private duty; such
22 school must have a three-year course of training covering, at
23 the least, the subjects most important and essential, as required
24 by the state board of examiners, which subjects must be taught in
25 a proper manner and under the advisory supervision of the secre-
26 tary of the board; and such school must not accept applicants
27 who have not had at least one year of high school training, or its
28 equivalent; providing only that if a school for nurses unable to
29 give a full three years' course, but otherwise meeting the require-
30 ments of a recognized school, give a two years' course and affiliate
31 for a third years' training with a recognized school for nurses,
32 or affiliate for a third year's training with another two years' school
33 which complements the training of the first by supplying the
34 courses and subjects which the first lacks, a graduate of such
35 affiliated schools shall be considered a graduate of a recognized
36 school; the board of examiners may, without examination as above
37 provided, issue a certificate to any applicant who shall furnish
38 satisfactory proof to the board that she is duly authorized to prac-
39 tice nursing as a "registered nurse" in another state, or in the
40 District of Columbia, provided that the laws of such state or dis-
41 trict require qualifications at least equal to those required in the
42 state of West Virginia and provided that the laws of such state
43 or district permit reciprocal rights in this respect to registered
44 nurses of the state of West Virginia; but such applicant must
45 further furnish satisfactory evidence that she intends to remove
46 from that state or district and to reside and practice as a registered
47 nurse in this state, provided, however, that such applicant must
48 make due application, accompanied by the payment of the statu-
49 tory fee of ten dollars.

Sec. 29-d. A nurse who has received her certificate ac-
2 cording to the provisions of this act shall be styled and known
3 as a "registered nurse," and no other person shall assume such 4 a title, or use the abbreviation "R. N." or any other letters or 5 figures to indicate that he or she is a registered nurse; and no 6 person who has not duly received a certificate from the said board 7 of examiners shall practice professional nursing with the repre- 8 sentation that he or she is a registered nurse, or shall advertise 9 to the public as a nurse, without stating that he or she is not a 10 registered nurse, and it shall be unlawful for any drug store 11 proprietor, physician, or other person, to advertise any person as 12 a nurse, or to keep publicly the names of any person upon a record 13 or list of names of nurses, unless such person has been duly granted 14 a certificate to practice as a registered nurse within this state, 15 or unless such advertisement, record or list, shall state that such 16 person or nurse is "not registered."

Sec. 29-d VI. That this act shall not be construed to 2 effect or apply to the gratuitous nursing of the sick by friends 3 or members of the family; and also, it shall not apply so as to 4 prevent any person from nursing the sick for hire, who does not 5 in any way assume to be a registered nurse.

Sec. 29-d VII. That any person violating any of the 2 provisions of this act, or who shall wilfully make any false repre- 3 sentation to the board of examiners, in applying for a certificate, 4 shall be guilty of a misdemeanor, and, upon conviction, shall be 5 punished by a fine of not less than twenty-five dollars, nor more 6 than two hundred and fifty dollars.

CHAPTER 33.

(House Bill No. 332.)

AN ACT authorizing the county court of Mercer county to lay a 1 special levy of twelve and one-half cents for general road pur- 2 poses for the fiscal year one thousand nine hundred and seventeen.

[Passed February 10, 1917. In effect ninety days from passage. Became a law 3 without the Governor's approval.]

Sec. 1. Special county road levy for Mercer county; how collected and expended.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Mercer county be and 2 is hereby authorized to lay a levy of twelve and one-half cents 3 on each one hundred dollars property valuation in said county,
4 at its levy term, for the fiscal year one thousand nine hundred and
5 seventeen, to be known as “special county road levy,” the same to
6 be collected as other taxes and expended under the direction of
7 said county court for road purposes only.

CHAPTER 34.

( House Bill No. 350.)

AN ACT to amend and re-enact chapter seventy-three, section seven-a
(serial section three thousand eight hundred and eleven of Hogg’s
code of West Virginia, one thousand nine hundred and thirteen),
relating to general indexing, fees, etc.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor’s approval.]

Sec. 7-a. The county court may order clerk

The county court may order clerk to let to lowest bidder contract for
general index; what books;

Sec.

fees for clerk; contracts herefore made construed; this act
limited as to time.

Be it enacted by the Legislature of West Virginia:

Section 7-a. That section seven-a of chapter seventy-three
2 (serial section three thousand eight hundred and eleven of Hogg’s
3 code of West Virginia, one thousand nine hundred and thirteen),
4 relating to general indexing, fees, etc., be amended and re-enacted
5 so as to read as follows:

The county court of any county may order the clerk of said
2 court and the clerk of the circuit court of said county, or let to
3 the lowest bidder a contract to provide a general index for the
4 deed books, trust deed books, judgment lien dockets, marriage
5 records, release deed books, law and chancery order books in the
6 custody of the clerk of the circuit court of said county, or other
7 record books, or any of them, in the office of either of said clerks,
8 in which shall be indexed the names of all grantors and grantees
9 of deeds, deeds of trust and release deeds, or other writings, the
10 names of the parties to marriage records, and the names of per-
11 sons for and against whom judgments are rendered, and in which
12 law and chancery order books in the custody of the clerk of the
13 circuit court of said county shall be indexed, versus and adversus,
14 the names of each of the plaintiff or plaintiffs and defendant
15 or defendants and may include such other data as the clerk
15-a may determine for which services the court shall allow
16 the clerk a fee of six cents for each deed or other writing so
17 indexed, and to the clerk of the circuit court a reasonable fee
18 for each suit or proceeding in said court so indexed, to be paid
19 out of the county treasury; provided, however, that any contracts
20 that have heretofore been made by any county court for general
21 indexes shall be construed to be legal; provided, this act shall not
22 be construed to allow such compensation after January one, one
23 thousand nine hundred and twenty-one.

CHAPTER 35.

(House Bill No. 359.)

AN ACT to amend and re-enact section one of chapter one hundred
and thirteen of the acts of the legislature of one thousand nine
hundred and fifteen, relating to special levy for permanent road
improvement for Lewis county.

[Passed February 16, 1917. In effect from passage. Became a law without the
Governor’s approval.]

SEC. 1. Lewis county authorized to lay special
road levy each year; amount
and purpose of same; voters of
magisterial district may petition
county court to submit bond
issue for permanent improvement
of turnpikes; if bonds are voted,
magisterial district to be exempt
from special levy.

SEC. 2. County court to have supervision of
permanent improvement of roads
or turnpikes; moneys from special
levy to be kept in separate
fund; account kept by court of
receipts and expenditures.

SEC. 3. Fund to be used only for purpose
designated.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Lewis county is hereby author-
ized 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 Beverly 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 Clarksburg turnpike.

It is provided, however, that if the voters of any magisterial
district should petition the county court to submit a bond issue
to permanently improve such parts of said turnpikes as traverse
special levy in Fayette County

17 that magisterial district, the county court shall submit, in the
18 manner prescribed by law, to the voters of that magisterial dis-
19 trict, for their ratification or rejection, a bond issue, and any
20 magisterial district voting bonds for the permanent improvement
21 of the said turnpikes, shall be thereby exempted from the opera-
22 tion of the special levy for permanent road purposes under the
23 provisions of this act.

Sec. 2. Said roads or turnpikes shall be permanently im-
proved by said county court of Lewis county, in such manner as it
3 shall decide and shall be so permanently improved under the di-
4 rection, authority and supervision of said county court; and all
5 moneys realized from such special levy shall be placed in a sep-
6 arate fund apart from all other funds, and a separate account shall
7 be kept by said court of the receipt and expenditures of the same,
8 setting forth clearly the sum received by reason of said levy and the
9 manner in which the same has been expended.

Sec. 3. The fund arising from such road levy shall be
2 used for the purpose herein designated and no other.

Chapter 36

(AN ACT relating to special debt levies in Mountain Cove district
of Fayette county.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 1. The county court of Fayette county authorized to lay levy in said district
as special debt levy.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of paying any outstanding drafts
2 or judgments dated or rendered prior to the first day of July, nine-
3 teen hundred and fifteen, against the road fund in said district, the
4 county court of Fayette county is hereby authorized to continue
5 to lay each year on the assessed valuation of all taxable property
6 of the district, a "special debt levy" not to exceed twenty cents
7 in any one year until the thirtieth day of June, nineteen hundred
8 and nineteen. Such levy shall be assessed and collected as other-
9 wise provided by law and the proceeds thereof shall be used for
10 the purpose of paying such drafts and judgments and for none
11 other.
CHAPTER 37.

(Senate Bill No. 14.)

AN ACT to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote.

[Passed February 19, 1917, In effect ninety days from passage. Approved by the Governor February 24, 1917.]

SEC. 1. At all general and primary elections, every precinct casting one hundred or more votes, there shall be two election boards of three commissioners and two clerks each.

SEC. 2. Duty of county court in selecting boards: manner: oath; designation of boards.

SEC. 3. Manner of receiving, counting and certifying the votes.

SEC. 4. Certificates shall be made and their disposition.

SEC. 5. Clerk of the county court shall furnish ballot boxes and supplies: compensation to additional commissioners and poll clerk.

SEC. 6. Penalty for failure of election officers to perform duty or divulge result of election improperly.

SEC. 7. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That at all general and primary elections in this state, for every voting precinct in which were cast an aggregate of one hundred or more votes for the office of governor, at the last preceding general election, there shall be two boards of election officers, each board consisting of three election commissioners and two poll clerks, one board to be known as the receiving board. Not more than two commissioners and one poll clerk of each board shall be appointed from the same political party.

Sec. 2. It shall be the duty of the county court of every county at each session held in accordance with the provisions of section seven of chapter eighty-nine of the acts of one thousand eight hundred and ninety-one, and of section four of chapter five of the acts of the extraordinary session of one thousand nine hundred and sixteen, to ascertain the precincts of the county at which were cast an aggregate of one hundred or more votes for governor at the last preceding general election, and for each such precinct there shall be appointed an additional board of election officers, consisting of three commissioners and two poll clerks; such appointments to be made in the same manner as the boards of election officers now provided for by law, and shall take the same oath as provided for said officers. The court shall designate one board of election officers in each such precinct as the receiving board, and one board as the counting board.

Sec. 3. In each precinct where double boards of election officers are appointed as herein provided, the receiving board on election day shall organize and take charge of the polls as now re-
quired by law. The counting board shall proceed to their voting place four hours after the opening of the polls, and shall take charge of the ballot box containing the ballots already cast in that precinct. It shall retire to a partitioned room or space in the voting place provided for that purpose, and there proceed to count and tabulate the ballots cast as they shall find them deposited in the ballot box. The receiving board shall continue to receive the votes of electors in the other box provided until such time as the counting board shall have finished counting and tabulating the ballots cast in the first ballot box. The counting board, shall, before exchanging the ballot boxes as herein provided, seal the ballots counted by it in envelopes to be provided for the purpose which shall not be opened until the two boards shall together proceed with the counting, tabulating and summarizing the votes as by this act provided. The two boards shall then exchange the first box for the second box, and so continue until they have counted and tabulated all the votes cast on that election day, in the ballot boxes, until the hour of closing the polls arrives. When the hour arrives for closing the polls, both the receiving and counting boards shall continue in the work of counting, tabulating and summarizing the votes, and making their certificates as to the result of the election. The members of both boards shall unite in certifying and attesting to the returns of the election in the same manner as now provided by law.

Sec. 4. Four of said certificates of the result of election for each party shall then be sealed in separately addressed envelopes, furnished for the purpose, and said certificates shall be disposed of by the precinct commissioners as follows: One certificate shall be returned, under seal, to the clerk of the county court, with the election returns; one shall be posted on the outside of the front door of the polling place in said precinct; one shall be mailed by said commissioners at the earliest possible opportunity to the clerk of the circuit court of the county; and one for each party shall be sent by registered mail to the secretary of state; provided, however, that it shall not be necessary for the precinct commissioners and clerks to include in the certificate mailed to the secretary of state the votes cast for any candidates for county and district offices, other than for members of the legislature. And, provided, further, that the provisions of this act with respect to the certification of the returns of any primary or general election and the forwarding of the same to the clerk of the county
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18 court, the clerk of the circuit court and the secretary of state and 19 the posting of the same at the voting place shall apply to all 20 election precincts in the state, whether the vote cast at such pre- 21 cinct be one hundred or less.

Sec. 5. The clerk of the county court of each county shall, at 2 the expense of the county, provide and cause to be delivered to the 3 commissioners of election, or to one of them, in each precinct 4 where double boards of election officers are appointed, an ad- 5 ditional ballot box for each such precinct, and such other election 6 supplies as may be required to be furnished in duplicate to ac- 7 complish the purposes of this act.

8 All additional commissioners of election and poll clerks here- 9 in provided for shall receive compensation as provided for such 10 election officers in section eighty-six of chapter three of the code 11 of one thousand nine hundred and thirteen. *Provided*, that in no 12 precinct where there are double election boards shall any election 13 commissioner or poll clerk be allowed per diem for more than one 14 day at any general or primary election.

Sec. 6. Any primary or general election officer who shall 2 wilfully fail, neglect or refuse to prepare and return said certifi- 3 cates of result of election in the manner herein provided within 4 twelve hours after the completion of the count, tabulation and 5 declaration of the result, or who shall divulge the result of the 6 count of the ballots at any time prior to the closing of the polls, 7 shall be guilty of a misdemeanor, and fined not less than one 8 hundred dollars nor more than five hundred dollars, and shall be 9 confined in the county jail not less than three nor more than six 10 months.

Sec. 7. All acts and parts of acts coming within the purview 2 of this act and inconsistent herewith are hereby repealed.

CHAPTER 38.

( Senate Bill No. 15.)

AN ACT to establish a state institution for the care and treatment of persons of the negro race afflicted with tuberculosis or consumption, and to provide for the management of such institution.
Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established for the care and treatment of persons of the negro race afflicted with tuberculosis, or consumption, a state institution to be known as the State Colored Tuberculosis Sanitarium. It shall belong to that class of institutions mentioned in section three of chapter fifty-eight of the acts of one thousand nine hundred and nine, and shall be managed and controlled as provided in said act, all the provisions whereof shall be as applicable to said sanitarium as if the same were named in said section three of said act. The chief executive officer thereof shall be the superintendent, who shall be a legally qualified physician of at least six years' experience in the practice of his profession and shall be a person of good executive ability, and shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. The state board of control and a committee of three colored physicians, citizens of West Virginia, appointed by the governor, shall jointly select a suitable site for such sanitarium and provide plans for the necessary buildings as soon after July 1, 1917, as practicable; and thereafter all the provisions of said chapter fifty-eight of the acts of one thousand nine hundred and nine shall govern herein as far as applicable.

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

CHAPTER 39.
( Senate Bill No. 21.)

AN ACT to amend and re-enact section sixty-four of chapter thirty-
two of the code (serial section one thousand, one hundred and
ninety-two of the code of one thousand nine hundred and thir-
ten,) relating to license on hotels or taverns.

[Passed February 17, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

SEC. 64. License on hotel or restaurant, one per cent per year upon yearly rental
value of premises.

Be it enacted by the Legislature of West Virginia:

That section sixty-four of chapter thirty-two of the code (serial
section one thousand, one hundred and ninety-two of the code of one
thousand nine hundred and thirteen) be amended and re-enacted so
as to read as follows:

Section 64. On every license to keep a hotel or tavern, eat-
ing house or restaurant, one per centum per annum upon the
yearly rental value of the premises occupied for that purpose, es-
timated according to the ninth section of this chapter.

CHAPTER 40.
(Senate Bill No. 22.)

AN ACT to amend and re-enact section seventy-six-a III, chapter
thirty-four of the code of West Virginia, serial section one thou-
sand four hundred and forty-one, Hogg's code, one thousand nine
hundred and thirteen, and to provide for deposit with the in-
surance commissioner, of sufficient bonds and securities to secure
and protect the purchasers and holders of annuity contracts.
SEC. 76-a III. Before a permit to transact business in this state shall be issued by the insurance commissioner to any person, association, or corporation within the purview of section one of this act, the insurance commissioner shall require said applicant to deposit with the insurance commissioner, in trust, for the benefit of its contract holders, bonds and securities approved by said insurance commissioner to the amount of ten thousand dollars, and whensoever the liability of said person, association or corporation on all outstanding contracts shall exceed the sum of ten thousand dollars, said person, association or corporation shall deposit with the insurance commissioner additional bonds and securities approved by said insurance commissioner to an amount equal to one hundred per cent of the liability on all outstanding contracts in excess of said ten thousand dollars hereinbefore provided for, provided, that when, by the laws of any other state, any such person, association or corporation shall have been required to make and shall have made such deposit in said state, equal or greater in amount for the benefit of contract holders in said state; upon the filing of a certificate from the proper officer in said state with the insurance commissioner of this state, for the benefit of its contract holders in said state; and, provided, further, that when the laws of any other state require such a deposit, said person, association or corporation shall file a certificate from the proper officer in said state with the insurance commissioner of this state, upon filing of proper certificate, deposit in other state, less in amount, upon filing of proper certificate, shall require additional deposit to make up total amount for this state; contract holders in other states not entitled to benefit of securities deposited with commissioner of this state, except for difference in amounts deposited; time for which permit may be issued; fee for same.
the insurance commissioner of this state showing the amount of the deposit made, and shall deposit with the insurance commissioner of this state an amount which, together with the deposit made in said state, shall make up the total amount required by this state to be deposited by said person, association or corporation, and said contract holders in said states shall not be entitled to the benefit of the securities deposited with the insurance commissioner of this state under this act, except so much of said deposit which may be made to complete the total amount required by this act where the law of any other state requires a lesser amount. Said permit shall be issued for one year, or the fractional part of a year, and for issuing same a fee of ten dollars shall be charged.

CHAPTER 41.

AN ACT to regulate and license the practice of chiropody.

[Passed February 10, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Unlawful to practice chiropody unless licensed by the public board of health.

Sec. 2. Board shall conduct examinations.

Sec. 3. Applications to practice, how made; proof, etc.

Sec. 4. Fees from candidates; shall be deposited; expenses of members to be paid; disposition of remainder if any.

Sec. 5. The board shall keep record of names and addresses of persons licensed and of moneys and make report to legislature.

Sec. 6. Examination shall be in English and in writing.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any person to practice the branch of medicine in this state known as chiropody, as hereinafter defined, unless duly licensed so to do by the public health council of this state, after examination conducted by such board or a committee thereof, under rules and regulations prepared and promulgated by such board, except as hereinafter provided.

Sec. 2. Said board shall conduct such examinations at the times and places designated by them for conducting examinations for license to practice medicine.
Sec. 3. Applications for admission to such chiropody licensing examinations shall be made in writing on blanks to be furnished by the board, and shall be signed and sworn to by the applicants, not less than ten days before the meeting of said board at which said applicant is to be examined. Candidates for license shall furnish satisfactory proof of being, (1) twenty-one years of age, or over; (2) of good moral character; (3) graduated from a school of chiropody registered by the state department of education as being of proper standard, or in the practice of chiropody in some other state for at least five years, and of good standing in said state, in which said state an examination is required by law of said state equal to the requirements of this state, and upon proof that said applicant has taken the examination in said state and received license therein; (4) possessed of a minimum education equivalent to two years' attendance at a high school recognized by the state educational department as being of proper standard; (5) a bona fide resident of the state of West Virginia at time of application.

Sec. 4. The fees received from candidates for license to practice chiropody shall be deposited with the state treasurer. All of the expenses of the conduct of such examinations, including the traveling expenses of members of the board, shall be charged against such funds, and the state treasurer shall pay all bills thus accruing on the presentation of proper vouchers duly attested by the president and the secretary of the board. All of the moneys remaining to the credit of this fund at the end of the fiscal year shall be divided pro rata among the members of the board, or the committee of the board, who have charge of the preparation of the question papers, and who examine and rate the answers to the same. The members of the board, or the committee of the board, to whom is delegated the power to conduct the chiropody licensing examination, shall have the power of fixing the salary of the secretary of the board, which, however, shall not be more than twenty per cent of the fees paid by applicants; and such salary of the secretary shall be paid for from the funds previous to their final distribution at the end of the fiscal year as hereinabove provided.

Sec. 5. The board shall keep a record of the names and addresses of all persons licensed, under the provisions of this act, and of all moneys received and disbursed by it. Said board shall, annually, on or before the first day of January, make a report to
the legislature of the condition of chiropody practice in the state
of West Virginia, including a statement of all of its official acts
in the administration of the laws governing the practice of
chiropody during the preceding year, and shall also account for
moneys received and disbursed.

Sec. 6. Examinations shall be in English, and in writing,
and shall be of a scientific and practical character. They shall
be in anatomy and physiology of the foot, chemistry, materia
medica and therapeutics and minor surgery, including bandaging.

Sec. 7. Whoever not being lawfully authorized to practice
chiropody within the state of West Virginia holds himself out as
a practitioner of chiropody, or advertises himself as such; or,
whoever practices chiropody under a false or assumed name, or
under a name other than that under which he has license to
practice chiropody, as aforesaid, or whoever personates another
practitioner of a like or of a different name, or whoever lends
his name, or having professional connection with anyone who has
been convicted in court of any offense, as herein provided, shall
for each offense be punished by a fine of not less than fifty dollars
nor more than two hundred dollars, or confined in the county
jail not less than one nor more than four months, or both, for
each and every offense; provided, that any person so convicted
shall not be entitled to any fee for services rendered, and if a fee
has been paid, the patient or guardian or heir may recover the
same as debts of like amount are now recovered by law, and upon
conviction thereof the board may suspend, or revoke for an in-
definite period, his or her certificate of registration or license, but
for not less than six months. All fines collected under this act
shall inure to the common school fund.

Sec. 8. Nothing hereinafter contained shall discriminate against
a registered practitioner of medicine in the state of West Vir-
ginia from practicing chiropody as a branch of his medical and
surgical practice, nor shall the provisions of this act as to ex-
emptions from examinations apply to any person who is practic-
ing chiropody at the time of the passage of this act, and is given
a license by said board.

Sec. 9. Every person practicing chiropody within the state
of West Virginia at the time of the passage of this act shall, on
or before June first, one thousand nine hundred and seventeen,
register with the board of registration in medicine the details
of such practice as enumerated on a form as follows:
6 State of West Virginia,
7 County of ................................., to-wit:
8 I, ................................., born ...................... and
9 residing at. ................................., county of .......... ;
10 in the state of West Virginia, hereby certify that I am and have
11 been practicing chiropody in the state of West Virginia from
12 ................... to date; that I have been continuously practicing
13 from the ................... day of .............., 19_... to
14 date, and have practiced chiropody in the state of West Virginia
15 for at least one year; and I hereby make affidavit to the facts as
16 above stated.
17 ...........................................................................
18 Sworn and subscribed to before me on the .... day of .........., 
19 ...........
20 My commission expires .....................................
21 ...........................................................................
22 Notary Public.
23 Notary’s Seal.
24 The fee for this registration, ten dollars, payable to the
25 board, shall accompany such affidavit. If the board has no reason
26 to doubt the validity of the document as submitted, the name
27 of such chiropodist shall be entered in a book set apart for that
28 purpose and known as the “Chiropody Registry.” Such registra-
29 tion will admit of the signer thereof being recognized as a licensed
30 practitioner of chiropody, which will in turn accord him or her
31 the privilege of practicing chiropody as hereinafter defined, in
32 the state of West Virginia.
33 If, on investigation, it be shown that such affidavit be
34 fraudulent in any particular, the board is authorized to proceed
35 against any person guilty of attempt at misrepresentation and
36 fraud, and the prosecuting officer of the county in which the per-
37 son making such affidavit is residing or practicing shall prose-
38 cute the said person for said offense. Any person found guilty
39 of fraud or misrepresentation in the making or filing of such affi-
40 davit as to chiropody practice, shall for each such offense be pun-
41 ished by a fine of not less than one hundred dollars nor more than
42 five hundred dollars, or by imprisonment for six months, or both
43 such fine and imprisonment, and any justice of the peace in the
44 county where said affidavit was made shall have jurisdiction to
45 try and determine the same as other misdemeanor cases, and
each of the offenses aforesaid is hereby declared to be a misde-
meanor. And the said affidavit shall be sufficient proof of itself,
without proof as to the oath thereto of the secretary or member
of said board, that the same was filed with them, and either the
state or applicant shall in all such cases have the right to an ap-
peal; and anyone found guilty as aforesaid, or if in the opinion
of the majority of the board they are guilty, no license or certifi-
cate shall be issued to them, and they shall be forever barred from
receiving license or certificate to practice chiropody in this state.

Any and all fines, above the expenses incurred in prosecution,
collected as per the provisions of section seven and section nine
of this law, shall inure to the benefit of the school fund.

It shall be the duty of said board of said examiners to issue
duplicate certificates to successful applicants to practice chiropody,
and of each person so practicing the same to post, and continuously
keep posted, said certificate in his or her office, or where he or she
so practices chiropody, at some conspicuous place, and within
thirty days after said certificates are so issued to said applicant,
to file one of said certificates in the county clerk's office in the
county in which said applicant is so practicing, and make affidavit
before the clerk of said county court that he or she is the party
named in said certificate, and the clerk shall file and preserve the
same, for which said applicant shall pay to said clerk, the sum of
one dollar, which shall always be open to inspection of any mem-
ber of the board herein, the prosecuting officer of said county, or
any justice of the peace of said county, and a certified copy of the
same by the clerk of said county court shall be *prima facie* evidence
of the contents thereof and of the filing of the same, and used as
evidence in any court or before any board in this state having
jurisdiction; and upon failing so to do he or she shall be guilty
of a misdemeanor, and for such offense shall be fined not less
than twenty-five dollars nor more than one hundred dollars, and
the board herein may cancel said certificate or license.

Sec. 10. For the purpose of this act "chiropody" is under-
stood to be the medical, mechanical or surgical treatment of the
ailments of the human hand or foot, except the amputation of
the foot, hand, toes or fingers, the use of anaesthetics other than
local; it shall also include the fitting or recommending of ap-
piances, devices or shoes for the correction or relief of minor
foot ailments, and shall prescribe for anything coming within
8 this act. Licensees under this act shall not use the title of "doc-
9 tor," except in connection with the word chiropody or chiropodists.
10 The term "board" where used in this act means the public
11 health council.

CHAPTER 42.
(Senate Bill No. 40.)

AN ACT to amend and re-enact section fifty of chapter fifty-four,
serial section two thousand nine hundred and forty-nine, of the
code of one thousand nine hundred and thirteen, relating to
general powers of railroad corporations, by adding thereto sub-
section ten-a; giving the right to street or interurban railroad
companies operated by electricity or power other than steam, to
furnish electricity, natural or artificial gas for light, power and
fuel; to lease or purchase the property, franchises, rights and
privileges of companies organized for such purposes, and to suc-
cceed to and operate under the same.

[Passed February 13, 1917. In effect ninety days from passage. Approved by the
Governor February 23, 1917.]

Sec. 10-a. A corporation operating street
cars, etc., other than by steam,
shall have the right to furnish
and sell to the public; purchase
provided.

Be it enacted by the Legislature of West Virginia:

That section fifty of chapter fifty-four, serial section two thousand
nine hundred and forty-nine be amended and re-enacted by adding
thereto, sub-section ten-a, to read as follows:

Section 10-a. In the case of a corporation engaged in the
2 operation of street or interurban railroads by electricity or other
3 motive power than steam, it shall have the right to furnish and sell
4 to the public, after having procured a franchise therefor from
5 the municipality in which it seeks to operate, electricity and gas,
6 either natural or artificial, or both, for light, heat, power or fuel,
7 and to purchase, hold and use such property, rights, privileges
8 and franchises as may be necessary in the generation, production,
9 manufacture and sale to the public of such electricity and gas
10 for light, heat, power or fuel; provided, that no right, privilege
11 or franchise granted under this act, or now held, shall be exer-
cised without first obtaining from the public service commission,
13 if provided by law, authority so to do.
CHAPTER 43.

(Senate Bill No. 48.)

AN ACT to amend and re-enact section three of chapter fifteen of the code, serial section three hundred and eighty, Hogg's annotated code, one thousand nine hundred and thirteen, relating to printing and binding of the West Virginia Reports.

[Passed February 20, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC. 3. The reporter of the supreme court shall advertise for the publication of the West Virginia reports; the number and quality to be printed; publisher to give bond; secretary of state shall secure copyright; manner and form of printing; reporter may change contract; material to be used in binding.

Be it enacted by the Legislature of West Virginia:

That section three of chapter fifteen of the code, serial section three hundred and eighty, Hogg's annotated code, one thousand nine hundred and thirteen, relative to printing and binding of the West Virginia reports be amended and re-enacted so as to read as follows:

Section 3. The reporter of the supreme court shall on the second Wednesday in April, one thousand nine hundred and seventeen, and every four years thereafter, advertise in four papers printed in this state, once a week for four successive weeks, that sealed proposals will be received at the office of the attorney-general of West Virginia, at Charleston, until the thirtieth day after the fourth publication of such advertisement, for the publication of the West Virginia reports for the term of four years from the second Wednesday in June next succeeding; and he shall contract for the publication of said reports for the said term as follows: The said contract shall provide for the publication of fifteen hundred copies of each volume ordered by the supreme court of appeals, the paper to be not inferior in quality to that used in Otto's United States Reports, the binding to be in best quality of law calf, or United States standard buckram. The publisher shall give a bond executed according to law, with at least two good and sufficient sureties residing in this state, or with some surety company, authorized to do business in this state, in the penal sum of five thousand dollars, conditioned for the faithful performance of the contract. A volume shall be published according to the terms of such contract, whenever the same shall be ordered by the supreme court of appeals, and if there should be any unreasonable delay in the printing or binding thereof, of the existence...
CHAPTER 44.

(Senate Bill No. 49.)

AN ACT amending and re-enacting chapter 62-b of the code of West Virginia of nineteen hundred and six, providing for the collection and analysis of samples of commercial fertilizers, and regulating the sale of such fertilizers and other materials used for manurial purposes and providing penalty for violation thereof.

[Passed February 16, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

Sec. 1. "Fertilizer" construed for purposes of this act: what the term "person" shall be held to include.

Sec. 2. Affidavit to be filed with commissioner of agriculture by person offering fertilizer for sale: what affidavit shall contain: if manufacturer or jobber files affidavit, agent not required to do so: when affidavit shall be made and filed.

Sec. 3. Fertilizer sold in this state must have label affixed: what label shall certify: labels to be furnished by commissioner, who shall receive pay therefor; fertilizer sold to have attached the brand name, net weight, name and address of manufacturer and analysis: act not to apply to materials sold to manufacturers to be prepared and resold.

Sec. 4. Commissioner of agriculture or
deputy authorized to enter place
where fertilizers are sold, to take
and analyze samples and publish
results; may also analyze
samples and publish results; may
also analyze samples furnished
by purchaser and certify results
to person forwarding same.

5. Disposition of moneys collected by
commissioner under this act;
duty of commissioner to make
inspection of fertilizers helpful
to purchasers; to that end to
make necessary rules and regu-
lations: to report to prosecut-
ing attorney any violations and
failures to comply with act;
what shall be admissible as evi-
dence in any suit instituted: to
sell fertilizer without first com-
plying with requirements of act,
a misdemeanor.

6. Penalty for violation of provisi-
on of act.

7. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter 62-b of the code of West Virginia of nineteen hun-
dred and six is hereby amended and re-enacted so as to read as fol-
lows:

Section 1. For the purpose of this act, the term “fertilizer”
shall be held to mean any article, substance or mixture applied
to the soil for the purpose of increasing the productiveness thereof,
excepting only the dung of domestic animals, when sold as such,
without brand, name or trade mark, and burnt lime and ground
limestone and marl when sold with or without brand, name or trade
mark; and the term “person” shall be held to include corporations,
companies, societies, and associations, whether acting through an
agent or servant.

Sec. 2. Every person who shall offer or expose for sale or
sell in this state any fertilizer, shall, before the same is sold,
file with the commissioner of agricul-
ture an affidavit clearly and truly setting forth the name, brand
or trade mark under which the fertilizer is to be sold, the name
of the manufacturer, jobber or importer, the place of manufac-
ture and the composition of the fertilizer, including the percen-
tum of every constituent relied upon as contributing to the value
of the fertilizer, and the materials from which said constituents
are derived, said statements as to materials shall be quantitative;
provided, that when the manufacturer, jobber or importer
of any fertilizer shall file the affidavit required by this section,
no agents or dealers selling the same fertilizer for him under his
name and brand shall be required so to do.

The affidavit required by this section shall be made annually,
but may be made at any time for the calendar year, and may be
filed in the month of December for the year following.
Sec. 3. Every bag, barrel, or other package of fertilizer sold, offered or exposed for sale in this state, shall have securely and conspicuously affixed thereto a label certifying by said commissioner that the amount of tax required by this act has been paid on said fertilizer, and that the manufacturer thereof has complied with the provisions of this act; the said labels shall be furnished by said commissioner, who shall receive pay therefor at the rate of forty cents per ton of fertilizer; and further each bag, barrel or other package of fertilizer sold, offered or exposed for sale in this state shall have branded on or conspicuously attached to it the brand name of the fertilizer, the net weight of the package, the name and address of the manufacturer, and the guaranteed analysis of the fertilizer set out as required in the affidavit required in section two; provided, that this act shall not apply to fertilizer materials sold to fertilizer manufacturers to be prepared or treated by themselves and resold.

Sec. 4. The commissioner of agriculture, in person or by deputy, shall take samples of any fertilizers on sale in the state and for this purpose is hereby authorized to enter during business hours any store room or other place where fertilizers are sold, offered or exposed for sale; the said commissioner shall cause the said samples to be analyzed according to methods of the association of official agricultural chemists, official at the time and shall publish the results; any purchaser of fertilizers within the state may take a sample of the same in accordance with rules and regulations of the commissioner of agriculture and if the said commissioner has reason to believe that the fertilizer is not as guaranteed in the affidavit, he shall cause the sample to be analyzed free of charge and certify the results to the person forwarding the same.

Sec. 5. The commissioner of agriculture shall promptly deposit with the treasurer of the state all moneys collected under this act and shall draw upon the same as needed to meet all expenses incurred on account of the requirements of this act, and any money remaining after all of said expenses have been paid shall be expended by the said commissioner by and with consent of the governor; in the discharge of his duties in behalf of agriculture in this state; the said commissioner shall seek to make the inspection of fertilizers hereby intrusted to him as helpful as possible to the purchasers of fertilizers in this state
9 and is hereby authorized to make such rules and regulations
10-11 as may be necessary to carry into effect the full intent and mean-
12 ing of this act; the said commissioner shall report promptly to the
13 prosecuting attorney of the county in which the offense was com-
14 mitted, any violations of this act and all failures to comply there-
15 with and a copy of any label, statement or tag required to be filed
16 with the said commissioner or prepared by him and any analysis
17 made or caused to be made by him when duly certified by the said
18 commissioner shall be admissible in evidence to the same extent
19 as if it were his deposition taken in the manner prescribed by
20 law for the taking of depositions, in any prosecution or suit for
21 any violation of the provisions of this act.
22 Any manufacturer, dealer or agent who shall sell, offer or ex-
23 pose for sale in this state any fertilizer without first having com-
24 plied with the requirements of this act regarding such fertilizer,
25 or who shall use tax tags the second time, or any person who shall
26 receive or remove any fertilizer without its having been regis-
27 tered, branded and tagged as required by this act, shall be guilty
28 of a misdemeanor and be subject to penalties prescribed under this
29 act.

Sec. 6. Any person who shall violate any of the provisions of
2 this act or who shall fail to comply therewith, shall be guilty of
3 a misdemeanor and on conviction thereof shall be fined not less
4 than twenty dollars and not more than one hundred dollars for
5 the first offense, and not less than fifty dollars and not more than
6 five hundred dollars for each subsequent offense.

Sec. 7. All acts or parts of acts in conflict with this act are
2 hereby repealed.

CHAPTER 45.

(Senate Bill No. 52.)

AN ACT to provide for a firemen’s pension or relief fund and for the
levy of taxes in municipalities therefor, and to create and per-
petuate boards of trustees for the administration of such funds.
SEC. 1. Council in municipal corporation may declare the necessity for firemen's pension or relief fund; how supported; board of trustees to administer and distribute funds.

2. Designation of board of trustees: board may sue, contract, hold real and personal estate, and have a seal; private seal of president may be used; board may perform any other acts or business pertaining to the trust.

3. Who shall compose board of trustees; how chosen; requirements as to giving of notice; manner of holding election; how to decide in case of tie vote; result of election to be entered on record; term members shall serve, and time of holding elections; how to proceed if vacancy occurs; presiding officer of the board to be president; secretary to be appointed by board; duty of secretary.

4. Municipality availing itself of provisions of section may have firemen's pension fund: same to be maintained by annual levy and additional tax; amount of tax to be determined by board of trustees; fines imposed to be credited to pension or relief fund; corporation authorized to receive money or property upon terms to be fixed by grantor or trustees; may also receive uniform amounts from members of fire department.

SEC. 5. Treasurer of municipality having firemen's pension fund to be custodian of fund; shall pay out same upon order of board of trustees; to be liable upon his bond for faithful performance of duties.

6. How moneys received shall be invested by board of trustees: board to make report to council of condition of fund on last day of December, each year.

7. Board shall make rules and regulations for distribution of fund; provision as to term of service of firemen; rules to be approved by council.

8. Member of fire department, physically or mentally disabled to be retired from service; such persons to receive monthly payment from fund, based on term of service; members injured or sick, to be paid from pension fund.

9. No payment shall be made to members except from income arising from fund, until after five years from creation of corporation; if insufficient amount in fund, only percentage of monthly payments to be made to beneficiary.

10. Amounts specified to be paid to permanently disabled members.

11. Amount of benefits specified to be paid to widows and children of firemen: exception.

12. Provision as to payment of benefit to widows and children of firemen killed while in performance of duty. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. In any municipal corporation in this state having, or which may hereafter have, a fire department, supported in whole or in part at the public expense, the council, or other legislative body thereof, may, by ordinance, declare the necessity for the establishment and maintenance of a firemen's pension or relief fund, for the purposes hereinafter enumerated; and thereupon there shall be created a board of trustees, who shall administer and distribute the funds authorized to be raised by this and succeeding sections.

Sec. 2. The said board of trustees shall be a corporation by the name and style of "The Board of Trustees of the Firemen's Pension or Relief Fund of ................. " (the name of the said town, village or city, as the case may be) by which name it may sue and be sued, plead and be impleaded, contract and be contracted with, take and hold real estate and personal estate for the use of said firemen's pension or relief fund, and have and use a common seal. But in the absence of such seal, the private seal of the president of said corporation shall be equivalent to such common
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10 seal. Said board of trustees may also in their corporate name do
11 and perform any and all other acts and business pertaining to the
12 trust created hereby, or by any conveyance, devise, or dedication
13 made for the uses and purposes of said board.

Sec. 3. The said board of trustees shall consist of the board
2 of officers having charge or control of the fire department in any
3 municipal corporation availing itself of the provisions of this
4 act, and five other persons, members of the fire department of such
5 municipal corporation, to be chosen as follows:
6 The board or officer having charge or control of the fire de-
7 partment, shall give notice of an election to be held on the second
8 Monday of the month following the passage of the ordinance men-
9 tioned in the first section hereof, which notice shall be served
10 personally upon each member of the fire department, and shall
11 notify each member that between the hours of nine o’clock in the
12 forenoon and six o’clock in the afternoon, on the day designated
13 for such election, an election will be held for such purposes,
14 and that each member shall send, under seal, in writing, the
15 names of the five persons, members of such department, voted
16 for, and all votes so cast shall be counted and canvassed by the
17 board or officer having charge or control of said fire department,
18 who shall announce the result, and the five members of the fire
19 department receiving the highest number of votes shall constitute
20 “The Board of Trustees of said Firemen’s Pension or Relief
21 Fund” for the ensuing year. In case of a tie vote being received
22 by any two persons for the office of trustee, such tie vote shall
23 be decided by casting lots, or in any other way which may be
24 agreed upon by the persons for whom such tie vote was cast. The
25 result of such election shall be entered in the record of the pro-
26 ceedings of said board. The members so elected shall serve for
27 one year, and until their successors are elected, and the election
28 for such members of the board of trustees shall be held annu-
29 ally upon the second Monday of the same month upon which the
30 first election occurs. In case of vacancy by death, resignation,
31 or otherwise, among the five members so elected, the remaining
32 member, or members, shall choose the successor, or successors,
32-a until the next annual election. The presiding officer of the
33 board having charge or control of the fire department, or the
34 officer in charge or control of said department, shall be presi-
35 dent of the board of trustees of the firemen’s pension or relief
36 fund, created under this section, and the secretary thereof shall
37 be appointed by said board.
38 It shall be the duty of such secretary to keep a full and per-
39 manent record of all the proceedings of the board, and said trustees
40 may fix his compensation for this work, which shall be paid out
41 of the funds of such corporation.

Sec. 4. In every municipality availing itself of the pro-
2 visions of this section, there shall be a firemen's pension or relief
3 fund, which shall be maintained as follows:
4 The council or other legislative body of such municipality,
5 is hereby authorized to levy annually and in the manner provided
6 by law for other municipal levies, and in addition to all of such
7 municipal levies, a tax not to exceed one-twentieth mills on each
8 dollar of all the real and personal property as listed for
9 taxation in such municipality. The amount of the tax to be
10 levied shall be fixed and determined by the said board of
11 trustees, as aforesaid, and certified to the council or other legisla-
12 tive body of such municipality, which is authorized by the law
13 to make levies for other taxes for the use of such municipalities.
14 All fines imposed upon any member of the fire department in
15 any such municipality, by way of discipline or punishment by the
16 board or officers having charge of such board or department, shall
17 be credited to said pension or relief fund; and said corporation
18 is authorized to take by gift, grant, devise, or bequest, any money,
19 or real or personal property, upon such terms as to the investment
20 or expenditure thereof as may be fixed by the grantor, or deter-
21 mined by said trustees. Said corporation may also receive such
22 uniform amounts from each person designated by the rules of the
23 fire department as a member thereof, as he may voluntarily agree
24 to, to be deducted from the monthly pay of said person, and the
25 monthly amount so received shall be used as a fund to increase
26 the pension which may be granted to such person.

Sec. 5. The treasurer of every municipality having a fire-
2 men's pension or relief fund shall be the custodian of said fund,
3 and shall pay out the same upon the proper order of the board of
4 trustees, who shall be liable upon his official bond as treasurer for
5 the faithful performance of his duties in respect to this fund.

Sec. 6. Said board of trustees of said pension or relief fund,
2 shall invest any monies received by them either in interest bear-
3 ing bonds of the United States, of the state of West Virginia, or
4 of county, school district, or municipal corporation in which said
5 fire department may be situated, or upon approved real estate
6 security to the extent of not more than fifty per cent. of the as-
7 sessed value of such real estate. Said board of trustees shall
8 make a report to the council, or other legislative body of the
9 municipality, of the condition of said fund on the thirty-first day
10 of December in each year.

Sec. 7. The board of trustees of the firemen’s pension or
2 relief fund shall make rules and regulations for the distribution
3 of said fund, according to the qualifications of those to whom
4 any portion of said fund shall be paid and the amount thereof; pro-
5 vided, that no fireman shall be entitled to any pension to be
6 paid out of said funds until after he shall have served continu-
7 ously as a fireman in said municipality for the term of five years.
8 And, provided, further, that such rules and regulations shall not
9 be enforced until the same have been approved by the council or
10 other legislative body of said municipality.

Sec. 8. If any member of said fire department of any such
2 city shall, while in the performance of his duties become, or be
3 found upon examination by a medical officer, ordered by the person
4 or persons having charge or control of the fire department of such
5 city, to be physically or mentally permanently disabled, so as to
6 render necessary his retirement from all service in said fire depart-
7 ment, such person or persons having charge of said fire service shall
8 retire such permanently disabled persons from all service in said
9 department; and said board of trustees of said pension and re-
10 lief fund shall authorize the payment to such permanently disa-
11 bled persons monthly from the pension fund, according to the
term of service in said fire department, the amounts as fixed
13 by the rules hereinafter provided for.
14 If any member of said fire department shall be injured or be-
15 come sick, so as to render such member temporarily disabled, he
16 shall be paid from said pension or relief fund, the amount to be
17 determined by the rules established, as aforesaid, during such
18 disability for not exceeding ten weeks.

Sec. 9. Until the expiration of five years from the time of
2 the creation of said corporation no payment shall be made to any
3 member except from the income arising from said fund; and if at
4 any time there shall not be sufficient money to the credit of
5 said pension fund to pay to each person entitled to the benefit
6 thereof the full amount per month, as herein provided, then, and
7 in that event, an equal percentage of said monthly payments shall
be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

Sec. 10. In no event shall the sums to be paid to permanently disabled members exceed the amounts following:

Those in continuous service of the fire department over five years and under ten years, shall, upon retirement, receive not to exceed one dollar and twenty-five cents per day; and those in the service continuously for over ten years and under twenty years, shall, upon retirement, receive ten-sixteenths of their salary per month; and those in the service continuously over twenty years shall, upon retirement, receive eleven sixteenths of their salary per month.

Sec. 11. In case any fireman who has been in continuous service of the fire department for over five years, shall be killed or die, then and in that case, "The Board of Trustees of the Firemen's Pension Fund" shall pay to the dependent wife or minor children, if there be any such one or ones, the following pensions, viz.:

To the widow, the sum of twenty dollars per month until her death or re-marriage; for the support and maintenance of said children, the sum of five dollars per month for each child until said child shall attain the age of sixteen years, provided that said widow shall not receive from said fund for the support and maintenance of herself and said children any amount in excess of thirty dollars per month, and provided, further, that said widow or children shall not receive any pension from this fund, if she or they receive any other pension from any other fund.

Sec. 12. The wife, child or children of any fireman who shall be killed while in the performance of his duty shall, regardless of his length of service, receive a pension as provided for in that portion of section eleven, fixing the amount to be paid to widows and minor children.

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

CHAPTER 46.

(Senate Bill No. 53.)

AN ACT to provide for the partial support of mothers whose husbands are dead, or have become permanently incapacitated for work by reason of physical or mental infirmity, or confined in some West
Virginia state institution, or a woman who is the mother of
two or more children, and has been abandoned, when such mothers
have children under thirteen years of age, and a citizen of the
United States, and residents of this state for five years previous
to the time at which application for relief is made, and a bona
fide resident of the county for three years in which the applica-
tion was filed.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 1. The county court has jurisdiction.
Sec. 2. Who may file application for relief.
Sec. 3. Investigation by a member of the court.
Sec. 4. After investigation of application, a petition may be filed.
Sec. 5. Summons to issue.
Sec. 6. Manner of service of summons.
Sec. 7. New process may issue.

Be it enacted by the Legislature of West Virginia:

1. Jurisdiction.

Section 1. The county court in the several counties in the
state shall have original jurisdiction in all cases coming within
the terms of this act.

2. Application for Relief.

Sec. 2. A woman whose husband is dead, or whose husband
has become permanently incapacitated for work by reason of
physical or mental infirmity, or confined in some West Virginia
state institution, or who has been abandoned, or a woman who is the
mother of two or more children under the age of thirteen years,
may file an application for relief under this act; provided, such
mother is a citizen of the United States of America, and has had
a previous residence for five years in this state, and has had a
bona fide residence in the county in which such application is made
for a period of three years.


Sec. 3. Whenever an application for relief is filed, the home
of the applicant shall be visited by a member of the court having
jurisdiction of the matter, and the facts set forth in such applica-
tion shall be investigated by such member under the direction of
the court, and a report and recommendation of the approval or
6 disapproval of such application shall be made in writing by such
7 member of the court without any unnecessary delay.

Petition, Form of.

Sec. 4. After the investigation of such application for relief
2 by a member of the court, and filing of a report and recommenda-
3 tion thereon, such member of the court, or any reputable person of
4 said county, may file with the clerk of said court a petition in
5 writing, duly verified, setting forth such facts as are necessary
6 under this act to give said court jurisdiction of the parties
7 and of the subject matter, and such other facts, which
8 are found by the court to be true, shall be the basis upon
9 which the order of relief is entered; which application shall make
10 the mother of such children and the county court parties respondent
11 to such application.

Summons.

Sec. 5. Upon the filing of such application, a summons shall
2 issue, returnable not less than three days nor more than ten days
3 after the date thereof, commanding the respondents named in such
4 application to appear at a place and time stated in such summons
5 on the return day thereof.

Service.

Sec. 6. Service of summons shall be made in the manner
2 as provided for the service of a summons as in other matters
3 in which the county court has jurisdiction. The clerk of the
4 county court shall perform any duties required of him by this
5 act, and the prosecuting attorney of each county shall give to
6 said court all legal advisement coming within the purview of this
7 act, and the sheriff shall serve all papers required of him here-
8 under without compensation to either for such service.

New Process.

Sec. 7. Whenever process shall not be returned executed on
2 or before the return day thereof, the court may direct the clerk to
3 issue an alias pluries or other process, returnable at a time ordered
4 by the court.

Appearance; Hearing.

Sec. 8. The filing of a written appearance by a respondent
2 shall render the service of summons on such respondent unneces-
MOTHERS' PENSION.

The court shall proceed to hear the cause upon the return day of the summons or upon a day thereafter to be fixed by the court, without the formality of the respondents filing answers; provided, all the respondents have either been served with summons or have filed their written appearance in said cause.

Hearing; Order of Payment; Duty of County Court.

Sec. 9. Upon the hearing in court of an application under this act, the court, being advised in the premises, finding the facts alleged in the application to be true, may make an order to pay the mother of said children, in whose behalf the application is filed, an amount of money necessary to enable the mother to properly care for such children, such sum however, shall not exceed the amount hereinafter fixed, and it shall be the duty of the county court to provide for the payment thereof, to such mother, at such times as said order may designate, the amount so specified in said order for the care of such children until the further order of the court. Such payments shall be made by order drawn by the court on the sheriff of said county, payable out of the county fund.

Amount of Allowance.

Sec. 10. The allowance made to such mother shall not exceed fifteen dollars per month, when such mother has but two children under the age of thirteen years; and if she has more than two children under such age, the relief granted shall not exceed five dollars per month for each additional child; provided, that in no event shall the relief granted upon each application exceed the sum of twenty-five dollars per month.

Conditions Upon Which Relief is Granted.

Sec. 11. Such relief shall be granted by said court upon the following conditions only: (1) The children for whose benefit the relief is granted must be living with such mother; (2) The court must find that it is for the welfare of such children to remain at home with the mother; (3) The relief shall be granted only when in the absence of such relief the mother would be required to work regularly away from her home and children, and when by means of such relief she will be able to remain at home, except she may be absent at work a definite number of days each week, to be specified in the court's order when such work can be done without the sacrifice of health or the neglect
12 of home and children; (4) Such mother must, in the judgment
13 of the court, be a proper person physically, mentally and morally
14 to bring up her children; (5) The relief granted shall, in the
15 judgment of the court, be necessary to save the children from
16 neglect; (6) A mother shall not receive such relief who is the
17 owner of real estate, or personal property other than the house-
18 hold goods, or receive benefits from the workmen's compensation
19 fund; (7) A mother shall not receive such relief who is not a
20 citizen of the United States, and who has not resided in the
21 state of West Virginia at least five years next preceding the filing
22 of such application, and who has not been a bona fide resident of the
23 county in which such application is made, for a period of two
24 years next preceding the filing of such application; (8) A mother
25 shall not receive such relief if her children have relatives who con-
26 tribute to their support an amount equal to what might be allowed
27 under this act; (9) A mother shall not receive such relief if she
28 harbors, or permits to remain at her home any adult person, not
29 a member of her family; (10) Satisfactory reports must be given
30 by the teacher in the district school stating that the children of
31 the recipient of this fund are attending school, provided, they are
32 of proper age and physically able to do so.

Relief for Children Between Thirteen and Sixteen Years.

Sec. 12. Whenever any child shall arrive at the age of thirteen
2 years, any relief granted to the mother for such child shall cease;
3 provided, if a child of thirteen years of age be ill or incapacitated
4 for work, the mother shall receive funds for his or her care during
5 such illness or incapacity for work until such child is sixteen years
6 of age, not to exceed, however, the amount hereinbefore provided,
7 and the court may in its discretion, at any time before such
8 child reaches the age of sixteen years, modify or vacate the order
9 granting relief to any mother for any child.

Repeal.

Sec. 13. All acts and parts of acts inconsistent herewith
2 are hereby repealed.
CHAPTER 47.

(Senate Bill No. 57.)

AN ACT to provide for the purchase, equipment and operation of a mine rescue car for the use of the state department of mines, and to provide means for the payment therefor.

[Passed February 22, 1917. In effect ninety days from passage. Approved by the Governor February 24, 1917.]

SEC. 1. Chief of department of mines to purchase, equip and operate a mine rescue car; where stationed, etc.

SEC. 2. May be equipped and used for educational purposes and training in rescue work.

SEC. 3. A director to be appointed by chief with the approval of the governor; qualification of director; term; salary; how paid.

SEC. 4. Appropriation to carry out the provisions of this act.

Be it enacted by the Legislature of West Virginia:

Section 1. That the chief of the department of mines is hereby authorized, with the approval of the state board of control, to purchase, equip and operate for the use of said department a mine rescue car. Such car shall be fully equipped with life saving apparatus and appliances suitable for use in cases of mine disaster. It shall be stationed at Charleston when not in active use, and the chief of the department of mines shall make all necessary arrangements for haulage and operation of such car, so that the same may be hauled over the lines of any railroad and may reach the scene of any mine disaster with the utmost promptitude.

Sec. 2. Such mine rescue car may also be equipped and used, under such rules and regulations as may be prescribed by the chief of the department of mines, for educational purposes and for training in rescue work among the mine workers in this state, such as shall tend to conserve human life and property, in the mining industry of West Virginia.

Sec. 3. The chief of the department of mines shall appoint, subject to the approval of the governor of the state, a director of rescue work to have charge of the operation of said mine rescue car. Such director shall be a man possessed of the same qualifications as those required for the office of chief of the department of mines, as prescribed in section four of chapter ten of the acts of one thousand nine hundred and fifteen; and, in addition thereto, he shall have had thorough training in mine rescue work and extended experience in the rescue work of mine disasters in this state. The term of office of said director shall be
10 the same as the district mine inspectors, as provided for in sec-
11 tion seven of chapter ten of the acts of one thousand nine hundred
12 and fifteen. The salary of said director shall be two thousand four
13 hundred dollars per annum and actual traveling expenses. Such
14 salary and expenses shall be paid monthly out of the state treas-
15 ury, upon approval of the chief of the department of mines, and
16 provision for such salary and expenses shall be made in the an-
17 nual budget of the department of mines.

Sec. 4. There is hereby appropriated to carry out the pro-
2 visions of this act, for the year ending June thirty, one thous-
3 and nine hundred and eighteen, the sum of thirty thousand dol-
4 lars, and for the year ending June thirty, one thousand nine hun-
5 dred and nineteen, the sum of five thousand dollars. The sums
6 thus appropriated shall be paid out of the state treasury upon
7 requisitions on the state auditor, properly certified by the chief
8 of the department of mines.

CHAPTER 48.

(Senate Bill No. 60.)

AN ACT to amend and re-enact section thirty-one of chapter one
hundred and sixty of the acts of one thousand eight hundred
and eighty-two relating to the authority to take affidavits or ad-
minister oaths. Being section thirty-one chapter one hundred
and thirty of the code.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the
Governor February 28, 1917.]

Sec. 31. Authority of various officers designated to administer oaths and
take affidavits; officers of another state have authority to administer
oaths and take affidavits; official seal to be annexed, or to
be authenticated by other officer under seal, inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section thirty-one of chapter one hundred and sixty of the
acts of one thousand eight hundred and eighty-two, being section
thirty-one chapter one hundred and thirty (serial section four thou-
sand and eight hundred and eighty-seven of the code) be amended and
re-enacted so as to read as follows:

Authority to Take Affidavits or Administer Oaths.

Section 31. In any case in which an oath might be ad-
2 ministered by, or an affidavit made before, a justice, the same
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3 may be done by or before a county commmissioner, notary public, 4 or a commissioner appointed by the governor, or by a court or 5 the clerk thereof; or in case of a survey directed by a court in a 6 case therein pending, by or before the surveyor directed to exe- 7 cute said order of survey. An affidavit may also be made before 8 any officer of another state or country authorized by its laws to 9 administered an oath, and shall be deemed duly authenticated if 10 it be subscribed by such officer, with his official seal annexed, 11 and if he have none, the genuineness of his signature, and his 12 authority to administer an oath, shall be authenticated by some 13 officer of the same state or country under his official seal.

All acts and parts of acts inconsistent herewith are hereby 15 repealed.

CHAPTER 49.
(Senate Bill No. 61.)

AN ACT to amend and re-enact section two of chapter sixty-seven of 2 the acts of one thousand eight hundred and eighty-three relating to forms of releases and acknowledgments. (Being section two of chapter seventy-six of the code of one thousand nine hundred and thirteen.)

[Passed February 17, 1917. In effect ninety days from passage. Became a law without the Governors approval.]

Sec. 2. Form and effect of releases and their acknowledgments: I. In case of mortgage or deed of trust: II. In case of lien for purchase money; III. In case of judgment or decree; provision as to assignment of lien. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two of chapter sixty-seven of the acts of one thousand eight hundred and eighty-three (being section two of chapter seventy-six serial section three thousand eight hundred and fifty-nine of the code), be amended and re-enacted so as to read as follows:

Section 2. Releases and their acknowledgments may be in form or effect as follows:

1 I. In case of a mortgage or deed of trust: “I, A............. 2 B............., hereby release a mortgage (or deed of trust) made 3 by C............. D............. to me (or to E............. 4 F............., my trustee, or to ............., and assigned to 5 me) dated the ....... day of ............., 19....,
CHAPTER 50.

(Senate Bill No. 62.)

AN ACT providing for semi-monthly pay days by railroads.

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

Section 1. Every railroad company authorized to do business in this state shall on or before the first and fifteenth day of each month pay employees; when absent what to be done; penalty for violation.

Section 2. Unlawful for railroad to make an agreement for longer intervals; certain agreements null and void; right of action to whom; may withhold from wages assessments due relief department.

Be it enacted by the Legislature of West Virginia:

Section 1. Every railroad company authorized to do business by the laws of the state of West Virginia, shall, on or before the first day of each month, pay the employees thereof the wages

8 recorded in the office of the clerk of the county court of
9 county, West Virginia, in deed book ......, page ...... (to be
10 signed) A............ B............ Acknowledged before the
11 subscriber, this ...... day of ................ ; (to be signed)
12 G............ H............ , justice, (or clerk of the county court,
13 notary public, etc., as the case may be.)
14 II. In case of a lien for purchase money, reserved by con-
15 veyance: “I, A............ B............ , hereby release the right
16 reserved to me in a conveyance executed by me (or myself and
17 wife) to C............ D............ , dated the ...... day of
18 ................ , etc., (as in the preceding form.)
19 III. In case of a judgment or decree: “I, A............
20 B............ , hereby release a judgment (or decree) in my favor,
21 (or in favor of I............ K............ , which has been as-
22 signed to me; or in favor of I............ K............ for my
23 use) against C............ D............ , for (stating the amount)
24 with interest and cost, rendered by (stating the court by which,
25 or the justice by whom it was rendered, and the term or date at
26 which it was rendered, to be signed and acknowledged as above.)
27 Provided, That if any such lien shall have been assigned,
28 when the same is released, the assignee thereof shall unite with
29 the assignor in the release.
30 All acts and parts of acts inconsistent herewith are hereby
31 repealed.
4 earned by them during the first half of the preceding month, ending with the fifteenth day thereof; and on or before the fifteenth day of each month, pay the employees thereof the wages earned by them during the last half of the preceding calendar month; provided, however, that if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due and the proper mailing in the United States post office of such payment in time to reach the usual post office of the employee by the time aforesaid in the usual course of the mails, shall be a compliance with this act. Any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of twenty-five dollars for each violation of this act, which shall be proved to be recoverable in any court having jurisdiction, by suit, in the name of the state, to be instituted by the prosecuting attorney, upon complaint of the party injured by such violation, and in the county of his residence, and all penalties so recovered shall be paid into the general school fund of the state: and provided, that suit must be commenced within sixty days from the date such wages became payable according to the tenor of this act.

Sec. 2. It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section one of this act; except it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defence to the suit for the penalty provided for in section one, of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this state; provided, that nothing in this act shall be so construed as to interfere with the right to withhold from the wages of the employees all assessments becoming due to any relief department, hospital association, savings department, or any other department or association maintained by any such railroad company or its employees.
CHAPTER 51.
( Senate Bill No. 65.)

AN ACT relating to desertion or non-support of wife and children, providing punishment therefor, directing payment for support of wife or children, and authorizing extradition of persons accused of its violation.

[Passed February 15, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

SEC.
1. Any husband or parent who shall wilfully neglect or refuse to provide for his wife or children guilty of a misdemeanor: penalty: what money to be paid to wife or child.
2. Where proceedings may be instituted: form of complaint: duty of clerk: form of warrant.
3. Temporary order may be issued before trial.
4. Orders may be made directing certain sums to be paid to the wife and children: recognizance may be taken.
5. The court may proceed with trial when: what to do in case of forfeiture of recognizance.
6. What necessary to prove marriage: husband and wife competent witness against each other; prima facie evidence.
7. Where offence is committed: county court to provide funds for extraditing.
8. Interpretation of this act.
9. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any parent who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her (legitimate or illegitimate) child or children, under the age of sixteen years, in destitute or necessitous circumstances, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year with hard labor, or both; and if a fine be imposed and not paid, the court may also direct the county court to cause such husband or parent to labor on the roads or other public improvements of the county, for which it shall allow the sum of not less than fifty cents or more than one dollar per day, (but such allowance shall not be construed as a fine or part of the sentence of the court), and such allowance shall be paid by the county court to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children, as the circuit court may order.

Sec. 2. Proceedings under this act may be instituted upon complaint made under oath or affirmation by the wife or child or children, or by any other person. Juvenile courts shall have
original and concurrent jurisdiction with circuit, intermediate
and criminal courts, in all cases arising under this act.

The complaint mentioned in this section shall be sufficient
if it be in form or effect as follows:

State of West Virginia,

County of .................., to-wit:

upon oath complains that on the
day of .................., 19.., and from said
date to the date of this complaint, in the said county,
did without just cause (here state
some one or more of the grounds mentioned in section one of
this act) and the said therefore prays
that the said may be apprehended and
held to answer the said complaint, and dealt in relation thereto
as the law may require.

On the day of ............... 19...,
the said made oath to the truth of the
foregoing complaint before the undersigned.

Judge
of the Court of ..................

County, West Virginia.

The clerk shall enter said complaint in the record book of the
juvenile court of said county, and the court or judge thereof in
vacation, shall make an order reciting the grounds of the com-
plaint, for the arrest of the person against whom said complaint
is made and shall issue a warrant directed to the sheriff of said
county for the apprehension of such person, and said warrant
shall be sufficient if in form or effect as follows:

State of West Virginia,

County of .................., to-wit:

To the sheriff of said county:

Whereas of said county, has
this day made complaint and given information on oath before
the undersigned, that of said county,
on the day of ............... 19.., and
from said date to the date of said complaint, in said county, did
without just cause (here set out the grounds mentioned in said
complaint). These are therefore, in the name of the state of
West Virginia, to command you forthwith to apprehend and
bring said into court or before the
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judge thereof in vacation, to answer the said complaint, and to be
further dealt with according to law.

Given under my hand this ............. day of.............

19...

................................., Judge
of the ............................ court of
County, West Virginia.

Sec. 3. At any time before the trial, upon petition of the
complainant and upon notice to the defendant, the court or a
judge thereof in vacation, may enter such temporary order as
may seem just, providing for the support of the deserted wife or
children, or both pen dente lite, and may punish for violation of
such order as for contempt.

Sec. 4. Before the trial, with the consent of the defendant;
or at the trial, on entry of a plea of guilty; or after conviction,
instead of imposing the penalty hereinbefore provided, or in
addition thereto, the court in its discretion, having regard to
the circumstances, and to the financial ability or earning capacity
of the defendant, shall have the power to make an order, which
shall be subject to change by the court from time to time, as cir-
cumstances may require, directing the defendant to pay a certain
sum periodically to the wife, or to the guardian, curator or cus-
todian of the said minor child or children, or to an organiza-
tion or individual, approved by the court as trustee, and to release
the defendant from custody on probation, upon his or her en-
tering into a recognizance, with or without surety, in such sum
as the court or a judge thereof in vacation may order and ap-
prove. The condition of the recognizance shall be such that if
the defendant shall make his or her personal appearance in court
whenever ordered to do so, and shall further comply with the
terms of such order of support, or of any subsequent modification
thereof, then such recognizance shall be void, otherwise in full
force and effect.

Sec. 5. If the court be satisfied by information and due
proof under oath that the defendant has violated the terms of
such order, it may forthwith proceed with the trial of the de-

defendant under the original charge, or sentence him or her under
the original conviction, or enforce the suspended sentence, as the
case may be. In case of forfeiture of a recognizance, and en-
forcement thereof by execution, the sum recovered may, in the
discretion of the court, be paid in whole or in part to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children, as the court may order.

Sec. 6. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage, and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances, or neglect or refusal to provide for the support and maintenance of such wife, child or children shall be prima facie evidence that such desertion, neglect or refusal is wilful.

Sec. 7. An offense under this act shall be held to have been committed in any county in which such husband, parent, wife, child or children may be at the time such complaint is made. It shall be the duty of the county court, in any case in which application is properly made by the officers responsible for the execution of the law, to provide the funds necessary for extraditing any person, charged with an offense under this act, who has gone to another state.

Sec. 8. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 9. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 52.

(Senate Bill No. 79.)

AN ACT for the protection of patients by prohibiting the division of fees of physicians and surgeons with other persons.

[Passed February 10, 1917. In effect ninety days from passage. Approved by the Governor February 16, 1917.]
Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any physician or surgeon in this state to directly or indirectly divide, or agree to divide, any fee or compensation of any sort whatsoever, charged for a surgical operation or for medical services, with any other physician, surgeon or other person, who brings, sends or recommends a patient to such surgeon or physician for treatment, without express knowledge and consent, previously had, of the person paying such fee or compensation, or against whom the same may be charged.

Sec. 2. It shall be unlawful for any physician, surgeon or other person residing in this state to accept any fee or any compensation from any other surgeon, physician or other person not residing in this state for taking, sending or recommending a patient for treatment to such non-resident physician, surgeon or other person.

Sec. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars for each offense: and, in the discretion of the court or judge, may be imprisoned in the county jail not to exceed twelve months in addition to said fine.

Sec. 4. If any person shall be convicted of a second offense under the provisions of this act, the state board of health shall revoke the certificate licensing such person to practice medicine, surgery or osteopathy in this state, as provided in section ten of chapter one hundred and fifty of the code of West Virginia.

CHAPTER 53.

(Senate Bill No. 82.)

AN ACT to regulate the carrying on of business under an assumed or fictitious name.

[Passed February 23, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]
Be it enacted by the Legislature of West Virginia:

Section 1. No person or persons shall hereafter carry on or conduct or transact any mercantile business in this state under any assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals owning, conducting or transacting such business, unless such person or persons shall file in the office of the clerk of the county or counties in which such person or persons own, conduct, or transact, or intend to own, conduct or transact such business, or maintain an office or place of business, a certificate setting forth the name under which such business owned is, or is to be conducted, or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the home and postoffice address or addresses of said person or persons. Said certificate shall be executed and duly acknowledged by the person or persons so owning, conducting or intending to conduct said business.

Provided, that the selling of goods by sample or through traveling agents or traveling salesmen or by means of orders forwarded by the purchaser through the mails, shall not be construed for the purpose of this act as conducting or transacting business so as to require the filing of said certificates.

Sec. 2. Persons now owning or conducting such business under an assumed name or under any such designation referred to in section one, shall file such certificate as hereinbefore prescribed, within thirty days after this act shall take effect; and persons hereafter owning, conducting or transacting business as aforesaid, shall, before commencing said business, file such certificate in the manner hereinbefore prescribed.

Sec. 3. The several county clerks of this state shall keep an alphabetical index of all persons filing certificates, provided for herein, and for the indexing and filing of such certificates, they shall receive a fee of twenty-five cents. A copy of such certificate duly certified by the county clerk in whose office the same has
6 been filed shall be presumptive evidence in all courts of law in
7 this state of the facts therein contained.

Sec. 4. This act shall in no way affect or apply to any
2 corporation, partnership association, limited or special partnership
3 duly organized under the laws of this state, or to any corporation
4 organized under the laws of any other state and lawfully doing
5 business in this state.

Sec. 5. Any person or persons owning, carrying on or con-
2 ducting or transacting business as aforesaid, who shall fail to
3 comply with the provisions of this act, shall be guilty of a mis-
4 demeanor, and upon conviction thereof shall be punished by a
5 fine of not less than twenty-five dollars, nor more than one hun-
6 red dollars, or by imprisonment in the county jail for a term not
7 exceeding thirty days, or by both such fine and imprisonment, in
8 the discretion of the court. And each day any person or persons
9 shall violate any provision of this act shall be deemed a separate
10 offense.

CHAPTER 54.

(Senate Bill No. 93.)

AN ACT to amend and re-enact section eleven of chapter one hun-
dred and fifty of the code of West Virginia, relating to prelimin-
ary education and fees for medical licensure.

[Passed February 12, 1917. In effect ninety days from passage. Approved by the
Governor February 23, 1917.]

Sect. 11. Applicant to furnish proof as to educational training; examinations; fees; re-examination.

Be it enacted by the Legislature of West Virginia:

That section eleven of chapter one hundred and fifty of the code of West Virginia be amended to read as follows:

Section 11. Every applicant for licensure after the first day
2 of January, one thousand nine hundred and twenty-one, shall
3 furnish prior to any examination satisfactory proof to be passed
4 upon by the state department of schools, that he has had a gen-
5 eral education of not less than that given by a standard four-year
6 high school course or its equivalent, and not less than one year
7 of college credits in chemistry, biology and physics, all of which
8 shall have been received before admission to medical study; pro-
9 vided, that the state department of schools may accept as satis-
factory proof of preliminary education a certificate of pre-medical
preliminary education from any state whose requirements are
equal to those herein provided, in lieu of original school and
college credentials, and shall pay to the public health council a
fee of ten dollars, which fee shall not be returned to him if a
certificate is refused him, but he may present himself for re-
examination at any future examination, within a year, without
the payment of any additional fee, and if a certificate be again
refused him, he may as often as he sees fit thereafter, on the pay-
ment of a fee of ten dollars, be examined as herein provided, until
he obtains such certificate.

All other persons who shall be granted a license to practice
medicine in this state under the provisions of section nine of this
chapter, shall pay a fee of not less than twenty-five dollars to the
public health council.

Section twelve of chapter one hundred and fifty of the code
of one thousand nine hundred and six is hereby repealed.

CHAPTER 55.
(Senate Bill No. 95.)

AN ACT to amend and re-enact section four of chapter ninety-six,
serial section number four thousand one hundred and sixty-three,
of the code of West Virginia, one thousand nine hundred and
thirteen, fixing the rate of interest that may be charged for the
loan or forbearance of money or other thing.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor’s approval.]

SEC. 4. Legal rate of interest.

Be it enacted by the Legislature of West Virginia:

That section four of chapter ninety-six, serial section number four
thousand one hundred and sixty-three, of the code of West Virginia,
one thousand nine hundred and thirteen, fixing the rate of interest
that may be charged for the loan or forbearance of money or other
thing, be amended and re-enacted so as to read as follows:

Section 4. Legal interest shall continue to be at the rate
2 of six dollars upon one hundred dollars for a year, and propor-
tionably for a greater or less sum, or for a longer or shorter time,
4 and no person upon any contract, shall take for the loan or for-
bearance of money, or other thing, above the value of such rate.
6 Provided, a charge of one dollar may be made for any loan or for-
7 bearance of money or other thing, where the interest at the rate
8 aforesaid would not amount to that sum, and the same shall not
9 be a usurious charge or rate of interest.
10 All acts or parts of acts coming within the purview hereof,
11 or inconsistent herewith, are hereby repealed.

CHAPTER 56.

(Senate Bill No. 96.)

AN ACT to amend and re-enact sections twelve, twenty-two, thirty-
two, thirty-seven and forty, and to repeal section thirty-three of
an act of the legislature of West Virginia, entitled "An act for
the incorporation of savings banks", passed February twenty-
first, one thousand eight hundred and eighty-seven, and to amend
and re-enact sections six and seventeen of the last mentioned
act as amended and re-enacted by an act of the said legislature,
entitled, "An act to amend and re-enact sections five, six, seven,
seventeen, twenty-nine and thirty-four, and to repeal section
twenty-eight of an act of the legislature of West Virginia, enti-
tled 'An act for the incorporation of savings banks, passed
February twenty-first, one thousand eight hundred and eighty-
seven.'" Said amending act being passed February twenty-four,
one thousand eight hundred and ninety-nine, and being chapter
forty-five of the acts of the legislature of one thousand eight
hundred and ninety-nine, regular session.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

17. Trustees shall invest the deposits: securities.
22. No certificates of deposit to issue: dividends: pass book: when a
duplicate may issue.
32. Special meeting of trustees: notice.
40. Laws governing.

Be it enacted by the Legislature of West Virginia:

That sections twelve, twenty-two, thirty-two, thirty-seven and forty,
of an act of the said legislature, entitled, "An act for the incorpora-
tion of savings banks", passed February twenty-first, one thousand
eight hundred and eighty-seven, and sections six and seventeen of
the last mentioned act as amended and re-enacted by an act of the
said legislature, entitled, 'An act to amend and re-enact sections five,
six, seven, seventeen, twenty-nine and thirty-four, and to repeal sec-
tion twenty-eight of an act of the legislature of West Virginia, enti-
tled, "An act for the incorporation of savings banks", passed February
twenty-first, one thousand eight hundred and eighty-seven, (said last
named amending act being passed February twenty-fourth, one thou-
sand eight hundred and ninety-nine, and being chapter forty-five of
the acts of said legislature at the regular session of one thousand
eight hundred and ninety-nine), be amended and re-enacted so as to
read as follows:

Section 6. The said board of trustees shall elect from their
number a president and vice-president, and appoint such com-
mittees as they shall see fit, and from their number or otherwise
shall appoint a treasurer and such clerks, agents or employes of
the corporation as in their judgment shall be necessary for the
conduct of the corporation's business, and make such by-laws,
rules and regulations as they may think proper for the general
conduct of the business of the corporation, not inconsistent with
the constitution and laws of the United States or of this state.

Sec. 12. No trustee shall receive any compensation for his
services as trustee, except as hereinafter provided; nor shall he
be liable for any loss, except such as may happen from his negli-
gence, willful or corrupt misconduct.

It shall be lawful for the trustees of any such savings bank
to receive such reasonable compensation, when acting as officers
or agents of the corporation, as the majority of the trustees of
the corporation shall by resolution prescribe for specified duties
to be performed, such resolutions being approved by the judge,
or judges, of the circuit court of the county in which the said
savings bank is located; but it shall not be lawful to pay such
trustees, as such, for their attendance at meetings of the board.

Sec. 17. The trustees of any such savings bank shall invest
the deposits of the bank and the income derived therefrom only
as follows:

First—In the first mortgage or deeds of trust on real estate
situate in this state, or in states contiguous thereto, such real
estate in another state not being situated at a distance exceeding
fifty miles from such bank, to an amount not to exceed sixty
per cent of the valuation of such real estate; and no loan on
real estate security shall be made except upon the report of not
less than two members of the board of trustees who shall certify
to the value of the premises to be encumbered, according to their
best judgment, and such report shall be filed and preserved with
the records of the corporation.
Second—In bonds or securities of the United States, or of
any state, or of any county, magisterial district, independent school
district, or other school district, city, town or village in this state,
or in any bonds for which the faith of the United States is
pledged; or in the notes of any citizen of this state, with a pledge
of any of the aforesaid securities at no more than eighty per-
cent of the market value and not exceeding the par value thereof.
Third—In the notes of any citizen of this state with a pledge
as collateral of the stock of any bank or banking association in-
corporated under the authority of this state or of the United
States at no more than eighty per-cent of the market value and
not exceeding the par value thereof; provided, that such corpora-
tion shall not hold as security for loans more than one-quarter of
the capital stock of any one bank, or banking association. Savings
banks may deposit not to exceed twenty per cent of their deposits,
on call, in such banks or banking associations, and may receive
interest for the same.
Fourth—In loans upon personal notes of the depositors of
the corporation, but not exceeding the amount of his deposit to
a depositor; and in such cases the deposit and book of the de-
positor shall be held by the corporation as collateral security for
the payment of the loan.
Fifth—If such deposit and income cannot be conveniently
invested, not exceeding one-third part thereof may be invested in
bonds or other personal securities, payable at a time not exceed-
ing one year, with at least two sureties, if the principal and sureties
are all citizens of this state and resident therein.
Sixth—Fifteen per cent of the deposits of any such corpor-
ation, but not exceeding one hundred thousand dollars, may be
invested in the purchase of a suitable site and the erection or
preparation of a suitable building for the convenient transaction
of its business; and from portions of which, not required for its
own use, a revenue may be derived.
Seventh—Any such corporation may take real estate, stocks,
bonds and securities in payment in whole or in part of any debt
bona fide owing to it, or may purchase the same if deemed neces-
sary to secure or obtain payment of any such debt in whole or in
part; and may manage, use and dispose of what has been taken or
purchased as a natural person might do; but all taxes, foreclosure
Sec. 22. No savings bank organized under this act, shall make or issue any certificate of deposit, or pay any interest on a deposit, except semi-annual dividends, nor pay any interest or portion of a deposit or check, drawn upon itself by any depositor, unless the passbook of the depositor be produced and proper entry be made therein at the time of the transaction; provided, however, that when any passbook issued by any such savings bank has been lost or destroyed, the person in whose name such book was issued, or his legal representatives, may make written application to the bank which issued such passbook for payment of the amount of the deposit represented by said book, or for the issuance of a duplicate book therefor, and shall give public notice of such application by advertising the same at least once a week for three weeks successively in a newspaper published in the city, town or village in which such bank is located; or if no newspaper be published in said city, town or village, in a newspaper having a circulation in said city, town or village. If said book shall not be presented to said bank within three months after the date of the first advertisement, as aforesaid, said bank shall, upon proof that there has been given as herebefore provided, pay the amount due on said book or issue a duplicate therefor, and upon such payment or delivery of a new book all liability of the bank on account of the original book shall terminate.

Notwithstanding anything hereinbefore contained, any such bank may, in any case, at its treasurer's discretion, pay or cause to be paid to the owner the amount due on a lost or destroyed book issued by the bank, or issue a duplicate therefor to such owner, taking from the owner of the lost or destroyed book such security or indemnity to the bank, as the treasurer may deem sufficient, against loss, damages, expenses and costs in anywise arising to the bank from or by reason of such payment or issuance of such duplicate, and waiving the publication of such notice.

Sec. 32. Every such corporation may, at any time, hold special meetings of its trustees; and its treasurer shall also give notice of such special meetings upon the requisition in writing of the president or any three trustees. Notice of all meetings shall be given by mailing to each trustee a written or printed notice of such meeting at least a day before the meeting.
Sec. 37. The trustees of any such corporation may at any time, in any annual meeting, or meeting called for the purpose, resolve to discontinue the business of the corporation, a majority of all the trustees being present and voting in favor of such discontinuance; and may divide among the depositors, in proportion to their respective interests therein, the property and assets that may remain after paying all debts and liabilities of the corporation. Public notice of such resolution shall be immediately given by advertisement in some newspaper or newspapers of general circulation in the county where such savings bank is located, once a week for six successive weeks at least, before any dividend of the funds of the corporation shall be made; and the said resolution shall be forthwith certified by the president under his hand and the common seal of the corporation, to the secretary of state, who shall preserve the same in his office, and deliver a copy to the clerk of the house of delegates, to be printed and bound with the acts of the legislature.

Sec. 40. Savings banks incorporated under this act shall be subject to the provisions of the fifty-second, fifty-third, fifty-fourth and fifty-fifth chapters of the code so far as the same are applicable, and not inconsistent with anything hereinafter contained.

Section thirty-three aforesaid is hereby repealed.

CHAPTER 57.

( Senate Bill No. 102.)

AN ACT to require all bonds which are authorized by vote of the people, the payment whereof is by taxation, to be submitted to the attorney general for his approval or disapproval of the validity thereof; making all such bonds so approved valid, incontestable and binding; and providing a proceeding in the supreme court of appeals to annul, affirm or modify the approval or disapproval by the attorney general of any such bonds.

[Passed February 8, 1917. In effect ninety days from passage. Approved by the Governor February 16, 1917.]
SEC. 1. Bonds authorized by taxation to be submitted to attorney general before being sold; when bonds shall be transmitted to attorney general; certified copy of proceedings; attorney general may certify approval or disapproval; shall keep record of findings; open to inspection.

SEC. 2. Shall give notice of approval or disapproval; how notice shall be given.

SEC. 3. When bonds shall be valid and binding; right of person aggrieved to petition supreme court of appeals; court or judge may hear and determine; method of procedure; bond required for costs; notice given attorney general of action of court; how to proceed in hearing of case; court to enter order; hearing to have precedence.

SEC. 4. How expense incurred by attorney general in connection with bond issue shall be paid.

Be it enacted by the Legislature of West Virginia:

Section 1. Whenever any county, district, school district or independent school district, municipality, or any other political division or divisions shall create bonded indebtedness the payment whereof is made by taxation, the bonds shall be submitted to the attorney general for his approval or disapproval of the validity thereof, before being sold, advertised or offered for sale.

Within two weeks from the time the result of an election authorizing the issuance of said bonds shall have been officially ascertained and certified as provided by law, the authority so issuing such bonds shall transmit them to the attorney general with a duly certified copy of all the orders, proclamations, notices, advertisements, affidavits, and records and of all its proceedings connected with or pertaining to said bond issue. The attorney general shall thereupon either approve or disapprove the validity of said bonds and attach to or stamp thereon his certificate to the effect that said bonds have been approved or disapproved, as the case may be, by virtue of the authority of this act. He shall keep on file in his office all of the papers pertaining to any bond issue submitted to him and shall record his findings of approval or disapproval in a well bound book kept for that purpose in his office, which shall be open to the inspection during business hours, of any person in interest.

Sec. 2. Upon approving or disapproving any such bonds the attorney general shall immediately notify the public corporation, which authorized the bond issue, of his action either by mail or telegram or both, and shall as soon as can be done, notify the people in the political division subject to taxation for the payment of said bonds, of his approval or disapproval by notice published once a week for two successive weeks in two newspapers of opposite politics, if there be any, published therein, or if no newspaper be published in said political division, then in some newspaper which is of general circulation therein.
Sec. 3. After ten days shall have elapsed from the day of
the last publication of the notice to the taxpayers by the attorney
general as provided for in section two, the said bonds, the validity
of which have been approved by the attorney general, shall then
become incontestable, and shall be valid and binding obligations
upon the authority issuing the same and upon the taxable prop-
erty within the political division which authorized the bonds by
the vote of the people therein, and the validity thereof shall not
be contested thereafter in any court of law or equity; provided,
however, that any person in interest, or any taxpayer within said
political division, feeling aggrieved by the action of the attorney
general in approving or disapproving the validity of such bonds,
may within ten days after the date of the last publication of the
notice to the taxpayers provided for in section two (but not after
said ten days) present his or its petition to the supreme court of
appeals or to a judge thereof in vacation, praying that the action
of the attorney general in approving or disapproving as afore-
said, be reversed or modified; and if said court, or a judge there-
of in vacation, be of the opinion to hear and determine the mat-
ters in said petition set out, the case shall be proceeded with as
in cases of original jurisdiction; but the petitioner shall file with
the clerk of the court a bond with security to be approved by him,
and in such sum as the court or judge may fix, for the payment
of such costs as may be awarded against him in said court. The
clerk of the court shall forthwith notify the attorney general of
any action taken by the court or judge in vacation upon such
petition; and for the hearing thereof the attorney general shall
file with the clerk of said court all papers, documents, evidence
and records, or certified copies thereof, which were before him
and on which he based his approval or disapproval; and before
the day fixed for final hearing he shall file with the clerk of said
court a written statement of his reasons for the approval or dis-
approval of the bonds. Upon the submission of the case, the
court shall decide the matters in controversy and enter such order
thereon as to it may seem to be just; but hearings upon such
cases shall have precedence over those arising upon appeals and
writs of error.

Sec. 4. The costs of publishing the notice to taxpayers
directed to be made in section two, and the costs of certifying and
copying all records, papers, and proceedings to be used by the
attorney general in passing upon the validity of such bonds, and
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5 all necessary expense incurred by the attorney general in connection with any bond issue shall be paid by the authority issuing 7 such bonds, and shall be charged by it as a part of the expense of 8 such bond issue, and paid by the authority issuing said bonds 9 out of the proceeds arising from the sale thereof, if the same be 10 finally approved; and if the same be finally disapproved, such 11 expense shall be paid out of the general funds of such authority.

CHAPTER 58.

( Senate Bill No. 116.)

AN ACT to amend and re-enact section fourteen of chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, and sections twenty-nine and thirty-one of chapter seven, acts of the legislature of one thousand nine hundred and fifteen, being sections fourteen, twenty-nine and thirty-one of chapter thirty-two-\(a\) Barnes code of West Virginia, one thousand nine hundred and sixteen, all 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, acts of the legislature of one thousand nine hundred and thirteen, as amended by acts of the regular session of the legislature of one thousand nine hundred and fifteen, and the second extraordinary session of the legislature of one thousand nine hundred and fifteen, by enacting as additional thereto two sections, to be numbered sections thirty-five and thirty-six, inclusive, as parts thereof, and said sections to be numbered thirty-five and thirty-six, inclusive, as parts of said chapter thirty-two-\(a\), Barnes code of West Virginia, one thousand nine hundred and sixteen.

[Passed January 31, 1917. In effect ninety days from passage. Approved by the Governor February 14, 1917.]

Sec. 14. Houses where intoxicating liquors are manufactured, stored, or furnished contrary to law, deemed nuisances; boats and vehicles where liquors are kept, deemed nuisances; such places may be proceeded against by suits; to maintain such nuisances, a misdemeanor; penalty.

Sec. 29. Duty of mayor or police to enforce laws; failure to discharge duty, cause of removal from office; removal made by circuit court of county; how charges shall be made and summons issued; court to hear charges without jury; if proof satisfactory, to remove officer; records to be in
Be it enacted by the Legislature of West Virginia:

That section fourteen of chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, and sections twenty-nine and thirty-one of chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, being sections fourteen, twenty-nine and thirty-one of chapter thirty-two-a Barnes code of West Virginia one thousand nine hundred and sixteen, all 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, be amended and reenacted so as to read as hereinafter set out; and that said chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, as amended by acts of the regular session of the legislature of one thousand nine hundred and fifteen and the second extraordinary session of the legislature of one thousand nine hundred and fifteen be and is hereby further amended by enacting as additional thereto two sections, to be numbered sections thirty-five and thirty-six, inclusive, as parts thereof, as hereinafter set out, and said sections to be numbered thirty-five and thirty-six, inclusive, as parts of said chapter thirty-two-a.

Section 1-1. All houses, boat-houses, buildings, club rooms, 2 and places of every description, including drug stores, where in-3 toxicating liquors are manufactured, stored, sold or vended, given 4 away, or furnished in any way contrary to law (including houses 5 in which clubs, orders, or associations, shall barter, give away, 6 distribute, or dispense, intoxicating liquors to their members by 7 any means or device whatever, as provided in section six of this 8 act), shall be held, taken and deemed common and public nuisances. All boats, cars, automobiles, wagons, or vehicles of any 10 kind, where intoxicating liquors are had, kept or possessed for the 11 purpose of transporting, or carrying, in any way, contrary to 12 law, shall be held, taken and deemed common and public nuisances.
Boats, cars (including railroad and traction passenger cars operating in this state), automobiles, wagons, or vehicles of any kind, shall be held, taken and deemed as places within the meaning of this act, and may be proceeded against by suit in equity under the provisions of section seventeen. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail not less than thirty days nor more than six months for each offense, and judgment shall be given that such house, building, or any room therein, or other place, be abated or closed up as a place for the sale or keeping of such liquors contrary to law, as the court may determine.

Sec. 29. It is hereby made the duty of the mayor of a municipality, or the person acting as such, and the police of a municipality, to enforce the prohibition laws of the state within the municipality, independently of any ordinance, or want of ordinance of the municipality. If any mayor of a municipality, or the person acting as such, the municipal police, county, or district officer, shall fail, refuse or neglect to discharge any duty imposed upon him by law, prohibiting the manufacture, sale, keeping and storing for sale of intoxicating liquors, he shall be removed from office in the manner provided in this section. Such removal shall be made by the circuit court of the county wherein such officer resides. The charges against any such officer shall be reduced to writing, and entered of record by the court, and a summons shall thereupon be issued by the clerk of such court, containing a copy of the charges, and requiring the officer named therein to appear and answer the same on a day to be named therein, which summons may be served upon said officers in the same manner as a summons commencing an action may be served, and the service must be made at least five days before the return day thereof. And the court itself shall, without a jury, hear the charges, and upon satisfactory proof thereof, remove any such officer from the discharge of the duties of his office, and place the records, papers and property of his office in the possession of some other officer or person for safe keeping until the vacancy is filled. Any vacancy created under this section shall be filled in the manner required by law as to the county and district officers, and in the manner
prescribed by the charter or ordinance of the municipality. Any citizen of the county, district, or municipality, as the case may be, or the commissioners of prohibition, may prefer and prosecute to final judgment, charges for removal against any of the officers, including municipal police, mentioned in this section. The word "officer", as used herein, shall include and embrace municipal police. Either party shall have the right of appeal to the supreme court of appeals of the state from judgment of the circuit court.

Sec. 31. It shall be unlawful for any person to bring or carry into the state, during any period of thirty consecutive days, or carry from one place to another within the state, in any manner, whether in his personal baggage, or otherwise, more than one quart of intoxicating liquors for personal use. If any person shall bring, or carry into the state, during any period of thirty consecutive days, or from one place to another within the state, in any manner, whether in his personal baggage, or otherwise, more than one quart of intoxicating liquors for personal use, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and imprisoned in the county jail not less than two nor more than six months. And upon conviction of the same person for the second offense under this act, he shall be guilty of a felony, and be confined in the penitentiary not less than one nor more than five years; and it shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charges made by the grand jury is the first or second offense; and if it be a second offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of said second offense, and shall not be permitted to use his discretion in charging said second offense, or introducing evidence and proving the same on the trial.

It shall be unlawful for any carrier operating in this state to knowingly carry for a passenger, or knowingly permit a passenger to carry into the state, or from one place to another within the state, more than one quart of intoxicating liquors as personal baggage. But nothing contained in this section shall be construed as requiring a carrier to carry, or permit a passenger to carry into the state, or from one place to another in the state, any intoxicating liquors as personal baggage. If any carrier shall knowingly carry for a passenger, or knowingly permit a passenger
34 to carry into the state, or from one place to another within the
35 state, more than one quart of intoxicating liquors as personal
36 baggage, the carrier shall be deemed guilty of a misdemeanor, and
37 upon conviction thereof, shall be fined not less than two hundred
38 nor more than one thousand dollars. And a court of equity upon
39 showing that a carrier has knowingly carried for a passenger,
40 or knowingly permitted a passenger to carry into the state, or
41 from one place to another within the state, more than one quart
42 of intoxicating liquors as personal baggage, or through the want
43 of due caution and care, has carried for a passenger, or permit-
44 ted a passenger to carry into the state, or from one place to an-
45 other within the state, more than one quart of intoxicating liquors
46 as personal baggage, shall have jurisdiction to entertain such suit
47 and to enter such decree and take such proceedings as are pro-
48 vided for in section seventeen.

Sec. 35. The owner of any real estate shall have the right
2 to terminate any contract of lease or rent of such real estate and
3 demand and have possession thereof whenever the lessee, or any
4 sub-lessee, tenant, or sub-tenant, has been held by any court of
5 competent jurisdiction to have used the leased or rented prem-
6 ises in violation of any of the provisions of this chapter. And no
7 right to damages shall accrue thereby to the lessee, sub-lessee, ten-
8 ant, or sub-tenant.

Sec. 36. If any person holding a state or municipal license
2 to conduct a business requiring the payment to the state or
3 municipality of a license tax shall himself violate any of the
4 provisions of this chapter, or shall knowingly permit another to
5 violate any of the provisions of this chapter, in the premises
6 where such business is carried on, his license shall be cancelled.
7 Upon satisfactory showing to the county court, municipal council;
8 or other authority in lieu thereof, that issued the state or munici-
9 pal license, that the person holding such license has violated any
10 of the provisions of this chapter, or has knowingly permitted an-
11 other to violate any of the provisions of this chapter in the prem-
12 ises where the business of such license was carried on, the county
13 court, municipal council, or other authority in lieu thereof, shall
14 cancel the license issued to such person. Such showing may be
15 made by the state commissioner of prohibition, the prosecuting
16 attorney of the county, or mayor of the municipality wherein
17 the business was conducted, or any citizen thereof. No refund of the
18 tax for the unexpired license year shall be made. And no person
19 whose license has been cancelled under the provisions of this
20 section, shall be granted or permitted a state or municipal license
21 for the conduct of any business requiring the payment of a state
22 or municipal license during a period of two years thereafter.
23 And any state or municipal license issued to such person during
24 said period of two years by any licensing authority in the state,
25 shall be void and of no effect. The word "person," as used herein
26 shall mean and include any firm, partnership or corporation.
27 All acts and parts of acts inconsistent herewith are hereby
28 repealed.

CHAPTER 59.
(Senate Bill No. 134.)

AN ACT creating a board known as the state auditing board of
traveling expenses, prescribing its duties, and making certain
requirements respecting the expenditures of public moneys by
state officers and employes.

[Passed February 13, 1917. In effect ninety days from passage. Approved by the
Governor February 25, 1917.]

Sec. 1. State auditing board of traveling
expenses created; who constitute; officers; record.
1. The auditor shall not issue his
warrant unless.

Sec. 2. Claims shall not be paid for annual
dues, etc.
2. Expense accounts shall be itemized,
in triplicate, verified by affidavit.
3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. A board to be known as the state auditing board
2 of traveling expenses is hereby created. The governor, attorney
3 general and the secretary of state shall be ex-officio members of,
4 and constitute said board. The governor shall be president, and
5 the secretary of state shall be secretary. A minute record shall
6 be kept by said board in which shall be entered a record of all its
7 proceedings.

Sec. 2. It shall be unlawful for the state auditor to issue
2 his warrant in payment of any claim presented by a state officer
3 or employee for expenses incurred while traveling without the
4 state, unless, the trip is authorized and the claim is approved by
5 the state auditing board of traveling expenses; provided, how-
6 ever, the state auditor is authorized to issue his warrant in pay-
7 ment of claims of state officers or employees without the approval
8 hereinbefore required, for expenses incurred while traveling with-
CHAPTER 60.
(Senate Bill No. 145.)
AN ACT to authorize the laying of additional levies for the completion of a new court house in any county, or to make permanent repairs to any court house now in use and to complete the same under existing law.

[Passed February 19, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]
3 house now in use is in need of permanent repairs, and for which
4 the levies provided for in chapter ninety-two of the acts of the
5 regular session of one thousand nine hundred and fifteen will not
6 raise sufficient money, to complete such court house, or make
7 permanent repairs to any court house now in use, may, in addi-
8 tion to the levies provided for in the chapter aforesaid, lay a special
9 building levy for two years only, not to exceed thirty cents on the
10 one hundred dollars valuation on the taxable property in said
11 county, for the sole purpose of raising funds to complete such new
12 court house, or to make permanent repairs to any court house now
13 in use.

Sec. 2. All acts or parts of acts coming within the purview
2 of this act and in conflict therewith, are hereby repealed; provided,
3 however, that nothing in this act shall be construed to repeal the
4 provisions of chapter ninety-two of the acts of the regular session
5 of one thousand nine hundred and fifteen.

CHAPTER 61

(Senate Bill No. 190.)

AN ACT to amend and re-enact section three and section seventy of
chapter three of the code of one thousand nine hundred and
thirteen relating to elections by the people, and to provide for
the election of United States senators.

(Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.)

Sec. 1. Election of presidential electors, members of congress and United
States senators.

Sec. 2. Certificate, to whom sent; disposition of.

Be it enacted by the Legislature of West Virginia:

That section three and section seventy of chapter three of the code of
one thousand nine hundred and thirteen (serial sections eighteen
and ninety-two) be amended and re-enacted so as to read as follows:

Section 3. Electors of president and vice-president of the
2 United States, shall be chosen by the voters of the state, at the
3 elections to be held for the purpose, on the Tuesday next after
4 the first Monday in November, in the year one thousand eight
5 hundred and ninety-two, and every fourth year thereafter, and
6 at least sixty days before every such election, the governor, by
7 proclamation published in some newspaper in every county where
8 a newspaper is printed, shall give notice of the time of such election, and the number of electors to be chosen. And, on the Tuesday, next after the first Monday in November, one thousand eight hundred and ninety-two, and in every second year thereafter, or until the congress of the United States shall otherwise provide, there shall be elected a representative in the congress of the United States, for the term beginning on the fourth day of March next after the election, for every congressional district.

16 At the general election to be held on the Tuesday next after the first Monday in November, one thousand nine hundred and eighteen, and every sixth year thereafter, and on the Tuesday next after the first Monday in November, one thousand nine hundred and twenty-two, and every sixth year thereafter, there shall be elected a member of the United States senate, each for the term commencing on the fourth of March next succeeding his election. The names of candidates nominated for the office of United States senator shall be certified to and filed with the clerks of the circuit courts of the several counties, and the ballot commissioners of each county shall cause said names to be printed on the appropriate ballot in the same manner as is provided in this chapter for the certification and printing of the names of other candidates to be voted for by the electors of all the counties in the state.

Sec. 20. The separate certificates of the board of canvassers, made pursuant to the preceding section, shall be by them disposed of as follows: Of the certificates respecting the election for delegate or delegates, they shall transmit one to each person voted for as delegate, and shall transmit one to the secretary of state, who shall submit the same to the house, on the first day of the ensuing regular session, together with a list of the persons appearing thereby to be elected. Of the certificates respecting the election of senator, they shall transmit one to each person voted for as senator, and shall transmit one to the secretary of state, to be submitted by him to the senate, on the first day of the ensuing regular session, together with a list of persons appearing thereby to be elected. Of the certificates respecting the election of governor, auditor, treasurer, state superintendent of free schools and attorney general, one as to each of said offices, shall be sealed up and transmitted by said commissioners to the secretary of state endorsed on the envelope as follows: “Returns of the election for governor, auditor, treasurer, state superintendent
19 of free schools and attorney general.” The secretary of state shall deliver the same to the speaker of the house of delegates, on the first day of the next session of the legislature; and the speaker shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, which bodies shall, for that purpose, assemble in the hall of the house of delegates. The person having the highest number of votes for either of said offices, shall be declared duly elected thereto; but if two or more persons have an equal and the highest number of votes for the same office, the legislature shall, by a joint vote of the two houses, choose one of said persons for said office; and one of each of said last mentioned certificates, shall also be transmitted, under seal, to the governor, who shall immediately tabulate the vote in all the counties, for each office, and cause the same to be published in some newspaper published at the seat of government. Of the certificates respecting the election for United States senator, for judge of the supreme court of appeals, judge of a judicial circuit, representative in the congress of the United States, and electors of president and vice-president of the United States, respectively, the commissioners shall transmit one in each case to the person voted for, and one to the governor; and the governor shall ascertain who are elected, and make proclamation thereof. Of the certificates respecting the election of all county and district officers, one shall be transmitted to each person for whom votes were cast.

CHAPTER 62

(Senate Bill No. 102.)

AN ACT to amend and re-enact section fifty-seven of chapter twenty-nine of the code of West Virginia, as last amended and re-enacted by chapter eighty of the acts of one thousand nine hundred and seven of the regular session of the West Virginia legislature, Hogg’s code, one thousand nine hundred and thirteen, serial section nine hundred and forty-one, thereof, relating to property exempt from taxation.

(Passed February 21, 1917. In effect from passage. Became a law without the Governor’s approval.)

Sec. 37. Property exempt from taxation must be entered upon the assessors’ books with true and actual value but no taxes shall be levied upon the same.
Be it enacted by the Legislature of West Virginia:

That section fifty-seven of chapter twenty-nine of the code of West Virginia, as last amended and re-enacted by chapter eighty of the acts of one thousand nine hundred and seven of the regular session of the West Virginia legislature, relating to property exempt from taxation, be and the same is hereby amended and re-enacted so as to read as follows:

Section 57. All property, real and personal, described in this section, and to the extent herein limited, shall be exempt from taxation; that is to say: property belonging to the United States is exempt from taxation by or under state authority; property belonging exclusively to the state; property belonging exclusively to any county, district, city, village, or town in this state, and used for public purposes; property used exclusively for divine worship; parsonages, and the household goods and furniture pertaining thereto; cemeteries; property belonging to colleges, seminaries, academies, and free schools, if used for educational, literary or scientific purposes, including books, apparatus, annuities, money and furniture; public and family libraries; property used for charitable purposes, and not held or leased out for profit; all real estate not exceeding one-half acre in extent, and the buildings thereon, and used exclusively by any college or university society as a literary hall, or as a dormitory or club room, if not leased or otherwise used with a view to profit; all property belonging to benevolent associations, not conducted for private profit, and used exclusively for the purpose of moral and physical education; all books, furniture, apparatus and instruments belonging to such society; property belonging to any public institution for the education of the deaf, dumb or blind, or any hospital not held or leased out for profit; house of refuge, lunatic or orphan asylum; homes for children or for the aged, friendless or infirm, not conducted for private profit; fire engines and implements for extinguishing of fires, and property used exclusively for the safe keeping thereof, and for the meetings of fire companies; and all property on hand to be used in the subsistence of live stock on hand at the commencement of the assessment year, and dead victuals laid away for family use; but no property shall be exempt from taxation which shall have been purchased or procured for the purpose of evading taxation, whether temporarily holding the same over the first day of the assessment year or otherwise. Provided, however, that the prop-
35 erty, both real and personal, which is exempt from taxation by
36 this section shall be entered upon the assessors' books, together
37 with the true and actual value thereof, but no taxes shall be
38 levied upon the same or extended upon the assessors' books; and,
39 provided, further, that such exemption from taxation shall apply
40 to all property, including the principal thereof, and the income
41 therefrom, held for a term of years or otherwise under a bona
42 fide deed of trust, transfer or assignment, by a trustee or trus-
43 tees required by the terms of such trust to apply, annually, the
44 income derived from such property to education, religion, char-
45 ity and cemeteries, when not used for private purposes or
46 profit. Such transfer or assignment shall be in writing, and have
47 the approval of the state tax commissioner endorsed thereon; and
48 a copy thereof shall be filed in his office before such exemption
49 shall apply to the property embraced therein; and all books and
50 papers showing the collection and distribution of money
51 or property under or by virtue of any such trust shall be open
52 to the inspection of said commissioner, his deputies or assistants,
53 at all reasonable times. And, whenever from any cause, such
54 commissioner shall determine that any such trust is not bona
55 fide, or that it was created or is carried on for the purpose of
56 evading taxation, then he shall withdraw his approval thereof
57 by written notice served upon any trustee in such trust, and
58 thereafter all property covered by such trust shall be subject to
59 taxation; but any person beneficially interested may appeal from
60 any such decision of said commissioner to the circuit court of
61 the county wherein the trustee resides, and if such trustee re-
62 side outside the state of West Virginia, then to the circuit court
63 of the county wherein the seat of government is located; and
64 with the further right of appeal to the supreme court of appeals
65 by any party to the proceedings.

CHAPTER 63
(Senate Bill No. 105.)
AN ACT to amend sections two, three, five, six, fifteen, twenty-three,
twenty-five, twenty-seven, twenty-eight, thirty, forty-two, forty-
seven, forty-eight, forty-nine and fifty of chapter seventy of the
acts of one thousand nine hundred and fifteen, relating to the
care of dependent, neglected, or delinquent children.
Be it enacted by the Legislature of West Virginia:

That sections two, three, five, six, fifteen, twenty-three, twenty-five, twenty-seven, twenty-eight, thirty, forty-two, forty-seven, forty-eight, forty-nine, and fifty of chapter seventy of the acts of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

**Jurisdiction.**

Section 2. The circuit courts of this state shall have original 2 jurisdiction in all cases coming within the terms of this act, except that in counties where a court of common pleas or intermediate diate court having chancery jurisdiction has been or may be created, such court shall have exclusive original jurisdiction in all such cases, subject to appeal to the circuit court of such county; 7 provided, that in any county where there is a criminal court and no court of chancery jurisdiction other than the circuit court, 9 such criminal court, on the law side thereof, shall have concurrent jurisdiction with such circuit court as to all cases arising under 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. 14 The powers conferred by this act upon any court may be exercised by the judge thereof at chambers in vacation.

**Juvenile Courts.**

Sec. 3. The findings of the court shall be entered in a book or 2 books to be kept by the clerk for that purpose, and known as the 3 “Juvenile Record” and the court may for convenience be called 4 the “Juvenile Court.”

**Summons.**

Sec. 5. The summons shall require the person alleged to 2 have the custody of such child to appear with the child at the
time and place stated in the summons; and shall also require
4 all defendants to appear and answer the petition on the return
5 day of the summons. The summons shall be made returnable
6 at any time within twenty days after the date thereof to the
7 court or the judge in vacation, and may be served by the sheriff,
8 or by any duly appointed probation officer, even though such
9 officer be the petitioner. The return of such summons, with in-
10 dorsement of services by the sheriff or by such probation officer
11 in accordance herewith, shall be sufficient proof thereof.
12 Whenever it shall appear from the petition or from affidavit
13 filed in the cause that any named defendant resides or has gone
14 out of the state, or on due inquiry cannot be found, or is concealed
15 within this state or that his place of residence is unknown so
16 that process cannot be served on him, or whenever any person is
17 made defendant under the name or designation of "all whom
18 it may concern", the clerk shall cause publication to be made
19 twice in some newspaper of general circulation published in his
20 county, and if there be none published in his county, then in
21 a newspaper published in the nearest place to his county in this
22 state, which shall be substantially as follows:
23 A, B, C, D, etc. (here giving the names of such defendant,
24 if any), and to "all whom it may concern" (if there be any de-
25 fendant under such designation).
26 Take notice that on the......day of .......19...
27 a petition was filed by.....................in the...........
28 court of.........................county to have a certain child,
29 named .........................declared a dependent (or de-
30 linquent) and to take from you the custody and guardianship of
31 said child (and if the petition prays for the appointment of a
32 guardian with power to consent to adoption, and add,) "and to
33 give said child out for adoption."
34 Now, unless you appear within twenty days after the date
35 of this notice and show cause against such application, the peti-
36 tion shall be taken for confessed and a decree granted.
37 E. F., Clerk.
38 Dated (the date of publication).
39 And he shall also within ten days after the publication of
40 such notice send a copy thereof by mail, addressed to such de-
41 fendants whose place of residence is stated in the petition and
42 who shall not have been served with summons. Notice given by
43 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 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 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 times as by order of court or the judge in vacation 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 or before the judge in vacation, 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 or judge 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 or judge 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 or before said judge. 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 or before said judge 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 or judge shall proceed to hear evidence. The court or judge 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 or judge may continue the
85 hearing from time to time and may allow such child to remain in
86 the possession of its custodian or in its own home subject to the
87 friendly visitation of a probation officer, or it may order such
88 child to be placed in the custody of a probation officer of the
89 court, or of any suitable person appointed by the court or judge
90 to be kept in some suitable place provided by the city or county
91 authorities, but in no event, except under order of the court or
92 judge, to be held in the county jail or city lockup.

Probation Officers.

Sec. 6. The circuit courts and other inferior courts of the
2 several counties in this state which have chancery jurisdiction
3 shall have authority to appoint any number of discreet persons
4 of good moral character to serve as probation officers during the
5 pleasure of the court; said probation officers to receive no com-
6 pensation from the county treasury except as herein provided.
7 It shall be the duty of the clerk of the court, if practicable, to
8 notify the said probation officer when any child is to be brought
9 before the court, or judge, and it shall be the duty of such probation
10 officer to make investigation of such case, to be present in court
11 or before said judge to represent the interests of the child when
12 the case is heard, to furnish such information and assistance as
13 the court or judge may require, and to take charge of any child
14 before and after the trial as may be directed by the court or judge.
15 The number of probation officers who may receive compensation
16 from the county, named and designated by the court, shall be
17 as follows:

18 In counties having a population of over thirty thousand, two
19 probation officers may be appointed, who shall each receive a
20 salary of not exceeding six hundred dollars per year, and expenses
21 may be allowed each probation officer in a sum not exceeding one
22 hundred dollars per year; in counties having a population of over
23 fifteen thousand and less than thirty thousand, one probation
24 officer may be appointed at a salary not to exceed six hundred
25 dollars per year, and expenses of probation work may be allowed by
26 the county in a sum not to exceed one hundred dollars per year.
27 In all counties of over fifteen thousand population probation
28 officers receiving compensation from the county, may be appointed
29 by the judge of the circuit court, or other court having jurisdic-
30 tion, and the said salary or expenses shall be paid in monthly
installments from the county treasury. 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 or judge of inferior courts having jurisdiction
whenever in the opinion of the 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 whenever such probation
officer is to receive from the county a salary or other compensation
provided for under this act. Any judge appointing such proba-
tion 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
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 qualifica-
tions for a probation officer, they shall notify the judge of their
conclusions within thirty days from the submission of such ap-
pointments to the respective members thereof, whereupon it shall
be the duty of the judge to withdraw such appointment and appoint
some one who shall receive the approval of said board. The court
or judge having jurisdiction may apportion the allowance to proba-
tion officers between any two or more of them, but not exceeding
the total amount fixed herein as may be deemed best.

Probation officers receiving a salary or other compensation
from the county, provided for by this act, are hereby vested with
all the power and authority of police or sheriffs to make arrests
and perform any other duties ordinarily required by policemen and
sheriffs which may be incident to their office or necessary or con-
venient to the performance of the duties; provided, that other
probation officers may be vested with like power and authority upon
a written certificate from the judge that they are persons of dis-
cretion and good character, and that it is the desire of the court to
vest them with all the power and authority conferred by law upon
probation officers receiving compensation from the county.

In counties of over thirty thousand population, whenever in
the opinion of the judge, the board of county commissioners and
the superintendent of schools, additional probation officers to those
allowed by law are necessary for the care of the dependent and
delinquent children, not to exceed two assistant probation officers,
in addition to the one provided for herein, may be appointed in
the manner provided by this act, at a salary not to exceed six
hundred dollars per year.

Salaries or compensation of paid probation officers permitted
by this act shall be fixed by the judge, not to exceed the sums
herein mentioned, and any bills for expenses not exceeding the
sums herein provided for, shall be certified to by the judge as
being necessary in and about the performance of the duties of pro-
bation officer or officers. The appointment of probation officers
and the approval thereof as to the qualification of such officers by
the board herein designated, shall be filed in the office of the clerk of
the court. Probation officers shall take oath such as may be
required of other county officers to perform their duties and file
it in the office of the clerk of the court, by which they have been
appointed.

Nothing herein contained, however, shall be held to limit or
abridge the power of the judge to appoint any number of persons
as probation officers, whom said judge may see fit to appoint and
who may be willing to serve without pay from the county for
such services as probation officers.

Transfer from Justice and Police Magistrates.

Sec. 15. When in any county where a court is held as pro-
vided 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 or other court, having juris-
diction, 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 vaca-
tion, and in any case the court or judge may proceed to hear and
dispose of the case in the same manner as if the child had been
brought before the court or judge upon petition as herein pro-
17 vided. In any case, the court or judge shall require notice to
18 be given and investigation to be made as in other cases under this
19 act, and may adjourn the hearing from time to time for that
20 purpose.

**County Boards of Visitors.**

Sec. 23. The court or judge of each county having jurisdic-
2 tion may appoint a board of six reputable inhabitants of such
3 county who will serve without compensation, to constitute a board
4 of visitation, whose duty it shall be to visit, as often as once a
5 year, all institutions, societies, associations and persons receiving
6 children under this act; said visits shall be made by not less than
7 two of the members of the board, who shall go together or make
8 a joint report; the said board of visitors shall report to the court
9 or judge, from time to time, the conditions of children received
10 by or in charge of such associations, societies, institutions, and
11 persons, and shall make an annual report to the state board of
12 control in such form as said board may prescribe.

**Reports of the Juvenile Courts.**

Sec. 25. Between the first and fifteenth days of January of
2 each year, the clerks of the courts having jurisdiction shall submit
3 to the county commissioners of their respective counties a report
4 in writing, upon blanks to be furnished by said commissioners
5 showing the number and disposition of neglected, dependent or
6 delinquent children brought before such court or judge, together
7 with such useful information regarding such cases and the parent-
8 age of such children and the character of their dependency or
9 delinquency as may be reasonably obtained at trials thereof, and
10 which may be required by the said commissioners; *provided*, that
11 the name or identity of any such child or parent shall not be
12 disclosed in such report.

**Support of Children.**

Sec. 27. If it shall appear, upon the hearing of the case that
2 the parents, parent, or any person or persons named in such peti-
3 tion who are in law liable for the support of such child, are able
4 to contribute to the support of such child, the court or judge shall
5 enter an order requiring such parents, parent or other person to
6 pay to the guardian so appointed or to the institutions, associa-
7 tion, society or person to which such child may be committed, a
8 reasonable sum from time to time for the support, maintenance
9 or education of such child, and the court or judge may order such
10 parents, parent or other person to pay to the guardian so ap-
11 pointed or to the institution, association, society or person, to
12 which such child may be committed, a reasonable sum from time
13 to time for the support, maintenance or education of such child,
14 and the court or judge may order such parents, parent or other
15 persons to give reasonable security for the payment of such sum
16 or sums, and upon failure to pay, the court or judge may enforce
17 obedience to such order by proceeding as for contempt of court.
18 The court or judge may, on application and on such notice as the
19 court or judge may direct from time to time, make such altera-
20 tions in the allowance as shall appear reasonable and proper.

Order Relating to Support.

Sec. 28. If the person so ordered to pay for the support,
2 maintenance or education of a dependent, neglected or delinquent
3 child shall be employed for wages, salary or commission, the court
4 or judge may also order that the sum to be paid to him shall be
5 paid to the guardian or institution, society, association, or person
6 having custody of such child, out of his wages, salary or commis-
7 sion and that he shall execute an assignment thereof pro tanto.
8 The court or judge may also order the parent or the person so
9 ordered to pay the sum of money for the support, maintenance or
10 education of a child, from time to time to make discovery to the
11 court or judge as to his place of employment and amount earned
12 by him. Upon his failure to obey the order of court or judge he
13 may be punished as for contempt of court.

Appeals.

Sec. 30. Cases under this act tried in any inferior court may
2 be reviewed by writ of error or appeal to the circuit court and if
3 tried in a circuit court by writ of error or appeal to the supreme
4 court of appeals.

Protection.

Sec. 42. This act shall always be liberally construed in favor
2 of the state for the purpose of the protection of the child from
3 neglect or omission of parental duty toward the child by the par-
ents, as well also to protect the children of the state from the
effects 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 chil-
dren, although such persons are in no way related to the child.

Duty of Superintendents and Matron; Record Report.

Sec. 47. It shall be the duty of the superintendent or matron,
until further order of the court, to receive or detain temporarily,
all children who are committed to the home by the circuit or
other court of the county, and to keep a complete record of all
children committed to said home. Such record shall contain the
name, age and residence of each child and the cause of its de-
tention, the length of time detained, the offense alleged to
have been committed by such child, if any, and other useful data
or information that may be directed to be kept by the court of
such county having jurisdiction. A record shall also be kept by
such superintendent or matron of all expenditures made by the
county for the care and maintenance of such home. An annual
report shall be made to the county court by the superintendent or
matron on the first day of June in each year and he shall file a
copy thereof with the county clerk of the county, which shall con-
tain an itemized statement of all such expenses necessary to main-
tain said home, together with the number of inmates therein dur-
ing each month. The circuit or other court having juris-
diction or the president of the county court, may at any time de-
mand, in which case it shall be the duty of the superintendent or
matron to furnish such information as said circuit or other court
or the president of said county court may require, concerning the
conduct, maintenance, or inmates of said home.

Power to Tax for Support and Establishment of Home.

Sec. 48. The county court of any county shall have the
power and authority, in addition to taxes levied and collected for
other county purposes in each county, to levy and collect annu-
ally a tax not exceeding one mill on the dollar valuation upon all
property within the county for the purpose of purchasing, erect-
ing, leasing or otherwise providing, establishing, supporting and
maintaining such detention home; provided, the sections of this
act relating to the establishment and maintenance of county de-
tention homes, shall be adopted and the levy and collection of such
Sec. 49. The electors of any county may adopt and make mandatory upon the county court of such county the provisions of sections forty-four and forty-eight of this act in the following manner: Upon the petition of one hundred legal voters, who are freetholders of such county, the county court shall submit the proposition for the establishment and maintenance of a county detention home as provided in sections forty-four and forty-eight hereof, to the legal voters of said county and shall cause a vote to be taken upon the question at the several places of voting in said county at the succeeding general election which is first held in the county after such vote is ordered taken, or, if the petition so specifies, the court shall order a special election for the purpose not later than ninety days from the filing of such petitions; but the order for and notice of such special election shall be published by such county court once each week for four successive weeks prior to such election in two newspapers of opposite politics, if such there be, published in said county. A vote shall thereupon be taken upon said question, and the result ascertained under the regulations prescribed for a general election of county officers; or, if the said vote is taken at a special election, 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 officers. The proposition so to be voted for shall be printed on a separate ballot to be prepared and provided in the same manner as other ballots, and such ballots shall be in form as follows:

Proposition to authorize county authorities to establish and maintain a detention home for dependent, delinquent or truant children, and to levy a tax not to exceed one mill on the dollar valuation, to pay the cost of its establishment and 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
38 thereafter be annually levied and collected in such county for the
39 purposes specified in this act, until such time as the legal voters
40 of the county shall abandon this act in the manner provided in
41 section fifty hereof.

_How Electors May Discontinue Maintenance of Such Detention
Home._

Sec. 50. The electors of any county which shall have
2 established a detention home may discontinue the maintenance
3 of same by submitting the question of discontinuance to the voters
4 of the county at any general or special election, on petition of one
5 hundred legal voters, who are free holders of the county, in the
6 same manner as provided for submitting the question of estab-
7 lishment in section forty-nine. The proposition to be voted for
8 in such general or special election shall be printed on a separate
9 ballot to be prepared and provided in the same manner as other
10 ballots, and such ballot shall be in form as follows:
11 Proposition to discontinue
12 maintenance of a detention home □ For
13 □ Against
14 for dependent, delinquent and truant children and to discontinue
15 levying and collecting tax for such maintenance.
16 □ For
17 □ Against
18 If a majority of the votes cast for and against the proposi-
19 tion shall be for discontinuance, the county court shall enter of
20 record an order for such discontinuance, and shall no longer levy

CHAPTER 64

(Senate Bill No. 181.)

AN ACT to authorize the county court of Harrison county to establish
and maintain a law library.

[Passed February 15, 1917. In effect ninety days from passage. Approved by the
Governor February 23, 1917.]

SEC. 1. The county court of Harrison county authorized to establish
a law library: no money to be expended except on order of the
circuit court or judge.

SEC. 2. Conflicting acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Harrison county, be,
2 and the same is hereby authorized to establish a law library for
3 the use of the judges of the courts of said county, all attorneys-at-
4 law practicing in said courts and all public officers of said county,
5 or any subdivision thereof or municipality therein; and for said
6 library to purchase law books, furniture and equipment, provide or
7 rent a suitable room or rooms and maintain the same, and for said
8 purposes to expend moneys. And the said county court shall have
9 authority, and the same is hereby given, to receive for said library
10 any law books by loan, gift or bequest. Provided, however, that no
11 books shall be purchased or moneys expended for said library ex-
12 cept upon the order of the circuit court of said county, or the judge
13 thereof in vacation, and said court, or judge, shall have power to
14 make and enforce all such rules and regulations as may be deemed
15 necessary for the government of said library and the use thereof.

Sec. 2. That all acts and parts of acts in conflict herewith,
2 in so far as the same may be applicable to said county of Harrison,
3 or said county court, are hereby repealed.

CHAPTER 65
(Senate Bill No. 223.)

AN ACT providing for taking and preserving evidence in chancery
causes and for hearing motions, actions at law and chancery causes
in vacation.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 1. Chancery causes may be heard and
determined in open court: wit-
nesses testify orally or by depa-
sition; rules of evidence; bills
of exception not necessary, where; evidence how taken.

2. Motions, civil actions or chancery
causes may be submitted to

Sec. 2. Judge in vacation, when; con-
sent to be certified; power and
authority of judge in vacation;
force and effect of judgment and
decrees.

3. Judge to have same power as in
term to enforce obedience; orders
and proceedings to be certified.

Be it enacted by the Legislature of West Virginia:

Section 1. Chancery causes may, by leave of the court, and
2 by agreement of counsel for the parties, be heard and determined
3 in open court; but in cases so heard the witnesses shall personally
4 appear before the judge to testify orally, unless their depositions
5 shall be taken out of court, under rules obtaining, by agreement of
6 counsel, or by order of the judge made for good cause. And the
7 rules of evidence, procedure and practice now in force, and as here-
8 after changed, shall apply in taking such evidence, except that
9 bills of exception shall not be necessary in any cases wherein the 10 same are not now required. The evidence so taken in such chancery causes shall be taken down in shorthand by the official reporter or other reporter agreed to by the parties in interest as part of his duties, and transcribed by him as provided for in respect to other matters; and like reporting charges for chancery causes and law causes shall be made, collected and accounted for. In case either party desire to appeal such chancery cause he shall, within ninety 17 days after final or appealable decree, require the transcript of evidence which, when furnished, shall have the force and effect now accorded to depositions in chancery causes.

Sec. 2. Any motion, in a civil action, at law, or chancery cause, pending in a circuit court, or any other court or judge thereof, having jurisdiction of the subject matter, or any matter of law, or fact, arising in such motion, action at law, or chancery cause, may, by consent of parties, either in person or by counsel, next friend or guardian ad litem, in term time entered of record, or by like consent in vacation, be submitted to the judge of said court for such decision and decree, judgment, or order, therein in vacation as might be made in term (and such court may, either in term or vacation, without such consent, when it desires time to consider its judgment as to any motion, action at law, chancery cause, or matter of law, or fact arising therein, which has been fully argued and submitted, direct such motion, action at law, chancery cause, or matter of law or fact, to be submitted for decision, and decree, judgment, or order in vacation); provided, that no such consent shall be necessary as to any defendant whom the cause, action or motion has been matured by order of publication, and who has not appeared by motion, demurrer, plea, or answer. When such consent is in vacation, the judge shall certify the fact to the clerk of the court in which the motion, action at law, or chancery cause is pending, to be entered in the law or chancery order book, as the case may be. The judge acting in vacation under this section, in addition to the other powers herein given to him, shall have authority to do any and all things, and to enter all judgments, decrees or orders in behalf of or at the request of a party desiring to take an appeal or to apply for a writ of error, that the court might do or enter in term time. The judge shall certify the judgments, orders and decrees made by him in vacation to the clerk aforesaid, to be entered in like manner as the vacation consent. All judgments, orders and de-
31 crees so made and entered, shall have the same force and effect
32 as if made and entered in term, except that in case of a judgment,
33 order or decree for money, the same shall be effective only from
34 the time of day at which it is received in the clerk’s office to be
35 entered of record.

Sec. 3. The judge of every circuit court shall have the
2 same power in vacation that he has in term to issue process of con-
3 tempt to punish disobedience of and enforce obedience to any decree
4 or order made in his court. The orders and proceedings in such
5 case shall be certified and entered of record as provided in the
6 preceding section and shall be as valid as if made or had and
7 entered in term.

CHAPTER 66
(Senate Bill No. 264.)
AN ACT to amend and re-enact chapter forty-three, forty-three-a
and forty-three-b of the code of one thousand nine hundred and
thirteen, and chapter eight of the acts of the second extraordinary
session of the legislature of one thousand nine hundred and
fifteen, relating to the establishment, classification, construction and maintenance of public roads and the regulation of traffic thereon; giving assent to the provisions of an act of congress, approved July eleven, one thousand nine hundred and
sixteen, relating to construction of rural post roads; creating
a state road fund and appropriating certain revenues therefor;
creating a state road commission and defining the powers and
duties thereof.

[Passed February 22, 1917. In effect ninety days from passage. Became a law
without the Governor’s approval.]

Sec. 1. The purpose of the act.
2. Authority and control vested in state road commission and county courts.
3. Roads divided in two classes.
4. Public roads etc. defined, what included.
5. Referring to United States aid.
6. State road commission; powers and duties.
7. Organization.
8. Duty of secretary and treasurer.
9. Road commission power to establish rules.
10. Road commission, duty as to Class "A" roads.
11. Shall compile statistics as to public roads, etc.
12. Material used in roads receiving aid.
13. Headquarters at Charleston; authority, etc.
14. Power to investigate expenditures by county courts.
16. Duty of other officials when requested by road commissioner.
17. State road commissioner succeeds to state road bureau, etc.
18. Commission shall make annual report to governor, etc.
The county court to Jnddltlonnl
County court nuthority to desig­
Vot<'. llow taken.
How bonds for special rond fund
Stn te Hoa ti commission to nppor­tlon to the severnl counties.
Honcl bond Issues ; rond levies ;
Vnlldlty of bonds or speclnl levies
County court mny contrnct tor
l>ontls, to sct·ure n bond issue.
What to be done In county owing
Capitation tax.
How money shall be expended.
County rond engineers and super­
May be remo,·ed from office. County rond supervisor.
llny employ agents, etc. with con­
County rond engineer, term of
Duty ns to public road meetings.
Dy direction of court mny fix nnd
Duty when sections nre not sold
l
ttltlon. estnbllshment nod dis•
ln nchluss. 'Co11de111ation; lncorpor­
Regnrde,I as puhllc roads. No road established or discon­
Shall turn oYer to his successor.
When work shall be done.
Penaltv for failure to perform
duty. The counh• court may require
persons to work on roods.
Penalty for failure to work, etc.
Cooperation to patrolman.
Location. establishment and dis­
What deemed a public road, street
or alley.
Regarded as public roads.
No road established or discon­
tinued, unless.
Grade.
Notices and advertising.
Width of bridges.
Condemnation; incorporated town.
Alteration.
Rights acquired by court, report­
ed by engineer.

When changes may be made; pen­nalty for engineer.
Road may be discontinued, owned
in part by private citizens.
Establishment or alteration.
Compensation to owners, etc.
Proceedings in circuit court as to
compensation.
As to roll bridge, or repair a
bridge.
A bridge across line between two
counties; to repair.
What shall be done by county
courts, etc.
The contract.
When lawful to issue bonds.
After completion how maintained.
Duty of clerk of county court.
Sidewalk.
Penalty for injury to sidewalk.
Jurisdiction of town or village
construced.
Bids and contracts.
Certificate of purity must be fur­nished with offer to sell materi­
Claims of contractor must be cer­tified by.
Notices of temporary closing of
road as to be posted; penalty for
disregarding notice.
County court may appropriate to
pay expenses when; duty of
clerk; duty of road engineer, etc.
Prison labor.
Who to determine the number,
etc.
Contract in writing.
State road commissioner may es­tablsh stone quarries, etc.
Guards, compensation, etc.
Quarters, etc.
Convicts transferred; expense to
be paid.
Clothing, etc. for convicts.
Sick prisoner.
Court to supply material, etc.
Contracts after those now existing expire.
Convict work by contract, how
determined.
Convict escape.
Prisoners may be discharged.
Governor desinate some physician
to investigate camps.
Persons convicted with fall sen­tence, etc., shall work on pub­
dic roads.
Working and keeping of prisoners
to be provided for.
Court may omit the work part,
when.
Be it enacted by the Legislature of West Virginia:

That chapter forty-three, chapter forty-three-a and chapter forty-three-b of the code of one thousand nine hundred and thirteen, (serial sections one thousand seven hundred and twenty-eight to one thousand nine hundred and ninety-two inclusive) and chapter eight of the acts of the second extraordinary session of one thousand nine hundred and fifteen be, and the same are hereby amended and re-enacted to read as follows:
Section 1. The purpose of this act is to amend, re-enact, codify and embrace in one act all the general laws of this state on the subject of public roads, ways and bridges, to provide a complete system of law governing the construction and maintenance of public roads and ways and the regulation of traffic thereon, to classify such roads and provide for a connecting system of highways throughout the state, to provide methods of raising revenues for the construction and maintenance of such roads, to provide for the co-operation of the state and federal government in raising and expending such revenues, to create a state road commission and prescribe the duties and define the powers of such commission and of all state and local officers engaged in the administration of the road laws of this state; and this act shall be liberally construed, so as to effectuate the purposes thereof as herein set out.

Sec. 2. The authority and control over the construction, maintenance and regulation of all public roads within the state is hereby vested in the state road commission and in the several county courts, respectively, to the extent and under the provisions and regulations herein prescribed. Such county courts, under the regulations aforesaid, shall have the superintendence and administration of the establishment and regulation of all public roads, ways and bridges within their respective counties, with authority to lay and disburse the county and district levies applicable thereto. Said state road commission shall have and exercise only such powers and authority as are in this act specified.

Sec. 3. The public roads of this state shall be divided into two classes, to be known respectively as "Class A" and "Class B." The roads in "Class A" shall include all main county roads to be established as hereinafter provided and receiving federal or state aid. "Class B" shall include all other roads which shall be known and designated as district roads; provided, that such classification shall not apply to the streets and alleys of incorporated cities and towns.

Sec. 4. The terms "public road", "highway" or "road" shall be deemed to include the road-bed and all necessary culverts, sluices, drains, ditches, water-ways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the conveni-
ence of travel, dispatch of freight and communication between individuals and communities; and such public road or highway shall be taken to include any road to which the public has access and is not denied the right to use, or any road or way leading from any other public road over the land of one or more persons to the land of another person, and which shall have been established pursuant to law. Any road shall be conclusively presumed to have been so established when it has been used by the public for a period of ten years or more, and public moneys or labor have been expended thereon, whether there be any record of its dedication or appropriation to public use or not. In the absence of any other mark or record, the center of the traveled way shall be taken as the center of the road, and the right-of-way shall be designated therefrom an equal distance on each side, but a road may be constructed on any part of the located right-of-way when it is deemed advisable so to do; provided, the exact location of such right-of-way shall be entered of record by the county court.

Sec. 5. The legislature of the state of West Virginia hereby assents to the provisions of the act of congress, approved July eleven, one thousand nine hundred and sixteen, entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes." The state road commission is hereby authorized to enter into all contracts and agreements with the United States government relating to the survey, construction and maintenance of roads under the provisions of the said act of congress, to submit such scheme or program of construction and maintenance as may be required by the secretary of agriculture and to do all other things necessary fully to carry out the co-operation contemplated and provided for by the said act. For the construction and maintenance of rural post roads the good faith of the state is hereby pledged to make available funds sufficient to equal the sums apportioned to the state by or under the United States government during each of the five years for which federal funds are appropriated by section three of the said act and to maintain the roads constructed with the aid of funds so appropriated, and to make adequate provision for carrying out such maintenance.

State Road Commission; Powers and Duties.

Sec. 6. The term "commission" when used in this or any
2 other section of this chapter, shall mean the state road commission,
3 unless otherwise specified or clearly intended.
4 There shall be, and there is hereby created, a state road com-
5 mission of the state of West Virginia, and by that name the com-
6 mission may sue and be sued; contract and be contracted with.
7 The state road commission shall consist of two members, who
8 shall be appointed by the governor with the advice and consent of
9 the senate. Said commissioners shall have and possess all the
10 powers and duties prescribed in this chapter, or which may here-
11 after be given it by legislative enactment. As soon as may be
12 after this act becomes effective, and before the first day of June,
13 one thousand nine hundred and seventeen, the governor shall ap-
14 point two commissioners, who shall be residents and citizens of
15 this state, one each from the political parties casting the highest
16 number of votes for governor at the last preceding general election,
17 one of whom shall be a practical civil engineer of known busi-
18 ness qualifications and who shall have had at least three years
19 responsible charge of the construction and maintenance of public
20 roads and highways. The other member shall be of known
21 and successful business qualifications and one shall be design-
22 nated by the governor as secretary-treasurer of said com-
23 mission. Said commissioners shall immediately enter upon their
24 duties and hold office for two and four years, respectively,
25 from the first day of June, one thousand nine hundred and
26 seventeen, the term of each to be designated by the governor, but
27 their successors shall be appointed for the term of four years, ex-
28 cepting that any person appointed to fill a vacancy shall serve only
29 for the unexpired term, but any commissioner shall be eligible for
30 reappointment. Any commissioner appointed to succeed another
31 whose term has expired, or to fill a vacancy, shall be appointed
32 from one of the two political parties casting the highest number of
33 votes for governor at the last preceding general election, but, pro-
34 vided, always, that not more than one of the commissioners serving
35 at any one time shall have been appointed from the same political
36 party. The commissioners, before entering upon their duties, shall
37 take, subscribe and file with the secretary of state the oath provid-
38 ed by section five of article four of the constitution. The secretary-
39 treasurer of said commission shall execute a bond with security to
40 be approved by the governor, in the penalty of not less than fifty
41 thousand dollars, conditioned for the faithful accounting and pay-
42 ing over of all moneys that may come into his hands by virtue of
43 his office, which bond shall be filed with the secretary of state and
44 there preserved and recorded as other bonds required of state offi-
45 cials. The governor may remove any commissioner for incom-
46 petency, neglect of duty, gross immorality or malfeasance in of-
47 fice, in the manner provided by law. No person while in the
48 employ of, or holding any official relation to, any person,
49 firm or corporation selling or furnishing any materials entering
50 into the construction or maintenance of any of the roads or high-
51 ways of this state, or any part thereof, or who is pecuniarily inter-
52 ested therein, shall enter upon the duties of, or hold said office.
53 Nor shall any of said commissioners be a candidate for, or hold
54 any other public office, or be a member of any political committee
55 while acting as such commissioner. In case either of said commis-
56 sioners shall become a candidate for any other public office, or
57 shall be a member of any political committee, his office as com-
58 missioner shall be ipso facto vacated.

Sec. 7. Upon the appointment and qualification of the
2 members of the commission, they shall at once proceed to organize
3 by the selection of one of their number as chairman, who shall
4 serve for one year and shall be eligible for re-election as such.
5 The commission shall make necessary rules and regulations for
6 its own government, and shall have power and authority to select
7 such assistants, agents and employees as may be necessary in the
8 performance of its duties and for the purpose of carrying out the
9 provisions of this act, and fix their compensation; provided, how-
10 ever, that the total compensation paid for any such assistants,
11 agents and employees shall not exceed in any one year the appro-
12 priation made by the legislature for that purpose; and, provided,
13 further, that any of the county courts of the several counties of
14 the state making demand upon said commission, and entering in-
15 to an agreement with it, by which services are rendered to such
16 court by any such assistant, agent or employee, shall provide for
17 the payment of the necessary expenses incident thereto. Each
18 commissioner shall devote his entire time to the performance of
19 the duties of his office, and shall receive a salary of three thousand
20 five hundred dollars per annum and the actual expenses incurred
21 in the discharge of the duties of his office, to be paid monthly.
22 The chairman and secretary-treasurer of the commission shall cer-
23 tify to the state auditor the amount due each member and each
24 employee of said commission, and the auditor shall issue his war-
rant therefor on the state treasury, payable out of the state road
fund appropriated for such purpose.

Sec. 8. It shall be the duty of the secretary-treasurer to keep
a full and true record of all proceedings of the commission, to is-
sue all necessary notices, to keep all books, maps, documents and
papers ordered filed by the commission, and all orders, rules and
regulations made or approved by the commission. He shall also
be responsible for the safe custody and preservation of all such
documents and papers in his office. He may administer oaths in
all parts of the state, so far as the exercise of such power is prop-
erly incidental to the performance of his duty or that of the com-
mission. He shall issue all licenses, registration certificates, re-
cceipts and other official documents provided for by this act, pub-
lish the rules and regulations of the commission when required, and
keep the proper records thereof. He shall receive all moneys col-
lected by the commission from license or other fees, and all moneys
and funds coming into the hands of the commission from any
source, and shall once each week make a full report of such re-
cceipts to the auditor of the state and forthwith pay to such audi-
tor the amount thereof, taking proper receipts therefor, and per-
form such other duties as are incident to his position.

Sec. 9. The state road commission shall have power, by the
affirmative vote of a majority of its members, to establish and from
time to time amend rules and regulations not inconsistent with
law, concerning the duties of county road engineers and their
employees in relation to “Class A” roads and concerning all such
public roads as may, under the provisions hereof, be under the
supervision of the said commission; and said commission shall pre-
scribe other rules and regulations required of them to carry into
effect the provisions of this act.

Every general regulation adopted by the commission shall
state the date on which it takes effect, which shall be not less than
ten days after the date of publication. A copy of such rules and
regulations, duly signed by the chairman of the commission and
secretary-treasurer thereof, shall be filed in the office of the secre-
tary of state, and a copy thereof shall be sent by the secretary-
treasurer to each officer and to each county court affected there-
by, and shall be published in such manner as the said commission
may determine. Any violation of the regulations so promulgated,
when said regulations are reasonable and not inconsistent with
20 law, shall be a misdemeanor and punished by fine of not less than 21 ten dollars nor more than one hundred dollars.

Sec. 10. It shall be the duty of the state road commission 2 to supervise and furnish information as to location, construction 3 and maintenance of all “Class A” roads in this state; to provide 4 for giving instruction in road building, and to supervise the 5 construction of the main county roads. It shall further be the 6 duty of said commission to see to the enforcement of all laws, 7 rules and regulations relating to public roads, and especially 8 their enforcement by the road officials; to aid when requested so 9 to do, the county road engineers and their employees in establishing grades and preparing suitable systems of drainage, and to advise with them as to the construction, improvement and maintenance of public roads in carrying out such arrangements as may be made respecting them with the several county courts; to cause plans, specifications and estimates to be prepared for the improvement of all such roads, when required so to do by the county court of any county or its county engineer; to investigate and determine the various methods of road construction adapted to the different sections of the state and the best methods of constructing, repairing and maintaining public roads and the bridges thereon.

Sec. 11. The said commission shall compile statistics concerning the public roads, and collect information in regard to them; shall gather and tabulate information and statistics relating to road building, improvement and maintenance and disseminate such information throughout the state by means of farmers’ institutes or other meetings and such bulletins as may be issued by the colleges of agriculture and engineering, or by the commissioner of agriculture, and by such bulletins as the commission may see fit to issue; such public meetings to be held in each county under the general supervision and control of the commission, for the purpose of furnishing general information and instruction regarding the construction, improvement and maintenance of public roads and concerning the application of laws, rules and regulations relating to them. Reasonable notice shall be given the county court or road engineer of the time and place at which any such meeting is to be held.

Sec. 12. All materials of every kind used upon the main county roads receiving federal or state aid shall first be carefully analyzed by said commission, and no such material shall be used in the construction or maintenance of any such road until approved
in writing by said commission. The county courts of the several counties may make arrangements with said commission for the analysis of materials in the construction of any other road or roads in “Class B.”

Sec. 13. The said commission shall have its office and head-quarters at Charleston, West Virginia. The said commission shall have authority to purchase all necessary stationery, supplies and equipment necessary for the efficient and economical conduct of its respective duties, subject to the limitation of the appropriation made by the legislature for that purpose, and may from time to time draw its requisition upon the auditor in payment therefor.

Sec. 14. The said commission, or any member thereof, or any person specially delegated by it so to do, shall have power and authority to investigate all expenditures made by the several county courts of this state in road construction and maintenance, the methods adopted, and the inspection and supervision provided, and shall make report thereon to the county court and bring the same to the attention of the prosecuting attorney and the judge of the circuit court thereof, or any other official whose duty it is to see that the laws are properly enforced, and may make such recommendations respecting same as in their opinion may be proper and right; and it shall be the duty of any such prosecuting attorney to take such action in relation to any malfeasance or misfeasance by any officer in the discharge of his official duty as may be necessary to remove such person from office and to subject him to such fines and penalties as by law are prescribed for any offense that may have been committed by any such officer.

Sec. 15. The said commission shall have and possess all powers necessary and requisite to carry into effect, as respects this state, the provisions of the act of congress approved July eleven, one thousand nine hundred and sixteen, entitled “An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes”, and shall have the power to enter into all contracts and agreements with the United States government relating to the construction and maintenance of rural post roads under the provisions of said act of congress, and to carry into effect generally the provisions of section five of this act.

Sec. 16. At the request of the state road commissioner, it shall be the duty of the commissioner of agriculture, the dean of the college of engineering of the state university, the
4 director of the experiment station of said university, and the
5 heads of the several departments of science of said institution,
6 to render to said commission all necessary aid and assist-
6援助 in the performance of its duties, as the duties of their
7 respective offices and positions will permit, without extra charge
8 or compensation for such services.

Sec. 17. The state road commission shall succeed to the
2 office of the state road bureau, and all equipment, supplies, moneys,
3 and all papers, books, maps, files, records, documents and other
4 property now belonging to or in the custody of said state road
5 bureau shall upon the organization of the state road commission
6 be immediately turned over to said commission. Any powers,
7 duties and obligations imposed upon the state road bureau or
8 any of its officers by virtue of any contract heretofore entered
9 into by it or by the several county courts of the state with con-
10 tractors or other persons, shall be carried out and exercised by the
11 commission herein created, or by its legally constituted agents
12 or employees.

Sec. 18. The said commission shall make an annual report
2 to the governor of its conduct and work, and the expenses thereof,
3 and may recommend needed improvements in the public roads;
4 and shall make such other reports as may be required by the
5 governor or in its judgment are beneficial to the general public.
6 Said annual report shall show the quantity of earth and stone
7 removed and material manufactured and prepared; the number
8 of miles of road under construction and the number completed,
9 and especially such roads as are under the immediate supervision
10 and control of said commission; the cost of such construction
11 and materials prepared and used therein; the condition and needed
12 repairs of roads previously constructed, together with the result.
13 of their investigation respecting previously constructed roads and
14 the materials used therein; and for the purpose of obtaining all
15 necessary and detailed information to be used in the preparation
16 of said report, the said commission may require the several county
17 courts or local road authorities, in which work is done under
18 arrangements with said commission, to furnish such monthly
19 reports as may be prescribed by said commission. Said com-
20 mission shall cause to be prepared and filed in the office of the
21 clerk of the county court of each county and the state department
22 of archives and history copies of maps showing the locations of
23 all main county roads and highways in the state; the report herein
provided to be filed with the governor shall be accompanied by a map or maps showing the location and improvement of all roads receiving federal or state aid up to the time of the completion of said report. Copies of all maps and reports made and prepared by said commission shall be kept in its office for public inspection.

Sec. 19. The attorney general of this state shall be the legal adviser and representative of said state road commission and shall prepare for it all contracts, forms and other documents when required by said commission.

Class A, Main County, Federal Aid and State Aid Roads.

Sec. 20. The terms “main county road,” “federal aid road” or “state aid road,” when used in this or any other section of this act, unless otherwise stated or clearly intended, shall mean any road constructed and maintained in whole or in part by funds derived from the county road levy supplemented by federal aid or the state road fund, and which are established as such with the approval of the state road commission. All such main county roads and all roads receiving federal or state aid, shall be included in and constitute “Class A.” The county court of each county shall establish two or more main thoroughfares, highways or roads through said county, at least one of which roads shall pass through or connect with the county seat, and such roads shall be known as “main county roads,” and shall be constructed and maintained in each county by taxation upon all the taxable property of the county, and by apportionments from the federal aid and state road fund.

Such main county roads shall be so located as to lead to the county seat of an adjoining or adjacent county, or to an important commercial center thereof, or of an adjoining state, and so that each of such roads will connect at the border of said county with a like road established or designated by the county court of another county under the provisions hereof, or connect at such border with a road of an adjoining state, and so far as practicable pass through or near important towns. In establishing any such main county road the same may include a road already established or such parts thereof as the court may deem proper, and one of said roads may traverse any part of the other of such roads. When practical, in the opinion of the county court, no such main county road shall have a grade exceeding five feet rise in...
30 each one hundred feet, unless it shall be found necessary to
31 have a steeper grade; and in no case shall such steeper grade
31-a exceed nine feet rise per hundred feet, and such grade shall be
32 for as short a distance as may be practicable, and the right-of-way
33 for such roads shall not be less than forty feet in width, with
34 necessary slopes for cuts and fills. All such main county roads
35 shall have drainage structures of permanent construction, and all
36 “breakers” shall be eliminated.
37 The method of establishing such main county roads shall be
38 as follows: As soon as practicable after this act goes into effect,
39 the state road commission shall prepare a map of this state show-
40 ing a suggested general statewide system of inter-county roads,
41 and shall send to the county court of each county a copy of such
42 map or of such portion thereof as may relate to said county and
43 the counties bordering thereon. The county court of each county
44 shall, as soon as practicable after receiving such map, and not to
45 exceed ninety days thereafter, designate to be established as “main
46 county roads” two or more main thoroughfares, roads, highways,
47 or routes for the location of same, through said county and ex-
48 tending to the borders thereof, but one of said routes may traverse
49 or include a portion of any other designated road or route. The
50 court shall certify such designations to the state road commis-
51 sion for approval or rejection. If the said commission shall as-
52 certain that each of the roads or routes so designated is so lo-
53 cated as to lead to the county seat of an adjoining or adjacent
54 county, or to an important commercial center thereof, or to an
55 adjoining state, and that each of such roads will connect at the
56 border of said county with a like road so designated or established
57 by the county court of another county under the provisions here-
58 of, or connect at such border with the road of an adjoining state,
59 and shall also ascertain that such roads or routes are practical,
60 and that the same are located with due regard to the development
61 of a state-wide system of inter-county roads, the commission shall
62 approve two of the roads so designated in each county and certify
63 its approval to the county court; or the commission, if it finds
64 that the roads or routes so designated by said court are not prac-
65 tical and do not comply with the provisions of this act, may sub-
66 mit to said court, roads and routes which it will approve.
67 The county court shall thereupon order said roads or routes
68 to be surveyed and located, under the direction and supervision
69 of the said commission, or some one designated by it, unless such
survey and location, satisfactory to the commission, shall have been already made, and said court shall enter an order establishing the roads so approved or designated by the commission and surveyed and located as aforesaid, as "main county roads."

If the county court of any county shall fail or refuse to establish the roads or routes designated and approved by the state road commission, then the county, whose court so failed or refused, shall not participate in the distribution of the federal or state aid funds hereinafter provided, until said court shall have established the main county roads as designated and approved by said commission, save and except that the county shall participate in the distribution of the federal and state aid funds to the extent such roads are designated and approved by both the commission and the county court.

The several county courts and the state road commission in the designation and establishment of the main county roads aforesaid, shall have due regard for, and shall as far as practicable locate such main county roads along the general routes by which the old turnpike roads traverse the several counties.

In the location and establishment of said main county roads, the county courts of the several counties shall have power to exercise the right of eminent domain for condemnation of rights-of-way in accordance with the law governing the location, changes and re-location of other roads; provided, that when any such road shall have been once established, its location shall not be changed or altered without the written consent and approval of the state road commission first having been given and made a matter of record by the court desiring such alteration.

Sec. 21. The county court shall have authority to designate as a connecting part of a "main county road" or a district road any street, or portion of street, in any incorporated city, town or village, and may expend labor money, so far as may be necessary to put the same in good condition, but the municipality shall thereafter maintain in good condition, such "main county road" lying within its corporate limits. In any case where any municipality is unable financially to construct and maintain the bridges on any main county road within its corporate limits, the county court may construct and maintain the same. And the county court of any county may take over any bridge or bridges heretofore built by any municipality on any main county road, when requested to do so by the authorities of such municipality, and thereafter
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14 maintain the same. Such “main county roads” shall be laid off
15 into sections not exceeding two miles in length, and each section
16 shall be numbered.

Sec. 22. In addition to the general county and district levy,
2 the county court shall lay a county road levy not to exceed twenty-
3 five cents on each one hundred dollars assessed valuation of all tax-
4 able property in the county, the proceeds of which shall be known
5 as the “county road fund,” and shall be expended only for the
6 construction, improvement and maintenance of the “main county
7 roads” and for the construction and maintenance of the bridges
8 thereon, after said roads are properly located; *provided, that the
8-a proceeds from said levy shall be expended under the authority
8-b and direction of the county court, except where state or federal
8-c aid is extended under the provisions of this act, when the ex-
8-d penditure of said proceeds shall be under the direction of the
8-e state road commission. In case of calamity, such as floods
9 and the like, which shall result in unusual damage, or the
10 washing away of bridges or roads, the county court of any
11 county, with the written approval of the state tax commissioner
12 and the state road commission, may lay a special emergency
13 levy in excess of the special levy hereinbefore provided, not to
14 exceed ten cents on each one hundred dollars assessed valuation
15 of the taxable property of the county for such year or years as may
16 be named in such approval; but in no case shall the combined
17 special road levy and emergency levy exceed thirty-five cents on
18 each one hundred dollars valuation of the taxable property of the
19 county; *provided, that in any county where the county court has
20 already subscribed for or purchased, or contracted to purchase
21 the whole or a portion only of the stock or bonds, or both, of
22 any bridge or road company, the county court, for the purpose
23 of carrying into effect such contract or option, may lay any levy
24 or levies provided for by law before this act takes effect; and
25 *provided, further, that if in any one year the county road levy
26 herein authorized produces a revenue in excess of the amount
27 necessary to be expended on the main county roads, such excess
28 may by the court be applied to the construction or repair of any
29 of the important district roads, or roads in “Class B.”

Sec. 23. The county court of any county may contract or
2 pay for making, improving and keeping in order, the whole or
3 any part of any main county or district road within the county.
4 The court may permanently improve by the use of asphaltum, con-
crete, brick, stone, block or by macadamizing, or other process of
equal merit, the main county or district roads within their county
and may contract therefor with any contractor for the use of any of
these foregoing systems, and take bonds and security in a penalty
equal to fifty per-centum of the estimated cost of the work in
question, from any such contractor for the faithful performance
of his contract.

The state road commission shall prepare general plans and
specifications for the construction and repair of the main county
roads by means of the various kinds of materials, including therein
the grading and improvement of the dirt or earth road, and trans-
mit copies thereof to the several county courts of the state for their
information. The county court in making application for state or
federal aid shall specify therein, the character or kind of road
to be constructed or repaired, the materials to be used, (which may
be the grade, improved dirt or earth road, that it has provided reve-
uene to supplement the fund applied for,) which application shall
be made a matter of record by the court and certified to the
commission by the clerk of said court. If the commission approve
the proposed work it shall, upon request of the county court,
prepare plans and specifications for the same and certify
them to the court for its adoption. When the court shall
have, by an order duly entered, adopted said plans and speci-
fications or other plans agreed upon by the court and commis-
sion, and provided the revenue to supplement the aid fund
apportioned to its county, then the court shall be entitled to
apply for and receive the aid mentioned in the next succeeding
section; provided, that nothing in this act contained shall be so
construed as to give the state road commission authority or super-
vision over district roads or roads in “Class B,” unless by special
contract with the county court.

Road Bond Issues; Road Levies; Road Funds.

Sec. 24. There is hereby created a “state road fund” which
shall consist of the net proceeds of all state license taxes imposed
and collected upon automobiles, motor or steam driven vehicles,
and the registration fees imposed on chauffeurs on or after the
first day of January, one thousand nine hundred and seventeen,
and which may hereafter be imposed and collected thereon, and
all sums of money which may be donated to such fund, or appro-
priated to it by the legislature, or by the congress of the United
9 States, as provided by section five of this act, or from any other source. The auditor shall set aside said moneys as the “state road fund” and it shall be used only for the purposes named in this act. Said state road fund shall be used for the purpose of paying the expenses of the state road commission as appropriated by the legislature, and the balance thereof shall be distributed among the counties annually, in proportion to the mileage of the main county roads in each county; provided, the said county court supplement the same by a like fund. The treasurer of the state shall be the custodian of the state road fund, and all disbursements therefrom shall be paid by him upon order or voucher, approved and signed by the chairman and secretary of the commission, and directed to the auditor, who shall draw his warrant therefor. All moneys accruing to the state road fund, as aforesaid, are hereby appropriated out of said fund for the purposes and to be paid as aforesaid.

Sec. 25. It shall be the duty of the state road commission at the beginning of each fiscal year, to apportion to the several counties of the state which have complied with the provisions of this act in the establishment of main county roads, and which agree to supplement said apportionment by a like sum, the state road fund, in proportion to the number of miles of main county roads in the several counties approved by the commission, and certify the same to the several county courts.

Any county court which has complied with all the provisions of this act and agrees to supplement said apportionment with a like sum, shall enter an order of record stating such fact and agreeing to contribute a like sum for the construction and maintenance of main county roads, and apply to the state road commission for its distributable share thereof.

It shall then be the duty of the said road commission to set apart for the use and to be paid to said county its distributable share, and certify the same to the auditor of the state. The said commission making said distribution may in its discretion distribute to any county wholly federal or wholly state funds; in either event such distribution shall be taken and considered as the distributable share to which each county is entitled, regardless of whether it be state or federal aid. When said county court has contracted to improve its main county roads, or made provisions therefor, it shall be the duty of the state road commission to pay to said court, by requisition upon the auditor from time to time, such parts of
said apportionment as are shown, by proper estimates made by
the engineer in charge of said work or construction, to be properly
due upon such work, not exceeding one-half of the cost thereof.

Sec. 26. Subject to the limitations of sections seven and eight
of article ten of the constitution, and when in the opinion of the
county court the levies provided by law, together with any funds
appropriated by the state or federal government, are insufficient to
construct any main county or district road, and the bridges there-
on, the said court, upon filing with the clerk thereof of a petition
praying for the construction of such improvement, signed by twen-
ty-five per cent. of the legal voters within any magisterial district,
or in each of two or more magisterial districts in which such im-
provement is located, or in such county, (such percentage to be
determined on the basis of the aggregate county or magisterial
district, or districts, vote cast for governor at the last preceding
general election as the case may be) the county court
shall make an investigation of the proposed improvement as herein
provided and, on approval of the same by the state road commis-
sion, as to main county roads, shall submit the propositions of the
issuance of bonds or for the authorization of a special road fund
levy for a period of years, not to exceed ten, to the legal voters of
the county, district or districts, as the case may be. Such peti-
tion shall contain a statement specifying the roads to be built
and improved, and a prayer for the submission of a road bond pro-
position or a special road fund levy proposition to provide funds
for such improvement; question of bond issues and special levies
for main county roads and district roads may, in the discretion
of the county court, be submitted at the same election.
Upon the filing of such petition with the clerk
of the county court, said court shall without delay instruct
the county engineer, or some other engineer specially employed by
it, or apply to the state road commission for an engineer to make an
investigation and to report to the court an estimate of the prob-
able cost of the proposed improvement. In case such investiga-
tion and report are made by the county engineer or any specially
employed engineer, the same shall be submitted to the state road
commission for approval. Upon the approval of such proposed
plan of improvement by said commission, as to main
county roads only, certified to the county court,
said court shall submit to the legal voters of the county,
district or districts, a proposition for such issue and sale of bonds,
or for such special road fund levy, as the case may be. The order of the county court submitting such proposition shall contain a summary of the report herein provided for, setting forth the approximate extent and estimated cost of the proposed road improvement, the kind and class of work, the valuation of all the property of the county, district or districts as the case may be, and the existing indebtedness. Such order shall specify the work for which the money to be raised by the sale of bonds or the laying of a special road fund levy is to be appropriated, and shall provide that no part of the proceeds of such bonds or levy shall be used for any other purpose than the improvement of the road or roads specified in such order; subject to the power and right of the county court to alter or change the location of any district road so as to obtain a better grade or alignment thereof or to reduce the cost of construction, improvement or maintenance.

The county court shall cause a vote to be taken upon the question of such bond issue or such levy at the several voting places in said county, district or districts, at the succeeding general election for state and county officers, or any special election which is first held in the county after such vote is ordered taken; or, if the petition so specifies, the court shall order a special election for the purpose within ninety days from the certification of approval of the engineer's report herein provided for; but such order for any election on the question of a bond issue or a special road fund levy together with a summary of the engineer's report herein provided for, shall be published throughout the said county, district or districts, in which said vote is to be taken, in the following manner:

The clerk of the county court shall cause as many copies of such order to be made or printed as may be necessary, and sign the same; he shall forthwith post one in a conspicuous place in his office, and one at the front door of the court house.

The court shall direct a copy to be published once each week for four consecutive weeks prior to the date of said election in two newspapers of opposite politics, if such there be, published in said county, district or districts.

Sec. 27. A vote shall thereupon be taken and the result ascertained under the regulations prescribed for a 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 ascer-
tained and certified according to the regulations prescribed by
law for ascertaining and certifying the election of county and
district officers.

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, and there shall be written
or printed thereon a brief statement of the question submitted,
such as, in the case of a bond election:

"Special election to authorize a bond issue for the construc-
tion of main county roads, according to the order of the........
entered on the...... day of.................."; and directly
underneath, in two separate lines, shall be printed the words:

"For Road Bond Issue and levy for Payment.
Against Road Bond Issue and Levy for Payment."

and in the case of an election on a special road fund levy propo-
sition:

"Special election to authorize a special road fund levy of.....
cents annually for a period not to exceed ................. years,
according to the order of the ................. entered on
the .......... day of ................."; and directly underneath,
in two separate lines, shall be printed the words:

"For Special Road Fund Levy
Against Special Road Fund Levy."

If it shall appear by said poll that not less than three-fifths
of the voters of the county or magisterial district or group of
districts, who voted upon the proposed issuance of bonds or the
proposed special road fund levy, have voted in favor of the same,
the county court shall then have authority to issue the amount
of the bonds or to lay the levy 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 of such bonds by taxation on the county, district
or group of districts, or to lay such levy, as the case may be.

The county court shall have authority to issue and shall issue,
as provided by law, said bonds for and in the name of said county,
district or group of districts, and shall make provision for the
payment of principal and interest of the same by said county,
district or group of districts as is specified in the order under
which said vote is taken, or shall lay such levy on all the taxable
property of such county, district or group of districts, as the case
may be.

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

Sec. 28. The proceeds of such bond issue or of such special
road fund levy shall constitute a fund to be expended by the
county court for the purpose specified in the order under which
said vote was taken, and for no other purpose. This section and
the two sections hereof immediately preceding shall be so con-
structed as to permit a single district or a group of districts to
issue bonds or authorize such levy for the construction and im-
provement of main county roads and roads in “Class A,” as well
as roads in “Class B” in such district or districts, provided, howev-
er, that the interest accruing from the deposit of funds derived
from the sale of road district bonds in any and all county deposi-
tories shall be credited to the district road fund by the sheriff of
the county.

Sec. 29. No county wherein any magisterial district or
districts have heretofore issued bonds for the construction of
roads, and such district bonds, or any part thereof, are still out-
standing and unpaid, shall authorize the issuance of county road
bonds or authorize a special county road fund levy as provided
in section twenty-seven and section twenty-eight of this act,
unless three-fifths of the voters of each of such district or districts,
who vote on any such county or district bond proposition or such
county or district proposition for a special road fund levy, shall
vote in favor of such bond proposition, or such special road fund
levy proposition in an election at which such county or district
propoition may be submitted under the provisions of this act.

Sec. 30. Nothing in this act contained shall effect the
validity of any bond issues or special levies heretofore made or
authorized, nor prevent or affect the performance of any
contract heretofore entered into by any county court relating
to the improvement of roads. And notwithstanding anything
6 herein contained, any and all moneys now or hereafter to come
7 into the hands of any county court as the proceeds of any bond
8 issue or special levy heretofore voted or authorized to be voted
8-\(a\) in any county or district for road improvement or construc-
9 tion, shall be paid out and expended by such court in the manner
10 provided therefor at the time such bond issue or special levy
11 was authorized.

Sec. 31. In addition to the general county and district levy,
2 the county court shall lay a district levy not to exceed fifteen
3 cents on each one hundred dollars' assessed valuation of all taxa-
4 ble property in each of the several districts of said county, the
5 proceeds of which shall be known as the district road fund of
6 such district, and shall be expended only for the construction,
7 improvement and maintenance of the district roads and parts
8 thereof in said district, and for the construction and maintenance
9 of bridges thereon after said roads are properly located. In case
10 of calamity, such as floods and the like, which shall result in
11 unusual damage, or the washing away of bridges or roads, the
12 county court of any county, with the written approval of the
13 state tax commissioner, may lay a special emergency district
14 levy in excess of the district road levy hereinbefore provided, not
15 to exceed ten cents on each one hundred dollars' assessed valua-
16 tion of the taxable property of the district, for such year or years
17 as may be named in such approval, but in no case shall the com-
18 bined district road levy and emergency district levy exceed
19 twenty-five cents on each one hundred dollars' assessed valuation
20 of the taxable property of said district. Nothing contained in
21 section two of chapter twenty-eight-\(a\) of the code shall be so con-
22 strued as to limit the power and authority of the county court
23 to lay the respective county and district road levies provided for
24 in this act, though by so doing the total levies laid may exceed the
25 limit provided by said section.

Sec. 32. Notwithstanding anything herein contained, any
2 and all moneys now or hereafter to come into the hands of any
3 county court as the proceeds of any county or district road levy
4 laid for the fiscal year ending June thirtieth, one thousand nine
5 hundred and seventeen, or for any preceding year, shall be ex-
6 pended by said county court for the construction and mainte-
7 nance of county and district roads in the manner provided by
8 law previous to the taking effect of this act.

Sec. 33. The county court of each county shall levy for
road purposes a capitation tax of one dollar on each male inhabit-
tant of the county who has attained the age of twenty-one years
and not liable to labor on the roads or pay the commuta-
tion mentioned in section sixty of this act. Such
capitation tax for road purposes shall be collected by the
assessor as provided by section fifty-three of chapter twenty-nine
of the code, and the proceeds thereof shall be credited to the
district road fund of the district in which the tax was collected.

County Road Engineers and Supervisors.

Sec. 34. There is hereby created in the several counties of
the state the office of county road engineer. The county court
in each of the counties in this state may appoint as county road
engineer some engineer who is a practical road builder and com-
petent to perform the duties relating to the roads and keeping
records prescribed by this act. In the event that the county court
shall not appoint a county road engineer as herein provided, then
it may appoint a competent man as road supervisor for such
county; but if a county road engineer be appointed he shall be ex-
officio the road supervisor for his county, and any such official
so appointed or designated by the county court to have charge of
road work in any county shall be deemed a surveyor of roads
within the meaning of the constitution. Every county road en-
gineer and 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 said court, the same to be payable to the
county court of the county, and to be conditioned for the faith-
ful performance of his duties. The county court of any county
not appointing an engineer, as in this section provided, may em-
ploy a competent engineer for such time, and for such purpose,
and upon such terms as may be agreed upon between the said
court and said engineer.

Sec. 35. Such county road engineer shall hold office for the
term of two years from and after the first day of January follow-
ing his appointment, and until his successor is appointed and
qualified. He shall receive such compensation, either by salary
or per diem as may be fixed by order of the county court of the
county, provided, that the same shall not be less than nine hundred
dollars, nor more than thirty-five hundred dollars per year. The
county surveyor of the county shall be eligible to the office of
9 county road engineer, and may hold both offices at the same
time, provided he is competent and qualified under the provisions
of this act. Vacancies in the office of county road engineer shall
be filled by appointment for the unexpired term. It shall be
the duty of the clerk of the county court to give written notice
to county road engineers and road supervisors of their appoint-
ment, as soon thereafter as practicable; and each person so ap-
pointed shall, within ten days after having been notified of such
appointment, qualify by giving bond as provided in the preceding
section, and by taking the oath prescribed by section five of
article four of the constitution. Such road engineer or super-
visor shall be provided with office room in the court house of
their county.

Sec. 36. Any county road engineer or road supervisor may
be removed at any time by the county court of the county, upon
its own volition or upon complaint by the state road commission,
for incompetency, malfeasance or misfeasance in office, upon
written charges after a hearing, of which ten days’ notice shall
be given by serving a copy of such charges upon such officer.
Said hearing shall be held in the office of the county court of the
county, and if upon such hearing it appears that the charges are
sustained, the county court shall remove such officer, and forth-
with serve notice thereof upon him by mail. Such notice shall
state specifically the grounds for such removal, and the record
of the proceedings shall be filed in the office of such county court.

Sec. 37. The county road supervisor shall hold office for
the term of two years from and after the first day of January
following his appointment, and until his successor is appointed
and qualified. He 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 three dollars per day, with
actual traveling expenses when necessarily called out on emergency
cases. He may be removed in the manner provided for the re-
moval of county road engineers, and vacancies shall be filled by
the court for the unexpired term.

Sec. 38. The county road engineer or road supervisor ap-
pointed as provided in this act shall in all matters pertaining to
“Class A,” roads, co-operate with the state road commission in mat-
ters relating to “Class A” roads, in such manner and to such ex-
tent as may be required by said commission in its rules and regu-
lations, and shall at the same time act as the agent of the county
6 court of the county for which he was appointed, as to the supervi-
7 sion of roads and other duties provided herein. He shall be subject
8 to the general authority of the county court and to the rules and
9 regulations prescribed by the state road commission, have general
10 charge and supervision of all the roads, and bridges thereon, within
11 his county, and shall see that the same are improved, repaired
12 and maintained as provided by law, and shall have the general
13 supervision of the work of constructing, repairing and improving
14 such roads and bridges in his county; shall superintend the con-
15 struction and improvements made upon said roads and bridges
16 under the provisions of this act, and other work of like nature
17 undertaken by the county court of the county, and shall make
18 reports thereon from time to time as the court may direct; shall
19 advise and direct those employed by or under him including the
20 road patrolman herein provided for, as to the best methods of
21 repairing, maintaining and improving such roads and bridges;
22 shall examine the various formations and deposits of gravel and
23 stone in his county for the purpose of ascertaining the materials
24 which are most available and best suited for the improvement of
25 the public roads therein, and when required by the state road
26 commission shall submit samples of such materials and make a
27 written report in respect thereto; shall establish or cause to be
28 established such grades and recommend such means of drainage,
29 repair and improvement as may seem to him necessary, when
30 requested by the county court; shall cause to be placed and kept
31 at the forks or crossings of such roads a guide board, on which
32 shall be stated in plain letters the most noted place to which
33 each road leads and the number of miles thereto; and shall, under
34 the direction of the county court and state road commission, as
35 aforesaid, perform all such duties as may be required to keep
36 such roads in open and passable condition and in the best repair
37 possible with the means at his disposal; and shall perform such
38 other duties, regarding roads in “Class A,” as may be required by
39 the state commission.

Sec. 39. Whenever a public meeting in the interest of good
2 roads for a county or district shall have been called by the state
3 road commission, the county road engineer or supervisor as the
4 case may be shall cause due notice thereof to be given through news-
5 paper publications and otherwise, in such manner as may be pro-
6 vided by the rules and regulations of such commission, and shall
7 co-operate with such commission in holding any such meeting.
Sec. 40. By and with the advice and consent of the county court, the county road engineer or supervisor may employ such agents and employees as he may deem necessary to properly maintain and care for the roads under his charge, and may discharge such agents and employees at pleasure. Such agents and employees may receive such compensation per day as may be determined by the county court of the county; provided, that such compensation shall be as nearly as can be ascertained the same as the prevailing wages in the vicinity for work of like kind, not to be less than one dollar nor more than two dollars and fifty cents per day, according to services rendered; except in the case of assistant engineers required for special work, who shall receive not more than five dollars per day.

Sec. 41. If directed by the county court, such county road engineer or supervisor shall divide the main county or district roads of his county into convenient sections, not exceeding two miles in length, and shall annually, after two weeks' notice by publication in some newspaper published in the county, and by posting printed hand bills at one public place at least in each district of the county, let to contract the maintenance and repair of said roads, by contract for the period of one year, to the lowest responsible bidder, taking bond from the contractor in a penalty to be fixed by the court, and with condition for the faithful performance of the duties of said contract or under his said contract; and every such contract shall be promptly reported by the county court and approved by it before the same shall become effective. The road engineer or supervisor shall furnish to any person desiring to bid upon any such road contract, specifications of the work required to be done; or the engineer with the approval of the court may require the district patrolman to look after such roads as may be in his district.

Sec. 42. If any section or sections be not sold at any sale or sales, made under the provisions of this section, for want of a bidder or because of the rejection of any bids as provided for in this act, it shall be the duty of the county road engineer to sell such section or sections or new roads at private sale or have the same kept in repair, or such new roads opened, as provided in this act, or in any other manner the county court may direct. To this end he may employ and procure all necessary hands, horses and material for the proper discharge of his duties, at such compensation as the county court may determine accord-
ing to the provisions set forth in this act. It shall be unlawful for any county road engineer to appoint or employ, under the provisions of this section, as a laborer on the public roads, his father, son, son-in-law, grandson, brother, brother-in-law, nephew or first cousin by blood; provided, a sufficient amount of other efficient labor can be secured within the vicinity. Each county road engineer shall report to the county court at each regular term thereof and at such other time as the court may require, a full itemized statement of the expenditures made by him since his last report, giving number and names of hands and number of horses employed by him, the time each was employed, the amount paid to or for each, and such other matter as he may deem necessary or the court may require. Such statements of account shall first have been prepared according to the public accounting laws of this state and have been certified to by the agent or agents of the county road engineer having charge of the work.

Sec. 43. The county road engineer or supervisor shall make, or co-operate with the state road commission in making, the necessary surveys, grades, maps, plans and estimates for the permanent improvements of any main county road upon which the county court may desire to expend federal or state aid funds as provided in this act; and shall supervise the work of constructing such permanent improvements as provided in section thirty-nine hereof, making such reports concerning the progress of such work as the state road commission or the county court may require.

Sec. 44. The county road engineer or supervisor may purchase for the use of the county upon main county roads, or other roads, stone crushers, road rollers, traction engines, road machines for grading and scraping, tools and other implements, which shall be paid for from the county road funds; but any contract for the purpose of such equipment shall not be valid until approved by the county court. Such engineer or supervisor may in like manner lease or hire any of such equipment, the same to be paid for out of said county road fund.

Sec. 45. The county road engineer, or any county or district supervisor may, with the approval of the county court of the county, purchase any gravel, stone, earth or wood necessary in the construction, repair or maintenance of a public road, from any owner of such materials within the county. If such officer and the county court shall not be able to agree with such owner upon
the price to be paid for such material, the officer by direction of
said court may proceed to acquire such property and the right to
take and remove the same by condemnation proceedings; except
that no gravel, stone or earth shall be so taken within one thousand
feet of any house or barn, or from any lawn, orchard or vineyard.
Any such road officer shall also be authorized to enter upon any
land adjacent to a public road for the purpose of opening any
existing drain or ditch or for digging a new ditch or drain for
the free passage of water in order to drain such road; and to
enter upon any land adjoining rivers, streams or creeks to drive
piles, throw up embankments or perform any other labor necessary
to keep such rivers, streams or creeks within their proper channel
and prevent their encroachment upon public roads or abutments
of bridges, or any other damage to such roads or bridges; and
for any damage done to such lands by entry thereon as aforesaid,
the county court may make a reasonable and proper allowance
to the owner. All moneys provided by this section to be paid by
the county court as compensation or damages shall be paid from
the respective funds applicable to the maintenance of the roads
benefited.

Sec. 46. It shall be the duty of the county road engineer or
supervisor, at the end of each fiscal year to ascertain and report
in writing to the county court of the county, the amount of money
necessary to open and keep in repair all main county roads, and
the roads of each of the magisterial districts of the county, payable
during the next ensuing fiscal year, and it shall be the duty of
the said court to carefully examine such reports and estimates
therein contained, and to make such alterations and corrections
therein as the court may think proper. Said report shall show
the amounts estimated respectively for the maintenance of main
county and of district roads, and the same shall be used by the
court as the basis of laying all levies provided for in this act.

Sec. 47. Wherever in regard to the provisions of this act
the same powers or duties have been conferred on, or prescribed
for, two or more officials or agencies, or whenever any question
as to a conflict of authority shall arise, the power and authority of
the state road commission shall prevail over that of the county
court, in matters pertaining to “Class A” roads, the county court
over the county engineer or supervisor, and the county engineer or
supervisor over the district road patrolman or other official or
employee engaged in work on the district roads.
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District Road Patrolman.

Sec. 48. The office of district road patrolman is hereby created. The county court of each county may, between the first day of March and the first day of April of each year, appoint a road patrolman for each magisterial district, who shall be an able-bodied man between the age of twenty-one and fifty years, and a resident of such district or county. The term of office of such patrolman shall begin on the first day of April and continue for one year.

Sec. 49. The county court may fill any vacancy occurring in said office, and may remove a patrolman for good cause. Each patrolman of roads shall enter into a bond with the county court, with security to be approved by the court, in the sum of not less than five hundred dollars, conditioned for the faithful performance of his duties, and to account for and pay over all moneys, tools and materials that may come into his hands by virtue of his office.

Sec. 50. The clerk of the county court shall, upon the appointment of a road patrolman by the county court, make out and deliver to said road patrolman a certificate showing his appointment, upon which certificate shall be printed a statement of the general duties of said patrolman as hereinafter provided.

Sec. 51. It shall be the duty of each road patrolman, at his own expense to provide himself with a mattock, shovel and such other tools as may be necessary in the performance of his duty; patrol the roads in his district daily except Sunday, and, with the labor and funds at his command, keep all drains and culverts open; see that all roads are well drained and kept clear of rocks, fallen timber, land slides, unnecessary shade, and other obstruction of every kind and character. He shall have police supervision and control over the placing of private foot crossings across any road in his district; shall remove or cause to be removed all dead timber standing within fifty feet of the road. Across each stream, where necessary, said patrolman shall see that there is placed and kept a sufficient bridge, bench or log for the accommodation of foot passengers; shall inspect all bridges within his district and see that the same are in a safe condition; inspect the railing on said bridges; and see that the same is kept in good repair; shall notify, or cause to be notified, all persons who by law are liable to work on the roads, of the time and place at which they are required to attend for that purpose; shall direct and su-
20 perintend their work and keep an account of their time; and, subject to the direction of the county road engineer or county road supervisor, as the case may be, said patrolman shall perform such other duties with respect to the roads of his district as the county court may prescribe.

Sec. 52. Such patrolman shall have general police supervision over all roads within his magisterial district; including the streets and alleys of unincorporated villages, and shall have authority to require abutting property owners to remove and keep removed all garbage, refuse and filth of every kind and character that may accumulate on said streets and alleys, and order opened any street or alley on any town plat which is of record in the clerk's office of the county court.

Sec. 53. The owner or tenants of land fronting on the public roads shall construct and keep in repair all approaches and drive-ways to and over the public roads, under the direction of the patrolman, and it shall be unlawful for such owner or tenant to fill up any ditch, or place any material of any kind or character in any ditch so as in any manner to obstruct such ditch or to interfere with the purposes for which it was made.

Sec. 54. The county court may provide the road patrolman with such equipment and supplies, in addition to his regular equipment, as may be necessary to the proper discharge of his duties under this act, the same to be paid for out of any district road funds applicable thereto.

Sec. 55. Every patrolman of roads shall keep an exact account of the number of days work done on the roads in his district by each person liable to work thereon; and may require any person performing labor not under the immediate supervision of the patrolman to swear to his account, and said patrolman, by virtue of his office, is authorized to administer such oath.

Sec. 56. Said patrolman shall, before the fifteenth day of June of each year, expend upon the roads of his district seventy-five per cent of all the labor and commutation funds under his control, and fifteen per cent of said labor and funds between the fifteenth day of June and the first day of November; the remaining ten per cent to be reserved by him as an emergency fund to be used at his discretion, or during the winter months. Said patrolman shall report quarterly to the county court the condition of the roads and bridges in his district, and render an itemized account of all money and labor expended during said quar-
11 ter, with the names of the persons performing the labor, and the
12 amount and condition of all equipment and materials. He shall
13 pay to the treasurer of the county, to be placed to the credit of
14 the district road fund, such portion of any quarterly balance of
15 commutation funds unexpended as the court may order. He shall
16 also, on or before the first day of November of each year, report
17 to the county court the names of all persons who are liable to pay
18 commutation. He shall recommend from time to time to the
19 court such improvements upon the district roads in his district,
20 and alterations therein, or such new roads as he thinks ought to
21 be made, and the probable cost thereof. All reports shall be made
22 in duplicate and one copy transmitted to the state road commis-
23 sion.

Sec. 57. Every patrolman of roads shall turn over all ac-
2 counts, moneys and papers pertaining to his office, and all ma-
3 terials, tools and equipment belonging to the said district or
4 county, to his successor, taking receipts therefor in duplicate, one
5 of which shall be kept by the outgoing patrolman and the other
6 filed with the clerk of the county court; if he fails to do so, he
7 shall be liable to a fine and imprisonment as provided in the next
8 section.

Sec. 58. Any patrolman who has been duly appointed and
2 accepted the office, failing to perform the duties as prescribed in
3 this act, without just cause therefor, shall be guilty of a misde-
4 meanor; and upon conviction thereof, shall be fined not less than
5 twenty-five nor more than one hundred dollars, and, moreover,
6 shall be liable on his official bond for the breach of any of its
7 terms and conditions.

Sec. 59. The county court of every county may require, by
2 order duly entered, every male person, not under twenty-one nor
3 over fifty years of age, who resides in any magisterial district and
4 is not a pauper or insane person, having had at least three days’
5 notice, to attend in person or by sufficient substitute, with proper
6 tools and work on the roads in such magisterial district, under
7 the direction of the patrolman thereof, at such places and on such
8 days as the said patrolman may appoint, not less than one nor
9 more than four days in each year; but if the person liable under
10 this section neglects to perform said work in person or by sub-
11 stitute, or if he elects so to do, he shall then pay to said patrol-
12 man the sum of two dollars for each day he so fails to work,
13 which shall be payable upon such failure or election. Such labor
14 and commutation shall be used wholly for the construction, main-
15 tenance and up-keep of the roads in said district. The pro-
16 visions of this section shall not apply to persons residing in any
17 incorporated city or town which, by its charter or ordinances,
18 is required to construct and maintain its streets and alleys.

Sec. 60. Every person coming within the purview of this
2 act who shall fail to attend and perform the labor required of
3 him, or to pay the commutation required in this act, or if he
4 attends at the time and place he is notified to attend, and shall
5 refuse to obey any lawful order or direction of the patrolman, or
6 shall spend his time in idleness or inattention to the work as-
7 signed to him, he shall be proceeded against as follows: The pa-
8 trolman shall keep a book for that purpose and assess him two
9 dollars for each day he fails to properly perform such work; pro-
10 vided, that such delinquent shall not have paid the commutation
11 aforesaid. The county court shall provide said patrolman with
12 blanks in form and effect as follows: "....................
13 in the district of................, in the county of............
14 Dr. to road tax for failing to perform......days work on road,
15 $........," and shall place a duplicate of such assessment in
16 the hands of a constable in the county for collection within ten
17 days after the neglect or refusal, and take his receipt therefor.
18 Such receipt shall be in form or effect as follows: "Received
19 this........day of............., 19......, of................,
20 patrolman of roads of..................district, county of
21 ................... assessment of road tax for collection
22 as follows: against..................., for........... days
23 work, $........," reciting the names of each person and the
24 number of days charged against him and the amount thereof.
25 Said patrolman shall file such receipt in his office, and shall enter
26 the amount thereof against said constable in a book kept for that
27 purpose. If said tax be paid to the constable he shall write
28 on said assessment blank the words "Received payment," and
29 sign the same in his official character and deliver to the person
30 so charged with said tax, but if the said tax be not paid on de-
31 mand, the constable may collect the same by distraint or other-
32 wise, in the same manner as a sheriff may distrain for and collect
33 county and state taxes. Any person claiming to be improperly
34 assessed with such tax may apply to the county court at its first
35 or second session after the same comes to his knowledge but not
36 afterwards, to have it corrected; but he shall give to the patrol-
man of roads at least five days' notice in writing of such application. If the court, after hearing such matter, be satisfied that the applicant has been improperly assessed with such tax, it shall correct the assessment accordingly; otherwise, it shall confirm the same. The application shall be heard and determined without cost. If the constable be unable to collect such tax within sixty days after the same is placed in his hands, he shall return the duplicate to the patrolman of roads from whom he received it, or to his successor in office, with the return thereon that he was unable to make such collection, and for what reason; and any constable who shall falsely return such tax uncollected in whole or in part shall be guilty of a misdemeanor, and upon conviction thereof, fined not less than ten nor more than fifty dollars.

Sec. 61. Every patrolman of roads shall be allowed for his services by the county not less than two dollars nor more than three dollars for every day necessarily employed by him in performing his official duties, and his own affidavit shall be prima facie evidence thereof; and such account, when audited and allowed by the court, shall be paid as herebefore provided, out of the taxes collected for district road purposes, and constituting the district road fund; provided, that the patrolman of roads shall not be exempted from two days' labor on the roads each year, or commutation therefor, as hereinbefore provided in section sixty of this act. No road patrolman shall engage in any other business which would prevent his giving his time and attention to the roads of his district, in accordance with such regulations as may be prescribed by the county court.

Location, Establishment and Discontinuance.

Sec. 62. The interest which belonged to the state on the first day of July, one thousand eight hundred and sixty-eight (whether as owner or one of the several owners, or a shareholder or stockholder) in any road, (including turnpikes and plank roads) bridge or public landing lying wholly or in part within the limits of a county is transferred to and shall continue vested in such county so far as such road, bridge or public landing is within the said county; together with all the rights and powers of the state pertaining thereto as such owner, or one of several owners or as a shareholder or stockholder. But this section and the following one shall not apply to any railroad or canal, lock or dam,
12 slackwater, or other improvement of a river or a navigable stream
13 or to the suspension bridges across the Monongahela river at Fair-
14 mont and Morgantown or to the Cumberland road, or to Maryland
15 and Virginia Bridge Company, or to any bridge, toll-house or
16 other property of that part of said last mentioned road.
17 A county may acquire, by agreement, condemnation, or other-
18 wise, and hold the interest of the owners, shareholders, or stock-
19 holders, or any one or more of them other than the state, in any
20 road, bridge, or public landing, so far as the same is within the
21 limits of said county.

Sec. 63. Every public road, bridge or landing, and every
2 street or alley, in any incorporated city, town or village hereto-
3 fore established and opened pursuant to law and which has not
4 been lawfully. discontinued or vacated, shall continue as such,
5 until properly discontinued, and every road, street or alley, used
6 and occupied as a public road, street or alley, shall in all courts
7 and places be taken and deemed to be a public road, street or alley
8 (as the case may be) whenever the establishment thereof as such
9 may come in question.

Sec. 64. The roads, bridges and landings transferred by the
2 state to the several counties in which they are located shall here-
3 after be regarded as public roads, bridges and landings.

Sec. 65. No public road shall be established or discontinued
2 or the location thereof changed without due notice thereof having
3 been given according to the provisions of this act, except in case
4 of changes made under section seventy-three hereof.

Sec. 66. The grade of any road to be hereafter estab-
2 lished shall not exceed five feet rise per hundred feet, unless es-
3 pecially authorized by the county court when such grade is im-
4 practicable as to distance or cost of construction, and in no case
5 shall a public road be established having a grade exceeding nine
6 feet rise per hundred feet.

Sec. 67. All notices and advertisements for the establish-
2 ment, alteration or discontinuance of any road, bridge or landing,
3 shall be published at least two consecutive weeks in two news-
4 papers of general circulation and of different politics, if there
5 be such within the county.

Sec. 68. No bridge unless it be exclusively for footmen, shall
2 be less than fourteen feet wide. All public roads which are now
3 established in any of the counties of this state as public roads shall
4 occupy a right-of-way not less than thirty feet wide, unless the
5 county court shall have made a special order for a different width, 6 which order shall be a matter of record in the office of the county 7 clerk. All public roads which may hereafter be established in any 8 of the counties of this state, except main county roads, shall oc- 9 cupy a right-of-way not less than thirty feet wide and the neces-10 sary slopes.

Sec. 69. Not more than two acres of land shall be con-2 demned for any landing, and no road or landing shall be estab-3 lished by the county court of the county upon or through any lot 4 of any incorporated city, town or village, without the consent of 5 the owner thereof, except as herein otherwise provided.

Sec. 70. When any road is altered, the former road shall be 2 discontinued to the extent of such alteration, and no further, and 3 the new one established.

Sec. 71. Nothing in this act shall be so construed as to pre-2 vent any county court from acquiring by right any land for pub-3 lic road purposes as provided in this chapter, but the title to all 4 rights-of-way, whether secured by gift, purchase or condemnation, 5 and all discontinuances of public roads, shall be reported by the 6 county engineer to the county clerk and made a matter of record 7 in the county clerk’s office.

Sec. 72. With the consent of the owner of land in which a 2 change is proposed to be made, given in writing, setting forth the 3 exact changes proposed, the county road engineer or supervisor 4 may change any public road in this county, except main county 5 roads, and turnpikes; provided, such change does not materially 6 increase the length or grade or require more work to keep the 7 road in repair, or place the same on worse ground than it was be-8 fore such change, or render the said road in any respect worse 9 than it was before the change. Any county road engineer who shall 10 make such change otherwise than that prescribed in this chapter 11 shall be guilty of a misdemeanor and on conviction thereof shall be 12 fined not less than twenty-five dollars nor more than one hundred 13 dollars. And in case such change is made in violation of the pro-14 visions of this section, the part of the road thus altered, shall not 15 be established as a public road, and the former location shall be 16 continued as such.

Sec. 73. The county court of the county, may upon peti-2 tion, direct any public road, bridge or landing other than a turn-3 pike, bridge or landing in which private citizens may hold a 4 majority of the stock, or any main county road, or road to be
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5 discontinued, but notice of such petition must be published
6 according to the provisions of this act, and in addition, notices
7 must be placed at three public places in every district in which
8 any part of the said road or landing may be. Upon such petition,
9 after notice given as aforesaid, the county court shall appoint
10 two or more viewers or a committee of their own body, who,
11 together with the county road engineer, shall view such road or
12 landing and report in writing, whether in their opinion, and if
13 any, what inconvenience would result from discontinuing the
14 same. Upon such report and other evidence, if any, the court
15 may discontinue the road, bridge or landing, taking care in every
16 case which is an established post road, not to discontinue the same
17 until another has been established; and in case of a road which may
18 have been established by means of state aid the consent of the
19 state road commission must have been obtained in writing, setting
20 forth the changes allowed.

Sec. 74. When any person desires the establishment or alter-
2 ation of a public road, bridge or landing in any county, or a
3 public road leading from any public road or roads, he shall petition
4 the county court of the county in which the road, bridge or
5 landing is situated, setting forth in his petition specifically the
6 nature and location of the proposed work, and the county court
7 shall thereupon (and they may do so without such petition in
8 any case in which they deem the interests of the people of the
9 county require it) appoint two or more viewers, or a committee
10 of their own body, who, together with the county road engineer,
11 shall view the ground and report in writing the advantages and
12 disadvantages which, in their opinion, will result as well to in-
13 dividuals as to the public from the proposed work and the grades
14 and bearings of the proposed roads and the facts and circum-
15 stances that may be useful to enable the county court to determine
16 whether such work ought to be undertaken by the county, or if
17 the petition be for the establishment or alteration of a public
18 road leading from another public road or roads, whether such
19 road should be established, stating specifically, whether it would
20 be necessary to take any burying ground, garden, yard, orchard
21 or any part thereof, or to injure or destroy any buildings and the
22 probable cost of the work, the names of the land owners whose
23 property would have to be taken or injured, which of them would
24 require compensation and the probable amount to which each
25 of them would be entitled. They shall make careful examination
of other routes or locations than that proposed or petitioned for, keeping in view at all times the possible future development of the country and the accommodation of the general traveling public, and shall report in favor of the one they prefer, with the reasons for their preference. A map giving the grades and bearings of the routes and locations shall be returned with the report. The report may be recommitted by the court, with or without special instructions, or upon petition; or upon their own motion the court may appoint a special committee of viewers, who shall make examination and report according to the provisions of this section.

In any case where it shall appear to the county court that the interests of the general public may be furthered thereby, they shall personally examine the proposed work, or shall appoint a committee of their own body to make examination as herein provided. But in no case shall the county court alter or change the location of any main county road, or road in which the state or federal government shall have invested any money, according to any plan of state or federal aid, without the consent of the state road commission. If the court decide to undertake the proposed work, they shall appoint a day for hearing the parties interested and cause notice thereof to be given to the proprietors and tenants of the property which would have to be taken or injured to show cause against the same. Such notice shall be served on such of them as are found within the county and on any agent therein of any proprietor not so found and by sending another copy by mail, postage paid, to the last known postoffice address of any party interested who is not found in the county, and by giving notice through the public press as provided in this act.

Nothing in this act contained shall be so construed as to authorize the county court to establish main county roads other than in the manner provided in sections twenty-one and twenty-two of this act.

Sec. 75. If the court at any time have sufficient evidence before them to enable them to ascertain what would be a just compensation to the proprietors and tenants, and if such proprietors and tenants are willing to accept what the court deems just, the said court upon such acceptance, being reduced to writing and signed by the proprietors and tenants may determine to undertake the work.

Sec. 76. Upon hearing the parties interested in an application for a public road, said county court shall decide for or against
undertaking the proposed work on behalf of the county. If it
decides in favor of the same, and the compensation to be paid to
any proprietor or tenant be not fixed by agreement, it shall order
proceedings to be instituted and presented in its corporate name
in the circuit court of the county, pursuant to the forty-second
chapter of the code of West Virginia, to ascertain what will be
a just compensation to each proprietor or tenant for the land
proposed to be taken, and the said court shall lay a sufficient levy
for that purpose. But, when such compensation shall be so ascer-
tained, it shall be at the option of the county court to pay the
same or to abandon the proposed undertaking. If it decides to
pay the same, it shall lay a sufficient levy for the purpose as
provided in this act. In any case where the petition is for the
establishment or alteration of a public road leading from the
main public road or roads, the court may refuse to undertake
the proposed work, unless the petitioner or some one for him,
shall deposit with said county court a sufficient sum to pay all
damages and costs sustained by reason of the establishment or
alteration of such public road. In such case, if it seems proper so
do, the court may establish any such public road, upon condi-
tions that the petitioner shall pay all costs and damages as afore-
said, and make and keep in repair such road, and maintain in
good repair one or more gates across such public road
where the road passes through a fence or fences, as is provided
in section one hundred and fifty-six of this act; and the court may
also impose upon such petitioner, his heirs or assigns, and upon the
public such other conditions in reference to such road as the court
may deem just. In the event that any of the conditions, so
imposed by the court are not fully complied with, the court at
any time, after giving at least sixty days' notice to the public and
to the petitioner, his heirs or assigns, in such manner as the court
may prescribe, may discontinue or abandon such road.

But the court, instead of proceeding in the manner hereinabove
provided in this section, is authorized to enter upon any lands,
other than those prohibited by law, and locate and build said road,
and sixty days after said road is completed, cause to be sum-
moned thirteen freeholders, to be nominated by the court, of
whom the court may strike off four or any less number from
the list, and the property owners or their representatives, or such
of them as appear, may also strike off four or any less number,
and after eight names are stricken from the list the remaining
five shall be commissioners appointed to assess the damages hereafter provided. But where there is no appearance for the property owners, or if they appear and do not agree as to any one or more of the names to be stricken off on their behalf, or the right to strike off any one or more names is waived on the part of either of the property owners, or their representatives, or from any cause the full number shall not be stricken off by the court or parties aforesaid, the names or additional names, as the case may be, to be stricken from the list in order to reduce the number to five, shall be ascertained by lot under the direction of the court. Vacancies shall be filled, and any commissioner, for good cause shown, may be removed by the court.

The said freeholders or commissioners shall go upon the land and assess the damages and benefits, taking into consideration the benefits accruing to the property and the damages sustained to it, and shall fix the compensation or damages as said commissioners may see proper, and the amount so fixed shall be paid out of the road fund of the county, in case of a main county road, or the road fund of a district, in case of a district road.

If the damages so assessed be not satisfactory to the property owner or owners, proprietor or tenant, or to the court, he or they, or said court, may, within six months after the assessment aforesaid, appeal or apply to the circuit court of the county and demand a trial therein, as in other condemnation proceedings; provided, however, before entering upon said land as authorized by this section, it shall be the duty of the county court or its representative to serve notice upon the owner or owners of said land, as provided by law, notifying such owner or owners that the road is to be located upon their land under the authority of this section. Any person who shall obstruct said road while in process of construction, or repair, or interfere with the engineer or other persons in charge of said work or construction, their agents or employees, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars, and may be imprisoned not to exceed one month, or both, in the discretion of the court.

In any proceeding authorized by this section, the revenues applicable to the payment of any damages assessed shall be deemed sufficient security, and to have been pledged for the payment thereof.
Sec. 78. When it becomes necessary to build or repair any bridge across any stream on the line between two counties, or to construct or improve according to any plan of state aid, or to keep in repair any road or roads between two counties, or along the boundary lines thereof, the county courts of such counties may enter into such agreement therefor, as to them shall seem best, but if they disagree in relation thereto, it shall be the duty of the county court of each county to appoint two special commissioners, who, together with the county engineer of each county, shall meet and arrange the matter, and if they should disagree, they shall call to their aid one or more special commissioners from another county to assist them in their decision and whenever a decision is arrived at and if it is confirmed by the court of each county, sitting separate, it shall be binding. If the county court of any county, upon being required so to do, shall fail to appoint commissioners, or if either court shall fail in any respect to fulfill its part of the agreement with respect to the work, the remedy by mandamus shall lie before the circuit court of the county whose county court is complained of on behalf of the county court of the other county, and the circuit court shall compel the county court complained of, to do what ought to be done in the matter.

Sec. 79. If the county courts shall determine to make improvements, they shall have prepared plans and specifications of such work, and shall advertise for bids as provided in section eighty-eight of this act in each of the counties, and the contract
shall be awarded to the lowest responsible bidder who shall furnish satisfactory security to be approved by said county courts and said county courts voting separately shall approve of the plans and specifications, and shall jointly award the contract.

The commissioners appointed by the county courts as provided in section seventy-nine hereof, together with the county road engineer of, each of the counties, shall constitute a joint committee and such joint committee shall receive the bids at the time and place specified in the advertisement and shall open and publicly announce the items comprising each bid according to the provisions of section eighty-eight of this act, and the members of the committee from each county shall forthwith report such bids to their respective county courts for action thereon.

Sec. 80. The contract for such work shall specify such share or portion of the costs thereof to be borne and paid by each county court, and each county court shall be severally liable for such share or proportions.

Sec. 81. If in the opinion of said county courts, or either of them, it be determined by resolution passed by either of said courts separately, to place in the tax levy for any one fiscal year its share or proportion of the costs of acquiring said lands, doing the work and making the improvements herein authorized, would be too burdensome on the taxpayers of such county or counties, then it shall be lawful for such county court to issue the bonds of such county according to law, to raise the funds wherewith to defray the cost aforesaid.

Sec. 82. After the completion of the work, the improvement so made shall be maintained by the county court or courts or other authorities of the counties or other political divisions joining in the improvement, who shall bear and pay the same share and cost of maintenance and repair that they severally bore toward the cost of improvement.

Sec. 83. It shall be the duty of the clerk of the county court to keep on convenient file or in books prepared for such purpose, a complete record of all titles to rights-of-way, all maps, plats and surveys, and all discontinuances of public roads within the county, which are now, or may hereafter be reported to the county court of the county.

Sec. 84. Any person or persons who may desire to do so, may build a sidewalk, composed of plank, gravel, concrete or other suitable material, along the side of any public road in this
4 state; *provided*, that the said walk does not exceed thirty-six
5 inches in width and that the construction and repairing of the
6 same and the use thereof shall be without expense of any kind
7 to the public or to any person who may want to use the same;
8 and, *provided, further*, that all persons who may desire, be per-
9 mitted to use the same and that said sidewalk does not in any
10 way interfere with the traveling public on any public road;
11 *provided, further*, that if it is desired to build any such walk in a
12 city or corporate town, the consent of the council of such city or
13 town shall be obtained before such walk is built.

Sec. 85. Any person or persons who shall in any manner de-
2 stroy, take up, or in any way injure any sidewalk already con-
3 structed, or that may hereafter be constructed according to the
4 provisions of the foregoing section, and shall fail to repair the
5 same, shall be deemed guilty of a misdemeanor, and on convic-
6 tion thereof, shall be fined not less than five nor more than fifty
7 dollars.

Sec. 86. Nothing contained in this act shall be construed
2 to take from the jurisdiction, charge or control of the council,
3 trustees or other authority of any incorporated city, town or vil-
4 lage, so much of any road, bridge, landing or wharf, or any other
5 thing, as by the laws now in force, is exclusively under such juris-
6 diction, charge or control.

**Bids and Contracts**

Sec. 87. All bids for work to be let by contract under the
2 provisions of this act, whether for construction or maintenance,
3 shall be received at the court house of the county in which such
4 road is to be constructed and maintained at the time specified in
5 the advertisements and shall be opened only in open court and the
6 amount and items comprising each bid shall be publicly announced
7 and the contract, if let, shall be let to the lowest responsible bidder
8 who shall give bond with satisfactory security in an amount equal
8-a to fifty per cent of the amount of such contract, conditioned
9 for its faithful performance.
10 After such bids have been opened, as herein provided, it
11 shall be the duty of the county court or other tribunal acting
12 in lieu thereof, to publish in some newspaper published in the
13 county, and if there be no paper published in the county, then
14 in some newspaper of general circulation therein, which publi-
15 cation shall be made in the first issue of such newspaper after
the bids are opened, the names of all persons bidding on such contract, together with the itemized amount of their respective bids, designating the person to whom such contract was awarded, if awarded, together with the amount of his bid.

Any person who shall open any of the bids, at any other time or place than herein provided, or shall make known the name of the bidder, or the amount of his bid, otherwise than herein provided, shall be guilty of a misdemeanor, and fined not less than fifty nor more than two hundred dollars, and be imprisoned in the county jail not less than one nor more than six months. And any member of the county court, or other tribunal acting in lieu thereof, who shall violate the provisions of this act, shall be deemed guilty of misconduct in office, and shall forfeit his office, and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars and imprisoned in the county jail not to exceed six months.

The county court may reserve from payment not more than twenty per cent of the amount accruing on said contract until the completion of said work and the approval thereof.

The court may reject any and all bids and may thereafter have the work done in any other manner that may seem advisable. In the event there shall be two bids of the same amount for any section of road or any other improvement thereon, the bid of the person owning the greatest amount of frontage or real estate abutting on said road on the section where the improvement is to be made shall be accepted. In the event that neither bidder owns property abutting on said section to be improved, then in case of such equal bids, the bidder owning property nearest the section to be improved shall be given preference.

In the event the county court shall decide to have the work done otherwise than by contract, then the work shall be done under the direction of the county road engineer, or the court may appoint a competent superintendent, who, under the direction of the county road engineer, shall have the supervision of the road or roads of the district or section for which he was appointed. He shall devote his entire time and attention to the work or so much thereof as the court may direct, and he shall receive such compensation for his services as may be determined by said court, or in case the court does not have a county road engineer or for any reason the court deems it advisable, where
57 there is a county road engineer, to appoint a special, competent,
58 district engineer to take charge of any district, special or par-
59 ticular piece of work or to assist in any state aid work, the court
60 shall have the power so to do and fix the compensation of said
61 district engineer.
62 All notices and advertisements for the letting to contract of
63 public roads or any part thereof, under the provisions of this
64 act, whether for construction or maintenance, or for the purposes
65 of any supplies, equipment or material, shall, unless otherwise
66 provided, be published for at least four consecutive weeks pre-
67 ceding the date of the letting of said contract, at least once each
68 week, in two newspapers of general circulation and different
69 politics, if there be such, within the county; if not, then in one
70 paper of general circulation; the county court shall, if the proposed
71 construction or maintenance is on "Class A" roads, notify the state
72 road commission by copy of such advertisement and give the loca-
73 tion in the county of the road and improvement to be made, to be
74-0 included in its report, and if on "Class A" roads, furnish a copy
75 of the plans and specifications submitted and if requested it shall
76 be the duty of said road commission, prior to the final acceptance of
77 any proposal by the county court, to report upon the plans and
78 specifications for the contract, as to the sufficiency of all require-
79 ments and on request of the court shall also furnish the county
80 court for its private use an estimate of the reasonable cost of said
81 improvements and to submit its recommendation in writing to the
82 county court which recommendation after considering all bids
83 shall be made a part of the records of said county.
84 No such contract shall be let to any person, association or
85 persons, company or corporation, who or which, is connected di-
86 rectly, indirectly or otherwise, with any combination in the form of
87 an unlawful trust in restraint of trade, or who, or which enters into
88 any understanding, directly or indirectly, to limit in any manner
89 competition in bidding upon the construction of any road or
90 bridge, or for furnishing any materials used thereon and entering
91 therein. Any such combination or unlawful trust is hereby
92 prohibited; any person, association of persons, company or cor-
93 poration entering into, or being a part of any such combination
94 or unlawful trust, shall be guilty of a misdemeanor, and, upon
95 conviction thereof, shall be fined not exceeding one thousand
96 dollars; and every person, county or state officer or any employee
97 of any county or the state, including the officers or members of
Section 87. Any corporation, who shall be engaged in any way in promoting any such combination or unlawful trust, or aiding or abetting the same, or knowingly committing any acts in pursuance thereof, in addition to being subject to the fine aforesaid, may in the discretion of the court, be imprisoned not exceeding six months.

Section 88. Any person, firm or corporation offering for sale or selling any paints, metal or metal culverts, fence or fencing or any other materials or supplies for use upon or in the construction of any road or bridge or part thereof of any county, city or town within the state, shall furnish with a certificate of its purity showing its chemical constituents and the percentage of impurities contained therein. Any person, firm or corporation making or furnishing a false certificate shall be guilty of perjury and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred dollars, and may be imprisoned not less than one month nor more than twelve months and any contract made by reason of any false statement or representation may be cancelled by the court.

Section 89. All claims of any contractor or contractors or others, which may under the provisions of this act be due to such contractor or contractors or other persons, shall when certified by the county road engineer, be presented to the county court at the proper session thereof and if by them found correct, shall, upon the order or warrant of said court, signed by the president and clerk thereof, be paid by the sheriff; provided, that it shall be the duty of the said road engineer to furnish the county court at such time as he may be directed by them so to do, with a certified statement showing the amount of each claim so due each contractor or contractors; except that in contracts for the construction of new roads, the payment shall be conditioned as set out in the original contract therefor, with the privilege to the court of reserving not more than twenty per cent. of payments on all estimates until the work is completed: and provided, further, that no county road engineer shall certify the claim of any such contractor or contractors until upon examination, he shall find that the provisions of the contract have been strictly complied with.

Section 90. If it shall appear necessary to the engineer or other representative of the county court in charge to close a public road, which is being constructed or repaired under this act, so as to permit a proper completion of such work, he shall execute a
5 notice in duplicate, stating the necessity for closing such public
6 road, and describing the portion to be closed; he shall cause to
7 be posted at each end of the portion to be closed a copy of said
8 notice and may have the same published in one or more news-
9 papers in the county one week and shall thereupon close the same
to public travel by erecting suitable obstructions and posting
11 conspicuous notices. In the event the public road is closed, the
12 engineer or other representative of the county court in charge
13 may direct a detour or provide a new location by the construction
14 of a temporary road to be used by the traveling public in lieu of
15 the closed public road and may erect temporary bridges when
16 necessary. For the purpose of locating and constructing such
17 temporary road and bridge, the engineer or other representative
18 of the county court in charge may enter upon the land adjoining
19 or near to the closed public road and may, with the approval of
20 the county court, agree with the owner of such lands, for the
21 damages, if any, caused thereby; if the engineer or other repre-
22 sentative of the county court in charge is unable to agree with
23 such owner for the amount of damages, if any, the amount thereof
24 shall be ascertained, determined and paid as provided in this act.
25 When such public road shall have been closed to the public as
26 provided herein, any person who disregards the obstruction and
27 notice and drives or rides over the portion of the public road
28 so closed, shall be liable for the damages done to any section or
29 portion of the road being constructed, and shall be guilty of a
30 misdemeanor and upon conviction thereof may be fined not less
31 than five dollars nor more than fifty dollars.

Sec. 91. The county court, for the purpose of meeting and
2 taking care of the necessary charges and expenses which may be
3 incurred by the county road engineer or other representative of
4 the county court having any road work in charge during the
5 recess of the court, in performing the duties required of him
6 under the provisions of this act, may at any regular term of the
7 court set apart and appropriate out of the road fund of the county
8 or any magisterial district thereof, and not otherwise appropri-
9 ated, funds sufficient to pay said expenses. Said appropriation
10 shall be based on a written itemized estimate to be certified and
11 furnished to the county court by said engineer or other represen-
12 tative of the court having said work in charge.
13 After the appropriation shall have been made as aforesaid,
14 the said engineer, or other representative having said work in
15 charge, shall certify to the clerk of the county court the amount
16 each and every person is entitled to receive by virtue of any work
17 or labor performed or materials furnished, and sign the same in
18 his official capacity; whereupon, the clerk shall have authority to
19 issue an order payable out of the proper fund to the person entitled
20 thereto, which order shall be paid as other orders issued by the
21 clerk, payable out of the several road funds of the county or
22 district.
23 The clerk shall keep a record of all claims so issued, showing
24 the amount thereof, to whom issued, upon the authority of what
25 road official and for what purpose, and make report thereof to
26 the court at each of its regular sessions.
27 The clerk shall not issue orders or drafts in excess of the
28 amount of the money appropriated by the court for the particular
29 work mentioned in the estimates aforesaid.
30 It shall be the duty of the road engineer, or other representa-
31 tive of the court having said work in charge, at each successive
32 regular session of the court, to make a report in writing, showing
33 what orders he has given authorizing the clerk to issue drafts or
34 orders as aforesaid, under the provisions of this act, to whom
35 payable and for what services. The said report of the county
36 clerk and that of the road engineer, or other representative of
37 the county court, shall be audited by said court, filed, and recorded
38 in its order book, or appropriation record, or such other record
39 as the court may provide. Said county road engineer, or other
40 representative of the court having the said work in charge, is
41 hereby prohibited from expending money or issuing orders to
42 the clerk, in excess of the amount appropriated by the court for
43 the purpose or purposes aforesaid. If any county road engineer,
44 or other representative of the county court, or the clerk of said
45 court, shall issue, or cause to be issued, any order or orders herein
46 authorized, in excess of said appropriation, or improperly issue
47 any such orders, or cause the same to be done, which are paid
48 in the manner provided by law, said county road engineer, or
49 other representative, or the clerk of said court, shall be liable
50 for the same on his or their official bond. Nothing herein con-
51 tained shall be construed as authorizing the payment to any road
52 contractor, or contractors, of any sum which may be due to such
53 contractor, or contractors, under the terms or provisions of his
54 contract, or under the provisions of this act, until the estimate
55 provided by such contract or contracts, and by law, has been made
and certified, as in said contract, or the law, is provided, and
approved by the county court. It shall be unlawful for the county
road engineer, or other representative of the county court having
said work in charge, to directly or indirectly, discount any of
the claims or orders authorized under this section. Any one
violating this section shall be guilty of a misdemeanor, and upon
conviction thereof shall be fined not less than ten nor more than
twenty-five dollars.

It shall be the duty of the county to furnish to the county
road engineer, or other representative having said work in charge,
proper blank forms upon which to certify to the clerk of the
county court the amounts which the several persons performing
labor or furnishing material by virtue of this section are entitled
to receive.

**Prison Labor.**

Sec. 92. Whenever the county court of any county proposes
to improve permanently any road, or part thereof, in their county,
and desires to use prison labor thereon, it may apply to the state
road commission for a competent engineer to view the proposed
road. Upon receipt of such application, the commission shall
send such county court a blank form for the purpose of eliciting
from the said county court such information touching the pro-
posed road and improvement as it may desire, which blank form
said county court shall fill out to the best of its ability and return
to the commission. If the commission shall be satisfied that the
proposed improvement will be permanent, and that the plans
proposed by the local road authorities for such improvement are
adequate and practicable, it shall cause said road or part thereof,
proposed to be improved, to be viewed by a member of the com-
mission, or its agent, and shall carefully prepare plans, specifi-
cations and estimates of the cost of construction, with the mate-
rals agreed upon by the commission. A copy of said plans,
specifications and estimates of cost shall be submitted to the
county court and a copy filed in the office of said commission.
The expenses incurred by the commission or its assistants in per-
forming the duties required under this section shall be paid by
the county whose local road authorities requested the same to be
done.

Sec. 93: Whenever any county court shall have decided to
construct or improve the said road, or any part thereof, in accord-
ance with the plans and specifications of the state road commission, and shall have agreed with the commission respecting the location, construction and material of such road, which agreement shall be reduced to writing and recorded in the county clerk's office, then such county court may apply to the state board of control to send convicts to such county to be worked upon such road. Such application shall be in form prescribed by the board of control, and shall state the number of convicts desired, which shall not be less than ten, and the length of time for which the county court desired to contract. If the number of prisoners in the penitentiary available shall suffice to meet all the applications which may be before it, the board of control shall grant all such applications which are satisfactory to the board. If the number of prisoners available shall not be sufficient to fill all such applications, the board of control shall file the applications, and fill them in the order in which they were received. The board shall, however, as far as possible, give equal service to all the counties making application, subject, however, to the judgment of the board as to the merits of the respective applications. The board of control may, for good cause, refuse any or all such applications, in which event the cause of such refusal shall be specified to the applicant.

Sec. 94. The board of control, with the advice and assistance of the warden of the penitentiary, shall determine what prisoners therein confined may, with safety and convenience, be assigned to such work, selecting preferably such prisoners as are believed to be most trustworthy.

Sec. 95. Whenever any such application shall be granted by the board of control in its original or modified form, a contract in writing, based thereon, shall be entered into between the board of control and the county court making such application, which shall set forth the terms of the agreement based on such application.

Sec. 96. The state road commission shall have authority, under proper rules and regulations, to establish and maintain stone quarries, crushers and brick kilns at places in the state where suitable materials may be obtained, to be furnished to the counties desiring to use the same in constructing and maintaining public roads and bridges, and to the state and counties for public buildings, and for any other purpose for which the state or county may desire to use such stone or brick. No brick kilns shall be
9 established until the materials available therefor have been care-
10 fully analyzed by the commission and approved by it, and no
11 material shall be used in the manufacture of brick or the building
12 or improving of roads until after like analysis and approval. In
13 selecting the location for said brick kilns, due regard shall be
14 had to transportation facilities. The state convict road force may
15 be employed by said commission at and about said kilns in the
16 manufacture of brick under the same rules and regulations pro-
17 vided herein for working said force on the public roads.

Sec. 97. The state prison road force shall be guarded when
2 working on the roads of the state and in making road materials
3 by guards detailed by the warden of the penitentiary, who shall
4 designate one guard as the superior and the other or others as
5 assistants; and such superior may by agreement with the county
6 court act as and be the foreman in charge of such work. The
7 state guards shall obey the rules prescribed for the maintenance
8 of such camps. Any guard not obeying such rules shall, upon
9 recommendation of the engineer in charge of the work, be imme-
10 diately recalled and some other person detailed in his stead. The
11 guards so detailed shall not exceed one guard and an assistant
12 for thirty men, and one guard and two assistants for fifty men.
13 The wages of every such guard shall be fixed by the warden of
14 the penitentiary, but said wages for the superior shall not exceed
15 seventy-five dollars per month and board, and for an assistant
16 guard, not over sixty dollars per month and board. The warden
17 of the penitentiary, his assistants or guards, at the request of the
18 state road commission, may, so far as practicable, make trustees
19 of the said state prison road force employed under this act. All
20 guards and prisoners shall be under the direction of the state
21 road commission or its engineer in charge, and shall work not
22 to exceed ten hours per day, and each prisoner shall be paid for
23 such time in excess of nine hours per day at the contract rate
24 paid by the county for such prisoner's labor. The state board of
25 health, state board of control and the state road commission shall
26 jointly formulate rules and regulations governing such camps,
27 and the state board of control shall allow such good time and
28 other allowances as may be deemed wise for the government of
29 state prisoners and prison camps, in addition to that allowed
30 by law.

Sec. 98. The warden of the penitentiary shall provide suit-
2 able and movable quarters, said quarters to be built, so far as
3 can be, with convict labor; and shall supply all necessary cooking
4 utensils, beds and bedding and wagons for transporting the
5 convicts, and camp fixtures for the camps or stations of said
6 prison and road force.

Sec. 99. All convicts forming the state prison road force
2 shall be transferred to and from the jails and the penitentiary, and
3 the expense of such transfer shall be paid in the same way as
4 is now provided by law for transporting convicts to the peniten-
5 tiary, except that the prisoners of the state prison road force may
6 be transported anywhere in the state, under the direction of the
7 warden of the penitentiary.

Sec. 100. The warden of the penitentiary shall provide, in
2 the same manner as he now provides, for convicts in the peniten-
3 tiary, all clothing, food, quarters and guards for the state prison
4 road force when at work on the public roads of any county in
5 the state.

Sec. 101. Whenever any prisoner working on such roads
2 shall become sick, or shall be disabled by accident or otherwise,
3 he shall be attended by the physician employed by the county
4 court to take care of the poor in the county, or by the jail physi-
5 cian in such county, and the fees of such physician shall be paid
6 by the county at such sum as may be agreed by the county court
7 with such physician. In any case of emergency, the physician who
8 can be most conveniently reached shall attend such prisoner until
9 the physician for the poor or the jail physician can attend, and
10 the reasonable fees of the physician first called shall be paid by
11 the county court of such county.

Sec 102. Any county court desiring to obtain convict labor
2 on its roads, under the provisions of this act, shall agree to sup-
3 ply all necessary material, to be approved by said state road com-
4 mission, with tools and terms as required by the plans and
5 specifications of the commission.

Sec. 103. After the expiration of all contracts now existing
2 between the state and any person, firm or corporation, for the
3 employment of convict labor at the penitentiary, only such con-
4 tracts shall be renewed or new contracts made under the provisions
5 of law as may be necessary to employ all convicts not otherwise
6 employed under the provisions of this act.

Sec. 104. If the local road authorities of any county propose
2 to improve permanently any road, or part thereof, and desire to
3 make use of the services of the state road commission under the
terms of this chapter, and to have the benefit of the provisions of this chapter creating a state convict road force, but shall prefer to make such improvements by contract, then the said commission may, upon request, furnish such local county road authorities, in advance of the letting of the contract, an estimate of the number of convicts available for use upon such proposed permanent road improvements, providing that such number of convicts to be so supplied by the said state road commission shall not exceed such number as that, estimating their labor at one dollar per day, per convict, exclusive of Sundays, and a reasonable allowance for bad weather, will amount to a contribution on the part of the state of more than fifty per cent of the total contract price of such proposed improvements. The convicts so employed upon construction work shall be and remain under the direct supervision and care of the warden of the penitentiary, and may be worked only for such hours and under such humane and reasonable rules, regulations and conditions as may be jointly prescribed and enforced by the warden of the penitentiary and the state road commission, which said hours, rules, regulations and conditions shall be stated and promulgated in advance of the letting of the contract.

Sec. 105. If any convict escape from the state convict road force, he shall be punished as now prescribed by law for convicts escaping from the penitentiary.

Sec. 106. The warden of the penitentiary shall have power to discharge any of said prisoners working on said state convict road force, wherever they may be in the state, when the term of said prisoner shall have expired; and section twenty-two of chapter one hundred and sixty-three of the code of West Virginia shall apply to all convicts working on said state road force.

Sec. 107. It shall be the duty of the governor to designate some competent physician, or physicians, to make monthly inspection of all camps where convict road force is employed; and it shall be the duty of such physician to make monthly, a thorough investigation of the sanitary conditions of such camps, and make a regular report of each inspection to the governor, together with such recommendations as he may deem necessary; and to furnish a copy thereof to the warden of the penitentiary, to the state board of health, and to the local board of health of the county in which such camp may be located. Said physician for his ser-
vices shall receive the same allowance, and be paid in the manner as provided in section one hundred and two of this chapter.

Sec. 108. Whenever, hereafter, any male person over the age of sixteen years shall be convicted of an offense, the punishment of which by law is confinement in the county jail, before any court or justice of the peace, and sentenced by such court or justice of the peace to imprisonment in the county jail and to pay a fine and costs, he shall be sentenced by such court or justice of the peace to labor on the public roads of the county under the direction of the county road engineer or other representative of the county court having such work in charge, during the time of such imprisonment and until said fine and costs are satisfied; whenever any person is imprisoned by virtue of section ten of chapter thirty-six of the code and fails to execute the bond as therein provided, then he shall be required to work on said roads until said fine and costs are paid, under the regulations in this act prescribed; provided, said work shall not be required to be done on the streets or alleys of a city, town or village, which under its charter keeps its own streets and alleys in order, unless the corporate authorities thereof shall first arrange with the county authorities to pay for such work to the keeper of the jail of said county the amount to which he shall be entitled for the board of such prisoners.

Sec. 109. The county court of each county shall provide for the working of such prisoners and shall provide for the safe keeping of such prisoners while performing such work, and to this end the border line of each county shall constitute and be considered the walls of the jail of such county, and the county engineer or other such representatives of the county court having such work in charge, shall be and are hereby empowered to adopt safe and humane methods of discipline and protection to enforce the provisions of this chapter and prevent escape of prisoners.

Sec. 110. The court or justice of the peace before whom any such prisoner is convicted, for good cause appearing and entered of record, may omit from the sentence that part of the penalty requiring such person to work on the public roads of the county.

Sec. 111. Whenever any such person shall escape while working on such public roads and be recaptured he shall be taken by the officer having him in custody before any justice of
the peace in the county where such escape was made, who shall,
5 after a trial and upon conviction for such escape, sentence him
6 to labor on the public roads of said county, in addition to fines
7 and sentences imposed at his previous trial, not less than sixty
8 days nor more than six months and to pay the cost of making
9 the arrest, including all costs of trials, and in default of the
10 payment shall sentence said prisoner to work out said costs on
11 said public roads as herein provided.

Sec. 112. The sheriff upon recommendation of the county
2 engineer or other representatives of the county court having the
3 work in charge, and with the approval of the county court, shall
4 employ a sufficient number of persons to guard such prisoners,
5 not to exceed one for every ten prisoners so employed on such
6 county roads, and the wages of such guards shall be paid out of
7 the county treasury when allowed by the county court, and shall
8 not exceed two dollars and fifty cents per day for each guard.
9 Such guards when employed shall be subject to, and under the
10 direction of, the county road engineer or other representative of
11 the county court having the work in charge. The keeper of the
12 jail shall file with the clerk of the county court a monthly state-
13 ment showing the number of prisoners in jail awaiting trial, the
14 number of prisoners sentenced to work upon the public roads,
15 the number of days work performed, the number of days idle, the
16 reason therefor, and shall furnish a duplicate copy to the state
17 road commission. Whenever prisoners are worked from camps or
18 kept outside of the jail, the person in charge of the camp shall
19 furnish the jailer with the information herein required, or file
20 the same with the clerk of the county court under the direction
21 of the county road engineer, or other such representative of the
22 court.

Sec. 113. The clerk of every court, or the justice of the
2 peace before whom any person is convicted of an offense and sen-
3 tenced to be confined in the county jail or sentenced to pay a
4 fine and is confined for non-payment thereof, shall certify to the
5 jailer the length of sentence and the amount of fine in the man-
6 ner and form following:
7 "Commitment by.....................for imprisonment
8 for.....................sentence, fine and costs.
9 State of West Virginia,
10 County of .................., ss.
11 To the sheriff or any constable of said county, and to the
12 jailer of said county:
13       Whereas, ..................... was this day convicted of
14 the crime of ....................., and was sentenced to
15 confinement in the county jail for the period of ......... days
16 (or months) from this date, and to pay the state a fine of ....
17 ..................... dollars and costs incurred, amounting to the
18 sum of ..................... dollars, itemized on the back here-
19 of, and to labor on the public roads in said county until said
20 fine and costs are paid, as provided in chapter ............. of
21 the acts of the legislature of the said state for the year .......
22 You, the said sheriff or constable, are hereby commanded in
23 the name of the state to forthwith safely convey the said ....
24 ..................... and deliver him to the said jailer with
25 this process; and you, the said jailer, are hereby commanded in
26 the name of the said state to receive and confine the said ....
27 ..................... in said jail and to see that the said ....
28 ..................... labors according to law on the public
29 roads until said sentence, fine and costs have been satisfied or
30 until he is discharged according to law.
31 Given under my hand and seal this the ............. day of
32 ....................., 19 ....

33 Clerk of Court, or
34 Justice of the Peace.”

Sec. 114. The circuit, criminal or intermediate court
2 wherein the said person was sentenced, or the judge thereof in
3 vacation, or a justice before whom any such person was convicted,
4 may, for good cause shown, release such defendant from such
5 imprisonment and suspend the payment of fine and costs, but
6 no such order shall be made by a justice or a judge in vacation
7 of his court, until at least ten days notice in writing be given
8 to the prosecuting attorney of the time and place at which the
9 motion therefor shall be made.

Sec. 115. A person charged with misdemeanor, who is un-
2 able to furnish a recognizance, or bail bond with satisfactory
3 securities, according to law, or who is refused bail, may after be-
4 ing committed to jail, elect to labor upon the public roads of the
5 county in which such crime is alleged to have been committed;
and in such case the circuit, criminal or intermediate court of
such county, or the judge thereof in vacation, may, in its dis-
cretion, enter an order in the order book of such court permit-
ing such person to labor on the public roads of said county, as
herein provided, until such time as may be fixed by such court, or
judge thereof in vacation. If, at his trial, such person is con-
victed and sentenced to imprisonment in the county jail, or to la-
bor on the public roads of such county, he shall be credited on
his term by the number of days he has labored on such public
roads; if fined, he shall be credited on the amount of fine and
costs with one dollar and fifty cents per day for each day he
labored on such road; and if acquitted, he shall be paid seventy-
five cents for each day he labored on said roads, to be paid out
of the road funds of the county or district in which such work
is chargeable, when allowed by the county court.

Sec. 116. Every person sentenced to labor on the county
roads under the provisions of this act, who faithfully complies
with all the rules and regulations which may be prescribed by
the county road authorities, governing the working of prisoners
on the public roads, shall be entitled to a deduction from his sen-
tence of five days for each month, on every jail sentence that may
be imposed upon him.

Traffic Regulations—Automobile Registration—Chauffeurs' Licenses

Sec. 117. For the purposes of this act, unless the same be
contrary to, and inconsistent with the context, the words and
phrases used in this act shall be construed as follows:

“Motor vehicle” shall include all vehicles propelled by any
power other than muscular power, excepting such motor vehicles
as run only upon rails and tracks. “Closely built up” shall mean
(a) the territory of a city, village or town contiguous to the pub-
lic highway which is at that point built up with structures de-
voted to business; (b) the territory of a city, village or town,
contiguous to a public highway not devoted to business, where
for not less than one-quarter of a mile, the dwelling houses on
such highway average less than one hundred feet apart; and, also,
(c) the territory outside of a city or village contiguous to a pub-
lic highway within a distance of one-half mile from any post
office; provided, that for a distance of at least one-quarter of a
mile within such limits the dwelling houses on such highway
average less than one hundred feet apart; and, provided, further, 
that the local authorities having charge of such highways shall 
have conspicuously placed thereon signs of a sufficient size to be 
easily readable by a person using the highway, bearing the words, 
“Slow down,” and also an arrow pointing in the direction where 
the speed should be reduced. “Local authorities” shall include 
all officers of counties, cities, villages or towns, as well as all 
boards, committees, and other public officials of such counties, 
cities, villages or towns. “Chauffeur” shall mean any person 
operating a motor vehicle as mechanic, employee or for hire.

Sec. 118. No person shall operate a motor vehicle on any 
public road or street at a greater rate of speed than thirty-five 
miles per hour, and at no time shall such person use a greater 
rate of speed than will permit of absolute control of such vehicle 
at all times, so as not to endanger life or limb of any person, or 
the safety of any property, and shall not pass through, by or over 
a closely built up section, city, village, bridge, dam, summit of 
a hill, steep descent, street or road intersection, railroad or interurban crossing or curve, at a greater rate of speed than will 
permit of bringing the vehicle to a full stop in one-half the dis-
tance that the road is in full view, the objective point being 
construed as the distance viewed. Any person driving such ve-
hicle at a greater rate of speed than permitted by this act, or 
in violation of any of the safety provisions thereof, shall be 
deemed guilty of reckless driving and shall be punished as 
hereinafter provided. If such reckless driving result in the 
death of any person, or in injury to person or property, the 
person guilty thereof shall be punishable as for homicide or 
for unlawful or malicious wounding as the case may be; 
and shall also be liable in damages for any injury of any kind 
resulting from such reckless driving. But nothing herein con-
tained shall be construed as prohibiting any city, village or town 
from prescribing regulations not inconsistent herewith, relative 
to the speed at which such vehicles shall be operated.

Sec. 119. No person shall drive or operate any vehicle, mo-
tor driven or otherwise, upon any public road or street of this 
state, when intoxicated or under the influence of liquor, drugs or 
narcotics; and any person so driving or operating any vehicle up-
on any public road or street of this state while intoxicated or 
under the influence of drugs or narcotics shall be guilty of a mis-
demeanor and upon conviction thereof shall be fined not less than
8 five nor more than fifty dollars, and may be imprisoned not less
9 than ten nor more than sixty days, at the discretion of the court
10 or justice trying the offense; and upon a second conviction for
11 the like offense at any time within three years from the first,
12 shall be fined as aforesaid and imprisoned not less than ten nor
13 more than sixty days, and shall thereby be prohibited from oper-
14 ating or driving a motor vehicle in this state for a period of
15 one year. The court or justice before whom any such person may
16 be convicted as aforesaid, shall forthwith notify the state road
17 commission of such conviction, giving the name of the person
18 convicted and the number of the car or vehicle driven by him.

Sec. 120. Every person using or driving any motor vehicle,
2 buggy, wagon or other vehicle on any street or alley of any city,
3 town or village, or in any “closely built up” territory, shall op-
4 erate or drive the same on the right of the center of such street
5 or alley. Every vehicle meeting another vehicle, person or ani-
6 mal, shall pass on the right; every vehicle overtaking another
7 vehicle, person or animal shall pass on the left. Every vehicle
7-a turning from a street or alley into another street or alley
8 to the right shall turn as near the right hand curb or side as
9 possible; every vehicle turning into another street or alley to
10 the left shall not turn until the front wheels thereof shall, if
11 possible, have passed beyond the center of the intersecting streets
12 or alleys. No vehicle, except on signal from a traffic officer, or
13 in case of emergency or to allow another vehicle, person or animal
14 to cross the highway, shall stop in any street or alley except on
15 the right hand side thereof, and then in such manner as not to
16 obstruct a crossing or interfere with traffic or the access to any
17 fire plug, gasoline or oil station, or other place of public service
18 or resort; nor shall any vehicle back or turn in any street or
19 alley if it will thereby interfere with or retard traffic; provided,
20 such turn can be made by going around a block. The driver of
21 every vehicle approaching any street or passenger car which has
22 stopped or is about to stop for the purpose of receiving or dis-
23 charging passengers, shall have such vehicle under control and
24 shall reduce its speed to a reasonable and proper rate for safety,
25 and shall not pass a vehicle or street car while unloading or
26 taking on passengers unless it be an established safety zone or he
27 be signaled by the operator of said vehicle or street car so to
28 pass.

Sec. 121. No person shall race any vehicle or animal or
2 place any wager upon any race upon any of the public roads or
3 streets of this state, nor shall any person carry on the business
4 of horse trading upon any road or street within one mile of any
5 fair, religious meeting or any other religious association during
6 the days and times such fair, religious meeting or association is
7 being held. Any person violating the provisions of this section
8 shall be deemed guilty of a misdemeanor and upon conviction
9 thereof shall be fined not less than ten nor more than fifty dol-
10 lars for each offense, and may be required to enter into a recogni-
11 zance in the sum of three hundred dollars for continued good
12 behavior for twelve months, and in default of entering into such
13 recognizance may be committed to jail for not less than ten nor
14 more than sixty days, or until said bond be filed and approved
15 by a justice in the county.

Sec. 122. The driver or operator of any vehicle upon ap-
2 proaching any person walking, riding, leading or driving any
3 horse or animal shall sound a proper signal or warning, and if
4 such animal being ridden, led or driven, shall appear to be fright-
5 ened, or if the person in charge thereof shall signal by raising
6 his or her hand, the driver of such vehicle shall bring the same
7 to a stop and if traveling in an opposite direction shall remain
8 stationary so long as may be necessary to reasonably allow such
9 horse or other animal to pass. If traveling in the same direction
10 such driver or operator shall use due diligence and care in pass-
11 ing such animal; but no person riding, driving or leading any
12 animal upon the public roads or streets of this state shall signal
13 for such stop unless necessary.

Sec. 123. In case of any accident, such as collision with a
2 person, animal or vehicle, all parties concerned must stop and
3 render such assistance as may be reasonable and necessary within
4 their power, and upon request all parties concerned shall exchange
5 their names, addresses and numbers of operating licenses.

Sec. 124. Every motor vehicle operated or driven upon the
2 public highways of this state shall be provided with adequate
3 brakes in good working order and sufficient to control such vehicle
4 when the same is in use, and an adequate horn or other device for
5 signaling, sufficient under all condition to give timely warning
6 of the approach of the motor vehicle; and shall during the period
7 from thirty minutes after sunset to thirty minutes before sunrise,
8 display at least one lighted lamp on the front and one on the rear
9 of such vehicle, which shall also display a red light visible from
10 the rear; and white rays of such rear lamp shall shine upon and
11 illuminate the number plate carried on the rear of such vehicle
12 so that the said number will be clearly visible. Every such vehicle
13 shall have devices to prevent excessive noise, annoying smoke,
14 or escape of gasoline or steam, as well as the falling out of embers
15 or residue from fuel; and all exhaust pipes carrying exhaust
16 from the engine shall be directed parallel to the ground or slightly
17 upward.

Sec. 125. No vehicle shall be left standing upon any high-
2 way without first tying, locking or taking other reasonable pre-
3 caution to prevent such vehicle being started in itself, or by unauf-
4 torized persons. And no person shall without authority of the
5 owner or person in charge thereof, climb upon or into any vehicle,
6 whether the same is in motion or at rest, or hurl stones or other
7 missiles at the same, or at the occupants thereof, or, while such
8 vehicle is at rest and unridden, sound any signal device or attempt
9 to manipulate any of the levers or machinery thereof, or set said
10 vehicle in motion or otherwise damage, hinder or interfere with
11 the same.

Sec. 126. No vehicle in excess of ninety inches in width
2 shall be operated upon the highways of this state unless authorized
3 by special permit from the state road commission, the county court
4 of the county, the county or district engineer or patrolman, and
5 then only upon highways of extra width; nor shall any vehicle,
6 including load, exceeding thirty thousand pounds in weight, or
7 on which the weight of the load is more than six hundred pounds
8 per inch width of tire, the total width of the four tires being
9 included in computing the weight thereof, be operated upon the
10 highways of this state unless by special permit from one of the
11 authorities hereinbefore designated, and then only upon highways
12 specially constructed for heavy traffic. Any person operating any
13 such vehicle under such a special permit shall be required to pay
14 to the county court of the county the amount of all damages which may be caused to any highway by reason of the
15 operation of such vehicle thereon, and the possession of said
16 permit shall not relieve any person from liability for such
17 damages.

Sec. 127. No person under the age of fourteen years
2 shall operate any motor vehicle upon the highways of this state
3 unless accompanied by the owner thereof or a duly licensed chauf-
4 feur. No person shall act as chauffeur without first having ob-
Sec. 128. Every person desiring to operate a motor vehicle either as a chauffeur or carrying on the business of transporting passengers or freight for hire, shall file in the office of the state road commission, on a blank to be provided by such commission, an application, which shall state the name of the applicant, his address, and the trade name and motor power of the vehicle or vehicles he is able to operate, and shall pay a registration or license fee of three dollars. Such application shall be verified by the signature of two citizens of this state of at least two years practical experience in operating motor vehicles, and be accompanied by a photograph of the applicant taken within thirty days prior to the filing of the application. The commission shall thereupon file the application and photograph in its office, register such chauffeur in a book or index to be kept for that purpose and assign to him a number; and the commission shall thereupon further issue and deliver to such chauffeur a certificate of registration and an enameled metal badge, corresponding in color with the license tags issued for the same year for motor vehicles, with the following words stamped thereon: "Registered Chauffeur, No. ... W. Va.", with the registration number inserted thereon, together with the year for which such license is issued, which badge shall be worn by such chauffeur in a conspicuous place upon his clothes at all times while driving a motor vehicle upon the highways. No such chauffeur shall voluntarily permit another person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge. Duplicate badges, in case of loss, may be issued under such regulations as the state road commission may prescribe. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof before any justice or court shall be fined not less than five nor more than twenty-five dollars.

Sec. 129. No motor vehicle shall be driven upon the public roads of this state, or upon any road or street within any incorporated city, town or village within the state, without the owner first having obtained from the state road commission, as herein provided, a certificate of registration therefor. Such license or certificate may be obtained by causing to be filed with the commission, by mail or otherwise, a statement setting forth the character of the vehicle to be licensed, including the name of the
9 manufacturer, the style, type and factory number of such vehicle,  
10 the character of the motor power and the amount of such motor  
11 power stated in figures of horse-power as advertised by the man-  
12 ufacturer, the name, age, residence and business address of the  
13 owner of such motor vehicle, and the name of the county in which  
14 he resides; provided, that if such motor vehicle is a taxi-cab or  
15 motor truck, or motor vehicle used or to be used solely for com-  
16 commercial purposes, the applicant shall so certify, and state in the  
17 application the factory rated useful load capacity thereof.

Sec. 130. Upon receipt of any application for registration of  
2 a motor vehicle, as provided in the preceding section, the commis-  
3 sion shall cause such application to be filed, and upon the payment  
4 of the fee hereinafter provided, the commission shall assign to  
5 such vehicle a distinctive number and deliver to the owner a  
6 certificate of registration and number plate or plates as herein  
7 provided; and in the event of loss or destruction the owner may  
8 obtain a duplicate of such plates upon the payment of a fee of  
9 one dollar, and giving satisfactory evidence of such loss or de-  
10 struction. No motor vehicle shall be driven upon the highways  
11 of this state without the proper license or registration tag fastened  
12 thereon; an automobile shall be required to carry two such tags,  
13 and any other motor vehicle required to be licensed under the  
14 provisions of this chapter shall carry one such license tag.

Sec. 131. The commission may refuse to license any vehicle  
2 which is so constructed as to be a menace to the safety of its occu-  
3 pants or to the traveling public, or for the violation of any of the  
4 provisions of this chapter; and may revoke any license already  
5 granted for like reason.

Sec. 132. The annual registration fee for issuing such cer-  
2 tificate and furnishing such plates for all motor vehicles other  
3 than motor cycles shall be ten dollars for each vehicle weighing  
4 two thousand pounds or less, and an additional twenty-five cents for  
5 each one hundred pounds of weight, or fraction thereof, in excess  
6 of said two thousand pounds.

Sec. 133. For each set of registration tags issued to a man-  
2 ufacturer or dealer in motor vehicles other than motor cycles,  
3 a fee of fifteen dollars per year shall be charged. Such tags shall  
4 be marked “Dealer’s Tag” and shall be interchangeable among  
5 the cars owned and used by such manufacturer or dealer during  
6 the fiscal year in which issued; but no such dealer’s tag shall be  
7 used on any car engaged in transportation for hire, or livery busi-
The annual license fee for motor-bicycles, tricycles and motorcycles shall be five dollars, and for each dealer's tag issued to a dealer handling such motor bicycles, tricycles and motorcycles, a like fee. Tags issued to such dealers shall be marked "Dealer's Tag", and shall be interchangeable as in the case of dealer's tags for other motor vehicles.

Sec. 134. All number plates, markers or tags shall show the name of the state, license number and year for which issued, and shall be of a distinctly different color each year; and all vehicles requiring one number plate or tag shall have the same attached to the rider's or driver's seat in such a manner as to be in full view at all times; and all vehicles requiring two number plates or tags shall have one in front and one in the rear, so attached as to be in plain view day and night; and all number plates shall be kept clean so as to be readable without any obscurity.

Sec. 135. Upon the transfer of ownership, destruction or permanent removal from the state of any motor vehicle, its certificates of registration and the right to use the number plates or markers aforesaid shall expire; provided, that the commission shall permit the person to whom such plates or markers were originally issued either to surrender the same upon terms for refund, based on quarterly periods of use, or use the same on a new car by paying a transfer fee of one dollar, with an adjustment of additional payments or refund, on a quarterly basis. And the commission shall make proper and equitable regulations for the exchange or transfer of registration certificates and markers, and for the temporary use of any such plates or markers pending application to the commission for a transfer.

Sec. 136. Any foreign vehicle bearing legal native tag or mark showing that it has complied with the laws of the state or country from which it came, relating to the registration and licensing of vehicles, may use the roads and streets of this state without obtaining additional license or registration within this state, for such a period as the state or country from which such vehicle came permits vehicles from other states to remain within that state or country without re-licensing therein; provided, such state or country extends like consideration to vehicles from this state.

Sec. 137. All fees collected under the provisions of this act shall be paid by said state road commission to the state auditor, and by him placed to the credit of the state road fund.
Motor Vehicles Used for Transportation of Passengers and Freight for Hire.

Sec. 138. It shall be the duty of each owner of a motor vehicle to be used in public transportation of passengers for hire, or in public transportation of freight or merchandise for hire, or in the transportation of private merchandise or freight over any wholesale or retail delivery district, operating over state aid, federal aid, main county and district roads, or over such roads and the streets and roads within the corporate limits of any city or town, in this state, to procure a permit from the state road commissioner to operate said vehicle over said roads and streets, and to pay into the state treasury, to the credit of the state road fund, such annual privilege tax therefor as may be prescribed by said state road commission for the privilege of operating such motor vehicle over said roads and streets; provided, that the requirements of this section shall not apply to such motor vehicles when used for such transportation purposes wholly within the limits of any incorporated city or town. Application for such permit shall be made by such owner or operator on a blank to be prepared and furnished by the state road commission, and shall set forth all such facts as to the business to be carried on, the vehicles to be used, distances, routes, schedules, and such other information as the state road commission may require.

Sec. 139. The state road commission shall have full power to make and enforce rules and regulations for the protection of all streets and roads from unnecessary damage by the operation of such vehicles, and shall levy and collect such privilege tax on each permit granted, as will lay upon the owners or operators of each class of such vehicles an equitable share of the burden of cost for the up-keep and maintenance of such streets and roads. In carrying out the purposes of this act, the state road commission shall classify such motor vehicles and fix the amount of the privilege tax to be paid for a permit on vehicles of each class and shall prescribe rules and methods for the computation of such tax.

Sec. 140. It shall be deemed a misdemeanor for any person to operate without such permit any vehicle coming within the classification fixed by said commission as requiring such permit, and any person found guilty thereof shall be fined not less than ten and not more than one hundred dollars for each offense. The state road commission shall have the power to assess and collect
7 fines and penalties from holders of permits who fail or refuse to
8 conform to the rules and regulations of said commission, and may
9 revoke the permit of any person who violates such rules and regu-
10 lations.

Sec. 141. The state road commission shall devise a system of
2 keeping a separate account of all moneys collected and remitted
3 to the auditor under the provisions of section eight, and shall
4 on or before the first day of January and July of each year, pre- 
5 pare a statement showing the amount so collected, for the use 
6 of state aid, federal aid, main county and district roads, and 
7 streets and roads within each county, district and incorporated 
8 city and town, within this state, and said state road commission
9 shall from time to time cause such roads and streets to be in-
10 spected, and if the respective authorities have kept such roads 
11 and streets in repair and said commission shall certify such facts 
12 to the auditor who shall upon receipt of such certificate transmit
13 his warrant, drawn upon the treasurer, payable to the proper 
14 town, city or county official, for ninety per cent. of the amount
15 so collected for the use of such streets or roads other than state 
16 aid and federal aid roads, within the respective jurisdiction,
17 to be used in repair and maintenance of streets and roads upon
18 which such motor vehicles for the transportation of passengers
19 or freight were operated. The amount so to be distributed for
20 the maintenance of streets and roads within any county, dis-
21 trict, incorporated city, or town, shall be computed upon a pro rata
22 mileage basis, in accordance with rules to be prescribed by the
23 state road commission.

24 All moneys collected from the licensing of such vehicles and
25 credited under said rules to their operation over state aid, federal
26 aid, and inter-county roads, including ten per cent. of all moneys
27 collected for the use of main county and district roads, and streets
28 and roads within incorporated towns and cities, shall be paid into
29 a general state road fund, to be used as the state road commission
30 may direct in the maintenance and repair of state aid, federal
31 aid, and inter-county roads.

Sec. 142. The privilege tax provided for in section one hun-
2 dred and thirty-nine of this act, shall be levied in addition to the
3 prescribed regular state tax on motor vehicles, and no other license
4 fee or tax shall be charged by the state or any municipality or
5 other political subdivision thereon, except the regular property tax,
6 with respect to such vehicles and their operation.
Toll Roads and Bridges.

Sec. 143. When any joint stock company incorporated by 
this state shall have been formed to construct a road or bridge, 
wholly or in part in any county, the county court of such county 
may subscribe for, take, hold and dispose of stock in such company 
under the regulations, and subject to the restrictions prescribed 
by law.

Sec. 144. No tolls other than for maintenance of such 
road or bridge shall be charged or collected for traveling upon any 
of the public roads or over any of the public bridges of this state, 
except those which are now collecting such tolls according to the 
laws of this state.

Sec. 145. A collector of tolls on any turnpike authorized by 
law to receive tolls, may refuse to allow any person, animal or 
vehicle to pass on such road until the lawful toll is paid. If any 
person, animal or vehicle pass a toll gate on such roads, or other 
proper place for payment, without paying or tendering the toll, or 
if any person misrepresent the distance he may have traveled on 
such road, such person in possession of such animal or vehicle shall 
be fined not exceeding twenty dollars, and the like penalty shall 
be incurred when any person, animal or vehicle subject to toll 
is passed through any private gate, bars or fence for the purpose 
of evading the payment of toll. Whoever shall defraud or at-
tempt to defraud the company by evading or attempting to evade 
the payment of toll for crossing a bridge, or aid another to do 
so, shall for every such offense, upon conviction, be fined ten dol-
lars.

A gatekeeper on any toll bridge shall keep such money of 
small denomination on hand, as may reasonably be required in 
the ordinary course of the business, for making change for pas-
sengers, and it is the duty of passengers to offer money for passage 
of a denomination as nearly as possible to the amount charged 
for such passage. This section shall not apply to persons now 
having a lawful right to pass on such roads without the payment 
of toll.

Sec. 146. On all turnpikes now owned wholly or in part by 
individuals or corporations in this state tolls not exceeding the 
following rates may be received in every section of five miles 
which has been completed, to-wit: For a single horse, mare, 
gelding, mule, jack or jennet, three cents; and for every horse,
mare, gelding, mule, jack or jennet, in addition, one cent, if the
same be not hitched to any vehicle; for twenty sheep or hogs,
five cents; and for twenty cattle, ten cents, and so on in propor-
tion for a greater or less number; for a riding carriage, whether
two or four wheeled, if the road be a macadamized road or a brick
road or some other permanently improved road, ten cents; but if
not macadamized or not a brick road or other permanently im-
proved road, five cents; and for a cart or wagon, if the tires of
the wheels are less than four inches wide, three cents for each
animal drawing it. For a fractional part of a section, tolls may
be received bearing the same proportion to the tolls for a full sec-
tion that the said fractional part bears to such full section; pro-
vided, that when the toll from the fractional part would be less
than one cent, they may charge and receive one cent; provided,
further, that all coaches, carriages, vehicles and horses used by per-
sons in going to and from divine worship, funerals, and grist mills
for the purpose of having grinding done, shall be exempt from
tolls.

Sec. 147. The said tolls may be demanded and collected of
every person passing the toll gate, whether he shall have traveled
the whole or only a part of the section or fractional part; pro-
vided, that the said toll road or turnpike shall be made so as to
conform to the following specifications: All roads or turnpikes
shall have a smooth road bed of not less than fifteen feet in width,
exclusive of ditches, and shall be well side-ditched and drained.
All cross-drains shall be under-drained or riprapped when nec-
essary. All running streams requiring bridges of fifty feet in
length or less, and such others as the county court of the county
may direct, shall have a bridge or culvert across the same suffi-
ciently strong and sufficiently wide to insure safe passage to all
kinds of vehicles; provided, further, that no toll shall be collected
unless said toll road or turnpike be constructed in accordance with
this section, but no such tolls shall hereafter be imposed and col-
lected in Ohio county, Jefferson county or in Brooke county; and
provided, further, that any citizen of this state may bring an ac-
tion or suit to prevent the unlawful collection of such tolls.

Sec. 148. Whenever the collection of tolls for traveling
over or upon any toll road or turnpike has been abandoned by
any county, person, company or corporation, or is prevented by
law or by final order of any court having competent jurisdiction,
or whenever any of the main public roads are improved under
the provision of section twenty-five of this act, it shall be the duty of the county court of the county wherein such road or turnpike, or any part thereof, is located, to keep the same macadamized and piked and in good repair, and to pay for the work and all expenses incident thereto out of the county road fund.

Sec. 149. Whenever complaint in writing on oath shall be made to the county road engineer of the county in which there shall be, in whole or in part, any toll bridge, belonging to any person or corporation, representing that such toll bridge has become, or is unsafe for public use, the county road engineer shall forthwith cause to be made a careful and thorough examination of such toll bridge, and if upon examination thereof, he shall be of the opinion that the same has, from any cause, become dangerous or unsafe for public use, he shall thereupon give immediate notice to the owner of such toll bridge or to any agent of such owner acting as the agent, in respect to such bridge, that he has on complaint made, carefully and thoroughly examined the bridge and found it to be unsafe for public use. Such owner shall thereupon immediately commence repairing the same and cause such repairs to be made within one week from the day of such notice given, or within reasonable time thereafter as may be necessary to thoroughly repair the bridge, so as to make it in all respects safe and convenient for public use. For neglecting to take proper and effective measures to repair such bridge, its owner shall forfeit fifty dollars and shall not demand or receive any toll for using the same until it shall be fully repaired. The county road engineer shall cause such repairs to be made and the owners of the bridge shall be liable for the expense thereof and for the service of a foreman at three dollars per day, and upon the neglect or refusal to pay the same upon presentation of an account thereof, the county road engineer may recover the same by action in the name of the county.

Sec. 150. Any person desiring the privilege of erecting a wharf at or on any public landing, may present a petition to the court of such county for such privilege; but notice of the petition, or his intention to present the same, must be posted at the front door of the court house and at three public places in the district before the petition is acted upon. The said court upon petition and notice, may grant such privilege upon such conditions and limitations, and fix such rates and charges for wharfage as it seems fit. But it may at any time afterwards, upon ten days
notice to the owner of such wharf, or his tenants, revoke such
privilege or alter such conditions or limitations, or regulate the
rates of charges.

Sec. 151. Any person owning land upon a water course may
erect a wharf on the same, or a pier or bulkhead in such water
course, opposite his land, so that the navigation be not obstructed
thereby, and so that such wharf, pier or bulkhead shall not other-
wise injure the private rights of any person. But the county
court of the county in which such wharf, pier or bulkhead shall
be, after causing ten days' notice to be given to the owner there-
of, of its intention to consider the subject, if it be satisfied that
such wharf, pier or bulkhead obstructs the navigation of the
water course, or so encroaches on any public landing as to pre-
vent the free use thereof, may abate the same.

General Provisions.

Sec. 152. So far as any road, bridge, or public landing be-
longs to or is under the care or control of a county, it shall be
the duty of the county court to cause the same to be kept in good
repair and condition. And when any county acquires the interest
of the state, or any other stockholder in any road, bridge or pub-
lic landing, under either of the two preceding sections, the county
court of such county shall have all powers, rights and privileges,
perform all the duties and be subject to the same liabilities that
were vested in, held, exercised or required to be performed by or
imposed upon the state or other former stockholders therein.

Sec. 153. Any person who sustains an injury to his person
or property by reason of a public road, bridge, street, sidewalk
or alley in any incorporated city, town or village, being out
of repair, may recover all damages sustained by him by reason
of such injury, in an action on the case in any court of compe-
tent jurisdiction, against the county court, city, town or village
in which such road, bridge, street, sidewalk or alley may be,
except that such city, town or village shall not be subject to such
action, unless it is required by its charter to keep the road, bridge,
street, sidewalk or alley therein, at the place where such injury
is sustained, in repair. If it is not so required, the action and
remedy shall be against the county court. When judgment is
obtained against the county court, such court shall levy upon the
taxable property of the district in which such injury is sustained,
a sufficient sum to pay such judgment with interest and costs, and the cost of collecting the same, and when it is obtained against a city, town or village, the proper corporate authorities thereof shall lay such levy on the property subject to taxation in such city, town or village. And in case of a failure by either so to do, or to pay the judgment as required by law, the circuit court of the county shall compel the laying of such levy, or the payment of such judgment, or both, by mandamus. The summons in such case against the county, shall issue against such court and be served as provided by chapter thirty-nine of the code of West Virginia, and if the case be against a city, town or village, it shall issue against the same by its corporate name and be served on the mayor, recorder, treasurer or two councilmen.

Sec. 154. Any person who may be injured as aforesaid by reason of a turnpike, road or bridge, belonging to any company or person, or to any county in its corporate capacity, being out of repair, may recover all damages sustained by him by reason of such injury, in the manner prescribed in the preceding section, against such company, person or county, or against the lessee for the time being of any such road or bridge. Any judgment against a city, town or village or county under this section, may be enforced by the circuit court by writ of mandamus. The enactment of this section shall not affect any action or suit now pending for any such company as is mentioned herein, but the same may be prosecuted and judgment enforced with like effect, as if this section had not been enacted.

Sec. 155. The county court of a county may, upon petition, permit gates to be erected across any county road therein, or cause any gate erected across a county road to be removed, but notice of every petition for that purpose must be first posted at the front door of the court house, and at three public places in the vicinity of the gate proposed to be erected or removed, at least three weeks before the meeting at which such order is made.

Sec. 156. The owner or occupier of every dam shall, as far as the road passes over the same, keep such dam in good order at least fourteen feet wide at the top; and also keep in good order a bridge of like width over the pier-head, flood gates or any waste cut through or around the dam; and shall erect and keep in good order, a strong railing on both sides of such bridge or dam. If he fails to comply with this section he shall pay a fine for every twenty-four hours failure, of two dollars, but the
Sec. 157. Any person owning land upon a water course may erect a wharf on the same, or a pier or bulkhead in such water course, opposite his land, so that the navigation be not obstructed thereby, and so that such wharf, pier or bulkhead shall not otherwise injure the private rights of any person. But the county court of the county in which such wharf, pier or bulkhead shall be, after causing ten days’ notice to be given to the owner thereof of its intention to consider the subject, if it be satisfied that such wharf, pier or bulkhead obstructs the navigation of the water course, or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

Sec. 158. Any person desiring the privilege of erecting a wharf at or on any public landing, may present a petition to the court of such county for such privilege; but notice of the petition, or his intention to present the same, must be posted at the front door of the court house and at three public places in the district in which it is proposed to erect such wharf, three weeks at least before the petition is acted upon. The said court upon petition and notice, may grant such privilege upon such conditions and limitations, and fix such rates and charges for wharfage as it seems fit. But it may at any time afterwards, upon ten days notice to the owner of such wharf, or his tenants, revoke such privilege or alter such conditions or limitations, or regulate the rates of charges.

Sec. 159. The county court of any county in the state of West Virginia, through which the Shenandoah river runs, may establish on and across said river not more than three free ferries; and such ferries shall be provided with sufficient landings and
boats, and such attendants of said boats as may be necessary to 
accommodate public travel. The court shall pay all expenses of 
establishing such ferries, providing and maintaining the necessary 
boats and the necessary attendants thereof out of the county treas-
ury.

Sec. 160. Delinquent lists of taxes uncollected under the 
provisions of this act shall be returned and disposed of as school 
and other district levies are returned and disposed of according to 
law.

Sec. 161. It shall be the duty of the owner or occupant of 
land situated along the public road, to remove all obstructions 
within the bounds of the road which have been placed there either 
by himself or by his consent.

Sec. 162. It shall be the duty of all telephone, telegraph, 
electric railway or other electrical companies, to remove and re-
set, telephone, telegraph, trolley and other poles and the wires 
connected therewith when the same constitute obstructions to 
the use of the public road by the traveling public.

Sec. 163. It shall be the duty of all pipe line companies 
whose lines shall have been laid across or along any public road 
in this state for the purpose of transporting any natural gas, oils, 
or water or any other substance, to fill up all excavations made 
thereby and to make the public road in all respects as good as it 
was before the excavation was made and to keep the same. If 
such obstructions are not removed or such poles or wires are not 
removed, or re-set, or such excavations are not properly filled and 
maintained, within thirty days after the serving of a notice, by 
the county road engineer personally or by mail upon such owner 
or occupant or upon such company at its principal place of busi-
ness or an agent of the company within the county, requesting the 
same to be done, the county road engineer shall cause such ob-
structions to be removed and such poles and wires to be re-set 
and such repairs on the excavation to be made as may be neces-
sary to place the same in its original condition. The expenses 
thereby incurred shall be paid, in the first instance, out of the 
moneys levied and collected and available therefor and the amount 
thereof shall be charged against such owner, occupant or company 
and levied and collected, as provided in section one hundred and 
sixty-four of this chapter.

Sec. 163-a It shall be unlawful for the county court of any 
county in this state or any other tribunal, acting in lieu thereof,
to grant any permit or franchise to any corporation, individual or
person in this state, or to any foreign corporation, the right to op-
erate or maintain any gas main line or lines along any of the pub-
lic roads or highways in this state, with a diameter exceeding four
inches; provided, however, that this act shall not prevent any oil
company or other person transporting oil or gasoline along the
public highways of this state, and that nothing herein contained
shall be construed to give such company, an unlimited franchise
without paying to the land owners through whose lands such road
runs or passes, the usual and customary right-of-way paid therefor,
or to be paid to the land owners for such right-of-way; such
grant, if made, shall only be construed to give such company or
person the right to use the easement in said public road and not
to vest any right of eminent domain therein. The purpose of
this act being to secure to the people of this state, the free and un-
limited use of the public roads without let or hinderance or ob-
struction from any one.

Sec. 164. The county road engineer or supervisor shall as-
 sess the costs of removing obstructions and removing and reset-
ting poles and wires pursuant to sections one hundred and sixty-
three and one hundred and sixty-four of this act, against the
owner, occupant or company neglecting to perform their duty
imposed by the sections above referred to.

Such county road engineer or supervisor shall serve person-
ally or by mail, upon such owner, occupant or company, a written
notice stating that, or the time and place specified therein, he or
his agent will assess such costs against the owner, occupant or
company neglecting to perform such duty. Such notice shall be
served at least ten days previous to the time specified therein. If
directed against a company, it may be served upon it at its prin-
cipal place of business or upon any agent of the company within
the district or county. At the time and place so specified he shall
hear the parties interested and shall thereupon complete the as-
 sessment, stating therein the names of the owner, occupant or
company, the amount assessed against him or it and shall re-
turn such assessment to the county court of the county who shall
cause the amount stated therein to be levied against the owner, oc-
cupant or company, and any uncollected tax shall be a lien upon
the property affected. The amount so levied shall be so collected
as other taxes levied by such court, and shall be paid into the dia-
Sec. 165. The circuit court of the county in which is any public road, or any portion thereof, taken for railroad purposes by any other corporation than a street railway company, unless such public road or portion thereof is in an incorporated city, town or village which has the control of all its roads, streets and alleys, or has been constructed since such railroad, may upon petition of any party interested, served upon said company as any other civil process, appoint a committee of three to inquire whether such public road or portion thereof is unsafe for travel by reason of such railroad, or whether an alteration of such public road or the construction of a new public road is thereby rendered necessary for the public safety and convenience; and such committee shall view the ground where such danger is complained of and shall also give written notice both to the parties making the complaint and to the parties complained of, or their agents in the county, of an opportunity to be heard, not less than fifteen days after the service upon such parties of a copy of such notice, and after the hearing shall report thereon to said court which may make any proper order in the premises; and if it shall order any such alteration or construction, and said company neglect or refuse to comply with such order, the county court of the county shall alter or construct such public road and may recover the expense thereof from said company.

Sec. 166. The county road engineer may, by an order in writing authorize the owners of property adjoining the public roads, at their own expense to locate and plant shade trees, fruit trees or nut bearing trees suitable for shade along public roads. Such trees not to be planted within less than fifteen feet of the center of the road. Such trees shall be planted at least sixty feet apart and according to plans and regulations sent out by the state commissioner of public roads.

Sec. 167. The county road engineer shall have the full care and control of all such public shade trees in his county, except within the limits of an incorporated city, town or village, and shall prosecute complaints for malicious injury to, or unlawful acts concerning public shade trees.

Sec. 168. The county road engineer may authorize the owner or occupant of lands to construct and maintain a watering trough beside the public road to be supplied with fresh water,
the surface of which shall be at least two feet above the level of
the ground and easily accessible for horses with vehicles.

The county road engineer shall, annually give a written order
upon the county court of the county for two dollars to be paid
out of the road fund of the district, to such owner or occupant
for maintaining such watering trough and keeping the same sup-
plied with fresh water.

Sec. 169. The owner or tenant of lands fronting on the pub-
lic road shall construct and keep in repair, all approaches or drive-
ways to and from the public road, under the direction of the
county road engineer and it shall be unlawful for such owner or
tenant to fill up any ditch, or place any material of any kind or
character in any ditch so as in any manner to obstruct or inter-
fere with the purposes for which it was made.

Sec. 170. Every public road official who is now in office or
who may hereafter be in office by virtue of this chapter shall, at
the expiration of his term of office, pay over to his successor all
the money in his hands by virtue of his office, taking duplicate re-
ceipts therefor, one of which shall be filed with the clerk of the
county court. If he fail to do so he shall be liable to double the
amount in his hands, to be recovered by the county before any
justice or court having jurisdiction.

Sec. 171. No trolley or electrical railway shall be con-
structed upon the road bed of any of the public roads of this state,
except the rails of the same be of the flat or "L" shaped type
so that wagons and other vehicles may with safety travel thereon.

Sec. 172. Every railroad company heretofore or hereafter
incorporated which has by the building of their road, or other-
wise, obstructed, or shall hereafter obstruct any public road, shall,
as far as possible, put the road so obstructed in as good condition
at every crossing of the railroad as it was before the obstruction.

Every railroad company which has changed, or shall hereafter
change the grade or location of any public road, shall put the
same in as good repair and on as practical a grade as such public
road was before its change; and if said road, after construction,
becomes damaged or injured, or is caused to be damaged or in-
jured by reason of the construction of said railroad, the said rail-
road company shall be liable for all damages occasioned thereby,
and for all costs incurred in repairing and keeping in repair the
roads so damaged or injured as aforesaid.
Sec. 173. Whoever shall obstruct or cause to be obstructed, any walk or driveway to, or upon a bridge, or shall loiter upon or about the entrance upon the same, or in any wise interfere with the gatekeeper or passengers upon a bridge, shall, upon conviction, be fined ten dollars.

Sec. 174. If any person without authority from the superintendent of said road, or person acting as agent thereof, shall remove, injure or deface any of the milestones or posts, parapets, walks, culverts, bridges, masonry of any kind, gates or toll houses belonging to said road authorized by law to receive tolls, or shall turn any stream of water from its regular course toward or upon such road, so as to injure the same, or shall obstruct any of the gutters, drains or culverts of such road, or shall connect any public or private road with such road, without securing such road from injury by reason of such connection, or by the flow of water at the place of such connection, or shall place or leave on such road any earth, ashes, stone or other obstruction to the travel and use of such road, or shall so place or leave thereon any vehicle as to interfere with such travel, or shall fastlock or rough lock either of the wheels of any vehicles upon a part of the road not covered with ice, except the same rest on an iron shoe at least six inches wide, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

Sec. 175. Obstructions within the meaning of this chapter shall include trees which have been cut or have fallen either on adjacent land or within the bounds of the public roads in such manner as to interfere with the travel therein; limbs of trees which have fallen within the public road or branches of trees overhanging the public road, so as to interfere with travel therein; land slides, carcasses of dead animals, lumber, wood or logs piled within the bounds of the public road, machines, vehicles, and implements abandoned or habitually placed within the bounds of the public road, fences, buildings or other obstructions within the bounds of the public road, earth, stone or other material placed in any ditch or water-way along the public road; telegraph, telephone, trolley or other poles and wires connected therewith, erected on the public road in such a way as to interfere with the use thereof, or any other thing which will prevent the easy, safe and convenient use of such public road for public travel.
Sec. 176. Any person who shall kill a tree and leave it standing within a distance of fifty feet of any public road, or without lawful authority, shall wilfully break down or destroy any bench or log placed across a stream for the accommodation of travelers, or destroy, injure, deface or alter any guideboard, milestone or milepost, or obstruct or injure any road or any ditch made for the purpose of draining a road, or injure any statue, monument, chair or other seats or any lamp or lamp posts, constructed or being in any public road, space or park, or any railing or fence erected for public use or enclosing any such space or park, or any walk or crossing for foot passengers or any sewer, curbing or paved gutter, or throw or place, or cause to be thrown or placed upon any highway any tacks, nails, scrap metal, bottles, glass, crockery, wire or other substance injurious to the feet of animals or the tires of vehicles, shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than fifty dollars.

Sec. 177. Any person who shall drive or ride on or over a bridge faster than a walk shall be fined five dollars. The county court of any county may prescribe, by an order, what number of stock of any kind may be driven over any bridge within their county at any one time; but in every such case they shall cause a printed copy of such order to be kept posted in a conspicuous place at every bridge to which the same is applicable.

Every person violating any such order, posted as aforesaid, or who shall tear down, alter or deface the same, except when ordered by such court to do so, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten nor more than fifty dollars.

Sec. 178. Any person who shall use on any public road not covered with ice a vehicle with a chained wheel, unless the same rests upon an iron shoe, at least six inches wide, shall be fined not more than five dollars. Every person who shall draw upon the public roads any log or stone with the end thereof dragging on the ground so that the road shall be injured thereby and shall not immediately put such road in as good repair as before, shall be fined not more than five dollars, in excess of the cost of repair of said road.

Sec. 179. Justices of the peace shall have concurrent jurisdiction with the circuit court to enforce the misdemeanor penalties herein prescribed.

Sec. 180. The county court shall see that all its appointees
2 and employees, faithfully perform their respective duties, obey
3 its orders and expend all moneys and labor as ordered and directed
4 by the court and as required by this act.

Sec. 181. The county court shall carry out all promises, per-
2 form all duties, and discharge all obligations imposed upon it by
3 any of the provisions of this act, the same as if each were specifi-
4 cally enjoined.

Sec. 182. The violation of any of the provisions of this act
2 for which no punishment is hereinbefore specifically provided,
3 or the committing of any act herein declared to be unlawful and
4 for which no punishment has been specifically provided, shall be
5 deemed a misdemeanor, and any person found guilty thereof shall
6 be punished by a fine of not less than five nor more than one
7 hundred dollars, or by imprisonment in the county jail not ex-
8 ceeding sixty days, or by both such fine and imprisonment, at
9 the discretion of the court.

Sec. 183. Chapters forty-three, forty-three-a and forty-
2 three-b, and sections forty-four and one hundred and four of chap-
3 ter thirty-two of the code of one thousand nine hundred and thir-
4 teen, and chapter eight of the acts of the legislature of one thou-
5 sand and nine hundred and fifteen, second extraordinary session, to-
6 gether with all other acts and parts of acts coming within the
7 purview of this act and inconsistent herewith, are hereby repealed;
8 provided, however, that this act shall not be construed to repeal or
9 affect any local act or acts heretofore passed relating to roads,
10 streets, alleys, bridges or public landings, and not herein speci-
11 fically referred to, amended or re-enacted.

CHAPTER 67
(SENATE BILL NO. 286.)

AN ACT to amend and re-enact sections fifteen, sixteen, seventeen,
eighteen, nineteen, twenty, twenty-one and twenty-four of chap-
ter thirty-one of the code; serial sections of the code of one
thousand nine hundred and thirteen, one thousand and seventy-
three, one thousand and seventy-four, one thousand and seventy-
five, one thousand and seventy-six, one thousand and seventy-
seven, one thousand and seventy-eight, one thousand and eighty
and one thousand and eighty-three, relating to the sale of
real estate for delinquent taxes and to the redemption thereof
from such sales and deeds to purchasers thereof:
Be it enacted by the Legislature of West Virginia:

That sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-four of chapter thirty-one of the code; serial sections of the code of one thousand nine hundred and thirteen, one thousand and seventy-three, one thousand and seventy-four, one thousand and seventy-five, one thousand and seventy-six, one thousand and seventy-seven, one thousand and seventy-eight, one thousand and eighty and one thousand and eighty-three, be amended and re-enacted so as to read as follows:

Section 15. The owner of any real estate so sold, his heirs or assigns, or any person having a right to charge such real estate for a debt, may redeem the same by paying to the purchaser, his heirs or assigns, within one year from the sale thereof, the amount specified in the receipt mentioned in the tenth section of this chapter and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns, with interest on said purchase money, and taxes at the rate of twelve per centum per annum from the time the same may have been so paid, and such additional expenses as may have been incurred by such purchaser before the expiration of said one year in procuring survey and giving notice as provided in section nineteen of this chapter. And the person in whose name any such real estate was returned delinquent and sold, his heirs, devisee and personal representative and the grantee or vendee of such person in whose name such real estate was so returned delinquent and sold, his heirs, devisee and personal representative shall have the right at any time before the maturing of the notice provided for in section nineteen of this chapter to so redeem any real estate so sold upon paying to the purchaser the amount specified in the receipt mentioned in the tenth section of this chapter and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns, and such additional expenses of survey and notice, as aforesaid, as may have been incurred, with interest
thereon from the time the same was so paid by such purchaser
at the rate of twelve per centum per annum.

Sec. 16. What is authorized to be paid by the preceding
section may be paid by such person as is mentioned therein,
within the time therein specified, to the clerk of the county court
of the county, in any case in which the purchaser, his heirs or
assigns, may refuse to receive the same, or may not reside, or
cannot be found in the county; and a receipt therefor, showing
when and by whom the payment was made, and the amount paid
shall be signed by the clerk, and a duplicate thereof filed by him
in his office; but if the purchaser, his heirs, or assigns, dispute
the right of any one so paying money to the clerk to redeem the
real estate, for the redemption of which such money is paid, he or
ey may, within one year after such payment, give to such per-
son, or to his heirs, executors, or administrators, a notice in
writing of such dispute, and requiring him or them to appear
before the circuit court of the county on a day to be named in the
notice, and prove his or their right to redeem the said real estate.
Such notice shall be served at least ten days before that on which
it is returnable, and if the party served therewith fail to appear,
or if he appear and fail to prove to the satisfaction of the court
that he has the right to redeem said real estate under the pro-
visions of the next preceding section, the court shall make an
order according to the facts and also directing the clerk of the
county court to execute to the purchaser, his heirs or assigns, a
deed for the said real estate in the manner hereinafter required;
and it shall be the duty of the clerk to execute such deed in the
same manner and within the same time as if the money afore-
said had not been paid him. In every such case the clerk shall
pay the money so received by him to the person paying it, or
to his legal representative, on demand; but if the decision of the
court be that such person has the right to redeem such real es-
tate, the clerk shall pay said money to the purchaser or his legal
representative. When the owner of real estate sold for the non-
payment of taxes thereon, or any other person having the right
to redeem the same, shall pay the amount mentioned in section
fifteen of this chapter, the purchaser, his heirs or assigns to whom
such payment is made, shall sign and give to the owner or other
person redeeming, duplicate receipts showing when and by whom
payment is made and the amount paid; or duplicate certificates
or statements that the former owner or other person having such
right, redeemed the real estate. If such purchaser or other per-
son, to whom such amounts are actually paid, shall refuse or fail
to sign and give such receipts when lawfully required to do so,
he shall pay to the person making such payment twice the amount
thereof, which may be recovered by action on the case in any
court having jurisdiction. Provided, that no such recovery shall
be had in case of a decision of the circuit court against the right
of such person to redeem such real estate as herein provided. One
of said duplicate receipts or writings shall be filed with the clerk
of the county court of the county in which the real estate was
sold, on or before the day on which the right to redeem the same
will expire under the provisions of the said fifteenth section of
this chapter, and the clerk shall endorse on both such duplicates
the fact and time of such filing. If the same be not filed, such
redemption shall be void as to creditors and subsequent assignees
of the benefit of the purchase of such real estate, from the pur-
chaser thereof, his heirs or assigns, for a valuable consideration
without notice, at any time before the same is so filed. If such
receipt or writing be filed after the time herein required, it shall
operate as a notice to all persons from and after the date of such
filing. This section shall not be deemed applicable to a redem-
tion of real estate under the provision of section thirty of this
chapter. The clerk of the county court of every county shall in
the month of June in each year in which real estate is required
to be sold for the nonpayment of taxes thereon, make a list of
all real estate redeemed as aforesaid, not before included in a
similar list, and certify the same to the auditor. If the taxes
on any such real estate charged to the owner thereof for the year
in which the sale was made be not paid, such real estate shall be
included in the lists of real estate which the auditor shall cause
to be delivered to the sheriff of the proper county, and may be
sold for any unpaid taxes thereon for any year previous to that
in which it was sold as aforesaid and subsequent to the year or
years for the taxes of which it was sold, or for that year, as if
such former sale and redemption had not been made.

Sec. 17. The purchaser of a part, or an undivided interest
of any tract or city, town or village lot of land, so sold and not
redeemed as hereinbefore provided, his heirs or assigns, before
obtaining a deed therefor shall, at his or their expense, have the
quantity or undivided interest so purchased, surveyed and laid
off at his or their expense; the said quantity so laid off to be
b bounded in part by either or any of the lines of the tract, at the
option of the purchaser, his heirs or assigns, so as not to include
the improvements on the same (if it can be avoided), and to be
in one body, the length whereof shall not be more than double
the breadth, where that is practicable. A plat and description
described shall be returned to the clerk of the county court of the
county in which the sale was made, and said clerk shall record
t he same in the deed book along with the deed to the purchaser,
his heirs or assigns, if one be made.

Sec. 18. The purchaser of an entire tract of land so sold
shall, at his or their expense, have a report or a survey, at his
option, made, showing and specifying the metes and bounds of
such tract, as far as the same can be ascertained. If a survey
be made a plat thereof as provided in the next preceding section
shall be returned to the clerk of the county court and be by him
recorded as provided in said section. If a report only be made,
it shall be to said clerk, and shall, in addition to what is herein-
before prescribed, give such description of the tract sold as will
identify the same, and the clerk shall record such report in the
deed book as provided in said next preceding section. The sur-
vey or report made in pursuance of this and the next preceding
section, shall be made by the surveyor of the county in which the
sale is made, or if he be interested, or if for any reason it be im-
proper for him to act, or if there be no such surveyor, then by
some competent and proper surveyor appointed by the county
court of the county in which the real estate was sold, for the pur-
pose, who shall take an oath that he will faithfully discharge the
duties of his appointment to the best of his skill and judgment;
which oath may be taken in open court, or before any person
authorized by law to administer oaths, and a certificate of his
having so taken said oath shall be filed with the clerk of the
county court. If the purchase be of an entire city or town lot,
no survey or report thereof need be made.

Sec. 19. After the expiration of one year from the day of sale
and the making of the survey or report mentioned in the seven-
teenth and eighteenth sections of this chapter, and after having
caused the notice hereinafter provided for to be served in the man-
ner and for the time hereinafter provided for, the purchaser of
any real estate so sold and not redeemed as aforesaid, may obtain
from the clerk of the county court of the county in which such
8 sale was made a deed of conveyance for the same. Such deed 
9 shall be made to the purchaser himself, or to such person as he 
10 may direct, either in writing acknowledged as a deed is required 
11 to be acknowledged, or by his joining therein; and if the pur- 
12 chaser has died, the same shall be made to his heir at law or de-
13 visee, or if he assign his purchase during his lifetime by a writ- 
14 ing such as is hereinbefore mentioned, it shall be made to such 
15 assignee, or to his heir at law or devisee. But before such pur-
16 chaser, his heir, devisee or assignee shall be entitled to such deed 
17 he shall, within three months, after the expiration of the said 
18 one year from the day of sale and between that day and two 
19 years after the day of sale by the sheriff, file, or cause to be filed 
20 with the clerk of the county court of the county in which the 
21 real estate was sold, or lies, the survey or report mentioned in the 
22 seventeenth and eighteenth sections of this chapter, with a re-
23 quest to the clerk for the deed herein provided for, and upon 
24 his making such request of such clerk it shall be the duty of the 
25 clerk to issue notice to the person in whose name the said real 
26 estate was returned delinquent and sold, his heir, devisee or per-
27 sonal representative, and also to any grantee or vendee of such 
28 person, his heir, devisee or personal representative, which notice 
29 shall be served upon all of the said persons so interested at least 
30 sixty days before the execution of such deed by the clerk; and if 
31 such person or persons so interested in redeeming the real estate, 
32 or any of them, shall be non-residents of the state, such notice 
33 shall be published in some newspaper published in the county 
34 in which the real estate lies for four successive weeks prior to the 
35 time appointed for the execution of the deed, and a copy thereof 
36 shall be for a like period posted at the front door of the court 
37 house of the county. Such notice shall be served and return made 
38 thereon in the manner provided by law for the service and return 
39 of process generally. Such notice shall be in form or effect fol-
40 lowing:

41 "To ...........................................
42 You will take notice that .........................., the 
43 purchaser of the following real estate (or ................., the 
44 assignee, heir or devisee of ........................., the pur- 
45 chaser of the following real estate) (here describe the real estate 
46 sold) located (here describe city, town or village, or if not land 
47 within such city, town or village, give the district and the general 
48 description thereof), which was sold by the sheriff of ..........
county at the sale for delinquent taxes made on the ...... day
of ............ , 19...., and a deed has been required as pro-
vided by law, which deed will be made to the said .............
on or after the ...... day of ............. , 19...., unless
you against that day redeem the said real estate from the said
sale. The amount necessary to redeem is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount paid sheriff at said sale</td>
<td>$</td>
</tr>
<tr>
<td>Amount taxes paid on the property since</td>
<td>$</td>
</tr>
<tr>
<td>Amount paid surveyor for survey and report</td>
<td>$</td>
</tr>
<tr>
<td>Amount paid for notice and service thereof</td>
<td>$</td>
</tr>
<tr>
<td>Interest</td>
<td>$</td>
</tr>
<tr>
<td>Total</td>
<td>$</td>
</tr>
</tbody>
</table>

Given under my hand this ...... day of .........,
19....

Clerk of the County Court of

County, West Virginia.

The clerk shall receive for his services in issuing such notice
fifty cents for the original and twenty-five cents for each copy
thereof, and the person applying for such deed shall pay to the
clerk a sum sufficient to pay his fees for issuing the notice and
also for procuring the service thereof as hereinbefore provided.
The person in whose name such real estate was returned delin-
quient and sold, his heir at law, devisee or personal representa-
tive, or the grantee or vendee of such person, his heir at law,
device or personal representative shall have the right within the
time fixed as aforesaid in the said notice to redeem such real es-
tate by paying the amounts therein specified and as provided in
the fifteenth and sixteenth sections of this chapter. If such real
estate shall not be so redeemed against the date fixed in the no-
tice from the clerk as aforesaid, which day shall be some day after
one year from the date of the sale by the sheriff and within two
years from the date of the sale by the sheriff, then such person
so applying for such deed shall be entitled thereto and the clerk
of such county court shall then execute such deed, which shall
be in form or effect following:

“This deed made this ...... day of ............. , 19....,
by ......................................, clerk of the county court of
............. county, West Virginia, (or by .............,
a commissioner appointed by the circuit court of the county of
90 ............ , West Virginia, or by ................. , a com-
inissioner appointed by the judge of the circuit court of the
92 county of ............, West Virginia, in vacation) of the first
93 part and .........., of the second part.
94 WHEREAS, In pursuance of the statutes in such case made
95 and provided, ................. , sheriff, (or ................
96 deputy for ................. , sheriff,) of the said county, did
97 in the month of ................. , in the year 19 .... , sell the real
98 estate hereinafter mentioned and described for the taxes delin-
99 quent thereon for the year .......... , and ................. .
100 became the purchaser thereof (or ................. acres, part of
101 the tract of land, or the one undivided ........ part of the
102 tract of land, as the case may be) charged with taxes in the said
103 county as a tract (or part of a tract as the case may be) of
104 .......... acres in the name of ................. , for the sum
105 of $ ............ , that being the taxes, interest and commis-
106 sions due thereon at the date of said sale, and the costs of pub-
107 lication, and the fee for the receipt for the purchase money; and
108 WHEREAS, More than one year has elapsed since the time of
109 the said sale and purchase, as appears by the sheriff’s receipt
110 for the purchase money; and
111 WHEREAS, The said ................. has caused a sur-
112 vey and plat and description of the real estate so purchased to
113 be made and filed with the clerk of the county court (or caused
114 a report to be made to the clerk of the county court specifying
115 the metes and bounds of the real estate so purchased, as the
116 case may be); and
117 WHEREAS, The clerk of the said county court caused the no-
118 tice required by section nineteen of chapter thirty-one of the
119 code to be served upon the persons entitled thereto, and the said
120 real estate has not been redeemed in the manner provided by law,
121 and the time set for redemption in the said notice having ex-
122 pired.
123 Now, therefore, this deed witnesseth that the party of the
124 first part for and in consideration of the premises and in pur-
125 suance of the statute, doth grant unto the party of the second
126 part, his heirs and assigns forever, the real estate so purchased
127 as aforesaid situate in the county of ................. bounded
128 and described as follows:
129
Witness the following signature and seal:

Clerk of the County Court. (Seal)

If the purchase is of a city, town or village lot, or part thereof, or an undivided interest therein, the above form must be varied according to the facts.

The notice and return of service thereon hereinbefore required to be issued by the clerk of the county court and caused to be served upon the persons entitled to redeem, shall be recorded by the clerk of the county court along with the plat and description or report of surveyor, as provided in the seventeenth and eighteenth sections of this chapter.

Sec. 20. Every such deed in form or substance as prescribed in the next preceding section, shall be valid and sufficient to pass to the grantee therein the legal and equitable title to the real estate therein mentioned, as provided for in section twenty-five of this chapter. For every deed executed under the provisions of this chapter, the clerk or commissioner executing the same shall be entitled to a fee of five dollars to be paid by the grantee therein, on the delivery of the deed, in addition to the fees provided for in the nineteenth section of this chapter.

Sec. 21. No clerk of the county court of the county in which said real estate shall be sold for delinquent taxes thereon, nor his deputy, shall directly or indirectly purchase any real estate so sold, or be in any way directly or indirectly interested with any other person in such purchase.

Every person violating this section shall forfeit one hundred dollars for each offense, and the sale shall be absolutely void.

Sec. 24. Where two or more tracts or parts of tracts, or city, town or village lots, charged to the same person, or persons, with taxes, for the same year, or years, shall have been sold for taxes and purchased by the same person at such sale, the purchaser thereof, or his heirs, devisees or assigns may obtain from the clerk of the county court several deeds for each tract or part of a tract, and city, town or village lot, or undivided interest therein, or for any number of them less than the whole, or he may obtain one deed for the whole of them as he may prefer; but every such deed shall describe each tract and part of a tract, and each lot and undivided interest in a lot separately; and such deed when so made for several tracts and parts of tracts, and several lots and undivided interests in several lots, shall be as valid and
effectual to pass to the grantee therein the title, legal and equitable to every such tract, and part of a tract, and to every such lot and undivided interest in a lot, as a separate deed for each would have been if such separate deed had been made to such grantee; but no such deed shall be made or obtained after two years from the date of the sale of such real estate, except that on computing the said period of two years any time during which proceedings are pending to compel the execution of such deed as provided in the twenty-second section of this chapter, or during which the making of such deed is enjoined or stayed by any legal process or proceeding, shall not be computed.

CHAPTER 68
(Senate Bill No. 198.)

AN ACT to amend and re-enact section nineteen of chapter fourteen of the code, relating to rewards for the apprehension of criminals and to the employment of persons to detect, apprehend and prosecute criminals.

(Passed February 19, 1917. In effect ninety days from passage. Became a law without the Governor’s approval.)

SEC. 19. Rewards for persons charged with offense.

Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter fourteen of the code be amended and re-enacted so as to read as follows:

Section 19. The governor may offer a reward for apprehending and securing any person convicted of an offense or charged therewith, who shall have escaped from prison, or for apprehending and securing any person charged with an offense, who, there is reason to fear, cannot be arrested in the common course of proceeding. And in case a judge of the supreme court of appeals, of a circuit court, of a criminal court or an intermediate court, or of any court of record in this state, shall be assassinated, or his assassination attempted, or a felonious assault be committed upon him, and the assassin or person making such assault shall not at once be apprehended and arrested, the governor shall forthwith offer such a reward, not exceeding ten thousand dollars, as in his discretion will result in the arrest of such criminal. But no such reward shall be paid to any sheriff or other officer who may arrest
15 such person by virtue of any process in his hands to be executed.  
16 And the governor may employ any person to aid in the detection, arrest and prosecution of one accused with the assassination or attempted assassination or felonious assault upon a judge of the supreme court of appeals, of a circuit court, of a criminal court, of an intermediate court, or of any other court of record in this state, and agree to pay, and pay to such person or persons so employed, such sum or sums, not exceeding ten thousand dollars, as in the discretion of the governor may seem to be reasonable.  
24 And the governor may employ any person to aid in the detection of persons charged with or suspected of crime. Such persons so employed in either case to be paid out of the contingent fund at the governor's disposal.

CHAPTER 69

(SENATE BILL NO. 44.)  
AN ACT to amend and re-enact section one hundred and seventy-three of chapter forty-five of the code of West Virginia, as amended by chapter sixty-five of the acts of one thousand nine hundred and fifteen.  

[Passed February 7, 1917. In effect ninety days from passage. Approved by the Governor February 15, 1917.]  
Sec. 173. University students who may be admitted in military department; term of service; provision as to re-enlistment.

Be it enacted by the Legislature of West Virginia:

That section one hundred and seventy-three of chapter forty-five of the code of West Virginia, as amended by chapter sixty-five of the acts of one thousand nine hundred and fifteen, 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 all male students not under sixteen years of age; and not over twenty-five years of age, as cadets in the military department. 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 at least thirty days before the expiration of such term.
CHAPTER 70.
(Senate Bill No. 76.)

AN ACT to create and establish agricultural, industrial, and vocational departments at the preparatory branch of the West Virginia University at Keyser, Mineral county, West Virginia, and in other schools of this state; and to accept the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled providing for the promotion of vocational education.

[Passed February 7, 1917. In effect ninety days from passage. Approved by the Governor February 10, 1917.]

SEC. 1. Creating vocational department at preparatory branch of West Virginia university at Keyser: board of regents “state board”; power of board to cooperate with other authorities; board to make rules as to management and instruction; to employ teachers and fix compensation.

SEC. 2. State board of control to have supervision of finances; may acquire lands.

SEC. 3. Additional powers conferred on said board by act.

SEC. 4. State accepts benefits of act; will comply with requirements.

SEC. 5. Board of regents given power to cooperate with federal board.

Be it enacted by the Legislature of West Virginia:

Section 1. That in order to promote improvement and advancement in agriculture, horticulture, home economics, domestic science, mechanics and other industrial occupations and vocations, and the best means of promoting a desire among the people of the state to cultivate the soil and to follow agriculture, industrial vocation and other occupations, that there be and there is hereby created and established at the preparatory branch of the West Virginia university, located at Keyser, Mineral county, and in other schools of this state that may be designated for this purpose by the state board of regents, a department to be known as the “Agricultural, industrial and vocational department.”

Section 2. The state board of regents is hereby designated as the “state board,” to cooperate with any federal authority now existing, or that may be hereafter established; and said board shall have all necessary power to so cooperate with any federal board or other authority acting under any law of Congress now existing, or that may hereafter be passed, relating to agricultural, industrial or vocational education. The said board of regents shall be authorized to make and promulgate rules, provisions and regulations for the government, management, operation and control of such department, and to prescribe the kinds and means of giving practical instruction in said department; to employ and fix the com-
23 pensation of teachers, supervisors, directors of agricultural sub-
jects, and teachers and instructors in industrial, home economics,
25 domestic science, mechanics and other industrial vocations and oc-
26 cupations.

Sec. 2. The state board of control shall have general super-
vision and control of the finances of said department, as is now
provided by law in such cases, and to acquire by lease, purchase
or condemnation such an amount of land as may be deemed re-
quise and sufficient for the purpose of the proper conduct of said
department hereby created. In case it becomes necessary to ac-
quire lands for the purposes aforesaid, by condemnation, the pro-
ceeding shall be as far as practicable, according to the laws of the
state of West Virginia now existing, providing for the taking and
acquiring of lands for public purposes without the consent of the
owners.

Sec. 3. The powers conferred by this act on the state board
of regents and the state board of control shall be in addition to
the power and authority they already have under the laws of the
state of West Virginia relating to the said preparatory branch of
the West Virginia university at Keyser.

Sec. 4. The state of West Virginia does hereby accept the
benefits of said act referred to above passed by the senate and the
house of representatives of the United States of American in con-
gress assembled, entitled “An act to provide for the promotion
of vocational education; to provide for co-operation with the states
in the promotion of such education in agriculture and the trades
and industries; to provide for co-operation with the states in the
preparation of teachers of vocational subjects; and to appropriate
money and regulate its expenditure,” and will observe and com-
ply with all the requirements of said act.

Sec. 5. The state board of regents is hereby designated as
the state board for the purpose of the said act, and is hereby given
all necessary power to co-operate with the federal board of voca-
tional education in the administration of the provisions of said
act of congress.

CHAPTER 71.
( Senate Bill No. 80.)

AN ACT to amend and re-enact chapter fifty-two of the acts of one
thousand eight hundred and seventy-two, entitled “An act to
provide free schools for the district of Spencer, in the county of Roane," and to amend and re-enact chapter seventy-one of the acts of one thousand eight hundred and seventy-seven, which amended and re-enacted section one of said chapter fifty-two of the acts of one thousand eight hundred and seventy-two, and to add to said chapter additional sections, being fifty-two in number, relating to free schools for the district of Spencer, in the county of Roane.

[Passed February 15, 1917. In effect from passage. Approved by the Governor February 23, 1917.]

SEC.

1. Boundaries of town of Spencer and suburbs; same to constitute Spencer Independent school district; how farms shall be listed for taxation; boards of education to select boundary commission, who shall make survey and furnish plat.

2. Board of education to consist of president and two commissioners; how governed.

3. Designation of board; how members shall be elected.

4. Meetings of board to elect members.

5. Board to be owner and have power to provide for buildings and supplies.

6. How vacancies may be filled.

7. Regular and special meetings of board of education.

8. Other meetings of board, and purpose of same.


10. Board has power to establish library.

11. Board to appoint superintendent of schools for district; fix term and salary; board has power to remove; cause for removal; powers and duties of superintendent.

12. Board of examiners; how selected; fees charged applicants for examination; requirements as to certificates; board of examiners to hold meetings; compensation for services; how paid.

13. Board to appoint persons to make enumeration of youth of school age in district; fee allowed.

14. Board to appoint teachers, supervisors and principals, and fix compensation; subject to rules and regulations; cause for removal; superintendent to appoint substitutes; also appoint janitors; fix compensation and remove for cause.

15. Provisions as to school attendance by children in district; for neglect of such duty, person offending guilty of misdemeanor; penalty; bond may be required; disposition of moneys recovered; penalty for failure to give bond; "offense" construed within meaning of this act, as to school attendance; what shall constitute defense to proceedings instituted; child adjudged incorrigible to be committed to boys' or girls' industrial school; attendance vested with police powers; officers to keep record of their transactions; circuit court or justice of the peace of Roane county shall have jurisdiction.

16. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That the whole of said chapter fifty-two of the acts of one thousand eight hundred and seventy-two, entitled "An act to provide free schools for the district of Spencer, in the county of Roane," passed February sixteenth, one thousand eight hundred and seventy-two, and chapter seventy-one of the acts of one thousand eight hundred and seventy-seven, passed February twenty-seven, one thousand eight hundred and seventy-seven, amending and re-enacting section one of said chapter fifty-two of the acts of one thousand eight hundred and seventy-two, be amended and re-enacted including the sections added thereto and enacted therewith, so as to read as follows:

Section 1. That the town of Spencer and the suburbs there-
2 of contained within the following boundaries, to-wit:

Ch. 71]  Spencer School District.  295
Beginning at the lower end of the concrete culvert in the Spencer and Walton public road near the residence of W. W. Wright in the Spencer and Walton public road; thence by a straight line to the upper side of the road where a drain crosses the same where the Cofer house formerly stood; thence by another straight line to a point in the Arnoldsburg pike in the western line of the Ferrrell farm; thence by a straight line to a chestnut oak tree by a wire fence, near the intersection therewith of another fence, on the ridge at the head of the left hand fork of Devil Hole run; thence by a straight line to the mouth of said run; thence up Spring creek to a sharp bend therein near the mouth of a small drain running into said creek from the west side thereof, a short distance below the lamp black factory; thence across said creek and up said drain, by a straight line, to the northern corner of a cleared field; thence to a point in the public road in Nancy's run where a small drain crosses said road immediately above the Miller house; thence by a straight line to the northwestern corner of what is known as the Bowman grove, on the Ravenswood and Spencer pike; thence by a straight line to a point in the Tanner's run road, where a lane leading to the N. B. Hoff house intersects the same, below the residence of Hiram Goff; thence by a straight line to the place of beginning, shall constitute and comprise one school district, to be known as the Spencer independent school district, in the county of Roane. And where any of said lines of said independent school district pass through farms, the whole of such farms shall be listed for taxation and taxes in said independent school district, or the district of Spencer, according to where the greater part of such farms may lie, except that where as much as fifty acres of any one farm is situated in each of said districts then the quantity of land lying in each district shall be listed for taxation and taxed in the district in which such part is situated.

And it shall be the duty of the board of education of said independent school district and the board of education of the district of Spencer in the county of Roane, within six months from the passage of this act, to each select a person, and the two so selected to select a third person, and the three persons so selected to be known as a boundary commission, and any vacancies therein to be filled as the first ones thereof were respectively selected, whose duty it shall be to proceed with all reasonable dispatch to make a survey of the boundaries of said independent school dis-
43. The board of education of said independent school district shall consist of a president and two commissioners, who shall be elected and whose qualifications shall be as hereinafter provided, and shall be vested with the same rights and exercise the same powers, perform the same duties and receive the same compensation, and be governed by the same laws, that boards of education other than those of independent school districts are governed by, except in so far as changed by the provisions of this act.

Sec. 3. That the board of education of said independent school district shall be a corporation by the name of "The Board of Education of Spencer Independent School District," and shall consist of three members, residents thereof, one of whom shall be elected annually on the third Monday in March of each year, and whose terms of office shall be for a period of three years, commencing on the first day of April next after their election. Said elections shall be provided for and caused to be conducted by said board of education and the result thereof declared, in such manner as it may determine, and with or without a registration, and manner of registration of the voters of said independent school district as the board of education may from time to time determine. But no member of said board of education shall be an officer at said election. The members of said board of education of said independent school district who are now members thereof shall, however, continue in office until the expiration of their present respective terms.

Sec. 4. Said board of education shall annually, on the first Monday in April of each year, meet and select one of the members thereof as the president thereof for the ensuing year, and there-
Sec. 4. After fill any vacancy in the presidency thereof occurring during said year; and shall also on the first Monday in July of each year select a secretary thereof for the year, whose term of office shall end on the thirtieth day of June next thereafter.

Sec. 5. Said board of education shall be the owner of, in its corporate name, and have full power and authority to provide for, such buildings, furniture, supplies and apparatus for the schools maintained in said district, as said board of education may think suitable, proper, necessary or convenient for said schools.

Sec. 6. A vacancy in said board of education shall be filled by the board, at the first regular meeting thereof after such vacancy shall occur, by the appointment of a person qualified as hereinbefore provided, who shall hold office until the next annual election for member of board of education, at which time a member thereof shall be selected for the unexpired term caused by said vacancy. And in case said vacancy is not filled as herein provided for by appointment by said board, then it shall be the duty of the county superintendent of schools of said Roane county, and he shall have the power, to appoint a member of said board of education to fill said vacancy.

Sec. 7. Said board of education shall hold as many stated or regular meetings as they may deem necessary, and it shall not be necessary to give any notice of said meetings to any member of said board; and they may hold as many special meetings as the members thereof may find expedient or proper, which may be called by the president thereof, or by the secretary upon request by either of the two commissioners of the said board. No special meeting of said board shall be held except that all of the members thereof be present, or after each member thereof has had twelve hours' notice of such meeting given to him by the secretary of said board.

Sec. 8. Said board of education shall also meet at the times and perform the duties required by boards of education other than those for independent school districts, except as herein otherwise provided, for the purpose of making, and shall make, estimates of the money required to maintain the schools in said independent school district for the ensuing year, both as to the teachers' and building funds, and to provide for a sinking fund to pay off any bonded indebtedness; and said board of education shall determine the number of months of school to be taught in said district for said year, both in the high and graded schools.
and any department thereof; which shall not be fewer than eight months for any one year; and shall levy upon the taxable property in said independent school district a sufficient sum for said purposes, which, however, shall not exceed sixty cents on each one hundred dollars valuation of the taxable property therein for the teachers' fund and forty cents for the building fund, and such rate as may be necessary to pay off said bonded indebtedness within the time provided by the proceedings had and the orders entered in respect to said bonded indebtedness and the obligation in respect thereto given.

Sec. 9. It shall be the duty of the assessor or other person or persons who may be charged with the duty of assessing and determining the value of the property in said independent school district, from and after the passage of this act, to list and assess all of the property in said district as required by law and hereinafter provided, and designate that such property is within said district; and it shall be the duty of the sheriff of said county or any other officer whose duty it shall be to collect and receive taxes in and for said independent school district, to collect, deposit, account for, and pay out the taxes received by him for school purposes as herein provided, in the manner provided by law in respect to all other school moneys collected or received by him for the use of any other district in his county.

Sec. 10. Said board of education shall have power to establish and maintain a library, which shall be for the use of the public schools of the district, and the inhabitants thereof, under such regulations as the said board of education may prescribe; and said board may receive, hold and use any gift, bequest or devise for the benefit of such library or for any other school purposes. For the purpose of establishing and maintaining such library, the said board of education may also appropriate from the building fund of said district funds for such library purposes.

Sec. 11. At the meeting of said board to be held on the first Monday in April, or as soon thereafter as practicable, said board of education shall appoint a superintendent of schools for said independent school district, and fix his salary, whose term shall begin on the first day of July next succeeding his appointment, or as soon thereafter as he is appointed, and continue for a term of not more than two years as determined by the board; but he may be removed by the board at any time for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality; and any
vacancy in the office of superintendent shall be filled by the board of education for the unexpired term. The superintendent shall exercise general supervision over the schools; prepare and revise the course of study to be used in the schools, subject to the approval of the board; make all necessary reports; and in so far as he is able to do so, he shall furnish such information relating to schools or school work as the board may desire; he shall advise with the board in the selection of teachers and in assigning them to their work in the schools; he shall be a member of the board of examiners which is provided for in this act; and perform such other duties as the board may prescribe.

Sec. 12. Said board of education shall appoint two competent persons to act with the superintendent as a board of examiners to examine all applicants for positions as teachers, principals and supervisors in the schools of said independent school district. Each applicant for examination shall pay a fee of one dollar. Said board of examiners may, however, with the consent of the board of education, grant a certificate without examination, or with such partial examination as they may deem necessary, to any person holding a degree from the West Virginia university or such other universities or colleges as the board of examiners may place on their accredited list; under like conditions, the board of examiners may issue a certificate to any graduate of the normal department of the West Virginia state normal school or any of its branches, or such other normal schools as the board of examiners may place on their accredited list; and under like conditions, the board of examiners may issue certificates based on other certificates, when in their judgment such other certificates are of such rank as to justify their action. Certificates of qualification, based on preparation, experience and proficiency, shall be issued in three grades, as follows: First grade, good for a period of three years; second grade, good for a period of two years; and third grade good for a period of one year; and such grades shall form the basis for determining the salaries by the board of education. The first grade certificates may be renewed from time to time by the board of examiners, at their option, subject to the approval of the board of education. The board of examiners shall hold meetings at such times and places as the superintendent may designate; and they shall receive for their services such compensation as the board of education may allow, to be paid out of the examination fees,
the excess of such fees, if any, to be paid into the building fund of the district.

Sec. 13. At a meeting of the board of education to be held not later than the tenth day of March each year, the board shall appoint a competent person or persons to make an enumeration of all the youths resident in said district, who shall be over six and under twenty-one years of age on the first day of July following, in the manner prescribed by the general school law of the state, such enumeration to be reported under oath to the secretary of the board of education. For making such enumeration, the board of education shall pay said person or persons such amount as was agreed upon before the enumeration was made, which amount shall not exceed two cents for each youth enumerated.

Sec. 14. The board of education of said independent school district shall appoint all teachers, supervisors, and principals for the public schools within said district and fix their compensation; the said teachers, supervisors, and principals shall be subject to the rules and regulations adopted by the board of education for the management of the schools; and they may be removed by said board at any time for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality. Substitutes for vacancies occurring in the teaching force of the district shall be appointed by the superintendent of schools and shall serve until the next regular meeting of the board of education, when said superintendent shall report such vacancies to the board, who shall appoint qualified teachers to fill the vacancies. The said board of education shall also appoint such janitors, custodians of the school buildings, and such attendance officers as the board may deem necessary, and fix the compensation to be paid to them; and the said board may remove any such janitor, custodian of said buildings and other property, or attendance officer 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. 15. Every person having under his control a child or children between the ages of seven and fifteen years, residing within said independent school district, shall cause such child or children to attend the public school in the said district; such attendance to begin at the opening of, and continue through, the school term; and for every neglect of such duty the person offending shall be guilty of a misdemeanor, and shall upon con-
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8 Viction thereof, be fined two dollars for the first offense and five dollars for each subsequent offense, together with the costs of prosecution; and at the discretion of the court, or justice, the said person offending may be required to enter into a bond in the penal sum of fifty dollars, payable to the board of education of said district with security to be approved by the court or justice, that the person so convicted will cause such child or children to attend public school in accordance with the provisions of this act. Any and all sums that may be recovered on any and all bonds and fines under the provisions of this act shall be placed to the credit of the building fund of said district. Any failure to give such bond in the manner and within the time therefore prescribed by the court or justice shall be a misdemeanor and be punished by a fine of not less than one dollar nor more than five dollars, and the cost of prosecution.

23 An offense, as intended and provided by this act, shall consist in the failure of such person or persons to send to school such child or children for more than one day in any one week in which the schools are in session, unless the attendance of such child or children is prevented by personal sickness, or other reasonable excuse; provided, that if such child or children shall have been graduated from the grammar grades, or otherwise instructed for a like period of time in the subjects required to be taught in the public schools of said district; or, if in the opinion of the medical inspector of the said 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.

36 If any person against whom such proceedings shall be instituted shall satisfactorily prove in the course of such proceedings that he has made all proper efforts and used due diligence to compel any child under his control to attend school as hereinbefore provided, and that because of the disobedience of such child, he has been unable to do so, such facts shall constitute a defense to such proceedings. Whereupon the attendance officer shall take such steps and proceedings before the proper court to have such child adjudged incorrigible and committed to the West Virginia industrial school for boys at Pruntytown, or the girls' school at Salem.

47 The attendance officers provided for in section fourteen of this act shall be and are hereby vested with police powers, and
with authority to serve warrants, and shall have authority to enter
workshops, factories, stores, and other places where children may
be employed, and do whatever may be necessary in the way of
investigation or otherwise to enforce this act; when so directed
by the superintendent of schools, the board of education, or when
it comes to their notice otherwise, such attendance officers shall
examine into any and all cases of truancy or unexplained absence
from school of any child within the age limits provided in this
act; and such attendance officers shall keep a record of their
transactions for the inspection and information of the superintendent of schools, and the board of education, and shall make
such reports as said superintendent or board may require. The circuit court or any justice of the peace, of Roane county shall have jurisdiction over and take cognizance of any
offenses provided by, and all violations of, this act.

Sec. 16. All provisions of the general law of this state which
are inconsistent or in conflict with any of the provisions of this
act shall be void within said independent school district; otherwise
to remain in full force and effect therein.

CHAPTER 72.
(Senate Bill No. 148.)

AN ACT relating to interest on high school bonds of Triadelphia
and Richland districts, Ohio county.

[Passed February 24, 1917. In effect ninety days from passage. Approved by
the Governor February 24, 1917.]

Sec. 1. Authorizing the county court of Ohio county to refund to the
interest accrued in the treasurer accrued interest; treasurer shall place to credit of high
school bond fund.

Sec. 2. Interest accruing on bond fund to
be credited.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Ohio county is hereby author-
ized and directed to refund to the treasurer of said county all the
interest accrued to the county treasury, from July first, one thou-
sand nine hundred and sixteen, until this act becomes effective,
upon the total amount which was credited by the said coun-
ty court, on the said first day of July, to the high school bond
fund of Triadelphia and Richland districts of the said county, and the said county treasurer shall place the amount of
9 the said interest to the credit of the high school bond fund of the 10 said districts.

Sec. 2. All interest accruing on the said high school 2 bond fund shall, from the passage of this act, be credited by the 3 said county treasurer to the high school bond fund of Triadelphia 4 and Richland districts, in the amounts accruing to each district.

CHAPTER 73.

(Senate Bill No. 158.)

AN ACT to amend and re-enact sections two, five, six, fourteen, sixteen and seventeen of chapter seventy-four of the acts of the legislature of one thousand nine hundred and eleven, relating to Charleston independent school district, as amended by chapter one hundred and ten of the acts of the legislature of one thousand nine hundred and fifteen.

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 24, 1917.]

Sec. 2. The board of education shall consist of eight members; time of election and term of service; how vacancies filled; compensation, etc.

Sec. 6. May levy tax.

Sec. 14. Admission to the various schools.

Sec. 16. May borrow money and issue bonds, etc.

Sec. 16-a. Accrued interest a part of original fund.

Sec. 17. Repealing acts, etc.

Be it enacted by the Legislature of West Virginia:

That sections two, five, six, fourteen, sixteen and seventeen of chapter seventy-four of the acts of the legislature of one thousand nine hundred and eleven, relating to Charleston independent school district, as heretofore amended by chapter one hundred and ten of the acts of the legislature of one thousand nine hundred and fifteen, be, and the same are, hereby amended and re-enacted so as to read as follows:

Section 2. The board of education for the Charleston independent school district shall, from and after the first day of July, one thousand nine hundred and seventeen, consist of eight members, not more than four of whom shall be members of the same political party, who shall control all the free schools within the said district. Three of the said eight members shall be elected on the third Tuesday of May, in the year one thousand nine hundred and eighteen, and three on the third Tuesday of May, in the year one thousand nine hundred and nineteen; and two on the third Tuesday of May, in the year one thousand nine hundred
11 and twenty-one; and the commissioners so elected shall serve
12 for a term of six years beginning with the first day of July follow-
13 ing their election. Three members of said board shall be elected
14 every second and fourth year, and two members of said board
15 shall be elected every six years after the year one thousand nine
16 hundred and twenty-one.
17 The members of the board of education, as now constituted,
18 shall serve out the terms for which they were severally elected
19 or appointed.
20 Said commissioners shall biennially elect one of their mem-
21 bers president.
22 If a vacancy occurs on the said board of education, it shall
23 be filled by the appointment by the board of some eligible person
24 who shall serve out the unexpired term of the member whose
25 successor he is.
26 Each member of the board of education shall receive for his
27 services two dollars for each regular or special meeting he attends.
28 In addition to his per diem, the president of the board shall re-
29 ceive twenty-five dollars per annum.

Sec. 5. Said board of education shall have power to make
2 all necessary rules and regulations for the government of the
3 schools in said district; for the admission of pupils therein;
4 and for the exclusion of pupils whose attendance would be danger-
5 ous to the health or detrimental to the morals or discipline of the
6 schools. Said board may prescribe a uniform list of text books
7 for use in the schools of said district. It may purchase, provide
8 and furnish books and stationery for the use of indigent children
9 in any schools of said district; and it may, at its discretion,
10 furnish books and stationery for the use of all said schools. Said
11 board may provide and maintain a suitable number of evening
12 schools for pupils over the compulsory school age, and it may, in
13 its discretion, admit to any school in said district as pupils
14 therein, persons over the age of twenty-one years, or provide and
15 maintain evening schools, summer schools, vocational schools,
15-a or other courses or methods of instruction for such
16 pupils, upon such terms and conditions as the board
17 may prescribe. Said board may provide for medical
18 and sanitary inspection of the schools in said district,
19 and all pupils thereof; and in order to provide for the prompt
20 detection of disease threatening the health and welfare of the
21 pupils of said district, and for the efficient treatment of such
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22 diseases or defects as tend to impair their efficiency or retard
23 their progress, the board may provide, equip and maintain a suita-
24 ble room or other quarters for the physical examination and treat-
25 ment of said pupils by competent physicians, surgeons, dentists,
26 or other authorities; it may likewise provide, equip and maintain
27 a clinic for the examination and treatment of said pupils; and it
28 may in its discretion provide and pay for such medical, surgical or
29 other treatment for indigent pupils who may be otherwise unable to obtain the same, as the board may in its discretion consider necessary or proper for the protection of the health and welfare of such indigent pupils, themselves, or of other pupils attending said schools. The board may provide from time to time such additional schools, including summer schools, departments and courses as in its opinion the needs of the school district may demand. The board may, in its discretion, provide, equip and maintain suitable play grounds for the use of the school children of said district, and pay the cost and expenses thereof out of any funds or monies which it may have at any time available for such purposes; or it may provide, equip and maintain such play grounds, and pay the costs and expenses thereof out of funds to be raised for such purpose in the manner provided in section sixteen thereof. Said board shall publish annually a complete statement of the receipts and disbursements thereof for the preceding year, and may pay the cost of publishing said statement out of the building fund.

Sec. 6. Said board of education may annually levy a tax not to exceed three cents on the one hundred dollars valuation, for the establishment, support, maintenance and increase of a public library within said district, which shall be under the control of the said board.

Sec. 14. Admission to the several schools of said district shall be gratuitous to all children, wards and apprentices of actual residents within said district between the ages of six and twenty-one years; provided, that the admission of pupils residing in one ward of the city of Charleston to any school in any other ward shall rest in the discretion of said board of education. Non-residents of the district may be allowed to attend the schools of the district upon such terms and conditions as said board may prescribe and determine. Admission to any school, course of instruction or department in this act mentioned, of any person
11 over the age of twenty-one years of age, shall be upon such terms
12 and conditions as such board may prescribe.

Sec. 16. The board of education of said district may bor-
2 row money and issue bonds therefor, or raise money by the issue
3 and sale of the bonds of said district, for the purpose of build-
4 ing, completing, enlarging, repairing or furnishing school houses,
5 or buying land, equipment, or property for school purposes, in
6 said district; also for the purpose of buying land within said
7 district for the purpose of providing a suitable site for the build-
8 ing thereon of the public library mentioned in section six of this
9 act; and for the purpose of providing, by purchase, lease or other-
10 wise, the play grounds within said district mentioned in section
11 five. Said bonds shall be payable in not more than thirty-four
12 years from date of issue, and the rate of interest thereon shall
13 not exceed six per centum per annum; provided, that no debt
14 shall be contracted under this section, which shall, including ex-
15 isting indebtedness, in the aggregate, exceed two and a half
16 per centum of the taxable property in said district, to be ascer-
17 tained by the last assessment for state and county taxes previous
18 to the incurring of such indebtedness, nor without at the same
19 time providing for the collection of a direct annual tax sufficient
20 to pay annually the interest on said debt, and the principal there-
21 of, within and not exceeding thirty-four years; and, provided,
22 further, that no debt shall be contracted under this section unless
23 all questions connected with the same shall have been first sub-
24 mitted to a vote of the people of said district at a special or gen-
25 eral election, and shall have received three-fifths of all the votes
26 cast for and against the same.

Sec. 16-a. Any interest which has heretofore accrued or
2 may hereafter accrue or become due or payable upon any funds
3 derived from the sale of bonds heretofore issued by said board of
4 education, or upon any taxes, levies or other funds which are
5 applicable to the support of the schools, or to other educational
6 purposes of said Charleston independent school district, including
7 all funds which are distributable for any purpose by said board of
8 education, which have been deposited in any depository for pub-
9 lic monies by the said board of education, or the sheriff or county
10 treasurer of Kanawha county, or any other official or person, is
11 hereby declared to be part and parcel of the original fund which
12 produced such interest; and such interest shall be applied, used
13 or invested in all respects the same as such original fund; and
any interest which may hereafter accrue or become due and
payable upon any funds that may be raised by the sale of any
bonds which may be hereafter issued under the provisions of this
act, and any interest upon any taxes, lefies or other funds above
mentioned, is hereby declared to be part and parcel of the fund pro-
ducing such interest; and when, and as such interest is paid or
collected, it shall be deposited with and become a part of such
fund, and shall be applied, used or invested in all respects the
same as the fund which produced such interest.

Sec. 17. All acts and parts of acts concerning the Charleston
independent school district, not contained in said chapter
seventy-four of the acts of the legislature of one thousand nine
hundred and eleven, as amended by said chapter one hundred and
ten of the acts of the legislature of one thousand nine hundred
and fifteen, and by this act, are hereby repealed; and all provi-
sions of the general school laws of the state, and all other laws
which are in any manner inconsistent with the provisions of the
acts aforesaid, or of any of them, shall to such extent not be
applicable to said Charleston independent school district.

CHAPTER 74.

( Senate Bill No. 269.)

AN ACT to amend chapter forty-five of the code relating to education,
by enacting as additional thereto and as a part thereof, a section
to be numbered section seventy-eight-a, authorizing boards of
education to establish and maintain night schools, where prac-
ticable, for the education of certain persons.

[Passed February 23, 1917. In effect ninety days after passage. Approved by
the Governor March 3, 1917.]

Sec. 1. Authority to establish and maintain night schools.

Be it enacted by the Legislature of West Virginia:

That chapter forty-five of the code, relating to education, be and the
same is hereby amended by enacting an additional section thereto, as
a part thereof; to be numbered seventy-eight-a, and reading as follows:

Section 78-a. Boards of education in districts and inde-
pendent districts, shall have the authority to establish and main-
tain night schools, where practicable, for the education of all per-
s, including foreign-speaking people residing in the state, ex-
cepting, however, children and youth who are required by law to
attend day schools.
CHAPTER 75.
(Senate Bill No. 275.)

AN ACT to authorize the laying of additional levies for the completion of a new public school house by the board of education of Richland district, Ohio county, which has already begun and partly completed, such new public school house, but is unable to complete the same from existing levies.

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 24, 1917.]

Sec. 1. Authorizing board of education of Richland district to lay special building fund levy; time said levy may run; amount; sole purpose of levy to complete new public school house.

Sec. 2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Richland district, Ohio county, wherein the construction of a new public school house has been begun prior to the first day of January, one thousand nine hundred and seventeen, and to provide funds for the construction of which any bonded indebtedness has been previously created under the provisions of chapter twenty-seven of the acts of one thousand nine hundred and eight, and which board of education does not lay a levy for school purposes in excess of fifty-five cents on the one hundred dollars valuation on all taxable property therein, and for the completion of which new public school building the funds so provided, together with other available funds, have proved insufficient, may, in addition to all the levies now authorized by law, lay a special building fund levy for not more than three consecutive years, not to exceed fifteen cents on the one hundred dollars valuation of taxable property in said school district, for the sole purpose of raising sufficient funds to complete such new public school house.

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

CHAPTER 76.
(Senate Bill No. 295.)

AN ACT to amend and re-enact chapter ninety-two of the acts of one thousand eight hundred and sixty-seven, as amended by chapter forty-seven of the acts of one thousand eight hundred and sixty-eight, as amended by chapter thirty-eight of the acts of the legislature of one thousand eight hundred and ninety-nine.
Be it enacted by the Legislature of West Virginia:

Section 1. That so much of the districts of Coal and Clark, in the county of Harrison, as lies within the following described territory shall constitute and be one school district to be known as Clarksburg school district, bounded and described as follows:

Beginning at the junction of Murphy's run with Elk creek and running thence with Elk creek up said stream to the boundary line of the Clarksburg Industrial Company's addition; thence with the northern and eastern lines of said addition to the line of the lands of the Union Land Company; thence in a south-western direction with the line between the lands of the Union Land Company and of said addition to Elk creek; thence down Elk creek to a point opposite the southeastern corner of the town of Broad Oaks; thence crossing Elk creek to said corner of the town of Broad Oaks, and with the corporation line of the town of Broad Oaks to the southwestern corner of Alta Vista addition; thence in a straight line to the corner of lands of L. D. Jarvis' heirs, John J. Davis' heirs and R. T. Lowndes in the low gap at the head of Second street extended; thence southwesterly with the eastern lines of said John J. Davis' heirs and Maud Duncan land, to the northern bank of Arnold's Run; thence down the north bank of said run to the west side of the Clarksburg and Weston turnpike; thence with the western side of the same to the southern limits of the Clarksburg water works pump station property; thence with the same by the most direct line to the western bank of the West Fork river; thence with the western bank of same up the river to a point opposite the southwestern corner of Hartland; thence with the western line of Hartland to the West Milford turnpike; thence a straight line northeasterly to the northeast.

SEC. 10. Admission gratuitous to resident children; non-resident children to pay a tuition.
SEC. 11. Title to land and property to be vested in.
SEC. 12. Enumeration of children annually; compensation.
SEC. 13. To ascertain amount of money necessary to continue schools; levy shall not exceed seventy-five cents, etc.; how collected; commission; duty of secretary.
SEC. 15. Inconsistent acts repealed.
SEC. 16. This act not to be effective unless adopted by voters; form for ballots.
corner of the eastern abutment of the bridge across Limestone
creek on the northwestern turnpike; thence with the northern
line of said turnpike to the southwestern corner of Glenwood;
thence with the western line of the same to the northwestern cor-
ner thereof; thence with the northern line of said Glenwood to the
northeastern corner thereof; thence a straight line to the south-
eastern corner of the southern abutment of the bridge across
Limestone creek on the Shinnston pike; thence a straight line to
the mouth of Limestone creek; thence across the West Fork river
by the most direct line to the east bank thereof; thence down the
river to the northern limits of the Riverside addition; thence with
the northern line of the same to the northeastern corner thereof;
thence a straight line to the northwestern corner of Indiana and
North Sixth street in Glen Elk addition number two; thence with
the northern line of said addition to the northeastern corner of
Block "A" in said Glen Elk addition number two; thence a straight
line to the northeastern corner of Montpelier addition; thence
with the eastern line of said addition southerly to the northern
line of The Baltimore and Ohio Railway Company's right-of-
way; thence easterly with the same to a point in the eastern line
of the Northwestern turnpike where the same intersects with said
right-of-way line, this point being at the most western of the
two crossings known as the "double crossing," thence a straight
line to the mouth of Murphy's Run, the beginning.

Sec. 2. Persons who are entitled, or who shall be entitled
to attend what is known as "the industrial school" precinct, in
Clark district of said county, and residing without the limits of
the Clarksburg school district herein created, shall have the right,
for a period of twenty years, from and after the date this act
becomes effective to attend the schools within the Clarksburg school
district, without the payment of tuition.

Persons who are entitled to, or who shall be entitled to attend
what is known as the "Adaminson" school precinct, in Clark and
Coal districts in said county, and residing without the limits of
Clarksburg school district herein created, shall have the right,
for a period of twenty years, from and after the date this act
becomes effective to attend the schools within the Clarksburg school
district, without the payment of tuition.

Persons who are entitled to, or who shall be entitled to at-
tend what is known as the "North View school," in Coal district,
of said county, and residing without the limits of the Clarksburg
school district herein created, shall have the right, for a period of
twenty years, from and after the date this act becomes effective
to attend the schools within the Clarksburg school district, with-
out the payment of tuition.

Sec. 3. The levy district for the collection of taxes to pay
the interest on any outstanding bonds, and to discharge such
bonds, heretofore issued by the Clarksburg school district shall
be co-extensive with the Clarksburg school district created by this
act.

Sec. 4. The board of education of said district shall consist
of three members who shall be elected by the qualified voters
resident therein, and no two of whom shall reside in the same
ward, in the said city of Clarksburg, while serving as a member
of said board; and they shall be vested with the same rights and
exercise the same powers, perform the same duties and be governed
by the same laws that boards of education elsewhere in the county
of Harrison are or may hereafter be governed, except in so far as
changed by the provisions of this act.

The members now constituting the board of education in said
district shall continue in office until the expiration of the term
for which they were elected; and the qualified voters of said dis-
12 trict shall, at the election to be held for mayor, and other officers
of the city of Clarksburg, on the Tuesday next after the first
15 Monday in April, one thousand nine hundred and seventeen,
elect one member of the board of education for a term of three
years, commencing on the first day of July, one thousand nine hun-
dred and seventeen, and annually thereafter one member of said
board for a like term of three years, and such election shall be con-
ducted by the same officers who shall conduct the said city elec-
tion, and without additional compensation; and in all respects said
election shall be a part of the city election, except that the resi-
dents of said district outside of the corporation of said city, who
are qualified voters, may vote at the mayor's office for members
of said board and that a separate poll book and ballot box shall be
kept and used by the commissioners at said mayor's office in the
election of members of said board of education; and the com-
missioners of said election for the city of Clarksburg, shall certify
the result of the election of said member or members to the board
of education of Clarksburg school district, and the said board
Sec. 5. Any vacancy that shall occur in the office of member of the board of education, by death, resignation, refusal to serve or otherwise, shall be filled by the board of education of the said district at the first regular meeting thereafter, or as soon as circumstances will permit by the appointment of a suitable person, who shall hold his office until the next election of member of board of education of said district, when a member shall be elected for the unexpired term.

Sec. 6. The said board of education shall be a corporation by the name of the "board of education of Clarksburg school district," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate real and personal, make by-laws and regulations consistent with the laws of this state for the government of all persons and things under its authority and the due and orderly execution of its affairs, and have general control or supervision of all schools of the district, but need not appoint trustees as provided by the general law.

Sec. 7. The board of education shall elect annually at the first meeting in July, or as soon thereafter as may be practicable, one of their members to act as president of said board; who shall perform all the duties which are required to be performed by such officer of any board of education which may not be inconsistent with the provisions of this act; they shall, at the same time, elect a secretary, who shall perform the same duties for said board as are required of secretaries of other boards of education or such other duties as he may be required to perform, not inconsistent with this act, and shall receive such salary as the board may determine at the time of his election; and the members of the board of education shall receive as their compensation twenty-five dollars per annum.

Sec. 8. The said board of education shall have authority to prescribe the school books to be used in said district, in addition to those prescribed by the book board of Harrison county, and the branches of study to be pursued in the schools of said district, and
to make such grading of said schools as they may deem necessary; they may also provide free text books for indigent pupils, or for all pupils of said district, and furnish all necessary apparatus and books for library for the use of the school, and incur all other expenses necessary to make the system efficient for the purpose for which it was established.

Sec. 9. The board of education shall have power to establish within this district both graded and high schools, and grant diplomas to the graduates thereof; provided, however, that the white and colored schools shall be separate and distinct from each other.

Sec. 10. Admissions to the schools of the district shall be gratuitous to all children, wards, and apprentices who are actual residents within the district at the time they enter said school, and who are between the ages of six and twenty-one years. Non-residents of the district may be allowed to attend the school of the district upon payment of not less than one dollar and fifty cents, tuition per month, to be paid and accounted for as directed by the general law; provided, however, that the board of education of such district shall have power to establish a kindergarten or kindergartens, in connection with the schools of such district, to which may be admitted children between the ages of four and six years, upon such regulations as the board may prescribe or as may be provided by law.

Sec. 11. The title to all lands or personal property within the said district, and now held and used for school purposes, shall be and the same is hereby vested in the board of education of Clarksburg school district.

Sec. 12. Annually, and within the month of March, the said board shall cause to be taken an enumeration of the youths of school age living within the district, giving the classification required by the general law; and the result thereof shall be verified by affidavit of the person or persons employed to take the same, to the effect, that they have used all means in their power to have the enumeration correct, and the result shall be recorded in the office of the secretary of the board and communicated to the county and district superintendents. The person employed to take the said enumeration shall receive such compensation as the board may direct.

Sec. 13. It shall be the duty of the board of education an-
Annually, and in the month of July, to determine, as near as practicable, the amount of money necessary, in addition to all other available funds, to continue the schools of the district for a period of not less than six nor more than nine months, and for the purchasing of sites, building school houses, repairs and improvement of school premises, and for all other purposes relating to the schools of the district; provided, that not more than seventy-five cents on each one hundred dollars valuation of the property of the district, according to the last assessment made for state and county purposes, shall be assessed and levied in any one year; and the same shall be collected in the same manner as other school taxes are collected, under the provisions of the general law of the state; and the sheriff shall receive for the collection thereof, such commission as is allowed by law for the collecting of other school money; and a lien is hereby declared to exist on the real estate within said district for the taxes levied thereon as aforesaid. Such funds and other revenues of this board shall be paid out only upon drafts signed by the secretary and president and issued by the order of the board. And the secretary shall enter the amount of such drafts, the dates and names of persons to whom payable, in a journal to be kept by him for that purpose.

Sec. 14. Annually, on the first Monday in July, or as soon thereafter as practicable, the board of education shall elect a superintendent and such other teachers as may be necessary for the schools of the district, and fix their salaries. Such superintendent shall have supervision of all the schools in the district, and perform such other appropriate duties relating to the schools of the district as the board of education may prescribe.

Sec. 15. Chapter ninety-two of the acts of one thousand eight hundred and sixty-seven, as amended by chapter forty-seven of the acts of one thousand eight hundred and sixty-eight, and by chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, and all other acts, and parts of acts, inconsistent with this act are hereby repealed.

Sec. 16. This act shall not be effective unless the same shall first be submitted to the voters of the territory included in the boundaries as herein described, at a special election called for that purpose, and adopted by three-fifths of the votes cast for and against the same at said election. Said special election shall be held on the first Tuesday after the first Monday in December, one thousand nine hundred and seventeen, after publication of
8 the act one time not less than ten days immediately preceding
9 said special election, in a daily newspaper published in said city.
10 Said special election shall be conducted in the regular manner of
11 holding municipal elections in said city. The board of education
12 of the now existing city of Clarksburg school district shall design-
13 nate the voting places for such election, appoint commissioners
14 and poll clerks to conduct the same and pay the expenses thereof
15 out of the treasury of said now existing school district.
16 The ballot to be voted at said election shall be printed upon
17 plain white paper and in the following form.

Clarksburg.

School District Election.

Indicate how you desire to vote by a cross in the square.

☐ For Ratification of new district.

☐ Against ratification of new district.

CHAPTER 77.

(House Bill No. 118.)

AN ACT to amend and re-enact chapter seventy-five of the acts of
the legislature of West Virginia of the year one thousand nine
hundred and eleven, by amending and re-enacting sections two
and twenty by adding an additional section twenty-three-a to said
act. The amendments relate to the election of school commis-
sioners, the payment of pensions to school teachers and attend-
ing of institutes by school teachers of Parkersburg independent
school district.

[Passed February 5, 1917. In effect ninety days from passage. Approved by the
Governor February 14, 1917.]
Be it enacted by the Legislature of West Virginia:

That sections two and twenty of the acts of the legislature of West Virginia for the year one thousand nine hundred and eleven be amended and that section twenty-three-a be added to said chapter to read as follows:

Section 2. There shall be elected by the voters of said district at the general election to be held in the year one thousand nine hundred and twelve and every four years thereafter, two commissioners; and at the general election to be held in the year one thousand nine hundred and fourteen, and every four years thereafter, there shall be elected a president of the board and two commissioners whose term of office shall commence on the first day of January next succeeding their respective elections, and shall continue for four years, respectively, and until their successors are elected and qualified; the president and commissioners shall constitute a board of education for said district, named "board of education of Parkersburg district." Provided, however, that at the general primary at which said commissioners and president are to be nominated the names of the candidates for commissioners and the names of candidates for president shall be placed by the ballot commissioners on a separate ballot and in one column; and the four candidates for commissioner receiving the highest number of votes shall be the nominees for commissioners, and the two candidates receiving the highest number of votes for president shall be the nominees for president. And, provided, further, that the candidates so nominated for commissioner and for president to be voted on at the general election shall be placed by the ballot commissioners on separate ballots and in one column, and the two candidates receiving the highest number of votes for commissioner and the one candidate receiving the highest number of votes for president shall be declared elected as commissioners and president.

Sec. 20. Teachers shall be subject in all respects to the rules and regulations adopted by the board and they may be removed by the board for incompetency, immorality or misconduct upon complaint of the superintendent or any member of the board. All teachers shall be appointed and their salaries fixed by the board; but no person shall be appointed unless he shall have first obtained a certificate from the examining committee, ex-
cept that the superintendent and members of the examining committee shall not be required to have a certificate.

The board of education may retire, pay pensions to and place on a pension list all teachers who have attained the age of sixty years and who have taught in said schools for a period of thirty years; provided, however, that all teachers shall be compelled to retire at the age of sixty-five years, whether said teachers have taught in said school for a period of thirty years or not. The payment of said teachers retired and placed upon the pension list shall be as follows: Teachers whose average salary for the last ten years prior to being retired and placed upon the pension list is nine hundred ($900.00) dollars per year or less shall receive a monthly pension of thirty-five ($35.00) dollars per month or four hundred and twenty ($420.00) dollars a year; teachers whose average salary for the last ten years prior to being retired and placed on the pension list is more than nine hundred ($900.00) dollars and less than fifteen hundred ($1500.00) dollars shall receive forty-two and fifty one hundredths ($42.50) dollars per month or five hundred and ten ($510.00) dollars per year; teachers whose average salary for the last ten years prior to retirement and being placed on the pension list is more than fifteen hundred ($1500.00) dollars or more shall receive fifty ($50.00) dollars per month or six hundred ($600.00) dollars per year. Provided, further, that any teacher who has reached the age of fifty years and has served twenty years or more as teacher in the schools of said district may be retired and placed on the pension list by the board, provided the said teacher has become incapacitated either mentally or physically, said teacher to be classified the same as teachers who have taught thirty years as herein provided, but shall receive only two-thirds of the amount of pension to which teachers serving thirty years are entitled. Provided, further, however, that any teacher desiring to be placed upon the pension list by reason of being incapacitated either mentally or physically shall submit to a physical examination by three competent physicians, which said physicians shall be appointed by the board of education and said physicians shall make their report to said board of the physical or mental condition of said teacher desiring to be placed on said pension list. Provided, further, that any teacher who is compelled to retire at the age of sixty-five (65) years, but who has taught in said schools twenty-five (25) years or more and less than thirty (30) years may be
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49 by the board placed on the pension list to be classified the same
50 as teachers who have taught thirty (30) years or more, but to
51 receive three-fourths of the pension that said teachers receive
52 who have taught thirty (30) years or more.
53 The word teacher in this section shall be construed to mean
54 any teacher, principal, supervisor, superintendent, certified libra-
55 rian or any other person employed in any educational or admin-
56 istrative capacity in the public schools of Parkersburg independent
57 school district, whose salary is payable from the teachers’ fund.

Sec. 23a. No teacher of Parkersburg independent school
2 district shall be required to attend any county institute held in
3 this state, except as hereinafter provided; provided, however, that
4 the Parkersburg independent school district may provide a series
5 of institutes or lectures to be given within the school year and
6 the attendance at said institute or lectures by the teachers of
7 said district shall be compulsory, except that they may be excused
8 from attendance upon giving reasonable excuse therefor and ob-
9 taining permission to be so absent from the superintendent of
10 schools of said Parkersburg independent school district. Said
11 institutes are to be arranged for by the superintendent of schools
12 under such rules and regulations as the board of education may
13 prescribe. No per diem in addition to their regular salary is to
14 be paid to the teachers for attendance at said institutes or lec-
15 turcs.

CHAPTER 78.
(House Bill No. 119.)

AN ACT to create the independent school district of Williams in the
county of Wood.

(Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor’s approval.)
Be it enacted by the Legislature of West Virginia:

Section 1. The magisterial district of Williams in the county of Wood, as now bounded and designated in the records in the office of the clerk of the county court of said county, shall be and is hereby created an independent school district to be known as "Williams independent school district," hereinafter mentioned as Williams district.

Sec. 2. There shall be a board of education for said district composed of a president and two commissioners who shall constitute a board of education for said district named, "Board of education of Williams district." Each member of said board shall be a qualified voter and a bona fide resident of said district and shall have been such for at least two years prior to his election, and shall be the owner of real estate which shall have been charged with taxes in his name on the tax records of Wood county for at least two years prior to his election. One of the members of said board shall reside within the corporate limits of the town of Williamstown after July first, one thousand nine hundred and nineteen.

Sec. 3. The president and commissioners now in office shall serve to the end of the term to which they have respectively been elected. Until the first day of July one thousand nine hundred and nineteen, the present president and commissioners shall constitute the board of education of Williams district.

Sec. 4. There shall be elected by the voters of said district at the general election to be held in the year one thousand nine hundred and eighteen, and every four years thereafter, a president of the board and one commissioner, and at the general election to be held in the year one thousand nine hundred and twenty, and every four years thereafter, there shall be elected one commissioner, whose term of office shall commence on the first day of July next succeeding his election and shall continue for four years and until his successor is elected and qualified.

Sec. 5. Before entering upon their duties as officers, the said
2 president and each of said commissioners shall be required to
3 qualify by taking and subscribing the following oath of office:—
4 “I, ........................., do solemnly swear (or affirm)
5 that I will faithfully perform the duties of president of the board
6 of education (or school commissioner) of Williams district dur-
7 ing the term for which I was elected, to the best of my ability;
8 so help me God.”
9 The secretary of the board of education is authorized to ad-
10 minister said oath, a copy of which shall be kept and preserved by
11 him in the files of his office.

Sec. 6. The salaries of the members of the board shall be
2 fixed by the board; provided, that the salary of the president shall
3 not exceed the sum of $50.00 per annum and the salary of each
4 member shall not exceed the sum of $40.00 per annum.

Sec. 7. Vacancies in the office of president or commissioners
2 shall be filled by the board at the first regular meeting after which
3 said vacancy shall be declared, by the appointment of a duly quali-
4 fied person, who shall hold office until the next election, at which
5 time a qualified person shall be elected to fill the unexpired term
6 caused by said vacancy.

Sec. 8. The board of education of Williams district shall be
2 a body corporate in law by the name of “board of education of
3 Williams district” and as such, may sue and be sued, plead and
4 be impleaded, contract and be contracted with, purchase, hold,
5 sell and convey real or personal property for the purpose of edu-
6 cation within the district, receive any gift, grant, donation or de-
7 vice for the benefit of education; employ attorneys, become par-
8 ties to suits and contracts, and do and perform any and all other
9 corporate acts necessary and proper to the advancement of free
10 school education in said district. It shall succeed and be sub-
11 stituted to all of the rights of the former board of education of the
12 district of Williams in the county of Wood, and may prosecute
13 any and all suits and proceedings now pending, or which may
14 have been brought and prosecuted in the name of the former board
15 of education for the recovery of any money or property, or damage
16 to any property due to or vested in said board of education, and
17 said board of education shall be liable in its corporate capac-
18 ity for all claims legally existing against said board of education;
19 the title to all real estate and personal property now vested in the
20 board of education of Williams district in the county of Wood
21 shall be and is hereby vested in the board of education of the inde-
pendent district hereby created, and all legal contracts of the
former board now shall be and are hereby declared to be binding
on the new board and on all parties to said contracts.

Sec. 9. At the first meeting in July, 1917, the board shall
elect a secretary whose term of office shall begin at the time of his
election and shall continue not to exceed a period of four years,
as determined by the board. The board shall determine the time
for which the secretary shall serve, and shall elect a new
secretary upon the expiration of his term. The secretary shall
serve during the term for which he is elected and until his suc-
cessor is elected and qualified, but he may be removed by the
regular meeting for immorality, misconduct, neglect of duty, or
lack of proficiency. Any vacancy in the office shall be filled for
the unexpired term by the board.

The secretary shall qualify by executing his bond with good
security in such penalty as the board may prescribe, to be ap-
proved by the board, which bond shall be committed to the cus-
tody of the president who shall keep and preserve the same.

Sec. 10. The board shall hold meetings on the first and
second Mondays in July of each year, and thereafter at least twice
each month during the months which the schools are in session,
at such time and place and on such dates as the board may fix;
the time and place for the holding of said meeting shall be fixed
and determined by resolution of the board passed at the first
meeting held in July, and shall be entered on the records of the
proceedings of such meetings; such meetings are designated as
regular meetings. Special meetings shall be called by the presi-
dent or by the secretary upon the written request of one mem-
ber of the board; said meeting to be held not later than three days
thereafter; no business shall be transacted at a special meeting
except it be mentioned in the call, which shall be in writing, and
be recorded in the proceedings of said special meeting, and no
contract shall be made by the board in special meeting involving
the expenditure of more than one hundred dollars, unless all mem-
ers of the board shall have had at least twelve hours’ notice of
said meeting by personal service of the call thereof. A majority
of the board shall be necessary to constitute a quorum.

Sec. 11. The president shall perform such duties as ordi-
narily devolve upon the presiding officer of a deliberative body;
by virtue of his election he shall be a member of the board, and
entitled to vote on all questions submitted. In his absence the board may choose a president pro tempore.

Sec. 12. The secretary shall record in a well bound book to be provided for the purpose, all official acts and proceedings of the board, which shall be a public record open to the inspection of all persons interested therein; he shall also keep and preserve books of account which shall show the resources of the board for each current year and the funds from which the same is derived; all credits to be charged against said resources by way of delinquents, commissions and otherwise; all disbursements made by the board and on account of what fund, and the balance to the credit of each fund, together with a descriptive entry, showing for what purpose each item of disbursement is made, which books of account shall always show the financial resources of the district and shall always be open to the inspection of any tax payer of the said district; he shall also preserve in his office all papers containing evidences of title, contract and obligations; and in general, shall record and keep in his office all records, papers and documents as shall be required by this act, and perform such duties, not inconsistent herewith, as may be prescribed by the board; he shall make such reports as are required to be made by secretaries of the board of education by the general school laws of the state; for his services he shall receive a salary to be fixed by the board not to exceed $75.00 per annum.

Sec. 13. Admission to the various schools in the district shall be gratuitous to all children, wards and apprentices of actual residents within the district between the ages of six and twenty-one years provided that pupils, who are non-residents of the district shall be allowed to attend the schools of the independent school district hereby created upon the payment of such tuition as the board of education may prescribe, which tuition however, shall not be less than the sum of $2.50 per month for students in the high school of said district, and not less than $1.50 per month for students in the grade classes of said district.

Sec. 14. Not later than the first regular meeting in March in each year, the board shall employ a competent person or persons, residents of the district, to make an enumeration of all the youths resident in the said district who shall be over six and under twenty-one years of age on the first day of July following, in the manner prescribed by the general school law of the state, which enumeration shall be verified in the manner and returned
8 to the secretary of the board within the time prescribed by said
general school law. The board shall examine said report of enum-
meration at its next regular meeting after its return, and shall
11 take such steps as it may deem necessary to verify the same, and
12 the secretary shall certify the said enumeration to the county
13 superintendent of schools within the time and in the manner
14 prescribed by law, or said board may, in its discretion, require the
15 teachers of said district to take such enumeration in the manner
16 and form provided for in the general school law.

Sec. 15. The state superintendent of schools, in his report
2 to the auditor, shall specify separately the enumeration of youths
3 in said district, and in the apportionment of the school funds,
4 the amount due said district shall be certified to the secretary of
5 said board separately, and requisition therefor shall be drawn in
6 favor of the board of education of said district and shall be de-
7 posited with the sheriff of Wood county.

Sec. 16. The board of education shall provide bycondemna-
2 tion, purchase, lease, construction or otherwise, such school houses
3 and grounds, furniture, fixtures and appliances, as may be neces-
4 sary for school purposes, and keep and maintain the same in good
5 order and repair; shall supply said school buildings with fuel and
6 other things necessary for comfort and convenience; and shall pay
7 all charges incurred by virtue of any of the provisions of this act
8 which are not chargeable to the teachers' fund. In order to pro-
9 vide the funds which are necessary for the purpose of this sec-
10 tion, the board of education shall annually, at its first regular
11 meeting in July make an estimate of the amount of money needed
12 in the district for the purpose of maintaining the schools for the
13 term fixed, and the secretary shall record such estimate in his
14 record book for public inspection. At the second regular meeting
15 in July, or as soon thereafter as practicable, the board of educa-
16 tion shall proceed to lay such levy on the property taxable in said
17 district, in the manner, within the limits and not to exceed the
18 amounts prescribed by the general school laws of the state re-
19 lating to levy by boards of education for that purpose.

20 All contracts made by the board, to the extent that they shall
21 involve the levy of any future year, shall be void, and no debts
22 shall be contracted or incurred by the board in any one year which
23 shall exceed the funds available for that purpose, unless the ob-
24 ject, nature and extent thereof shall have been submitted to the
25 voters of the district, at a special election to be called by the
26 board for that purpose, and shall have received a majority of all
27 the votes cast for and against the same; provided, that in case a
28 bond issue is voted upon, a three-fifths vote of all votes cast shall
29 be necessary for such bond issue; the president of said board shall
30 issue a proclamation of said special election, in which he shall
31 recite the object, nature and the extent of the indebtedness pro-
32 posed to be incurred, and for what purpose; which proclamation
33 shall be published once in each week for four weeks, previous to
34 the day of election in at least two newspapers published in said
35 county of Wood. Every special election held pursuant to the
36 provisions of this section, except as herein otherwise specially
37 provided, shall be held and conducted and the results certified in the
38 manner prescribed by the general elections. The proceeds of taxes
39 so levied, or property sold, of all donations and devises applicable
40 to any of the purposes mentioned in this section shall constitute a
41 fund to be called the "building fund," to be appropriated exclu-
42 sively to the purpose mentioned in this section.

Sec. 17. In addition to the levy named in the preceding
2 section, the board of education shall for the support of the schools
3 in the district annually levy such tax on the taxable property in
4 the district, as will, with the money received from the state for
5 the support of free schools, be sufficient to keep said schools in
6 operation for not less than eight months in the year for the
7 grades and not less than nine months in the high school; and the
8 board of education may, if in its opinion the same is deemed
9 advisable, continue any of said grade schools in said district for
10 a period not to exceed nine months in the year. Such levy shall
11 not exceed the limits prescribed for such purpose by the general
12 school laws of the state. The proceeds of this levy, together with
13 the money received from the state aforesaid, shall constitute a
14 special fund, to be called the "teachers' fund" and no part thereof
15 shall be used for any other purpose than the payment of teachers'
16 salaries and the salary of the supervisor and the establishment
17 and maintenance of the public school library provided for in the
18 next succeeding section.

Sec. 18. The board of education shall have the power, if
2 it deem it advisable, to establish and maintain a public library,
3 and the library so established and maintained shall be known as
4 the Williams district public school library, and shall be for the
5 use of the public schools of Williams district, and the inhabitants
thereof, and shall be governed by such rules and regulations as
the board of education shall prescribe.

Sec. 19. Upon the failure of the board of education to lay
the levies required by this act, or any of them, they may, upon the
petition of any taxpayer of the district, be compelled to do so by
the circuit court of Wood county by writ of mandamus.
The taxes so levied by the board of education shall be col-
lected in the same manner and at the same time as the state and
county taxes by the sheriff of Wood county; and he shall deposit
the same immediately, when collected, with some bank or banks
in a separate account or accounts, and shall credit same to the
proper fund or funds. The said sheriff shall report in writing
to the board of education monthly, and as otherwise required by
said board as to the condition of the several funds. The sheriff
shall receive for his services the salary or emolument provided for
by the statute laws of the state of West Virginia and none other.
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 per annum on the average monthly balance,
and the interest so received shall be added to the fund which
produced it and be expended for the same purpose for which the
original fund was expended. The sheriff shall pay out such sums
as may be ordered by the board upon orders signed by the president
and secretary of the board. Any sums derived at any time from
the sale of bonds or property of said board of education shall be
credited to the proper fund and shall be deposited in some bank
or banks designated by the board, to the credit of the board of
education of Williams district, which bank or banks shall allow
interest thereon as hereinafter provided, and the interest so re-
ceived shall be added to the fund which produced it to be expended
for the same purpose as the original fund, or in the discretion of
the board, for the payment of interest on such bonds, if the fund
is derived from the sale of bonds. The sheriff of Wood county
shall not be entitled to any commission on, or on account of funds
derived from the sale of 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 bank depositories hereunder, the said board shall ask
for bids from the various banks in Wood county, and shall award
such deposits, to the bank or banks making the most advantageous
bids therefor, in such amounts as to the board may seem fit.
Provided, that the rate of interest shall not be less than two and
one-half per cent on the average daily balance. The said bank
or banks shall pay out such sums as may be ordered by the board
upon orders signed by the president and secretary of the board.

Sec. 20. The board of education shall prescribe all necessary
rules and regulations for the government of the schools of the
district; for the admission of pupils therein and for the exclusion
of pupils dangerous to the health or detrimental to the morals
and discipline of the schools; it shall hire all teachers, establish
and maintain such high schools and evening schools as may be
necessary and with the approval of the district supervisor designate
such branches of learning as shall be taught therein; upon the
recommendation of the said district supervisor it may prescribe
the text books other than those adopted by state text book com-
mission to be used in the schools of the district and establish a
system of grades by which admission to the high school shall be
regulated.

Sec. 21. The board of education is hereby given the power
to abandon any schools within the district which in its opinion are
not necessary, and shall have the power to consolidate any of the
schools in the district. It shall, however, be the duty of said board
to provide for the transfer of pupils from any schools so abandon-
ed, and if in the opinion of the board the same should be rendered
necessary by the abandonment or consolidation of any of said
schools, the board shall have the power and authority to provide
for the transportation of any pupils to said schools to which they
are so transferred.

Sec. 22. The board of education is hereby authorized to
establish and maintain schools for vocational 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 author-
ized by the people of the district at a special election to be held
and conducted according to provisions of this act. The secretary
of the board shall keep separate accounts of the cost of establish-
ing and maintaining each of the schools established pursuant to
the provisions of this section and the annual statements of dis-
bursements shall show by items all disbursements made on ac-
count thereof.

Sec. 23. 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 secre-
tary, and shall specify upon its face the particular account to
which the same is chargeable.

Sec. 24. At the first meeting in June after this act takes
effect, the board shall appoint a district supervisor 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
 efficiency; any vacancy in the office shall be filled by the board for
the unexpired term. The supervisor shall have general supervis-
on of the conduct of the schools, make all necessary reports and
perform such other duties as the board may prescribe; the said
district supervisor shall not receive, directly or indirectly, any
gift, emolument or reward for his influence or services in securing
any contract, supplies or apparatus, or the adoption of any such
book, supply or apparatus, and in case he shall do so he shall be
removed from office.

Sec. 25. The board of education shall appoint two compe-
tent persons to act with the district supervisor as an examining
committee to examine all applicants for teachers of schools in the
district; each applicant for examination shall pay a fee of one
dollar. Certificates of qualification shall be issued by said com-
mittee according to proficiency as follows: Number one, very
good; number two, good; number three, medium; and the board
may, by special regulation, provide for issuance of certificates to
colored teachers; no certificate shall be issued for longer than one
year, but the number one certificate may be renewed from year to
year by the examining committee, at its option, under such regu-
lations as the board may prescribe; and, said examining commit-
tee may, if it deem the same advisable, accept in lieu of said
examination, the diploma of graduates from reputable colleges
15 and universities for high school teachers, and shall be and is hereby
16 authorized to accept the diploma of graduates from state normal
17 schools in lieu of the examination herein provided for teachers
18 of grade schools. The committee shall hold meetings for such
19 examinations at such times and places as the district supervisor
20 may appoint; the examining committee shall receive such fees
21 for their services as the board may allow, to be paid out of the
22 examination fees, the excess of any such fees, if any, to be paid
23 into the building fund.

Sec. 26. Teachers shall be subject in all respects to the rules
2 and regulations adopted by the board, and they may be removed
3 by the board for incompetency, immorality or misconduct after
4 due hearing upon complaint of the supervisor or any member of
5 the board.

6 All teachers and substitute teachers shall be appointed and
7 their salaries fixed by the board; but no person shall be appointed
8 unless he shall have first obtained a certificate from the exam-
9 ining committee. The supervisor and the members of the exam-
10 ining committee shall be required to hold or have held a
11 first grade certificate, or to be a graduate of a standard normal
12 school or school of equal or higher grade.

Sec. 27. Every person having under his control a child or
2 children between the ages of seven and fifteen years, residing in
3 Williams independent school district, 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 be continued through
6 the school year thereof, and for every neglect of such duty the
7 person offending shall be guilty of misdemeanor and shall, upon
8 conviction thereof, be fined two dollars for the first offense and
9 $5.00 for each subsequent offense, together with the cost of
10 prosecution, and in the discretion of the court or justice, be
11 required to enter into a bond in the penal sum of $50.00 condi-
12 tioned that the person so convicted will cause such child or chil-
13 dren to attend public school in accordance with the provisions of
14 this act. Such bonds shall be made payable to the board of educa-
15 tion of Williams district and any amount which may be recov-
16 ered thereon shall be placed to the credit of the building fund
17 of said district. Any failure to give bond in the manner and
18 and within the time prescribed shall be a misdemeanor and pun-
19 ished by a fine of not less than one dollar nor more than five
20 dollars, and the cost of prosecution.
An offense, as intended and provided by this act, shall consist in the failure of such persons to send to school any such child or children for more than one day in any one week in which the schools are in session unless the attendance of such child or children be prevented by personal sickness or other reasonable excuse; provided, that if such child or children have been otherwise instructed for a like period of time in the branches of learning required by law to be taught in public schools, or have already acquired such branches, or if, in the opinion of the supervisor of said school district the mental or physical condition of such child or children is such as to render such attendance inexpedient or impracticable, such penalty shall not be incurred.

Any fine so collected shall be paid to the secretary of the board of education who shall pay the same to the sheriff and take his receipt therefor, and the sheriff shall deposit the same in the proper account to the credit of the building fund of said district.

If any person against whom such proceedings shall be instituted shall satisfactorily prove in the course of such proceedings that he has made all proper efforts to compel such child or children to attend a school as hereinbefore provided, and that because of the disobedience of such child he has been unable to do so, such fact shall constitute a defense to such proceedings. Thereupon the truant officer shall take such proper proceedings before the proper court to have such child adjudged incorrigible and committed to the boys' industrial school at Pruntytown or the girls' industrial home at Salem.

Sec. 28. To aid in the enforcement of this act the board of education shall appoint and employ one or more truant officers whose compensation shall not exceed $3 per day and whose term of office shall be fixed by the board. The truant officer shall be vested with police powers and the authority to serve warrants, and shall have authority to enter workshops, factories, stores and all other places where children shall be employed, and do whatever may be necessary in the way of investigation or otherwise, to enforce this act. The truant officer shall have full power, without warrant, to apprehend any child between the ages of seven and fifteen years who shall have been reported to him in writing by the supervisor or principal, and to place such child in a public school which he should have attended or in which he should have been, or has been enrolled, or to place such child, at the expense of the parent, guardian or other person having such child under
his control in such private school as the parents, guardian or other person having such child under his control shall select. In case such parent, guardian or other person having such child under his control shall fail or refuse, immediately upon being notified to select such private school, then the said truant officer shall at once place such child in the public school of the district in which such child resides.

Sec. 29. Any person who induces or attempts to induce any such child unlawfully to absent himself from school, or harbors or employs such child unlawfully absent from school while the school in the district in which the child lives is in session, shall be guilty of a misdemeanor and shall be punished by a fine of twenty-five dollars, and may be imprisoned not to exceed ten days in jail.

The truant officer shall institute proceedings against any person or persons violating this act, and perform such other offices as the supervisor or the board of education may deem necessary to preserve the morals and secure the good conduct of any school child or children, and to enforce this act.

Such officer shall keep a record of his transactions for the inspection and information of the supervisor or the board of education, and shall make such reports to the supervisor or to the board, throughout the school year, as he or it may require and the supervisor shall make such report to the board of education as it may require. The principals and teachers of all schools, public, private or otherwise, in such school district, shall report to the board of education the names, ages, and residences of all pupils of compulsory age in attendance at their respective schools, together with such other facts as the board of education may require to facilitate the carrying out of the provisions of this act, and said board of education shall furnish blanks for such purposes and such reports shall be made at such time or times as the said board of education shall prescribe by rules to be adopted by it. Such principals and teachers shall also report to the proper truant officer or to the supervisor of schools of the said school district, all cases of truancy and unlawful absence in their respective schools as soon as practicable after such truancy or absence.

If any person shall fail to comply with the provisions of this section requiring reports to be made as aforesaid, he shall be guilty of a misdemeanor and punished by a fine of five dollars.
and the costs of prosecution. Any fine so collected shall be paid
the secretary of the board of education and by him paid to the
sheriff, who shall receipt to him therefor, deposit the same in the
proper account and place it to the credit of the building fund of
the district. If to any prosecution instituted under the provisions
of this act, a satisfactory defense shall be made, so that the pro-
cedings shall be dismissed or the defendant shall be judged not
guilty, the costs of any such prosecution shall then be paid by
the board of education of Williams district out of the funds under
its control.

When so directed by the supervisor or the board of educa-
tion or when it otherwise comes to the notice of any truant officer
of said school district, such officer shall examine into any case of
truancy or unexplained absence of the school children of com-
pulsory age in said school district. When any child or children
are not attending school without lawful excuse and in violation
of the provisions of this act, the truant officer shall notify in
writing the person having control of such child or children to
send the same to some school. But the serving of such notice shall
not be essential preliminary to prosecution under the provisions
of this act. Any court or justice of the peace of Wood county
shall have jurisdiction over and take cognizance of all offenses
provided by this act.

Sec. 30. All provisions of the general school law of this
state which are inconsistent or in conflict with any of the provis-
ions of this act shall be void within said district of Williams;
otherwise to have full force and effect.

Sec. 31. All other acts and parts of acts inconsistent here-
with are hereby repealed.

CHAPTER 79.

(“House Bill No. 217.”)

AN ACT to amend and re-enact sections one hundred six, one hun-
dred eight, one hundred nine, one hundred eleven, and one hun-
dred twelve of chapter forty-five of the code of one thousand
nine hundred and thirteen and to add thereto section one hun-
dred six-a; providing for the holding of teachers’ institutes.

[Passed February 16, 1917. In effect from passage. Approved by the Governor
February 24, 1917.]
CH. 79]  

TEACHERS’ INSTITUTES.  

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SEC. 106. Teachers in free schools required to attend institute five days of school year; for sufficient reason may be excused by county superintendent; reasons which shall excuse from attendance: state superintendent to determine what schools shall be recognized and amount of work accepted in carrying out provisions of act; teachers to be paid fee; how same shall be paid: provision as to teachers whose schools have been discontinued: duty of county superintendent as to teachers who do not attend institute.

SEC. 106-a. Teachers to file with secretary of board of education certificate of institute attendance; when certificate shall be filed.

108. Pay of instructors.

109. Enrollment fee; part to be paid into state treasury; remainder for incidental expenses; auditor to deduct amount due state for institute fees.

111. District institutes and teachers’ round tables.

112. Reading circle and professional work: state superintendent to issue coupons of credit: holder entitled to one dollar per month additional salary; how payable.

Be it enacted by the Legislature of West Virginia:

That sections one hundred six, one hundred eight, one hundred nine, one hundred eleven, and one hundred twelve relating to the holding of teachers’ institutes be amended and re-enacted to read as follows, and that section one hundred and six-a be added thereto:

Attendance.

Section 106. Every person employed as a teacher in the free schools of the state is hereby required to attend a county institute for at least five days of the school year in which he teaches unless excused therefrom for a good and sufficient reason by the county superintendent of the county in which he teaches.

Said county superintendent shall excuse from attending the teachers’ institutes any teacher who has been in attendance for at least six weeks after January first of the year in which such excuse is sought, at a standard college, university, or state normal school, or other school approved for this purpose by the state superintendent, and who presents to said county superintendent a statement signed by the principal or president of the school showing what branches have been pursued and that the required work has been satisfactorily completed. The state superintendent of schools shall determine what schools shall be recognized and the nature and amount of the work which shall be accepted by the county superintendent in carrying out the provisions of this section. For such attendance the teacher shall be paid one dollar and fifty cents per day for attendance not exceeding five days in any one year, such compensation to be paid out of the teachers’ fund of the district at the end of his term of school. Teachers whose schools have been discontinued for any legal cause shall receive such a portion of the total per diem as the number of pupils actually taught bears to the school term provided for the district.
It shall be the duty of the county superintendent to see that teachers who do not attend institute or who have not legally been excused are not allowed to teach in his county during any year in which such failure occurs.

Filing the Certificate of Institute Attendance.

Sec. 106-a. It shall be the duty of each teacher to file with the secretary of the board of education of the district in which he is employed, before the opening of school, a certificate of institute attendance or an excuse therefrom signed by the county superintendent.

If the county institute is held after the opening of his school, the teacher shall file his certificate of attendance within ten days after the close of the institute.

Pay of Instructors.

Sec. 108. The instructors appointed by the state superintendent shall be paid for their services and expenses out of the general school fund on the order of the state superintendent. Provided, that the amount expended for teachers' institutes in the state for any year shall not exceed the amount appropriated by the legislature for that purpose.

Enrollment Fee.

Sec. 109. Every teacher enrolled in a county institute shall pay an institute fee of one dollar and twenty-five cents, one dollar of which shall be remitted by the county superintendent to the auditor of the state to be paid into the state treasury to the credit of the general school fund, and the remainder may be used for incidental expenses and for the betterment of the institute, under the direction of the county superintendent, and an account of said expenses shall be submitted to the institute during its session for approval or disapproval, and any amount not expended shall be disposed of as the institute may direct. The state auditor shall deduct from the next ensuing quarterly installment of salary the amount due the state from said county superintendent for institute fees.

District Institutes and Teachers' Round Tables.

Sec. 111. As a further means of improvement among the teachers, the county superintendent, or the district supervisor,
with the consent of the county superintendent, shall arrange for and conduct district or joint district institutes, one or more for each district of his county within the school year. The county superintendent may also approve the attendance of the teachers employed in his county at a teachers' round table. Attendance upon district institutes or teachers' round tables as herein provided may be substituted for an equal amount of teaching at the discretion of the county superintendent who shall report to the secretary of the board of education the attendance approved by him.

Reading Circle and Professional Work.

Sec. 112. Teachers shall be encouraged to form reading circles for the purpose of pursuing courses of study in professional subjects, and it shall be the duty of the state superintendent to prescribe a course of study in the said subjects, to provide for examining those who complete the said course and to issue certificates of merit to such persons as pass satisfactory examination thereon. The state superintendent may also outline additional professional work and projects for teachers and issue coupons of credit, good only for the school year in which they are issued, to such teachers as complete the work or projects satisfactorily. These coupons when signed by the state superintendent and by the county superintendent shall entitle the holder thereof to one dollar per month additional salary, payable by the board of education at the expiration of the school term out of the teachers' fund.

CHAPTER 80.

AN ACT relating to school levies in Ritchie district, Ohio county.

[Passed February 19, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. Board of education of Ritchie district, Ohio county authorized to lay "special debt levy."

Be it enacted by the Legislature of West Virginia:

For the purpose of paying any judgments rendered or debts legally contracted prior to the first day of January, nineteen hundred and seventeen, the board of education of Ritchie district, Ohio county, is
hereby authorized to continue to lay each year on the assessed valuation of all taxable property of the district, a "special debt levy" not to exceed twenty cents in any one school year until the thirtieth day of June, nineteen hundred and twenty-one. Such levy shall be assessed and collected as otherwise provided by law and the proceeds of the same shall be used for the purpose of paying such judgments and such debts and for none other.

CHAPTER 81.

(House Bill No. 232.)

AN ACT to amend and re-enact sections three and four of chapter fifty of the acts of the legislature of one thousand eight hundred and ninety-five, relating to the independent school district of Bridgeport.

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 24, 1917.]

Sec. 3. President and commissioners shall serve; election; term; body corporate; powers; compensation.

Sec. 4. Election; board to pay eight dollars annually.

Be it enacted by the Legislature of West Virginia:

That sections three and four of chapter fifty of the acts of the legislature of one thousand eight hundred and ninety-five, relating to the independent school district of Bridgeport, be and the same are hereby amended and re-enacted so as to read as follows:

Sec. 3. The president and commissioners constituting the board of education of said independent school district of Bridgeport shall serve for a term of two years, except as limited herein, and until their successors are elected and qualified as provided by law. Two commissioners shall be elected at the municipal election to be held for the incorporated town of Bridgeport in January, one thousand nine hundred and nineteen, one of whom shall serve for one year and one for two years, and one commissioner shall be elected each year thereafter at such municipal election. The president shall be elected at said municipal election in January, one thousand nine hundred and nineteen, and every two years thereafter. The term of office of said president and commissioners shall begin on the first day of July next after their election. They shall be a body corporate in law, styled the "board of education of the independent school district of Bridgeport," and by that name
15-a may sue and be sued, plead and be impleaded, purchase and hold so much real estate and personal property as may be necessary under the provisions of this act, and without any transfer or conveyance they shall be deemed the owners of all real estate and personal property within the territory aforesaid, and they shall have all the powers, perform all the duties and be subject to all the liabilities both of boards of education and of trustees under the general school law, except as qualified or enlarged by the provisions of this act. The president and commissioners of said board of education shall each receive as compensation for their services the sum of two dollars per day to be paid out of the building fund of the district on the order of the county superintendent of schools; provided, that no commissioner shall receive pay for more than ten days, and no president for more than fifteen days, in one year.

Sec. 4. The election for the purpose of electing officers under this act shall be held on the day provided for the annual municipal election for the incorporated town of Bridgeport, at the place designated by the common council of said town of Bridgeport, and by the commissioners duly appointed to conduct said municipal election; and for so conducting the election, the board of education shall pay out of the building fund of said district to the said town of Bridgeport, annually, the sum of eight dollars. Separate and distinct ballots shall be used in conducting said election and all qualified voters residing in the territory described in section one of this act shall be entitled to vote thereat.

CHAPTER 82.

(House Bill No. 327.)

AN ACT to amend and re-enact paragraph (d) of section twenty-three of chapter sixteen, of the acts of the legislature of West Virginia, passed February twenty-fourth, one thousand nine hundred and nine, which act pertains to the “school district of Huntington,” and which paragraph (d) of section twenty-three relates to the issuance, by the board of examiners provided for by said section twenty-three, of grammar certificates, or primary certificates, without examination, or with such partial examination as may be deemed advisable.
(d) Board of examiners may issue certificates; inconsistent act repealed.

Be it enacted by the Legislature of West Virginia:

That paragraph (d) of section twenty-three, of chapter sixteen, of the acts of the legislature of West Virginia, passed February twenty-fourth, one thousand nine hundred and nine, be amended and renacted so as to read as follows:

(d) Upon receipt of an application endorsed by the chairman of the committee on teachers and by the superintendent of the city schools, the board of examiners, by their unanimous vote, may, without examination, or with such partial examination as may be deemed advisable, issue a high school certificate based on a diploma from the West Virginia university, or from any other institution of equal rank, or based on the high school certificate issued by the state.

Under like conditions, the board of examiners, by unanimous vote, may, without examination, or with such partial examination as may be deemed advisable, issue a grammar certificate, or a primary certificate, based on a first grade certificate issued by the state under the uniform system; or, based on the professional certificate issued by the state; or, based on a first grade certificate issued by any other city of West Virginia, acting under the laws of West Virginia; or, based on a diploma granted upon the completion of the regular normal course of the Marshall college state normal school, or other institution of equal rank; provided, that, the usual examination fee of one dollar be paid for such issue.

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

CHAPTER 83.

(House Bill No. 333.)

AN ACT to amend and re-enact section two and section twenty-three of chapter seventeen of the acts of the legislature of West Virginia, in regular session of one thousand nine hundred and five, entitled, "An act to create and establish the independent school district of Alderson in the counties of Greenbrier and Monroe, passed February twenty-second, one thousand nine hundred and five.
CH. 83]  ALDERSON SCHOOL DISTRICT.  339

[Passed February 10, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 23. Laws inconsistent with this act, shall be void; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two and section twenty-three of chapter seventeen of the acts of the legislature of West Virginia of the regular session of the year one thousand, nine hundred and five, be and the same are hereby amended and re-enacted so as to read as follows:

Section 2. The board of education of said district shall consist of six members who shall be elected by the qualified voters resident therein, and shall be vested with the same rights, and exercise the same power, perform the same duties, and be governed by the same law that boards of education elsewhere in the counties of Monroe and Greenbrier are, or may hereafter be, governed, except in so far as changed by this provision of this act. A board of education shall be elected at the November election one thousand, nine hundred and eighteen, two of whom shall serve for a term of two years, two for a term of four years, and two for a term of six years, or until their successors have been elected and qualified. The term of officers for which each candidate is elected shall be designated on the ballot used at said election. The regular term of members of the said board of education shall be six years; two members of said board shall be elected at each general election after said election. The term of officers for said board shall commence on the first day of July following their election. The compensation of said board of education shall not exceed two dollars per day, per member, for the time actually engaged in performing the duties required of them, and no member shall receive more than twenty-five dollars in one year. Members of said board now in office shall hold their offices until their successors are elected and qualified.

Sec. 22. All provisions of the general school law of the state, and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district, otherwise the said general school law shall remain in full force and effect in this district, as elsewhere in the state. All acts and parts of acts inconsistent with this act are hereby repealed.
CHAPTER 84.

(An Act No. 357.)

AN ACT to amend and re-enact section one hundred eighty-nine of chapter forty-five of the code of one thousand nine hundred and thirteen relating to the Montgomery preparatory branch of the West Virginia university.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the Governor February 24, 1917.]

SEC. 189. Montgomery preparatory branch of the West Virginia university, changed to West Virginia trade school; succeeds to rights and benefits of Montgomery preparatory branch of the West Virginia university; under control of board of control; board of regents to employ teachers; students: how supported; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section one hundred and eighty-nine of chapter forty-five of the code of one thousand nine hundred thirteen be and it is hereby amended and re-enacted so as to read as follows:

Section 189. The Montgomery preparatory branch of the West Virginia university, heretofore established at Montgomery in Fayette county, is hereby changed to a trade school, shall remain where now located, and shall be known as the West Virginia trades school, by which name it shall have and hold all the property, funds and investments granted to said Montgomery preparatory branch by former acts of the legislature, and such as have been received by bequests, private subscriptions, donations or otherwise, and such as said West Virginia trades school may receive by acts of the legislature or from any proper source; also, such powers and privileges as have been granted by law to said Montgomery preparatory branch of the West Virginia university, not inconsistent with this act, and, in addition thereto, such special powers and privileges as may be granted by the state board of control and state board of regents acting under the authority of law.

Said West Virginia trades school shall be under the government and control of the state board of control and state board of regents. Said boards shall have all the powers to act and shall act and be controlled in respect to said school according to the provisions of chapter forty-five of the code of West Virginia. The state board of control shall have charge of the financial affairs of said school and the title to all grounds, buildings and improvements shall be vested in said board of control. The state board
25 of regents shall employ competent teachers for said trades school
26 and fix their salaries, establish courses of study of secondary
27 grade consistent with the name of said school and do whatever
28 is necessary to comply with the act of congress passed January
29 ninth, one thousand nine hundred seventeen, granting aid to
30 schools offering instruction in trades and vocations.
31 All students of this state shall receive instruction in any of
32 the vocational courses free of tuition; and any student from this
33 state desiring to take any course of study or partial course of study
34 offered in said school other than that relating to vocations and
35 trades shall pay such tuition as the state board of regents shall
36 determine.
37 The said West Virginia trades school shall be supported in
38 the manner provided for the support of the Montgomery prepara-
39 tory branch of the West Virginia university and other state edu-
40 cational institutions.
41 All acts and parts of acts inconsistent herewith are hereby
42 repealed.

CHAPTER 85.
(House Bill No. 370.)

AN ACT to enlarge the boundaries of Martinsburg independent school
district.

(Passed February 19, 1917. In effect ninety days from passage. Approved by the
Governor February 24, 1917.)

Sec. 1. Boundaries.
1-a. To be approved by voters at special election.
1-b. Tickets for special election; if majority of votes favor.

Sec. 1-c. Duty of county court as to election; duty of commissioners of
election.
1-d. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The boundaries of the independent school district
2 of the city of Martinsburg shall include all the territory lying
3 within the present corporate limits of the city of Martinsburg
4 as such limits are particularly defined in section two of chapter
5 eighty of the acts of the legislature of West Virginia for one thou-
6 sand nine hundred and eleven as hereinafter provided. The terri-
7 tory embraced within said boundaries shall constitute but one
8 school district and shall be known as "the independent school dis-
9 trict of the city of Martinsburg."
Sec. 1-a. Before this act shall take effect, however, as to the
2 territory taken from the present school district of Martinsburg and
3 included within said independent school district above provided
4 for, it shall be submitted to the voters of the present school dis-
5 trict of Martinsburg at a special election to be held therein for the
6 purpose on the first Tuesday of June, one thousand nine hundred
7 and seventeen, under the direction of the county court of Berkeley
8 county, West Virginia; and before the same shall take effect as
9 to the territory taken from the present school district of
10 Hedgesville and included within the said independent school dis-
11 trict above provided for, it shall be submitted to the voters of the
12 school district of Hedgesville at a special election to be held thereu
13 for the purpose on the first Tuesday in June, one thousand nine
14 hundred and seventeen, under the direction of the county court of
15 Berkeley county aforesaid; and before the same shall take effect
16 as to the territory taken from the present school district of Ope-
17 quon and included within said independent school district above
18 provided for, it shall be submitted to the voters of the said school
19 district of Opequon at a special election to be held therein for the
20 purpose on the first Tuesday of June, one thousand nine hundred
21 and seventeen, under the direction of the county court of Berke-
22 ley county aforesaid; and before the same shall take effect as to
23 the territory taken from the present school district of Arden and
24 included within said independent school district above provided
25 for, it shall be submitted to the voters of said school district of
26 Arden at a special election to be held therein for the purpose on
27 the first Tuesday in June, one thousand nine hundred and seven-
28 teen, under the direction of the county court of Berkeley county
29 aforesaid.

Sec. 1-b. The tickets for said special election to be held in
2 the several districts as aforesaid, shall have written or printed
3 thereon "for independent school district," "against independent
4 school district." The election herein provided for shall be held
5 at such voting places as the county court may designate and the
6 result thereof ascertained in each of said school districts by offi-
7 cers to be appointed by said court, and if a majority of the votes
8 cast at such election be in favor of such independent school dis-
9 trict then so much and such parts of the territory now forming
10 a part of such school districts, respectively, as voted in favor
11 of such independent school district, and are now included within
12 the present corporate limits of said city of Martinsburg, shall
13 thereafter be included in and form a part of the independent 14 school district of Martinsburg.

Sec. 1-c. It shall be the duty of the county court to hold the 2 election herein provided for the same to be conducted and the re- 3-4 sults canvassed and ascertained as in other elections, as provided 5 by law, except that no registration of voters shall be required, 6 and the registration made and used at the last preceding general 7 election shall be used in this election, provided, however, that the 8 county court shall appoint such officer or officers and shall make 9 such rules and regulations as they may deem necessary in order 10 to give a true and correct registration of the voters living in such 11 part or parts of each school district, and the commissioners of 12 election at their respective precincts shall inquire of each voter 13 their residence and not permit any vote to be cast unless the voter 14 shall show to the satisfaction of the said commissioners of elec- 15 tion that he is a voter in the respective school district in which 16 he offers to vote, so that a true and correct expression of the will 17 of the voters living within the said school districts, respectively, 18 may be had.

Sec. 1-d. All acts and parts of acts inconsistent herewith 2 are hereby repealed.

CHAPTER 86.

(House Bill No. 432.)

AN ACT to authorize the board of education of Town district, Raleigh county, to make a contract for the construction of a high school building at Beckley.

[Passed February 23, 1917. In effect from its passage. Became a law without the Governor's approval.]

Sec. 1. Board of education of Town dis- 1 trict, Raleigh county, authorized to contract for high school build- 1 ing.

2. This act to take effect from passage.

WHEREAS, it is represented to the legislature on behalf of the board of education of Town district, Raleigh county, that heretofore said board of education has approved and adopted plans and specifications drawn by W. H. St. Clair, architect, for the construction of a high school building at Beckley, and upon competitive bidding for the construction of said building has accepted the bid of sixty-eight thousand, eight hundred and sixty-five dollars ($68,865.00), made by the Domin-
ion Construction Company, for the complete construction of said building; and

WHEREAS, it is further represented that said board desires to enter into a contract with said Dominion Construction Company for the building of said building, according to said plans and proposal, but has on hand and available for such building only the sum of about forty thousand dollars, and the further sum required will need to be paid out of the levies for the ensuing fiscal year, but existing emergencies require the immediate construction of said building and the entering into a contract therefor by the said board of education; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Town district, Raleigh county, be, and it is hereby, authorized and empowered to make a contract with said Dominion Construction Company for the construction and erection of a high school building at Beckley, in conformity with the plans and specifications prepared and adopted as aforesaid, and in accordance with the bid and proposal of said Dominion Construction Company, accepted by said board of education as aforesaid, said contract to provide for the payment for said building out of the funds now on hand and available to said board for said purpose, and sums to be raised by further levies to be made for such purpose by said board of education for and during the ensuing year.

Sec. 2. This act shall take effect and be enforced from and after its passage.

CHAPTER 87.

(House Bill No. 16.)

AN ACT fixing the time for holding court in the nineteenth judicial circuit.

[Passed January 24, 1917. In effect ninety days from passage. Approved by the Governor January 30, 1917.]

Sec. 1. Terms of circuit court in nineteenth judicial circuit; provisions as to special terms; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the regular terms of the circuit court, for the counties of Barbour and Randolph, composing the nineteenth judicial circuit, shall be held as follows:
CHAPTER 88.

(PL. Bill No. 28.)

AN ACT to amend and re-enact section two of chapter one hundred and nine of the acts of the West Virginia legislature at the regular session of one thousand, nine hundred and fifteen, relating to the jurisdiction of the court of common pleas of Kanawha county:

[Passed February 9, 1917. In effect from passage. Approved by the Governor February 15, 1917.]

SEC. 2. Jurisdiction of court concurrent with circuit court; exception; subject to right of appeal to circuit court.

Be it enacted by the Legislature of West Virginia:

That section two of chapter one hundred and nine of the acts of the West Virginia legislature at the regular session of one thousand, nine hundred and fifteen, relating to the jurisdiction of the court of common pleas of Kanawha county, be amended and re-enacted so as to read as follows:

Section 2. The said court shall have original jurisdiction within the county of Kanawha, concurrent with the circuit court of said county, in all suits and proceedings in equity, in all actions of ejectment, and in all other civil actions or proceedings at law, except where it shall appear from the pleadings that the matter or thing in controversy in any such other civil action or proceeding at law exceeds in value the sum of five hundred thousand dollars; subject to the right of appeal to the circuit court of Kanawha county, as hereinafter provided.
CHAPTER 89.
(House Bill No. 35.)

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

[Passed February 7, 1917. In effect ninety days from passage. Approved by the Governor February 15, 1917.]

Sec. 1. Abolishing criminal court of Fayette county; when same shall be abolished.

Sec. 2. Suits pending, and all records and bonds to be transmitted to clerk of circuit court; where and when subpoenas, notices and writs shall be returned; powers of clerk of circuit court; procedure in actions pending.

Sec. 3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the criminal court of Fayette county, created by chapter eighty-six of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-one, entitled "An act to establish a court of limited jurisdiction in the county of Fayette, to be called the criminal court of the county of Fayette," as amended by chapter forty-five of the acts of the legislature of one thousand eight hundred and ninety-three, as amended by chapter eighty-two of the acts of the legislature of one thousand nine hundred and five, be, and the same is hereby abolished from and after the thirty-first day of December, in the year one thousand nine hundred and eighteen.

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 Fayette; 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 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 said circuit clerk's office or the first day of the said term of said
17 circuit court; and said clerk of said circuit court shall, after the 
18 day last aforesaid, have the same powers and perform the same 
19 duties in relation to such records, suits, actions, notices, writs, 
20 process, papers, and proceedings, including the issuing of exe-
21 cutions and other writs upon judgments, decrees or orders of 
22 said criminal court, and the certifying of copies from the records 
23 of said criminal court, as were vested in and required of the clerk 
24 of said criminal court. All indictments, actions, suits and pro-
25 ceedings pending in said criminal court on the last day aforesaid, 
26 and in all cases, indictments, actions, suits and proceedings which 
27 theretofore had been in said criminal court and shall 
27-a on the day last aforesaid be pending in the circuit court 
27-b of said county or in the supreme court of West Virginia upon 
27-c appeal or writ of error, shall be docketed and proceeded in and 
28 tried and determined, and such further proceedings as may be 
29 proper, had therein by said circuit court in all respects as if the 
30 same had been found or originated in said circuit court and had 
31 been taken hence 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 90.

AN ACT to amend and re-enact sections one and eight of chapter 
twenty-eight of the acts of one thousand eight hundred and 
ninety-three, creating a criminal court for Cabell county, as 
heretofore amended by chapter fifty-five of the acts of one thou­
sand nine hundred and three and chapters seventy-eight 
and seventy-nine of the acts of one thousand nine hundred and five, 
by changing the name designating said court in said county to 
that of common pleas court, and adding to said act additional sec­
tions to be known as sections twenty-four, twenty-five, twenty-six 
and twenty-seven, giving said court jurisdiction in certain civil 
matters.

[Passed February 17, 1917. In effect from passage. Became a law without the 
Governor's approval.]

Sec. 1. Common pleas court of Cabell 
county, for the trial of crimes, etc., shall not impair proceed­
ings in cases.

2. Number of, and times of holding 
terms.

24. Shall have common and concurrent 
jurisdiction with circuit court; salary of judge.

25. Circuit court to transmit to court 
of common pleas; by consent any 

Sec. case may be transmitted to the 
circuit court; appeals from jus­
tices.

26. Appeals may be awarded by the cir­
cuit court of Cabell county, 
when; what to be done in case 
of an appeal.

27. Circuit court may provide for time 
of hearing, etc.; inconsistent acts 
repealed.
Be it enacted by the Legislature of West Virginia:

That sections one and eight of chapter twenty-eight of the acts of one thousand eight hundred and ninety-three, creating a criminal court for Cabell county, as heretofore amended by chapter fifty-five of the acts of one thousand nine hundred and three and three and chapters seventy-eight and seventy-nine of the acts of one thousand nine hundred and five, be amended and re-enacted, and that additional sections twenty-four, twenty-five, twenty-six and twenty-seven be added to said chapter, to read as follows:

Section 1. That the name “Criminal court of Cabell county”, as designated in chapter twenty-eight of the acts of one thousand eight hundred and ninety-three of the legislature of West Virginia, which created and established such court, be and the same is hereby changed, and said court shall hereafter be known and designated as the “common pleas court of Cabell county” for the trial of crimes and misdemeanors and certain civil actions for the county of Cabell; and that in all proceedings hereafter the name of said court shall be “the common pleas court”; but this provision shall not affect or in any way impair any suit, process, writ, indictment or proceeding of any kind now pending in said court, but the same shall be proceeded in, tried and determined by said court the same as if the same as now changed had remained unchanged.

Sec. 8. There shall be held three terms of said court each year, commencing the first Monday in February, first Monday in June and the first Monday in October. The terms of said court shall be held at the county seat of said county at the court house thereof, and the court shall prescribe proper rules for the conduct of the business of said court, giving precedence to the criminal business over civil business, jurisdiction for which is hereinafter conferred upon such court.

Sec. 24. The said court shall have jurisdiction, common and concurrent with the circuit court of said county, to try and determine all civil cases, appealed from justices of the peace, and all of the powers and duties conferred by law on the circuit court of said Cabell county or the judge thereof in vacation, insofar as the same relate to civil actions before such justices and appeals therefrom, are hereby vested in said common pleas court, or its judge in vacation. The judge of the common pleas court shall receive seven hundred dollars annually, beginning with the first day of June, one thousand nine hundred and seventeen, in addition to
the one thousand eight hundred dollars annual salary which he
now receives as judge of the criminal court of Cabell county, said
salary to be paid out of the common treasury of Cabell county.

Sec. 25. The circuit court of said county, or the judge there-
of in vacation, may by order entered of record, transmit to the
said common pleas court all cases appealed from justices to the
said circuit court, to be placed on the docket of said common
pleas court and there tried and determined as if originally ap-
pealed to said common pleas court; and said common pleas
court may, with the consent of the circuit court of said Cabell
county, transmit any case on its docket to the said circuit court
for trial, and an appeal from all decisions and final orders and
judgments of a justice shall lie direct to the common pleas court
of said county, in the same manner and under the same regula-
tions as provided in the general law for appeals from justices.

Sec. 26. An appeal, writ of error or supersedeas to any
final judgment of said common pleas court may be awarded by
the circuit court of Cabell county where the amount in contro-
versy, exclusive of interest and costs, is of greater value than
one hundred dollars; but such appeal, writ of error or superse-
deas shall be granted only on a petition with the original papers
in the case, or certified copies thereof, and a certified transcript
of the evidence filed with the circuit court or judge thereof in
vacation, within sixty days after final judgment or order entered
or had in the case, and the law and rules governing the supreme
court of appeals of this state in the matter of appeals from the
circuit courts, so far as applicable, shall govern the proceedings
on appeal, writs of error or supersedeas to the circuit court from
said common pleas court, except that all such matters shall be
heard and disposed of without requiring the record to be printed.

Sec. 27. The circuit court of said county may by general
rules provide for the time of notices and hearing thereon, and
all matters of detail necessarily connected with such appellate
procedure, and not specifically provided for in this act.

All acts or parts of acts inconsistent with this act are here-
by repealed.
CHAPTER 91.

(House Bill No. 212.)

AN ACT to empower the judge of the circuit court of the fourteenth 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; and to appoint a page for said court, and providing for his payment.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Circuit court fourteenth circuit authorized to appoint stenographer.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit court of the fourteenth 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 proceedings 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 all his official duties. Said stenographer shall be authorized to attend the sessions of said grand jury but shall retire from said sessions 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 desire 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 official reporter of the fourteenth judicial circuit." He shall be duly qualified under oath.

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 in any further proceedings 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 typewritten, of the
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 to the best of his skill and ability and shall be paid therefor at the rate of twenty cents for each one hundred words so transcribed. 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.

Sec. 4. Said official reporter shall receive such compensation and expenses for his services as the judge of said court shall in his discretion determine and allow. 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 the state treasury. All such criminal charges shall be taxed as costs in the case by the clerk, to be collected by the sheriff and by him accounted for to the county treasurer in misdemeanor cases and to the state treasurer in felony cases. The expense of reporting and transcribing any civil case shall be paid by the party requesting the services of said stenographer and shall be taxed as a part of the costs of the suit.

Sec. 5. Said official reporter is hereby authorized to take affidavits, administer oaths, take acknowledgments of deeds and other writings, within the county embraced in the fourteenth judicial circuit, and to take and certify depositions in the same manner and with the same force and effect within said county, and shall be entitled to the same fees, as a notary public within the said county except when taking depositions to be used in any case or matter pending in said court, he shall be allowed compensation in full as herein provided in lieu of all other fees.

Sec. 6. The judge of said court may appoint a page who shall attend and serve said court, to be paid not exceeding two dollars and fifty cents per day while so employed, out of the
4 county treasury of the county in which said court is held, upon
5 the certificate of the judge therefor.

Sec. 7. So far as any act or part of any act of the legis-
2 lature of West Virginia is inconsistent with this act or any of
3 its provisions, they shall not apply to the judge of the circuit
4 court of the fourteenth judicial circuit, nor to said official reporter.

CHAPTEI) 92.

(Blue Bill No. 295.)

AN ACT amending and re-enacting section two of chapter fifty-one
of the acts of the regular session of one thousand nine hundred
and thirteen and section twenty-four chapter one hundred and
twelve, serial section four thousand five hundred and eighty-
six of the code of West Virginia, (one thousand nine hundred
and thirteen) fixing the number of terms and time for holding
the circuit court in each of the counties composing the twenty-
first judicial circuit of the state.

[Passed February 20, 1917. In effect from passage. Approved by the Governor
February 24, 1917.]

Sec. 4586 (24) Fixing the terms and time of holding circuit court in Braxton
and Nicholas counties; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two of chapter fifty-one of the acts of the regular
session of one thousand nine hundred and thirteen and section twenty-
four of chapter one hundred and twelve-a serial section four thousand
five hundred and eighty-six of the code of West Virginia one thousand
nine hundred and thirteen, be amended and re-enacted so as to read as
follows:

Section 4586 (24). That there shall be held in each year at
2 least three terms of the circuit court in and for each of the
3 counties in the said judicial circuit so created, and the terms of
4 the circuit court of the counties of Braxton and Nicholas in said
5-6 judicial circuit shall commence and be held as follows:
7 For the county of Braxton on the third Monday in March,
8 the second Monday in July, and the third Monday in November.
9 For the county of Nicholas on the third Monday in January,
10 on the third Monday in May, and the third Monday in October.
11 All acts and parts of acts inconsistent herewith are hereby
12 repealed.
CHAPTER 93.

(IIouse Bill No. 316.)

AN ACT to amend and re-enact section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers.

[Passed February 20, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Be it enacted by the Legislature of West Virginia:

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

Section 13. The county court, or tribunal in lieu thereof, of every county shall, in addition to the compensation and salary herein 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 expense exceed fifty cents per day for each prisoner; provided, however, that in any county where the prisoners do not exceed five in number the county court may allow a sum not to exceed seventy-five cents per day; and an additional ten cents per day shall be allowed to the sheriff for each day a person is actually worked on the public road under sentence of any court having jurisdiction; and said court shall allow the actual and necessary expense incurred or expended in sitting for collection of taxes, 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, and may allow the actual and necessary expenses incurred or expended in serving summonses, notices and other official papers in connection with the sheriff's office, provided, however, that the amount of such expenses so allowed shall not, in the aggregate, exceed the total fees earned by the sheriff for any year for serving such papers.

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 three dollars per thousand dollars per annum. Every sheriff shall file, under oath,
28 monthly, a full, accurate and itemized account of all his actual
29 and necessary expenses mentioned in this section before the same
30 shall be allowed by the county court; provided, however, such
31 account as herein required need not be itemized to show purchases
32 of food supplies used for the feeding of prisoners.

CHAPTER 94.

(House Bill No. 321.)

AN ACT to amend and re-enact section twelve of chapter sixteen of
the acts of the extra session of the legislature of West Virginia
of one thousand nine hundred and eight, fixing the terms and
time for holding circuit court in the county of Fayette.

[Passed February 22, 1917. In effect ninety days from passage. Approved by
the Governor February 24, 1917.]

Sec. 12. Terms and time of holding circuit court in Fayette county.

Be it enacted by the Legislature of West Virginia:

That section twelve of chapter sixteen of the acts of the extra session
of the legislature of West Virginia of one thousand nine hundred
and eight be amended and re-enacted to read as follows:

Section 12. That from and after the thirty-first day of De-
2 cember in the year one thousand nine hundred and eighteen, there
3 shall be held in each year in the county of Fayette at least four
4 terms of the circuit court, which shall commence and be held as
5 follows: On the first Tuesday in January, April and July, and
6 the third Tuesday in September of each year.
7 Special terms of said court may be called and held as provided
8 by the general law.
9 All acts and parts of acts inconsistent with this act are hereby
10 repealed.

CHAPTER 95.

(House Bill No. 388.)

AN ACT to authorize the county courts of the counties comprising the
eighteenth and twenty-third judicial circuits to pay to the respec-
tive judges thereof, in addition to the amount paid out of the
state treasury, such sum of money as may be just and proper,
not to exceed seventeen hundred dollars per year.
CHAPTER 96.

(Senate Bill No. 117.)

AN ACT to amend and re-enact section five of chapter sixteen of the acts of the legislature of West Virginia, passed March second, one thousand nine hundred and eight, entitled, "An act fixing the number of terms and the time for holding the circuit courts in each county of the several judicial circuits of the state," as amended by an act passed February eighteenth, one thousand nine hundred and thirteen.

[Passed February 1, 1917. In effect ninety days from passage. Approved by the Governor February 14, 1917.]

Sec. 5. Terms and time of circuit court in Wood county; terms and time of circuit court in Wirt county.
Be it enacted by the Legislature of West Virginia:

That section five of chapter sixteen of the acts of the legislature of the year one thousand nine hundred and eight, entitled, “An act fixing the number of terms and time for holding the circuit courts in each county for the several judicial circuits of the state,” as amended by an act passed February eighteenth, one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

Fourth Circuit.

Section 5. For the county of Wood, on the fourth Monday in January, the fourth Monday in April, and the second Monday in October.

For the county of Wirt, on the first Monday in January, on the first Monday in June, and the second Monday in September.

CHAPTER 97.

(Senate Bill No. 121.)

AN ACT to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia one thousand nine hundred and thirteen (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit.

[Passed February 7, 1917. In effect from passage. Approved by the Governor February 16, 1917.]

Sec. 1. Terms of circuit court in twentieth judicial circuit.

Sec. 2. Time in county of Greenbrier; time in county of Pocahontas; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. There shall be held in each year at least three terms of the circuit court of the two counties of the twentieth judicial circuit, and the terms of each of the said counties shall commence and be held as provided in section two of this act.

Sec. 2. For the county of Greenbrier, on the third Tuesday in January, on the second Tuesday in May, and on the second Tuesday in September, in each year.
For the county of Pocahontas, on the first Tuesday in April,
on the first Tuesday in August and on the first Tuesday in De-
cember, of each year.

Sec. 3. All acts and parts of acts inconsistent with this act
are hereby repealed.

CHAPTER 98.
(Senate Bill No. 109.)

AN ACT to amend and re-enact section twenty-five-a of chapter thirty-nine of the code, relating to rewards for the arrest of criminals and to the employment of persons to apprehend, arrest and prosecute criminals.

[Passed February 19, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 25-a. Reward may be offered for the apprehension of persons charged with
crime.

Be it enacted by the Legislature of West Virginia:

That section twenty-five-a of chapter thirty-nine of the code, be
amended and re-enacted to read as follows:

Section 25-a. The county court, or other tribunal acting in
lieu thereof, of any county, together with the circuit court, or judge
thereof, in vacation, may within their discretion, offer rewards
for the apprehension of persons charged with crime. And in case
of the assassination or attempted assassination of, or felonious
assault upon a judge of the circuit court, of a criminal court, of an
intermediate court, or other court of record in this state, the
county court or other tribunal acting in lieu thereof, of any county
within the jurisdiction of such judge, may, in its discretion offer
a reward, not exceeding five thousand dollars, for the detection and
arrest of such assassin or criminal, and may employ any person
to detect, arrest and prosecute such assassin or criminal, and
agree to pay, and pay to such person or persons so employed,
such sum or sums, not exceeding five thousand dollars, as said
county court, or other tribunal in lieu thereof, may deem reason-
able. Such reward so offered, and such sum so agreed to be paid,
to be paid out of the county fund in the same manner as other
county expenses are paid.
CHAPTER 99.

(Senate Bill No. 216.)

AN ACT to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter seventy-seven of the acts of the legislature for the year one thousand nine hundred and fifteen.

[Passed February 23, 1917. In effect ninety days from passage. Became a law without the Governor’s approval.]

SEC. 3. Two jury commissioners; how appointed; term; how removed; proceedings and compensation; duties; oath; for court of limited jurisdiction.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter seventy-seven of the acts of the legislature for the year one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 3. There shall be two jury commissioners of the circuit court of 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 for four years, and shall commence on the first day of June next after their appointment, but the two shall be appointed, one for two years and the other for four years, but no jury commissioner who shall have served four years shall be eligible to reappointment unless there has been an intervening period of four years between his former service and the time of his appointment. 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 prepared 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
24 commissioners shall be made within thirty days after this act takes effect. The jury commissioners of each county shall, at the 26 levy term of the county court thereof, annually, and at any other 27 time when required by the circuit court of such county, without 28 reference to party affiliations, prepare a list of such inhabitants 29 of the county, not exempted as aforesaid, as they shall think well 30 qualified to serve as jurors, being persons of sound judgment and 31 free from legal exception, which list shall include not less than 32 two hundred nor more than six hundred persons. But the name 33 of no person shall be put on such list who shall have been drawn 34 and actually served as a juror within a period of four years, or 35 who may have requested the jury commissioners, or either of 36 them, by himself or another person, to have his name placed on 37 such list. Before entering upon the discharge of their duties, 38 the jury commissioners shall take and subscribe an oath to the 38-a following effect:

"State of West Virginia,

County of ................................ ss:

I, A .................. B .............., do solemnly swear
42 that I will support the constitution of the United States and the 43 constitution of this state and will faithfully discharge the duties 44 of jury commissioner to the best of my skill and judgment, and 45 that I will not place any person upon the jury list in violation of 46 law, or out of fear, favor or affection."

The said oath shall be taken before the clerk of the circuit 48 court who is hereby authorized to administer the same, and filed 49 and preserved by him in his office. There shall be two jury com- 50 missioners for every court of limited jurisdiction, who shall be 51 appointed by said courts, or the judges thereof in vacation, re- 52 spectively, and whose terms of office and compensation shall be 53 the same as jury commissioners for the circuit courts. The same 54 powers conferred and duties imposed by this chapter upon the 55 circuit courts, or the judges thereof in vacation, and upon the 56 clerks and jury commissioners of the circuit courts, are hereby 57 conferred and imposed upon every court of limited jurisdiction 58 and the judges thereof respectively, and upon the clerks and jury 59 commissioners of said courts of limited jurisdiction.
CHAPTER 100.

(SENATE BILL NO. 220.)

AN ACT to authorize the judge of the ninth judicial circuit to appoint an official shorthand reporter at his discretion, and prescribing his duties and compensation.

[Passed February 10, 1917. In effect from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Judge of the ninth judicial circuit authorized to employ shorthand reporter; compensation; county court to pay.

Be it enacted by the Legislature of West Virginia:

Section 1. That the judge of the circuit court of the ninth judicial circuit of West Virginia, comprising the counties of Summers and Raleigh, is hereby authorized and empowered to, at his discretion, employ a competent shorthand reporter to report the proceedings had or testimony taken in any civil or misdemeanor proceeding, or in any other proceeding had in the courts of said circuit, or before the aforesaid judge. Said appointment and employment may be made by the said judge by order entered in the circuit court of any county of said circuit, and the shorthand reporter so appointed shall be known as the official reporter of said court, and may be a resident of any county in the state.

Said official court reporter, when so employed, shall receive such compensation as the judge of said circuit court shall in his discretion determine, which shall be certified by said circuit court to the county court of the county in which such services are rendered, and the same shall be by the county court of such county paid out of the county treasury.

CHAPTER 101.

(SENATE BILL NO. 235.)

AN ACT to amend and re-enact section four of chapter one hundred and twelve-a, being serial section four thousand five hundred and sixty-six of Hogg's code of one thousand nine hundred and thirteen, fixing the number of terms and the time for holding the circuit courts in each county of the several judicial circuits of the state.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

SEC. 4. Time for holding circuit court in Ritchie, Pleasants and Gilmer counties.
Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and twelve-a, serial section four thousand five hundred and sixty-six, of Hogg's code of West Virginia of one thousand nine hundred and thirteen, fixing the number of terms and the time for holding the circuit courts in the third judicial circuit of this state, be amended and re-enacted so as to read as follows:

Section 4. For the county of Ritchie, on the second Tuesday in February, the second Tuesday in June, and the second Tuesday in October.

For the county of Pleasants, on the second Tuesday in January, the fourth Tuesday in April, and the second Tuesday in September.

For the county of Gilmer, on the first Tuesday in April, the first Tuesday in August, and the first Tuesday in December.

CHAPTER 102.

(Senate Bill No. 270.)

AN ACT changing the time for holding the circuit courts of the twenty-second judicial circuit of this state, and for that purpose, amending and re-enacting chapter one hundred and thirty-two of the acts of one thousand nine hundred and fifteen, amending and re-enacting section two of the acts of the legislature of one thousand nine hundred and eleven.

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 25, 1917.]

Sec. 2. Number of terms and time for holding circuit court in Mingo and Wyoming counties; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two of chapter one hundred and thirty-two of the acts of one thousand nine hundred and fifteen, amending and re-enacting section two of chapter ten of the 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:
CHAPTER 103.
(House Bill No. 132.)

AN ACT to correct a mistake in section twelve of chapter eighty-three of the acts of one thousand nine hundred and fifteen fixing the salary of the prosecuting attorney of Wood county.

[Passed February 19, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC. 1. Salary of prosecuting attorney of Wood county.

WHEREAS, by an act of the legislature of West Virginia of the year nineteen hundred and fifteen, chapter eighty-three, section twelve, the salary of the prosecuting attorney of Wood county, West Virginia, was inadvertently fixed at the sum of two thousand ($2,000.00) dollars a year instead of the sum of three thousand ($3,000.00) dollars a year, as intended; and

WHEREAS, it is desired to correct the said mistake and fix the said salary at the said sum of three thousand ($3,000.00) dollars per year as originally intended; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wood county, West Virginia, 2 is hereby authorized and empowered and shall pay to the prose- 3cuting attorney of said county an annual salary of three thousand 4 ($3,000.00) dollars from the first day of January, one thousand 5 nine hundred and seventeen in lieu of the sum of two thousand 6 ($2,000.00) dollars so inadvertently fixed as the said salary in 7 said section twelve of chapter eighty-three of the acts of one 8 thousand nine hundred and fifteen.
AN ACT to amend and re-enact section one of chapter fifty-three of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, authorizing the county court of any county having a population of thirty-eight thousand people or more, to pay to the judge of the circuit court of said county, additional compensation.

[Passed February 13, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC. 1. County court of county having a population of thirty-eight thousand or more authorized to pay additional compensation to judge of circuit court; provision as to criminal courts which may be abolished; if business of criminal courts be transferred to circuit court of county, judge to receive sum in addition to salary; how paid; allowance not to be increased or diminished during term of office of judge; when allowance shall commence; where judge is now receiving allowance from county court, such allowance not to be diminished during term of office.

Be it enacted by the Legislature of West Virginia:

That section one of chapter fifty-three 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 which had, at the last preceding census taken under the authority of the United States of America, a population of thirty-eight thousand or more, is hereby authorized to pay the judge of the circuit court of the said county, in addition to the amount allowed to such judge out of the state treasury, such sum of money as the county court of said county shall deem just and proper, not to exceed the sum of seventeen hundred dollars per annum; provided, that when any criminal court in any of said counties, which has been or shall hereafter be established by the legislature, has been since the year one thousand nine hundred and eight, or shall hereafter be abolished by the legislature of this state, and the business of such criminal court has been or shall hereafter be transferred to the circuit court of such county, the county court thereof of shall pay to the judge of the circuit court of such county, in addition to the salary paid to him out of the state treasury the sum of seventeen hundred dollars, in equal monthly installments; but such allowance shall not be increased or diminished during the term of office of the judge to whom it may be made, except that it may be made to the judge of the circuit court of such county now in office, and the allowance herein authorized may
CHAPTER 105.

(Senate Bill No. 222.)

AN ACT providing for the appropriation of one hundred and twenty-five thousand dollars by the board of commissioners of Ohio county, West Virginia, for the improvement of certain streets in the city of Wheeling.

[Passed February 17, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Board of commissioners of Ohio county to pay to city of Wheeling.

Sec. 2. Wheeling shall use the fund, where.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of commissioners of Ohio county is hereby authorized and instructed to appropriate out of funds now in its possession the sum of one hundred and twenty-five thousand dollars, which sum shall be, on the first day of July, one thousand nine hundred and seventeen, paid over to the city of Wheeling.

Sec. 2. The said city of Wheeling shall, upon receipt of this fund, use the same or so much thereof as may be immediately necessary, for repairing, improving and maintaining the following named streets or such parts thereof as may be in need of improvement:

First. Beginning at a point on what is known as the Top Mill road at the northern corporation line of the said city of Wheeling, thence running south with said road to Main street, thence down Main street to the south side curb line of Seventh street; then beginning on Main street at south side of Tenth street to the south curb line of Sixteenth street.

Second. Beginning on Market street at the southern curb line of Seventh street, thence south with said Market street to Twentieth street, thence on Twentieth street east to Chapline
15 street, thence south on Chapline street to Thirty-third street, 16 thence east on Thirty-third street to Eoff street, thence south on 17 Eoff street to Thirty-ninth street, thence east on Thirty-ninth 18 street to Jacob street, thence south on Jacob street to the southern 19 corporation line of said city of Wheeling at Forty-eighth street. 20 21 Third. Beginning at the east end of the bridge connecting 22 the town of Fulton with the Peninsula road, thence across said 23 bridge on said Peninsula road to the bridge at the west end of 24 said Peninsula road, thence across said bridge to Baker street 25 to McColloch street, thence in a generally southern direction on 26 McColloch street to Sixteenth street, thence west on Sixteenth 27 street to Chapline street.

28 Fourth. Beginning at the east corporation line of the said 29 city of Wheeling, where the said corporation line intersects 30 Twenty-ninth street, thence west on Twenty-ninth street to Chap- 31 line street.

32 Fifth. Beginning at the west end of the steel bridge, thence 33 on Ohio street to Huron street, thence north on Huron street to 34 the bridge connecting Wheeling Island with Aetna ville.

Sec. 3. Where work is necessary the same shall be done as 2 expeditiously as possible after the payment of the money provided 3 in section one; and the said work shall be done in accordance with 4 the provisions of the charter of the city of Wheeling.

Sec. 4. No part of the money provided for in this act shall 2 be used by the said city of Wheeling for any other purpose than 3 street improvement, maintenance and repair, and any balance re- 4 maining of said fund after such repair and improvement as may 5 be immediately necessary shall have been completed, shall be 6 kept on deposit with interest as a maintenance fund for said 7 streets, and the whole or any part thereof may at any time be 8 applied when its use shall seem proper to the council of the said 9 city.

Sec. 5. All acts and parts of acts inconsistent with this act 2 are hereby repealed.

CHAPTER 106.

(House Bill No. 126.)

AN ACT to amend and re-enact section forty-two of chapter forty- seven of the code of West Virginia, serial section one thousand
eight hundred and eighty-eight, edition one thousand nine hundred and thirteen, relating to the salaries of officers of municipal corporations governed by said chapter.

(Passed February 20, 1917. In effect ninety days from passage. Became a law without the Governor's approval.)

SEC. 42. Salary of Officers.

Be it enacted by the Legislature of West Virginia:

That section forty-two of chapter forty-seven of the code of West Virginia, serial section one thousand eight hundred and eighty-eight, edition one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

Section 42. The mayor, recorder, assessor, and superintend-2 ent of roads, streets and alleys, of such corporation, shall each receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he shall have been elected, but no compensation shall be paid to any other member of the council of said town.

CHAPTER 107.

(Senate Bill No. 124.)

AN ACT to amend and re-enact section seven of chapter one hundred and twenty of the code of West Virginia, as amended and re-enacted by chapter thirty-four of the acts of one thousand nine hundred and nine, and by chapter twenty-two of the acts of one thousand nine hundred and thirteen, relating to the appointment, removal and compensation of assistants of prosecuting attorneys.

(Passed February 14, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.)

SEC. 7. Prosecuting attorney, with assent of county court, may appoint assistant; oath and duties of assistant similar to principal; principal has power to remove assistant from office; circuit court also has power to remove; how compensation shall be paid; exception as to certain counties, and how same shall be paid; amount provision as to employment of stenographer; salary, and how paid; powers and duties of prosecuting attorney and assistant; if deemed proper, court may appoint competent attorney to prosecute certain cases; court to certify such fact; allowance for services of attorney; how paid; section not to be construed to prohibit employment of competent attorneys in prosecution of person charged with crime. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 7. Any prosecuting attorney may, with the assent of the county court of his county, entered of record, appoint one
3 practicing attorney to assist him in the discharge of his official duties for and during his term of office, and such assistant shall take the same oath of office and may perform the same duties as his principal; and he may be removed from office as such assistant at any time by his principal; and, further, he may be removed from office as such assistant by the circuit court of the county in which he is appointed, for any cause for which his principal might be so removed. The compensation of such assistant shall be paid by the principal from the income of the office; except in the counties of Cabell, Fayette, Kanawha, Marion, McDowell, Mercer, Mingo, Raleigh, Wood, Ohio, Logan, Wayne and Harrison; and in said counties the county court thereof shall allow annually to such assistant such compensation, to be paid out of the county treasury, as is deemed reasonable by the court in the counties of Fayette, Kanawha, Marion, Cabell, McDowell, Mercer, Mingo, Wood, Logan, Ohio and Harrison, not less than one thousand nor more than two thousand dollars annually; and in the counties of Raleigh and Wayne not to exceed the sum of one thousand dollars annually. Provided, however, that in each of the counties expressly named herein in lieu of such assistant to be paid out of the county treasury, the prosecuting attorney may employ a stenographer for his office at a salary not to exceed nine hundred dollars per annum, to be paid out of the county treasury. The prosecuting attorney and his assistant (if he has one) shall manage and control all prosecutions for crimes and misdemeanors tried in the circuit court, or in any other court, having concurrent jurisdiction with the circuit court, for the trial of crimes and misdemeanors, of any county, for which such prosecuting attorney was elected or appointed. Provided, that in any case in which it would, in the opinion of the court, be improper for the prosecuting attorney and his said assistant (if he has one) to act; or if the prosecuting attorney and his assistant be unable to act, such court shall appoint some competent practicing attorney to prosecute such case, and upon the performance of the service for which he was appointed, said court shall certify that fact, with its opinion of what would be a reasonable allowance not to exceed seven dollars and fifty cents per day, actually worked, to such attorney, for the service rendered to the county court of the county, and such sum, or a different sum, when allowed by the county court, shall be paid out of the county treasury; provided, further, that nothing in this
section shall be construed to prohibit the employment by any per-
son, of competent attorneys to assist in the prosecution of any
person or corporation charged with crime.

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

CHAPTER 108.

(Senate Bill No. 140.)

AN ACT to enact and add section fifty-nine to chapter forty-seven of
the code, providing that no member of a town or city council,
or board of commissioners or other officer or officers thereof shall
be interested in the furnishing of any supplies to any town
or city, or to any contractor whatever, doing contract work for
said town or city, and providing a penalty for such violations.

(Passed February 14, 1917. In effect ninety days from passage. Approved by the
Governor February 23, 1917.)

Sec. 59. Unlawful for officer of a town to contract to furnish town supplies, etc.

Be it enacted by the Legislature of West Virginia:

Section 59. It shall be unlawful for any council or board
2 of commissioners of any town or city, or any member thereof, or
3 other officer or officers thereof, to be interested personally, either
4 directly or indirectly, or as a manager, officer or stockholder of
5 any partnership, business, firm or corporation, in any contract,
6 furnishing material, and supplies to any town or city, or to any
7 contractor, or workmen for any town or city, or in any manner
8 whatsoever, whereby the tax payers of any such town or city,
9 shall become the paymaster, either directly or indirectly. Pro-
vided, that this act shall not apply to any town or city where there
11 is no competition in furnishing any material for the use and bene-
12 fit of such town or city. Any violation of the provision of this
13 section, by any member of a city or town council or other officer
14 or officers thereof, shall be a misdemeanor and upon conviction
15 thereof, shall be fined not less than fifty nor more than five hun-
16 dred dollars, and shall be removed from office.
CHAPTER 109.

(Senate Bill No. 151.)

AN ACT authorizing the county courts, or tribunals created in lieu thereof, to pay to cities, towns and villages in which no county jail or other place of imprisonment is located, compensation for the use of jails or lock-ups owned by such municipalities, when necessary for the temporary detention therein of prisoners charged with criminal offenses.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Provides for county court to pay city, town or village for keeping prisoners, where no place of imprisonment is owned by county; amount to be paid; provisions of act not to apply to persons imprisoned for violation of ordinance of city, town or village.

SEC. payment not to exceed period of five days for one person.

1. Amount of charge must be certified by justice before payment is made.

2. Payments provided for to be made in manner and from proper fund, according to offense charged.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of each county, or tribunal created in lieu thereof, shall have authority to provide for and pay to any city, town or village in this state, in which no county jail or other place of imprisonment is owned by the county, not more than one dollar for the first day and not more than fifty cents for each subsequent day that any person charged with a criminal offense may be temporarily held in the jail or lock-up belonging to such city, town or village; provided, that the provisions of this act shall not apply to any person imprisoned for a violation of the ordinances of any city, town or village; and, provided, further, that in no case shall such payment be made for a period of more than five days for the detention of any one person held under any charge or charges at any one time.

Sec. 2. No such payment shall be made unless the amount of such charge is certified by the justice or other authority under whose jurisdiction such person is detained in the same manner as other costs in criminal cases are now required by law to be certified.

Sec. 3. The payment provided for in the first section shall be made, in cases of persons charged with felonies or misdemeanors, in the manner and from the proper fund, according to the character of the offense charged, as now provided by law for the payment of other costs payable by the county courts in criminal cases.
AN ACT to establish the route of the National or Cumberland road through the city of Wheeling, and to declare the duties of the board of commissioners of Ohio county in regard thereto.

[Passed February 17, 1917. In effect from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Establishing the route of the National or Cumberland road through city of Wheeling in Ohio county.

SEC. 2. Board of commissioners of Ohio county to pay for making, improving and maintaining said road; duty of board by this act to repair and improve road as described in section one; method prescribed for permanently improving said road; work to be paid for out of county treasury or by bond issue; provisions as to issuance of bonds.

SEC. 3. For purpose of repair and improvement, board to have necessary control over streets; act not to be construed as to limit power of city over streets; no additional authority given to board over streets.

SEC. 4. Inconsistent acts repealed.

WHEREAS, the exact line of what is known as the National or Cumberland road where the said road runs through the city of Wheeling has for some time been uncertain and a matter of dispute; and

WHEREAS, by reason of said uncertainty and dispute, the board of county commissioners of Ohio county has been unable properly to perform its duties in regard to said National or Cumberland road; and

WHEREAS, the said uncertainty and dispute concerns only the original line of said road, and there is no doubt as to the road actually used as said National or Cumberland road; and,

WHEREAS, it will be of great benefit to have the said road so actually used, established as the real line of said National or Cumberland road; and,

now therefore

Be it enacted by the Legislature of West Virginia:

Section 1. That the route of what is known as the National or Cumberland road through the city of Wheeling, county of Ohio, and state of West Virginia, is hereby fixed as follows:

4 Beginning at the east corporation line of said city of Wheeling at the point on said National or Cumberland road where the said corporation line divides the city of Wheeling from the town of Fulton; thence in a westerly direction up and down grade to Market street in the said city of Wheeling, on the said Market street to Seventh street, on said Seventh street west to Main street, on said Main street south to Tenth street, on said Tenth street west to the suspension bridge; beginning again at the west end of said suspension bridge following Virginia street to Front street, northwest on Front street to Zane street, west on
Sec. 2. The board of commissioners of Ohio county may contract and pay for making, improving, maintaining or keeping in order the whole or any part of said National or Cumberland road as herein fixed; and it is by this act made the duty of said board of commissioners of Ohio county to repair, improve and keep in order all of the said National or Cumberland road as described in section one of this act; and said board of commissioners of Ohio county may permanently improve said road by the use of asphaltum, brick, stone, granite block, or other process of equal merit, and may contract therefor with any contractor for the use of any of the foregoing systems, and shall take bond and security from any such contractor for the faithful performance of his contract; said board may pay for the work done under such contract in whole or in part out of the county treasury, or by issuing bonds or other evidence of indebtedness of and for the same. In case the payment is to be made by bonds, the issuance of such bonds shall be made in accordance with section twenty-six of chapter forty-three of the code of West Virginia.

Sec. 3. The board of commissioners of Ohio county shall, for the purpose of repair, maintenance and improvement, have such control over the streets set forth in section one of this act as may be necessary for the purposes in the preceding section set forth; but such control shall extend to these purposes only, and nothing in this act contained shall be construed as in any way limiting the power of the city of Wheeling over the streets afore-said, nor as giving to the board of commissioners of Ohio county any authority over said streets other than is now possessed by said board, or is given to said board by this act for the purposes of maintenance, improvement and repair.

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

CHAPTER 111.
(Senate Bill No. 234.)

AN ACT to amend chapter forty-seven of the code relative to cities, towns and villages, by adding thereto and as part thereof, a section to be numbered section fifty-nine, providing for the sale, lease and renting of any waterworks, electric light plant, or other
public utility owned by any city, town or village, incorporated and organized under and by virtue of the provisions of said chapter forty-seven.

[Passed February 15, 1917. In effect from passage. Approved by the Governor February 23, 1917.]

SEC. 59. When council of city, town or village owning a public utility deems best to sell, lease or rent same, question may be submitted to voters; ordinance to set forth the term of such sale, lease or renting; ordinance to be published; provisions for holding election; if majority favor proposed sale, council has power to execute sale; if more advantageous offer be received after said election, council may con-

Be it enacted by the Legislature of West Virginia:

That chapter forty-seven of the code relating to cities, towns and villages, be and the same is hereby amended by an additional section thereto, as a part thereof, to be numbered section fifty-nine, providing for the sale, lease and renting of any waterworks, electric light plant or other public utility owned by any city, town or village, incorporated and organized under and by virtue of the provisions of said chapter forty-seven, said section to read as follows:

Section 59. In any case where a city, town or village created under the provisions of this chapter shall own a water-works system, electric light plant or other public utility, and the common council thereof shall deem it for the best interest of such city, town or village that such utility be sold, leased or rented, it shall be lawful for the common council, by ordinance legally passed, to submit to the legal voters of such municipality the question of making such sale, lease or renting. In such case the common council shall in the ordinance submitting such question to a vote set forth in full the terms of such proposed sale, lease or renting, the name of the proposed purchaser or lessee, the date of such election, and said ordinance shall be published at least once a week for four successive weeks prior to the date of such election in two newspapers of opposite politics, published in such city, town or village, or if none be published there-in, in some paper published in the county and of general circulation in such city, town or village. Said election shall be held in all respects in compliance with the provisions of section seven of chapter twenty-eight-a of the code, so far as the same are applicable, and not inconsistent herewith.
If a majority of the votes cast at such election upon said question be in favor of the proposed sale, lease or renting of such utility, the common council, upon the ascertainment of the result of said election, shall have full power and authority to proceed to execute such sale, lease or renting in accordance with the terms and conditions prescribed in the ordinance aforesaid, and shall have power to do any and all things necessary or incident thereto; provided, however, that if at any time after such election and before the execution of the authority under the ordinance, any person, firm or corporation should present to the council an offer to buy such public utility or plant at a greater price than the sale price which shall have been so voted upon and authorized, or to lease the same upon terms which the council, in its discretion, shall consider more advantageous to the municipality than the terms of the lease which shall have been authorized by vote as aforesaid, the council shall have the power to accept such subsequent offer, and to make such sale or such lease to the person making the offer, without re-submitting the question to a vote. But if a sale shall have been authorized by a vote as aforesaid, and such subsequent proposition be for a lease, or if a lease shall have been so authorized, and the subsequent proposition shall be for a sale, the council shall have no power to accept the same without submitting the question thereof to a vote of the people as first above provided. And before any such second or subsequent proposition shall be submitted to vote, after a sale or lease shall have been authorized at an election held hereunder, the person making such proposition shall execute bond with security to be approved by the council, in a penalty of not less than twenty-five per cent. of such proposed bid, conditioned to carry such proposition into execution if the same shall be approved at the election to be called thereon. In any case where such public utility as is mentioned in this section shall be sold, leased or rented by the common council as hercinabove provided, no part of the moneys derived from such sale, lease or renting shall be applied to the payment of current expenses of the municipality; but the proceeds of such sale or lease shall be applied in payment and discharge of any bonded indebtedness created in respect to such public utility; and in case there be no such bonded indebtedness, the council, in its discretion, shall have power to expend all such moneys when received, in the purchase or construction of fire fighting equipment and buildings, a town hall, and the
61 necessary land upon which to locate the same, or in the construction
62 of paved streets, sidewalks, sewers and other like permanent im-
63 provements, and for no other purposes. Or in case there be a
64 surplus after the payment of such bonded indebtedness, such
65 surplus may be used as aforesaid.

CHAPTER 112.

(Senate Bill No. 293.)

AN ACT to validate certain proceedings authorizing the issuance of
bonds of the city of Fairmont, for the purpose of improving the
streets, bridges and sewers of such city, including the construction
of a bridge across the Monongahela river, for the funding and
refunding of its indebtedness and for other improvements, and
to validate the sale of such bonds and authorize a re-sale thereof,
and to provide a tax to pay the same and to authorize the con-
version of such bonds, when issued, from coupon to registered.

[Passed February 23, 1917. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec. 1. Proceedings authorizing the issuing of
bonds validated and confirmed; also the sale of the bonds.

Sec. 2. Authorities may provide for con-
version of coupons into registered bonds, provided, etc.

Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of the
2 general improvement and refunding bonds of the city of Fairmont,
3 in the amount of seven hundred and sixty thousand dollars,
4 for the purpose of improving the streets, bridges and sewers of
5 such city, including the construction of a bridge across the Monon-
6 gahela river, for the funding and refunding of the indebtedness
7 thereof, and for other improvements, which bonds mature from
8 one thousand nine hundred and eighteen to one thousand nine
9 hundred and forty-seven inclusive and bear interest at the rate
10 of four and one-half per centum per annum, and were authorized
11 by ordinance number twenty-four of such city and received the vote
12 of more than three-fifths of all the votes cast for and against the
13 same at an election held for that purpose, are hereby in all respects
14 validated and confirmed and a tax sufficient to pay the interest and
15 maturing principal of such bonds shall be levied each year as re-
16 quired by the constitution, anything herein or in any other statute
17 to the contrary notwithstanding. The sale of such bonds is like-
18 wise validated and confirmed, and the constituted and acting au-
19 thorities of such city are hereby authorized to execute and deliver
20 such bonds pursuant to such proceedings and such sale or pursuant
21 to any further sale thereof at not less than par, should the sale
22 heretofore made not in fact be consummated.

Sec. 2. The constituted and acting authorities of such city
2 may provide for the conversion of such bonds, or any of them,
3 from coupon into registered bonds, or for the registration of the
4 principal thereof, provided that none of such bonds shall be con-
5 verted into a fully registered bond, unless there shall be endorsed
6 thereon a statement executed by the chief executive and a financial
7 officer of such city, stating that all the unmatured coupons at-
8 tached to said bond have been cut off and destroyed.

CHAPTER 113.

AN ACT creating the municipal corporation of the city of Morgan-
town, in the county of Monongalia, and annulling the charter
granted to said city of Morgantown by act of the legislature of
West Virginia, chapter one hundred and forty-four of the acts
of one thousand nine hundred and one, passed on the thirtieth
day of January, one thousand nine hundred and one, and the
acts amendatory thereof.

[Passed February 20, 1917. In effect from passage. Became a law without the
Governor's approval.]
Be it enacted by the Legislature of West Virginia:

Corporate Powers.

Section 1. That the inhabitants of that portion of Monongalia county in the state of West Virginia, included within the boundary described in section two of this act, now a municipal corporation existing and known as the city of Morgantown, shall continue to be a body politic and corporate under the same name, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; plead and be impleaded; contract and be contracted with; acquire property for municipal purposes in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, lease, or lease with the privilege to purchase, either within or without the city limits, subject to the rights of other affected municipal corporations; may sell, lease, hold, manage and control such property, and make any and all rules and regulations, by ordinance or resolution which may be required to carry out fully all provisions of any conveyance, deed or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may grant public franchises to be exercised within the city; may acquire, construct, own, lease and operate light, heat and power plants and regulate all other public utilities; may assess, levy and collect taxes for general and special purposes on all the subjects or objects within its boundaries which the city may lawfully tax; may borrow money for permanent improvements and public works on the faith and credit of the city by the issue or sale of bonds or notes of the city, and in the issuance and sale of said bonds the said city shall be governed by the restrictions and limitations of the constitution and laws of the state relating to the issuance and sale of bonds, so far as said state laws are not in conflict with the provisions of this act; may pave, repave, curb, recurb, grade, regrade, sewer, resewer, or otherwise permanently improve any street, alley, or roadway within the city limits and assess the entire cost thereof,
32 including the cost at intersections, with interest, or any part
33 thereof, against the owners of the abutting or benefitted prop-
34 erties in accordance with an ordinance that shall permit the pay-
35 ment of said assessments in annual installments, and may in
36 anticipation of the levying of said assessments, issue and sell its
37 bonds, as hereinbefore provided, to the estimated amount of
38 the cost of said improvements, and apply said assessments as
39 same are paid to the liquidation of said bonds and interest
40 thereon; may appropriate the money of the city for all lawful
41 purposes; may create, provide for, construct, regulate and main-
42 tain all things of the nature of public works and improvements;
43 may direct the laying out of lots and the opening of streets and
44 roadways; may license and regulate persons, corporations and
45 associations engaged in any business, occupation, profession or
46 trade; may define, prohibit, abate, suppress and prevent all
47 things detrimental to the health, morals, comfort, safety, conveni-
48 ence and welfare of the inhabitants of the city, and all nuisances
49 and causes thereof; may regulate the construction, height, and
50 materials used in all buildings and structures of every kind, and
51 the maintenance, occupancy and use thereof; may regulate and
52 control the use, for whatever purposes, of the streets and other
53 public places; may create, establish, organize and abolish offices
54 not specifically provided for by this act, and fix the salaries
55 and compensations of officers and employees when not fixed herein;
56 may make and enforce local police, sanitary and other regulations,
57 and prescribe, impose and enforce reasonable fines and penalties
58 including imprisonment, and with the consent of the county
59 court of Monongalia county shall have the right to use the jail
60 of said county when necessary; and may pass such ordinances
61 and resolutions as may be expedient or necessary for maintaining
62 and promoting the peace, good government and welfare of the
63 city, and for the performance of the functions thereof. The city
64 of Morgantown, as constituted by this act, shall retain, keep and
65 succeed to all rights, privileges, property, interest, claims and
66 demands heretofore acquired by, vested in or transferred to the
67 said city as heretofore constituted and shall have all powers
68 that now are or hereafter may be granted to municipalities by
69 the constitution or laws of West Virginia, or that are herein by
70 implication conferred, or are necessary to or consistent with the
71 purposes of this act; and all such powers, whether expressed or
72 implied, shall be exercised and enforced in the manner prescribed
by this act, or when not prescribed herein, in such manner as
shall be provided by ordinances or resolutions of the governing
body herein provided for.

**Boundaries and Jurisdiction.**

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

1. Beginning at Target Rock, a large rock in the Monongahela
   river below Morgantown, said Target Rock being nearest the
   right bank of said river, hence north fifty-six degrees east, two
   hundred and three and eight-tenths poles to a locust on the north-
   east side of the Collins ferry road, opposite to the entrance to
   a lane leading to Oliver H. Dille’s farm house; hence south
   sixty-one degrees and fifteen minutes east, two hundred, fifty-
   three and seven-tenth poles to a post on the southeast side of the
   Stewartstown road, opposite the intersection of a lane leading to
   the Hoffman farm house, and the intersection of the old and
   new Stewartstown roads; hence south fifty-eight degrees and
   two minutes east, two hundred, one, and five-tenths poles to a
   stone on the southeast side of the Ice’s ferry pike, at its inter-
   section with the old Robinson road; hence south eleven degrees
   and nine minutes east, two hundred, nineteen and five-tenths
   poles to a stone on the southwest side of the Decker’s creek
   road, opposite its intersection with the Sturgiss road; hence
   south thirty-four degrees and fifteen minutes west, two hundred
   thirty-one, and five-tenths poles to a large stone on the top of
   the hill on land of George Harner; hence south fifty-eight de-
   grees and twenty-five minutes west, two hundred, twenty-seven,
   and five-tenths poles to a stone on the northeast side of the
   Kingwood pike, at its intersection with a lane leading to the
   William Well’s farm house; hence south sixty-seven degrees and
   fifty-three minutes west, three hundred and forty-four poles to
   a stone at the intersection of the Evansville pike, with the Mor-
   gantown and Fairmont road; hence north eighty-eight degrees
   and twenty-five minutes west, seventeen and eighty-eight one
   hundredths poles to a sycamore on the right bank of the Mo-
   nongahela river, thence with the shore line of said river and
down the same to Target Rock, the place of beginning.

Sec. 3. The city of Morgantown shall construct, maintain
and control its streets and roadways and be exempt from the
payment of taxes for the construction and maintenance of roads
outside of the city limits; but the said county shall be chargeable with the construction and maintenance of bridges within the city.

Sec. 4. For all purposes, except taxation, herein enumerated, or implied, the city governing body shall have jurisdiction when necessary, for one mile beyond the city limits, excepting another municipal corporation within said one mile, and no plan of lots, street or roadway shall be laid off for sale or public use, within said one mile, and included within the limits of no other municipal corporation, except under the supervision and control of the governing body of the city of Morgantown or the city planning board herein provided for.

**Governing Body.**

Sec. 5. The municipal authorities of the city shall be three commissioners who shall constitute and be known as "the board of commissioners of the city of Morgantown."

Sec. 6. All corporate powers of said city shall be vested in and be exercised by the board of commissioners or under its direction except as otherwise provided in this act.

Sec. 7. No person shall be eligible to the office of commissioner who is not at the time of his election entitled to vote in the city election and who was not for the preceding year assessed with taxes upon personal or real property, or both, within the city, of an assessed value of five hundred dollars and did not actually pay the taxes so assessed.

Sec. 8. Commissioners shall be elected from the city at large for a term of three years, except that at the first election the one ascertained to have been elected by the largest number of votes shall serve for three years, the one ascertained to have been elected by the next largest number of votes shall serve for two years and the third one ascertained to have been elected by the next largest number of votes shall serve for one year. Thereafter one commissioner shall be elected each year for a term of three years. The commissioners shall each receive a salary of one hundred dollars per annum.

**Elections.**

Sec. 9. The board of commissioners may by ordinance approved at a referendum election called for the purpose, and held not less than sixty days before any regular municipal election,
change the boundaries of the city, the number of the commissioners, the length of their term and the manner of their election, except that municipal elections shall always be without political party designation and non-partisan. When an election is held for the purpose of annexing additional territory to the city, the qualified voters of the territory that it is sought to annex, shall also vote upon the proposition and it shall be necessary that a majority of the total vote cast within or without the city, be cast for the proposition. In the absence of other municipal authority to act for the residents outside of the city of Morgantown, the county court shall appoint the necessary election officers and cause all necessary arrangements to be made for the holding of said election and the return of the results of same to the board of commissioners of the city of Morgantown, who shall act as a canvassing board to ascertain the aggregate results of the said election both within and without the city. The cost of the election shall be borne by the city of Morgantown, except that where another municipal corporation participates in the election, it shall bear such part of the total cost as shall have been incurred within its boundaries.

Sec. 10. The first election under this act shall be held on the second Tuesday of April, one thousand nine hundred and seventeen, at the regular voting places within the city, under the supervision of the council and officials of the city as at present constituted, and be conducted, certified, returned and finally determined, in accordance with the provisions of this act and the laws and ordinances, or such parts thereof, as are now in effect and not inconsistent with the provisions of this act.

Sec. 11. Municipal elections under this act shall be conducted as follows:

(a) Every person who has been a bona fide resident of the city for six months next preceding a city election therein, and who is a qualified voter under the constitution and laws of this state, shall be entitled to vote at said city election in the election precinct in which he actually resides; but no person shall be deemed a bona fide resident who is residing within the city limits for any temporary purpose and expects to remove from the city after said purpose shall have been accomplished. The board of commissioners shall by ordinance provide for such regulations for the registration of voters as may be rendered necessary by state laws.
Any person eligible to the office of commissioner may be a candidate and have his name placed upon the ballot by filing with the city clerk a declaration of his candidacy and a certificate of his eligibility signed, within sixty days next preceding the day of the election, by one hundred qualified voters of the city, not less than one-third of whom shall reside in the same voting precinct as the candidate. Said declaration and certificate shall be accompanied by a fee of ten dollars to be paid into the treasury of the city, and shall be filed with the city clerk not less than fifteen days prior to the day of election. The names of all candidates for the office of commissioner shall appear on one ballot and said ballot shall be without party emblem or designation. The whole number of ballots to be printed for the election of commissioners shall be divided by the number of candidates and the quotient so obtained shall be the number of ballots in each series of ballots to be printed.

(c) The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets in the order of the series with no two of the same series together.

(d) The ballots to be used for the election of commissioners shall be in form as follows:

CANDIDATES FOR ELECTION TO THE OFFICE OF COMMISSIONER.

City of Morgantown, W. Va.

Tuesday ................. 19...

Directions to Voter: Put a figure one in the blank space opposite the name of the candidate whom you most desire elected. Then put a figure two in the space opposite the name of the candidate who is your second choice. Then put a figure three in the space opposite the name of the candidate who is your third choice. Do not mark after more than three names. If you spoil this ballot, tear it across once and hand to the election officer in charge and he will give you another.

Name of Candidates.

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(e) A valid ballot shall be one on which the voter has clearly expressed his choice of one or more candidates. If a voter express the same choice for more than one candidate, his vote shall be void as for that choice. If he express more than one choice for one candidate the highest properly expressed choice only shall be counted for said candidate.

(f) A vote equal to or greater than a majority of the total valid ballots cast within the city, shall be necessary to an election. During the counting of the votes, all ballots or votes not counted shall be marked by the election commissioners of each precinct with the words “not counted” written upon the ballot or opposite the vote not counted, together with a statement of the reasons for not counting, and the total number of invalid ballots marked thus and not counted, shall be ascertained by them at the conclusion of the counting and be shown upon the precinct return certificate and subtracted from the total number of ballots taken from the ballot box.

(g) In ascertaining the result of the election, the canvassing board shall first count the first choice votes received by each candidate. If a candidate be found to have received a total of first choice votes equal to or greater than a majority of the total valid ballots cast, he shall be declared elected. But if more than one commissioner is to be elected or no candidate shall have received the number of first choice votes necessary for an election, then the second choice votes received by each of the candidates who were not elected by the first choice votes shall be added to his first choice votes, and if one or more of said candidates shall be found to have received a total of first and second choice votes equal to or greater than a majority of the valid ballots cast, that candidate who shall have received the highest number of first and second choice votes shall be declared elected. But if the required number of commissioners shall not be found to have been elected by the first and second choice votes, then the third choice votes received by each of the candidates who were not elected by the first or first and second choice votes, shall be added to his first and second choice votes, and those candidates to the number of the commissioners yet remaining to be elected, who shall be found to have received the highest vote, shall be declared elected in the order of the vote received, beginning with the highest; and if an election of one or more be prevented by a tie, then of those tied the one or ones who received
the highest total of first and second choice votes shall be declared elected; and if there be yet a tie, then of those tied the one or ones who received the highest number of first choice votes shall be declared elected; and if there be yet a tie then selection shall be made by lot by placing within a hat the names of those candidates who are tied and drawing therefrom one name at a time to the number of commissioners yet to be elected. The candidates whose names are thus drawn shall be declared elected as drawn.

Sec. 12. Commissioners only shall be elected by popular vote. All other officials and employees shall be appointed by the commissioners in such manner as is provided by this act or as they may by ordinance properly prescribe. The annual election of commissioners shall be held on the second Tuesday of April. Each person elected or appointed to an office in the city shall within thirty days after his election or appointment and before entering upon the duties of his office, take and subscribe the oath of office prescribed by law for county officers, which shall be done before a notary public, and the certificate of the officer administering the oath shall be filed with the city clerk.

The term of office of a commissioner elected and qualified shall begin with the first day of July next following the day of his election. A vacancy in the office of commissioner shall be filled by appointment by the remaining commissioners until the said vacancy shall be filled at the next municipal election for the part of the term then unexpired. If the remaining commissioners fail to make appointment to fill a vacancy in the office of commissioner within ten days after the vacancy occurs, then said vacancy shall be filled until the next municipal election by appointment by the civil service board hereinafter provided for.

Sec. 13. At least four weeks before the day of an election the board of commissioners shall appoint from among the qualified voters for their respective voting precincts two registrars of electors and three commissioners of election. The said commissioners of election and registrars of electors shall be selected from the two political parties which at the last preceding state election cast the highest number of votes in the precinct in which they reside, and not more than two of said commissioners of election nor more than one registrar of electors shall belong to the same political party. The commissioners of election of each precinct shall appoint from the voters of their precinct one poll clerk from each of the two leading political parties as above
mentioned and may also appoint one challenger from among the
voters of each of said parties in said precinct. At least four
weeks before the date of a municipal election the city clerk shall
appoint one ballot commissioner from among the voters of the
two aforesaid political parties, within the city, who with himself
as chairman, shall constitute the board of ballot commissioners.
Elections under this act shall be conducted, returned and
the results thereof ascertained and declared in the manner pre-
scribed by the constitution and laws of the state in so far as
said laws are not inconsistent with this act, and all penalties
prescribed by said laws of the state in so far as consistent shall
be applicable under this act.
The board of commissioners shall by ordinance provide such
additional regulations in conformity with the provisions of this
act as are necessary for the proper conduct of elections.
The duties required of the clerks of the circuit and county
courts under the election laws of West Virginia, shall be per-
formed by the city clerk of said city. The duties required of the
commissioners of the county court under the provisions of said
laws shall be performed by the board of commissioners of said
city. The duties required of the sheriff under the provisions of
said laws shall be performed by the chief of police of said city.
And the duties required of any constable under the provisions
of said laws shall be performed by any member of the police
force of the said city. Wherever the word "county" appears in
said laws, the same shall be taken to refer to the city of Morgan-
town, and wherever the words "election precinct" or "precincts"
appear in said laws they shall be taken to refer to the election
precinct or precincts for the municipal election, and wherever
the words "court house" shall appear in said laws as designating
the place of meeting of the election officers and boards, the same
shall be taken to refer to the municipal building.
If at any time a commissioner shall be a candidate for re-
election to said office, the civil service board shall appoint some
person to act in his stead as a member of the canvassing board
for the purpose of canvassing the returns and ascertaining the
result of the election at which he is a candidate.

Duties and Responsibilities of Board of Commissioners.

Sec. 14. The board of commissioners shall be vested with
all legislative authority of the city and shall exercise the same by
ordinance; other action by them may be by order upon motion.  
They shall, by ordinance, prescribe the manner in which the  
powers conferred upon the city shall be exercised in conformity  
with the provisions of this act.

Sec. 15. They shall meet in the municipal building of the  
city and shall provide by ordinance for the manner and times  
of holding said meetings. They shall cause to be kept in a well  
bound book, called the "city journal", an accurate record of  
all their proceedings, by-laws, ordinances, orders and resolutions,  
and same shall be open for public inspection during usual office  
hours. A meeting shall be held on the first Monday of July of  
each year for the purpose of electing one of their number to the  
office of mayor. If they shall fail to agree upon a mayor within  
ten days, then the civil service board hereinafter provided for  
shall designate one of the commissioners as mayor. Until a  
mayor shall have been elected or designated, or during the  
mayor's absence, the oldest commissioner in point of continuous  
service, shall act as mayor.

Sec. 16. A majority of the commissioners shall constitute  
a quorum for the transaction of business, and no act shall be  
done unless a majority of the commissioners shall vote in favor  
thereof.

Sec. 17. They shall fix the compensation of all appointive  
officials and employees of the city.

Sec. 18. They shall grant franchises, levy and collect taxes  
and assessments, order payment of approved accounts, hear and  
determine charges against all officials of the city other than  
members of their own body, require that the laws and ordinances  
be obeyed and enforced, cause the affairs of the city to be effi- 
ciently and economically administered, and perform such other  
duties as properly devolve upon the chief executive body of the  
city.

Sec. 19. No commissioner or official of the city shall be  
financially interested, directly or indirectly in any contract, sale  
or transaction to which the city is party, nor shall he vote on the  
same or participate in any manner in said contract, sale or trans- 
action, under penalty, upon conviction, of forfeiture of his office  
and a fine of not less than five nor more than five hundred dollars.

Sec. 20. No commissioner or official of the city shall be  
surety on any bond given to or for the benefit of the city.

Sec. 21. The board of commissioners shall appoint a civil
Morgantown Charter.

Sec. 22. They shall also appoint from the three applicants, 2 if there be three or more, who are most highly recommended by 3 the civil service board, a city manager, who shall hold office 4 during the pleasure of the board of commissioners, subject to 5 civil service regulations.

Sec. 23. They shall also, upon the recommendation of the 2 city manager, appoint the following officers and employees:
3 (a) A city clerk.
4 (b) A chief of police and members of the police force.
5 (c) A superintendent of streets.
6 (d) A chief of the fire department and firemen.
7 (e) A superintendent of the incinerating plant.
8 (f) Such other employees subject to civil service regula-
9 tion as may be provided for by ordinance.
10 Each of these shall be recommended from the three, if there 11 be three or more, who are listed as best qualified for the office 12 or employment by the civil service board, and shall be subject 13 to dismissal by the city manager, in conformity with such civil 14 service regulations as shall have been provided by ordinance.

DUTIES OF APPOINTIVE OFFICIALS AND BOARDS.

The Mayor.

Sec. 24. The mayor shall preside at meetings of the board of 2 commissioners; shall exercise such authority and perform such 3 duties as are conferred upon him or imposed upon him by this 4 act, the ordinances of the city and the laws and constitution of 5 the state. He shall be the official head of the city for all cere-
6 monial purposes and upon whom service may be had in civil 7 process and by the governor for military purposes.

The Civil Service Board.

Sec. 25. The civil service board shall be composed of three 2 members. They shall be appointed for a term of three years, 3 except that at the beginning one shall be appointed for one 4 year, one for two years and one for three years. Their appoint-
5 ment shall be made at the meeting of the board of commissioners
6 held on the first Monday of July and their terms shall begin
7 from the date of appointment. When a vacancy occurs through
8 death, resignation or otherwise, the same shall be filled for the un-
9 expired portion of the term only. No more than two members
10 of the civil service board shall belong to the same political party.
11 They shall be citizens of the city of Morgantown. They shall
12 serve without compensation. It shall be the duty of the civil
13 service board to formulate rules and regulations for enactment
14 by the board of commissioners, governing the appointment,
15 promotion, discipline and dismissal of officials and employees not
16 herein exempted from civil service jurisdiction. Said rules and
17 regulations shall provide:
18 (a) Minimum technical qualifications for all positions re-
19 quiring skill.
20 (b) That appointment be made from the three applicants
21 most highly recommended—if there be three or more—as shown
22 upon the list of eligibles provided by the civil service board.
23 (c) That every appointee shall be subject to dismissal for
24 a period of six months after appointment, without the right of
25 appeal under the civil service rules.
26 (d) Examinations and efficiency tests.
27 (e) Authority to appointing officials to dismiss appointees
28 subject to said appointee’s right, after six months of service, of
29 appeal to the civil service board.
30 (f) For a hearing by the civil service board of grievances
31 of employees and charges against officials and reporting of their
32 findings to the board of commissioners.
33 The civil service board shall also have authority to hear
34 charges against commissioners, and, when said charges are sup-
35 ported by the signatures of qualified voters of the city to the
36 number of fifteen per centum of the total number of votes cast
37 at the last preceding city election, may, if they consider the
38 charges to have been proven and of sufficient gravity to warrant
39 retirement of the commissioner from office, thereupon declare
40 his office vacant; provided, however, that when charges shall have
41 been preferred against a commissioner as aforesaid, a copy of
42 such charges shall be served on said commissioner at least ten days
43 before the hearing thereof and at such hearing said commis-
44 sioner may appear in person and by counsel and make defense
45 thereto. A vacancy upon the civil service board shall be filled
by the board of commissioners for the unexpired part of the term
for which the former occupant had been appointed. If the board
of commissioners shall fail to fill the vacancy within ten days,
then the remaining members of the civil service board shall fill
the vacancy by appointment for the remainder of said term.

Municipal Judge.

Sec. 26. The judicial power of the city shall be vested in
a municipal court. Said court shall have exclusive jurisdiction
of all criminal proceedings for the violation of any city ordinance,
and of all civil actions and proceedings arising out of a violation
of said ordinance, and for the collection of any license, assessment
or tax imposed by ordinance; and of the following offenses com-
mitted within the city, (except when prosecuted by indictment or
information):

1. Petty larceny.
2. Assault and battery.
3. Breaches of the peace, rioting, committing wilful injury
to property, and all misdemeanors punishable by fine or
by imprisonment in the county jail, or both; proceedings
respecting vagrants, lewd or disorderly persons; and of
all offenses not properly falling under the jurisdiction of
other courts.

The municipal court shall be presided over by a municipal judge
who shall be a citizen of the city of Morgantown. Until a muni-
cipal judge shall have been appointed, the mayor shall act in that
capacity. The municipal judge shall within the city have, possess
and exercise all the powers and perform all the duties vested by
law in a justice of the peace, except that he shall have no jurisdic-
tion in civil cases or causes of action arising outside of the cor-
porate limits of the city. He shall have the same power to issue
attachments in civil suits as a justice of the county has, though
the cause of action arose outside of the city, but if the cause of
action arose outside of the city, said attachment shall be return-
able to and be heard before some justice of the county. Any war-
rant or other process issued by him may be executed at any place
in the county. He shall have the power to issue executions for all
fines, penalties and costs imposed by him, or he may require the
immediate payment thereof, and in default of such payment he
may commit the party in default to the jail of the county or
municipality until the fine or penalty and costs shall be paid, but
35 the term of imprisonment in such cases shall not exceed thirty
36 days. The expense of maintaining any person committed to the
37 county jail by him, shall be borne by the city except it be to an-
38 swer an indictment or be under the provisions of sections two
39 hundred and twenty-seven and two hundred and twenty-eight of
40 chapter fifty of the amended code of this state.
41 He shall not receive any money belonging to the state or
42 individuals unless he give such bond and security as is required
43 of a justice of the peace, and all provisions of the said chapter
44 fifty of the said code relating to monies received by justices shall
45 apply in like manner to the municipal judge.
46 He shall have authority to sentence an offender to labor,
47 upon the streets or at other public work of the city, for a period
48 not exceeding thirty days, and the compensation for said labor
49 shall be paid to said offender’s dependents, if any, in conformity
50 with such regulations as the board of commissioners may by
51 ordinance provide.
52 Appeals shall lie from the judgment of the municipal court
53 to the circuit court of Monongalia county, in accordance with
54 law.
55 The municipal judge may, in lieu of a salary fixed by ordi-
56 nance, receive as compensation, such fees as are provided by law
57 for justices of the peace in criminal cases, but the city shall as-
58 sume no liability for the collection of said fees.

City Solicitor.

Sec. 27. The city solicitor shall be an attorney at law ad-
2 mitted to practice in the state of West Virginia, and a citizen of
3 the city of Morgantown. He shall be the legal adviser of and at-
4 torney and counsel for the municipality and for all officers thereof
5 in matters relating to their official duties. He shall prepare all
6 contracts, bonds and other instruments in writing in which the
7 city is concerned, and shall certify thereon to the correctness
8 thereof; and no such contract with the city shall take effect until
9 so certified by him. He or his assistant, if any be provided,
10 shall be the prosecuting attorney of the municipal court and he
11 shall perform such other duties as the board of commissioners
12 shall require.

Treasurer.

Sec. 28. The city treasurer shall be the custodian of all
2 monies of the municipality and shall keep and preserve the same
in such manner and in such place or places as shall be designated by the board of commissioners. He shall pay out money only on warrants issued by the city clerk and countersigned by the city manager.

If he be an employee or official of a bank having city funds on deposit, he shall receive no compensation for his services as treasurer except said bank pays interest on said deposits, and then in an amount not to exceed the amount of interest received by the city from said bank. He shall be a citizen of the city of Morgantown.

City Planning Board.

Sec. 29. The city planning board shall be composed of the city manager, the commissioners, the city engineer, and two citizens of the city of Morgantown, who shall be appointed by the board of commissioners. The term of office of the appointed members shall be four years, beginning with the first Monday in July, except that at the beginning one member shall be appointed for two years and one for four years and thereafter one shall be appointed every second year for a term of four years. Appointed members of the planning board who hold no other salaried office or employment under the city, shall receive such compensation as the board of commissioners may by resolution or ordinance provide.

The city planning board shall have supervision of all plats subdividing land into streets, alleys, blocks and lots, within the city and for a distance of one mile outside of the city limits and not within another municipal corporation. No such subdivision shall be opened or any blocks or lots sold; and no plat subdividing land within the territory over which said board shall have supervision shall be entitled to record in the office of the county clerk, except it bears the written approval of the said city planning board endorsed thereon; and no street or alley shown upon said unapproved plat shall subsequently in any way be accepted as a public street or alley by the city, nor shall any public funds be expended in the repair and improvement of said street or alley, except said street or alley be made to conform to the city plan and be approved and made a matter of record by the said city planning board.

It shall be the duty of the city planning board, to carefully study the city and its environments for the purpose of providing
30 a plan for its future growth and development that shall tend to
31 the highest possible degree of comfort, safety, convenience, at-
32 tractiveness and efficiency; and the board of commissioners shall
33 adopt such ordinances as may be required for the proper execution
34 of the plan provided.

City Manager.

Sec. 30. The city manager shall be employed because of his
2 experience and fitness only. Until the city shall have attained
3 to a population of twenty thousand his compensation shall not
4 exceed three thousand dollars per annum. He shall be the ad-
5 ministrative head of the municipal government under the direc-
6 tion and supervision of the board of commissioners. During the
7 absence or disability of the city manager, the board of commissio-
8 ners may designate some properly qualified person to execute the
9 functions of the office.

10 His powers and duties shall be as follows:
11 a—To see that the laws and ordinances be enforced within
12 the city.
13 b—Plan and prosecute all public work approved by the board
14 of commissioners.
15 c—Direct the keeping of public records and accounts.
16 d—Direct the preparation and submission of the annual bud-
17 get and to keep the board of commissioners informed as
18 to the financial condition and needs of the city.
19 e—Direct the purchasing of supplies in accordance with such
20 regulations as may by ordinance be provided.
21 f—Approve all bills for payment.
22 g—Direct the collection and disposal of refuse and garbage.
23 h—Direct the guarding of public health.
24 i—Direct the inspection of buildings, plumbing and electric
25 wiring, engineering and surveying work.
26 j—Direct the collection of taxes, licenses and assessments.
27 k—Supervise the supplying of drinking water.
28 l—Recommend to the board of commissioners such action as
29 he may from time to time deem necessary or expedient.
30 m—Attend all meetings of the board of commissioners with
31 the right to take part, but having no vote.
32 n—Direct the police and fire departments.
33 o—Recommend for appointment from the eligible list of the
34 civil service board, the following officials and employees:
35  1—City clerk.
36  2—Chief of police and members of police force.
37  3—Chief of fire department and members of fire force.
38  4—Superintendent of streets.
39  5—Superintendent of incinerating plant.
40  6—Such others as the board of commissioners may by
41       ordinance provide for and he deem necessary.
42  p—He shall also employ such unskilled labor as may be
43       necessary, fix their wages and have authority to terminate
44       their employment at any time without civil service re-
45       striction.
46  q—He may suspend from office any official or employee who
47       was appointed by the board of commissioners upon his
48       recommendation, subject to the right of the suspended
49       person, after six months’ service, to appeal to the civil
50       service board. If said appeal be not taken within
51       twenty-four hours after notice of suspension, said sus-
52       pension shall thereupon become permanent and the of-
53       fice or position shall be vacant.
54  r—He shall perform such other duties as may properly de-
55       volve upon him under this charter or be required of him
56       by ordinance or resolution of the board of commissioners.

  City Clerk.

Sec. 31. The city clerk shall act as clerk of the board of
2 commissioners, clerk of the civil service board, clerk of the city
3 planning board, and clerk of the municipal court. He shall make
4 and keep all records, transcribe all ordinances and resolutions and
5 may act as city assessor, city tax collector, registration officer,
6 auditor and accountant, and perform such other duties as the
7 board of commissioners may by ordinance or resolution require of
8 him, and he shall have such assistance as may be necessary and
9 the board of commissioners approve. He shall be a citizen of
10 the city of Morgantown.

Other Officials.

Sec. 32. The chief of police, chief of fire department, super-
2 intendent of streets, superintendent of incinerating plant, and
3 other officials shall perform such duties as the board of commis-
4 sioners shall by ordinance or resolution require. They shall be
5 citizens of the city of Morgantown.
Ordinances.

Sec. 33. Every ordinance which shall have been passed by the board of commissioners shall, before it becomes effective, be signed by the mayor, or in his absence by the acting mayor, and attested by the city clerk.

Sec. 34. All ordinances finally adopted under the provisions of this act shall, within two days after passage, Sundays and holidays excepted, be published in the English language by at least one insertion in some daily newspaper published in the city of Morgantown, and by posting for at least ten days, at the municipal building, and the county court house, and no ordinance shall be valid or go into effect until after said publication and posting except an ordinance for the immediate preservation of the public peace, health or safety, which shall contain a statement of its urgency.

Sec. 35. No ordinance shall be passed finally on the day on which it is introduced unless approved by unanimous vote of all commissioners and then only if it be an emergency measure requiring haste; nor shall an ordinance become operative for a period of thirty days after passage, except it be an emergency measure. It shall also be subject to popular action as provided in section forty-four of this act.

Contracts and Purchases.

Sec. 36. No resolution shall be passed directing that any public work be done at a probable cost exceeding five hundred dollars until complete plans, specifications, profiles, estimates and other necessary information shall have been submitted to the board of commissioners and been approved by them and a copy thereof placed on file in the office of the city engineer available for public inspection.

Sec. 37. When the amount to be paid by the city exceeds five hundred dollars, a contract shall be awarded only after notice at least once in a daily newspaper published in the city, and competitive bidding to the lowest responsible bidder.

Sec. 38. All purchases of supplies shall be made by the city manager or a purchasing agent or agents to be designated by him and approved by the board of commissioners.

No contract shall be valid in which any official of the city is directly or indirectly financially interested.
Sec. 39. Public utility franchises shall be granted for a period not exceeding twenty-five years, with the right to the city to purchase the properties of the owner of the franchise and thereby terminate the franchise at the expiration of ten years and at the expiration of each five year period thereafter.

The purchase price shall be determined by a board of valuation to be composed of five members, two to be chosen by the owner of the utility, two by the board of commissioners, and the fifth (who shall be a non-resident of the city, and himself not financially interested in any public utility), shall be selected by these four.

In computing the price to be paid, the fair and actual value of the properties shall be ascertained, without taking into consideration the legal right or naked franchise granted by the city.

Sec. 40. It shall be provided in every public utility franchise that upon the annexation of territory to the city, said franchise shall apply also upon such portion of said public utility as shall be located within the said annexed territory.

Sec. 41. No exclusive monopoly shall be granted, and all franchises or privileges for the occupation of the streets, alleys and roadways of the city, shall be strictly construed in favor of the city.

Sec. 43. No grant of extension of an existing franchise shall be for a greater period than ten years for any one renewal, but any such extension or renewal may be succeeded by similar renewals. Subsequent grants made to the holder of a prior grant, if of the same nature and purpose as the original, shall be made to expire at the same time with the original grant.

Sec. 44. No public utility franchise nor ordinance nor amendment, except it be for the immediate preservation of the public peace, health or safety, and shall contain a statement of its urgency, shall become operative for a period of thirty days after passage, without first being published and posted in the manner provided in section thirty-four hereof. If within said thirty days a petition signed by qualified voters of the city, to the number of twenty per centum of the total votes cast at the last preceding regular city election, asking that said franchise, ordinance or amendment, be submitted for decision to the voters of the city, then the board of commissioners shall call an election for the said purpose not later than thirty days after the date of filing of said petition,
and if at said election sixty per centum of the votes cast shall be against the enactment of the said franchise, ordinance or amendment it shall not become effective.

Upon petition of a like number of voters an ordinance, franchise or amendment, which has failed of passage by the board of commissioners, shall in like manner be voted upon at a special referendum election called for the purpose, as above required and provided, and if sixty per centum or more of the total votes cast at said election shall be for the adoption of said ordinance, franchise or amendment, it shall thereupon be declared adopted, be transcribed upon the city journal and have the same force and effect as if regularly enacted by the board of commissioners.

Sec. 45. All public franchises shall be granted subject to the right of the board of commissioners by resolution or ordinance, whether so expressed in the said franchise or not, to restrict and control the operation of the grant in the interest of the public welfare; and subject further to the right of the board of commissioners by ordinance to revoke said franchise for violation by the grantee of any of the terms thereof.

**Taxation and Finance.**

Sec. 46. An annual budget, in such detail as the board of commissioners shall require, shall be prepared under the direction of the city manager showing the estimated amount of money required for all purposes during the then current fiscal year and be submitted, together with his recommendations, to the board of commissioners not later than the fifth day of July.

Sec. 47. Upon receipt of said budget the board of commissioners shall cause a copy of the same to be placed on file in the office of the city clerk for public inspection and shall give public notice of a meeting to be held not less than ten days thereafter, at which meeting objections to the budget may be stated. The board of commissioners shall then make such changes in the said budget as they may deem advisable, but shall not increase the amount thereof, and shall order a levy of so much on the real estate and personal property in the city as in their opinion shall be necessary to pay the same; but the taxes so levied shall not exceed the rate now permitted to be laid under the laws of the state relating to the levying and collecting of taxes within municipalities.
Property shall be valued for the purpose of taxation in the manner required by the laws of the state.

Sec. 48. After the annual budget shall have been adopted and the annual tax levy shall have been ordered, the board of commissioners shall apportion and appropriate the estimated income of the ensuing year to the various purposes for which required as set forth in said budget.

6 Upon request of the city manager, the board of commissioners may transfer any part of an unencumbered balance of an appropriation made for any purpose and appropriate said balance to any other proper purpose for which said balance may be required.

No officer or board shall make contracts during any one month involving the expenditure of more than one-twelfth of the fund apportioned to any said purpose, unless specially authorized so to do by the board of commissioners; provided that if during any month, less than one-twelfth of the fund so apportioned shall be expended, the amount so unexpended may be expended in any subsequent month of the fiscal year without special authorization; and provided further, that no obligation involving the expenditure of money shall be assumed except the city auditor or person acting as such shall certify to the board of commissioners or proper official that the money required for such expenditure is in the treasury or is anticipated to come into the treasury during the then current fiscal year and that it has been properly apportioned and set aside for the purpose for which it is to be expended.

Sec. 49. The board of commissioners may also impose a tax of two dollars annually upon each and every male inhabitant of said city over twenty-one years of age and under fifty years of age, for the purpose of providing a special fund for the making of permanent improvements to streets, alleys, roadways and sewers of the city,—said fund to be known as the "special street improvement fund."

Sec. 50. The board of commissioners may by ordinance impose special license taxes in all cases where the state of West Virginia imposes a similar license tax except that no license tax shall be levied by said city under clauses "r" and "s," of section two, chapter thirty-two, of the code of West Virginia.

Sec. 51. The board of commissioners may order the owner of any real property abutting on any street, roadway or alley to construct or cause to be constructed a curb, sidewalk or gutter along said property in accordance with such regulations as they may
by ordinance provide, and upon failure of said owner so to do, the
board of commissioners may cause the same to be done and shall
assess the cost thereof, with interest, upon the said property or
the owner, agent or occupant thereof.

Sec. 52. The board of commissioners may order and cause
any avenue, street, road or alley or part thereof, within the city
to be graded or regraded, curbed or recurbed, paved or repaved,
sewered or resewered, or otherwise permanently improved and may
defray the cost thereof out of the special street improvement fund
provided for under section forty-nine of this act; and they may
assess two-thirds of the cost thereof, including the cost at intersec-
tions, with interest at six per centum per annum, interest payable
annually, or any part thereof, against the abutting or benefitted
properties, according to their respective frontage; provided, how-
ever, that any part of the cost, which may be borne or paid by any
person or company under any provision or requirement of a fran-
chise heretofore or hereafter granted by the said city shall be de-
ducted from the one-third of the cost of such improvement to be
paid by the said city, and no abutting properties shall be entitled
to credit or deduction by reason of any payments so made under
such franchise, and shall collect said assessments and interest
annually on each unpaid installment, and convert the same back in-
to the said special street improvement fund; provided, however, that
the amount assessed against any property owner with interest
to date of payment, as aforesaid, may be paid at his or her option
in ten annual payments: That is to say,—

One-tenth of the said amount, together with interest on said
one-tenth, at six per centum per annum until date of payment, shall
be paid into the treasury of the city within thirty days from the
date of notice of assessment; one-tenth of said whole amount,
together with interest at the rate of six per centum on nine-tenths
of the said whole amount for one year, shall be paid at the expi-
ration of one year from date of notice of assessment; and a like
one-tenth part, together with interest at six per centum for one
year on the unpaid portion of the whole amount, shall be paid at
the expiration of each succeeding year until the said whole amount
shall have been fully paid.

Sec. 53. Said city shall not become indebted in any manner
nor for any purpose to an amount, in the aggregate exceeding two
and one half per centum on the value of all taxable property
therein, as provided by the laws of said state, except that in esti-
mating said indebtedness all special assessments against abutting
or benefitted properties levied by the city for the purpose of de-
fraying the cost of permanent improvements to streets, alleys,
roadways or sewers or of land or easements required therefor,
and yet remaining unpaid, together with any amount in any sink-
ing fund created and maintained for the payment of indebtedness
incurred for permanent improvements to streets, alleys, road-
ways or sewers, or for land or easements therefor, to an aggregate
amount not exceeding two and one half per centum of the value of
all taxable property therein, shall be subtracted from the total in-
debtedness of the city incurred for permanent improvements to
streets, alleys, roadways and sewers and for land and easements
therefor, before said indebtedness for permanent improvements
to streets, alleys, roadways and sewers and for land and easements
therefor, shall be included in the total indebtedness.

Sec. 54. All taxes and assessments levied upon real estate
within the said city shall remain a lien thereon from the time the
same are so assessed or levied until paid, and shall have priority
over all other liens except for taxes due the state, county, or dis-
trict; and all taxes and assessments, whether levied or assessed
upon realty or personality, or otherwise, may be enforced and col-
lected in the same manner and by the same remedies as are now
or may hereafter be provided by law for the enforcement of liens
and levies for state and county taxes, or in such manner as the
board of commissioners may by ordinance prescribe. And the
board of commissioners shall through such officers as they may ap-
point under such regulations and ordinances as they may enact
(not contrary to the laws of this state), have such authority
and power as may be necessary for the levying and collection of
taxes, fines, licenses and assessments due the city, with power and
authority to enforce the collection of such fines by imprisonment in
the city or county jail.

Sec. 55. It is expressly provided that no bonds shall be is-
sued under the provisions of this act, unless and until the ques-
tion of issuing said bonds shall have first been submitted to a
vote of the people of said city and shall have received three-fifths
of all votes cast at said election for and against the same.

The board of commissioners may provide by ordinance for
submitting to the people at any regular election, or special elec-
tion called for that purpose, the question whether or not said city
shall be authorized to issue bonds for any improvement or public
work, but the said ordinance need not require that the location
of said contemplated improvement or public work be specified in
detail, and if at said election the people shall by their vote author-
ize the issuance of said bonds, said board of commissioners may
order the sale of said bonds from time to time as needed for said
improvement or public work; and notwithstanding the provisions
of sections two, three and six of chapter forty-seven ‘a’ of the
code of West Virginia, it shall be a sufficient description for the
purpose of submitting said question to a vote at said election and
for all purposes of said proposed bond issue if the call for said
election shall recite that said bonds are to be authorized for the
purpose of grading, paving, curbing, sewering, regrading, re-
paving, recuring or resewerieing or otherwise permanently im-
proving the streets, roads, alleys or sewers of said city, or of ac-
quiring land or easements for such purpose, or of leasing, pur-
chasing, erecting or equipping any public utility or public works
for which authority is conferred by this act, at such times as the
board of commissioners shall deem fit or expedient.

The provisions of the laws of said state concerning bond elec-
tions shall, so far as they are not in conflict with the provisions
of this act, apply to bond elections held under this act.

Sec. 56. All ordinances and resolutions in force at the time
of the taking effect of this act, not inconsistent with its provis-
ions, shall continue in full force and effect until amended or re-
pealed.

Sec. 57. Persons holding office under the municipal govern-
ment as at present constituted, shall continue in office and in the
performance of their respective duties until the day on which this
act shall become effective, and thereafter so long as their services
shall be required, pending a reorganization of the said municipal
government to conform to the requirements of this act.

Sec. 58. All vested rights of the city shall continue to be
vested and shall not in any manner be affected by the passage of
this act, nor shall any right or liability or pending suit or prose-
cution, either in behalf of or against the city, be in any manner
affected by the passage of this act. All contracts entered into by
the city or for its benefit prior to the taking effect of this act,
shall continue in full force and effect. All public work begun
prior to the taking effect of this act shall be continued and per-
fected hereunder.

Sec. 59. If any section or part of a section of this act shall
be found to be invalid, the same shall not be held to invalidate or
impair the validity, force or effect of any other section or part
of a section unless such other section or part is clearly dependent
for its operation upon the section or part so held invalid.

Sec. 60. This act shall for the purpose of nominating and
electing officers and for all purposes connected therewith take ef-
effect from the time of adoption as hereinafore provided, and for all
other purposes shall take effect on the first day of the following
July.

To be Ratified by Voters.

Sec. 61. This act shall not be effective unless the same shall
first be submitted to the voters of said city, at a special election
called for that purpose, and adopted by a majority of the votes
cast at said election. Said special election shall be held on the
first Tuesday in March, one thousand nine hundred and seventeen,
after publication of the act one time not less than ten days im-
mediately preceding said special election, in two daily papers pub-
lished in said city. Said special election shall be conducted in
the regular manner of holding municipal elections in said city.
If this act is adopted at said election it shall go into effect
at the time and in the manner provided in section sixty hereof.
The ballot to be voted at said election shall be printed upon
plain white paper and in the following form:

CITY OF MORGANTOWN.
Charter Election.
Indicate how you desire to vote by a cross in the square.

For adoption of new charter.

Against adoption of new charter.

Provided, however, that if this act shall fail of adoption at
such election, the same may be voted upon at a subsequent elec-
tion, called by the council of said city, and held in the same man-
ner; but no such subsequent election shall be held until a period
of six months shall have elapsed after any former election held for
that purpose; and provided further, that if the council of said
city shall fail or refuse to call a subsequent election for that pur-
pose, then upon petition signed by the qualified voters of said city,
equal in number to at least thirty per cent of the entire vote
cast for the candidate for mayor, who received the highest number
of votes at the last preceding municipal election, said council shall,
by a proper order, call a special election for that purpose. And
this act shall fail of adoption, at the first election held for that
purpose as herein provided, then it shall take effect from the date
of its adoption, at such subsequent election, for the purpose of
nominating and electing officers and all purposes in connection
thereof, and for all other purposes shall take effect on the first
day of July following its ratification and adoption in the manner
herein provided.

Sec. 62. Chapter one hundred and forty-four of the acts of
the legislature of one thousand nine hundred and one entitled “An
act to create the municipal corporation of the city of Morgan-
town,” and all acts amendatory thereof, and all other acts and
parts of acts coming within the purview of this act and inconsistent
herewith, are hereby repealed.

CHAPTER 114.

(House Bill No. 130.)

AN ACT to amend and re-enact the act of the legislature of West Vir-
ginia, passed on the twenty-third day of February, one thousand
nine hundred and fifteen, relating to the amendment of the charter
of the city of Princeton, in the county of Mercer.

[Passed February 6, 1917. In effect ninety days from passage. Approved by the
Governor February 19, 1917.]

Sec.
2. Corporate limits of said city.
3. Wards and their boundaries.
4. Municipal authorities.
5. Corporate powers.
7. Eligibility of officers.
8. Election of officers.
9. Who are voters.
10. Registration of voters.
11. Manner of conducting general elections.
12. Tie vote; how decided.
13. Contested elections.
15. Appointment of additional officers, their duties and compensation.
16. Requirements as to bonds.
17. Oaths of office.
18. Tenure of office.
19. Ineligibility or failure to qualify.
20. Powers, duties and salary of mayor.
22. Quorum at meetings of council.
23. Record of minutes and ordinances.
24. Reading of minutes.
25. Who shall vote in council.

Sec.
26. Meetings of council.
27. Disposition of moneys belonging to city.
28. Duties and powers of council.
29. Police officer.
30. Annual levy.
32. Liens and taxes.
33. Collection of taxes.
34. Additional duties of assessor and treasurer.
35. License.
36. Condemnation of land for public use.
38. No indebtedness to be created for current expenses.
39. Streets, roads and bridges.
40. Existing ordinances.
41. Power to make and maintain sidewalks, etc.
42. Duty of council to appoint officers to hold elections hereunder.
43. Duties of city attorney.
44. Where money is to be deposited.
45. Salaries of councilmen.
46. Inconsistent acts and ordinances repealed.
Be it enacted by the Legislature of West Virginia:

That the charter of the city of Princeton, in the county of Mercer, as amended and re-enacted by an act of the legislature of West Virginia, passed on the twenty-third day of February, one thousand nine hundred and fifteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 1. That the inhabitants of so much of the county of Mercer, in the state of West Virginia, included in the boundaries described in section two of this act, be and they are hereby created and to remain and continue a municipal corporation by parts of acts coming within the purview of this act and inconsistent have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and otherwise acquire and hold real estate and personal property needed in the discharge of the functions of government conferred by this charter.

Corporate Limits.

Sec. 2. The corporate limits of the city of Princeton shall be as follows, that is to say: Beginning at the bridge where the Raleigh and Kanawha turnpike crosses Glady fork, and running thence down Glady fork to Brush creek; thence down Brush creek to the mouth of Board Camp branch; thence due east, crossing the center line of the Deepwater railroad, as shown by the map and profile of the location of said road filed in the office of the county clerk of Mercer county, West Virginia, on the twenty-third day of March, one thousand nine hundred and four, to a point fifty feet beyond the said center line at right angles thereto; thence parallel to the center line of the location of said railroad as shown upon said map, and fifty feet distant therefrom to Christian's fork, which is a point eastward from the residence of William Oliver; thence eastwardly to the Carr and Bratton cattle scales on the old Pisgah road and including the said scales; thence northwesterly, in a straight line, to two large old willow trees by an abandoned spring by the side of an old house-seat in an old apple orchard, which point is up a hollow in an eastern direction from the northern end of the present Virginian railway shops; thence, a straight line, in a southwesterly direction, to the residence formerly owned by Elliott Blankenship on the Low Gap road, including the said residence within
23 the corporate limits; thence a straight line, including the said
24 former residence of said Blankenship within the corporate limits
25 as aforesaid, touching the residence of the late Saunders Lewis,
26 and including the same within the corporation, to a point in the
27 center line of the Raleigh and Kanawha turnpike road; thence
28 a straight line touching the residence of I. W. Walker, now owned
29 by W. B. Hionaker, and including the same within the corporate
30 limits to Glady fork; thence down Glady fork to the point of be-
31 ginning.

Wards and Their Boundaries.

Sec. 3. The said city of Princeton shall consist of three (3)
2 wards, which shall be bounded as follows:

First Ward.

3 All the following described boundary shall constitute the
4 first ward of the said city, that is to say: Beginning at a point on
5 the corporate limits of said city in the center of the bridge over
6 Brush creek, on the road leading from Princeton to Ingleside;
7 thence in a northern direction and with said Ingleside road to
8 the center of Princeton avenue; thence with the center of said
9 Princeton avenue, in a western direction, to the intersection of
10 the center line of said avenue, with the center line of Fellers street;
11 thence with the center of Fellers street, in a northern direction,
12 to its intersection with the center line of Main street; thence
13 with the center line of Main street, in a western direction, to its
14 intersection with the center line of Mercer street; thence with
15 the center line of Mercer street, in a northeast direction, to the
16 intersection with the center line of Center street; thence with
17 the center line of Center street, in a western direction to its inter-
18 section with the center line of Hale avenue; thence with the cen-
19 ter line of Hale avenue, in a northern direction, to the corporate
20 line; thence with the corporate line, in a western direction and
21 southwestern direction, to Glady fork; thence down Glady fork
22 to Brush creek; thence down Brush creek to the point of be-
23 ginning.

Second Ward.

24 All the following described boundary shall constitute the
25 second ward of said city; that is to say: Beginning at the
beginning corner of the first ward, at a point in the center of the bridge across Bush creek, on the Ingleside road; thence down Bush creek, in a northwest direction, to the railroad bridge across Brush creek south of the Virginian railway freight station; thence with the center of the survey for the Mercer Electric Railway Company’s line in a western and northwestern direction, to First street; thence with the center of First street, in a norther direction, to its intersection with the east end of the center line of Harrison street; thence with the center line of Harrison street in a western direction to its intersection with the center line of Third street; thence with the center line of Third street, in a northern direction to the northern end of Third street; thence continuing in the same direction, and on the same degree as the last named line, to the corporate line; thence with the corporate line, in a southwest direction, to the center of Hale avenue, at the northeast corner of the first ward; thence with the center of Hale avenue, in a southeast direction, to Center street; thence with Center street, in an eastern direction, and with the line of the first ward, reversing its course to the intersection of the center line of Center street with the center line of Mercer street; thence with the center line of Mercer street, in a southwest direction to its intersection with the center line of Main street; thence with the center line of Main street to its intersection with the center line of Fellers street; thence with the center line of Princeton avenue, in an eastern direction, to its intersection with the center of the Ingleside road; thence with the center of the Ingleside road, in a southeast direction, to the point of beginning.

All the following described boundary shall constitute the third ward of the said city, that is to say: All that territory lying within the corporate limits of said city east, northeast and southeast of the second ward, and not included in the boundaries of either the first or second wards.

Municipal Authorities.

Sec. 4. The municipal authorities of the said city of Princeton shall consist of a mayor, recorder and three councilmen, who shall constitute the council of said city.
Exercise of Corporate Powers.

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

Subordinate Officers.

Sec. 6. The council shall appoint a superintendent of streets, city engineer, chief of police, and any additional police officers that they may deem necessary, city attorney, chief of fire department, building inspector, and all other officers whose offices may be established by ordinance of the city council or by this act, and such officers shall hold the respective offices to which they are appointed during the pleasure of the council and until their successors are appointed and qualified. The several offices, or any two or more may be held by the same person, provided, a councilman shall not be eligible to any of the appointive offices, and such officers shall receive such compensation as the council may prescribe, by ordinance or order, unless said compensation be fixed by this act, and the same shall not be increased or diminished during the term for which the appointment was made. The mayor or recorder shall also be eligible to hold any said appointive office to which the council may deem it advisable to appoint them.

Eligibility of Officers.

Sec. 7. No person shall be eligible to the office of mayor, recorder or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the common council; and he was for the preceding year assessed with taxes upon real or personal property within the said city, of the assessed aggregate value of at least three hundred dollars, and shall actually have paid the taxes so assessed.

Election of Officers.

Sec. 8. On the first Tuesday in June, one thousand nine hundred and seventeen, and every two years thereafter, on the first Tuesday in June, there shall be elected by the qualified voters of said city a mayor and recorder and by the qualified voters of each ward one councilman. The term of office of said mayor, recorder and councilman shall be for the period of two
7 years, commencing on the first day of July, next after their election, and until their successors shall be elected and qualified.

**Who Are Voters.**

Sec. 9. Every male person residing in said city shall be entitled to vote for all officers elected under this act; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, or bribery in an election, or who has not been a resident of this state for one year and of said city for six months next preceding the election at which he desires to vote, shall be permitted to vote therein.

**Registration of Voters.**

Sec. 10. All qualified voters within the city of Princeton entitled to vote in the municipal election held therein shall be registered in like manner as are the qualified voters in state and county elections, and the state laws of the state of West Virginia in effect at the time of such registration shall in all things apply thereto; except the fee for such registration shall be five cents for each qualified voter so registered, and the powers conferred upon the county court by the state laws in reference to the registration of voters are hereby conferred upon the council of said city of Princeton.

**General Election.**

Sec. 11. In all elections by the people the mode of voting shall be by ballot, but the voters shall be left free to vote an open, sealed or secret ballot, as they may elect. The election in said city shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this state relating to general elections, except that the persons conducting said elections shall, on the day after the election is held deliver the ballots, tally sheets and poll books to the recorder, and thereafter the council of said city shall meet within five days (Sundays excepted) after said election and canvass the returns of said election, and declare the result thereof, and in all respects comply with the requirements of the statute of the state relating to elections. The corporate authorities of said city shall perform all duties in relation to such elections required by general law of the county court and officers in effect on the day of said election
16 and each succeeding election under this charter. And the provi-
17 sions of the code in effect on the date of said election, concerning
18 elections by the people, shall govern such elections and be ap-
19 plicable thereto, and the penalties therein prescribed for offenses
20 relating to elections shall be enforced against the offenders of
21 such corporate elections; and the said act shall have the same
22 force and effect as if it were specially applicable in such cor-
23 porate elections and was by this act re-enacted in extenso; except
24 as above modified as to the time in which the returns of the elec-
25 tion and canvass thereto shall be made.

Tie Vote; How Decided.

Sec. 12. Whenever two or more persons receive an equal
2 number of votes for mayor, recorder or councilman, such tie shall
3 be decided by the council in existence at the time the election is
4 held; provided, that the council in office at the time of the insti-
5 tution of such contest proceeding shall hold over and remain in
6 office for the purpose of passing upon and deciding such contest,
7 and for such purposes only; and nothing herein provided shall be
8 construed to interfere with the duties, power and authority of
9 the new or incoming council.

Contested Elections.

Sec. 13. All contested elections shall be heard and deter-
2 mined by the council in existence at the time the election is held,
3 and the contest shall be made and conducted in the manner as
4 provided for in contests for county and district officers, and the
5 council by their proceedings in such cases shall, as nearly as prac-
6 ticable, conform with like proceedings of the county court in such
7 cases.

Vacancy in Office.

Sec. 14. Whenever a vacancy from any cause shall occur in
2 any office, the council shall by a majority vote of those present fill
3 such vacancy; and, in case of a vacancy in the office of councilman
4 or mayor, or recorder, the remaining members of the council shall
5 fill said vacancy.

Appointment of Additional Officers, Defining their Duties and Fixing
Compensation for such Officers.

Sec. 15. The council shall also have authority to provide by
2 ordinance for the appointment of such other officers as shall be
3 necessary and proper, to carry into full force and authority the
4 power, capacity, jurisdiction and duties of said city, which are or
5 shall be vested therein or in the council, or in the mayor, or any
6 other officer or body of officers, thereof, and to grant to the officers
7 so appointed the power necessary or proper for the purpose above
8 mentioned. The council, by ordinance, shall define the duties of
9 all officers so appointed, and may provide them a reasonable sal-
10 ary, which shall be payable out of the city treasury which salary
10-a shall not be increased or diminished during their term of
11 office, and shall require and take from all of them whose duty
12 it shall be to receive its funds, assets or property, or have charge
13 of the same, such bonds, obligations, or other writing as they shall
14 deem necessary or proper to insure the faithful performance of
15 their several duties. All officers elected may be removed by the
16 council from office for intemperance, gross immorality, gambling,
17 malfeasance or misfeasance in office, or inability or neglect to per-
18 form the duties of their respective offices. Any appointed officer who
19 holds his office at the pleasure of the council, may be removed
20 from his office for cause, after due notice. The chief of police
21 shall have all power, rights and privileges within the corporate
22 limits of said city in regard to the arrest of persons, the collec-
23 tions of claims and the execution and return of process that can
24 be legally exercised by a constable of a district within this state;
25 and may without having any warrant or other process therefor,
26 arrest any person who commits any offense against the laws of
27 this state or infraction of the ordinances of said city, in his pres-
28 ence. He shall be ex-officio the keeper of the city jail, and have
29 charge of the city prisoners confined therein, and may confine any
30 person arrested by him in the city jail until such time as the
31 charge against such person can be inquired into by the mayor.
32 Any person fined by the mayor, for infraction of any of the or-
33 dinances of the city, may pay such fine to either the mayor, the
34 recorder or the chief of police; and the said chief of police and
35 his sureties shall be liable for all fines, penalties and forfeitures
36 that a constable of a district is liable for in the same court that
37 the said fine, penalties and forfeitures are now recovered against
38 a district constable. The chief of police shall also be ex-officio
39 treasurer of the said city, and as such shall perform all the duties
40 herein in this act imposed upon the treasurer of the said city and
41 be vested with all the powers herein vested in and imposed upon
42 the treasurer of the said city. But the same person shall not be
eligible to the office of chief of police of said city for two successive terms. For his services as chief of police and treasurer, the said chief of police shall receive a sum of one hundred dollars per month, payable out of the city treasury, and no other fees, commissions, emoluments, salaries or compensations whatsoever shall be allowed him for such services. All fees, which but for this act, he would be entitled to recover and retain shall nevertheless be charged and collected by him and paid into the city treasury at the end of each month for the use and benefit of the city. The chief of police shall be appointed to his office by the council. It shall be the duty of the treasurer to collect the city taxes, licenses, levies, assessments, and other such city claims as are placed in his hands for collection by the council, and he may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes; and he shall, in all other respects, have the same powers, as a sheriff to enforce the payment and collection thereof.

Bonds.

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

Oaths of Office.

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

Tenure of Office.

Sec. 18. The mayor, recorder and councilmen, shall enter upon the duties of their offices upon the first day of July next after their election and continue for the period of two years and all appointed officers, shall enter upon the duties of their offices, as soon as they have qualified; and all officers, both elected and appointed, shall remain in office until their successors are elected or appointed and qualified, or until removed therefrom in the manner prescribed by law.

Ineligibility or Failure to Qualify.

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

Powers, Duties and Salary of the Mayor.

Sec. 20. The mayor of the said city shall be chairman of its council, shall preside at the meeting of the council and shall also be a conservator of the peace within the said city. He shall especially see that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be ex-officio justice of the peace within the said city and shall, within the same, have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction in civil causes of action arising out of the corporate limits of the city, unless the defendant resides or is found therein and process therein served upon him. He shall have the same power to issue attachments in civil suits as a justice of the peace of his county has; but, in such case, he shall have no power to try the same, but such attachments shall be made returnable and heard before a justice of the peace of his county. Any warrant issued by him, or other process, may be executed at any place in said county. He shall have control of the police of said city and may appoint special police officers, whenever he may
19 deem it necessary, and may suspend any police officer of the city
20 until the next regular meeting of the council. And it shall be
21 his duty especially to see that the peace and good order of the
22 city are preserved, and that persons and property therein are
23 protected, and to this end he may arrest or cause the arrest and
24 detention of all violators of the laws of this state and ordinances
25 of the city, before issuing his warrant therefor, if the offense is
26 committed in his presence. He shall have power to issue his
27 warrant for the arrest and apprehension of all persons violating
28 the ordinances of the city, and shall have power to try the same
29 and impose upon such violators of the ordinances of said city
30 such fines and penalties as are prescribed by the ordinances
31 thereof. He shall have the power to issue executions for all
32 fines, penalties and costs imposed by him, or he may require the
33 immediate payment thereof, and in default of such payment, he
34 may commit the party in default to the jail of said county, or
35 other place of imprisonment used by such corporation, if there
36 be one, until the fine or penalty and the costs be paid; but the
37 imprisonment in such cases shall not exceed thirty days. And
38 in all cases where a person is sentenced to imprisonment or to the
39 payment of a fine of ten dollars or more, (and in no case shall
40 a judgment for a fine be for less than ten dollars if the defendant,
41 his agent or attorney object to a less fine being imposed) such
42 person shall be allowed an appeal from such decision to the crim-
43 inal court of the county of Mercer, upon the execution of an ap-
44 peal bond with security deemed sufficient by said mayor to cover
45 the fine and costs, and the cost in the criminal court in case said
46 judgment be affirmed, with condition that the person proposing
47 to appeal will perform and satisfy any judgment which may be
48 rendered against him by the criminal court on such appeal. If
49 such appeal be taken, the warrant of arrest, if any, a transcript
50 of the judgment, the appeal bond and other papers in the case
51 shall be forthwith delivered by the said mayor to the clerk of said
52 court, and the said court shall proceed to try the case as upon an
53 indictment or presentment and render such judgment, including
54 costs, as the law and evidence may require. The expense of
55 maintaining any person committed to jail as hereinbefore set
56 forth by the mayor, except it be to answer an indictment, shall
57 be paid by the said city and taxed as costs against the defendant.
58 He shall from time to time recommend to the council such meas-
59 ures as he may deem useful and needful for the welfare of the
city. For his services as mayor, he shall receive the sum of
three hundred dollars per year, to be paid out of the city treasury
in monthly installments and no other fees, commissions, emolu-
ments, salaries or compensation whatever shall be allowed him
for his services as mayor. All fees, which but for this act, he
would be entitled to recover and retain in cases tried by him,
shall nevertheless be charged and recovered by him and paid into
the city treasury at the end of each month for the use and bene-
fit of the city; and a statement thereof showing such money de-
posited in the city treasury shall be exhibited by the said recorder
to the council of said city at its next succeeding meeting, at which
time he shall be charged on the minute book, or such other proper
book as shows his account, with the amount of such fees and
costs so paid into the city treasury.

Power, Duties and Salary of Recorder.

Sec. 21. The recorder shall keep an accurate record of all
the proceedings of the council, and shall have charge of and
preserve the records of the city. In case of the absence of the
mayor from the city, or his inability from any cause to act, or
during any vacancy in the office of mayor, the recorder shall
perform such duties of the mayor as pertain to the office of mayor,
and to that end, in addition to the other powers herein conferred
upon him, the recorder is hereby vested with all the powers nec-
essary for the performance of the duties of the mayor, while
acting as such, including the authority of the mayor pertaining to
civil suits. The recorder shall be ex-officio assessor of said city,
and shall perform such duties as such as are imposed by law.
He shall be paid a salary of four hundred dollars per year, pay-
able in equal monthly installments, for his services as such record-
er and assessor, to be paid out of the city treasury.

Quorum.

Sec. 22. The presence of the mayor, or ex-officio mayor and
two members of said council shall be necessary to make a quorum
for the transaction of business at all meetings of the council of
said city.

Record of Minutes and Ordinances.

Sec. 23. The council shall cause to be kept by the recorder
in a well bound book to be called the "minute book," an accurate
record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called "ordinance book," accurate copies of all general ordinances adopted by the council; both of which shall be accurately indexed and open to the inspection of any one required to pay taxes in the city, or who may be otherwise interested therein. All oaths and bonds of officers in the city, and all papers of the council shall be endorsed, filed and securely kept by the recorder. The bonds of officers shall be recorded in a well bound book to be called "record of bonds." The recorder shall perform such other duties as by ordinance of the council may be prescribed. The transcript of ordinances, acts, orders and resolutions certified by the recorder under the seal of the city shall be admissible in evidence in any court, or before any justice.

Reading of Minutes.

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

Who Shall Vote in Council.

Sec. 25. The mayor, or in his absence the recorder, shall preside at the meetings of said council; said recorder shall vote as a member of said council, but said mayor shall have no vote except in case of a tie.

Meetings of Council.

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

To Whom Money of City Shall be Paid.

Sec. 27. All moneys belonging to the city shall be paid over to the city treasurer; and no money shall be paid out by him except as the same shall have been appropriated by the council, and upon an order signed by the mayor and recorder, and not otherwise, except at the expiration of his term of office upon the order of the council, signed by the mayor and recorder, he shall pay over to his successor all the money remaining in his hands.

Duties and Powers of Council.

Sec. 28. The council of said city shall have power to lay off, vacate, close, open, alter, grade, improve and keep in good repair the roads and streets, alleys, pavements, sidewalks, cross walks, drains, sewers and gutters therein, for the use of the citizens and the public, and to improve and light the same, and keep them free from obstructions of every kind; to regulate the width and kind of pavements and sidewalks, footways, drains and gutters, and cause the same to be built and kept in good repair and order, and free and clean by the owners and occupants of the real property next adjacent thereto; to establish public parks and play grounds, and to this end purchase and acquire necessary and appropriate grounds and improve the same and regulate the use thereof; to establish markets, prescribe the time for holding the same, provide suitable and convenient buildings therefore, and prevent the forestalling of said markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits, or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits, or to compel the abatement or removal thereof, at the expense of the person causing the same, or by or at the expense of the owner or occupant of the ground on which said nuisance is placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent
27 horses, hogs, cattle, sheep or other animals, and fowls of all kinds from going or being at large in such city, and as one means of prevention to provide for impounding or confining such animals and fowls at the expense of the owner thereof, and upon the failure of the owner to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises when and where worship is held; to regulate the keeping and sale of gunpowder, and other inflammable or dangerous substances; to regulate the manner of exhibiting for sale and the selling of milk, meats and vegetables and to permit and regulate the building of houses, or other structures, and regulate the kind of material to be used in the construction thereof, and to provide for the making and maintaining of division fences by the owners of adjoining property, and for the proper drainage of city lots and other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish assault and battery; to prohibit the keeping or loitering in or visiting houses of ill-fame, or loitering in saloons or upon the streets; to prevent lewd or lascivious conduct, the sale or exhibition of indecent pictures or papers or other representations; to prevent adultery and fornication; to prohibit the carrying of concealed or dangerous weapons within the corporate limits of said city; to punish drunkenness; to punish larceny where the amount stolen is less than twenty dollars; to prevent gambling, and the keeping and using of slot machines and gaming devices; to prohibit anything against good morals and common decency, and to fix punishment therefor; to prevent the desecration of the Sabbath day, profane swearing, the illegal sale of intoxicating drinks, mixtures or preparations; to protect the person of those residing or being in said city; to appoint, when necessary or advisable, a police force, permanent or temporary, to assist the chief of police in the discharge of his duty, and who, when appointed, to have the same power and authority in and about the arrest of offenders, as the chief of police may have; to build or purchase, or lease a suitable place of imprisonment within said city, for the safe keeping or punishment of persons charged with or convicted of a violation of the ordinances of the city, or they may adopt the county jail of Mercer county for the purpose; to erect or authorize or prohibit the erection of gas, water works, or electric works or all of them within the city limits, or near the same; to require any company
or person furnishing gas, electricity or water to said city for
the inhabitants thereof, to put in standard meters for the meas-
urement thereof, and may appoint any person to inspect the meters
and remove the same, if not standard and in good order; to
prevent injury to such works, or the pollution of any gas or
water used or intended to be used by the public or any individual;
to require the extension of gas, electric and water lines by such
respective companies, to any and all parts of the said city when
the said council may deem the same necessary; to provide for
and regulate the weighing of hay, coal, lumber and other articles
sold or kept within said city, and to establish rates and
charges for the weighing and measuring thereof; to create by
ordinance such committees and delegate such authority thereto as
may be necessary or advisable; to provide for the annual assess-
ment of taxable property therein, and for the revenue for the
city for municipal purposes, and to appropriate such revenue to
its expenses; and generally to have power to take such measures
as are deemed necessary or advisable to protect person or property,
public or private, within the city; to preserve peace, quiet and
good order therein and to promote the health, safety, comfort
and well being of the inhabitants thereof; to organize one or more
fire companies and provide necessary apparatus, tools, implements,
enines, or any of them, for their use, and in their discretion to
organize a paid fire department; to make regulations with respect
to the erection and location of telephone, telegraph, electric light
or other poles by any individual or corporation; to grant and
regulate all franchises in, upon and under the streets,
alleys and public ways of said city, under such restrictions, as
shall be provided by ordinance; but no exclusive franchise shall
be granted by said council to any individual or corporation, nor
shall any franchise be granted for a longer period than fifty years;
to regulate, license and restrict the use of motor buses, automo-
biles, carriages, drays and wagons, upon the streets, alleys and
public grounds of the said city when the same are being used
for hire and reward.

The council shall have authority to pass all ordinances not
repugnant to the constitution and laws of the United States and
of this state, which shall be necessary and proper to carry into
full effect the power, authority, capacity and jurisdiction which
is or shall be granted to or vested in the said city, or in the
council or in any officer or body of officers of said city, and to
108 enforce any and all of the ordinances by reasonable fines and
109 penalties, and upon the failure to pay any fine or penalty im-
110 posed, may compel the offender to labor without compensation
111 at and upon any of the public works or improvements undertaken,
112 or to be undertaken, by said city, or to labor at any work which
113 the said council may lawfully employ labor upon, at such rea-
114 sonable rates per diem as the council may fix, until any fine, or
115 fines and costs upon any offender by said city have been fully
116 paid and discharged, after deducting reasonable charges of sup-
117 port while in the custody of the officers of the city; provided, how-
118 ever, that no fine shall be imposed exceeding thirty dollars and
119 costs, and that no person shall be imprisoned or compelled to
120 labor as aforesaid for more than thirty days for any one offense.
121 And in all cases where a fine is imposed for an amount exceeding
122 ten dollars and costs, or a person be imprisoned, or be compelled
123 to labor as aforesaid for a greater term than ten days, an appeal
124 may be taken from such decision upon the terms and conditions
125 as appeals are taken from the judgment of a justice of this state.
126 Such fines and penalties shall be imposed and recovered, and such
127 imprisonment inflicted and enforced by and under the judgment
128 of the mayor of said city; or in case of his absence or inability
129 to act, by the recorder of said city; or in case of his absence or
130 inability to act, then by any member of the council, to be ap-
131 pointed by the council for that purpose; and for his services in
132 trying cases, whether civil, criminal or infractions against ordi-
133 nances, the mayor shall be entitled to charge and collect such
134 fees as are paid to justices of the peace for similar services, which
135 shall be paid into the city treasury. And in all such cases the
136 chief of police, or other officer performing the service shall be
137 entitled to receive such fees as are paid to constables for similar
138 services, which shall be paid to the city treasury at the end of
139 each month, taking proper vouchers therefor; provided, further,
140 that the fee for making any arrest shall be one dollar, whether
141 such officer be the chief of police or other officer. In addition to
142 the powers above enumerated, the said city council shall have
143 power to build, construct, maintain and operate a sufficient sew-
144 erage system and water works, as may be necessary for the proper
145 supply of water to the inhabitants of the said city, for both
146 public and private use, and said city shall have the power to
147 purchase or condemn any water works now in the said city or
148 hereafter placed therein by any party other than said city, when-
ever the council of said city shall deem proper, and such order
shall have been ratified by a vote of the qualified voters of said
city, at an election called for that purpose, with due notice, and
at least two-thirds of the votes cast at said election shall vote for
the ratification of said council to purchase or condemn said
water works; and the said city shall have the power to enlarge
the said water works, if so purchased or condemned, by putting
additional reservoirs either within or out of said city; and the
said city shall have the right, if its council shall deem proper,
and the order of said council be ratified by a vote as aforesaid,
to build, construct, maintain, and operate such water works in
the said city as may be deemed proper without the purchase or
acquisition of any water works then in said city and said city
shall have the right to lay pipes and mains for the proper dis-
tribution of said water, either in or out of said city, as shall be
necessary for the proper distribution of same, and for that purpose
may acquire by lease, purchase or condemnation all such lands
as shall be necessary, either within or without the said city, or
they may contract for such work to be done, in either event to
supply an adequate supply of pure, healthful water for said city,
and do all things necessary to supply the said city and the in-
habitants thereof with water as aforesaid; and the said city may
acquire by purchase or condemnation any electric light plant now
in said city or hereafter placed therein by any party other than
said city, and shall have the right to build, construct, maintain,
and operate such plant for furnishing electricity for said city,
and for the inhabitants thereof, but no electric light plant
shall be purchased, condemned, or built or operated unless voted
on by the qualified voters of said city at an election called and
held as aforesaid, and the same be ratified by a two-thirds vote
of all votes cast at said election. Whenever anything for which
a state license is required is to be done in said city, the council
may require a city license therefor and may impose a tax there-
on, for the use of said city.

Police Docket.

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

**Annual Levy.**

Sec. 30. The council shall be governed in all respects in laying the annual levy or any additional or special levy by chapter nine of the acts of the extraordinary session of the legislature of West Virginia of nineteen hundred and eight and by chapter eighty-five of the acts of the session of the legislature of nineteen hundred and fifteen as the same is amendatory of certain sections of the said chapter nine of the said acts of nineteen hundred and eight, except that they may include a poll tax of not exceeding one dollar each year upon each able bodied man therein, who is above the age of twenty-one years and not over fifty years of age, which poll tax shall be used exclusively for opening, improving and maintaining roads, streets and alleys of the city, and shall designate the same as the "street taxes"; and the said council may also impose such license tax upon dogs and other animals as they may deem proper, and collect the same from the owners of such animals, as other taxes are collected, and prescribe such rules, regulations and penalties governing the payment of such tax on animals as they may deem reasonable. And the general annual levy upon the taxable property within the corporate limits of said city shall not exceed the sum of thirty-five cents upon each one hundred dollars valuation. But in addition to said levies above mentioned, and in addition to any levies provided by the general law, with which these are not meant to conflict, the council of said city, beginning with the year nineteen hundred and seventeen, are empowered to and shall lay a special annual levy not to exceed twenty cents on each one hundred dollars valuation of the property in said city for the purpose of creating a sinking fund with which to pay off the principal of the present outstanding bonded indebtedness of said city when the same becomes due and for the purpose of paying annually, when due, the interest coupons of the said present outstanding bonded indebtedness of the said city, which said special levy shall be continued annually by the council for as many years as may be necessary to pay off said present outstanding bonded indebtedness and the interest cou-
pons that may become due thereon, but no longer. Also, in
addition to the above, the said council, beginning with the year
nineteen hundred and seventeen, are empowered to and shall lay
a special annual levy not to exceed fifteen cents on each one hun-
dred dollars valuation of the property in the said city for the
purpose of paying off any outstanding orders issued against the
treasury of said city prior to July the first, nineteen hundred and
sixteen, and for the purpose of paying off any debts contracted
prior to said date or any judgment taken against the said city
prior to said date. And both of the aforesaid special levies,
when collected, shall be used for no other purposes than for the
aforesaid purpose for which they shall be laid as aforesaid.

Annual Assessment.

Sec. 31. It shall be the duty of the assessor to make an
assessment of the property within the city subject to taxation
substantially in the manner and form in which assessments are
made by the assessor of the county, and return the same to the
council on or before the first day of June of each year, and
for this purpose he shall have all the powers conferred by law
upon county assessors. He shall list the number of dogs and
other animals subject to license tax in the city, and the names
of the persons owning the same, which list shall be returned
to the council at the same time his assessment books are returned.
But in making his assessment on real and personal property
he shall be governed by the assessment on real and personal
property for state and county purposes for said year, and the
value placed on said property shall not exceed the value of such
assessment for county and state purposes. In order to aid the
assessor in ascertaining the property subject to taxation by said
city, he shall have access to all books and public records of
said Mercer county, without expense to him or said city, and
shall have the same power and be subject to the same penalties
in ascertaining and assessing the property and subjects of taxation
in said city, as are granted and imposed on the county assessors
throughout the state by general law; and the council shall have
authority to prescribe by general ordinance, such other rules
and regulations as may be necessary to enable and require such
treasurer to ascertain and properly assess all property liable to
be taxed by said city, so that such assessment and taxation shall
be uniform and equal, and the council may enforce such rules
28 and regulations by reasonable fines to be imposed on any one
29 failing to comply therewith. When he shall complete his assess-
30 ment book he shall deliver the same when sworn to, to the city
31 council.

_Liens for Taxes._

Sec. 32. There shall be a lien on all real estate within the
2 said city for the city taxes assessed thereon, and for all fines
3 and penalties assessed against or imposed upon the owners
4 thereof, by the authorities of said city, including expenses for
5 making, maintaining and repairing, paving and macadamizing
6 sidewalks, drains, gutters and streets from the time the same
7 are so assessed or imposed, which shall have priority over all
8 the other liens except taxes due the United States and the lien
9 for taxes due the state, county and district, and such lien may
10 be enforced by the council in the manner provided by law for
11 the enforcement of the lien for county taxes. And the laws of
12 the state of West Virginia in relation to delinquent taxes, and
13 the sale of property therefor, are hereby and in all respects
14 adopted as to all proceedings in relation to taxes for city pur-
15 poses delinquent in said city. And the powers and duties con-
16 ferred by the laws of said state upon county courts and their
17 clerks and sheriffs in regard to delinquent taxes and their col-
18 lection, are hereby in all things conferred upon said city council,
19 its recorder and other city officials whose duties are of a similar
20 nature as those of said county officials, in so far as the same
21 may be directly or by implication applicable in the collection
22 of delinquent taxes due said city.

_Collection of Taxes._

Sec. 33. It shall be the duty of the city treasurer when
2 the extended copies of the assessor's books are completed, to
3 receive a copy thereof, receipting to the council for the same,
4 and it shall be his duty to collect from the parties the entire
5 amount of the taxes with which they are severally charged there-
6 in, and may proceed to collect the same at any time after the
7 first day of August, and may enforce the payment thereof by
8 levy upon the personal property, and sale thereof, of the person
9 charged with taxes at any time after the first of October, next,
10 after said taxes are assessed. He may also allow a discount of
two and one-half per cent on all taxes paid on or before the
thirtieth day of November. Said taxes shall be a lien upon the
property upon which they are assessed, from and after the time
the assessor's books are completed, verified and returned to the
city council, and he shall write the word "paid," opposite the
name of each person who pays the taxes against him, and shall
also give to the person paying such taxes a receipt therefor;
provided, however, that said treasurer may distrain at any time
for any taxes assessed against a person who is about to remove,
or who has removed from said city, after such taxes are as-
essed, and the books returned as aforesaid. He shall also receive
such other moneys of the city as he is authorized by this act
to receive, and also all moneys ordered by the council to be paid
to him, giving receipt therefor to the parties paying the same,
and shall keep an accurate, itemized account of all money received
by him. His books shall, at all times, be open for the inspection
of the mayor, council, city recorder, and to any taxpayer of the
city. He shall also make up monthly statements of the money
received by him and the amount paid out by him and to whom,
showing the amounts in his hands from all sources, and shall
post the same in the mayor's office on the last day of each month.
He shall pay out the money in his hands upon the order of the
city council, upon orders signed by the mayor and the recorder.
He shall, on or before the expiration of the term of office of the
mayor, and at such other times as the council may require, present
to the council a full and complete statement of all the moneys
with which he is chargeable, or that have been received by him
and not previously accounted for, and shall at the same time, in
like manner, furnish a complete statement, by separate items, of
all disbursements made by him during such period, with his
vouchers evidencing the same. He shall receive all taxes upon
licenses and receipt to the party paying the same, by endorsement
upon the permit granted by order of the council, or mayor as the
case may be. He shall, upon the expiration of his term of office,
turn over to the council all books and other property in his
possession belonging to the city, except the money in his hands,
which he shall turn over to his successor, upon the order of the
council, as hereinbefore provided; and shall, before entering upon
the duties of his office, execute a bond with good security payable
to said city in a penalty of not less than ten thousand dollars,
conditioned that he will faithfully discharge the duties of his
office and account for and pay over as required by law and the
53 orders, ordinances, rules and regulations of the council of said city, all money which shall come into his hands, which bonds shall be subject to the approval of the council. He shall be chargeable with all the city taxes, levies and assessments and money of the city, which shall come into his hands and shall account therefor.

Additional Duties of Assessor and Treasurer.

Sec. 34. In addition to the other duties of the assessor it shall be his duty on or before the first day of August, in each year, to make a copy from the real and personal property books of the assessor of Mercer county of all property shown to be liable for taxes within the limits of the city of Princeton, and to certify such under his hand as a true and correct copy thereof, and to deliver the same to the council, to assist said council in preparing the annual estimate of expenses to be certified as a basis for the annual levy. After such annual levy is made in each year, it shall be the duty of the assessor to extend said levy upon said real estate and personal property books for said city, but the treasurer shall prepare proper tax tickets therefrom against all owners of real estate and personal property subject to taxation in said city.

Licenses.

Sec. 35. The council shall prescribe by ordinance the time and manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to the city recorder before the delivery thereof to the person applying therefor, which tax shall include the same fees for the issuing of such licenses as are charged for similar services by state and county officers, which fees shall be paid into the city treasury. The council may revoke any such license for a breach of any of the conditions, or for other good cause shown, but the person holding such license, must first have reasonable notice of the time and place of hearing and adjudicating the matter, as well as the cause alleged; and shall be entitled to be heard in person or by counsel, in opposition to such revocation. The term for which licenses provided for in this charter shall be granted shall be governed by the general law providing for state licenses.
Condemnation of Land for Public Use.

Sec. 36. The council shall have the right to institute and prosecute proceedings in the name of the city for condemnation of real estate for streets, alleys, roads, drains, sewers, market grounds, city prison, city hall, water works, electric light plant or other works, or purposes of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and the expenses thereof shall be borne by the city, except in cases where it is proper under said chapter to charge said expenses or any part thereof against the defendant.

Provisions for Bonding City.

Sec. 37. The council of the said city shall have the right to bond the said city for the purpose of paving the said streets, or for other permanent improvements, or for the purpose of taking up, paying off or refunding any already outstanding city bonds or items of indebtedness, whenever the council thereof may deem the same necessary; but the aggregate indebtedness of the said city for all purposes shall never at any time exceed five per centum of the assessed valuation of the taxable property therein according to the last assessment next preceding said date. The said council shall provide a fund for the payment of the interest annually on the said indebtedness so created, and to pay the principal thereof within and not exceeding thirty-four years; provided, that no debt shall be contracted hereunder, unless all questions connected with the same be first submitted to a vote of the qualified voters of said city, and have received three-fifths of all the votes cast for and against the same.

No Indebtedness to be Created for Current Expenses.

Sec. 38. The council of the said city shall not, at any time, or for any purpose, create any indebtedness against the said city except as provided in the next preceding section, exceeding the available assets of the said city for the current year; and if the said council shall create such indebtedness or issue orders on the city for an amount exceeding the amount of money collected for that year for said city from all sources, and the amount of money then in the treasury appropriated, the members of said council shall be severally and jointly liable for the payment of the excess of such indebtedness or orders over the amount of money applica-
11 he thereto, and the same may be recovered in any court having
12 jurisdiction thereof. Any councilman violating the provisions of
13 this section shall be deemed guilty of malfeasance in office, and
14 may be removed as such councilman in pursuance of section fif-
15 teen of this act. Provided, however, this shall not be applicable
16 to such members who have voted against said excess; and, provided
17 further, that the vote of each member of council shall be recorded.

Streets, Roads and Bridges.

Sec. 39. The said city shall construct, conduct and maintain
2 its own roads and streets, and by reason thereof shall not be re-
3 quired to pay any district or county road levies for the construction
4 and maintenance of roads outside of the city limits.

Existing Ordinances.

Sec. 40. All ordinances, by-laws, resolutions and rules of
2 the city of Princeton in force on the day preceding the passage
3 of this act, which are not inconsistent therewith, shall be and
4 remain in full force over the whole boundary of said city of Prince-
5 ton, as established by this act, until the same are amended or
6 repealed by the council of said city, and the officers elected on
7 the first Tuesday in June, one thousand nine hundred and fifteen,
8 in the city of Princeton, shall remain in office until their succes-
9 sors under this act are elected and qualified as hereinbefore pro-
10 vided; and after this act takes effect, shall have jurisdiction over
11 all the territory embraced in the boundary specified in this act,
12 and shall perform all the duties of such respective officers under
13 this act; but nothing in this act shall be construed or held to in
14 any way affect or impair any of the bonds, obligations or indebted-
15 ness of the city of Princeton issued or contracted prior to the
16 passage of this act; but, on the contrary, the said city of Princeton
17 shall be liable for all the bonds, obligations and indebtedness of
18 the city of Princeton as though the same had been created under
19 this charter.

Power to Make and Maintain Sidewalks, Streets, Etc.

Sec. 41. The council shall have power to provide for the
2 construction, maintenance and repair of sidewalks, drains and
3 gutters upon the streets of the city, and assess the expense of the
4 construction, maintenance and repair of the same upon the prop-
erty abutting thereon and the owners thereof, and collect the same in the same manner as other taxes and levies are collected, and shall have power to macadamize and pave the streets of the said city, or any of them, and assess part of the expenses of macadamizing and paving not to exceed one-third thereof upon the abutting property on each side thereof, and the owners thereof, and collect the same in the same manner as other taxes and levies are collected; and such assessments for sidewalks, drains, gutters, macadamizing and paving shall be a lien upon such abutting property, the same as other taxes and levies within said city upon the property therein. Provided, that nothing herein shall be construed to prevent the council from arranging for the construction of any such improvement, by agreement with the abutting property owners, if the council shall so desire and deem it advisable to do so.

The Duty of the Council to Appoint Officers to Hold Elections Hereunder.

Sec. 42. The council of the city of Princeton shall provide places for voting in each ward in all municipal elections of the city, and appoint commissioners residing therein to hold and conduct the election hereinbefore provided to be held, and shall pass all proper ordinances to give this act full force and effect.

Duties of City Attorney.

Sec. 43. The city attorney, if there be one, shall be the legal adviser of the city and all of its officers in all matters arising, and in which legal proceedings may be taken; he shall prosecute all suits, actions and proceedings instituted on behalf of said city, and defend all suits and actions against said city, and when requested in writing shall give his written opinion to the mayor or council or any standing committee thereto upon such legal questions as may be referred to him affecting the city's interest; he shall perform such other duties as may be required. It shall be his duty to attend the sessions of the council when requested and prosecute all trials before said mayor and all appeals that are taken from such mayor to the criminal or circuit court, and for his services he shall receive such compensation as the council shall provide, and in addition thereto in all criminal prosecutions conducted by said city attorney, where there is a conviction of the
16 defendant, there shall be taxed an attorney's fee in favor of said 17 city attorney, not less than five nor more than ten dollars, which 18 said fee shall be taxed as a part of the costs of the case.

Where Money to be Deposited.

Sec. 44. It shall be the duty of the city treasurer to keep 2 all funds of the city in some bank or banks within said city, which 3 shall pay interest on such deposits and on the average daily bal- 4 ances of such funds of the per cent. equal, at least, to that paid 5 by state depositories on all funds of the state of West Virginia and 6 in the same manner and at the same time. If no bank within 7 said city is willing at any time to receive deposits of the treas- 8 urer and pay such interest thereon, the treasurer shall report this 9 fact to the council, whereupon the council shall designate the 10 bank or banks in which he shall deposit said funds for the time 11 being and until some bank in said city will receive such deposits 12 on such terms.

Salaries of Councilmen.

Sec. 45. Each councilman of said city shall receive from 2 the city to be paid out of the city treasury the sum of one hundred 3 dollars a year, payable in monthly installments, and there shall 4 be deducted from the salary of the mayor, recorder and council- 5 man two dollars for each time either of said officers shall be ab- 6 sent from a regular meeting of said council, unless such absence 7 be caused by sickness or absence from the city.

Repeal of Inconsistent Acts and Ordinances.

Sec. 46. All ordinances of the city of Princeton, as they 2 exist at the time of the passage of this act, which are inconsistent 3 therewith, are hereby abrogated, and all acts and parts of acts 4 inconsistent with any of the provisions of this act are hereby re- 5 pealed.

CHAPTER 115.

(House Bill No. 390.)

AN ACT to amend and re-enact section twenty-eight of chapter twelve of the acts of one thousand nine hundred and fifteen, relating
to the powers and duties of the common council of the city of Elkins, relative to special assessments for street paving for and within said city of Elkins.

[Passed February 17, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

Sec. 28. Council cause street to be paved, etc.; may levy special assessments against property benefitted; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter twelve of the acts of one thousand nine hundred and fifteen be amended on page four hundred and thirty-two of said acts so as to read as follows, commencing at the middle of line three hundred and fifty-nine on said page four hundred and thirty-two: And whenever in the opinion and judgment of said council any street or alley of said city should be paved or repaired with brick, or other suitable substance for paving purposes, said council may cause the same to be graded, paved and curbed in such manner as in the opinion and judgment of the council is most suitable for the purpose, and whenever in the opinion and judgment of the council any side walks or foot walks of stone, brick, cement, or other suitable substance are necessary and beneficial and for the best interest of the inhabitants of said city, the council may order the same to be constructed in such manner and of such material as in the opinion and judgment of the council are most suitable for the purpose, and for the purpose of paying the expenses and cost of any such sewer, grading, paving and curbing, side walks or foot walks, the said council may levy a special assessment for the cost thereof against the real estate benefitted thereby which joins or abuts thereon.

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

CHAPTER 116.

(Senate Bill No. 9.)

AN ACT to amend and re-enact sections one, six, thirty, thirty-seven and thirty-eight of chapter fourteen of the acts of the legislature of West Virginia, passed February twenty-seventh, one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts of eighteen hundred and ninety-five, chapter one hundred and
forty-nine of the acts of nineteen hundred and one, chapters sixty-eight and sixty-nine of the acts of nineteen hundred and three, and chapter four of the acts of nineteen hundred and fifteen.

[Passed February 15, 1917. In effect from passage. Approved by the Governor February 23, 1917.]

SEC. 1. Establishing boundaries of city of Wellsburg.

SEC. 2. Duties of city collector and treasurer.

SEC. 3. Duties and powers of city council as to paving, curbing, sewerage or otherwise improving streets and alleys of city; how expense of same shall be paid.

SEC. 37. How salaries herein provided for shall be paid.

SEC. 38. Propositions involving appropriations must be concurred in by council; section not to apply to running expenses of city.

Be it enacted by the Legislature of West Virginia:

That sections one, six, thirty, thirty-seven and thirty-eight of the charter of the city of Wellsburg be amended and re-enacted to read as follows:

**Boundaries.**

Section 1. The boundaries of the city of Wellsburg shall be as follows: Beginning at the mouth of Buffalo creek and extending eastwardly along the center line of the meandering of said creek to a point where the county bridge now crosses the said creek, a short distance east of the P. W. and Ky. R. R. bridge and the bridge of the Pan Handle Traction Company; thence in a northerly direction in a straight line to the southwestern corner of the land now owned by Mary A. Sage; thence along the western line of the land now owned by the said Mary A. Sage, and the land owned by Myron Hubbard to a corner at the joining of the lands of Myron Hubbard, Margaret Gelsthorpe and J. F. Cree; thence in a northerly direction in a straight line across the lands of J. F. Cree and the I. H. Duval estate, to the south-east corner of lot number fifty-four of the plan of lots platted and recorded by the said I. H. Duval; thence in a northerly direction in a straight line across the north forty-two of said plan of lots; thence in a northeasterly direction in a straight line to the southeastern corner of the lands of H. W. Paull; thence in a northerly direction along the eastern boundary line of the property of said H. W. Paull, of the property of Elizabeth P. Jacob, of the property of Thomas Boyd, deceased, of the property of W. H. Tarr, of the property of Miss Lou Tarr, of the property of G. L. and S. R. Caldwell, of the property of A. P. Oxtoby, of the property platted into lots and recorded by F. L. Hall, of the property of J. W. Kunkel, of the property of
24 Sarah J. Jones, and of the property of the Brooke cemetery company to the northeast corner of the property of said company; thence from the northeast corner of the said cemetery property in a northwesterly direction, in a straight line, to the east side of the barn on the property now owned by Robert McNabb; thence continuing in the same direction to the run or ravine lying on the north side of the property of the said Robert McNabb; thence in a westwardly direction, and following the meandering of said run or ravine to the east shore of the Ohio river; thence on a direct line across said Ohio river to the west shore of said river; thence extending along the western shore of the said Ohio river in a southerly direction to a point opposite the mouth of Buffalo creek; thence from said point to the mouth of said Buffalo creek, the place of beginning, including all the land and water between the boundary lines aforesaid.

The boundaries of the city of Wellsburg shall also extend to and include the tract of land conveyed to the city by I. H. Duval and wife, by deed dated March twenty-ninth, one thousand eight hundred and eighty-six, recorded in deed book number twenty-six page four hundred and sixty-six of the records of Brooke county, which said tract contains the reservoir for the city water works.

**Duties of the City Collector and Treasurer.**

Sec. 6. It shall be the duty of the city collector and treasurer, at least once in every six months during his continuance in office, and oftener if required by council, to render an account of the taxes, fines, penalties, assessments and other claims in his hands for collection, and return a list of such as he shall not have been able to collect, by reason of insolvency, removal, or other causes; to which list he shall make affidavit that he used due diligence to collect the same, but has been unable to do so; and if the council shall be satisfied of the correctness of said list and the affidavit, it shall allow the city collector and treasurer a credit for said claims. He shall pay any money in his hands belonging to the city upon the order of council and not otherwise.

Sec. 30. If the owner of any real property next adjacent to any sidewalk, footway, gutter or drain within said city, shall fail or refuse to curb, pave or keep the same clean, in the manner or
within the time required by the council, it shall be the duty of
the council to cause the same to be done at the expense of the
city and to assess the amount of such expense to such owner of
the property abutting thereon, and the same may be collected by
the city collector and treasurer in the manner provided for the col-
lection of city taxes. Council shall always have authority to pave,
macadamize or improve the streets, alleys, sidewalks, footways,
and to construct gutters, drains, and sewers in said city at the
expense of the city. Whenever council shall deem it expedient
to cause any street or alley in said city, or portion thereof, to be
paved, curbed, macadamized or sewered or otherwise improved in
a permanent manner and the cost thereof assessed against the
property abutting upon the street or alley so improved, paved,
waxed, or drained, the work shall be done and the assessments
laid in the manner provided in chapter eight, of the acts of
the legislature of West Virginia, extra session, one thousand nine
hundred and eight, and the whole cost of said paving, improv-
ing or sewer, with the exception of the paving of squares at the
intersections of streets which shall be borne and paid by the city,
and with the further exception in case of a street occupied by
street car tracks or other railway tracks of the distance between
the rails and two additional feet outside of each rail, which por-
tion shall be borne and paid entirely by the street car or other
railway company operating such street or other railway unless
otherwise provided for by the franchises of such street car or other
railway company previous to the passage of the beforementioned
chapter eight, of the acts of the legislature of one thousand nine
hundred and eight, with the two foregoing exceptions; the entire
cost of such paving, macadamizing, sewer, or other permanent
improving shall be borne and paid by the owners of the land
abutting upon said street, alley or portion thereof.

Sec. 37. All salaries herein provided for shall be paid
monthly or quarterly as determined by council.

Sec. 38. All propositions involving the appropriation of
money, shall be read before council and referred to the proper
committee thereof, which shall examine the same and report there-
on as soon as practicable, and such proposition shall not pass unless
two-thirds of the members of council, present when the same is
acted upon, shall concur therein; and if such proposition involves
7 the appropriation of one thousand dollars or more, it shall not pass
8 unless it receives the vote of every member of council present.
9 But this section shall not apply to the ordinary running expenses
10 of the city.

CHAPTER 117.

(Senate Bill No. 30.)

AN ACT to amend and re-enact section six of the part entitled
“Greater Wheeling Charter,” of an act of the legislature of West
Virginia, passed on the twentieth day of February, one thousand
nine hundred and fifteen, entitled: “An act to amend, revise and
consolidate into one act an act of the legislature of West Virginia,
passed February eleventh, one thousand nine hundred and seven,
entitled: ‘An act to amend, revise and consolidate into one act
an act of the general assembly of Virginia, passed March eleventh,
one thousand eight hundred and thirty-six, entitled: “An act to
incorporate the city of Wheeling, in Ohio county, and all sub­
sequent acts, both of the general assembly of Virginia and of the
legislature of West Virginia, which form a part of the charter of
the city of Wheeling;” chapter eleven of the acts of said legisla­
ture of West Virginia of one thousand nine hundred and nine;
chapter two of the acts of said legislature of one thousand nine
hundred and eight, extra session; and chapter ninety-one of the
acts of said legislature at the regular session in the year one
thousand nine hundred and thirteen; and all other acts of the
said legislature passed since the passage of said act of February
eleventh, one thousand nine hundred and seven, and which form
part of the charter of the city of Wheeling;’ and providing that
the charter of said city shall be one of two forms of charters in
this act set forth, according to the decision of the voters of said
city at the general election to be held on the fourth Thursday
in May, one thousand nine hundred and fifteen.”

[Passed January 24, 1917. In effect from passage. Approved by the Governor
February 5, 1917.]

Sec. 6. City council: number and term of
service; residents of city and
voters; who shall be eligible for
membership; council to appoint
chairman, officially known as

Sec. mayor: to perform duties im­
posed by charter; majority vote
necessary for election; to hold
office at pleasure of council.
Be it enacted by the Legislature of West Virginia:

That section six of the part entitled "Greater Wheeling Charter," of an act of the legislature of West Virginia, passed on the twentieth day of February, A. D., one thousand nine hundred and fifteen, entitled: "An act to amend, revise and consolidate into one act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven, entitled: ‘An act to amend, revise and consolidate into one act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six; entitled: “An act to incorporate the city of Wheeling, in Ohio county,” and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling; chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature, passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election to be held on the fourth Thursday in May, one thousand nine hundred and fifteen," be, and such section six is, hereby amended and re-enacted so as to read as follows:

Section 6. Said city shall have a city council of nine members. All councilmen shall serve for a term of two years and until their successors are elected and have qualified, unless sooner removed from office as hereinafter provided. They shall be residents of the city and qualified voters therein. No one elected a member of such city council shall be eligible to hold office as such member, who shall be interested, directly or indirectly, in the profits or emoluments of any contract, job, work or service for the city, or in any sale to it of any property, real or personal; or be, directly or indirectly, a holder or owner of any bond or stock of any public utility corporation enjoying a municipal franchise, privilege or easement in or from such city; or be an officer, agent, trustee, servant or employee of such a corporation. If any such person shall serve or attempt or continue to serve as a member of such city council who is not eligible for such membership,
he shall be guilty of a felony, and upon conviction thereof, be
confined in the penitentiary of this state not less than one nor
more than five years. The council shall appoint, within ten days
after their election, one of their number as their chairman or pre-
siding officer, who shall be known officially as mayor of the city,
and recognized as such for ceremonial purposes, and for the pur-
pose of being served with civil processes against the city, and for
the performance of all duties imposed upon him by this charter.
A majority vote of all the councilmen elected shall be necessary
for the election of such chairman. The mayor shall hold his office
as such at the pleasure of the council.

CHAPTER 118.

(Senate Bill No. 89.)

AN ACT to create the municipal corporation of the "City of Saint
Albans", in the county of Kanawha, defining the powers thereof,
and describing the limits of said city, and to grant a charter
thereto:

(Passed February 14, 1914. In effect from passage. Became a law without the
Governor's approval.)

Sec.
1. The city of Saint Albans.
2. Corporation limits and boundaries.
3. The common council may designate voting places.
4. Officers of city.
5. Common council.
7. First election.
8. Nominations.
10. Council shall prescribe powers and define duties of officers.
11. What to do appointing treasurer, clerk and manager.
12. Council shall require and take bonds from officers.
13. Council has authority to remove officers.
14. Council to fix time and place of meetings; a quorum.
15. Council record; ordinance book; bonds, where filed.
16. Meeting of council.
17. Ordinances, etc. for the expenditure of money; how passed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of that portion of the county of Kanawha, in the state of West Virginia, within the boundaries described in the next succeeding section of this bill, be and they are hereby made and created a municipal corporation by the name
5 of "The City of Saint Albans", by which name they shall have
6 perpetual succession and a common seal, and by which name they
7 may sue and be sued, plead and be impleaded, contract and be
8 contracted with, and purchase, or otherwise acquire and hold real
9 estate and personal property needed in the discharge of the func-
10 tions of government conferred by law, and the provisions of this
11 bill.

Sec. 2. The corporate boundaries of the said city shall be
2 as follows:
3 Beginning at a point at the low water mark on the south side
4 of the Kanawha river, at the mouth of Coal river, and on the east
5 side of said Coal river; thence up Coal river, following the mean-
5 ders of the low water mark on the east side thereof 10,100 ft.
7 more or less, to a point opposite a sycamore tree, the original
8 corner of the land formerly owned by Ella A. Drew; thence N.
9 70° E 125 feet to said sycamore; thence with the line of the
10 land formerly owned by said Ella A. Drew, now owned by C. A.
11 Zirkle, and following the present corporation line of the town
12 of Saint Albans N. 4° 50' E. crossing the county road on top
13 of the hill between the waters of Coal and Kanawha rivers at 850
14 feet in all 1,600 feet more or less, to the intersection of said line
15 with the west line of Highland road of Ravens Court addition;
16 thence with the west line of said road 1,200 feet more or less to
17 the north line of Second avenue of said Ravens Court addition,
18 to a point on the west side of said road at the intersection of same
19 with the north line of Second avenue of said addition; thence
20 S. 64° 40' E. crossing said Highland road 1,075 feet to a stake;
21 thence S. 57° E. 170 feet, crossing Fourth street of said addition,
22 to the corner of Fourth street and Second avenue; thence following
23 the north line of Second avenue, same course, (S. 57° E.) 91
24 feet to the intersection of Second avenue with Third street; thence
25 following the north line of said Second avenue 860 feet more or
26 less, to the intersection of Second avenue with the east side of
27 First street of said Ravens Court addition; thence following the
28 north line of the proposed continuation of said Second avenue
29 200 feet more or less to a stone on the John S. Cunningham line;
30 thence following same N. 70° 15' E. crossing the James River and
31 Kanawha Turnpike at eight hundred and fifty feet crossing the
32 Chesapeake and Ohio railway right of way at 2,800 feet in all
33 3,900 feet more or less, to a stake at the low water mark of the
34 Kanawha river on the south side thereof; thence down the same,
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35 following the meanders of the low water mark 7,300 feet more or
36 less, to the beginning.

Sec. 3. The common council shall designate and provide
2 one or more voting places in said city and shall have the right to
3 divide the same into as many voting precincts as may be from
4 time to time expedient.

Sec. 4. The officers of said city shall be a mayor, six council-
2 men, a city manager, clerk, who shall be ex-officio collector, a
3 city treasurer, solicitor, police judge and a chief of police. The
4 mayor and six councilmen shall be elected by the qualified voters
5 of the said city. The city manager, clerk, treasurer and solicitor
6 shall be appointed by the council, and the police judge and the
7 chief of police shall be appointed by the mayor.

No person shall be eligible to any elective office unless he is
9 a qualified voter of said city, nor unless he has resided therein for
10 at least one year before his election, and he must be a freeholder
11 of said city, and have paid taxes for the year preceding his elec-
12 tion on at least three hundred dollars worth of real estate, in his
13 own or his wife's name. And no person shall be elected to any
14 office, or retain and hold the same who shall be or become an offi-
15 cer or employee of any person, firm or corporation holding any
16 franchise or contract under or with said city.

Sec. 5. The municipal authorities of said city shall consist.
2 of the mayor, and six councilmen, who together shall form a com-
3 mon council, and all the corporate powers of said city shall be
4 exercised by said council, or under its authority, except where
5 otherwise provided.
6 The mayor shall preside at all meetings of the said council,
7 and in case of his absence the council shall select one of its own
8 members to preside over its meetings, who shall have a vote in
9 case of a tie. No presiding officer of said council shall have the
10 right to vote except in case of a tie, and in no case shall he have
11 the right to more than one vote.

Elections.

Sec. 6. Elections shall be conducted under the general law.
2 The first election held hereunder shall be held the first Tuesday
3 in April, one thousand nine hundred and seventeen, and annually
4 thereafter as hereinafter provided. Every person who has been a
5 bona-fide resident of the city for three months next preceding any
6 election, and otherwise a qualified voter under the constitution
7 and laws of this state, shall be entitled to vote at such election.
8 The elections shall be held, conducted and the results thereof be
9 ascertained, returned and determined under such rules and regula-
10 tions as may be prescribed by the council which shall. not be in-
11 consistent with the general laws of the state governing municipal
12 elections, and shall conform as nearly as practicable to such laws.
13 Contested elections shall be tried by council, and the proceedings
14 therein shall conform as nearly as may be to similar proceeding,
15 in the case of the county and district officers. The council shall
16 be judge of the election, returns and qualification of its own mem-
17 bers. In case two or more persons receive an equal number of
18 votes for the same office, if such number be the highest cast for
19 such office, the city council shall decide by vote which of them
20 shall be returned elected, and shall make their return accordingly.
21 The judges of the first election provided for in this section,
22 shall consist of three voters and taxpayers of said city, one of
23 which shall be appointed by the candidates of each of the two
24 principal parties participating in said election, and the third to
25 be chosen by the mayor of the town of Saint Albans.

Sec. 7. At the first election provided for in section six, there
2 shall be elected a mayor, and six councilmen. The mayor shall
3 be elected for a term of one year, or until his successor is duly
4 elected and qualified. The two councilmen receiving the highest
5 number of votes shall serve for a term of three years; and the two
6 receiving the next highest number of votes shall serve for a term
7 of two years, and the two receiving the next highest number of
8 votes, for a term of one year, and thereafter two councilmen shall
9 be elected annually for a term of three years, and the mayor for
10 a term of one year, and their term of office shall begin the first
11 Monday in May, next after said election.

Sec. 8. Nominations may be made by primary elections,
2 conventions or by petition; but no nominations by petitions shall
3 be considered valid unless said petition be signed by at least fifty
4 qualified voters of said city.

Oath of Office.

Sec. 9. Every person elected or appointed to any office in
2 said city, shall, within twenty days after his election, or appoint-
3 ment, and before entering upon the discharge of the duties there-
4 of, take and subscribe the oath of office prescribed by law for of-
5 ficers generally, which may be done before the mayor or clerk of
6 said city, or before any person authorized by law to administer
7 oaths; and the same, together with the certificate of the officer
8 administering the oath, shall be filed with the clerk of said city
9 and preserved by him. And if a bond be required by said officer,
10 he shall likewise give such bond, and with such surety and in such
11 penalty as the council may fix, and to be approved by the council,
12 before he shall assume the duties of the office to which he is ap-
13 pointed or elected.

Sec. 10. The council shall prescribe the powers and define
2 the duties of all officers by it appointed, except so far as the same
3 are by this act defined; shall fix their compensation, and may
4 require and take from them respectively, bonds payable to the
5 city in its corporate name, with such securities and in such penal-
6 ties as may be deemed proper, conditioned for the faithful per-
7 formance of their duties.

Sec. 11. In the appointment of the city treasurer, clerk and
2 manager, the city council shall receive written applications from
3 all persons seeking to fill such positions, which application shall
4 state the compensation for which the applicant agrees to render
5 his services for the respective positions applied for, and the council
6 shall in each case appoint such person or persons as in their judg-
7 ment are competent and qualified to fill the respective positions,
8 giving preference to the lowest bidder. The council shall have
9 the right to reject all applicants.

Sec. 12. The council shall require and take from all officers
2 elected or appointed as aforesaid, whose duty it shall be to re-
3 ceive funds, assets or property belonging to the city, or having
4 charge of the same, such bonds, obligations or other writings as
5 may be deemed necessary and proper to secure the faithful per-
6 formance of their several duties. All bonds, obligations or other
7 writings taken in pursuance of any of the provisions of this act
8 shall be made payable to “The City of Saint Albans,” with such
9 sureties and in such penalties as may be deemed proper, condition-
10 ed for the faithful performance of their duties, and for the ac-
11 counting for and paying over as required by law, all monies com-
12 ing into their hands by virtue of their offices; and the respective
13 persons and their heirs, executors and assigns bound thereby,
14 shall be subject to the same proceedings on said bonds, obliga-
15 tions and other writings, for enforcing the conditions of the terms
16 thereof, by motion or otherwise, before any court of competent
17 jurisdiction, held in and for the county of Kanawha, that collect-
ORS of county levies and other sureties are, or shall be subject to, on their bonds for enforcing the payment of the county levies.

Sec. 13. The council shall have the authority to remove from office any elective or appointive officer of the city for misconduct, drunkenness or neglect of duty, by an affirmative vote of two-thirds of the members of the council; but only after reasonable notice to such officer, and a hearing of the charges preferred; and any vacancy in office, however occasioned, may be filled by the council for the unexpired term or until the next succeeding election.

Sec. 14. The council shall fix the place and time for holding its regular meetings; may provide for special and adjourned meetings; shall have power to compel the attendance of its members; and may prescribe rules and regulations not inconsistent herewith, for the transaction of business and for its own guidance and government.

A majority of the council elected shall be necessary to constitute a quorum for the transaction of business. No member of the council shall vote upon, or take part in the consideration of any proposition in which he is, or may be interested otherwise than as a resident of said city.

Sec. 15. The council shall cause to be kept by the clerk, in a well bound book to be called the "council record," an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called the "ordinance book," accurate copies of all the ordinances adopted by the council, both of which shall be fully indexed and open to the inspection of any one required to pay taxes to the city or who may be otherwise interested.

All oaths and bonds of officers of the city and all papers of the council shall be endorsed, filed and securely kept by the clerk, except the bond of the clerk, which shall be filed with the mayor.

All printed copies of such ordinances purporting to be published, under authority of the council, and transcripts of such ordinances, acts, orders and resolutions, certified by the clerk under the seal of the city, shall be deemed _prima facie_ correct, when sought to be used as evidence in any court or before any justice.

Sec. 16. At each meeting of the council the proceedings of the last meeting shall be read, and if erroneous, corrected, and signed by the presiding officer for the time being. Upon call of any member, the yeas and nays on any question shall be taken and recorded in the minute book.
Sec. 17. No ordinance or by-law, and no resolution or measure for the expenditure of money other than to defray the current and incidental expenses of the city, shall be deemed passed or adopted unless it shall have been fully read at two consecutive meetings of the council, and shall have received a majority of the votes of the members present, when it shall stand and be declared adopted, and not otherwise.

**Powers of Council.**

Sec. 18. The council shall have the right to institute proceedings in the name of the city, for the condemnation of real estate for streets, alleys, sewers, drains, market grounds, landings, wharves, city prison, parks, city buildings or other work or purpose of public utility or necessity. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and the costs thereof shall be borne by the city, except that in contests involving a hearing in the circuit court, costs shall be recovered by the prevailing party, and the said council of said town shall have power to lay off, vacate, close, open, alter, grade and keep in repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains and gutters therein for the use of the citizens or of the public, and to improve and light the same, and to keep the same free from obstructions of every kind; to regulate the width of pavements and sidewalks on the streets and alleys, and order the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time for holding the same, provide suitable and convenient buildings therefor, and prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses and soap factories within the town limits, or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the town limits, or to require and compel the abatement or removal thereof by or at the expense of the owner or occupant of the ground on which they are placed or found; to cause to be filled up, raised or drained by or at the expense of the owner of any town lot, or tract of land, covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals and fowls of all kinds from going or being at large in said city, (it however
33 being understood that section three-a of chapter sixty of the
34 code of West Virginia, prohibiting stock from running at large
35 is and shall remain in full force and effect in said city), and as
36 one means of prevention, to provide for impounding and con-
37 fining such animals and fowls, and upon failure to reclaim, for
38 the sale thereof; to preserve order in and about the premises
39 where and when divine worship is held; to regulate the keeping
40-41 of gunpowder and other inflammable or dangerous substances;
42-43 to provide and regulate the building of houses, fences or other
44-45 structures, and the proper drainage of town lots, and other
46-47 parcels of land, by or at the expense of the owners or occupants
48-49 thereof; to provide against damages or danger by fire; to punish
50 for carrying deadly weapons, and assaults and batteries; to pro-
51 hibit loitering upon the streets; to prohibit houses of ill-fame,
52 and to prevent lewd and lascivious conduct, and the sale or
53 exhibition of indecent pictures or other representations; the des-
54 creation of the Sabbath day and profane swearing; the illegal
55 sale of intoxicating liquors, drinks, mixtures and preparations,
56 beer, ale, habit forming drugs, wine or drinks of like nature; to
57 protect the persons of those residing or being within said city;
58 to build or purchase or lease, and to use a suitable place within
59 or near said city for the safe keeping or punishment of persons
60 charged with or convicted of the violation of ordinances; to pro-
61 vide for the employment of persons convicted of the violations of
62 ordinances, or who may be committed in default of fines, penalties
63 or costs and who are otherwise unable to discharge the same by
64 putting them to work for the benefit of the city, and to use such
65 means to prevent their escape, while at work, as they may deem
66 expedient; to erect, or authorize or prohibit the erection of gas
67 works, electric light works or water works within the city limits,
68 to prevent injury to such works or the pollution of any gas or
69 water used or intended to be used by the public or individuals,
70 and to do all things necessary to adequately supply said city
71 and the inhabitants thereof with pure, healthful, and wholesome
72 water; to use, generate, distribute, sell and control electricity
73 and gas for heat, light, and power, and to furnish light for the
74 streets, houses, buildings, stores and other places in and about
75 said city; to provide a sewerage system for said city; to provide
76 for and regulate the weighing and measuring of hay, coal, lumber
77 and other articles sold or kept or offered for sale within said
78 city; to regulate the running and speed of automobiles, engines
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79 and cars within said city; to organize one or more fire comp-
80 nies, and provide necessary apparatus, tools, implements, engines,
81 or any of them, for their use, and in their discretion to organize
82 a paid department; to make regulations with respect to the
83 erection and location of all telephone, electric light or other
84 poles within said city, and the extension of any wires, lines and
85 poles by any individuals or corporation; to grant and regulate
86 all franchises in, upon, over and under streets, alleys, and public
87 ways of said city, under such restrictions as shall be provided
88 by ordinance, but no exclusive franchise shall be granted by
89 said council to any individual or corporation, nor shall any fran-
90 chise be granted for a longer period than fifty years; to create
91 by ordinance such committee or boards, and delegate such author-
92 ity thereto, as may be deemed necessary or advisable; to provide
93 for the annual assessment of taxable property therein; including
94 dogs kept in said city, and to provide revenue for the city for
95 municipal purposes, and to appropriate such revenues to its
96 expenses; and generally, to take such measures as may be deemed
97 necessary or advisable to protect the property, public and private,
98 within the city, and to preserve and promote the health, safety,
99 comfort, good order and well-being of the inhabitants thereof.

100 The council shall also have power and authority to control
101 and regulate the construction and repairs of all houses and other
102 buildings within the city; to provide for granting of building per-
103 mits; to cause the removal of unsafe walls, and may, upon the pe-
104 tition of the person or persons owning the greater amount of front-
105 age of the lots abutting on any street, between any two cross streets
106 or any square in said city, prohibit the erection on such streets
107 or in such square, of any building or of any addition to any
108 building, more than ten feet high, unless the outer walls thereof
109 be made of brick and mortar or other fire-proof material; and to
110 provide for the removal of any building or addition which shall
111 have been erected contrary to such prohibition, at the expense
112 of the owner thereof, and shall have power to define certain areas
113 or districts within the corporate limits where no structure other
114 than such whose outer walls are constructed of fire-proof mate-
115 rial, and to prevent all unnecessary noises and regulate the blow-
116 ing of steam whistles in said city. To carry into effect these
117 enumerated powers and all others by this act or general law
118 conferred, or which may hereafter be conferred upon the said
119 city or its council or any of its officers, the said council shall
120 have and possess full authority to make, pass and adopt all
121 needful ordinances, by-laws, orders and resolutions not re-
122 pugnant to the constitution and laws of the United States or of
123 this state; and to enforce any or all of such ordinances, by-laws,
124 orders or resolutions by prescribing for a violation thereof, fines
125 and penalties and imprisonment, in either the county jail of
126 Kanawha county or the city prison; but no fine shall exceed one
127 hundred dollars, and no term of imprisonment shall exceed
128 ninety days.
129 Such fines and penalties shall be imposed and recovered, and
130 such imprisonment inflicted and enforced, by and under the
131 judgment of the police judge of said city; or, in case of absence
132 or inability to act, of the clerk of said city, or in case of absence
133 or inability to act of both of the said officers, of one of the coun-
134 cilmen, appointed for that purpose by the council.

Duties of the Mayor.

Sec. 19. The mayor shall be chief executive officer of the
2 city and shall preside at all meetings of the council, and shall
3 have a vote in case of a tie. He shall appoint a police judge and
4 have charge and control of the police department, and he shall see,
5 except as herein otherwise provided, that the laws and ordinances
6 of the city are enforced; that the peace and good order of the city
7 are preserved and that persons and property therein are protected,
8 and to this end he may cause the arrest and detention of riotous
9 and disorderly persons, and shall perform such other duties and
10 services as the council may ordain in addition to the duties pre-
11 scribed in this act and not inconsistent herewith. The clerk, ex-
12 cept as herein otherwise provided, shall perform the duties of
13 the mayor whenever and so long as the mayor is from any cause
14 not able to perform his official duties, and he shall, in the absence
15 of the mayor, perform any and all the duties of the mayor except he
16 shall not preside over the council. If the mayor and clerk are
17 both absent from the city, or otherwise disabled from performing
18 the duties of the mayor, the council may elect a mayor pro tempore.
19 The mayor shall have the power at any time to appoint special
20 policemen, who shall be sworn in without confirmation of the
21 council.

Clerk.

Sec. 20. It shall be the duty of the city clerk to keep a
2 journal of the proceedings of the council, and have charge of and
3 preserve the records, papers, contracts and other documents belong-
ing to the city; it shall be his duty to attend the sessions of the
5 police court, and keep an accurate record of its proceedings, and all
6 judgments shall be entered by him, within twenty-four hours af-
7 ter the same are rendered. He shall, in cases of sickness or disa-
8 bility of the mayor to act, or in case of his absence from the city,
9 or during any vacancy in the office of the mayor, perform the
10 duties of mayor, and shall be vested with all the powers necessary
11 for the performance of such duties; he shall also perform such
12 other duties pertaining to the fiscal affairs of the city, or other-
13 wise, as may be required of him by this act or by the council.
14 As soon as the rate of levy shall have been fixed by council
15 according to law, the clerk shall fix the tax against the property
16 situated in the city, in the land and personal property books, in
17 separate columns in said books.
18 The clerk shall, when the extended copies of the assessor's
19 books are completed and returned to the clerk of the county court,
20 have access to the same, for the purpose of making out the tax
21 tickets of the taxes therein extended, and it shall be the duty of the
22 clerk to make out all tax tickets, and when the same shall have
23 been examined, compared and approved by the finance committee
24 of the council and found to be correct, they shall forthwith be
25 turned over to the clerk, whose receipt shall be returned to the
26 council and entered upon its record, and the clerk shall be charged
27 therewith.
28 The clerk shall give notice that said tax tickets are in his
29 hands for collection, stating the penalty for non-payment thereof,
30 and the time, and place where the same may be paid, which notice
31 shall be published for fifteen days in one or more newspapers
32 published in said city.
33 The clerk shall immediately proceed to collect from persons
34 by distraint, or otherwise, the entire amount of the taxes with
35 which they are severally charged therein, and remaining unpaid
36 on the first day of January next, succeeding said levy, with inter-
37 est at the rate of one per centum per month from the said first
38 day of January until they are fully paid.
39 All license taxes shall be payable on the first day of July of
40 each year, or at such time as such licenses may be issued.
41 The said clerk shall receive all taxes, assessments, fines and
42 costs, and other money due the city authorized by this act, or by
43 any ordinance of the said city, to be paid to the city, and shall re-
ceipt for the same. He shall keep an accurate account of all money paid to him for the use of said city, showing under separate accounts the amounts received for account of taxes, sewer purposes, street pavements, licenses and other bills due the city, fines and costs and of other matters pertaining to his office, which books shall at all times be open to the inspection of the council, or to any committee appointed by it for such purposes; he shall pay over promptly all money which he may receive, within five days after the receipt thereof, into the hands of the treasurer of the said city, showing an itemized statement of the several funds included in said payment, taking the treasurer’s receipt therefor. He shall keep his office at the office of the mayor, unless otherwise ordered by the council and shall keep his office open for the transaction of business during the usual business hours, and as may be directed by council; he shall on or before the first day of January and July of each year and oftener, if directed by council, present to the council a full, complete and detailed statement of all money with which he is chargeable, or that has been received by him from all sources up to that time, together with a statement of all money paid to the treasurer and proper receipt therefor; and he shall at such times return a list of all taxes, levies, assessments and other claims in his hands for collection which he shall not have been able to collect by reason of insolvency, removal, or other cause, to which list he shall append an affidavit that he has used due diligence to collect the several items therein mentioned, but has been unable to do so, and if the council should be satisfied as to the correctness of said list, it shall allow him a credit for said claims, but may thereafter take such lawful measure to collect the same as shall be by it prescribed. The said clerk shall receive all taxes on licenses, and receipt to the party paying the same by endorsement upon the permit granted by order of the council, and shall charge himself with the amount received from the same, and report to the council, at the next regular meeting thereafter, the amount so received, and pay the same over to the treasurer, taking his receipt for the same; he shall upon the expiration of his term of office, or upon the order of council, turn over to his successor all money, books of account and other property of said city in his possession.

The clerk of said city before entering upon the discharge of his duties, shall execute a bond, conditioned for the faithful per-
formance of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office, with sureties satisfactory to the council, payable to "The City of Saint Albans," in a penalty to be fixed by council sufficient to indemnify the city against any loss as the council may prescribe. He shall be custodian of all bonds, notes, certificates and other evidences of indebtedness to the city, together with all valuable papers which may be placed in his possession by the council, except that the bond of the clerk shall be deposited with the mayor; he shall be chargeable with, and it shall be his duty to collect the city taxes, levies and assessments, under such regulations as may be prescribed by law and the ordinances of the city, and in case the same are not paid within one year, after they are placed in his hands for collection, he may distrain and sell therefor in like manner, and have the same power and authority possessed by the officer charged with the collection of state taxes.

If the clerk shall fail to collect, account for, and pay over to the treasurer of said city, any or all of the money with which he may be chargeable, belonging to the said city, according to the conditions of his bond and orders of council, it shall be lawful for the council to recover the same by action or by motion, upon ten days' notice in the corporate name of the city, in the circuit court of Kanawha county, against him and his sureties, or any or either of them, or his or their executors or administrators.

Solicitor.

Sec. 21. It shall be the duty of the solicitor to prepare when directed by council, all ordinances for said city, to represent the said city in all matters and proceedings in any court, in which the said city is interested, and advise the said council when requested. He shall receive compensation for his services, to be fixed by the council.

Duties of Police Judge.

Sec. 22. The police judge shall be ex-officio a justice and conservator of the peace within the city, and he shall, within the same, have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil causes of action arising out of
the corporate limits of the city. He shall have the same power
to issue attachments in civil actions as a justice of his county has,
though the cause of action arose out of the city limits; but in
such case he shall have no power to try the same, but must have
such attachment returnable and heard before some justice of the
county. Any warrant or other process issued by him may be
executed within the same territorial limits as that of a justice of
the county. He shall have power to issue executions for all
fines, costs and penalties imposed by him, or he may require the
immediate payment thereof, and in default of such payment he
may commit the party in default to the jail of the city or the
jail of the county of Kanawha, until the fine, penalty or costs
shall be paid; but the term of imprisonment in such cases shall
not exceed sixty days. The expense of maintaining any person in
the county jail shall be borne by the city, when said person has
been committed to answer indictment. But such police judge
shall not receive any money belonging to the state, or any indi-
vidual, unless he shall give bond and security as required of a
justice of the peace under the laws of the state of West Virginia;
and all provisions under the laws of the state of West Virginia
relating to moneys received by justices shall apply as to like
moneys received by the police judge.

Chief of Police.

Sec. 23. It shall be the duty of the chief of police to preserve
order and quiet in said city, and to see that all subordinate police
officers faithfully perform their official duties, and he may for
good cause appearing to him, for neglect of duty or insubordina-
tion, suspend any such officer from duty, and report his action and
his reasons therefor, to the next regular meeting of council for
action thereon. He shall make a list of all dogs within said city
liable to tax, collect the license tax thereon and pay the same to
the clerk, as may be provided by ordinance of said city; he shall
be present in the police court whenever the same shall be in ses-
session, and see that all its orders and requirements are properly
executed; he shall with the consent of the mayor, but not other-
wise, appoint one or more policemen as the mayor may determine;
he shall, before entering upon the discharge of his duties, execute
a bond conditional for the faithful performance by him, of the
duties of his office, and for the accounting for and paying over,
as required by law, all money which may come into his hands by
18 virtue of his office, with sureties satisfactory to the council, in a
19 penalty as the council may prescribe; he shall receive such salary
20 as may be fixed by council.
21 In case a violation of any ordinance of said city is committed
22 in the presence, or within view of the chief of police or other
23 police officer, the offender may be forthwith apprehended and
24 taken before the police judge, and a complaint under oath, stating
25 such violation there lodged and filed; and thereupon such offender
26 may be tried and dealt with according to law, (without summons).
27 The chief of police shall execute within the county of Kanawha
28 when directed to him, any proper process issued by the police
29 judge in proceedings for the enforcement of ordinances; and shall
30 collect by levy of execution or otherwise, and duly account for,
31 all fines assessed and costs imposed in such proceedings. He shall
32 also have all the rights and powers, within said city in regard to
33 the arrest of persons, the collection of claims and execution and
34 return of process, that are or may be lawfully exercised by a con-
35 stable of a district within the same, and shall be entitled to the
36 same compensation therefor; and he and his sureties shall be
37 liable to all fines, penalties and forfeitures, for which a constable
38 is liable, for any dereliction of duty in office, to be recovered in
39 the same manner and in the same courts, that such fines, penalties
40 and forfeitures are recovered against constables. He shall pay
41 over all fines or sums collected to the clerk forthwith.

Treasurer.

Sec. 24. The treasurer may be a citizen, a bank or trust com-
pany of said city, and shall be selected by council and shall hold
office during the pleasure of the council. All money due the
4 city shall be paid to the clerk, and be by the clerk deposited with
5 the treasurer. The money deposited with the treasurer shall be
6 disbursed only upon orders drawn against the same, signed by
7 the mayor and countersigned by the clerk.
8 The treasurer shall receipt to the clerk for all money paid by
9 him, and shall keep regular books of account, showing the amount
10 of the several funds paid or deposited with the treasurer by said
11 clerk, and shall make report to the council once each month, or
12 at such other times as the council may direct, showing the re-
13 ceipts and disbursements of the funds of the city, and the treas-
14 urer shall produce his books and accounts to council or any com-
15 mittee of the same for inspection, upon the order of the council.
The treasurer shall give bond, with security to be approved by the council, in a sum of not less than five thousand dollars, with condition that the said treasurer shall account for and pay over all money received for the account of said city, as may be directed by the council.

Any bank or trust company of said city, is hereby made eligible to act as treasurer of said city, and the funds of said city shall be deposited in two or more banks or trust companies of said city, but not more than sixty per cent of said funds shall be deposited in any one bank or trust company, and the same shall be liable for all money deposited therein; provided, however, that the rate of interest paid to said city on such deposit shall not be less than three per cent per annum.

City Manager.

Sec. 25. The city manager shall have general supervision over the streets, alleys, sidewalks, drains and sewers of said city and of the construction of new streets, alleys, sidewalks, drains and sewers, and of making changes in the ones existing; and shall see that the streets are properly lighted in pursuant to contract. It shall be his duty to investigate all applications for new streets, alleys, sidewalks, drains and sewers and report the same to the council with his recommendation in regard thereto. He shall have general supervision of the construction of all streets, alleys, sidewalks, drains and sewers and the planting of trees and other improvements which may from time to time be made in any public street or alley, and to this end, may by and with the consent of the council appoint such assistants as are necessary in the faithful performance of his duties herein conferred. It shall likewise be his duty to report to the council every obstruction found in any of the streets, alleys, sidewalks, drains or sewers, in said city, and on such report the mayor shall instruct the police judge to summons the offender to show cause why the same should not be removed at the expense of the offender, and why a fine should not be imposed upon such offender for violation of the ordinance of said city, in regard thereto. It shall likewise be the duty of said city manager to supervise and protect all of the buildings and other property belonging to said city and provide for the proper heating, cleaning and lighting of said city buildings and lockup. He shall have supervision of all the tangible property of the said city and all the appliances used by the fire
27 department of said city, and he shall see to it that the same are
28 properly taken care of and kept in proper condition for use.

Lien for Taxes.

Sec. 26. There shall be a lien on all real estate and personal
2 property within said city for the city taxes assessed thereon, and
3 for all fines and penalties assessed to, or imposed upon the owners
4 thereof, by the authorities of said city from the time the same
5 are so assessed or imposed, which shall have priority over all other
6 liens, except the lien for taxes due the state, county and district;
7 and which may be enforced by the council in the same manner
8 provided by law for the enforcement of the lien for county taxes.
9 If any real estate within said city be returned delinquent for the
10 non-payment of the delinquent taxes thereon, a copy of such de-
11 linquent list may be certified by the council to the auditor, and the
12 same may be sold for the city taxes, interest and commissions
13 thereon, in the same manner, at the same time and by the same
14 officer as real estate is sold for the non-payment of state taxes.

License.

Sec. 27. The council shall have the authority to require a
2 city license as follows: For anything to be done, carried on or
3 exhibited within said city, for which a state license is now, or
4 may hereafter be required, and for the keeping of automobiles,
5 hacks, carriages, carts, wagons, and other vehicles for hire within
6 the city, and for the keeping of dogs within the city, and the
7 council may provide for the killing of all dogs, the keeping of
8 which is not so licensed. And upon all such licenses the council
9 may impose a reasonable tax for the use of the city. This section
10 shall not be construed to authorize the granting by the common
11 council of said city of a license to sell at retail, spirituous liquors,
12 wine, porter, ale or beer or any drink of like nature, without the
13 consent of the county court of Kanawha county.

Sec. 28. The council shall prescribe by ordinance, the man-
2 ner in which licenses of all kinds shall be applied for and granted,
3 and shall require the payment of the tax thereon to be made to
4 the clerk of said city before delivery to the person applying there-
5 for, and the provisions of sections thirty-nine, forty, and forty-
6 one of chapter thirty-six of the acts of one thousand nine hundred
7 and five, relating to licenses, shall govern the city in the granting
8 of licenses, similar in character to those mentioned, except where
9 otherwise herein provided. Licenses for keeping dogs shall also
10 expire on the thirtieth day of June next after they are granted,
11 and all other licenses may be for such times as the council may
determine.

Sec. 29. Franchises may be granted by the city council to
2 persons or corporations allowing such occupancy of portions of
3 the streets and alleys, as may be necessary for works of public
4 utility and service; but no such franchise shall be hereafter grant-
ed except under the following restrictions and conditions: No
6 ordinance shall be passed granting any franchise for the use of
7 any of the streets or alleys of the city for any of the purposes
8 above named, until the same shall have been filed with the clerk
9 at least thirty days prior to the time when it is to be acted upon
10 by council, and notice of such application, stating the object of
11 such franchise, and when same shall be considered by the council,
12 shall have been given thirty days notice, by not less than four
13 consecutive weekly publications in some newspaper of general
14 circulation published in the city. Nor shall such franchise be
15 granted within thirty days after the application has been filed,
16 nor until an opportunity has been given any citizen or corpora-
tion, interested in the granting or refusing of said franchise to
17 be heard.
18 Nor shall any franchise be hereafter granted by council for
19 a longer period than fifty years; provided, that council shall have
20 power to renew any such franchise for the term of fifty years
21 when the same shall have expired. No franchise hereafter grant-
ed for a longer period than fifty years shall be of any force or
22 validity. No grant of any such franchise shall be made without
23 at the time of making it, providing that the grantee, its succes-
sors or assigns, shall indemnify the city against all damages
24 caused by the construction or maintenance of such works.
25 If any corporation, or person to whom a franchise has been
26 heretofore or may hereafter be granted, or their successors or
27 assigns, shall fail to comply with the conditions of the ordinance
28 granting such franchise within one year from the time said condi-
tions are directed to be performed, said franchise shall be and
29 the same become null and void.

Financial Statement.

Sec. 30. In the month of August in each year, the council
2 shall cause to be published in two newspapers of opposite politics
3 in the city, if there be such published therein, at a compensation
4 not to exceed the rate as provided by law for like publications,
5 for one issue, or if no such newspaper be published therein, to
6 publish in pamphlet form not less than one hundred copies of a
7 sworn statement of the financial condition of said corporation.
8 Said statement shall be posted in at least five public places in
9 said city and shall contain a list of the real and personal property
10 owned by the city, and an itemized account of the receipts and
11 expenditures of the city, showing the source from which all money
12 was derived, the name of the person to whom an order was issued,
13 together with the amount of each order, and why such order was
14 issued, arranging the same under distinct heads, and also a spe-
15 cific list of the debts of the city showing the purpose for which
16 any debt was contracted, the time it became due, the rate of in-
17 terest, up to what time the interest thereon has been paid, the
18 amount of money in the treasury at the end of the preceding
19 administration and debts contracted by it; such statement shall
20 be prepared by the city every twelve months and shall then be
21 printed according to the provisions of this section. Either method
22 of making this report shall be sworn to by the clerk, by the mayor
23 and members of the finance committee of the council. One copy
24 of such printed report shall be delivered to the judge of the
25 circuit court, one to the clerk of the circuit court of Kanawha
26 county, and to the clerk of the county court, and one shall be
27 kept as a part of the records of the city, and the remainder shall
28 be held for distribution as called for by the taxpayers of the
29 city.
30 If the council fail or refuse to perform the duties hereinbe-
31 fore or hereinafter named, every member of such council and the
32 clerk thereof, concurring in such failure or refusal, shall be guilty
33 of a misdemeanor, and upon conviction thereof, shall be fined not
34 less than ten dollars nor more than one hundred dollars.

Health.

Sec. 31. The council shall have the authority to ordain and
2 enforce such regulations within said city as shall be necessary
3 or proper to preserve the health of the inhabitants of said city,
4 and to secure them from disease; to require and compel the
5 abatement of and removal of all nuisances within said city at
6 the expense of the person or persons causing the same, or of
7 the owner or owners of the ground whereon the same shall be;
8 to prevent or regulate slaughter houses within said city; or the
9 exercise of any unhealthy or offensive business, trade or employ-
10 ment therein; to prevent the keeping of any stale meats, fish,
11 vegetables or other matter or depositing the same, or dirt, rubbish
12 or offal, upon any lot, street, alley or square within said city, or
13 upon the banks of any stream within the limits thereof.
14 The council shall have the power, by ordinance, to regulate
15 the sale of cocaine, morphine, opium and poisonous drugs within
16 said city, and to prescribe punishment, including fine and im-
17 prisonment, for the violation of any such ordinance, and to pro-
18 vide that one or more convictions for violating the same shall
19 operate as a revocation of the license of any druggist or pharma-
20 cist holding a license under said city.
21 The council shall, in the month of May, one thousand nine
22 hundred and seventeen, and in said month of every year thereafter,
23 appoint a suitable person, who shall be a practicing physician, as
24 health commissioner, whose term of office shall be for one year
25 and until his successor is appointed and qualified. The mayor,
26 clerk and health commissioner shall comprise the board of health
27 of said city.
28 The board of health shall have power to abate all nuisanct?s
29 within said city, and it shall do and perform all such other duties
30 and exercise such other powers as may be required of or conferred
31 upon them by legal ordinances of said city. The council of said
32 city shall provide by ordinance the way and method of trying and
33 abating such nuisances, and shall prescribe all penalties that may
34 be proper and necessary for such purpose. The board of health
35 shall have the power to summon witnesses, hear testimony and
36 to do any and all other things necessary and proper in the per-
37 formance of such duties under this act and under the general laws
38 of the state, in such cases made and provided.

**Street Improvements.**

**Sidewalks.**

Sec. 32. After having caused a proper grade to be established
2 and the necessary grading to be done, at the expense of the said
3 city, the council may require sidewalks or footways on any streets,
4 avenues, roads or alleys of the said city to be paved with brick,
5 stone or such other suitable material and of such widths as the
6 council may determine, under the direction of the city manager, by
the owners respectively of the lots, or the fractional parts of lots facing or abutting on such sidewalk or footway, or of the real property next adjacent thereto; and if such owners shall fail or refuse to pave the same in the manner or within the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the city, and to assess the amount of such expense upon such owner, and the clerk shall notify the owner of said lot the amount of such assessment; if the said assessment be not paid within thirty days from the date of said notice, he shall cause a memorandum showing the name of the owner of said lot, a description of the lot and the amount of such assessment to be filed in the office of the clerk of the county court of Kanawha county, and the same shall constitute a lien on such property, which may be enforced by a suit in equity, in the name of the city, in the circuit court of Kanawha county, as other liens against real estate are enforced. And upon the payment of said assessment, the clerk shall issue to the person entitled thereto a release of said lien; provided, however, that reasonable notice shall first be given to said owners that they are required to construct such sidewalks or footways. In case the owner is a non-resident of the city, the notice aforesaid may be given by publication for four successive weeks in a newspaper published in said city; or, if there be no newspaper published in said city, then in any newspaper published in Kanawha county. The provisions of this section shall also be applicable to needed repairs to any of the pavements of the city, and to the substitution of new pavements for any which may have been heretofore, or which may be hereafter laid and completed, and which may be deemed insufficient.

The council may also require the owners or occupiers of the land or lots or parts of lots facing upon said avenues, streets, roads, or alleys to keep such sidewalks clean and in good repair and to keep the plot of ground on either side of the sidewalk, between the curb and the property line, sodded with grass and free of weeds and obstructions and otherwise in good condition and to plant and care for shade trees along said avenue, street, road or alley.

Sec. 33. Upon the petition in writing of the owners of not less than one-half in lineal feet of the property abutting upon any avenue, street, road or alley asking the city to grade and put down a sidewalk of brick, stone, concrete or other suitable material and offering in said petition to have their property so abut-
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6' ting as aforesaid assessed proportionately to pay for the entire
7 cost of said sidewalk, including the grading, supervision and in-
8 spection as petitioned for, the council may order such work done
9 as heretofore provided in section thirty-two and the total cost
10 thereof be charged to and paid by the owners of the abutting
11 property as hereinbefore provided.

Paving of Streets and Constructing Sewers, Sale of Bonds, etc.

Sec. 34. After having caused a proper grade to be estab-
lished and the necessary grading done and providing for the neces-
sary drainage at the expense of the said city, the city council of
said city of Saint Albans is hereby authorized to order and cause
any avenue, street, road or alley to be paved between and in-
cluding the curb, with brick, wood blocks; asphalt, or other
suitable material, or to be macadamized, or to be otherwise per-
manently improved under the supervision of the city manager or
such other supervision as they shall direct by ordinance, upon the
lowest and best terms to be obtained, by advertising for bids or
proposals therefor; and the cost of such paving or macadamizing
of any of the avenues, streets, roads or alleys thereof shall be as-
essed to the owners of the lots, or fractional parts of lots, front-
ing and bounding on such avenue, street, road or alley in pro-
portion to the lineal feet so fronting or bounded owned by
each; provided, the cost of paving or otherwise improving the in-
tersection of avenues, streets, roads and alleys shall be paid for
by the city and in case the cost of paving any such avenue, street,
road or alley should exceed the true and actual value of the abut-
ting property, the said excess cost shall be paid by the city; and
provided, further, that if any such avenue, street, road or alley
be occupied by street car tracks, or tracks of other railways,
the cost of said improvements of the space between the rails, and
two additional feet outside of each rail, shall be borne and paid
terribly by the person or company owning or operating such street
car or other railway line, unless otherwise provided by the fran-
chise of such street car or other railway, granted previous to the
passage of this act.

When the city council shall deem it expedient to cause any
avenue, street, road or alley in said city or any portion thereof to
be paved, curbed, or macadamized or otherwise permanently im-
proved, they shall by ordinance order the work done in the fol-
lowing manner and in the following terms:
The contract for such improvements shall, after thirty days notice published in two daily newspapers of opposite politics in the said city, if there be such, and if not, published in the city of Charleston, in like manner, be let to the lowest responsible bidder, but said city shall reserve the right to reject any and all bids therefor. Before advertising for bids on said work the city council shall approve of and adopt plans and specifications therefor and the advertisements for bids and contracts awarded thereon shall refer to such specifications.

The cost of said paving, macadamizing or other permanent improvements shall be paid for as follows:

The said city of Saint Albans is hereby authorized to issue its bonds for the purpose of providing for the cost of paving, curbing or macadamizing, or otherwise permanently improving the avenues, streets, roads and alleys of said city or constructing sewers for the proper drainage of said city in anticipation of special assessments to be made upon the property abutting upon the avenues, streets, roads and alleys so improved or property so sewered or drained. Such bonds may be in such amount as shall be sufficient to pay the entire cost and expenses of said improvements, for which such special assessments are to be levied, and also to pay the city's proportion of such improvements and said city is authorized to sell said bonds but not below the par value thereof. The amount for which said bonds are issued shall be made up of not exceeding thirty bonds, payable in two, four, six, eight, ten, twelve, fourteen, sixteen, eighteen, twenty, twenty-two, twenty-four, twenty-six, twenty-eight and thirty years, respectively, from the date of their issue, and shall bear interest not to exceed six per centum per annum, payable annually; and, in the issuance and sale of said bonds, the said city shall be governed by the restrictions of the constitution and the restrictions and limitations of the laws of this state relating to the issuance and sale of bonds, so far as such state laws are not in conflict or inconsistent with the provisions of this act, and the assessments as herein provided shall be applied to the liquidation of the bonds issued for the purpose herein mentioned, and the interest thereon. If, by reason of the penalties collected with the delinquent assessments there be any balance, after the payment of said bonds and all accrued interest and costs, it shall be turned into the city treasury to the credit of the interest and sinking fund of said city.

Provided, that such city may, by sale or issue of such bonds,
cause the aggregate of its debts of every kind whatsoever to amount
to, but not to exceed, five per centum on the taxable property
therein, and, provided, further, that nothing herein contained
shall be considered as authorizing said city on becoming indebted
in any other manner, or for any other purpose, to an amount in-
cluding the existing indebtedness in the aggregate exceeding two
and one-half per centum on the value of the taxable property
herein (as provided in chapter fifty-one of the acts of one thou-
sand nine hundred and five), except for the purpose of paving,
sewering and otherwise permanently improving the avenues,
streets, roads and alleys of said city, as provided for in this act;
nor shall said city make such issue and sale of bonds without at
the time providing for a collection of a direct annual tax suffi-
cient to pay annually the interest on such debt, and the principal
ter of within and not exceeding thirty years.

And it shall be the duty of the city council to immediately
after the completion of the improvements herein mentioned, cer-
tify the assessments herein provided for to the clerk for collection
as herein provided; and a copy of said order shall be certified by
the city clerk to the clerk of the county court of Kanawha county,
who is hereby required to record and index the same in the proper
trust deed book in the name of each person against whose property
assessments appear therein.

The amounts so assessed against said abutting lots and owners
thereof, respectively, shall be paid in ten payments, as follows;
that is to say, one-tenth of said amount, together with interest
on the whole assessment for one year, shall be paid into the city
treasury of the city before the first day of the following May; and
a like one-tenth part, together with interest for one year upon
the whole amount remaining unpaid on or before the first day of
May in each succeeding year thereafter, until all has been paid.
May in each succeeding year thereafter, until all has been paid.
per centum per annum, payable annually from the date of assess-
ment. Provided, however, that the owner of any abutting land
so assessed on said avenue, street, road or alley, shall have the
right, at any time, to anticipate and pay any such assessment and
interest thereon, and have the lien against the property so assess-
ed released as hereinafter provided.

If any such assessment shall not be paid when due, the council
shall cause to be enforced the payment of said assessment and in-
terest in all respects as herein provided for the collection of taxes
due the city; and said assessments shall be a lien from the time the same are recorded in the county clerk's office, upon the prop-
erty liable therefor, the same as for taxes, which lien may be-en-
forced in the same manner as provided for the sale of property for the payment of taxes and tax liens; and the liens herein pro-
vided for shall have priority over all other liens, except those for taxes due the state and the county, and shall be on a parity with taxes and assessments due the city.

When all of said assessments for paving, curbing, macadamiz-
ing or other permanent improvements, or for sewerage, shall be paid in full to the clerk, he shall deliver to the owner of said property a release of the lien therefor, which may be recorded in the office of the clerk of the county court as other releases of liens are recorded.

Under this plan all of said permanent improvements of said avenues, streets, roads and alleys of said city, the contractors shall look only to the city for payment for the work, and in no sense to the abutting land owners.

Sewers.

Sec. 35. The council of said city of Saint Albans shall have the authority under the provisions of ordinances adopted by the council of said city, to cause all necessary sewers to be constructed in any or all of the streets, alleys and public grounds of said city, upon the lowest and best terms to be obtained by the direc-
tion of said council, and shall fix a uniform assessment against the owners of the real estate, lots or parcels of ground within said city, abutting or abounding on the streets, alleys or public grounds, in which sewers are so constructed.

The method of advertising for bids for the construction of said sewers, the assessment of the abutting property and a lien thereon and the method and terms of payment shall be the same as herein provided as the payment for the paving of avenues, streets, roads and alleys; and the council is hereby authorized to issue bonds under the same conditions and stipulations as above provided for, for the improvements of streets.

The intersections of all streets and alleys shall be provided with sewers at the expense of the city; but all connections to sewers in street or alley, to be made by property owner abutting on said street wherein sewer is constructed. The sums of money thus assessed for sewer connection shall be a lien on the lots,
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22 tracts or parcels of land upon which they are assessed, which
23 lien may be enforced by a suit in equity in the circuit court
24 of Kanawha county, to subject the said real estate to the pay-
25 ment of the sum so assessed against it as herein provided, in
26 the same manner that judgment liens are enforced.

27 The council shall cause a notice to be published for one week
28 in some newspaper published in said city, showing the
29 owners of the real estate and number of feet owned
30 by each fronting on said improvement, as well as
31 the time and place when and where the said council
32 will proceed to fix said assessments as herein provided, and
33 giving notice to any person having an interest in
34 the property so assessed, to appear and show cause, if any he
35 can, why such assessment should not be made; and the council
36 may in making or reviewing said assessment consider the peti-
37 tion of any person, or corporation affected thereby, relative to
38 the inequality of said assessment, and may equalize and adjust
39 the same. A copy of the list of such assessments, showing the
40 name of owner, number of lot, or parcel of land, and the amount
41 of assessment, attested by the mayor and clerk, shall be recorded
42 in the office of the clerk of the county court of Kanawha county
43 within thirty days after the said assessments are approved by
44 the said council; otherwise, the lien of said assessment shall be
45 void as to any purchaser of said real estate, for value and with-
46 out notice, who shall have purchased such real estate, and the
47 clerk shall execute and deliver on behalf of said city, a release
48 of such lien, upon the payment in full of said assessment.

49 The funds derived by the said city from assessments for
50 construction of sewers, as herein provided, shall be
51 used by said city for sewer construction only, and
52 the clerk and treasurer shall keep separate accounts
53 of receipts and disbursements of said fund, and shall
54 make separate report with respect to said fund from time
55 to time as the council may direct, and the said clerk and treas-
56 urer shall be liable to said city, on their official bonds, for the
57 payment of all money which may come into their hands, re-
58 spectively, by virtue hereof, and shall pay over the same upon
59 the proper order of the council.

60 And the said council may by ordinance compel the owners
61 of lots or parcels of ground, fronting or abutting on any street
62 or alley in which such sewer is constructed, or has heretofore
been constructed under the supervision of such officer as the council may designate, to connect any residence, store, or warehouse, factory, or other building occupied by persons as a place of residence, or for labor, with such sewer within thirty days after its completion, and may inflict fines and penalties for any violation of such ordinance.

The assessment for the construction of sewers shall not in any case exceed one dollar for each front foot of land or parcel of land fronting or abutting on the avenue, street, road or alley or public ground in which such sewer is constructed and should the cost of the construction of such sewer exceed one dollar for each front foot of the abutting property, the amount in excess shall be paid by the city.

The sewers heretofore constructed, in any of the streets or alleys of said city at the expense of the property owners abutting thereon, and by the authority of said council, may be taken for public use by said city, and the same may be used subject to the provisions of the preceding section; but before such sewer is so occupied by the city, compensation shall be made to the persons having paid for the same or entitled thereto. Such compensation shall be determined by the award of three arbitrators, one selected by the council, one selected by the person or persons having paid for the construction of said sewer, or his assigns, and the two selected shall choose a third arbitrator, and the said arbitrators shall, after hearing all evidence as to what would be a just compensation for such sewer, make their award in writing, which award shall be final, and entered of record by the council. The arbitrators so selected and chosen, shall not be interested in the matters submitted to them other than as taxpayers of said city. And the owners of any real estate abutting on any such street or alley, in which any such private sewer has been constructed by authority of the council, and at their own expense, shall not be required to pay any assessment levied or assessed against the same for the construction of a sewer in a street or alley, in which such private sewer has been so constructed, until said private sewer is taken by said city and compensation made therefor as herein provided; and any private sewer so taken by said city shall be held, used and occupied as provided in the next preceding section, and the property abutting thereon subject to the assessments as therein provided.

Sec. 36. Upon the petition in writing of the owners of not
2 less than one-half in lineal feet of the property abutting upon any
3 avenue, street, road or alley, asking the city to grade, curb and
4 pave, with suitable material, said avenue, street, road or alley or
5 to construct a sewer in said avenue, street, road or alley and offer-
6 ing in said petition to have the property so abutting as aforesaid
7 assessed to pay for the entire cost of said improvements including
8 the grading, the cost of intersections, engineering, supervision and
9 inspection as petitioned for, the council may order such work
10 done as heretofore provided in section thirty-four, and the total
11 cost thereof be charged to and paid by the owners of the abutting
12 property. The council may contract for such paving or sewer
13 construction or other said improvements, to be done as aforesaid,
14 and may acquire or take land for street purposes, as aforesaid;
15 and may if the council so elect, stipulate that the costs thereof,
16 in whole or in part, shall be paid by the abutting property owners,
17 in five equal installments to be evidenced by five paving certificates
18 issued therefor, payable in thirty days, and one, two, three and four
19 years, respectively, after the date of their issue, and shall bear inter-
20 est not to exceed six per centum per annum, payable annually, which
21 certificates, to be signed by the mayor and the clerk, or other person
22 or persons designated of record by the council, may be sold, either
23 to the contractor doing the paving or other said improvements, or to
24 any other person, and which shall cover the entire cost of such
25 work, or the cost of acquiring or taking land for street purposes,
26 including the cost of surveys, notices and other things pertaining
27 thereto; provided, the city, in negotiating and selling such certifi-
28 cates, shall not be held as guarantor or in any way liable for pay-
29 ment thereof, except upon the direct action of the council as ex-
30 pressed by resolution of record before such sale. And the certifi-
31 cates covering the amount of the assessment shall be paid by the
32 owner of the land, lot or fractional part thereof, so assessed for
33 the cost of said improvements on such avenue, street, road or
34 alley so paved or improved, or land acquired or taken, as aforesaid.
35 The amount specified in said assessment certificate shall be a lien
36 as aforesaid in the hands of the holder thereof upon the lands,
37 lot or part of lot so assessed, and shall also be a debt against the
38 owner of such real estate, and said amount shall draw interest
39 from the date of said certificates, payable annually; and the
40 payment of the debt may be enforced as provided by law for the
41 collection of other debts, or such lien may be enforced as provided
42 in this act in the name of the holder of such certificate.
It is further provided that the city may assume the payment of such assessments or certificates covering the cost of intersection and grading or any part thereof as provided in section thirty-four of this act, or may reimburse the property owners, paying the same out of its general levy for streets, or any surplus that remain from any bond issue for street improvements, but there shall be no legal obligation on the city to do so.

After a contract has been made by the council to pave or otherwise permanently improve any public road, avenue, street or alley in said city, under this act, and the paving or other permanent improvements, or any stipulated part thereof, has been completed, or the cost of acquiring or taking land as aforesaid has been ascertained, the council shall assess the amount each lot shall bear, and shall make a written report, stating the number of lots and the blocks or tracts of land when not laid off into lots, and the names of the owners of such lots or land when known, and the amount assessed thereon; and when the said council approves said report, or modifies it and then approves it, a copy of said report, so adopted by the council, when certified to by the city clerk of said city, may be recorded in the clerk's office of the county court of Kanawha county in a trust deed book, and shall be a continuing tax lien upon the lot or land against which the assessment is made until the certificates as aforesaid are paid, except as otherwise provided in section thirty-seven of this act, and the clerk shall index the same in the name of each lot or land owner mentioned therein.

Release of Liens.

Sec. 37. In addition to the provisions for the release of said assessment liens, either for street paving or other permanent street improvements, or construction of sewers, as elsewhere set out in this act, on the presentation by the land or lot owner of any of the certificates issued as aforesaid against him or his predecessor in title to such lot, the clerk of the county court shall mark upon the margin of the trust deed book at which said certified report is recorded, that the lien is released to the land or lot mentioned in such certificate to the extent of the amount of the certificates thus exhibited. And the county clerk shall thereupon write across the face of each of said certificates the date of their production to him for the release of lien, and shall sign his name thereto in his official capacity, for which he shall receive in ad-
14 vance a fee of twenty-five cents for each certificate so marked,
15 from the person demanding the release of the lien aforesaid; but
16 if more than one of the serial certificates against the land or lot or
17 lots shall be produced at the same time, the fee of the county
18 clerk shall not exceed twenty-five cents for the release of the liens
19 as to all of the certificates thus produced and relating to the same
20 real estate.
21 Provided, that the owner of any lot or land against which any
22 paving or sewer certificate is an unreleased lien of record shall
23 make and produce to the county clerk, or some person for such
24 owner shall make and produce such affidavit, setting out therein
25 that such certificate (or certificates) has been paid in full, and,
26 after diligent search, cannot be found, said county clerk shall,
27 upon the payment of a fee of twenty-five cents, file and preserve
28 said affidavit as a public document, and shall forthwith note the
29 release of said lien to the extent of said lost certificate (or certifi-
30 cates) and the lots or land against which it is a lien upon the
31 margin of the trust deed book, as aforesaid, and noting therewith
32 the filing of said affidavit, which shall operate as a release of such
33 lien to the extent of such marginal notation. If the affidavit so
34 filed be false, the person making oath and subscribing thereto
35 shall be guilty of a felony, and upon conviction thereof shall be
36 fined not to exceed five hundred dollars, or sentenced to be con-
37 fined in the penitentiary for a term of not more than one year,
38 or both, in the discretion of the court passing sentence.
39 Provided, further, that any paving or sewer lien, which may
40 be created in consequence of the provisions of this act, or any
41 lien which may have heretofore been created in consequence of an
42 act of which this is an amendment for an assessment, the last
43 payment of which is not yet due, shall not, under any circum-
44 stances, be a lien against the lot or land, or fractional part of the
45 lot or land, against which it may have been assessed and made a
46 lien, for a longer period than one year after the last assessment
47 or certificate of the same date and group, representing such lien,
48 shall have become due and payable, unless some suit or action, at
49 the termination of said one year period, shall be pending for the
50 enforcement of such lien, or unless the amount of the lien or
51 some part thereof is in some way involved in a suit or action pend-
52 ing at the end of said one year period; and, provided, further,
53 that no such paving or sewer lien heretofore placed to record in
54 said county court clerk’s office for an assessment, the last pay-
ment of which is past due, shall remain or be a lien against the
real estate therein described for a longer period than one year
from the time this act takes effect, unless a suit shall be pending
at the end of said one year period for the enforcement of said
lien, or the amount thereof shall in some way be involved in some
action then pending.

All of the assessment certificates, which may be issued under
the provisions of this act, shall be made payable at the office of
the treasurer, who shall receive payments thereon when due, if
tendered to him, and interest thereon from the date of such pay-
ments shall cease. The treasurer shall keep a separate and special
account of all said sums of money received by him, and he shall
hold said money in trust for the person who thereafter delivers
to the treasurer for cancellation any and all certificates on which
said treasurer has received full payment as aforesaid; but the
owner of said certificates shall not be entitled to interest on said
sum after the date of payment thereof to the treasurer. When
the whole amount of any such assessment lien shall have been
paid to the treasurer as aforesaid, or the treasurer shall be con-
vinced that all of the paving or sewer certificates against any
land, lot or fractional part of lot, shall have been paid, in full,
he shall, when demanded, execute a release of said lien in the
manner hereinbefore provided for the release of said lien in the
manner hereinbefore provided for the release of paving liens.

If the city shall have no person for treasurer, the clerk, unless
some other person is designated by ordinance, which the council
is hereby authorized to enact, shall perform the duties here re-
quired to be performed.

Sec. 38. It shall be lawful for said city of Saint Albans to
issue and sell its bonds, as provided in this act for the sale of
other paving and sewer bonds, to pay the city's part of the cost
of construction of said sewers, and the paving or other improve-
ments of avenues, streets, roads and alleys, as required by this
act; and said city may levy taxes, in addition to all other taxes,
authorized by law, to pay such bonds and interest thereon;
provided, that the total indebtedness of the city for all purposes
shall not exceed five per centum of the total value of all taxable
property therein. It is expressly provided that no bonds shall
be issued under the provisions of this act, unless and until the
question of issuing said bonds shall have first been submitted to
a vote of the people of said city and shall have received three-
fifths of all votes cast at said election for and against the same. The council of said city may provide by ordinance for submitting to the people at any regular election, or special election called for that purpose, the question whether or not said city shall be authorized to issue bonds for the purpose specified in this act; but the ordinance relating to the issuance of said bonds, and the submission of the same to the vote of the people, need not specify in detail the location of the improvements contemplated to be paid for out of, and the works to be constructed with, the proceeds of sale of said aggregate issue authorized thereby; and if at such election the people by their vote thereon shall authorize the issuance of said bonds, said city council may offer the sale of same, as needed for said improvements and works, dealing with all the requirements set forth in this act; and notwithstanding the provisions of sections two, three and six of chapter forty-seven-a of the code, it shall be sufficient description of the purpose for which election is held for the ordinance calling the same or submitting said question to a vote at any general election, if it shall recite that it authorizes the city council to issue bonds for the purpose of paving, curbing, sewering, or otherwise permanently improving the avenues, streets, roads and alleys of said city, authorized by this act, at such times as the city council shall deem fit or expedient.

The provisions of chapter forty-seven-a of the code, concerning bond elections shall, so far as they are not in conflict with the provisions of this chapter, apply to the bond election and special election herein provided for.

Sec. 39. The city of Saint Albans, shall succeed to all the rights, powers and responsibilities, and be vested with the title to all property of the town of Saint Albans and the town of Saint Albans as heretofore existing, and all officers of said town acting as such, at the time this enactment takes effect, shall continue until the first Monday in May, one thousand nine hundred and seventeen, or until their successors, the officers herein mentioned, are elected or appointed and qualified, to exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by former charter, by general law or by the ordinances of said city. Such ordinances in force at the time referred to shall continue to have full operation and effect until amended, repealed or superseded by the council of said city.
Sec. 40. All acts and parts of acts coming within the purview of this act, and inconsistent herewith, are hereby repealed.

CHAPTER 119.
(Senate Bill No. 131.)

AN ACT to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia, entitled, "An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven, of the legislature of West Virginia, entitled, 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg, in the county of Wood, and repealing all acts and parts of acts inconsistent or in conflict therewith.'"

Passed February 7, 1917. In effect from passage. Approved by the Governor February 15, 1917.

Bond issue for street improvements if deemed expedient by council; amount of bonds; city authorized to sell said bonds; provisions as to price, time and interest; city governed by restrictions of constitution; assessments applied to liquidation of bonds; funds to be invested; how penalties from delinquent instalments may be used; provision as to aggregate of debts of city; to provide for direct annual tax; not to prohibit indebtedness of city within certain limit; assessments applied to annual tax required to pay interest on debt; if amount insufficient, council shall collect so much of levy as is necessary.

Be it enacted by the Legislature of West Virginia:

That sub-section (e) of section nineteen of chapter eighty-eight, of the acts of one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

Sub-section (e). Whenever it is deemed expedient by the council to provide for paving, sidewalks, curbing or sewers in or upon any of the streets or alleys of the city by the issue and sale of bonds of the city, it shall, by resolution entered of record on the minutes of its proceedings, so declare and thereupon the city shall be and is hereby empowered and authorized to issue its bonds for the purpose of providing for paving, laying sidewalks, curbing the streets and alleys of the city and of constructing sewers for the proper drainage of said city, in anticipation of special assessments to be made upon the property abutting upon
the streets and alleys so improved, and upon street car and other
railway companies occupying the said streets or alleys with tracks,
and such bonds may be in such amount as shall be sufficient
to pay the entire cost and expense of said improvements for which
such special assessments are levied; and said city is also authorized
to sell said bonds; provided, that the price for which they are
sold shall not be below the par value of said bonds; said bonds
shall be payable not to exceed ten years from the date of the issue
thereof, and shall bear interest at not to exceed six per centum
per annum, payable semi-annually; and in the issuance and sale
of said bonds the city shall be governed by all the restrictions
and limitations of the constitution of this state, and so far as
not in conflict with the provisions of this section by the restric-
tions and limitations of this state with respect to the issuance and
sale of other bonds; and the assessments, as paid and provided
for in this section, shall be applied to the liquidation of said
bonds and the interest thereon and to that end paid to the
trustees of the sinking fund of the city to be by them invested
for the best advantage of the city, anything in any general or
special statute of the state notwithstanding to the contrary; and,
if by reason of penalties collected with the delinquent installments,
there may be any balance after the payment of said bonds and
all accrued interest and costs, said balance shall be turned into
the city treasury to the credit of a fund for street improvements
for said city and used for no other purpose; provided, that the
city shall not by the sale or issue of such bonds cause the aggregate
of its debts of every kind whatsoever to exceed five per centum
of the value of the taxable property therein; nor shall said city
make such issue and sale without at the same time providing for
the collection of a direct annual tax sufficient to pay annually
the interest on such debt and principal thereof within and not
exceeding ten years.

Provided, further, that nothing herein contained shall be
construed to prohibit said city from becoming indebted; but
said city is hereby authorized to become indebted, in any lawful
manner or for any lawful purpose, other than the purpose men-
tioned in this section, to an amount including existing indebt-
edness (and in determining the amount of “existing indebted-
ness”, bonds issued for the purposes provided in this section,
shall not be included) in the aggregate not exceeding two and
one-half per cent on the value of the taxable property therein to be
52 ascertained by the last assessment, for state and county taxes
53 previous to the incurring of said indebtedness.
54 All of the assessments, interest and penalties thereon col-
55 lected from the abutting property owners on account of the
56 grading, paving, sewering or otherwise improving the streets and
57 alleys of the city, under the provisions of this section, shall
58 annually be applied to the annual tax required to pay the interest
59 on such debt, and such principal within and not exceeding ten
60 years; and in the event that the assessments, interest and penalties
61 so collected should not amount to a sum sufficient to pay annu-
62 ally the interest on such debt, and the principal thereof, within
63 and not exceeding ten years, then the council shall collect so much
64 of said levy as will pay annually the interest on such debt and
65 the principal thereof within and not exceeding ten years.

CHAPTER 120.
(Senate Bill No. 186.)

AN ACT to amend and re-enact sections forty-nine, fifty and fifty-
one of an act of the legislature of West Virginia, entitled: “An
act to amend and re-enact the act of the legislature of West
Virginia passed on the twenty-ninth day of February, one
thousand eight hundred and sixty-eight, entitled: ‘An act to
amend and re-enact the charter of the town of Martinsburg,’
and being chapter eighty of the acts of one thousand eight
hundred and sixty-eight, amended by chapter forty of the acts
of the legislature of West Virginia of one thousand eight hun-
dred and seventy-two, passed the fifteenth day of February, one
thousand eight hundred and seventy-two; and as further
amended by chapter one hundred and fifty of the acts of one
thousand eight hundred and seventy-two passed the twenty-
eighth day of February, one thousand eight hundred and sev-
enty-two; as further amended by chapter one hundred and
fifty of the acts of one thousand eight hundred and eighty-one,
passed on the fourteenth day of March, one thousand eight
hundred and eighty-one; as further amended by chapter two
hundred and four of the acts of one thousand eight hundred
and eighty-two, passed the twenty-seventh day of March, one
thousand eight hundred and eighty-two; and as further amend-
ed by chapter twenty-nine of the act of one thousand eight hun-
dred and eighty-three, passed the twenty-first day of February, one thousand eight hundred and eighty-three; and as further amended by chapter one hundred and five of the acts of one thousand eight hundred and ninety-seven, passed the twenty-second day of February, one thousand eight hundred and ninety-seven; and as further amended by chapter six of the acts of one thousand nine hundred and nine, passed the twenty-second day of January, one thousand nine hundred and nine; and as further amended by chapter eighty of the acts of one thousand nine hundred and eleven, passed the second day of February, one thousand nine hundred and eleven; and as further amended by chapter eighty of the acts of one thousand nine hundred and thirteen, passed the fifteenth day of February, one thousand nine hundred and thirteen; and to repeal all acts and parts of acts inconsistent with the provisions of this act, and to consolidate into one act, the whole charter of said city," passed on the eleventh day of February, one thousand nine hundred and fifteen, and adding thereto sections forty-six-a and forty-six-b.

[Passed February 15, 1917. In effect from passage. Became a law without the Governor's approval.]

SEC. 46-a. Council shall have charge of water works; mayor to appoint superintendent and other employees; council to fix and regulate, subject to approval of public service commission, rates for water; power to provide penalties; how water rates are collected.

SEC. 46-b. Streets or alleys owned by turnpike or other companies subject to council requirements.

SEC. 49. Paving street or alley, under direction of council; how to be done; proportion to be paid by city and property owners; sergeant to collect; duty of clerk of county court; how paid, etc.

SEC. 50. Sewers; under direction of council; when and how constructed and paid for.

SEC. 51. By ordinance of the council the city may sell, assign and transfer liens acquired; authorized to borrow money, issue bonds, etc.

Be it enacted by the Legislature of West Virginia:

That sections forty-nine, fifty and fifty-one of an act of the legislature of West Virginia entitled "An act to amend and re-enact the act of the legislature of West Virginia, passed the twenty-ninth day of February, one thousand, eight hundred and sixty-eight; entitled: "An act to amend and re-enact the charter of the town of Martinsburg;" and being chapter eighty of the acts of one thousand eight hundred and sixty-eight; as amended by chapter forty of the acts of the legislature of West Virginia, of one thousand eight hundred and seventy-two, passed the fifteenth day of February, one thousand eight hundred and seventy-two; and as further amended by chapter one hundred and fifty of the acts of one thousand eight hun-
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dred and seventy-two, passed the twenty-eighth day of February, one thousand eight hundred and seventy-two; as further amended by chapter one hundred and fifty of the acts of one thousand eight hundred and eighty-one, passed on the fourteenth day of March, one thousand eight hundred and eighty-three; and as further amended by chapter one hundred and five of the acts of one thousand eight hundred and eighty-two, passed the twenty-seventh day of March, one thousand eight hundred and eighty-two; and as further amended by chapter twenty-nine of the acts of one thousand eight hundred and eighty-three; and as further amended by chapter one hundred and five of the acts of one thousand eight hundred and ninety-seven, passed the twenty-second day of February, one thousand eight hundred and ninety-seven; and as further amended by chapter six of the acts of one thousand, nine hundred and nine, passed the twenty-second day of January, one thousand nine hundred and nine; and as further amended by chapter eighty of the acts of one thousand nine hundred and thirteen, passed the fifteenth day of February, one thousand nine hundred and thirteen; and to repeal all acts and parts of acts inconsistent with the provisions of this act, and to consolidate into one act, the whole charter of said city," passed on the eleventh day of February, one thousand nine hundred and fifteen, be amended and re-enacted, and sections forty-six-a and forty-six-b be added thereto, so as to read respectively, as follows:

Section 46-a. The council shall have general charge of its water works, and the mayor shall have the power to employ a superintendent of said works, and such other employees and laborers as the council may deem expedient and necessary; and the council shall fix their compensation. The council shall fix and regulate, subject to the approval of the public service commission, the rates and charges for water supplied to all consumers, and shall prescribe such reasonable rules and regulations as may be deemed proper with reference to the use and consumption of water taken from the city mains, the terms and conditions upon which connections to said mains shall be made, and the place and manner thereof. The council shall further have the power to provide penalties, by way of additional charges, for the failure to pay water rates promptly; and to this end, water rates and
15 charges, when assessed in the name of the owner of any real estate, 
16 shall be a lien from the first day of April, of the year in which 
17 same are assessed, upon the said real estate for the benefit of 
18 which the water is furnished, whether the water so furnished be 
19 for the use of the owner, agent or tenant of such real estate; and 
20 the water rates and charges as aforesaid may be distrained for and 
21 collected in the same manner in which the collection of taxes 
22 owing to the city may be enforced. The collection of water rates 
23 and charges may also be enforced by shutting off the supply of 
24 water from delinquents, and the refusal thereafter to furnish water 
25 to delinquents until all arrearages are paid. But the owner of 
26 any property may notify the city in writing that he will not be 
27 responsible for payment of such water rates and charges, in which 
28 case the same shall not become a lien upon the property, nor shall 
29 resort be had upon the owner for payment thereof.

Sec. 46-b. When any road, street or alley in said city is 
2 owned or controlled by any turnpike company or companies, said 
3 company or companies shall be liable for the construction, im-
4 provement, repair and good order of such roads, streets or alleys,
5 and the council of the city of Martinsburg may require the same 
6 to be constructed, paved, improved, repaired and kept in good order
7 and repair by the turnpike company owning or operating the 
8 same; and should the said company owning or operating the same 
8-a refuse or neglect for a period of thirty days to carry out the 
9 order of the council in this regard, then and in that event, the 
10 council, under such agency as it may desire, may proceed to con-
11 struct, pave, improve, or repair the same, and collect the cost 
12 thereof, with all penalties, liens and conditions, and in the same 
13 manner as provided in section forty-eight hereof.

Sec. 49. Whenever the council may deem it expedient to 
2 cause any street or alley in said city, or portion thereof, to be 
3 paved in a permanent manner, it shall order the work done in the 
4 following manner and upon the following terms: The contract 
5 for such paving shall, after due advertisement, in which the coun-
6 cil shall reserve the right to reject any and all bids, be let, if let,
7 to the lowest and best bidder, and the contract shall not become 
8 binding until the contractor shall give a bond in the penalty and 
9 with the conditions as prescribed in sub-section three of section 
10 fifty hereof, for the construction of sewers. The contractor shall 
11 look only to the city for payment for the work, and in no sense 
12 to the abutting land owners. If the council should reject all bids,
it may cause the work to be done by the city, by proper ordinance, under the direction of the mayor and the supervision of the commissioner of streets. The total cost of grading and paving any such street or alley, (except when streets are occupied by street car tracks, for the distance between the rails and two additional feet outside of each rail, which portion shall be borne and paid entirely by the street car company owning or operating such railway and tracks) shall be borne by the city and the abutting property owner, in the proportions of one-third by the city and one-third each by the abutting property owner on each side of the block or street on which said paving shall be constructed, apportioned according to the respective frontage of each owner thereon. The cost of such paving chargeable to the abutting property is not to include any portion or amount paid for paving of squares at intersections of streets, which shall in all cases be borne and paid by the city.

When the paving of any street or alley or portion thereof shall be completed, it shall be the duty of the commissioner of streets to cause the several frontages abutting thereon to be measured, to calculate the assessment upon each and every land owner so abutting, and to certify the same to the council, showing the proper amount to be determined as provided in the foregoing plan. It shall be the duty of the council to examine and compare such assessments, amounts and names so certified to it. Thereupon the council shall give notice by publication for two successive weeks in some newspaper published in said city that an assessment, under this act, is about to be laid against abutting property for paving done on said streets or alleys, describing the location of such paving. Any owner or owners of abutting property shall have the right to appear before said council, within three weeks from the first publication thereof, and move such council to correct any apportionment or assessment improperly made; which corrections said council shall have the power to make. If found to be correct, or when rectified, the council shall cause the same to be entered, together with the description as to the location, frontage, depth and ownership of the lands, so far as the same may be ascertained, upon its records; and to enter in its records that such owners and lots be assessed and chargeable with the amounts so ascertained to be borne by them, respectively. When so approved, certified and entered of record, the same shall be and constitute an assessment against said owners and lots for such re-
54 prospective amounts. It shall be the duty of the council to immediately certify such assessment to the sergeant for collection as hereinbefore provided. A copy of such order shall be certified by the recorder to the clerk of the county court of Berkeley county, who shall be required to record and index the same in the proper deed book in the name of each person against whose property assessments appear therein. The amount so assessed against any land owners, as aforesaid, shall be paid in ten installments as follows; that is to say: One-tenth thereof within sixty days from the date the same is certified to the sergeant; one-tenth thereof, with interest from day of entry, on the first day of October next ensuing; and one-tenth thereof, with interest from the date of entry payable October first of each year, on the first day of October in each year thereafter, until the whole thereof shall have been paid; provided, however, that any owner or owners so liable for any part of the costs of such paving shall have the right at any time within sixty days after certification as aforesaid to anticipate the payment of such installments, or any of them, and to discount the same for cash on the basis of two and one-half per cent. To each of such installments of assessments remaining unpaid in the sergeant's hand at the time specified for such payment, a penalty of five per cent, together with six per cent per annum interest until paid, shall be added; and payment thereof enforced in all respects as hereinbefore provided for the collection of any other taxes due the city; and such shall be a lien upon the property liable therefor, the same as for other taxes, and the lien may be enforced in the same manner as provided for other taxes.

The liens hereinbefore provided for shall have priority over all other liens, except those for taxes due the state and county, and shall be on a parity with other taxes and assessments due the city. Upon payment either to the sergeant, or otherwise, the release of the lien shall be had and obtained in the same manner as provided in sub-section nine of section fifty hereof for the payment of and release of liens for the construction of sewers.

Sec. 50. The terms "sewer", and "sewering", as employed in this act, shall be construed in their most comprehensive sense, so as to authorize and include mains, laterals, connections, traps, incinerating and disposal plants, as well as the paving, repairing and improving streets, and all other necessary, convenient and useful accessories to a modern, sanitary, and efficient sewer-
7 age system. But it is understood that should a sewer be laid in
8 a street, highway or alley of the city, which has not been perma-
9 nently paved, that then the terms above shall not include the
10 paving, repairing and improving thereof.
11 Whenever the council shall deem it expedient to construct a
12 public sewer in any one or more city blocks, or any part thereof,
13 or in any street or alley, or any part of a street or alley; or to
14 provide at once adequate incinerating and disposal plants,
15 or any part thereof, for said city, it shall so order, and the im-
16 provement thus ordered shall be made in accordance with the
17 following conditions, to-wit:
18 First: The council shall adopt a general, comprehensive
19 plan for sewerage and sewage disposal, inclusive of incinerating
20 and disposal plants, approved by some competent sewerage en-
21 gineer, and of sufficient capacity to serve the whole territory with-
22 in the city limits.
23 Second: Upon the adoption of such plan the council shall
24 fix by order, the time when and place where the work upon such
25 improvement shall be begun, and whether the same shall be un-
26 dertaken as a whole, or, for the time being, confined to certain
26-a designated sections, blocks, squares and streets; and if less than
27 the whole improvement be authorized, the construction of such
28 part or parts thereof as shall be so ordered shall be executed in
29 accordance with the specifications therefor embraced in said
30 general plan, so that when completed the whole shall form a
31 properly co-ordinated system conforming to said general plan.
32 Third: The contract for such work, whether for the whole
33 or for parts of said system, shall be submitted to competitive
34 bidding, after an advertisement of not less than once a week
35 for two successive weeks in two newspapers published in said
36 city, and awarded to the lowest and best responsible bidder.
37 The council, however, shall have the right to reject any and all
38 bids; and no contract shall be made in pursuance of this author-
39 ity except upon the express condition that, before the same
40 becomes binding upon the city, the contractor, or some one
41 for him, shall enter into and acknowledge bond, with security
42 to be approved by the council, in a penalty double the price
43 named in the contract for the work therein specified, with con-
44 ditions that he will faithfully perform the duties and promptly
45 and skillfully perform and complete the work provided for in
46 said contract, and pay all costs and damages that may be sus-
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47 tained by said city or by any citizen, inhabitant, resident or taxpayer thereof, in respect to both persons and property, in the execution thereof, and save it and them harmless in the premises. If the council should reject all bids, it may cause the work to be done by the city, by proper ordinance, under the direction of the mayor and the supervision of the commissioner of streets.

54 Fourth: The contractor shall look alone to the city for payment for the work covered by such contract.

55 Fifth: The contractor shall receive payment for his services, not to exceed the contract price, at such times and in such sums as the council may by said contract prescribe; but ten per centum, at least, of the contract price shall be retained by the council for ninety days after the completion of the work specified in the contract as additional security for the proper execution of the work. The contract may contain all such other safeguards, limitations, provisions and conditions, as are usual and as to the council may seem fair and right.

56 Sixth: The total cost of the disposal and incinerating plants, including the acquisition and purchase of the ground, if any, necessary therefor, as well as the acquisition and purchase of any other real estate necessary to the work as a whole, shall be borne by the city.

57 Seventh: The total cost of laying sewers in public squares, and in squares formed by the intersection of streets and alleys, (and in front of all city property) shall be borne by the city.

58 Eighth: The total cost of all other work incident to laying such sewer or sewers in any city block or blocks, and in the streets and alleys of the city, not herein made a special charge against the city shall be borne by the city and by the abutting property owners in the proportion of one-third by the city and one-third each by the abutting property owner on each side of the block or street in which such sewer shall be constructed, apportioned according to the respective frontage of each owner therein; except that corner lots shall be estimated on a basis of not exceeding one hundred and fifty feet in depth.

59 Ninth: When said sewer is completed, in whole or in part, and connected up with the disposal plant ready for use, then, as to so much and such part or parts thereof as have been so completed and connected up, the commissioner of streets shall
report to the council in writing the total cost, together with a
description of the lots and lands abutting thereon, their loca-
tion, frontage, depth and ownership, so far as ascertainable,
with the amount chargeable against each lot and owner thereof
estimated on the basis above named. The council shall verify
said report, and correct any errors that appear upon the face
thereof, and give notice by publication once a week for two
successive weeks in two newspapers of opposite politics pub-
lished in said city that, on a day named in said notice, an as-
essment under this act will be laid against abutting property
and the owners thereof in the amounts and against the owners,
respectively, appearing in said report, for the sewers constructed
in the blocks, streets and alleys in the notice designated. Any
owner or owners of abutting property shall have the right to
appear before the council on or before the day fixed in said
notice and move the review and revision of any such proposed
assessment. The council shall have power, in its discretion, to
make any proper correction and adjustment of the proposed
assessment complained of; provided, the application therefor be
made within the time limited by said notice, but not, if made
afterwards. At the expiration of the time fixed by said notice,
if no application for review or revision of any assessment be
pending, or, if pending, then upon the determination thereof,
the council shall proceed to lay an assessment on the basis
aforesaid against the lots and lands abutting on such sewer,
and the respective owners thereof, and cause the same to be
entered upon its records, together with a description thereof
substantially as reported by said commissioner, and from the
date of such entry the amounts so reported, laid and found, shall
constitute an assessment against the lots and lands, and the
owners thereof, and in the amounts therein named, respectively.
It is expressly provided, however, that in apportioning said
cost the amount assessed against the abutting property owner
shall in no case exceed a sum equal to a charge of one dollar
per front foot for inside and one dollar and fifty cents per
front foot (calculated to a depth of not exceeding one hundred
and fifty feet) for corner lots.
A copy of the order making such assessment, certified by
the city recorder, shall be filed for record with the clerk of the
county court of Berkeley county, and be recorded and indexed
by him in the proper deed-of-trust book, or judgment lien
Immediately upon the entry of such assessments the council shall certify the same to the sergeant for collection, and from the time of filing the same for record in the office of the clerk of the county court such assessments shall be a lien against the lots and lands in respect to which the assessment was made.

The amounts so assessed against said lots and lands and the owners thereof shall be payable in ten installments as follows: One-tenth thereof within sixty days from the date the same is certified to the sergeant for collection; one-tenth of, with interest from date of entry, on the first day of October next ensuing; and one-tenth thereof, with interest from the date of entry, payable October first of each year, on the first of October in each year thereafter, until the whole thereof shall have been paid; provided, however, that any owner or owners so liable for any part of the costs of such sewers shall have the right at any time within sixty days after certification as aforesaid, to anticipate the payment of such installments, or any of them, and to discount the same for cash on the basis of two and one-half per cent. To each of said installments remaining unpaid at maturity, or to any part thereof, a penalty of five per cent shall be added, in addition to the interest, and payment thereof enforced in all respects as provided for the collection of other city levies; all of which charges, assessments and penalties shall be a lien upon the property liable therefor the same as other city levies and enforced in the same manner. The liens herein provided for shall have priority over all other liens, except for state and county levies, and shall be on a parity with other taxes and assessments made for the benefit of the city. Upon payment of any such assessment the sergeant shall deliver to the party making payment a release of the lien therefor substantially in the form and to the effect provided by the statutes of West Virginia for the release of liens created by deeds of trust, judgments, or otherwise, which shall be admitted to record by the clerk of the county court in the same manner as other releases, should such assessment not be paid to the sergeant, or being paid to him not be turned over by him to the treasurer, and it be made to appear to the satisfaction of the council that the same has been actually paid to any person authorized to receive the same, the council may
direct the mayor or recorder, or auditor, or other person specially designated for the purpose, to execute a release of the lien securing the same, and the recordation thereof shall re-
lease said lien.

Tenth: The owner or owners of any lot abutting upon any street in said city in which a public sewer is or may hereafter be laid and constructed, on which lot any business or resi-
dence building is or shall hereafter be erected, and which building is not otherwise lawfully connected with a public sewer, a part of the sewerage plan aforesaid, may be required and compelled by the council, or by the board of health of the city, to connect such building with such sewer. Notice to so connect shall be deemed sufficient if given to the owner, lessee, or occupant of such building. Each day's failure to comply with such notice, and to make such connection by such owner or owners, after the lapse of ten days from the day such notice is given, shall be a misdemeanor, and a separate and new offense under this act, and each such offender shall be punishable, on conviction, by a fine of not less than five dollars nor more than twenty-five dollars. Jurisdiction to hear, try, determine and sentence for violations of this section is vested in the police court of said city. Notwithstanding anything herein, however, if said owner or owners shall fail to comply with such notice, the council may also, by ordinance, order such connection to be made at the expense of the owner, and the cost thereof to be certified to the clerk of the county court of Berkeley county for record, and the same shall constitute a lien upon the lots and lands of said owner or owners abutting on such sewer from the date of filing said certificate for record with the same force and effect and with the same penalties and remedies as in the case of the assessments hereinbefore provided for.

Eleventh: Whenever the council deems it expedient to per-
manently pave or re-surface any street or alley, or any part thereof, of said city, not then served by a public sewer, and it is in the interest of economy that a sewer should first be laid therein, in anticipation of being later made a part of the general sewerage system hereinafter mentioned, it shall have the power, and it is hereby authorized, to order the construction of such sewer and to assess against and collect of the abutting property owners the same proportion of the cost thereof, upon the same terms, with the same rights, remedies and penalties in
all respects, as provided for the construction of the general sewerage system hereinbefore set forth; excepting, however, that the right to lay such assessments and to collect the same shall not be dependent upon the connection of such sewer with the disposal plant as a matter precedent to the payment therefor.

Sec. 51. By ordinance of the council, the city of Martinsburg may sell, assign and transfer the liens acquired under either of the two preceding articles, at not less than par, with or without recourse, to whoever the council may desire, or the city may retain the liens as part of the assets of the city. The funds derived from the sale of the liens may be expended only for the purpose of paying the city’s proportionate share of additional paving and sewerage; that is to say, that the money derived from the sale of the liens created for grading and paving the streets, shall be used only for the purpose of paying the city’s proportionate share of additional grading and paving; and the funds derived from the sale of the liens for sewerage and other street improvements shall be used only to pay for the city’s proportionate share for additional sewerage and other street improvements. In case the said money shall not be used for such purpose or purposes, it shall then be paid by the council, without diminution for any purpose, into the sinking fund created for the purpose of paying the issue or issues of bonds, authorized under this section, for paving or sewerage, or both, which is made to pay for the work from which the liens were acquired; or the council may purchase the bonds, or any of them, in which case, when the bonds are purchased and cancelled, the debt of the city shall be diminished and extinguished to that amount.

The city of Martinsburg is hereby authorized to borrow money and issue its bonds for the purpose of providing funds sufficient to pay for any part or the entire cost of paving or sewerage, or both, as provided in sections forty-nine and fifty of this act, as the council may determine, and, in either event, the authorization, submission, election, sale, payment of principal and interest, and all other matters shall be done in the manner provided by sections forty-nine-b, one, two, three, four, five, six, seven, eight, nine, ten and eleven of chapter forty-seven of the code of one thousand nine hundred and thirteen. And at any election held for the purpose of authorizing the issue of bonds hereunder, an ordinance may be submitted, which shall
include not only the issuance of bonds for the purpose of paving or sewering, or both, but it may include any other purpose; provided, such ordinance shall comply with sub-division six of section forty-nine-b, chapter forty-seven, code of one thousand nine hundred and thirteen, aforesaid.

CHAPTER 121.

(Senate Bill No. 246.)

AN ACT to incorporate the city of Spencer, in the county of Roane, state of West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said city and the officers of same.

[Passed February 20, 1917. In effect ninety days from passage. Became a law without the Governor's approval.]


Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the county of Roane, as is within the boundaries prescribed by section two
of this act, and their successors, shall be, and they are hereby
made a body politic and corporate, by the name and style of "The
City of Spencer," and as such, and by that name may contract
and be contracted with, sue and be sued, plead and be impleaded,
answer and be answered unto, and make purchase, take, receive.
hold and use goods and chattels, lands and tenements and choses
in action or any interest, right or estate therein, either for the
proper use of said city, or in trust for the benefit of any person
or corporation therein; and the same may grant, sell, convey,
transfer, let and assign, pledge, mortgage, charge and encumber
in any case, and in any manner, in which it would be lawful for a
private individual so to do, subject to the limitations and provis-
ions of the constitution of the state of West Virginia; and may
have and use a common seal, and alter and remove the same at
pleasure; and generally shall have all the rights, franchises, capac-
ities and powers appertaining to like corporations in this state,
and shall have and succeed to all powers, franchises and immuni-
ties, rights and privileges, which were conferred upon or belonged
or appertained to the town of Spencer and the town of Alvord in
Roane county, by virtue of any act or acts of the legislature of this
state heretofore passed, or which may have been conferred upon
said two towns, or either of them, by the constitution and laws of
this state; and "The City of Spencer" shall have all the rights,
privileges, capacities and powers provided by chapter forty-seven
of the code of West Virginia, as contained in the edition edited
and compiled by Charles E. Hogg, known and cited as "Code
1913," and for which provision is not herein otherwise expressly
made; and "The City of Spencer" shall be liable for all debts and
obligations for which the present corporations known as "The
Town of Spencer" and "The Town of Alvord" are now legally
bound.

Sec. 2. The corporate limits of said city shall hereafter be as
follows: Beginning at west end of bridge on Arnoldsburg pike, at
northwest corner, thence S. 51° 50' E 205 feet; to point at east
abutment to said bridge; thence S 35° 25' E 107 feet, to point on
east side of cement road; thence S 10° 5' E 85 feet, to point at
oak tree east side of road; thence S 23° 50' W 137 feet, to point
on east side of road; thence S 28° W 107 feet, to point on east side
of road; thence S 11° 35' E 44 feet, to point on east side of road;
thence S 46° E 432 feet, to point on east side of road; then S 70°
15' E 197 feet, to point on east side of road; thence S 54° E 189
11 feet, to point on east side of road; thence S 56 40' 586 feet, to 12 point on east side of road; thence S 81 15' E 338 feet, to point on 13 east side of road; thence N 24 40' E 1013 feet, to point on hill; 14 thence N 8 15' W 545 feet, to a hickory tree, thence N 4 4' W 1221 15 feet, to a point on top of hill; thence N 57 W 453 feet, to a point 16 on top of hill; thence N 38 25' W 171 feet, to a point on top of 17 hill; thence N 42 30' W 303 feet, to a point on top of hill; thence 18 N 21 5' W 276 feet, to a black oak above corner; thence N 42 W 19 1450 feet, to a point at beech stump; thence N 36 50' W 443 feet, 20 to a point in road at large stone; thence N 59 W 488 feet, to a 21 point on east side of Spring creek; thence N 77 45' W 865 feet, 22 to a stake at foot bridge; thence N 50 45' W 83 feet, to sycamore 23 tree; thence S 85 35' W 3880 feet, to a point west of concrete 24 road; thence S 63 5' W 296 feet, to a chestnut tree; thence S 3 25 20' W 2864 feet, to an oak tree east side of Tanner’s run road; 26 thence N 87 10' W 274 feet, to a rock point; thence S 2 45' E 27 1060 feet, to a hickory tree; thence S 74 20' W 315 feet, to a 28 point in fence line; thence S 46 30' E 1520 feet, to a point in line; 29 thence S 27 E 370 feet, to a point in line; thence S 89 5' E 290 30 feet, to a point in line; thence S 71 30' E 321 feet, to a point in 31 line; thence S 51 45' E 489 feet, to a point in line; thence S 56 32 E 156 feet, to a point in line; thence S 87 F 220 feet, to a point 33 in line; thence N 43 20' E 90 feet to a point by Miller’s house; 34 thence S 41 5' E 52 feet, to a point at side walk; thence N 50 35 25' E 83 feet, to a point on creek bank; thence S 38 E 196 feet, to 36 a point in street; thence S 5 30' E 68 feet, to a point on the east 37 side of Spring creek; thence down Spring creek with meanderings 38 thereof on the north side 2598 feet, to the beginning, containing 39 about nine hundred acres, as surveyed January twenty-fifth, one 40 thousand nine hundred and seventeen.

Sec. 3. The city of Spencer shall have power to enact and 2 enforce all ordinances necessary to protect health, life and prop- 3 erty and to prevent and summarily abate and remove nuisances and 4 to preserve and enforce good government and order for the security 5 of the city and its inhabitants; to enact and enforce all ordinances 6 upon any subject; provided, that no ordinance shall be enacted in- 7 consistent with the general laws of this state, the state constitu- 8 tion or this charter.

Sec. 4. The city of Spencer shall have power, within and 2 without its territorial limits, to construct, condemn and pur- 3 chase, acquire, lease, improve, add to, maintain and conduct and
operate water works, light plants, power plants, heating plants, in-
cinerating plants, local in use, and everything required therefor for
the use of said city and the inhabitants thereof, and any such sys-
tems, plants, works or ways or any contracts in relation thereto or
in connection therewith that may exist and which said city may de-
sire to purchase may be purchased or acquired by said city, which
may enforce such purchases by proceedings at law or in equity by
right of eminent domain, and said city shall have the power to
issue bonds upon a vote of the taxpaying electors at any special or
general election in any amount necessary to carry out any of said
powers or purposes, said amount being limited only by the constitu-
tion and the laws of the state of West Virginia and by other pro-
visions in this charter.

Provided, however, that the power to condemn shall not be
exercised for the purpose of acquiring such utilities now existing
and operating under franchises granted by the town of Spencer or
the town of Alvord, except under the terms of said franchise.

Sec. 5. Said city may receive bequests and gifts of all kinds
of property in fee simple or in trust for charitable and public
purposes, and perform all acts necessary to carry out the purposes
of said gifts, bequests, or trusts, with power to manage, sell, lease,
or otherwise dispose of the same in accordance with the terms of
such gifts, bequests or trust.

Sec. 6. The legislative, executive and judicial powers of the
city shall extend to all matters of local and municipal government,
it being the intent hereof that the specification of particular
powers by any other provision of this charter shall never be con-
strued as limiting or impairing the effect of the general grant of
powers hereby made.

Sec. 7. All existing ordinances of the town of Spencer not
inconsistent with this charter or inapplicable under the altered
form of municipal government provided by this charter, shall be
and continue in full force and effect as ordinances of the city of
Spencer, until amended or repealed or until they expire by their
own limitations; and no existing right, action (civil or penal),
suit or proceedings, or contracts, shall be affected in the change
of the form of government of the territory set out in section two
of this act; but all shall continue as though no such change had
taken place; and all debts, penalties and forfeitures which have ac-
crued, or which may hereafter accrue by virtue of anything here-
tofore done or existing, shall inure to the benefit of the city and
may be sued for and recovered by said city as though this charter had not been adopted. Nothing herein, however, shall legalize or make legal any invalid indebtedness of the town of Spencer or the town of Alvord heretofore contracted or incurred or impair any defense against the payment of the same; nor shall the adoption of this charter in any wise interfere with any proceedings heretofore instituted relating to the levy and collection of taxes, special assessments, or levies of any nature, or with any proceedings to enforce the payment of the same, and all contracts heretofore entered into by the town of Spencer and the town of Alvord shall remain in full force and effect and be completed under ordinances existing at the time of the adoption of this charter.

Sec. 8. The elective offices of this city shall be three commissioners, namely, the mayor, who is commissioner of public affairs, the police judge, who is commissioner of public justice, and the city clerk, who is commissioner of public accounts and finances, who shall be nominated and elected at large by the qualified electors of the city of Spencer, for a term of three years and until their successors are elected and qualified: provided, that the commissioners elected at the first election under this charter shall assume the duties of their respective offices on the first Monday after their election and their terms of office shall expire as follows: The term of office of the mayor and commissioner of public affairs first elected under this charter shall expire on the first Monday in May, one thousand nine hundred and eighteen; the term of the office of the police judge and commissioner of public justice first elected under this charter shall expire on the first Monday in May, one thousand nine hundred and nineteen; and the term of office of the city clerk and commissioner of public accounts and finances first elected under this charter shall expire on the first Monday in May, one thousand nine hundred and twenty.

Sec. 9. Each commissioner must be at least twenty-five years of age, an elector of the city, not in litigation with the city nor in arrears for city taxes when elected, and not the owner of stock or bonds of any public service corporation doing business in the city, and must for one year next preceding the date of his election have been a bona fide resident and taxpayer of the city of Spencer; provided, that at the first election held under this charter this provision as to residence shall be construed so as to make qualified to hold the office of commissioner any person possessing the qual-
Sec. 10. The compensation of each commissioner shall be
2 thirty-five dollars per month, payable monthly; provided, that a
3 larger or smaller salary may be paid when the amount shall first
4 be fixed by a majority vote of all the votes of the city of Spencer
5 cast at a regular annual general election held in said city.

Sec. 11. Each commissioner and all other officers of the city,
2 shall, before entering upon the discharge of the duties of their
3 office, take and subscribe the oath of office prescribed for county
4 officers in this state, and in addition thereto shall also take an
5 oath that he is not under direct or indirect obligation or promise
6 to appoint any person to office, position or employment under the
7 city government.

Sec. 12. Each commissioner, as such, shall give a good and
2 sufficient bond for the faithful performance of the duties of his
3 office, in the sum of three thousand five hundred dollars, payable
4 to the city of Spencer, for the use and benefit of said city, and to
5 be executed by some surety company duly licensed to do business in
6 this state or by not less than two good and sufficient sureties, in
7 such form as the board of commissioners may require, and to be
8 approved by the other two commissioners; and each of said com-
9 missioners shall give such additional bond, as the board of com-
10 missioner may by ordinance require, the cost of such additional
11 bond to be paid by the city; and all other officers and employees
12 shall give such bond as may by ordinance be required.

Sec. 13. The mayor, as such, shall be the chief executive of-
2 ficer of the city, and chairman of the board of commissioners, and
3 when present shall preside at all meetings of the board. And, in
4 addition to other duties imposed upon him by state and municipal
5 laws and the board of commissioners, shall sign the commissions
6 of all appointive officers, shall endorse the approval of all official
7 bonds when same shall be approved by the commissioners, sign all
8 warrants and orders drawn upon the commissioner of public ac-
9 counts and finances for money, sign all bonds, contracts, convey-
10 ances and other written obligations of the city and all ordinances
11 passed by the board of commissioners, and shall cause each of the
12 above enumerated writings to be attested by the commissioner of
Sec. 14. The mayor, as commissioner of public affairs, shall have supervision of the health department and department of sanitation; he shall also have charge and be superintendent of the department of public affairs, which shall include water works, parks, libraries, cemeteries, public service corporations, operating under a city franchise; the opening, grading, paving, lighting, cleaning, repairing and sprinkling of streets, sewers, viaduct and bridge construction, side-walks and crossings, and the city engineering department, and shall have charge of all other municipal property not delegated to other departments. He shall perform such other duties, not inconsistent herewith, as the board of commissioners may, from time to time prescribe, and in case of absence from the city, sickness or inability of the police judge to perform the duties of his office the mayor shall temporarily act as judge of the police court.

Sec. 15. The police judge, as commissioner of public justice, shall be at the head of the department of peace and safety, and he shall have supervision of the fire department, police department and legal department. He shall see, except as may be herein otherwise provided, that the laws and ordinances of the city and the resolutions and orders of the board of commissioners are enforced; that the peace and good order of the city are preserved; and that the persons and property therein are protected. He shall be the legal adviser of the board of commissioners and the chief counsel for the city in all the courts except the police court of the city. In case of absence, sickness or inability of the mayor to perform the duties of his office he shall act as mayor. He shall be the custodian of the city hall and the city jail, and shall perform such other duties not inconsistent herewith, as may be hereinafter prescribed, or by the board of commissioners from time to time imposed.

Sec. 16. The city clerk, as commissioner of public accounts and finances shall have charge of the department of accounting and finance, which shall include the collection of all municipal taxes, rents, licenses, fees, and all revenues of the city, from whatsoever source derived. He shall have charge of all bond issues, assessments, printing and city fiscal affairs generally. He shall be the purchasing agent for the city, and, subject to the direction of the board of commissioners and the provisions of this charter, shall purchase all supplies and make all contracts for city printing. He
shall be clerk of the board of commissioners, and as such, perform such duties as usually devolve upon a city clerk and shall perform such other duties, not inconsistent herewith, as the board of commissioners may, from time to time, prescribe. He shall also be the city treasurer and have custody of the funds of the city, and shall pay out the same only upon the order of the board of commissioners, duly signed and attested. He shall invest the funds of the city only in such securities as are provided by the constitution and laws of the state of West Virginia in such cases made and provided, and such investments, if any, shall be made only upon the direction of the board of commissioners, and all uninvested funds shall be deposited in the city depository in the city of Spencer.

Sec. 17. The board of commissioners shall have power to assign duties not specifically named above to any department to which they may properly belong and by a unanimous vote to transfer duties from one commissioner to another commissioner.

Sec. 18. Each of the commissioners provided for in this charter shall be required to engage in the actual work of his office to the extent that his services may be necessary for the full and proper discharge of his duties thereunder. At all times each commissioner shall have absolute, actual management and control of the affairs of his department and he shall be responsible directly to the people therefor, and he shall also be held directly responsible for his vote upon any action taken by the board, by the people of the city.

Sec. 19. Any person, firm or corporation feeling aggrieved at the decision or action of any one of the commissioners in the transaction of the business of his department, shall have the right to appeal from said decision to the board of commissioners by serving written notice of such appeal upon said commissioner within five days from the time of such decision, and said board of commissioners may by a two-thirds vote order the decision or action so appealed reversed, changed, modified or affirmed: provided, that no appeal shall lie to the board of commissioners upon the merits after conviction of an offense in the police court.

Sec. 20. The board of commissioners shall fix the number and salary of all officers and employees in each department but every officer and employee of the city shall be appointed and employed by the commissioner in whose department their duties mainly fall and their services are required and such commissioner shall
Sec. 21. All appointive officers and employees of the city shall be selected with reference to their qualification and fitness and for the good of the public service, but no person who is a near relative by blood or marriage, of any of the commissioners or any of the heads of any of the departments of the city, shall be appointed to any office or employment under the city, and if any such appointment be made the same shall be void.

Sec. 22. The receiving, directly or indirectly, by any officer or employee of said city for his own use and benefit, or any other use and purpose than is authorized and provided in this charter and the laws of this state, of any interest, profit or perquisite arising from the use or loan of public funds in his hands or to be raised through his agency or department for city purposes, or from the letting of any contract for any public improvement, or the purchase of any equipment for the use of any department, shall be deemed sufficient cause to forfeit the office of said official and any commissioner, officer or employee convicted of so receiving the same shall then and there forfeit his office and be thereafter disqualified to hold any office in said city.

Sec. 23. The city depository shall be a bank at Spencer, West Virginia, making the highest and best bid therefor; said bids shall be competitive, and sealed, and shall stipulate a contract for the amount of interest to be charged for loans and overdrafts of the city and the amount of interest to be paid on daily balances of the city with such bank and the board of commissioners shall determine which is the best bid or bids, and shall designate as city depository the bank making the best competitive bid.

Sec. 24. The city depository shall secure all deposits by giving a good and sufficient bond with some surety company or companies, to be approved by the board of commissioners. Said bond shall be in the sum of the probable maximum deposits of the city at any one time with such depository, and a new bond may be executed by the board of commissioners at any time when the existing bond shall be deemed insufficient; provided, that the board of commissioners shall have power to take from such depository in lieu of such bond, any outstanding bonds or warrants of the city, legally issued and properly assigned, to be held by the commissioner of public accounts and finances as collateral security, and to the
Sec. 25. The board of commissioners shall have power by two-thirds vote to purchase and acquire any property, real or personal, which it deems to be for the best interest of the city, and shall have power to sell and dispose of any property, real or personal, now or hereafter owned by the city, but the power herein granted shall at all times be subject to the following limitations, viz:

1. When the value of the property sought to be purchased or sold exceeds the sum of six hundred dollars, but does not exceed the sum of one thousand two hundred dollars, the board of commissioners is authorized, by unanimous vote, to make such purchase or sale.

2. When the value of the property to be purchased or sold exceeds the sum of one thousand two hundred dollars, the question of its purchase or sale shall be first submitted to the electors of the city at an election called for that purpose, and the question submitted thereof shall be substantially: “Shall the board of commissioners of the city of Spencer purchase, or sell, (as the case may be), the following described property, viz:” (description of property); and if the majority of the votes cast in said election shall be in the affirmative, then the board of commissioners shall have the power thereby conferred, and not otherwise.

Legislative Department.

Sec. 26. The legislative powers of the city are hereby vested in a board composed of the three commissioners herein provided for, sitting as a board of commissioners. Said board shall have the power to enact all ordinances for the city, not in conflict with this charter or the constitution and laws of this state, the intention being that the said board shall be vested with the power and charged with the duty of enacting and adopting all laws and ordinances not inconsistent with this charter, the statutes of this state and the constitution thereof, touching every subject and matter of local or general application within the boundaries of the city or within one mile thereof, within the purview of the local government instituted by this charter and within the powers granted and conferred by the constitution and laws of the state of West Virginia.

Sec. 26-a. While the board of commissioners shall be vested with the legislative powers of the city as set out in section twenty-six herein, and shall in such capacity exercise such powers as
4 usually devolve upon the council of a city, (such board of com-
5 missioners shall not grant any franchise to any public service cor-
6 poration desiring to operate in said city, for a period of longer
7 than ten years); except by unanimous vote of said board of com-
8 missioners; and in no case shall said board of commissioners grant
9 any franchise to any public service corporation, or person for
10 any purpose, for a period of longer than twenty years, unless
11 the question of the granting of said franchise shall first be sub-
12 mitted to the electors of the city at an election called for that pur-
13 pose, the expenses of said election to be paid for by the person or
14 public service corporation applying for said franchise, unless said
15 election shall be held at the same time as the regular city election
16 held annually in said city. And the board of commissioners shall
17 have power to fix charges and prices for service or commodities of
18 persons or companies operating public service plants or utilities
19 by incorporating said prices and charges in any franchise granted;
20 provided, the same shall be under the supervision of the public ser-
21 vice commission.

Sec. 27. In case of the death, resignation, removal from
2 office, or removal from the corporate limits of the city of any com-
3 missioner, or when from any cause the office of any member of the
4 board may become vacant, the remaining members or member shall
5 elect a successor or successors to fill the vacancy, who shall hold of-
6 fice and perform the duties pertaining thereto until the next reg-
7 ular annual city election, and until a successor is elected by the
8 people of the city to fill the unexpired term of said commissioner.

Sec. 28. The board of commissioners shall determine its own
2 rules of procedure, may punish its members for disorderly conduct
3 and compel their attendance at its meetings; provided, that any
4 commissioner who shall fail to attend at least one meeting in
5 any month of the board of commissioners shall forfeit his salary
6 as such commissioner for said month unless said commissioner shall
7 be excused from said attendance by unanimous vote of the board of
8 commissioners on account of sickness, physical disability or other
9 cause; and provided further, that any commissioner who shall from
10 any cause, fail or refuse to perform the duties of his position in-
11 cluding attendance at the meetings of the board for a period of
12 three months shall lose his office and the same shall be declared va-
13 cant by the remaining commissioner or commissioners and said
14 vacancy filled as herein provided.

Sec. 29. The regular meetings of the board of commission-
Sec. 30. Two members of the board shall constitute a quorum and the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for by this charter. Upon every motion involving the expenditure of money and for the letting of any public contract, and on all ordinances, the ayes and nays shall be taken and recorded, and every ordinance shall be reduced to writing and read before a vote is taken thereon. The chairman of the board shall have a vote on all questions, but shall have no veto power. Every resolution or ordinance passed by the board shall be signed by the chairman or acting chairman, attested by the clerk, or acting clerk, and recorded before the same shall be in force.

Sec. 31. The style of all ordinances shall be: “Be it ordained by the board of Commissioners of the city of Spencer.” Such caption may be omitted when said ordinances are revised and digested under the order of the board, or when published in book form.

Sec. 32. Every ordinance shall embrace but one subject, which shall be clearly expressed in the title. Provided, that if any subject matter be embraced in any ordinance contrary to the provisions of this section, such ordinance shall be void only as to so much of the ordinance as may not be clearly expressed in the title thereof. Such subject may be omitted when ordinances are published in book form.

Sec. 33. All ordinances passed by the board of commissioners, except emergency ordinances, shall take effect and become valid and binding at the expiration of thirty days from the date of their passage, unless otherwise provided in this charter.

Sec. 34. The board of commissioners, by unanimous vote, may pass an emergency ordinance when the public peace, public health or public safety shall, in the judgment of the board, demand it. Every emergency ordinance must as a part of the title, contain the words: “And declaring an emergency,” and every such or-
6. Dance shall provide that such ordinance shall take effect and be
7. in full force immediately upon its passage.

Municipal Code.

Sec. 34-a. The first board of commissioners elected under
2. the provisions of this act shall have authority to compile and adopt
3. *eo instanti* such of the ordinances of the present town of Spencer
4-5. as may be applicable to the changed form of government under
6. this charter, change the penalties fixed by said ordinances, and
7. adopt the same together with such other proper ordinances as they
8. may deem immediately necessary to preserve the public peace and
9. insure the general welfare of said city; and publish all of said or-
10. dinances in one book or pamphlet, in any form directed by said
11. board of commissioners; and said ordinances when so compiled
12. shall be in effect in the form compiled, after the tenor thereof, im-
13. mediately from the date of said compilation, and all ordinances
14. of the town of Spencer not included in such compilation shall
15. then cease to be effective in said city.

Judicial Department.

Sec. 35. The judicial power of the city of Spencer shall be
2. vested in a police court, which court is hereby created, and the
3. police judge and commissioner of public justice shall be *ex-officio*
4. the judge of said court. All trials shall be before said judge
5. without any jury.

Sec. 36. The police court shall have original and exclusive
2. jurisdiction to hear and determine all offenses against the or-
3. dinances or the charter of the city of Spencer; and of all civil
4. actions and proceedings arising out of a violation of the ordi-
5. nances and charter of said city; and for the collection of all li-
6. censes, fees, rents or other revenues required by ordinances ex-
7. cept such actions and proceedings as fall within the exclusive
8. jurisdiction of other courts under the provisions of the constitu-
9. tion and laws of this state.

Sec. 37. The ordinances of the city of Spencer shall be
2. enforced by the imposition of fines, forfeitures or penalties
3. against any person violating such ordinances, or any of them;
4. and the commissioners shall prescribe in each particular ordi-
5. nance made for that purpose, the minimum and maximum fine
6. for the infraction thereof, which maximum shall not exceed one
7 hundred dollars, exclusive of costs, for any one specific offense.
8 The same costs shall be taxed in each criminal case tried in the
9 police court as is provided by law to be taxed by justices of the
10 peace in the trial of misdemeanor cases coming under the juris-
11 diction of justices of the peace, except that in every contested
12 criminal case, the police judge may also tax an attorney fee of not
13 exceeding five dollars, to be paid to the city prosecutor for his
14 services in said case, if a conviction be had in said case.

Sec. 38. The police court may provide in all judgments
2 of conviction for the violation of any ordinance of the city a fine,
3 and that the person against whom said fine is assessed shall be im-
4 prised until the fine and costs of prosecution shall be paid or the
5 same are remitted by the police judge or board of commissioners.
6 And any person committed for the non-payment of fine and costs,
7 while in custody, may be compelled to work on the streets, alleys,
8 public grounds or works until such fine and costs are paid al-
9 lowing one dollar per day for the work of said prisoner to apply
10 on said fine and costs.

Sec. 39. All fines, penalties, forfeitures and collections of
2 every kind made by the police judge shall be the property of the
3 city and shall be deposited with the commissioner of public ac-
4 counts and finances, within ten days after the collection thereof,
5 to be by him applied to the proper fund of the city as may by
6 ordinance be required.

Sec. 40. The style of all process of the police court shall
2 run in the name of the city of Spencer.

Sec. 41. The board of commissioners shall have the power
2 to remit fines and grant pardons after conviction in the police
3 court.

Sec. 42. Appeals from the police court shall lie to the cir-
2 cuit or criminal court of Roane county, as is now or may be
3 provided by the statutes of this state governing appeals from
4 police courts to circuit or criminal courts.

Elections.

Sec. 43. Candidates to be voted for at all city elections at
2 which any or all of the commissioners provided for by this act
3 are to be elected, shall be nominated by a primary election, and
4 no other names shall be printed upon the general ballot, except
5 those selected in the manner hereinafter prescribed. The pri-
6 mary election for such nominations shall be held on the second
7 Tuesday preceding the general city election. Two judges of 8 election of opposite political faith shall be appointed by the com- 9 missioners for each polling precinct for the general city election, 10 and such judges shall be judges of the primary election, and it 11 shall be held at the same place, so far as possible, and the polls 12 shall be opened and closed at the same hours. The council of the 13 town of Spencer, as constituted at the passage of this act, shall ap- 14 point the judges for the first primary and general city election 15 to be held hereunder.

16 Any person desiring to become a candidate for commis- 17 sioner shall, at least ten days prior to said primary election, file 18 with the city clerk a statement of such candidacy, in substantially 19 the following form:

20 State of West Virginia, county of Roane, ss:

21 I ................................, being first duly sworn, say that I 22 reside on ........................ street in the city of Spencer, West 23 Virginia; that I have been for one year next preceding the com- 24 ing general city election a bona fide resident within the corporate 25 limits of said city and am a qualified voter and taxpayer therein; 26 that I am a candidate for nomination to the office of commissioner 27 of ........................ to be voted upon at the primary elec- 28 tion to be held on Tuesday, the ........... day of .............., 29 19... , and I hereby request that my name be printed upon the 30 official primary ballot for nomination by such primary election 31 for such office.

32 Signed........................................

33 Subscribed and sworn to before me this .......... day of 34 .......... , 19...

35 Signed ........................................

36 Notary Public.

37 Immediately upon the expiration of the time of filing the 38 statements of candidates, the city clerk shall cause to be pub- 39 lished at least one time in each weekly newspaper published in the 40 city, in proper form, the names of persons as they appear upon 41 the primary ballot, said names to be placed upon said ballot in 42 the order in which the candidates' statements were filed; and 43 the said clerk shall thereupon cause the primary ballots to be 44 printed. Upon said ballot shall first appear the name of the office 45 to be voted for, following which and below same shall appear the 46 words, "Vote for one" in parenthesis, following which and be- 47 low same shall appear the names of the candidates, each on a sep-
arate line with a square at the left of each name. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the parties you favor as candidates)

**Official Primary Ballot.**

For Mayor and Commissioner of Public Affairs.

(Vote for One)

(Name of Candidate)

For Police Judge and Commissioner of Public Justice.

(Vote for One)

(Name of Candidate)

For City Clerk and Commissioner of Public Accounts and Finances.

(Vote for One)

(Name of Candidate)

Official ballot, attest:

..............................City Clerk.

(Or Acting City Clerk.)

Having caused said ballot to be printed, the city clerk, or acting city clerk, shall cause to be delivered at each polling precinct a number of said ballots equal to twice the number of votes cast in such polling precinct for mayor at the preceding general city election; provided, that at the first election held under the provisions of this act there shall be delivered at each polling precinct on the day of said election, if two polling precincts be designated by the present council of the town of Spencer, at least five hundred ballots, and if only one polling precinct shall have been designated by said council, there shall be delivered to said polling precinct by the recorder of the town of Spencer as acting city clerk, not less than one thousand ballots. The persons who are qualified to vote at the general city election shall be qualified to vote at the primary election and challenges can be made by not more than two persons at each polling precinct, to be appointed at the time of the opening of the polls by the judges of election; and the general law applicable to challengers at general municipal elections shall be applicable to challengers made at such primary election. Judges of election shall immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk within fifteen hours of the closing of
the polls. On the day following the said primary election the
said clerk and the other commissioners of the city (at the first
primary and general elections held hereunder, the recorder and
council of the town of Spencer) shall canvass the returns from
all polling precincts publicly and shall announce and publish in
two newspapers in said city at least once, the result thereof. The
two candidates receiving the highest number of votes in said pri-
mary for each office voted upon shall be the candidates, and the
only candidates whose names shall be placed upon the ballot at the
succeeding general election. Provided, that in the event any
candidate entitled under the foregoing provisions to become a
candidate at the next succeeding general city election shall become
ineligible or decline to allow his name to appear on the official
ballot therefor, the candidate for such office standing next in or-
der in the computation of votes shall succeed to his rights with
respect thereto; and, provided, further, that in the event any
candidate shall receive a majority of all the votes cast for the
office for which he is a candidate, he shall be the candidate and
the only candidate whose name shall be placed upon the ballot
for such office at the succeeding general city election.

The general city election shall be held and conducted annu-
ally on the third Tuesday in April of each year, provided, that
the first general city election held under the provisions of this
act shall be held on the second Tuesday after this act
a shall be ratified by the people of said city. Said general
city election shall be held and conducted, the ballots arranged,
printed and distributed and the returns thereof made in the
manner and within the same time as is provided herein for pri-
mary elections and the candidate receiving the highest number
of votes cast for each office voted upon shall be declared elected
thereto and shall take charge of his office on the first Monday
in May following his election; provided, that the first officials
elected under the provisions of this act shall be inducted into
office on the first Monday following their election. In the
event of a tie between two candidates for any office at a general
city election they shall cast lots to determine who shall be elected
thereto. The expenses attending the holding of said primary
and all other elections shall be borne by the city unless otherwise
provided herein. The persons entitled to vote at said primary
and general elections shall be qualified voters of Roane county,
West Virginia, and residents of the boundaries embraced in sec-


tion two of this act for at least six months preceding said pri-
mary or general election.

Revenues.

Sec. 44. The commissioner of public accounts and finances shall, on or before the first day of August, in each year, prepare and submit to the board of commissioners an estimate of the amount of money necessary and advisable to be expended by the city for the current year next ensuing, and to be provided for by the tax levy as herein provided for such current year, in which estimate said commissioners shall ascertain and present a detailed and itemized account or estimate of the money necessary to pay interest on the bonded indebtedness of the city, the amount required for the several sinking funds for the reduction of the principal thereof, the amount to be expended severally by the department of public affairs, the department of public justice and the department of public accounts and finances, (the amounts to be expended by each of the other two departments to be furnished said commissioner of public accounts and finances by the commissioner having charge of each department), together with a statement of the probable contingent expenses and miscellaneous expenses and including in said estimate an itemized statement of the estimated receipts, other than that to be derived from the annual levy, and after receiving such estimate, and before making the levy, the board of commissioners shall apportion the rate thereof, (including estimated receipts from licenses and all other sources), among the several funds so ascertained and provided for, which said apportionment when adopted, shall be spread upon the records of the board of commissioners. Upon the estimate of such expenses, the board of commissioners shall thereupon, by an ordinance, lay a levy for the ensuing tax year of a sum not to exceed fifty-five cents on each one hundred dollars assessed valuation of all taxable property, real and personal, subject to taxation in said city, as well as a capitation tax not to exceed two dollars upon every male inhabitant of said city over the age of twenty-one years who is subject to a capitation tax under the laws of the state of West Virginia, and said board of commissioners is authorized to levy to such maximum of fifty-five cents on each one hundred dollars of valuation, notwithstanding any general laws now in force, or which may be enacted, restricting the powers of municipal corporations to levy taxes.
Sec. 45. Whenever anything for which a state license is required, is to be done within said city, or within one mile of the corporate limits thereof, the board of commissioners, as herein provided, may require a city license to be had for doing the same, except that no license taxes shall be levied by said city under paragraphs "r" and "s" of section two of chapter thirty-two of the code and may, in any case require from any person licensed a bond with sureties, and in such penalty and with such conditions as it may deem proper, and the board of commissioners may on notice revoke such license if the conditions of such bond are broken, or for any other good cause. The city authorities may prescribe, impose and enforce a fine, under order of the police judge of said city upon any person carrying on or attempting to carry on any business or doing anything for which a city license may by ordinance be required, without first obtaining a city license therefor and paying the city license tax assessed thereon. All licenses shall be paid to the commissioner of public accounts and finances. For the purpose of enforcing the provisions of this section the city shall have police jurisdiction for one mile beyond the corporate limits of the city.

Sec. 46. The city taxes annually levied by the board of commissioners shall be collected as follows: Immediately after the annual levy for city taxes is laid, the city clerk shall extend the same on the property books made out by him, including thereon the proper capitation taxes. He shall make out proper tax tickets in the following manner, that is to say: There shall be a single ticket for the whole amount charged to any person, firm or corporation, and after the tickets have been examined and compared and found to be correct by the board of commissioners, they shall be turned over to the city clerk and commissioner of public accounts and finances, and said city clerk shall then give notice, by publication or posting for at least ten days, stating that the tax tickets are in his hands for collection, the penalty for the non-payment thereof, and the time and place where the same may be paid; provided, however, that the tax-payer shall have the right to anticipating the payment of the whole or any part of the taxes as assessed. Immediately upon the payment of said taxes, or any part thereof, the said amount shall be deposited by the commissioner of public accounts and finances in the city depository to the credit of the “City of Spencer.” All taxes shall be due and payable within thirty days after the expiration of the
notice posted by the city clerk, as hereinbefore set forth, and in case the same are not paid within said time, he may distraint and sell therefor, in like manner as the officer collecting the state taxes may distraint therefor, and he shall have in all other respects the same power to enforce the payment and collection thereof. On all tickets remaining uncollected in the hands of the commissioner of public accounts and finances, thirty days after the date of the expiration of the notice posted by him, there shall be added and collectable, ten per cent interest until paid; provided, however, that the board of commissioners shall have the power any year, by resolution, to extend the time that such tax tickets may remain in the city clerk's hands and to be paid to him, before adding the interest, for a period not to exceed ninety days. The board of commissioners may by ordinance allow a discount for prompt payment of taxes. The city clerk and commissioner of public accounts and finances shall have the power to collect said taxes so placed in his hands together with the interest thereon, heretofore provided, to be added thereto. The commissioner of public accounts and finances shall be charged with the gross amount of all tax tickets delivered to him for collection, and no deduction therefrom shall be allowed, unless on or before the first day of June of each year he makes out and publishes at least once in two newspapers of opposite politics in said city, and returns to the board of commissioners a delinquent list of the taxes uncollected for the year previous, with his oath attached thereto, stating that such delinquent list is correct and just, that he has received no part of the taxes mentioned thereon, that he has used due diligence to find the property to distress for said taxes and has found none, and that same are uncollectable. Interest, provided for in this section, to be added to such taxes, shall not be deemed or considered any part of the limitation in this act hereinbefore prescribed, restricting the annual city levy to fifty-five cents on each one hundred dollars valuation. The commissioner of public accounts and finances shall not take or collect anything but money for the payment of taxes and city revenues.

Sec. 47. There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties and interest added thereto for non-payment thereof as are prescribed by this act, from the first day of January of the year in which said taxes are assessed. Said liens may be enforced in
any court of record in Roane county by appropriate suit; provided, such suit be entered within five years from the time said liens attached as herein provided, and such suit may be either by and in the name of the city of Spencer as plaintiff, or said city may intervene by petition in any suit pending to sell or enforce liens against real estate which are subject to such liens for said taxes. Said liens for city taxes and attendant penalties, as well as for improvement assessments, may also be enforced by certifying the same to the clerk of the county court of Roane county for certification to the state auditor, and the same may be certified down by the state auditor and sold for taxes, interest and penalties and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for taxes, interest, damages, costs and commissions due the state thereon, which officer shall account therefor on settlement with the board of commissioners and pay the same over to the commissioner of public accounts and finances of the city of Spencer.

Sec. 48. The board of commissioners may, by ordinance, provide that all revenues of the city, other than those belonging to the sinking fund, may be placed in one general fund, or in such funds as may be deemed expedient, and may provide, if there be more than one of such funds, for the transferring of money from one of such funds to another fund by unanimous vote of the board.

General Provisions.

Sec. 49. All contracts pertaining to public improvements, maintenance of public property, public printing, purchase of supplies and all other contracts of whatsoever character, involving an outlay of as much as five hundred dollars, shall be made by the board of commissioners and shall be based upon specifications provided for the said board. Such contracts shall be entered into only after inviting competitive bids. Such competitive bids shall be sealed and one copy of each bid shall be filed with the clerk of the board. Each bidder shall accompany his bid with a sworn statement, in writing, that the bidder has not directly, nor indirectly, entered into any agreement, express or implied, with any other bidder, or bidders, having for its object the control of the price and amount of such bids, or limiting of the bids or bidders, parceling or farming out to any bidder or bidders or other persons, of any part of the contract or any part of the subject
No bidder shall divulge said sealed bid to any person whatever except those having a partnership or other financial interest with him in said bid, until after the said sealed bids are opened. The violation of any of the foregoing provisions on the part of the bidder shall make void any contract made by him with said city based upon such bid. The awarding of a contract upon a successful bid shall give the bidder no right of action or claim against the city upon such contract until the same shall have been reduced to writing and duly signed by the contracting parties. All bids filed with the clerk of the board shall be opened in the presence of the board of commissioners, two days before any contract shall be entered into, based upon said bid. The board of commissioners shall consider the bids and may reject all and ask other bids or may enter into a contract with the party offering the lowest and best bid, or may have such work done under the supervision of the proper department and keep account of the expenses thereof. Pending acceptance of bids, the plans and specifications and profiles shall remain on file in the office of the clerk of the board, subject to the inspection of any person. For the safeguarding of the interests of the city, the board of commissioners shall make such regulations providing for the filing of the estimates of cost furnished them by the city engineer as they deem best. The board of commissioners shall have power to require all bidders to make such bonds or cash deposits as they may deem proper to secure the performance of the contract.

Sec. 50. In so far as practicable, home labor and home material, when equal to other labor and material at the same cost, shall be given preference on all public works in the city of Spencer whether done by the city or any contractor or sub-contractor.

Sec. 51. All printed ordinances or codes of ordinances published by the authority of the board of commissioners, shall, in all judicial proceedings in all courts, be admitted as prima facie evidence, and in any such proceedings it shall not be necessary to plead the entire ordinance or section but only such parts thereof as are admitted in evidence.

Sec. 52. Every claim against the city must be approved by the commissioner in whose department it originated, and be filed with the clerk of the board in writing, with a full account of all items thereof and must be subscribed by the claimant or his agent.
5 or attorney, who, on oath, shall declare that the same is correct,
6 just, due and unpaid, and no claim or demand shall be allowed
7 or suit filed thereon unless so prepared and filed, and unless suit
8 shall be filed upon such claim within twelve months after the
9 same shall have been filed with the clerk of the board, in writ-
10 ing, as above provided, such claims shall be forever barred.

Removal Under General Laws.

Sec. 53. Any commissioner shall be subject to removal from
2 office in the manner and for the same cause or causes as provided
3 by the laws of the state of West Virginia, for removal of county
1 offices.

Sec. 54. Each commissioner shall have power to administer
3 oaths.

Sec. 55. Every officer who shall knowingly prove, allow or
2 pay any demand on the treasury of the city, not authorized by law,
3 ordinance or this act, shall be liable to the city individually and
4 on his official bond, for the amount of the demand so illegally ap-
5 proved, allowed or paid.

Sec. 56. Each commissioner of the city of Spencer shall be
2 a public conservator of the peace, and said commissioners and
3 each member of the police department, in addition to the power
4 of enforcing ordinances of the city and in aid of said powers, shall
5 have the same police powers as are given to a constable in mak-
6 ing arrests, and in preserving the peace and safety within the
6-a city; provided, that such officer shall have power over territory
7 outside of the city, but under its control, as may be conferred by the
8 laws of the state and the other provisions of this act; and, pro-
9 vided further, that all regular police officers of the city of Spencer,
10 except extra policemen serving less than one week at a time, ap-
11 pointed under the provisions of this act, shall give bond payable
12 to the city of Spencer for the faithful performance of their duties
13 in such amount as may be fixed by the board of commissioners;
14 provided, that said bond shall be in the penalty of not less than
15 one thousand dollars.

Sec. 57. The fiscal year of the city shall commence on the
2 first day of July each year and shall end on the thirtieth day of
3 June next following.

Sec. 58. The office of the mayor, recorder and councilmen of
2 the town of Spencer and the town of Alvord shall be terminated
3 and be and become vacant upon the election and qualification of
4 the commissioners provided for in this act. All other officers and
5 employees of the present corporations of Spencer and Alvord shall
6 continue in office and to perform their duties until their successors.
7 are appointed, or until their services are dispensed with by the
8 commissioner having charge of the department in which they are.
9 employed.

Sec. 59. The first board of commissioners elected under the
2 provisions of this act shall divide the city into two wards, making
3 said wards as nearly equal in area and voting population as pos-
4 sible, and shall designate convenient and proper voting places
5 therein, (one in each ward), where city elections shall be held.
6 The board of commissioners may at any time by unanimous vote
7 change said voting places to suit the needs and requirements of
8 the city. After the division of this city into two wards not more
9 than two of the commissioners elected under this charter shall
10 be residents of any one of said two wards at the time of their
11 election.

Sec. 60. This act shall not become effective unless the same
2 shall first be submitted to the qualified voters residing within the
3 proposed city of Spencer, as shown by the boundaries thereof set
4 out in section two of this act, and having received a majority of all
5 votes cast at an election held within said proposed city at which
6 the question of the ratification or rejection of this charter shall
7 be voted upon.
8 This act shall be submitted to said voters at an election to
9 be held within the proposed city of Spencer on the fourth Tues-
10 day of the month next succeeding the calendar month in which
11 this act is put into effect by the legislature of West Virginia.
12 This act shall be published at the expense of the town of
13 Spencer in full once a week for at least two successive weeks im-
14 mediatey preceding the aforesaid election, in two newspapers at
15 Spencer, West Virginia, or in lieu of said newspaper publication,
16 the full text of this act may be posted in five conspicuous places
17 within the boundaries set out in section two hereof, for at least ten
18 days prior to said election; and if ratified shall take effect im-
19 mediately and be in effect from the date the vote thereon is can-
20 vassed by the recorder and council of the town of Spencer.
CHAPTER 122.
(Senate Bill No. 272.)

AN ACT to amend and re-enact section thirty of chapter one hundred and forty-five of the acts of the legislature of one thousand nine hundred and one, entitled, "An act to amend and re-enact and reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington in Marion county."

[Passed February 19, 1917. In effect ninety days from passage. Approved by the Governor February 23, 1917.]

SEC. 30. The council given authority to purchase for cemetery, etc. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

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

Section 30. The council shall have and hereby are given authority to acquire by purchase, or otherwise, any and all real estate within said city, or adjacent thereto, not to exceed twenty acres, necessary for cemetery purposes; to maintain and keep the same in good condition and repair, and to provide, by taxation or otherwise, sufficient funds necessary to maintain and keep the same in good condition and repair; to regulate the burial of the dead within said city, and to preserve the peace within all the cemeteries acquired by it whether situated within or without the corporate limits of said city, and all other cemeteries within said
11 city; and in general to have such care and control over said ceme-
12 teries as will promote the public good.
13 All acts and parts of acts inconsistent with this act are hereby
14 repealed.

CHAPTER 123.

(Senate Bill No. 292.)

AN ACT to amend and re-enact chapter one hundred and one of the
acts of one thousand eight hundred and ninety-seven and chapter
seventy of the acts of one thousand nine hundred and three and
chapter twelve of the acts of one thousand nine hundred and nine,
incorporating the city of Clarksburg, in the county of Harrison,
and to reduce said acts to one; to extend the limits of said city and
define the powers thereof; and to repeal all acts and parts of acts
inconsistent herewith.

PASSED FEBRUARY 19, 1917. IN EFFECT NINETY DAYS FROM PASSAGE. BECAME A LAW
WITHOUT THE GOVERNOR'S APPROVAL.

SEC. 1. CITY OF CLARKSBURG.

SEC. 2. CORPORATE LIMITS AND BOUNDARIES.

SEC. 3. INCORPORATION TO BE PROVIDED FOR.

SEC. 4. BY-LAWS, ORDINANCES AND RESOLUTIONS
IN FORCE.

SEC. 5. ELECTION OF OFFICERS: TERMS: ELECTION: VACANCY.

SEC. 6. CANDIDATES HOW NOMINATED.

SEC. 7. CITY GOVERNED BY COUNCIL.

SEC. 8. POWER OF COUNCIL.

SEC. 9. ADMINISTRATION DEPARTMENTS.

SEC. 10. DEPARTMENT OF FINANCE AND POLICE.

SEC. 11. DEPARTMENT OF PUBLIC SERVICE.

SEC. 12. DEPARTMENT OF PUBLIC WELFARE.

SEC. 13. THE CITY CLERK.

SEC. 14. THE CITY COLLECTOR AND TREASURER.

SEC. 15. THE CITY SOLICITOR.

SEC. 16. THE CITY ENGINEER.

SEC. 17. THE CITY PHYSICIAN.

SEC. 18. THE CHIEF OF POLICE AND CHIEF OF THE FIRE SERVICE.

SEC. 19. OFFICE: SALARIES AND COMPENSATION.

SEC. 20. ORDINANCES.

SEC. 21. FINANCIAL STATEMENTS AND AUDIT.

SEC. 22. SUPPLIES, HOW PURCHASED.

SEC. 23. COUNCIL SHALL HAVE RIGHT TO MAKE ESTIMATES.

SEC. 24. STREETS, ETC., AND FRANCHISES TO REMAIN.

SEC. 25. PUBLIC IMPROVEMENTS.

SEC. 26. ALTERATIONS OR MODIFICATIONS.

SEC. 27. OWNER OF LOTS FOR SALE SHALL CAUSE TO BE MADE, ETC.

SEC. 28. POWER OF EMINENT DOMAIN TO CONDEMN, ETC.

SEC. 29. DUTIES OF WATER BOARD.

SEC. 30. OFFICER OR EMPLOYEE SHALL GIVE BOND BEFORE RECEIVING MONEY OR FUNDS
OF CITY.

SEC. 31. COUNCIL MAY CAUSE STREETS, ETC., TO BE GRADED.

SEC. 32. WHAT TO DO IN CASE OF SPECIAL ASSESSMENT OR BOND ISSUE.

SEC. 33. HOW CERTAIN MONEY IS APPLIED.

SEC. 34. BONDS.

SEC. 35. Council authorized to put down sidewalks, etc.

SEC. 36. RELEASE FOR ASSESSMENT FOR SIDEWALK WHEN PAID.

SEC. 37. LIMIT TO ASSESSMENTS.

SEC. 38. REMEDIES OR RIGHT NOT EXCLUSIVE, ETC.

SEC. 39. NEW ASSESSMENT MAY BE MADE, IN CASE ONE IS VOID.

SEC. 40. TIME FOR PUBLISHING ORDINANCES, ETC.

SEC. 41. OFFICERS MAY BE REMOVED.

SEC. 42. INCONSISTENT ACTS REPEALED: CERTIFICATES OF INCORPORATION ANNULED
AND VACATED.

SEC. 43. THIS ACT NOT TO BE EFFECTIVE UNLESS SUBMITTED TO THE VOTERS AND
ADOPTED BY A MAJORITY; FORM OF BALLOT.

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the county of
Harrison as lies within the boundaries prescribed by section two of
this act shall be and remain, and they are hereby made, a body
politic and corporate, by the name and style of the "City of Clarks-
burg," and as such, and by that name, may contract and be con-
tracted with, sue and be sued, plead and be impleaded, answer and
be answered unto, and may purchase, take, receive, hold and use
goods and chattels, lands and tenements, and choses in action, or
any interest, right or estate therein, either for the proper use of
said city or in trust for the benefit of any person, association or
corporation therein, and the same may grant, sell, convey and
assign, let, pledge, mortgage, charge and encumber, in any case and
in any manner in which it would be lawful for a private individual
so to do, except where such power may be limited by law; and may
have and use a common seal, and alter and renew the same at pleas-
ure; and generally shall have all the rights, franchises, capacities
and powers conferred herein, and by the laws of this state upon
municipal corporations not inconsistent with the provisions of this
act.

Sec. 2. The corporate limits and boundaries of said city shall
be as follows: Beginning at the junction of Murphy's run with
Elk creek and running thence with Elk creek up said stream to the
boundary line of the Clarksburg Industrial Company's addition;
then thence with the northern and eastern lines of said addition to the
line of the lands of the Union Land Company; thence in a south-
western direction with the line between the lands of the Union
Land Company and of said addition to Elk creek; thence down Elk
creek to a point opposite the southeastern corner of the town of
Broad Oaks; thence crossing Elk creek to said corner of the town
of Broad Oaks and with the corporation line of the town of Broad
Oaks to the southwestern corner of Alta Vista addition; thence in
a straight line to the corner of lands of L. D. Jarvis' heirs, John J.
Davis' heirs and R. T. Lowndes in the low gap at the head of
Second street extended; thence southwesterly with the eastern lines
of said John J. Davis' heirs and Maud Duncan land, to the north-
ern bank of Arnold's Run; thence down the north bank of said run
to the west side of the Clarksburg and Weston turnpike; thence
with the western side of same to the southern limits of the Clarks-
burg water works pump station property; thence with same by the
most direct line to the western bank of the West Fork river; thence
with the western bank of same up the river to a point opposite the
southwestern corner of Hartland; thence with the western line of
Hartland to the West Milford turnpike; thence a straight line
northeasterly to the northeast corner of the eastern abutment of the
bridge across Limestone creek on the northwestern turnpike; thence
with the northern line of said turnpike to the southwestern corner of Glenwood; thence with the western line of same to the northwestern corner thereof; thence with the northern line of said Glenwood to the northeastern corner thereof; thence a straight line to the southeastern corner of the southern abutment of the bridge across Limestone creek on the Shinnston pike; thence a straight line to the mouth of Limestone creek; thence across the West Fork river by the most direct line to the east bank thereof; thence down the river to the northern limits of the Riverside addition; thence with the northern line of same to the northeastern corner thereof; thence a straight line to the northwestern corner of Indiana and North Sixth streets in Glen Elk addition number two; thence with the northern line of said addition to the northeastern corner of Block "A" in said Glen Elk addition number two; thence a straight line to the northeastern corner of Montpelier addition; thence with the eastern line of said addition southerly to the northern line of The Baltimore and Ohio Railway Company's right-of-way; thence easterly with same to a point in the eastern line of the Northwestern turnpike where same intersects with said right-of-way line, this point being at the most western of the two crossings known as the "double crossing;" thence a straight line to the mouth of Murphy's run, the beginning.

Sec. 3. The entire indebtedness, bonded and otherwise, and all other liability whatever, liquidated or unliquidated, of each of the five municipal corporations hereinafter named whose territorial limits and boundaries are embraced within the corporation limits and boundaries set forth in section two of this act, shall be provided for and paid out of levies and assessments upon the property and the taxable subjects within the boundaries of said five municipalities, respectively, as existent at the time this act becomes effective; and for the purpose of providing for and discharging such indebtedness and liabilities, the several territories and boundaries constituting and embracing at the time this act becomes effective the several municipal corporations known as the City of Clarksburg, The Town of Adamston, The Town of Stealey Heights, The Town of North View and the Town of Broad Oaks shall constitute and be, and each is hereby made a separate special levy district, and in each thereof a special levy shall annually be laid by the city council to pay the interest upon such bonded indebtedness, create a sinking fund for the payment of said bonds and to otherwise provide for the discharge of such prior indebtedness and liability.
20 of such special levy district in all respects in the manner and to the 21 extent legally incumbent upon said several municipalities at the 22 time this act becomes effective. When and as the prior indebtedness 23 of each shall have been fully discharged, such special levy district 24 shall be abolished: provided, however, that the city of Clarksburg 25 hereby created is hereby granted the authority to assume the pay- 26 ment of and discharge all of said indebtedness, if and when all 27 questions connected with such assumption and discharge thereof 28 shall have been first submitted to a vote of the people and have 29 received three-fifths of all votes cast for and against the same. 30 And, provided, further, that this section in so far as it applies to 31 the indebtedness of the several municipalities above mentioned, 31-a which was created for the construction and improvement of water 32 work systems or plants, shall be subject to the provisions con- 33 tained herein in section thirty relating to the Clarksburg water 34 board.

Sec. 4. All by-laws, ordinances and resolutions lawfully 2 passed and in force in the now existing City of Clarksburg, The 3 Town of Adamston, The Town of Stealey Heights, The Town of 4 Northview and The Town of Broad Oaks, respectively, and not 5 inconsistent with this act, shall remain in force until altered or 6 repealed by the council elected under the provisions hereof. And 7 no right or liability, either in favor of or against any of said five 8 now existing municipal corporations, nor any pending suit or 9 prosecution, shall be affected by this act, unless otherwise pro- 10 vided for in this act.

Sec. 5. The elective officers for the city of Clarksburg shall 2 consist of a mayor, who shall ex-officio be a member of the city 3 council, and two additional city councilmen, and of a water board 4 composed of three members. The members of the water board shall 5 hold their respective offices for the term of three years, and the 6 members of the city council shall hold their respective offices 7 for the term of three years, except as herein otherwise provided. 8 The regular election of officers under this act shall be held on the 9 Tuesday next following the first Monday in April in the year 10 nineteen hundred and eighteen and annually thereafter on the 11 same day in each year. At the regular election to be held in the 12 year nineteen hundred and eighteen, there shall be elected a 13 mayor, who shall ex-officio be a member of the city council, and 14 two members of the city council. The mayor so elected shall hold 15 his office for a term of three years, beginning on the second Mon-
16 day after the election. The member of the city council so elected
17 receiving the highest number of votes shall serve for the term
18 of two years and the remaining member for the term of
18-a one year from the second Monday after such election. At
19 each regular election following there shall be elected a mayor or a
20 member of the council for the term of three years, which term
21 shall begin on the second Monday following the election.
22 The members of the water works and sewerage board in
23 office in the existing city of Clarksburg at the time this act goes
24 into effect shall serve out the remainder of their respective terms
25 as members of the water board for the city of Clarksburg cre-
26 ated by this act. At each regular election there shall be elected
27 make up the city of Clarksburg as herein created shall hold their
28 three years, beginning on the second Monday after the election.
29 Any vacancy in the office of mayor or councilman shall be
30 filled by appointment by the remaining members of the city
31 council for the unexpired term and any vacancy on the water
32 board shall be filled by appointment by the remaining members
33 of the water board for the unexpired term.
34 The respective mayors, members of the city council, and other
35 elective officers, or their respective successors in office at the time
36 this act goes into effect, in the existing several municipalities which
37 make up the City of Clarksburg as herein created shall hold their
38 respective offices until the second Monday following the first reg-
39 ular election herein provided to be held, provided, however, the
40 members of the water works and sewerage board of the existing
41 city of Clarksburg shall become and be members of the water
42 board for the city herein created as hereinbefore provided. All
43 elective officers for said city shall be nominated and elected at
44 large and shall hold their respective offices until their successors
45 are elected and qualified; and all appointive employees of said
46 now existing municipality, or their successors in employment,
47 shall hold their respective employments until the council to be
48 elected under this act shall, by resolution, declare the same ter-
49 minated.

Sec. 6. Candidates to be voted for at all general municipal
2 elections at which a mayor and councilman or councilmen and a
3 member of the water board are to be elected under the provisions
4 of this act shall be nominated by a primary election, and no other
5 names shall be printed upon the general ballot, except those select-
6 ed in the manner hereinafter prescribed. The primary election
for such nominations shall be held on the second Tuesday pre-
ceeding the general municipal election. The judges of election
shall be appointed by council for the general municipal election,
who shall be the judges of the primary election, and it shall be
held at the same place, so far as possible, and the polls shall be
opened and closed at the same hours, with the same clerks as are
required for said general municipal election. The council of the
existing city of Clarksburg, as constituted at the passage of this
act, shall appoint the judges for the first primary and general
elections to be held hereunder, and said council and the city clerk
of said now existing city of Clarksburg shall perform all such
duties and exercise all such powers, in respect of said first primary
and general elections, throughout the whole city of Clarksburg
hereby created as the council and clerk of the city of Clarksburg
hereby created would be required or authorized to do, under this
act and the other laws of this state, at subsequent primaries and
general elections in said city, hereby created.

Any person desiring to become a candidate for mayor or
councilman or member of the water board, shall, at least ten
days prior to said primary election, file with the city clerk a statement
of such candidacy, in substantially the following form.

"State of West Virginia, Harrison county, ss:

"I, .................................., being first duly sworn,
say that I reside at .................. street, city of Clarksburg,
county of Harrison, state of West Virginia; that I am a qualified
voter therein; that I am a candidate for nomination to the office
of (mayor, or councilman, or member of water board) to be voted
for at the primary election to be held on ..................
Tuesday of .................., 19......, and I hereby re-
quest that my name be printed upon the official primary ballot
for nomination by such primary election for such office.

"Signed ................................

"Subscribed and sworn to (or affirmed) before me by
on this ...... day of ..............,
19......

"Signed ................................"

And shall at the same time file therewith the petition of at least
twenty-five qualified voters requesting such candidacy. Each pe-
tition shall be verified by one or more persons as to the qualifica-
tions and residence, with street number, of each of the persons so
signing the said petition, and the said petition shall be in substantially the following form:

**Petition Accompanying Nominating Statement.**

The undersigned, duly qualified electors of the city of Clarksburg, and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate), be placed on the ballot as a candidate for nomination for, (name of office), at the primary election to be held in such city on the ............. Tuesday of ......................, 19.....

We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

**Names of Qualified Electors. Number. Street.**

(Signatures) ........................................

Immediately upon the expiration of the time for filing the statements and petitions for candidates, the said city clerk shall cause to be published for three successive days, in proper form, the names of the persons as they are to appear upon the primary ballots to be printed. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words "Vote for one;" except that at the first regular election to be held hereunder shall appear the words "Vote for two." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for members of the water board, with a square at the left of each name and below the names of such candidates shall appear the words "Vote for one." The ballots shall be printed on plain substantial white paper, and shall be headed:

"Candidates for Nomination for Mayor and Councilmen and Members of the Water Board of the city of Clarksburg, at the Primary Election;"

but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:
(Place a cross in the square preceding the names of the
parties you favor as candidates for the respective offices.)

Official Primary Ballot

Candidates for Nomination for Mayor and Council-
men and Members of the Water Board of the
City of Clarksburg, at the Primary
Election.

For Mayor.

(Name of Candidate.) □
(Vote for one.) □

For Councilman.

(Name of Candidate.) □
(Vote for one.) □

For Member of Water Board.

(Name of Candidate.) □
(Vote for one.) □

Official ballot, attest:

Signature ................................, City Clerk.

Having caused said ballot to be printed, the said city clerk
shall cause to be delivered at each polling place a number of said
ballots equal to twice the number of votes cast in such polling
precinct at the last general municipal election for mayor. The
persons who are qualified to vote at the general municipal elec-
tion shall be qualified to vote at such primary election, and chal-
 lenges can be made by not more than two persons, to be appointed
at the time of opening the polls by the judges of elections; and
the law applicable to challenges at a general municipal election
shall be applicable to challenges made at such primary election.
Judges of election shall, immediately upon the closing of the polls,
count the ballots and ascertain the number of votes cast in such
precinct for each of the candidates, and make return thereof to
the city clerk, as soon as practicable after the closing of the polls.
On the day following the said primary election the said city
clerk shall canvass said returns so received from all the polling
precincts, and shall make and publish in all the newspapers of
said city at least once, the result thereof. Said canvas by the city
clerk shall be publicly made. The two candidates receiving the high-
est number of votes for mayor shall be the candidates and the only
candidates whose names shall be placed upon the ballot for mayor
at the next succeeding general municipal election, and the two can-
didates receiving the highest number of votes for councilman, shall
126 be the candidates and the only candidates whose names shall be
127 placed upon the ballot for councilmen, except that at the first regu-
128 lar election held hereunder the four candidates receiving the high-
129 est number of votes for councilman, or all such candidates, if less in
130 number than four, shall be the candidates and the only candidates
131 whose names shall be placed upon the ballot for councilmen; and
132 the two candidates receiving the highest number of votes for mem-
133 ber of the water board shall be the candidates and the only can-
134 didates whose names shall be placed upon the ballot for member
135 of the water board, at such municipal election. In the event of the
136 death or resignation of a nominee before the election, the candi-
137 date receiving the next highest number of votes at the primary
138 shall be placed on the ticket in his stead; if no other persons were
139 voted for for such office at the primary election, the vacancy on
140 the ticket shall be filled by the city council.
141 The ballot at such general municipal election shall be in
142 the same general form as for such primary election, so far as ap-
143 plicable, and in all elections in such city the election precincts,
144 voting places and announcing of results, shall be the same as by
145 law provided for election of officers in said city, so far as the
146 same are applicable to and not inconsistent with the provisions of
147 this act.

Sec. 7. Said city shall be governed by the council, consisting
2 of the mayor and two councilmen chosen as provided in this act,
3 each of whom shall have the right to vote on all ques-
4 tions coming before the council. Two members of the council
5 shall constitute a quorum, and the affirmative vote of two mem-
6 bers shall be necessary to adopt any motion, resolution or ordi-
7 nance or pass any measure. Upon every vote the yeas and nays
8 shall be called and recorded, and every motion, resolution or ordi-
9 nance shall be reduced to writing and read before the vote is ta-
10 ken thereon. The mayor, when present, shall preside at all
11 meetings of the council; he shall have no power to veto any meas-
12 ure, but every resolution or ordinance passed by the council must
13 be signed by the mayor, or by two councilmen, published and be
14 recorded before the same shall be in force; provided, however,
15 that this section shall be subject to the rights, duties and powers
16 hereinafter in section thirty conferred upon the water board.

Sec. 8. The council of said city shall have and are hereby
2 granted power to have said city surveyed; to open, vacate, broaden,
3 change grade of, grade and pave streets, sidewalks and gutters
for public use, and to alter, improve, embellish and ornament and
light the same, and to construct and maintain public sewers and
laterals, and shall in all cases except as to lighting have power
and authority to assess upon and collect from the property bene-
fitted thereby all, or such part of the expense thereof, as shall be
fixed by ordinance, except as hereinafter provided; to have con-
trol of all streets, avenues, roads, alleys and grounds for public
use in said city, and to regulate the use thereof and driving
thereon, and to have the same kept in good order and free from
obstruction, pollution or litter on or over them; to have the right
to control all bridges within said city, and the traffic passing there-
over; to change the name of any street, avenue or road within said
city, and to cause the re-numbering of houses on any street, ave-
nue or road therein; to regulate and determine the width of streets,
sidewalks, roads and alleys; to order and direct the curbing and
paving of sidewalks and footways for public use in said city to be
done and kept clean and in good order by the owners of adjacent
property; to enter into a contract with any internal improve-
ment company for the joint ownership of any bridge by the city
and such company, upon such terms as may be prescribed in the
contract, but such bridge shall be a public highway; to prohibit
and punish the abuse of animals; to restrain and punish vagrants,
mendicants, beggars, tramps, prostitutes, drunken or disorderly
persons within the city, and to provide for their arrest and manner
of punishment; to prohibit by ordinance the bringing into the city
of any person or animal afflicted with contagious or infectious
disease, and to punish any violator of said ordinance who knows
or has reason to believe such person or animal to be so afflicted;
to control and suppress disorderly houses of prostitution or ill-
fame, houses of assignation, and gaming houses or any part
thereof, and to punish gaming; to prohibit within said city or
within three miles thereof slaughter houses, soap or glue facto-
ries and houses of like kind; to control the construction and re-
pair of all houses, basements, walls, bridges, culverts and sewers,
and to prescribe and enforce all reasonable regulations affecting
the construction of the same, and to require permits to be obtained
for such buildings and structures, and plans and specifications
thereof to be first submitted to the city council; to con-
trol the opening and construction of ditches, drains, sewers,
cess-pools and gutters, and to deepen, widen and clear the
same of stagnant water or filth, and to prevent obstructions there-
in, and to determine at whose expense the same shall be done; and
to build and maintain fire station houses, police stations and po-
lice courts, and to regulate the management thereof; to acquire,
lay off, appropriate and control public grounds, squares and parks,
either within or without the city limits as herein defined; to
purchase, sell, lease or contract for and take care of all public
buildings, and structures and real estate, including libraries and
hospitals, deemed proper for use of such city; and, for the protec-
tion of the public, to cause the removal of unsafe walls or build-
ings, and the filling of excavations; to prevent injury or anno-
yance to the business of individuals from anything dangerous,
offensive or unwholesome; to define, prohibit, abate, suppress and
prevent all things detrimental to the health, morals, comfort,
safety; convenience and welfare of the inhabitants of the city,
and all nuisances and causes thereof, and to that end and there-
about to summon witnesses and hear testimony; to declare and
enforce quarantine against the introduction of any contagious or
infectious disease prevailing in any other state, county or place,
and of any and all persons and things likely to spread such con-
tagion or infection; to regulate the keeping of gunpowder and
other combustible or dangerous articles; to regulate, restrain or
prohibit the use of firecrackers, or other explosives, or fireworks,
and all noises or performances which may be dangerous, annoy-
ing to persons or tend to frighten horses or other animals; to
provide and maintain proper places for the burial of the dead and
to regulate interments therein upon such terms and conditions
as to price and otherwise as may be determined; to provide for
shade and ornamental trees and the protection of the same; to
provide for the making of division fences; to make proper regu-
lulation for guarding against danger or damage from fires; to pro-
vide for the poor of the city, and to that end may contract with
the proper authorities of Harrison county to keep and maintain
the poor, or any number thereof, upon terms to be agreed upon;
to make suitable and proper regulations in regard to the use of
the streets and alleys for street cars, railroad engines and cars,
and to regulate the running and operation of the same so as to
prevent injury, inconvenience or annoyance to the public; to pro-
hibit prize fighting, cock and dog fighting; to license, tax, regu-
late or prohibit theaters, circuses, the exhibition of showmen and
shows of any kind and the exhibition of natural or artificial curi-
osities, caravans, menageries, pictures, motion pictures and mu-
tical exhibitions and performances; to regulate the construc-
tion, height and material used in all buildings, and the main-
tenance and occupancy thereof; to regulate and control the use for
whatever purpose, of the streets and other public places; to create,
establish, abolish and organize employments and fix the com-
ensation of all employees, (except the employees of the water
board); to organize and maintain fire companies and to pro-
vide necessary apparatus, engines and implements for the
same; to regulate and control the kind and manner of plumbing
and electric wiring for the protection of the health and safety
of said city; to levy taxes on persons, property and licenses; to
license and tax dogs and other animals, and regulate, restrain and
prohibit them and all other animals and fowls from running at
large; to assess, levy and collect taxes for general and special
purposes upon all the subjects or objects which the city may law-
fully tax; to levy and collect assessments for local improvements;
to borrow money on the faith and credit of the city by the issue
and sale of bonds in the manner prescribed by law; to appropri-
ate the money of the city for all lawful purposes; to create, pro-
vide for, regulate and maintain all things in the nature of pub-
lic works and improvements; to adopt rules for the transac-
tion of business and for its own regulation and government; to
promote the general welfare of the city and to protect the per-
sons and property of citizens therein; to regulate and provide for
the weighing of produce and other articles sold in said city and
to regulate the transportation thereof, and other things through
the streets; to have the sole and exclusive right to grant, refuse
or revoke any and all licenses for the carrying on of any business
within said city on which the state exacts a license tax; to es-
tablish and regulate markets and to prescribe the time for hold-
ing the same, and what shall be sold in such market, and to
acquire and hold property for market purposes; to regulate or
prohibit the placing of signs, bill-boards, posters and advertise-
ments in, on or over the streets, alleys, sidewalks and public
grounds of said city; to preserve and protect the peace,
order and safety and health of the city and its inhabitants, in-
cluding the right to regulate the sale and use of cocaine, morphine,
opium and poisonous drugs; to make, enforce and provide local
police, sanitary and other regulations, and fully exercise all law-
ful police powers; to appoint and fix the places of holding city
elections; to erect, own, lease, authorize or prohibit the erec-
128 tion of gas works, telephone plant or electric light works in or
129 near the city, and to operate the same and sell the products or
130 services thereof, and to do any and all things necessary and inci-
131 dental to the conduct of such business; to provide for the purity
132 of milk, meats and provisions offered for sale in said city, and
133 to that end provide for a system of inspecting the same and
134 making and enforcing rules for the regulation of their sale, 
135 and to prohibit the sale of any unwholesome or tainted milk,
136 meats, fish, fruit, vegetables, or the sale of milk containing water
137 or other things not constituting a part of pure milk; to provide
138 for inspecting dairies and slaughter houses, whether in or out-
139 side of the city, where the milk and meat therefrom are offered
140 for sale within said city; to prescribe and enforce ordinances and
141 rules for the purpose of protecting the health, property, lives,
142 decency, morality and good order of the city and its inhabitants,
143 and to protect places of divine worship in and about the prem-
144 ises where held, and to punish violations of such ordinances even
145 if the offense under and against the same shall constitute offenses
146 under the law of the state of West Virginia or the common law; 
147 to provide for the employment and safe keeping of persons who
148 may be committed in default of the payment of fines, penalties
149 or costs under this act, who are otherwise unable or fail to dis-
150 charge the same, by putting them to work for the benefit of the
151 city upon the streets or other places provided by said city, and to
152 use such means to prevent their escape while at work as the
153 council may deem expedient; and the council may fix a reason-
154 able rate per day as wages to be allowed such person until the
155 fine and costs against him are thereby discharged; to compel
156 the attendance at public meetings of the members of the coun-
157 cil; to prevent any person, association or corporation from pol-
158 luting in any manner any pond, lake, basin, reservoir, stream,
159 spring, creek, or other body of water from which the city shall
160 take water to be used for domestic purposes by the inhabitants
161 thereof, or from casting into any such body of water, or on the
162 bank thereof or in such proximity thereto that the same may
163 enter therein, any filthy, unwholesome, or obnoxious substance,
164 object, or liquid, or anything whatsoever, injurious to the health
165 of the people of the city; to exercise all other powers that now
166 are or hereafter may be granted to municipalities by the constitu-
167 tion or the laws of the state of West Virginia; and all such pow-
168 ers, whether expressed or implied, shall be exercised and enforced
169 in the manner prescribed by this charter, or when not pre-
170 scribed herein, in such manner as shall be provided by the ordi-
171 nances or resolutions of the council.
172 The enumeration of particular powers of this charter shall
173 not be held or deemed to be exclusive, but in addition to the
174 powers enumerated herein, impliedly thereby, or appropriate to
175 the exercise thereof, the council shall have and exercise all other
176 powers, which, under the constitution and laws of the state of
177 West Virginia it would be competent for this charter specifically
178 to enumerate.
179 The council shall provide for the enforcement of all ordi-
180 nances by reasonable and proper penalties, consisting of fines or
181 imprisonment, or fines and imprisonment, with suitable rules
182 and regulations for the enforcement of such penalties. For all
183 such purposes the jurisdiction of the city shall, when neces-
184 sary, extend for one mile beyond the corporate limits of said
185 city, excepting any other municipal corporation, or part thereof,
186 within said one mile limit. In order to prevent the pollution
187 of the waters from which the people of the city take
188 a water for domestic uses, the jurisdiction of the city shall be
189 co-extensive with the location and extent of the waters from
190 which such supply is taken, except that in no event shall such
191 jurisdiction of the city of Clarksburg exist within any other
192 incorporated city or town; provided, however, that in no event
193 shall imprisonment for a longer period than sixty days or a
194 greater fine than one hundred dollars, or both, be imposed for
195 any one offense.

Sec. 9. For the administration of the government of the
2 city of Clarksburg, the following departments are hereby estab-
3 lished:
4 1. Department of Finance and Police.
5 2. Department of Public Service.
6 3. Department of Public Welfare.
7 4. Department of Water Works to be administered by the
8 Water Board.
9 The mayor shall be police judge and, unless otherwise desig-
10 nated by a majority vote of the council, superintendent of the de-
11 partment of finance and police. The council shall, at the first
12 regular meeting after the election of its members, or of a new
13 member, designate by a majority vote, one councilman to be su-
14 perintendent of the department of public service, and one to be
superintendent of the department of public welfare; but any such designation may be changed whenever it shall appear that the public service will be benefitted thereby.

**Department of Finance and Police.**

Sec. 10. Subject to the supervision and control of the council in all matters, the duties of the superintendent of the department of finance and police shall include the supervision of the collection, custody and disbursement of all moneys of the city, including among other things, all taxes, special assessments, license fees and fines; supervision of all accounts, and, except where otherwise provided, of all public records; the charge of all public property, except such as is committed to the charge of other departments of the city; the supervision of the police force of the city; the enforcement of all ordinances and the preservation of peace and good order; and such other duties as the council may from time to time require.

**Department of Public Service.**

Sec. 11. Subject to the supervision and control of the council in all matters, the superintendent of the department of public service shall manage and have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, and other public highways; sewers, drains, ditches, culverts, canals, streams and water courses; boulevards, squares and public places and grounds. He shall manage market houses, farms and sewage disposal plants; he shall have charge of the enforcement of all the obligations of privately owned or operated public utilities enforcible by the city. He shall have charge of the city engineer and of all surveys, maps, plats, drawings, estimates and contracts for public work; the cleaning, sprinkling and lighting of streets and public places; and shall perform such other duties as the council may by ordinance require.

**Department of Public Welfare.**

Sec. 12. Subject to the supervision and control of the city council in all matters, the superintendent of public welfare shall manage all charitable, correctional and reformatory institutions and agencies belonging to the city and all parks and public playgrounds and all public entertainments and amusements. He shall
6 have charge of, and enforce all laws, ordinances and regulations
7 relative to the preservation and promotion of the public health,
8 sanitation, the prevention and restriction of disease, the prevention,
9 abatement and supervision of nuisances (except such nuisances
10 as pertain to the water supply for the city); the direction of the
11 health officer and city physician; the sanitary inspection and super-
12 vision of the production, transportation, storage and sale of food
13 and food stuffs; regulation and inspection of weights and measures;
14 the collection and disposal of all waste and garbage. He shall have
15 supervision of the fire department, the prevention of fires, and of
16 all matters affecting the inspection and regulation of the erection,
17 maintenance, repair and occupancy of buildings. He shall see that
18 all property and premises within the city are kept clean and free
19 from unsightly or obnoxious rubbish, and in a sanitary condition.
20 He shall cause a complete and accurate system of vital statistics
21 to be kept. In time of epidemic or threatened epidemic, he shall
22 enforce such quarantine and isolation regulations as are appro-
23 priate to the emergency. He shall provide for the study and re-
24 search into cases of poverty, delinquencies, crime and disease, and
25 other social problems in the community, and shall, by means of
26 lectures, promote the education of the community in those matters
27 which affect the public welfare. He shall perform such other
28 duties as the council may from time to time require.

Sec. 13. The council may from time to time, when in its
2 judgment the public welfare will be benefitted thereby, assign to
3 any one department the performance of any duty herein conferred
4 upon any other department and may re-assign the same and may
5 make such other rules and regulations as may be necessary or
6 proper for the efficient and economical administration of the busi-
7 ness of the city.

The council shall at its first meeting, or as soon as practicable
9 thereafter, appoint by a majority vote, a city clerk, a city collector
10 and treasurer, a city solicitor, a city engineer, a city physician, a
11 chief of police, a chief of the fire service, and such other employees
12 as shall be provided for by ordinance and as shall be necessary to
13 the proper and efficient administration of the affairs of the city.
14 The same person may hold more than one employment. Any per-
15 son employed by the council may be removed at any time by a vote
16 of the majority of the members of the council under such regula-
17 tions as the council may prescribe. The council shall have power
18 from time to time to create, fill and discontinue employments other
than herein specified, when in their judgment the needs of the city
may require such additional services, and shall prescribe the duties,
fix, limit, and change the compensation which shall be paid to any
and all employees.

The City Clerk.

Sec. 14. The city clerk shall keep a complete record of all
ordinances, resolutions and acts of the city council. He shall enter
in a separate volume all ordinances of a general nature, a violation
of which shall subject any person to any penalty, and carefully
index the same. All ordinances providing for the issuing of bonds,
the creation of a debt, the construction of any public improvement,
or of any local or temporary nature shall be entered in a separate
volume by the city clerk, and carefully indexed. Under the direc-
tion of the superintendent of the department of finance and police,
he shall keep complete books of account showing all financial trans-
actions of the city and of each department, all receipts and expend-
itures made by the city, the sources of all income and the purpose
of all expenditures. He shall enter in the municipal assessment
docket all special assessments made for public improvements, show-
ing the name of the owner of the property, the particular property
on which the assessment is levied, the date of the entry, and the
minute book and page showing the entry of the ordinance or resolu-
tion creating the assessment, and the maturing time of the assess-
ment. When and as the installments upon principal and interest
on each assessment shall be paid, he shall enter such payments
showing the amount paid upon principal, the amount of interest,
under the heading and in the account of such special assessment.
When the special assessment, principal and interest, shall have
been paid in full, he shall make an entry in red ink on the face of
the account showing that the special assessment is fully satisfied
and paid. He shall make out all vouchers and pay-rolls of the city,
and shall do and perform all other duties which may be required of
him by the council by any ordinance or resolution, or by the head
of any department, and shall be subject to the supervision and con-
trol of the council in all matters. He shall devote his entire time
to the public service and shall keep his office open each secular day
except holidays, from nine A. M. until five P. M., unless other hours
shall be fixed and prescribed by an ordinance or resolution of the
Council.
The City Collector and Treasurer.

Sec. 15. The city collector and treasurer, under the supervision of the superintendent of the department of finance, shall have custody of all public moneys of the city; shall keep and preserve such moneys as provided by ordinance or by any law applicable thereto; and shall collect and receive, and shall disburse, upon warrants issued by the proper authority, all public moneys. He shall keep an accurate account of all moneys in his custody, or collected, received or paid out by him, showing the sources from which the same were received and the purposes for which disbursed. The council may prescribe by ordinance or resolution the manner in which a warrant for the payment of money shall be issued, executed and authenticated. He shall be subjected to the supervision and control of the council in all things, and perform all duties prescribed by the council or the superintendent of finance and police.

The City Solicitor.

Sec. 16. The city solicitor shall be an attorney-at-law admitted to practice in the state of West Virginia. He shall be the legal adviser and counsel for the council of said city and for the department of finance and police, the department of public service and the department of public welfare. He shall prosecute and defend all suits for and against the city. He shall prepare all contracts, bonds and other instruments in writing required by the council, or by any of said departments, and shall indorse on each his approval of the form and correctness thereof. He shall furnish to the council and the heads of said departments an opinion on any question involving their respective powers and duties, whenever required. He shall apply in the name of the city to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made by the city in contravention of law, or which is procured by fraud or corruption. He shall prepare an ordinance covering any matter whenever required by the council, and he shall do and perform any and all other duties which the council may by ordinance or resolution require. The council may, in its discretion, employ and pay special counsel, in any matter.
The City Engineer.

Sec. 17. The city engineer shall be a competent civil and mechanical engineer, and, under the superintendent of the department of public service, shall make all surveys and grades required by the city or by any department, shall prepare plats and plans and specifications of any and all public improvements which may be undertaken; shall inspect all work done by any contractor for the city while such work is being done; shall supervise the construction of all buildings, the erection of which is controlled or regulated by the city; shall furnish any street or sewer grade to any resident whenever required, on such terms as the council may prescribe. He shall make complete maps of all streets, alleys, lanes, parks, and public property owned by the city. He shall recommend to the city council and the superintendent of the department of public service the particular kind of improvements required or suitable for any street, alley or lane in the city, and the requirements of each separate locality in the way of public improvements. He shall do and perform any and all other duties required of him by the city council by ordinance, resolution, or by the head of the department of public service.

The City Physician.

Sec. 18. The city physician shall, under the direction of the superintendent of the department of public welfare, do and perform all duties required of him by any resolution or ordinance passed by the council, or by any law now in force, or hereafter passed by the legislature of the state of West Virginia, and shall perform all duties required of him by the superintendent of the department of public welfare. His services shall also be at the disposal of the water board, whenever they may require the same.

The Chief of Police and Chief of the Fire Service.

Sec. 19. The chief of police and chief of the fire service shall perform such duties as may be required of them by ordinance or resolutions of the council, or by the heads of the departments of finance and police, public service, and public welfare.

Sec. 20. The mayor and councilmen shall have an office or offices at the city hall, shall devote their entire time to the per-
3 formance of the duties of their offices, and their total com-
4 pensation shall be as follows: The annual salary of the mayor
5 shall be three thousand dollars, and of each councilman two
6 thousand seven hundred dollars. Such salaries shall be pay-
7 able in equal monthly installments.
8 Every employee (except employees of the water board) shall
9 receive such salary or compensation as the council shall by ordi-
10 nance or resolution provide, payable in equal monthly install-
11 ments.
12 The salaries of the members of the water board and of the
13 employees of said board shall be as provided in section thirty of
14 this act.

Sec. 21. Every ordinance or resolution appropriating money
2 or ordering any street improvement or sewer, or making or au-
3 thorizing the making of any contract, or granting any franchise
4 or right to occupy or use the streets, highways, bridges or public
5 places in the city for any purpose, shall be complete in the form
6 in which it is finally passed, and remain on file with the city clerk
7 for public inspection at least one week before the final passage or
8 adoption thereof. No franchise or right to occupy or use the
9 streets, highways, bridges or public places in said city shall be
10 granted, renewed or extended, except by ordinance. No fran-
11 chise shall be granted for a period exceeding thirty years, and
12 no amendment or addition thereto shall extend beyond the termi-
13 nation of the original franchise.

Sec. 22. The council shall, each six months, print in pam-
2 phlet form a detailed itemized statement of all receipts and ex-
3 penses of the city and a summary of its proceedings during the
4 preceding six months, and furnish printed copies thereof to the
5 daily newspapers of the city, and to persons who shall apply there-
6 for at the office of the city clerk. At the end of each year the
7 council shall cause a full and complete audit of all the books
8 and accounts of the city to be made by the state tax commissioner,
9 and shall make public the result of such examination in the man-
10 ner above provided for publication of statements of expenditures.
11 At the end of the year there shall be published a financial state-
12 ment of the city covering the transactions of the preceding fiscal
13 year, in the manner required by law.

Sec. 23. All supplies used by the city and all material for
2 the construction of any public improvement, except such as may
3 be purchased for emergencies, shall be purchased on competitive
4 bids. Dealers in supplies and materials of the kind required shall
5 be notified by letter of the requirements of the city, and asked to
6 submit propositions for furnishing the same and the offer most
7 advantageous to the city, taking into consideration the quality,
8 time of delivery, and all other conditions, shall be accepted.

Sec. 24. The council shall have the right to make up an esti-
2 mate of the proposed improvements for any year and a budget
3 covering the same, at such time as may be deemed most suitable
4 without regard to the requirements of a general statute, and it
5 may from time to time prepare and adopt additional estimates
6 and budgets during the current year whenever in the judgment
7 of the council the public interests will be promoted thereby.

Sec. 25. When this act becomes effective, all streets, lanes,
2 alleys, water lines and plants, sewer lines, and other prop-
3 erty of every nature and description owned by each of the now
4 existing municipalities which are included in the city of Clarks-
5 burg created by this act, shall become the property of, and the
6 title thereto shall be vested in, the said city of Clarksburg here-
7 by created. No franchise heretofore granted by either or any of
8 the existing municipalities, included in the city of Clarksburg
9 herein created, shall, by anything herein contained, be in any
10 manner enlarged or added to, or caused to embrace and cover or
11 include any territory not covered by the original franchise at
12 the time that the same was granted. Nothing herein contained
13 shall be held to limit or impair in any manner any franchise
14 heretofore granted by either or any of said existing municipalities.

Sec. 26. Public improvements of all kinds may be made by
2 the appropriate department, either by direct employment of the
3 necessary labor and the purchase of the necessary supplies and
4 materials, with separate accounting as to each improvement so
5 made, or by contract duly let after competitive bidding, either
6 for a gross price, or upon a unit basis for the improvement, or
7 by contract containing a guaranteed maximum and stipulating
8 that the city shall pay within such maximum the cost of labor
9 and materials, plus a fixed percentage of profit to the contractor.
10 The council, by resolution, shall determine by which of the fore-
11 going methods any improvement shall be made. Contracts may
12 provide a bonus per day for completion of the contract prior to
13 a specified date, and liquidated damages to the city to be exacted
14 in like sum for every day of delay beyond a specified date.

Sec. 27. When it becomes necessary in the prosecution of
any work, or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the council. No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the mayor upon authority of the council.

Sec. 28. An owner of lots or grounds within the city who sub-divides or lays them out for sale, shall cause to be made an accurate map or plat of such sub-division, describing with certainty all grounds laid out, or granted for streets, alleys, ways, commons, or other public uses. Lots sold or intended for sale shall be numbered by progressive number, or described by the squares in which situated, and the precise length and width shall be given of each lot sold or intended for sale. Such map or plat shall be subscribed by the owner and lien holders, acknowledged before an officer authorized to take the acknowledgment of deeds, approved by the superintendent of public service, and recorded in the office of the clerk of the county court.

The map or plat so recorded shall thereupon be sufficient conveyance to vest in the city the fee of the parcel of land designated or intended for streets, alleys, ways, commons, or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated, or intended.

The city, however, shall not be required to open or improve any street or alley shown on such plat until the public need requires the same to be opened and improved, and it shall not be liable to any person in any manner whatever who may or shall use any of such streets or alleys before the same shall have been formally accepted by the council on the part of the city and ordered to be opened and improved.

No such plat sub-dividing lands within the corporate limits of the city shall be recorded by the clerk of the county court in his office until the same shall have been approved by the superintendent of public service and his approval in writing endorsed on such plat.

Sec. 29. The city of Clarksburg as herein created shall have the right under the power of eminent domain to condemn, acquire, and appropriate any property and acquire the fee simple title or any lesser estate or easement therein for any public use,
whether said property be located within or outside of the corpor-
ate limits of said city, including the right to acquire property
for opening and widening streets, alleys and public places, and
for the construction and maintenance of sewer lines, sewage dis-
posal plants, water lines and mains, pump stations, reservoirs or
reservoir sites, dams for storing water, and the right to create
storage reservoirs by flooding adjacent properties, and for every
other purpose required in the construction, maintenance and
operation of water systems and plants for the purpose of sup-
plying water to the public. The proceedings to acquire such
lands, estates, or easements shall be the same as provided by
general laws of the state of West Virginia for condemning and
appropriating private property for a public use.

Sec. 30. The water board herein created when this act goes
into effect shall supersede the water works and sewerage board
created by chapter twelve of the acts of the West Virginia legisla-
ture, session one thousand nine hundred and nine. The water
board shall at its first meeting, or as soon as practicable
thereafter, appoint a general manager for the water works plant
and system of the city. The general manager shall act as sec-
retary for the water board, and shall be treasurer of the water
board. Said board shall have the power to employ such
hydraulic engineers, mechanical engineers, and other
employees, as they shall at any time deem necessary for the good
of the public service. They may create, fill and discontinue em-
ployments other than those herein prescribed, according to their
judgment of the needs of the department. They shall fix, pre-
scribe and limit the compensation to be paid to the general man-
ger, and to all other employees, and the manner of payment of
such compensation.

The regular meetings of the board shall be held monthly on
such day in each month as the board by resolution may fix, and
special meetings may be called at any time by any member of
the board, or by the secretary. It shall require at least two
members of the board to constitute a quorum or to transact any
business.

The members of the water board shall receive such compen-
sation as they may from time to time fix, which shall not exceed
three hundred dollars each per year, the same to be pay-
able in such manner as the board by resolution may require.
The board shall provide by resolution for the election of one or
its members as president of the board and the term of the presidency shall be fixed by a resolution of the board.

(a) The water board is empowered to fix, regulate and change rates and charges for water supplied to all consumers, and to adopt and prescribe reasonable rules and regulations which shall be observed and obeyed by all consumers in reference to the use and consumption of water taken from the city mains; the terms and conditions upon which connections to the said mains shall be permitted, and the place and manner of making the same; to fix penalties by way of additional charges for failure to pay water rents promptly, and to this end may discontinue the supply of water of any consumer who fails to pay for the same as required; to require all users of water for temporary purposes to pay for the privilege in advance; to refuse to furnish water to any building or habitation in the city unless the owner thereof shall assume liability for the payment of the charges for the water so furnished; to charge the cost of installing water service lines from the curb line to the mains against the land owner, and to require the payment in advance for installing such line and making connection with the water main; whenever the city council shall determine to pave or re-pave any street in the city, the water board is authorized to make a proper connection and lay a water service line from the main to the curb for each and every lot or for any part of a lot under separate ownership, although no water service may at the time be necessary or required for any such lot or part of lot, and to charge the cost of making such connection and laying such water service line against the owner of the property, and the cost of laying such water service lines and making such connections shall in every instance be a lien upon the lot or part of lot to be benefitted thereby, and the water board shall have the right in the name of the city to institute and prosecute any proper suit in the circuit court of Harrison county, West Virginia, for the collection of such charges by a sale of the property on which the same constitutes a lien.

The board shall have power from time to time to repair, extend and amplify the water works' plant and system, and to make such additions to the pumping station, filtration plant and water mains and lines as may at any time and from time to time be deemed necessary for the proper operation of this system: provided, however, that no expenditures shall be made by the water board for any such purposes in excess of the current reve-
70 nuce arising from the operation of the water works plant, unless
71 and until such further expenditures shall have been authorized
72 and approved by the city council.
73 Whenever in the opinion of the water board, it shall be deem-
74 ed advisable to make any improvements, extensions, or additions
75 to the water plant and system, they shall cause to be prepared
76 maps, plans and specifications for the work proposed, which shall
77 be submitted for approval to the city council, and when approved
78 by the city council, the water board shall proceed to make or con-
79 tract for making, such improvements, extensions, or additions.
80 Whenever the water board shall desire to make any changes
81 in the existing rates or schedule for water and water service to
82 the people of the city of Clarksburg, it shall cause to be made out
83 a schedule of the existing rates and a schedule showing the pro-
84 posed rates, and submit the same to the city council, and no
85 change in the existing rates shall be made or become effective
86 until the same shall have been approved by the city council.
87 The water board shall require the general manager to ex-
88amine the sources of water supply for the city of Clarksburg, and
89 to report to the water board from time to time whether the
90 waters are being polluted in violation of the provisions contained
91 in this act, and the water board may, in the name of the city of
92 Clarksburg, institute and prosecute in any court having jurisdic-
93 tion, any suits or proceedings necessary to prohibit any and all
94 persons, firms, or corporations from polluting said waters in any
95 manner in violation of the provisions of this act and in violation
96 of any ordinance which the council of the city of Clarksburg
97 may, pursuant to any authority contained in this act, hereafter
98 adopt.
99 (b) Subject at all times to the control of the water board,
100 the general manager shall have charge of all of the water works
101 plant and system, and shall exercise supervision and control
102 over all of the employees of the water board. He shall enforce
103 all ordinances, rules and regulations heretofore adopted, or
104 which may hereafter be adopted by the water board, and all laws
105 of the state of West Virginia applicable to the water works
106 system or plant, except that any ordinances or laws subjecting
107 any person to a fine or imprisonment for the violation thereof
108 shall be enforced by the mayor of the city who is ex-officio police
109 judge within and throughout the jurisdiction of the city of
110 Clarksburg; he shall have general supervision of the pumping
plants and stations and filtration plant, and shall collect and preserve all monies payable to the water board, and shall pay the same out only upon the order of the water board in such manner as it may by rules and resolutions prescribe. He shall attend all meetings of the water board and shall keep in a well-bound book a complete record of all proceedings of said board, and shall, with the president of the board, authenticate with his signature the record of the proceedings of each meeting. He shall keep, or cause to be kept, full and accurate books of account covering all the business and transactions of the water works department of the city, charging the water board with all monies received from every source, and crediting the same with all expenditures and disbursements.

(c) The water board is herein specifically authorized to pay the interest upon, and by payments into the sinking fund, to pay and discharge, all of the bonds heretofore issued by each of the several municipalities included in the city of Clarksburg hereby created, the proceeds of which were expended by said municipality in the construction and installation of water works systems and plants therein.

Whenever the council of the city, and the requisite majority of the voters thereof, shall authorize in the manner provided by law, the issuance of bonds for the purpose of repairing, improving, enlarging or extending the water works system of said city, or for refunding any outstanding bonds, the proceeds from which were applied to any of said purposes, by the city of Clarksburg, or any of the existing municipalities which are hereby included in the city of Clarksburg herein created, said bonds shall be issued and delivered to the water board to be sold in the manner provided by law, and the proceeds paid into the treasury of the water board, and the same shall be applied and utilized by the water board for the purposes prescribed by the ordinance authorizing the issuance of such bonds. In any ordinance for the issuance of bonds for such purpose, it shall be a sufficient statement of the purposes for creating the debt, to specify that the same is for the purpose of improving, extending, repairing, or adding to, the water works system or plant of the city of Clarksburg, without specifying the particular improvements, enlargements or extensions contemplated, or designating generally the particular bonds which it is proposed to refund.
(d) All revenues derived from the operation of said water works system or plant, or from the sale of bonds issued for repairing, improving, enlarging, extending or adding to said water works plant shall be applied to the payment of the cost of operation and of making such improvements, to the payment of interest upon any bonds and the sinking fund to pay off and discharge the same, which the water board is herein authorized to assume and pay, whether said bonds were heretofore or may be hereafter issued. Out of the revenues derived from the operation of said water works, the board is authorized to pay all salaries and expenses which may be incurred by it in the exercise of any power herein conferred or the performance of any duty herein imposed, or by general law conferred or imposed, upon the water board. No part of said revenues shall be devoted for any other purpose.

(e) The board shall cause to be prepared accurate and complete maps, plans and specifications of any improvements, extensions or additions to the water system, which they may desire to make, and they shall have the authority to cause said work to be done either by the employment of labor and the furnishing of material, or by entering into a contract for the performance of the labor and for the material. All contracts for furnishing material or the performance of any work shall be let on competitive bids in the manner provided by the laws of the state of West Virginia. Any change or alteration in a contract after it is entered into shall be made only upon resolution passed by the water board, and shall not be effective until the price to be paid for the work and material, or both, under the altered or modified contract, shall have been agreed upon in writing and such agreement signed by the contractor, the president of the water board and the general manager.

(f) The treasurer of the water board shall be responsible for the safe keeping of all monies, property, books and records of the water board, and shall pay out such monies only upon vouchers drawn by him and countersigned by the president and at least one other member of the water board.

(g) The water board shall cause to be made and kept on file for public information at the office of the board, complete maps, plans and details showing the dams, pumping stations, reservoirs, tanks, pipes, valves, connections, water lines, fire hydrants, and all other data necessary for a complete exhibition of the physical properties of the water works plant or system,
194 which maps or plats shall be from time to time revised and ex-
195 tended.

196 (h) The general manager shall be the purchasing agent
197 for the water board, and he shall purchase all material for
198 the construction, improvement, or repair of the water system
199 and all supplies needed in the operation of the water plant or
200 system, and except in cases of emergency, all such purchases
201 shall be upon competitive bids. Dealers in supplies and mater-
202 ials of the kind required shall be notified by him by letter of
203 the requirements of the city and asked to submit propositions
204 for furnishing the same, and the offer most advantageous to the
205 city, taking into consideration the quality, time of delivery, and
206 all other conditions, shall be accepted.

207 He shall also recommend to the board from time to time
208 the additions, changes, repairs and improvements to the water
209 works system or plant that he may deem necessary; and shall
210 keep the board fully advised as to the financial condition and the
211 needs of the department. He shall perform all other duties that
212 may from time to time be required of him by the board, or by
213 any law of the state of West Virginia.

214 The general manager shall, at the close of any fiscal year,
215 cause a complete audit to be made of all the books and records
216 of the department for the preceding year, by the state tax com-
217 missioner or supervisor of public accounting for the state of
218 West Virginia, and he shall cause to be published in pamphlet
219 form and delivered to all water consumers who may call for the
220 same, the report made by the auditor, together with such other
221 report and information concerning the operation of the depart-
222 ment as may be deemed necessary for the information of the
223 public. A report of the auditor shall be published once in the
224 two principal newspapers of opposite politics published in the
225 city of Clarksburg, and the same shall constitute the financial
226 statement of the department, the publication of which is re-
227 quired by general law.

228 (i) The sheriff of the county of Harrison, the mayor of
229 the city of Clarksburg, and the treasurer of the water board of
230 the city of Clarksburg at the time holding said respective offices
231 and employments, are hereby created trustees for the sinking
232 fund or sinking funds payable by the city of Clarksburg and by
233 the water board of said city for the discharge of any bonds
234 heretofore issued by the city of Clarksburg, or which may here-
235 after be issued by the city of Clarksburg as herein created, the
236 bonds heretofore issued by the town of Broad Oaks, the town
237 of Adamston and the town of North View. Said trustees shall
238 have control of all sums which have heretofore been paid into
239 the sinking fund for the discharge of any such bonds issued
240 by the city of Clarksburg, or either of the existing municipalities
241 which are included in the city of Clarksburg created by this
242 act, as well as all payments which shall be made into the sink-
243 ing fund hereafter by the city of Clarksburg as hereby-created.
244 The trustees shall invest, preserve, keep, apply and account
245 for the monies constituting such sinking fund or sinking funds
246 in the manner now or hereafter provided by law. The trus-
247 tees of the sinking fund for the city of Clarksburg are author-
248 ized and empowered to designate as a city depositary or deposit-
249 aries of public monies any bank, banks, trust company or trust
250 companies, located in the city of Clarksburg, which might
251 qualify as a county depositary under the provisions of chapter
252 eighty-four of the acts of the West Virginia legislature, regu-
253 lar session nineteen hundred and fifteen. Any bank, banks,
254 trust company or trust companies designated as a depositary
255 for the city of Clarksburg shall give bond or deposit securities
256 and qualify in all respects before receiving any city deposits
257 as a county depositary is required to qualify under the provi-
258 sions of the act of the said legislature, chapter eighty-four,
259 regular session nineteen hundred and fifteen: provided, how-
260 ever, no city depositary shall be required to pay interest upon
261 city monies deposited with it subject to check or upon checking
262 accounts at a rate greater than two per centum upon the
263 daily cash balances, the rate to be paid to be agreed upon by and
264 between the depositary and the said trustees from time to time.
265 Any duty required to be performed by the county court by the
266 provisions of said chapter eighty-four of the acts of the said
267 legislature, session nineteen hundred and fifteen, shall be per-
268 formed by the city council, and any duties required of the
269 clerk of the county court, or prosecuting attorney of said coun-
270 ty, by the terms of said act, shall be performed by the city clerk
271 and the city attorney for the city of Clarksburg in carrying out
272 the provisions of this present act. Any interest paid upon any
When a city depositary or depositaries shall have been designated and shall have qualified under this act, all public monies belonging to the city of Clarksburg, no matter from what source derived, shall be deposited and kept on deposit until expended by the said city of Clarksburg, in the depositary or one or more of the depositaries authorized to receive deposits and designated as aforesaid.

The city may require all persons who engage in the business of plumbing to pass an examination and obtain a license or certificate for such purpose. For this purpose there is hereby created a board of examiners of four persons to consist of the superintendent of public welfare and the general manager of the water board and of two other persons selected by them, one of whom shall be a master plumber and the other a journeyman plumber. The license shall be for such term or period as may be prescribed by the examining board. The superintendent of the department of public welfare and the general manager of the water board shall not receive any compensation for serving on the board of examiners, but the additional members shall be entitled to a sum not exceeding five dollars per day for each day of actual service, to be paid out of the funds of the water board. The general manager of the water board shall be ex-officio secretary of the board of examiners, and he shall make out and certify, and the superintendent of the department of public welfare shall countersign, all certificates or licenses, and said secretary shall keep and preserve all papers and records relating to the work of said board. The board shall be governed by any ordinance in force in the existing city of Clarksburg when this act goes into effect, or which may be passed by the council of the city of Clarksburg hereby created.

Sec. 31. Each officer and employee of the city in each and all of the departments of the city government into whose custody or control shall come any of the monies or funds belonging to the city shall before receiving any such money or funds enter into bond conditioned for the faithful discharge of his duties and for the faithful accounting for all monies coming into his hands, custody or control, by reason of his office or employment, and otherwise conditioned according to law. Such bond shall be
9 in the penalty sufficient to secure the city against any loss, the 
10 amount thereof to be fixed by ordinance of the city council, or 
11 if required in the water works department, by resolution of the 
12 water board. All such bonds shall be payable to the city of 
13 Clarksburg, a municipal corporation, and all suits for the enforce-
14 ment of the penalty of any bond shall be in the name of the 
15 city of Clarksburg. All bonds required shall be of the form 
16 and tenor prescribed by the city attorney and shall be approved 
17 by the city attorney as to the sufficiency of the sureties thereon, 
18 and such approval as to the form and tenor of the bond and 
19 the sufficiency of the sureties shall be endorsed on each bond and 
20 certified and signed by the city attorney. All such bonds when 
21 executed and approved shall be recorded in a book kept for that 
22 purpose by the city clerk, and the original bonds shall then be 
23 delivered to the city attorney who is hereby made custodian of 
24 all such bonds. At the annual audit required to be made by 
25 the state tax commissioner or supervisor of public accounting for 
26 the state of West Virginia, the auditor shall report to the city 
27 council and to the water board respectively whether or not the 
28 bonds required and taken by said city council and said water 
29 board are in any respect insufficient, or not properly executed, 
30 and may require of any official or employee of the city a new 
31 bond or additional bond, and any new or additional bond so 
32 required by the auditor of any official or employee shall be given 
33 within thirty days after notice of such requirement, and a failure 
34 to give such bond shall at the expiration of thirty days forfeit 
35 the office or employment of the official or employee failing to 
36 give the same.

Sec. 32. The council may cause any public street or alley 
2 or part thereof to be graded, paved, curbed, sewer ed, or other-
3 wise improved in a permanent manner with brick, concrete, 
4 asphalt, wooden blocks, macadam, sewer pipe, or other suitable 
5 material, or may cause any one or more of such improvements 
6 to be made, under such regulations not inconsistent with the 
7 provisions of this section as shall be fixed by council, upon the 
8 lowest and best terms obtainable by advertising for bids or 
9 proposals therefor; and the entire cost thereof (which cost shall 
10 include the cost and expense of the preliminary and other survey, 
11 of printing and publishing of notices, ordinances and resolutions 
12 required to be published in relation thereto, and the cost of 
13 construction), shall be assessed against the lots or fractional
14 parts of lots abutting on that part of the streets and alleys so
15 graded, paved, curbed, sewer through or otherwise improved, in pro-
16 portion to the number of feet frontage thereon; provided, that
17 the cost of grading, paving, sewer through or otherwise improving
18 intersections of streets and alleys, (except such part thereof as
19 may be assessable to a street car or other railway company as
20 hereinafter set forth), and the proportion for lots or parts of
21 lots or property against which no assessment can legally be
22 made shall be paid by the city out of the general fund; and,
23 provided, further, in case of a street or alley occupied by street
24 car tracks or other railway, the cost of paving the space between
25 the rails and for two feet additional outside each rail, shall be
26 assessed to and paid by the street car or other railway company,
27 (unless otherwise provided in the franchise of such street car
28 or other railway company which was granted prior to the
29 passage of this act, in which case the cost of that part of the
30 pavement or other improvement which can lawfully be charged
31 against such street or other railway company under its franchise
32 shall be assessed against and paid by it).
33
34 (a) The amounts so assessed against such abutting lots or
35 fractional parts of lots to the said abutting property owners, the
36 city and the street car or other railway company as aforesaid,
37 respectively, shall bear interest at the rate of six per centum
38 per annum from and after the date of the acceptance of the work
39 by the city, and shall become and be due and payable in the one
40 or the other of the following two ways, according to the method
41 which the council may have adopted for the doing of and the pay-
42 ment for the particular work of improvement to which said as-
43 sessments relate, namely: (1) In the event the method so
44 adopted is by an appropriation out of funds in the city treasury
45 not otherwise appropriated in anticipation of the collection of
46 said special assessments, then the said assessments shall become
47 due and payable when declared final as hereinafter provided,
48 and to each assessment which shall remain unpaid thirty days
49 from and after the same has been so declared final, a penalty of
50 five per centum of said assessment shall be added and collected
51 by the city; or, (2) In the event the method so adopted is by
52 the issue and sale of bonds in anticipation of the collection of
53 said special assessments as hereinafter provided, then said assess-
54 ments shall be due and payable in ten payments as follows, that
55 is to say: One-tenth of said amount, together with interest at
the rate of six per centum per annum from the acceptance of the
work by the city on the whole assessment, shall be paid to the city
or before the first day of May next after the work is accepted,
and a like one-tenth, together with interest for one year upon the
whole amount remaining unpaid, on or before the first day of
May in each succeeding year thereafter until all has been paid,
and each installment shall bear interest at the rate aforesaid
from the date of its maturity, and, moreover, to each installment
remaining unpaid on the days herein specified for the
payment thereof a penalty of ten per centum of
said installment shall be added and collected by the
city; and provided, further, that any abutting property owner,
the city or the street car or other railway company against whose
property said assessments have been made, shall have the right at
any time after such assessments shall have been certified to the
superintendent of the department of finance for collection, as
hereinafter provided, to anticipate any or all of such assessments,
and shall be allowed to pay the face of said assessments, with
interest only to the time of payment.

(b) The sum or sums of money so assessed, together with
the interest and penalties aforesaid, for grading, paving, curbing,
sewering or other of said improvements, shall be a lien upon the
lots or fractional parts of lots, and in the case of a street car
or other railway company upon its tracks and franchises for
the distance of said improvement, from the date of acceptance
of said work by the city, and said lien shall have priority over
all other liens except those for taxes due to the state, and shall
be on a parity with the taxes and assessments due the city;
provided, however, such assessments shall, after six months
from the date of the acceptance of said work, cease to constitute
liens against said property as against creditors of the owners
thereof, or purchasers thereof for value without actual notice
of such liens, unless within said period of six months a state-
ment of said liens shall be filed for record in the office of the
clerk of the county court of Harrison county. Said statement
shall be made up and certified before the expiration of said
six months period by the city clerk to the clerk of said county
court as to all assessments which shall remain unpaid four
months after the acceptance of the work, and said statement
shall describe the assessments generally as for street improve-
ments, give the names of the property owners assessed, the loca-
tion of the real estate affected, date of acceptance of the work
by the city, and the amount of each assessment; and it shall
be a sufficient description of the location of said real estate
to describe it as abutting upon the particular street or alley
so improved included between the termini of the improvement,
or by the description whereby said real estate appears upon the
land books of Harrison county. The county clerk shall record
said statement in the trust deed books in his office, and index
the same in the name of the city and also in the name of each
person against whose property said assessments appear therein,
and for such recordation the county clerk shall be paid at the
same rate for each one hundred words as provided by law for
recording deeds of trust.

(c) The city clerk shall also, so soon as such assessments
have been declared final by the council, enter the same of record
in the "municipal assessment docket", and make out bills there-
for against the property owners assessed, and certify the same
for collection to the superintendent of the department of finance
and police, who shall thereupon be charged with said accounts.
And upon default being made in the payment of any assessment
or installment thereof aforesaid, the same shall be immediately
reported to the council by the superintendent of the department
of finance and police, and the council shall forthwith refer the
same to such officer as it may deem expedient for collection;
and payment of said delinquent assessments or installments,
with the interest and penalties aforesaid, may be enforced in
all respects as provided for the collection of city taxes, or the
lien aforesaid may be enforced by a suit in equity in the name
of the city in any court having jurisdiction thereof, and the
delinquent assessments or any installment thereof, may be
collected from the person against whom the same were assessed
by action at law before any court or a justice of the peace having
jurisdiction thereof. In addition to all other remedies for the
collection of said delinquent assessments or installments, the
city may cause a certified copy of the assessment to be filed
in the office of the clerk of the circuit court of Harrison county,
West Virginia, and after ten days' notice by personal service, or
after two weeks' publication of a notice in all cases in which
personal service cannot be had, upon the owner of any lot on
which said assessment constitutes a lien, said court shall, on
motion of the city of Clarksburg, order the sale of the lots
or property on which the assessment or installment constitutes a lien to be made by the city treasurer at the front door of the court house of Harrison county on such terms as to payment as the court in its order may prescribe. The city treasurer shall advertise the time, terms and place of such sale by a notice published once a week for two successive weeks in some newspaper published and of general circulation in the city of Clarksburg, and by posting a copy of such notice at the front door of the council chamber for at least two weeks before the day fixed for such sale.

The city treasurer shall report any sale made hereunder to said court for confirmation, and upon the confirmation of the sale, the court shall authorize the city treasurer to execute and deliver to the purchaser a deed for the property so sold, which shall divest all the estate and interest therein of the former owner and of all persons claiming under him and of all lien-holders against the property, and vest all such estate and interest in the purchaser thereof. Out of the proceeds of any such sale the court shall allow to the city treasurer all costs and expenses incurred in making the sale and reasonable compensation for his services and a fee of five dollars for making the deed to the purchaser, and shall order to be paid out of the proceeds, if sufficient, all unpaid assessments or installments of assessments against said property theretofore made by the city of Clarksburg, with all accrued interest thereon and costs and expenses of the proceeding, including an attorney’s fee of ten dollars. The residue of the purchase money shall be paid to the former owner of the lot, his personal representative, heirs or assigns.

Before making any sale of real estate in any such proceeding, the city treasurer shall execute a bond in like manner as required by the laws of the state of West Virginia of a special commissioner.

(d) Immediately upon the completion and acceptance of any of the work aforesaid constructed by virtue of this section, the council shall direct the clerk to prepare and publish a notice which shall name and describe the location of the street or alley upon which said work shall have been constructed, give the names of the owners of each lot or fractional part of lot abutting upon said street or alley, if known, and also the name of any street car or other railway company having tracks thereon,
and if the name or names of any such owners be unknown, such lot or fractional part of lot shall be described with reasonable certainty so that the same may be identified; and said notice shall also state the number of feet that each lot or fractional part of lot abuts upon said street or alley, so graded, paved, sewered or otherwise improved, and the street or alley intersections, and all abutting city property and property not liable paid for by such street car or other railway company, and also the respective amounts assessed against each lot or fractional part of lot and against the city and against any street car or other railway company, and when said assessments or installments thereof shall be payable. Said notice shall cite all said property owners and also such street car or other railway company to appear before the council at a regular meeting thereof within thirty days following the first publication thereof and show cause, if any they can, why the assessments aforesaid shall not be declared final. The council shall, upon request of any one or more of the property owners so assessed who shall appear and protest within the time aforesaid, appoint a day for hearing the grievances of said protestants and may correct or amend any assessment made against them, or any of them, for good cause shown; which meeting shall be held within ten days after the expiration of the thirty days mentioned in said notice. The council may adjourn the hearing from time to time. In case any property owner or railway company assessed as aforesaid shall fail to protest within said period of thirty days, the assessments as to them shall by ordinance be declared final as laid, and protested assessments shall become and be declared final when and to the extent found proper by the city council, and the finding in all such cases shall be entered of record upon the minutes of the meeting. The findings of the council shall be conclusive.

Sec. 33. Whenever it is deemed expedient by the council to provide for the grading, paving, curbing, sewer ing or other improvement of any of the streets, or alleys, or parts thereof, to be paid for by special assessments, as hereinbefore provided, the council shall first, having on file in the city clerk’s office, plans, specifications, profiles and estimates of the proposed improvements showing the proposed grade of the street or alley after completion with reference to the abutting property, declare by
9 resolution the expediency of the work and whether payment
10 thereof shall be made by an appropriation from funds in the treas-
11 ury not otherwise appropriated in anticipation of special assess-
12 ments payable when declared final, or by the issue and sale of
13 bonds theretofore authorized as hereinafter in section thirty-
14 five provided; and said plans, specifications, profiles and estimates
15 shall be open to public inspection. Said resolution shall declare
16 the general nature of the work and refer for details to said plans,
17 specifications, estimates and profiles; and said resolution shall
18 remain on file with the city clerk for public inspection one week be-
19 fore the final passage or adoption thereof, and shall be published
20 once in each of the two newspapers mentioned in section forty
21 hereof as soon as filed with the clerk. Until said resolution is
22 finally passed, the council shall hear all persons interested in
23 relation thereto at any regular or special meeting, and after it
24 decides to proceed with the improvement, it shall pass said reso-
25 lution, or the council may correct or amend said resolution, plans,
26 specifications, profiles and estimates and approve and adopt them
27 as corrected or amended; and said plans, specifications, profiles
28 and estimates shall be forthwith filed with the city clerk, and be
29 by him preserved as a part of the records of his office.
30 (a) The council may then adopt and pass ordinances for
31 said purposes which shall provide generally the character of the
32 work, make appropriation for the payment therefor, and provide
33 for advertisement for proposals or bids for said work; and shall
34 also set forth the streets and alleys upon which the property is
35 to be assessed for said improvements, the general character of
36 materials which may be bid upon therefor, the mode of payment,
37 and a reference to the resolutions theretofore passed for said im-
38 provements, (giving the date of passage), and a statement of the
39 intention of council to proceed with said work in accordance with
40 said resolution and in accordance with the plans, specifications,
41 estimates and profiles providing therefor.
42 In any case where the council has determined to pay for
43 any of such improvements out of funds in the city treasury not
44 otherwise appropriated, in anticipation of the collection of said
45 special assessments, said ordinance shall further provide for the
46 payment of said special assessments by the property owners
47 respectively when and as the same become final, and said ordi-
48 nance shall then be passed and become and be effective as pro-
vided in section twenty-one of this act; but when it has been
determined to issue and sell bonds for the payment thereof, the
said ordinance shall fix the time of payments in installments as
hereinabove in section thirty-two provided, and said ordinance
shall not be effective so as to permit any contract to be made or
work to be done thereunder until, in addition to the compliance
with the provisions of said section twenty-one, the fact that the
proceeds of the sale of said bonds have been received by the city
shall be certified by the superintendent of the department of
finance and police, and such certificate entered upon the minutes
of the council.

Sec. 34. Where such work is provided to be paid out of
funds in the treasury not otherwise appropriated in anticipation
of collection of special assessments, all said assessments and in-
terest and penalties collected therefor from the abutting prop-
erty owners, the city and the street car or other railway com-
pany shall be applied and paid on account of the cost of such
improvement, (either to the contractor, if he be unpaid, or to
the city in repayment of said appropriation, or such part thereof
as may have been paid by it thereon, as the case may be), until the
whole cost of said improvement and interest has been paid in
full. Said assessments shall be applied to no other purpose,
but if, by reason of penalties collected, any balance shall remain
after such full payment, said balance shall be turned into the city
treasury to the credit of the fund for street improvements and
used for no other purpose.

Sec. 35. Where such work is provided to be paid by the issue
and sale of bonds in anticipation of the collection of special
assessments, the issuance and sale of said bonds must have
been theretofore authorized in the manner and form and subject
to the restrictions following: Whenever it is deemed expedient
by the council to provide for such grading, paving, curbing,
sewering or other improvement, by the issue and sale of the bonds
of the city, it shall, by resolution entered of record upon the
minutes of its proceedings, so declare, and thereupon the city
shall be and is hereby authorized to issue its bonds for said
purposes in anticipation of special assessments to be assessed and
paid as hereinabove in section thirty-two provided, which bonds
shall be in such amount as shall be sufficient to pay the entire
cost and expense of said improvements for which such special
assessments are levied, and the city is also authorized to sell
16 said bonds: provided, that the price for which said bonds are
17 sold shall not be below the par value thereof, and said bonds
18 shall be made payable in two, six, eight and ten years from
19 the date of the issue thereof, and shall bear interest at not to ex-
20ceed six per centum per annum, payable annually or semi-an-
21nually, as council may provide, and in the issuance and sale of
22 said bonds the city shall be governed by all the restrictions and
23 limitations of the constitution of this state, and, so far as not
24 in conflict with the provisions of this section, by the restric-
25tions and limitations of the laws of this state, with respect to
26 the issuance and sale of bonds; and all said assessments,
27 (which shall be made payable in ten annual installments as pro-
28vided in section thirty-two hereof) shall be applied to the liquida-
29tion of said bonds and the interest thereon, and to that end paid
30 to the city treasurer to the credit of the sinking fund of the city
31 and invested for the best advantage of the city in the manner
32 provided by law; and if by reason of penalties collected with the
33 delinquent installments there shall be any balance after the
34 payment of said bonds and all accrued interest and costs, said
35 balance shall be turned into the city treasury to the credit of
36 fund for street improvements and used for no other pur-
37pose: provided, that the city shall not by the sale or issue of
38 said bonds cause the aggregate of its debts of every kind what-
39soever to exceed five per centum of the value of the taxable prop-
40erty therein; and provided, further, that nothing herein contain-
41ed shall be construed as authorizing the city to become indebted
42 in any other manner or for any other purpose to an amount,
43 including the existing indebtedness in the aggregate, exceeding
44 two and one-half per centum of the value of the taxable prop-
45erty therein, except for the purpose of grading, paving, curbing,
46 and otherwise improving the streets and alleys of the city,
47 and constructing sewers and sidewalks along, upon and under
48 the same; and extending and improving the water plant
49 or system; nor shall said city make such issue and sale of bonds
50without at the same time providing for the levying of a direct
51 annual tax sufficient to pay annually the interest on such debt and
52 the principal thereof within and not exceeding ten years, if said
53 bonds are issued against assessments for local improvements to be
54 liquidated by such assessment, and not to exceed thirty-four years
54-a if for any other purpose.
55 (a) All of the assessments, interest and penalties collected
under the provisions of this section shall annually be applied to
the annual tax required to pay the interest on any debt created
for a local improvement, and such principal, within and not
exceeding ten years; and in the event that the assessments, inter-
rest and penalties so collected shall not amount to a sum sufficient
therefor, then the council shall collect so much of said authorized
levy as will pay annually the interest on such debt and the prin-
cipal thereof within and not exceeding ten years.
(b) It is especially provided that no bonds shall be issued
under the provisions of this section, unless and until the question
of issuing said bonds shall have first been submitted to a vote
of the people of the city and shall have received three-fifths of all
votes cast at said election for or against the same. The council
may provide by ordinance for an election in any year, at which
the question shall be submitted to the people as to whether the city
shall be authorized to issue bonds for the purpose and under the
provisions of this section, to an amount not to exceed in the year
next following the date of said election, the amount recommended
by said ordinance for said ensuing year; but the ordinance pro-
viding for said election need not specify in detail the location of
the improvements contemplated to be paid for during the ensuing
year out of said aggregate issue authorized for said year, and
notwithstanding the provisions of sections two, three and six of
chapter forty-seven-a of the code, A. D., one thousand nine hun-
dred and sixteen, it shall be a sufficient description of the pur-
pose for which said election is held if the ordinance calling the
same shall recite that it authorizes the council to issue bonds for
the purpose of grading, paving, curbing, sewering, or otherwise
improving the streets and alleys of said city, or extending and im-
proving the water works plant, at such times as the council or the
water board, as the case may be, shall see fit during the ensuing
year ending on the .................. day of .................,
19......, to an amount not exceeding in the aggregate during
said year the sum of $.........................; and when the
council shall have once been authorized by a vote of the people
to issue bonds for said purpose and in a sum not to exceed the
amount set forth in the ordinance calling the said election, no
further election shall be necessary for the issuing of such bonds
during said ensuing year up to the amount stipulated in said
ordinance calling said election, but the council shall from time
to time during said ensuing year by ordinance authorize the issue
96 of said bonds, in such sums, and for the improvement of such
97 streets and alleys as to it may seem best, subject to the provisions
98 of sections thirty-two, thirty-three and thirty-four of this act.
99 Any bonds authorized for the extension and improvement of the
100 water works or plant shall be issued and delivered to the water
101 board, and by said board sold as provided by law, and the pro-
102 ceeds of such bonds shall be expended only for the purpose for
103 which such indebtedness was authorized.
104 The aggregate amount of bonds authorized by said annual
105 election shall not be exceeded during said year, unless and ex-
106 cept the same be authorized by a special election held at a sub-
107 sequent time in said year and duly called as provided for the
108 calling of the annual bond election.
109 The provisions of chapter forty-seven-a of the code concern-
110 ing bond elections, shall, so far as they are not in conflict with
111 the provisions of this section, apply to the annual bond elections
112 and special bond elections herein provided for.

Sec. 36. The city council is hereby authorized and em-
2 powered to cause to be put down a suitable curb of brick, stone
3 or other material along and for the footways and sidewalks of the
4 public streets and alleys of said city, and to order and cause the
5 grading, laying or relaying or repair of sidewalks and gutters,
6 of such material and width as the council may determine; and
7 to require the owners or occupiers of the lot or lots or parts of
8 lots facing upon said streets and alleys to keep such sidewalks
9 clean and in good repair. The owners or occupiers of the lots
10 or fractional parts of lots abutting upon such streets and alleys
11 shall not grade or lay any such sidewalk, curb or gutter, unless
12 specially requested to do so by resolution adopted by the council,
13 and then only of the kind prescribed by the council; but the city
14 may lay such sidewalk, curb or gutter and grade therefor, or
15 may let said work by contract, and in either case the total cost
16 of said work shall be charged upon and assessed against the lots
17 or fractional parts of lots abutting upon the streets and alleys
18 so improved, in proportion to the number of feet frontage thereon
19 of each such lot or part of lot, and shall be and remain a lien
20 thereon from the date of the acceptance of the work by the city,
21 and said lien shall have priority over all other liens except those
22 for taxes due to the state, and shall be on a parity with the taxes
23 and assessments due the city, and shall bear interest from the
24 date of acceptance of the work by the city, or from the completion
25 thereof when done by the city, and shall become due and payable
26 when declared final by the council; and to each such assessment re-
27 maining unpaid thirty days after maturity there shall be added and
28 collected by the city a penalty of ten per centum of the amount of
29 such assessment in addition to the interest. The amount so
30 assessed against any lot, or fractional part of lot, together with
31 the interest and penalty aforesaid, shall also be a debt against the
32 owner of such lot or part of lot. Immediately upon completion
33 of the work, if done by the city, or upon acceptance of the work
34 if done by contract, the council shall cause the city clerk to pub-
35 lish a notice which shall give the names of the owners of each
36 lot or fractional part of lots over which such sidewalks are graded,
37 paved, curbed or laid, if such names be known, and if unknown,
38 shall describe such lot or part of lot with reasonable certainty suf-
39 ficient to identify the same, and shall also state the number of
40 feet over each lot or part of lot so graded, curbed or laid with
41 sidewalk, together with the amount assessed against each
42 owner; which notice shall be published as provided for the publi-
43 cation of notice of street assessments hereinabove and shall cite
44 all said owners to appear before the council at a regular meeting
45 to be held within thirty days following the first publication there-
46 of and show cause, if any they can, why such assessments should
47 not become final. Protests against said assessments shall be
48 heard and determined and said assessments shall become final
49 and be recorded by the city clerk, certified for collection, charged
50 to the superintendent of the department of finance and police,
51 collection thereof enforced against the property assessed and
52 against the owner thereof, and a certificate of said assessments
53 certified to the clerk of the county court for recordation, and rec-
54 orded in all respects in the same manner and with the same
55 legal effect as provided in the case of assessments for street pav-
56 ing or other local improvements in this act provided. And all
57 of the assessments, interest and penalties thereon so collected
58 from the abutting lot owners on account of the grading and curb-
59 ing and laying of said sidewalks shall be applied to the cost of
60 making the improvement for which said assessments were laid,
61 and for no other purpose; but if by reason of the penalties col-
62 lected on delinquent assessments there shall be any balance over
63 and above the cost of such improvement, such excess shall be
64 paid into the city treasury to the credit of the fund for street
65 improvements and shall be used for no other purpose.
Sec. 37. Whenever any assessments for sidewalks, street paving, grading, sewering or other improvements hereinabove provided for shall have been paid in full, the city treasurer shall execute on behalf of the city and deliver to the party paying the same a proper release on the lien of such assessment, which release shall be substantially in the form prescribed by section two of chapter seventy-six of the one thousand nine hundred and thirteen code of this state, (serial section number three thousand eight hundred and fifty-nine) for the release of the lien of judgments and decrees.

Sec. 38. No assessment herein authorized against or upon any property for any local improvement shall, in the first instance exceed in amount twenty-five per centum of the value of such property after the improvement is completed. And all assessments for local improvements which may be made against any property during the fifteen years next ensuing after the first assessment shall have been made, including the first assessment, shall not exceed at any time in the aggregate one-third of the value of such property.

Sec. 39. The remedies herein provided for the enforcement of any power, right or authority by this charter conferred upon said city of Clarksburg shall not be exclusive or in derogation of any other right or remedy which it does or shall possess under any law or under the constitution of the state to enforce in any court of law or equity any such power, right or authority.

Sec. 40. If in any case any special assessment shall be illegal or void, either in whole or in part, a new assessment may be made in the same manner, as nearly as may be, as other special assessments are authorized by this act to be made, to pay for the improvement, the former assessment for which was or is illegal or void as aforesaid.

Sec. 41. All ordinances, resolutions and notices of every kind, the publication of which is required by any provision of this act, shall be published for the period of time in each particular instance specified, but in all cases in which the time the publication is to run is not specially provided, such publication shall be once a week for two consecutive weeks. In all cases the manner of publication shall be by causing the same to be inserted in the two principal newspapers published in the city of Clarksburg of opposite political opinions and affiliations; if the owner of either of such newspapers will not publish such notices in any
instance at the rate herein provided to be paid, or if only one
such newspaper for any period be published in the city of Clarks-
burg, then, by inserting such notice in the paper that will publish
the same at the rate hereinafter provided, or in any newspaper
published in the city of Clarksburg. If no newspaper published
in said city will in any instance publish any notice required, at
the rate of compensation hereinafter provided, then and in every
such case it shall be sufficient publication thereof to post a copy
of such notice at the front door of the building in which the
city council holds its meetings, for a period of two weeks. Every
such publication or posting shall be held and deemed to be
equivalent to personal service in every case. The certificate of
the printer or manager of the paper publishing any notice herein
required, or the affidavit of the party posting any notice that
may be served by posting, shall be accepted as prima facie evi-
dence of the publication of the notice. Such certificate and
affidavit shall be filed with the city clerk and preserved as a part
of the records of his office.

The rates charged for the publication of any notice herein
required to be given shall not exceed the rate prescribed by the
laws of the state of West Virginia for the publication of notices
required to be published in suits in chancery in the circuit courts
of the state.

Sec. 42. The holder of any elective office may be removed
at any time by the electors qualified to vote for a successor of
such incumbent. The procedure to effect the removal of an
incumbent of an elective office shall be as follows: A petition
signed by electors entitled to vote for a successor to the incumbent
sought to be removed, equal in number to at least twenty-five
per centum of the entire vote for all candidates for the office of
mayor at the last preceding municipal election, demanding an
election of a successor of the person sought to be removed shall
be filed with the city clerk, which petition shall contain a general
statement of the grounds upon which the removal is sought.
The signatures to the petition need not all be appended to one
paper, but each signer shall add to his signature his place of
residence, giving the street and number. One of the signers of
each such paper shall make oath before an officer competent to
administer oaths, that the statements therein made are true as
he believes, and that each signature to the paper appended is the
genuine signature of the person whose name it purports to be.
Within ten days from the date of filing such petition, the city clerk shall examine said petition and ascertain whether or not the same is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of his examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate, and the clerk shall, within ten days after such amendment, make like examination of the amended certificate and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed sufficient, the clerk shall submit the same to the council without delay and the council, if it shall find the petition sufficient, shall order and fix a date for the holding of said election not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall then provide for publication of notice and make all arrangements for holding such election, and the same shall be conducted and returned and the result thereof declared in all respects as are other city elections. So far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the clerk at least ten days prior to said special election, a statement of candidacy accompanied by a petition by electors entitled to vote at said special election equal in number to at least ten per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in section six of this act, so far as the same is applicable, substituting the word “special” for the word “primary” in such statement and petition and stating therein that such person is a candidate for election instead of nomination. The ballot for such special election shall be in substantially the following form:

**Official Ballot.**

“Special election for the balance of the unexpired term of ............. as ............
For ......................................................
(Vote for only one.)
The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who received the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The said method of removal shall be cumulative and additional to the methods heretofore provided by law. But there shall be no election under this section within ninety days before any general election.

Sec. 43. Chapter one hundred and one of the acts of the legislature, regular session, one thousand eight hundred and ninety-seven, entitled “An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Clarksburg, in the county of Harrison,” and chapter seventy of the acts of one thousand nine hundred and three amending said chapter one hundred and one of the acts of one thousand eight hundred and ninety-seven, and chapter thirteen of the acts of one thousand nine hundred and eleven regular session, amending said chapter one hundred and one and one of the acts of one thousand eight hundred and ninety-seven as amended, and chapter twelve of the acts of the West Virginia legislature regular session one
12 thousand nine hundred and nine, further amending said chapter 13 one hundred and one as amended be, and all other acts and parts 14 of acts amendatory of said chapter one hundred and one of the 15 acts of one thousand eight hundred and ninety-seven, and all acts 16 and parts of acts inconsistent and in conflict with this act, in 17 so far as they are inconsistent and in conflict with this act, are 18 hereby repealed; and the several certificates of incorporation 19 heretofore issued by the circuit court of Harrison county, West 20 Virginia, or by the clerk thereof, pursuant to an order of said 21 court, incorporating the said The Town of Adamston, The Town 22 of Stealey Heights, The Town of North View and The Town of 23 Broad Oaks, are each hereby annulled and vacated.

Sec. 44. This act shall not be effective unless the same shall 2 first be submitted to the voters of the territory included in the 3 boundaries as herein described, at a special election called for 4 that purpose, and adopted by a majority of the votes cast at said 5 election. Said special election shall be held on the first Tuesday 6 after the first Monday in November, 1917, after publication of 7 the act one time not less than ten days immediately preceding 8 said special election, in two daily newspapers published in said city. 9 Said special election shall be conducted in the regular manner 10 of holding municipal elections in said city. The council of the now 11 existing city of Clarksburg shall designate the voting places for 12 such election, appoint the commissioners and poll clerks to con- 13 duct the same and pay the expenses thereof out of the treasury of 14 said now existing city.

The ballot to be voted at said election shall be printed upon 16 plain white paper and in the following form:

CITY OF CLARKSBURG.

Charter Election.

Indicate how you desire to vote by a cross in the square.

□ □ For adoption of new charter

□ □ Against adoption of new charter.
SENATE JOINT RESOLUTION NO. 8.

(Adopted February 6, 1917.)

Instructing the Finance Committees of the two houses to report the appropriation bills within a time specified.

WHEREAS, Among the important measures to come before this session of the legislature are the bills appropriating moneys to carry on the government of the state and its several institutions; and,

WHEREAS, In order that each member of the legislature may vote intelligently on said bills, it is necessary that a reasonable time be given for their discussion on the floor of the Senate and House of Delegates; therefore, be it

Resolved, That the Committee on Taxation and Finance of the House, and the Committee on Finance of the Senate—the two committees having charge of the preparation of such bills—be and they are hereby instructed to report the same to the Senate and House of Delegates not later than the fifteenth day of February, one thousand nine hundred and seventeen.

SENATE JOINT RESOLUTION NO. 9.

(Adopted January 31, 1917.)

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 1915, be and they are hereby adopted for the government of the two houses during the present session, or until otherwise ordered.
SENATE JOINT RESOLUTION NO. 16.

(Adopted February 23, 1917.)

Authorizing Dr. J. V. Johnson to practice medicine in the state of West Virginia:

WHEREAS, The said Dr. J. V. Johnson has, prior to the act of the Legislature of one thousand nine hundred and fifteen, practiced medicine in the said state for more than thirty years;

Therefore be it Resolved by the Legislature of West Virginia:

That the public health council constituted by section eight-a, chapter 150 of Barnes' code be, and the said board is hereby authorized, empowered and directed to register the said Dr. J. V. Johnson as a physician, and issue to him a certificate, without examination, authorizing him to practice medicine in the state of West Virginia upon his filing an affidavit showing his name, age and place of residence, and that he has practiced medicine for more than thirty years prior to the time said act took effect; provided, said application shall be made within six months from the date of the adoption of this resolution.

SENATE JOINT RESOLUTION NO. 20.

(Adopted February 22, 1917.)

WHEREAS, the Supreme Court of the United States at the suit of the Commonwealth of Virginia vs. the State of West Virginia, on June 14, 1915, entered a judgment in favor of the Commonwealth of Virginia against the State of West Virginia for $12,393,929.50, with interest thereon from July 1, 1915, until paid, at the rate of 5% per annum; and

WHEREAS, the Senate and the House of Delegates has each for itself, at the first regular session of the Legislature which convened after the rendition of said judgment, appointed a committee with authority to hear arguments, pass upon resolutions and recommend appropriate measures looking to a settlement of the judgment aforesaid; and

WHEREAS, the Commonwealth of Virginia, not content to await the action of the Legislature in the premises, has seen fit to appear before the Supreme Court and sue out a rule in mandamus directed
to the entire membership of each branch of the Legislature, requiring the members thereof forthwith and at the present session, to assess and levy a tax upon the property within the State of West Virginia sufficient to provide for the payment of said judgment, with interest thereon until paid, or make provision for the payment thereof by an issue of bonds, or else to appear at the bar of the Supreme Court on the 6th day of March next, and show cause why such action should not be taken; and

Whereas, this Legislature upon the challenge of its constitutional rights thus made by the Commonwealth of Virginia and upon the advice of the Attorney General and special counsel duly appointed by the new Virginia Debt Commission, authorized and empowered so to do, feels that it should suspend further action and leave the further consideration of the Virginia debt in abeyance until the Supreme Court shall have disposed of said mandamus proceeding, and that it should defend against said rule.

Be it therefore resolved by the Senate, the House of Delegates concurring therein:

First—That the attorney general of the state, with the assistance of special counsel retained by the new Virginia Debt Commission, for the purpose, be authorized and directed to appear to and make appropriate defense against said rule for and on behalf of the State of West Virginia, the Legislature thereof, and the several senators and delegates constituting the membership of its respective bodies.

Second—That in the event the Legislature should not be in session at the time of the rendition of the court’s judgment upon the mandamus, the governor is requested, whether that judgment be for or against the State of West Virginia, to convene the Legislature in special session, as soon as may be, for the purpose of doing without delay what should be done in the premises.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 31, 1917.)

Authorizing the janitor of the capitol to employ, under the statute, additional help during the present session of the Legislature.

Resolved by the Senate of West Virginia, the House of Delegates concurring therein.
That the janitor of the capitol appoint not to exceed nine additional helpers during the present session of the Legislature, who, together with the chief janitor, shall receive three dollars per day, as provided by law, one-half of which shall be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Delegates, upon proper warrants drawn upon the auditor by the clerk of the Senate and the sergeant-at-arms of the House of Delegates, respectively; also, that the janitor appoint two charwomen who shall receive a like compensation, payable as hereinbefore provided for the payment of the janitor’s assistants.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted February 8, 1917.)

Adopting a Legislative Hand Book and Manual and Official Register of the State.

WHEREAS, In recent years there has been an urgent demand for an official manual of this State; and

WHEREAS, After the legislative session of one thousand nine hundred and fifteen Mr. John T. Harris, for many years clerk of the senate, compiled, edited and published a “West Virginia Legislative Hand Book and Manual and Official Register,” which, under a senate resolution, was furnished not only to members of the legislature of 1915, but to members of the present legislature as well, and also to the various departments of the state government, to county officials, to public libraries, to the newspapers throughout the State, and to others; and

WHEREAS, A work of this character is especially valuable to professional men, bankers, and to West Virginia business men generally; and

WHEREAS, While the publication was intended primarily as a book of reference for members of the legislature, state and county officials, newspaper editors and publishers, and political committieemen, yet a wider field has been opened to it through requests from educators and professional and business men throughout the State, and elsewhere; and

WHEREAS, The hand book and manual referred to is now being used in many of the state educational institutions, and in the public schools,
in connection with the teaching of civics and the current history of West Virginia, and the scope of its usefulness may be greatly enlarged by encouraging its further use in said schools; therefore be it

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

That the "Legislative Hand Book and Manual and Official Register" hereinbefore referred to, be and the same is hereby adopted as an official publication of the State, to be issued under the direction of and in accordance with provisions hereafter to be made by the legislature in respect thereto.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted February 8, 1917.)

Respecting the death of Frank Bliss Enslow, Sr.

Whereas, Frank Bliss Enslow, Sr., of Huntington, died unexpectedly in this city last night; and,

Whereas, Mr. Enslow was one of West Virginia's prominent citizens, a leader in his profession as a lawyer, prominent in the business and social life of his state, warmly loved and admired by his many friends and associates, and a man whose death will be an inestimable loss to the state as a whole; therefore, be it

Resolved, By the legislature of West Virginia, that the sympathy of this body be and is hereby extended to his family and associates.

SENATE CONCURRENT RESOLUTION NO. 4.

(Adopted February 13, 1917.)

Providing for printing and distributing the legislative handbook and manual and official register.

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

That the Legislative Handbook and Manual and Official Register of West Virginia, recently adopted as a state publication, shall contain in its revised editions a complete list of the membership and standing committees of the legislature, together with the rules of the senate and house, and joint rules of the two bodies, and brief illustrated biographical sketches of the members; a complete revision of the official register division covering state officials and employes,
and county officers, boards, political committees, etc.; the Declaration of Independence, constitution of the United States and constitution of the State of West Virginia; descriptive and statistical information relating to all state institutions and to all departments of the government, brought down to the time of publication; a complete list of the judiciary of the state, with the rules of the supreme court, and the terms and times of holding the various courts of the state; biographical sketches of the officers of the state government and judges; the political platforms of 1916, with tables covering the election returns of 1912 and 1916; a corrected list of all postoffices in the state, and any other matter bearing upon the past or current history of West Virginia deemed pertinent by the editor and compiler.

The cost of printing and binding the handbook, including any maps or cuts therefor, and circular matter necessary in connection with the work of preparing and distributing the same, shall be paid out of the appropriations for public printing and binding.

Under the supervision of the editor and compiler, the following distribution of the handbook shall be made:

Fifty copies to each member of the legislature.
Two copies to each senator and representative in the congress of the United States from this state.
Two copies to the congressional library at Washington.
Ten copies to judges and clerk of the supreme court of appeals.
Five copies to the state law library.
One copy each to the judges of the circuit, criminal and intermediate courts.
One hundred copies to the chief executive.
Two hundred copies to the department of archives and history for exchange with other states and libraries outside the state.
Fifty copies to the state board of control for use of the board and for supplying various state institutions.
Twenty-five copies to the state university.
Ten copies to each of the branches of the university and the state normal schools.
Twenty-five copies to the state auditor.
Ten copies to the state treasurer.
Fifty copies to the tax commissioner.
Twenty-five copies to the workmen's compensation department.
Sixty copies to the public health council.
Twenty-five copies to the public service commission.
Ten copies to the department of banking.
Twenty copies to the department of mines.
Four hundred copies to the department of free schools for supplying county superintendents, district supervisors and principals of high schools.
Ten copies to the department of labor.
Ten copies to the department of agriculture.
Five copies to the attorney general.
Five copies to the adjutant general.
Twenty copies to the state geological survey.
Twenty copies to the state road bureau.
Ten copies to the department of forestry, game and fish.
One copy each to the county and circuit court clerks, sheriffs and prosecuting attorneys throughout the state.
One copy each to all officers and members of state political committees and to the chairmen of county political committees.
Three hundred copies to the editor and compiler of the handbook for supplying public libraries and the libraries of private and denominational schools of the state and the members of the next succeeding legislature.
To the secretary of state the remainder of the edition to be hereafter fixed and authorized, the same to be available for supplying the members of the legislature with extra copies, if called for, educators throughout the state not already herein provided for, and for general distribution; and the secretary of state shall fix a price upon the handbook covering the cost of publication, with a reasonable profit added as is done with the acts of the legislature, and charge the same in all proper cases, the money derived from sales to be accounted for in the same manner as proceeds from sales of the acts and the West Virginia reports.

SENATE CONCURRENT RESOLUTION NO. 5.

(Adopted February 23, 1917,)

Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and seventeen.

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 circuit, criminal and intermediate courts, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the clerks of the two Houses as soon as possible after the adjournment of this session. Upon receipt of the same, the clerks shall, without delay, forward by mail or express to each member of the Senate and House of Delegates at least ten of said advance copies, and one copy to each of the officials hereinbefore enumerated, and ten copies to each of the state officials. The said clerks are also authorized and directed to have printed in signature form or advance sheets, any general law which they may deem of sufficient importance to be issued and distributed in that form. The sum of two hundred dollars out of the contingent fund of the House and one hundred dollars out of the contingent fund of the Senate 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 expressage on said advance copies.

For the extra work provided for in this resolution, the time of said clerks and one assistant clerk from each House is extended for sixty days, the 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.

SENATE CONCURRENT RESOLUTION NO. 6.

(Adopted February 23, 1917.)

Providing for the printing and distribution of advance copies of the new road law.

WHEREAS, Senate Bill No. 284 revises all of the road laws and will effect all officials connected with road improvements of the state; therefore be it
Resolved by the Senate of West Virginia, the House of Delegates concurr­ing therein:

That the clerk of the House and the clerk of the Senate have five thousand copies of Senate Bill No. 284 printed, bound in paper binding and delivered to the secretary of state, who shall mail ten copies to the home address of each member of the House and Senate, thirty copies to the clerk of each county court, one copy to each newspaper in the state, one hundred and fifty copies to the state road bureau at Morgantown and shall deliver the residue to the state road commission for distribution.

HOUSE JOINT RESOLUTION NO. 11.

(Adopted February 6, 1917.)

Requesting the Senators and Representatives of this state in the Congress of the United States to assist in expediting the passage of Senate Bill 5126, now pending in the Congress of the United States, 'giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes.'

Resolved, by the Legislature of West Virginia, a majority of the members of each house agreeing thereto:

That the Senators and Representatives of this state in the Congress of the United States are hereby requested to assist in every possible way in expediting the passage of Senate Bill 5126, a bill introduced by Hon. W. E. Chilton and now pending in said Congress, 'giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes;' and be it further

Resolved, That these resolutions be certified by the Clerk of the Senate and the Clerk of the House of Delegates and that copies thereof be transmitted by the Secretary of State to each member of the Senate and House of Representatives from West Virginia with the request that they be recorded on the journals of their respective bodies.'
Endorsing the course of the President of the United States in severing diplomatic relations with the Imperial German Government.

Be it Resolved by the House of Delegates of West Virginia, the Senate concurring therein:

First: That we, the Legislature of West Virginia, deeply deploring the international crisis that has called it forth, hereby express our hearty approval of the course pursued by President Wilson and the Department of State at Washington, in severing diplomatic relations with the Imperial German Government, following its note of January thirty-first, repudiating the pledges heretofore given to respect the lives and property of American citizens, and to insure the freedom of the seas. Believing that to submit to a violation of the fundamental rights involved would bring lasting humiliation and a loss of self-respect, we endorse the clear and patriotic declaration by the President of a fixed purpose to invoke the power of the nation to maintain our honor and independence as a sovereign people. In an hour like the present, our usual personal and party differences are leveled before an exalted patriotism; and to maintain its rights and sacred honor among the nations of the earth, we pledge to our government the united support of the people of West Virginia.

Second: That a copy of this resolution, duly authenticated, be sent to the President of the United States, and a copy to each of our representatives in the Congress of the United States, with the request that they communicate the same to their respective Houses.

Authorizing Thaddeus C. Jones to practice veterinary surgery and veterinary medicine in the state of West Virginia:

WHEREAS, Dr. Thaddeus C. Jones has, prior to the act of the legislature of West Virginia of nineteen hundred and fifteen, practiced
veterinary surgery and veterinary medicine in said state for more than ten years; and

WHEREAS, section two of said act provides for the registration of all persons practicing as such veterinarian in said state for ten years or more, upon the payment of the regulation fee of five dollars, without the examination required by said act, provided the application for said registration be made within sixty days after the organization of the examining board constituted by said act; and

WHEREAS, the said Thaddeus C. Jones was not advised of the provisions of said act until after the expiration of said sixty days, therefore,

Be it Resolved by the Legislature of West Virginia:

That the Veterinary Examining Board constituted by chapter thirty-three, of the acts of the legislature of West Virginia of nineteen hundred and fifteen, be, and said board is hereby authorized, empowered and directed to register said Thaddeus C. Jones as a veterinarian, and issue to him without examination, a certificate authorizing him to practice veterinary surgery and veterinary medicine in the state of West Virginia, upon his filing his affidavit showing his name, age, residence, and that he has practiced veterinary surgery and veterinary medicine in the state of West Virginia for more than ten years prior to the date said act took effect, and upon his paying the regulation fee of five dollars. Provided, said application for registration and certificate shall be made within six months from the date of the adoption of this resolution.

HOUSE JOINT RESOLUTION NO. 16.

(Adopted February 16, 1917.)

WHEREAS; The National Association of Vicksburg Veterans are now planning to hold a National Memorial Reunion and Peace Jubilee of the Union and Confederate survivors of the armies and navies, irrespective of campaign or line of service in which they participated, on the Government domain within the Vicksburg National Military Park, October sixteenth, seventeenth, eighteenth and nineteenth, one thousand nine hundred and seventeen, and
WHEREAS; The State of West Virginia is distinctively the child of the civil war, and now holds her place in the galaxy of states forming the union on account of the now historic events that found consummation by adding a new star to our nation's flag, and

WHEREAS; It is a fact of which all citizens are justly proud that when there came a call to arms, no part of the union responded more promptly or more loyally on both sides than did the territory that now is known as the commonwealth of West Virginia, and

WHEREAS; during the half century that has passed since the ending of the civil war, the spirit of bitterness engendered thereby has been softened by the tender influences of fraternal and patriotic associations, and

WHEREAS; We, as citizens of this prosperous state, have with us many of the loyal men and true, who following the dictates of their consciences nobly did their duty, as they saw it, and have given to our generation and the generations of Americans to follow us the noble example that sacrifice of self for the general good is the fittest work that man can do, and

WHEREAS; Many of these veterans, both blue and gray, are desirous of attending the said National Memorial Reunion and Peace Jubilee but on account of the necessary expense connected therewith will be prohibited from so doing, and

WHEREAS; It should be the pleasure as well as the duty of the state to add at least this one happy occasion to the life of each one of the "boys," who is yet with us: Therefore, be it

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

That there be appropriated to pay the transportation expenses of ex-union and ex-confederate soldiers within this state to and from the said National Memorial Reunion and Peace Jubilee to be held on the government domain within the Vicksburg National Military Park, October sixteenth, seventeenth, eighteenth and nineteenth, one thousand nine hundred and seventeen, the sum of $7,500.00, or so much thereof as may be necessary, such fund to be administered by the chief executive of this state, or such other officer as he may by official order designate, and a report of all acts hereunder to be made to the next regular session of the legislature of this state.
HOUSE JOINT RESOLUTION NO. 18.

(Adopted February 23, 1917.)

Expressing gratitude of the legislature in behalf of the people of West Virginia to the trustees of the Lawrence A. Reyman estate for a valuable gift of lands and other property situated in Hardy county.

Be it resolved, by the House of Delegates of West Virginia, the Senate concurring therein:

That we, the legislature of West Virginia, in behalf of the people of this state, do hereby express to the trustees of the Lawrence A. Reyman estate our gratitude for the generous gift of farm lands and farm equipment and the valuable herd of Ayershire cattle, recently conveyed by deed of gift to the West Virginia Agricultural Experiment Station by said trustees, the purpose of which gift is to carry out the wishes of the late Lawrence A. Reymann for the promotion, development and advancement of the science of agriculture in its most comprehensive scope in the state of West Virginia. As representatives of said state and its people, the legislature hereby records its appreciation and approval of the patriotic purposes and public spirit of the man who planned to render this splendid service to his state, and of the far-sighted generosity of his heirs and the trustees of his estate in making that service continuous through the gift of the aforesaid lands and other property to the state of West Virginia; and be it further resolved, That copies of this resolution be certified by the clerks of both houses of the legislature and transmitted under the seal of the state by the secretary to the heirs of the late Lawrence A. Reyman and to the trustees of his estate.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted January 10, 1917.)

Raising a joint committee to wait upon the Governor.

Resolved, that a joint committee be appointed, three by the speaker of the house and two by the president of the senate, to wait upon the governor and to inform him that the legislature is organized
with a quorum of each house present, and is prepared to receive any communication he is pleased to make, and to proceed with the business of the session.

HOUSE CONCURRENT RESOLUTION NO. 3.

(Adopted January 22, 1917.)

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

Resolved, by the Legislature of West Virginia:

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

HOUSE CONCURRENT RESOLUTION NO. 4.

(Adopted February 23, 1917.)

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.
ACTS

OF

THE LEGISLATURE

OF

WEST VIRGINIA

EXTRAORDINARY SESSION 1917
AN ACT making appropriations of public money on account of the contingent expenses of the regular and extraordinary sessions of the legislature of one thousand nine hundred and seventeen.

[Passed March 3, 1917. In effect from passage. Became a law without the Governor's approval.]

Sec. 1. That there is hereby appropriated out of the public treasury the following sums of money on account of the contingent expenses of the regular and extraordinary sessions of the legislature of one thousand nine hundred and seventeen.

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

2. For contingent expenses of the house of delegates, ten 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. 6.)

AN ACT making appropriation of public moneys to pay the per diem of the members of the legislature for the extraordinary session of one thousand, nine hundred and seventeen, and for salaries of the officers and attaches thereof.

[Passed March 3, 1917. In effect from passage. Became a law without the Governor's approval.]

SEC. 1. Appropriations; per diem and mileage of delegates; per diem and compensation of officers, assistant clerks and other employees of the house of delegates; per diem and mileage of senators; per diem and compensation of officers, assistant clerks and other employees of the senate; per diem of janitor, assistants and charwoman.

2. Authorizing auditor to issue warrants.

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 extraordinary session of one thousand nine hundred and seventeen and the per diem of the officers and attaches thereof the following sums of money:

House of Delegates.

7 To pay the per diem of the members, three thousand and twenty-four dollars.

9 To pay the per diem of the Clerk of the House, for services rendered during this session, and to be rendered in the completion of the work at the end of the session, two hundred dollars.

12 To pay the per diem of the sergeant-at-arms for services rendered during this session, and to be rendered in the completion of the work at the end of the session, ninety dollars.

15 To pay the per diem of the assistant sergeant-at-arms, thirty-two dollars.

17 To pay the per diem of the doorkeeper, thirty-two dollars.

18 To pay the per diem of the assistant doorkeeper, thirty-two dollars.

19 To pay the per diem of the gallery doorkeeper, thirty-two dollars.

20 To pay the per diem of the day watchman, thirty-two dollars.

22 To pay the per diem of three cloak room keepers, eighteen dollars each, seventy-two dollars.

24 To pay the per diem of the day watchman, thirty-two dollars.
To pay the per diem of the night watchman, thirty-two dollars.

To pay the per diem of the clerk of the special committee forty-eight dollars.

To pay the per diem of seven floor pages, one hundred and twelve dollars.

To pay the per diem of the mailing and banking page, twenty-four dollars.

To pay the per diem of five floor stenographers, two hundred and forty dollars.

To pay the per diem of the five journal clerks, one hundred and sixty dollars.

To pay the per diem of the stenographer of the special committee, forty-eight dollars.

To pay the per diem of the stenographer to the speaker, forty-eight dollars.

To pay the per diem of five printing clerks, two hundred and forty dollars.

To pay the per diem of four stenographers to the clerk, one hundred and ninety-two dollars.

To pay the per diem of bill record clerk, forty-eight dollars.

To pay the per diem of assistant bill record clerk, forty-eight dollars.

To pay the per diem of one desk clerk, forty-eight dollars.

To pay the per diem of three assistant clerks, one hundred and forty-four dollars.

To pay the per diem of Will A. Strickler, assistant clerk, and one desk clerk, for services rendered during this session, and to be rendered in the completion of the work at the end of the session, three hundred dollars.

To pay the per diem of two reading clerks, ninety-six dollars.

To pay the per diem of the clerk of the committee on engrossed bills, forty-eight dollars.

To pay the per diem of five assistant janitors, one hundred and twenty dollars.

To pay the per diem of the charwoman, twenty-four dollars.

To pay the per diem of the toilet room keeper, twenty-four dollars.

To pay the per diem of the chaplain, sixteen dollars.
Section 2. To pay the per diem of the members, nine hundred and seventy-six dollars.

To pay the per diem of private secretary to the President, forty-eight dollars.

To pay the per diem of private stenographer to the president, forty-eight dollars.

To pay the per diem of the clerk of the Senate for services rendered during this session and to be rendered in the completion of the work at the end of the session, two hundred dollars.

To pay the per diem of the chief assistant and one minute clerk for services rendered during this session and to be rendered in the completion of the work at the end of the session, three hundred dollars.

To pay the per diem of supervisor of printing of engrossed and enrolled bills for services rendered during this session and to be rendered in the completion of the work at the end of the session, one hundred and fifty dollars.

To pay the per diem of reading clerk, abstract clerk, roll clerk, bookkeeper, voucher and warrant clerk, stenographer and bill record clerk, three hundred and thirty-six dollars.

To pay the per diem of two printing clerks, two assistants and one copy holder, two hundred and forty dollars.

To pay the per diem of the stenographer on the Judiciary committee, forty-eight dollars.

To pay the per diem of the clerk of the finance committee, one assistant and one stenographer, one hundred and forty-four dollars.

To pay the per diem of the clerk of the committee on enrolled bills and one assistant, ninety-six dollars.

To pay the per diem of two stenographers reporting hearings before committee, ninety-six dollars.

To pay the per diem of the supervisor and five floor stenographers, one hundred and ninety-two dollars.

To pay the per diem of the sergeant-at-arms and one assistant, eighty dollars.

To pay the per diem of doorkeeper and three assistants, ninety-six dollars.
To pay the per diem of five committee clerks, one hundred and twenty-eight dollars.

To pay the per diem of four general assistants, one hundred and ninety-two dollars.

To pay the per diem of one day and one night watchman, forty-eight dollars.

To pay the per diem of one mailing and banking page and three journal pages, ninety-six dollars.

To pay the per diem of one page to the clerk and messenger to the clerk, forty-eight dollars.

To pay the per diem of seven floor pages, one hundred and twelve dollars.

To pay the per diem of three cloak room keepers and one toilet room keeper, ninety-six dollars.

To pay the per diem of messenger and door keeper of finance committee, thirty-two dollars.

To pay the per diem of the janitor, extra compensation during this extraordinary session, twenty-four dollars.

To pay the per diem of four assistant janitors, ninety-six dollars.

To pay the per diem of one charwoman, twenty-four dollars.

Section 3. The auditor of this state is 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.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted March 3, 1917.)

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, sine die.
AC T S

of

THE LEGISLATURE

of

WEST VIRGINIA

SECOND EXTRAORDINARY SESSION

MAY 14-26, 1917.
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AN ACT making appropriations of public money on account of the contingent expenses of the second extraordinary session of the Legislature of one thousand, nine hundred and seventeen.

(Passed May 10, 1917. In effect from passage. Approved by the Governor May 21, 1917.)

Sec. 1. Appropriation for contingent expenses of legislature.
Sec. 2. Provision as to purchase of supplies.
Sec. 3. Auditor authorized to issue warrants.

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 five hundred 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.
AN ACT making appropriation of public moneys to pay general charges upon the treasury.

[Passed May 26, 1917. In effect from passage. Approved by the Governor May 26, 1917.]

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<td>State board of control.</td>
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<td>Department of mining.</td>
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<td>Department of archives and history.</td>
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<td>Forestry, game and fish.</td>
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<td>23.</td>
<td>State geological and economic survey.</td>
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<td>Workmen's compensation.</td>
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<td>Agricultural experiment station.</td>
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<td>38.</td>
<td>Preparatory branch, West Virginia university, Montgomery.</td>
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<td>Fairmont state normal school.</td>
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<td>41.</td>
<td>Shepherd college state normal school.</td>
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<td>42.</td>
<td>West Liberty state normal school.</td>
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<td>Glennville state normal school.</td>
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<td>48.</td>
<td>Spencer state hospital.</td>
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<td>West Virginia state hospital.</td>
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<td>50.</td>
<td>Welch hospital No. 1.</td>
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<td>51.</td>
<td>McKendree hospital No. 2.</td>
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<td>52.</td>
<td>Fairmont hospital No. 3.</td>
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<td>53.</td>
<td>State tuberculosis sanitarium.</td>
</tr>
<tr>
<td>54.</td>
<td>State colored tuberculosis sanitarium.</td>
</tr>
<tr>
<td>55.</td>
<td>West Virginia school for deaf and blind.</td>
</tr>
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<td>56.</td>
<td>King's daughters hospital and city hospital.</td>
</tr>
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<td>58.</td>
<td>West Virginia industrial school for boys.</td>
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<td>59.</td>
<td>West Virginia colored orphans home.</td>
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<td>60.</td>
<td>West Virginia children's home.</td>
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<td>61.</td>
<td>Humane society.</td>
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<td>63.</td>
<td>Supreme court of appeals.</td>
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<td>Directions as to foregoing appropriations.</td>
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<td>70.</td>
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<td>71.</td>
<td>Provisions as to annual or biennial reports.</td>
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<td>72.</td>
<td>No sum to be paid beyond amounts hereby appropriated.</td>
</tr>
<tr>
<td>73.</td>
<td>Directions to clerk of house and clerk of the senate.</td>
</tr>
</tbody>
</table>

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 eighteen, and for the fiscal year
ending June thirtieth, one thousand nine hundred and nineteen, the following sums of money for the following purposes:

**Governor's Office.**

Sec. 2. 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

<table>
<thead>
<tr>
<th>Purpose</th>
<th>1918</th>
<th>1919</th>
</tr>
</thead>
<tbody>
<tr>
<td>For salary of private secretary to the governor</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>For stenographers and other clerk hire</td>
<td>3,700.00</td>
<td>3,700.00</td>
</tr>
<tr>
<td>For salary of pardon attorney</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>For stenographer to pardon attorney</td>
<td>1,200.00</td>
<td>1,200.00</td>
</tr>
<tr>
<td>For contingent expenses of pardon attorney</td>
<td>250.00</td>
<td>250.00</td>
</tr>
</tbody>
</table>

**Governor's Mansion and Grounds.**

Sec. 3. To pay for necessary repairs and improvements for furniture, furnishing, renovating and decorating interior of building (The above items to be expended upon the order of the governor and only after work has been done and supplies furnished in a manner satisfactory to him.)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>1918</th>
<th>1919</th>
</tr>
</thead>
<tbody>
<tr>
<td>For maintenance</td>
<td>1,250.00</td>
<td>1,250.00</td>
</tr>
<tr>
<td>For service in mansion</td>
<td>1,200.00</td>
<td>1,200.00</td>
</tr>
</tbody>
</table>

**Capitol Buildings and Grounds.**

Sec. 4. For water, light, heat, repairs and contingent and current expenses for capi-
GENERAL APPROPRIATIONS.

4 tol building, annex and grounds, to be expended only upon the order of the board of public works. $15,000.00

Labor Fund, Capitol Building.

Sec. 5. 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 Janitor and messenger, board of control 1,000.00 1,000.00
6 Nine janitors at $75.00 per month 8,100.00 8,100.00
7 Two charwomen 960.00 960.00
8 Two elevator men (capitol and annex) 960.00 960.00

Contingent Legislative Expenses.

Sec. 6. For current and contingent expenses of the house of delegates, or so much thereof as may be necessary $10,000.00
5 For current and contingent expenses of the senate, or so much thereof as may be necessary 10,000.00

Secretary of State's Office.

Sec. 7. To reimburse the contingent fund of the secretary of state for mailing journals and bills of the legislature as provided for in section 386 of the code of 1913 $1,500.00
7 To pay salary of chief clerk, not to exceed 2,400.00 2,400.00
To pay salary of clerk of board of public works and clerk of state auditing board, not to exceed $2,100.00.

To pay salary of corporation clerk, not to exceed $1,800.00.

To pay salaries of other clerks and stenographers, or so much thereof as may be necessary $7,700.00.

To pay necessary contingent and traveling expenses $2,000.00.

To pay for distribution of acts and journals $500.00.

Department of Schools.

Sec. 8. Expenses of members and the secretary of the state board of regents $1,000.00.

To pay the salary and traveling expenses of secretary and field agents $1,800.00.

To pay the salary of the chief clerk $1,800.00.

To pay the salary of stenographers $1,800.00.

To pay the salary of other clerks and stenographers $9,700.00.

Current and contingent expenses $3,000.00.

Purchase of books $50.00.

Printing, binding and stationery $15,000.00.

Expenses to be incurred by the state superintendent under the provisions of article twelve, section two of the constitution $500.00.

Per diem and expenses of the state board of education $1,200.00.

Compensation of institute instructors $9,500.00.

Expenses of conducting uniform examinations $8,000.00.
GENERAL APPROPRIATIONS. [Ch. 2

27 Salaries of county superintendents 56,000.00 56,000.00
29 Deficiency; department of schools printing fund, available during the current fiscal year 12,000.00
32 Supplemental aid for teachers’ fund 100,000.00 100,000.00
34 Supplemental aid for building fund 22,500.00 22,500.00
36 State aid for classified high schools 100,000.00 110,000.00
38 School book commission as provided by chapter 45, section 155-a (1) of the code 1,000.00

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

Auditor’s Office.

Sec. 9. To pay the salary of
2 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 salary of the corporation clerk 1,800.00 1,800.00
6 To pay the salary of the land clerk 1,680.00 1,680.00
7 To pay the salaries of other clerks 18,520.00 18,520.00
8 Contingent expenses 3,000.00 3,000.00
8-a To pay the expenses of the insurance department 10,000.00 10,000.00
8-c For refunding moneys erroneously paid into the treasury such sums are hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.
14 For pay of state agents, such amounts are hereby appropriated as may be necessary to pay commission of state agents payable out of the fund col-
LECTED:—provided, that in no case shall the amount so paid exceed ten per centum of the funds collected and paid into the treasury by any such agent.

For refunding to counties, districts and municipal corporations, county, district and municipal corporation taxes paid into the treasury for the redemption of lands, such an amount is hereby appropriated as will be necessary to refund to the counties, districts and municipal corporations entitled thereto, the taxes so paid into the treasury.

For refunding county, district and municipal taxes paid into the treasury by railroad and other companies, such sum is hereby appropriated as will be necessary to refund to each county, district and municipal corporation the amount of such taxes as may be paid into the treasury to the credit of such county, district and municipal corporation.

The auditor shall credit all delinquent taxes due the state to the fund to which they belong, and the cost of certification and publication of sale shall be paid out of the fund to which they are credited, and there is hereby appropriated for certification the sum of... 3,000.00

And for the publication there is hereby appropriated so much as may be necessary, the cost... 3,000.00
59 of publication of each tract
60 not to exceed the sum of seventy-five cents.

State Treasurer's Office.

Sec. 10. To pay the salary
2 of the chief clerk not to exceed $2,000.00
3 To pay the salary of bookkeeper
4 not to exceed 1,800.00
5 To pay the salary of receipt and
6 check clerk not to exceed 1,500.00
7 To pay the salary of assistant
8 receipt and check clerk 1,320.00
9 To pay salary of assistant receipt
10 and check clerk to June 30,
11 1917 440.00
12 Necessary contingent and traveling expenses
13 1,500.00
14 For installing Burrough system
15 of keeping accounts 890.00

Attorney General's Office.

Sec. 11. To pay the salary
2 of the first assistant to the
3 attorney general $3,600.00
4 To pay the salary of the second
5 assistant to the attorney general
6 3,000.00
7 To pay the salary of the third
8 assistant to the attorney general
9 2,500.00
10 To pay the salary of reading
11 clerk 1,200.00
12 To pay the salary of printing
13 clerk 1,800.00
14 To pay the salaries of stenographers
15 3,000.00
16 Current and contingent expenses 3,500.00
CH. 2] GENERAL APPROPRIATIONS. 9

Department of Agriculture.

Sec. 12. Traveling expenses of the commissioner... $ 1,000.00 $ 1,000.00
3 Current and contingent expenses 2,500.00 2,500.00
4 To pay the salaries of office clerks and stenographers ... 8,000.00 8,000.00
6 For carrying out the provisions of chapter thirteen, acts regular session one thousand nine hundred and fifteen, relating to diseased animals, and investigating and developing the live stock industry 17,500.00 17,500.00
13 Crop pest law and developing horticultural and shipping interests 15,000.00 15,000.00
16 For other expenses department of agriculture, including the enforcement of the pure seed law, and employment of special agents 20,000.00 20,000.00
20 Salary of chief of the bureau of markets, acts one thousand nine hundred and seventeen (H. B. 53, regular session) 2,400.00 2,400.00
24 Salary chief bureau of markets, available during current fiscal year 300.00
27 Traveling expenses of same 1,000.00 1,000.00

State Board of Control.

Sec. 13. To pay salary of secretary, not to exceed... $ 2,100.00 $ 2,100.00
3 To pay salary of buyer, not to exceed 2,280.00 2,280.00
5 To pay salary of superintendent of construction, not to exceed. 2,400.00 2,400.00
7 To pay salary of chief clerk, accounting department, not to exceed 1,680.00 1,680.00
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>To pay salary of bookkeeper not to exceed</td>
<td>1,500.00</td>
</tr>
<tr>
<td>11</td>
<td>To pay salary of assistant bookkeeper</td>
<td>1,200.00</td>
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<tr>
<td>12</td>
<td>To pay salary of commodity clerk</td>
<td>1,200.00</td>
</tr>
<tr>
<td>13</td>
<td>To pay salary of stenographer</td>
<td>1,000.00</td>
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<tr>
<td>14</td>
<td>To pay salary of stenographer to president</td>
<td>1,000.00</td>
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<tr>
<td>15</td>
<td>To pay salary of second stenographer</td>
<td>1,000.00</td>
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<td>16</td>
<td>To pay salary of third stenographer</td>
<td>1,000.00</td>
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<tr>
<td>17</td>
<td>To pay salary of fourth stenographer</td>
<td>1,000.00</td>
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<tr>
<td>18</td>
<td>To pay salary of fifth stenographer</td>
<td>1,000.00</td>
</tr>
<tr>
<td>19</td>
<td>Traveling expenses</td>
<td>1,500.00</td>
</tr>
<tr>
<td>20</td>
<td>Current and contingent expenses</td>
<td>4,250.00</td>
</tr>
</tbody>
</table>

**Printing, Binding and Stationery.**

Sec. 14. For printing, binding, stationery and storage...

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>To pay the present deficit in the printing, binding and stationery fund</td>
<td>$80,000.00</td>
</tr>
<tr>
<td>3</td>
<td>In order to conserve the printing fund and eliminate the unnecessary distribution of biennial reports and bulletins the superintendent of public printing is hereby given authority to limit the number of copies of such reports and bulletins ordered to be printed by each department, subject, however, to the final approval of the governor</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Provided, further, that no report of the proceedings of any private organization or association shall be paid for out of the appropriation for printing, binding and stationery.</td>
<td></td>
</tr>
</tbody>
</table>
Department of Mining.

Sec. 15. To pay the salary
2 of chief clerk not to exceed...... $1,800.00 $1,800.00
3 To pay the salary of assistant
4 clerk ................. 1,320.00 1,320.00
5 To pay the salary of chief sten-
6 ographer ............... 1,200.00 1,200.00
7 To pay the salary of assistant
8 stenographer ........... 1,000.00 1,000.00
9 To pay additional clerk hire .... 600.00 600.00
10 To pay the salaries of fifteen in-
11 spectors ................ $31,500.00 $31,500.00
12 To pay the expenses of the in-
13 spectors for traveling ...... 10,000.00 10,000.00
14 Contingent expenses ........ 2,000.00 2,000.00
15 For salary of sand and limestone
16 inspector .............. 2,100.00 2,100.00
16-a To pay expenses of same ...... 1,000.00 1,000.00

Bureau of Labor.

Sec. 16. For contingent and
2 traveling expenses commission-
3 er of weights and measures and
4 inspector not to exceed...... $2,000.00 $2,000.00
5 For salary of one deputy in-
6 spector ................... 1,200.00 1,200.00
7 For free employment bureau
8 Salary clerk and stenograph-
9 er ...................... 1,200.00 1,200.00
10 For salary of two factory
11 inspectors .............. 2,400.00 2,400.00
12 For traveling expenses of
12-a same .................. 2,000.00 2,000.00
13 For salary of chief clerk.... 1,800.00 1,800.00
14 Current and contingent ex-
15 penses bureau of labor...... 1,000.00 1,000.00

Commissioners of Pharmacy.

Sec. 17. For salaries and
2 expenses of board............ 2,100.00 2,100.00
Sec. 18. To pay the salary of
2 assistant to tax commissioner, not
to exceed $3,000.00
4 For expenses of state tax
5 commissioner’s office, including
5-a compensation of assistants,
5-b clerks, stenographers, and all
5-c other expenses 19,500.00
6 For salary of chief account-
ant 4,500.00
8 For expenses of uniform system
of accounting, including com-
pensation of assistants, clerks,
stenographers and all other ex-
penses 5,000.00
13 For expenses auditing state
department and compiling fi-
nancial reports 7,500.00
16 To pay the salary of chief
deputy prohibition commis-
sioner, not to exceed 2,500.00
19 For expenses of office of com-
missioner of prohibition, in-
cluding compensation of depu-
ties, assistants, clerks, steno-
graphers and all other expenses
20 For salary of chief clerk in
excise department, not to exceed 2,750.00
21 For expenses of carrying
out the provisions of Senate
Bill No. 1, second extraordi-
nary session one thousand nine
hundred and fifteen, so far as
the same relates to excise taxes
29 expenses 7,250.00
30 Appropriation for the re-
CH. 2]  

GENERAL APPROPRIATIONS:  

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>Remainder of the current year</td>
<td>$ 5,000.00</td>
</tr>
<tr>
<td>32</td>
<td>For expense of office of commissioner of prohibition, available during current fiscal year</td>
<td>$ 5,000.00</td>
</tr>
</tbody>
</table>

Commissioner of Banking.

Sec. 19. To pay salary of
- First assistant | $ 2,400.00 |
- Second assistant | $ 1,800.00 |
- Third assistant | $ 1,800.00 |
- Stenographer | $ 1,200.00 |
- Traveling expenses of commissioner | $ 2,800.00 |
- Contingent expenses | $ 2,800.00 |

State Librarian.

Sec. 20. Purchase and binding books for the law library
- At Charleston | $ 2,500.00 |
- Librarian at Charles Town | $ 500.00 |
- Contingent expenses and clerk hire | $ 1,500.00 |

Department of Archives and History.

Sec. 21. To pay salary of
- Curator of museum | $ 1,800.00 |
- Second assistant | $ 1,200.00 |
- Stenographer | $ 900.00 |
- Messenger and janitor | $ 1,500.00 |
- Current and contingent expenses | $ 1,500.00 |
- Librarian | $ 1,500.00 |
- Purchase of books and periodicals | $ 1,000.00 |
- Chief cataloguer | $ 2,000.00 |
Forestry, Game and Fish.

Sec. 22. To pay salary of
2 two chief deputies.............. $1,800.00 $1,800.00
3 Contingent expenses of same 500.00 500.00
4 Mileage and traveling expen-
5 ses of same.................... 750.00 750.00
6 Contingent expenses of war-
7 den .......................... 750.00 750.00
8 Mileage and traveling expen-
9 ses of same.................... 500.00 500.00
10 For the protection of for-
11 ests, and the protection and pro-
12 pagation of fish and game, to be
13 expended by and upon the ap-
14 proval of the forest, game and fish
15 warden, in the manner and for
16 the purposes provided by section
17 sixty of the acts of one thousand
18 nine hundred and nine........ 10,000.00 10,000.00
19 Which last mentioned sums are to be appropriated out of the
20 sums known as “the forest, game and fish protective fund,” which
21 was created by section thirty-one of chapter sixty of the acts of
22 one thousand nine hundred and nine and acts amendatory thereof.

Department of Health.

Sec. 23. For current gen-
2 eral expenses.................. $30,000.00 $30,000.00
3 For office rent................ 1,200.00 1,200.00


Sec. 25. For completing, pre-
2 paring and publication of reports $26,000.00 $26,000.00
3 publishing two editions of the
4 West Virginia Legislative Hand
5 Book and Manual and Official
6 Register of ten thousand copies
7 each, including all expenses for
8 clerical and stenographic services,
9 for having digests made of the ed-
10 ucational, election and other of
11 the more important general laws
12 of the state, and for distributing
13 the hand book to members of the
14 present and the next succeeding
15 legislature in accordance with
16 senate concurrent resolution num-
17 ber four, regular session one
17-a thousand nine hundred and
17-b seventeen ............... $8,000.00 $8,000.00
18 One half of the above amounts to be paid by the auditor to
19 the editor and compiler, upon a certificate from the superintendent
20 of public printing that the “copy” for the hand book has been
21 turned over to the public printer, and the other half upon a similiar
22 certificate that the completed editions have been delivered.

State Road Commission.

<table>
<thead>
<tr>
<th>Sec. 27 To pay salaries of</th>
</tr>
</thead>
<tbody>
<tr>
<td>two road commissioners......</td>
</tr>
<tr>
<td>3 To pay salaries and current ex-</td>
</tr>
<tr>
<td>penses of the commissioners</td>
</tr>
<tr>
<td>5 prior to July first, one thousand</td>
</tr>
<tr>
<td>6 nine hundred and seventeen...</td>
</tr>
<tr>
<td>7 To pay salary of chief clerk....</td>
</tr>
<tr>
<td>8 To pay for automobile tags and</td>
</tr>
<tr>
<td>9 the cost of distribution of same</td>
</tr>
<tr>
<td>10 To pay salaries of assistant</td>
</tr>
<tr>
<td>11 engineers, draftsmen, clerks</td>
</tr>
<tr>
<td>12 and stenographers or so much</td>
</tr>
<tr>
<td>13-14 thereof as may be necessary..</td>
</tr>
<tr>
<td>15 Office rent ..........................</td>
</tr>
<tr>
<td>16 Office supplies, postage, telegraph,</td>
</tr>
<tr>
<td>17 telephone and contingent ex-</td>
</tr>
<tr>
<td>penses ..............................</td>
</tr>
<tr>
<td>19 For collecting, printing and dis-</td>
</tr>
<tr>
<td>seminating statistics and publi-</td>
</tr>
<tr>
<td>cations or so much thereof as</td>
</tr>
<tr>
<td>22 may be necessary ..............</td>
</tr>
</tbody>
</table>
23 Traveling and incidental expenses .................... 5,000.00
24 For materials, equipment, labor and incidental expenses of testing materials for road construction 3,500.00
25 All of said sums to be paid out of the proceeds of automobile licenses for the state road fund, as established by the act of legislature of nineteen hundred and seventeen.

Public Service Commission.

Sec. 28. Current general
23 expenses $60,000.00
24 The appropriation in this section to be paid out of the special license fees authorized by section fifteen, chapter eight, acts of one thousand nine hundred fifteen (regular session).
25 To be paid out of the general fund, to be used by the commission in the valuation of the property of interstate railroads in connection with the interstate commerce commission by the act of congress March first, one thousand and nine hundred and thirteen. This item was vetoed by the Governor.
26 Provided, that if for any cause such valuation of the railroads should be suspended by the government, then for such time the proportionate part of said appropriation for each year shall revert to the state treasury.

Workmen's Compensation.

Sec. 29. For the purpose of paying salaries and necessary current and contingent expenses in administration of the workmen's compensation fund to carry out provisions of section two, chapter seven, of the acts of the legislature of one thousand nine hundred
9 and fifteen (extraordinary session), and to be paid out of the
11 fund created by said act........ $80,000.00 $80,000.00

**Insurance on Public Buildings.**

Sec. 30. Insurance on public buildings ............. 45,000.00

**State Hotel Inspector.**

Sec. 31. To pay salary of inspector .................. $1,500.00 $1,500.00

3 Contingent and traveling expenses ............... 1,500.00 1,500.00

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

**Berkeley Springs Board.**

Sec. 32. For current and contingent expenses of board... $500.00 $500.00

**Board of Optometry.**

Sec. 33. For expenses of optometry—To be paid out of fees collected ........... $250.00 $250.00

**Rumseyan Society.**

Sec. 34. For Rumseyan Society ......................... $500.00 $500.00

**Florence Crittenden Home.**

Sec. 35. For the Florence Crittenden Home at Wheeling $1,250.00 $1,250.00

**Criminal Charges.**

Sec. 36. For criminal charges for transportation of prisoners and extradition of criminals ........ 5,000.00 5,000.00
5 For support of lunatics in jail .......... 2,500.00 2,500.00
6 For extradition of fugitives. ............ 3,000.00 3,000.00

Point Pleasant Monument.

Sec. 37. For improvement and ornamentation of Tu-En-Die-Wei park at Pt. Pleasant 1,000.00 1,000.00
Said sums to be paid and expended under the direction of the board of control.

West Virginia University.

Sec. 38. Salaries of officers, teachers and employees........ $185,000.00 $185,000.00
3 Current general expenses .................. 75,000.00 75,000.00
4 Repairs and improvements ................. 22,500.00 22,500.00
5 Agricultural, horticultural and home economics extension work ........ 40,000.00 45,000.00
6 To the athletic board ...................... 5,000.00 5,000.00
9 Mining extension work .................... 10,000.00 10,000.00
10 For completing girls dormitory and agricultural college buildings........ 46,500.00 46,500.00
11 Emergency fund for agricultural extension to be expended on approval of governor and board of control........ 10,000.00 10,000.00

Agricultural Experiment Station.

Sec. 39. Current general expenses ........ $35,000.00 $35,000.00
3 For farm buildings and improvements ........ 10,000.00 10,000.00
5 Emergency current expenses .............. 10,000.00 10,000.00
Preparatory Branch West Virginia University—Montgomery.

Sec. 40. Salaries of officers,
2 teachers and employees       $8,000.00 $8,000.00
3 Current general expenses      2,500.00 2,500.00
4 Repairs and improvements... 1,500.00 1,500.00
5 For vocational and physical education... 6,000.00 6,000.00

Preparatory Branch West Virginia University—Keyser.

Sec. 41. Salaries of officers
2 teachers and employees       $10,000.00 $10,000.00
3 Current general expenses      7,500.00 7,500.00
4 Repairs and improvements... 7,000.00 7,000.00
5 For vocational and physical education... 6,000.00 6,000.00
6 New buildings in addition to insurance collected by recent destruction of school building by fire... 15,000.00 15,000.00

Marshall College.

Sec. 42. Salaries of officers,
2 teachers and employees       $43,000.00 $43,000.00
3 For vocational and physical education... 7,000.00 7,000.00
4 Current general expenses      10,000.00 10,000.00
5 Repairs and improvements... 12,500.00 12,500.00

Fairmont State Normal School.

Sec. 43. Salaries of officers,
2 teachers and employees       $35,000.00 $35,000.00
3 Current general expenses      10,000.00 10,000.00
4 Repairs and improvements... 10,000.00 10,000.00

Shepherd College State Normal School.

Sec. 44. Salaries of officers,
2 teachers and employees       $17,500.00 $17,500.00
3 Current general expenses      5,000.00 5,000.00
4 Repairs and improvements... 5,000.00 5,000.00
GENERAL APPROPRIATIONS.

West Liberty State Normal School.

Sec. 45. Salaries of officers,  
2 teachers and employees ...... $14,500.00 $14,500.00  
3 Current general expenses...... 5,000.00 5,000.00  
4 Repairs, improvements and fur-  
nishings .................... 10,000.00 5,000.00

Glenville State Normal School.

Sec. 46. Salaries of officers,  
2 teachers and employees ...... $19,000.00 $19,000.00  
3 Current general expenses...... 4,500.00 4,500.00  
4 Repairs and improvements...... 3,500.00 3,500.00

Concord State Normal School.

Sec. 47. Salaries of officers,  
2 teachers and employees ...... $20,000.00 $20,000.00  
3 Current general expenses...... 6,000.00 6,000.00  
4 Repairs and improvements...... 5,000.00 5,000.00

West Virginia Collegiate Institute.

Sec. 48. Salaries of officers,  
2 teachers and employees ...... $29,850.00 $29,850.00  
3 Current general expenses...... 12,000.00 12,000.00  
4 Repairs and improvements...... 10,000.00 10,000.00

Bluefield Colored Institute.

Sec. 49. Salaries of officers,  
2 teachers and employees ...... $13,000.00 $13,000.00  
3 Current general expenses...... 4,000.00 4,000.00  
4 Repairs and improvements ...... 3,000.00 3,000.00

Storer College.

Sec. 50. For salaries of  
2 teachers ...................... $1,200.00 $1,200.00  
3 For industrial department...... 1,500.00 1,500.00
### Huntington State Hospital

Sec. 51. Current general expenses
- Expenses: $85,000.00
- Repairs and improvements: $7,500.00

### Spencer State Hospital

Sec. 52. Current general expenses
- Expenses: $85,000.00
- Repairs and improvements: $10,000.00

### Weston State Hospital

Sec. 53. Current general expenses
- Expenses: $150,000.00
- Repairs and improvements: $17,500.00
- Sewage disposal plant and land: $22,500.00

### Welch Hospital No. 1

Sec. 54. Current general expenses
- Expenses: $35,000.00
- Repairs and improvements: $5,000.00

### McKendree Hospital No. 2

Sec. 55. Current general expenses
- Expenses: $20,000.00
- Repairs and improvements: $5,000.00
- Buildings and land: $1,500.00

### Fairmont Hospital No. 3

Sec. 56. Current general expenses
- Expenses: $20,000.00
- Repairs and improvements: $1,500.00

### State Tuberculosis Sanitarium

Sec. 57. Current general expenses
- Expenses: $50,000.00
- Repairs and improvements: $10,000.00
- Buildings and land: $15,000.00
State Colored Tuberculosis Sanitarium.

Sec. 58. Lands, buildings
2 and shelter .................... $15,000.00 $15,000.00
3 Furniture, equipment and
4 current expenses .............. 10,000.00

West Virginia School for Deaf and Blind.

Sec. 59. Salaries of officers,
2 teachers and employees ...... $30,000.00 $30,000.00
3 Current general expenses ...... 40,000.00 40,000.00
4 Repairs and improvements ...... 7,500.00 7,500.00

King's Daughters Hospital and City Hospital.

Sec. 60. For treatment of
2 laborers and others who may be-
3 come public charge, said
4 amount to be paid upon ap-
5 proval of the state board of
6 control ...................... $10,000.00 $10,000.00

Barnett Hospital.

Sec. 61. For the treatment
2 of laborers and others who may
3 become public charge, said
4 amount to be paid upon ap-
5 proval of the state board of
6 control ...................... $1,250.00 $1,250.00

Ohio Valley General Hospital.

Sec. 62. For the treat-
2 ment of laborers and others
3 who may become public charge,
4 said amount to be paid upon ap-
5 proval of the state board of
6 control ...................... $10,000.00 $10,000.00

The Wheeling Hospital.

Sec. 63. For the treatment
2 of laborers and others who may
### General Appropriations

3 become public charge, said amount to be paid upon approval of the state board of $10,000.00

**St. Josephs Hospital, Parkersburg.**

Sec. 64. 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... $5,000.00

**West Virginia Industrial School for Boys.**

Sec. 65. Current general expenses $55,000.00 Repairs and improvements 6,500.00

**West Virginia Industrial Home for Girls.**

Sec. 66. Current general expenses $23,000.00 Repairs and improvements 5,000.00

**West Virginia Colored Orphans Home.**

Sec. 67. Current general expenses $10,000.00 Repairs and improvements 2,500.00 To complete buildings... 5,000.00

**West Virginia Children's Home.**

Sec. 68. Current general expenses $9,000.00 Repairs and improvements 1,000.00

**Humane Society.**

Sec. 69. West Virginia humane society $10,000.00
Sec. 70. To pay the trans-2 portation expenses of ex-union 3 and ex-confederate soldiers and 4 sailors, residents of West Vir-5 ginia, to the national memorial 6 reunion and peace jubilee at 7 Vicksburg, Mississippi, or so 8 much thereof as may be neces-9 sary. Said fund to be adminis-10 tered in accordance with House 11 Joint Resolution No. 16, of the 12 legislature of one thousand nine 13 hundred and seventeen........ $7,500.00

Sec. 71. For contingent and 2 current expenses of the supreme 3 court, and expenses of conducting 4 examinations of applicants to 5 practice law, other than the per 6 diem of members of the examining 7 board ......................... $1,000.00 $1,000.00 8 To pay the salary of the clerk 1,500.00 1,500.00
9 To pay the salaries of the 10 law clerks, (one for each judge) 9,000.00 9,000.00 11 To pay the salary of the order 12 clerk and stenographer....... 1,800.00 1,800.00
13 To pay the salary of the as-14 sistant clerk .................. 1,800.00 1,800.00
15 To pay the salary of crier... 1,000.00 1,000.00
16 To pay salary of court librar-16-a ian and messenger........... 1,800.00 1,800.00
17 To pay the mileage of the su-18 preme court judges............ 500.00 500.00
19 To pay printing, and bind-19 ing of supreme court records.... 8,000.00 6,000.00
### Circuit Courts.

Sec. 71-a. For compensation of special judges of circuit courts:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay the mileage of the judges of the circuit courts</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>To pay the mileage of the judges of the circuit courts</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

### Commissioner of Immigration.

Sec. 72. For current expenses:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay $1,500.00</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

### Miscellaneous Appropriations.

Sec. 73. For the payment of the following miscellaneous items, the sum set opposite each item is hereby appropriated:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay for deficit in militia department</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>To pay S. Spencer Moore Co., supplies extra session, one thousand nine hundred and sixteen</td>
<td>$75.50</td>
</tr>
<tr>
<td>To pay S. Spencer Moore Co., supplies, session one thousand nine hundred and seventeen</td>
<td>$378.92</td>
</tr>
<tr>
<td>To pay Underwood Typewriter Co., purchase and rent of typewriters and supplies, session one thousand nine hundred and seventeen</td>
<td>$705.18</td>
</tr>
<tr>
<td>To the county of Mercer, to reimburse the county for clothing furnished in felony cases</td>
<td>$1,980.36</td>
</tr>
<tr>
<td>To pay W. P. Hawley, for refund of capitation tax, paid to taxpayers account erroneous payment</td>
<td>$136.00</td>
</tr>
<tr>
<td>For deficit in appropriation for department of agriculture for year ending June 30, 1916, for enforcement of live stock sanitary laws</td>
<td>$776.46</td>
</tr>
<tr>
<td>To pay Charleston Ministerial Association</td>
<td>$264.00</td>
</tr>
<tr>
<td>To pay Remington Typewriter Company, rent and supplies</td>
<td>$19.50</td>
</tr>
<tr>
<td>To pay Prindle Furniture Company</td>
<td>$12.50</td>
</tr>
<tr>
<td>To pay Dawley Furniture Company</td>
<td>$5.50</td>
</tr>
<tr>
<td>To pay Central Engineering Company (State's share on street contract with city of Charleston)</td>
<td>$1,422.73</td>
</tr>
<tr>
<td>To pay Woodrum Home Outfitting Company</td>
<td>$60.00</td>
</tr>
<tr>
<td>To pay Charles Lawson</td>
<td>$4.00</td>
</tr>
<tr>
<td>To pay Myers Brothers, plumbing</td>
<td>$7.92</td>
</tr>
<tr>
<td>To pay May Shoe Company</td>
<td>$1.00</td>
</tr>
<tr>
<td>To pay Royal Typewriter Company, rent</td>
<td>$3.30</td>
</tr>
</tbody>
</table>
30 To pay Burlew Hardware Company for supplies. 3.89
31 To pay Katherine Deegan, for rent on her own 5.00
typewriter used during the regular session, 1917....
32 To pay military claim of G. N. Biggs, repairs to 847.39
armory at Huntington
35 To reimburse F. A. Holesberry & Co., for license 50.50
refund
37 To reimburse Goodhue & Reynolds for license re-
38 fund
39 To reimburse Wheeling Livestock Commission Co.,
40 license refund
41 To reimburse Mrs. Florence Louise Waterman,
42 hospital expenses incurred from injury sustained while 200.00
in employ of state at Panama-Pacific exposition....
44 To reimburse Dan B. Leonard, hospital and phy-
45 sician expenses incurred from injury received while
46 discharging duties as assistant clerk of the house of
47 delegates, session one thousand nine hundred and sev-
48 enteen
49 To refund Charles F. Etz, executor of estate of
50 Caroline Etz, for erroneous inheritance tax. 50.00
51 To reimburse the governor's civil contingent fund
52 on account of expenditures in carrying out provisions
53 of section six, of chapter fifty-five of the acts of the
54 legislature one thousand nine hundred and fifteen... 1,363.83
55 To pay W. T. Turner, for twenty-two days as
56 journal clerk to house of delegates, balance of two
57 dollars per day
58 To pay John Goodhue, balance on books furnished 44.00
to state library, at Charles Town, W. Va.
59 To pay The Michie Company, balance on books
60 furnished to state library, at Charles Town, W. Va.. 222.00
61 To pay Z. F. Davis, receiver of estate of W. H. 520.00
62 Omen
63 To pay Mrs. Hope McDonald, for death of hus-
64 band while discharging duties under military depart-
65 ment during Cabin Creek strike
66 To pay military claim of Andrew Taylor 26.25
67 To pay military claim of Charles N. Simms 525.00
68 To pay military claim of Major Wm. Wallace 160.00
69 To pay military claim of Sgt. Birt Lafferty... 120.25
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>71</td>
<td>To pay David Dick, repairing window</td>
<td>3.37</td>
</tr>
<tr>
<td>72</td>
<td>To pay Kreig, Wallace &amp; McQuaide, supplies</td>
<td>6.55</td>
</tr>
<tr>
<td>73</td>
<td>To pay Goshorn Hardware Co., supplies</td>
<td>0.20</td>
</tr>
<tr>
<td>74</td>
<td>To pay Geo. W. Sturm, assignee of John B. Wyatt, balance per diem as assistant clerk at the regular session of legislature of one thousand nine hundred and fifteen, eight days at six dollars per day</td>
<td>48.00</td>
</tr>
<tr>
<td>75</td>
<td>To pay John Guy Prichard, ten days preliminary service at beginning of one thousand nine hundred and seventeen, session of legislature, at ten dollars per day</td>
<td>100.00</td>
</tr>
<tr>
<td>76</td>
<td>To pay Miss Bessie Hoover, stenographic work for house finance committee</td>
<td>5.00</td>
</tr>
<tr>
<td>77</td>
<td>To pay Commercial Law Company for two copies of the West Code for the house and senate judiciary committee (session one thousand nine hundred and seventeen)</td>
<td>30.00</td>
</tr>
<tr>
<td>78</td>
<td>To pay G. M. Clinedinst, washing windows, house and senate</td>
<td>153.00</td>
</tr>
<tr>
<td>79</td>
<td>To pay Charleston Lumber Co., desks for house of delegates</td>
<td>78.00</td>
</tr>
<tr>
<td>80</td>
<td>To pay Uriah Barnes, one hundred and forty-five code furnished house and senate</td>
<td>942.50</td>
</tr>
<tr>
<td>81</td>
<td>To pay Chesapeake &amp; Potomac Telephone Co., (session one thousand nine hundred and seventeen)</td>
<td>418.80</td>
</tr>
<tr>
<td>82</td>
<td>To pay J. H. Hudson, repairing locks and furnishing keys</td>
<td>12.50</td>
</tr>
<tr>
<td>83</td>
<td>To pay Coffey Plumbing Co., for supplies</td>
<td>9.20</td>
</tr>
<tr>
<td>84</td>
<td>To pay Eskew, Smith &amp; Cannon, supplies</td>
<td>22.15</td>
</tr>
<tr>
<td>85</td>
<td>To pay Charleston Electrical Supply Co., supplies</td>
<td>201.31</td>
</tr>
<tr>
<td>86</td>
<td>To pay Coyle &amp; Richardson, supplies</td>
<td>17.95</td>
</tr>
<tr>
<td>87</td>
<td>To pay P. A. Donovan, supplies</td>
<td>9.20</td>
</tr>
<tr>
<td>88</td>
<td>To pay J. F. Lewis, locks, keys and supplies</td>
<td>67.10</td>
</tr>
<tr>
<td>89</td>
<td>To pay Emma Peyton, washing towels for house and senate</td>
<td>25.00</td>
</tr>
<tr>
<td>90</td>
<td>To pay sheriff of Taylor county, to be credited to the high school fund of the state aid to high schools, which amount, was not drawn from state treasury to the time the appropriation expired, payable out of General School Fund</td>
<td>530.00</td>
</tr>
</tbody>
</table>
112 To pay Wilson Stephenson, for ten days services as journal clerk, regular session, 1917, at $4.00 per day ..................................... 40.00
115 To pay M. L. Davis, stenographic service as per bill certified to .................................................. 145.21
117 To pay Saas Printing Co., for 3,500 automobile tags ................................................................. 765.00
119 To pay S. L. Jepson for back salary, year ending June thirty, one thousand nine hundred and four-
121 teen .......................................................... 500.00
122 To pay C. L. Topping, for unpaid vouchers .... 650.00
123 To pay John T. Harris, for unpaid vouchers .... 450.00

Sec. 74. 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 an amount as may be necessary for such purpose is hereby appropriated.

Sec. 75. Wherever the figures “1918” 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 eighteen; and wherever the figures “1919” 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 nineteen.

Be it further enacted by the Legislature of West Virginia:

Sec. 76. 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 time and in such installments as shall be necessary for the purposes 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 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. 77. All printing, binding, printing paper and stationery for the state superintendent of free schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions shall be paid for out of the appropriation for public printing, public binding, or for supplying paper or stationery, but shall be paid for out of the appropriations therefor herein made, or out of the expense fund or contingent expense fund thereof, namely:

The public service commission, the state road commission, the workmen’s compensation department, the forest, game and fish war- den, the board of dental examiners, state vaccine agents, commissioners of pharmacy, state board of examiners, 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 blind, the university, and all its departments and branches, including the experiment station, Huntington, Weston and Spencer state hospitals, industrial schools for boys, the West Virginia collegiate institute and the industrial home for girls.

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 com-
petitive bids, under such rules as may be made by the commis-
sioners of public printing.

When stationery or printing paper is procured from the super-
intendent of public printing, or printing and binding are done on
requisition on his office, by any such board, officers or institu-
tions, the superintendent of public printing as to such printing,
bounding, 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 appropri-
ations made by this act for public printing, binding, stationery
and printing paper. *Provided,* that the annual or biennial reports
required by law to be made to the governor by such boards, officers
and institutions shall be printed and paid for out of the appro-
priation for public printing, public binding and for supplying
printing paper and stationery, but all such reports shall be type-
written, 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 as soon as the same are completed, and within ninety days
after the close of the period which they are to cover.

Sec. 78. No sum of money shall be paid out of the treasury
for the years ending June thirtieth, one thousand nine hundred
and eighteen, and one thousand nine hundred and nineteen, beyond
the amounts hereby appropriated, unless the same be provided
for by constitution or some general law, and no money shall
be hereafter drawn from the treasury to pay the salary of any
officers or employees before their services have been rendered
and this shall apply to appropriations heretofore made as well
as to the appropriations made herein.

Sec. 79. Upon the adjournment of this session of the legisla-
ture, the clerk of the house and the clerk of the senate, shall
jointly make up and furnish the auditor and treasurer, without
delay, a certified copy of this and all other acts carrying appropri-
ations.
CHAPTER 3.

(House Bill No. 35.)

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

[Passed May 26, 1917. In effect from passage. Approved by the Governor May 26, 1917.]

SEC. 1. Appropriation for per diem and mileage of members; for per diem of officers and attaches of the house of delegates.

SEC. 2. Auditor authorized to issue warrants.

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 and mileage of the members of the legislature for the second extraordinary session of one thousand nine hundred and seventeen 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, four thousand and seven hundred eighty-four dollars.

To pay the mileage of members, three thousand, three hundred fifty-eight dollars and ten cents.

To pay the per diem of the speaker for services rendered during the session and to be rendered after the session in signing the journal, one hundred sixty-eight dollars.

To pay the clerk of the house and necessary assistants, for preliminary work performed prior to the opening of this extraordinary session, and to be performed after the close of the session, in the filing of papers, and indexing the journal and bills, as follows:

To pay the clerk of the house, four hundred fifty dollars.

To pay Will A. Strickler, chief assistant clerk, two hundred fifty dollars.

To pay expert desk clerk one hundred eighty dollars.

To pay the stenographer to the clerk, one hundred eighty dollars.
27 To pay A. K. Slaughter, expert printing clerk for services to be rendered the clerk of the house in proof reading journals and index, one hundred eighty dollars.
28 To pay the per diem of the sergeant-at-arms for services rendered during this session and to be rendered in the completion of the work, checking of accounts, etc., at the end of the session, two hundred fifty dollars.
29 To pay the per diem of the assistant sergeant-at-arms, fifty two dollars.
30 To pay the per diem of the doorkeeper, fifty-two dollars.
31 To pay the per diem of the assistant doorkeeper, fifty-two dollars.
32 To pay the per diem of gallery doorkeeper, fifty-two dollars.
33 To pay the per diem of the three cloak-room keepers, one hundred seventeen dollars.
34 To pay the per diem of the day watchman, fifty-two dollars.
35 To pay the per diem of the night watchman, fifty-two dollars.
36 To pay the per diem of the clerk of finance committee, for services rendered, and to be rendered in making up and furnishing to the clerks of the two houses and the auditor proper statement of the appropriations of this session, one hundred thirty-eight dollars.
37 To pay the per diem of the clerk of the judiciary committee, seventy-eight dollars.
38 To pay the per diem of the six floor pages, one hundred fifty-eight dollars.
39 To pay the per diem of the floor stenographers, three hundred twelve dollars.
40 To pay the per diem of the two journal clerks, one hundred four dollars.
41 To pay the per diem of the stenographers to the committee on taxation and finance, seventy-eight dollars.
42 To pay the per diem of the stenographer of the committee on the judiciary, seventy-eight dollars.
43 To pay the per diem of the secretary to the speaker, seventy-eight dollars.
44 To pay the per diem of four printing clerks, three hundred twelve dollars.
45 To pay the per diem of one reading clerk, seventy-eight dollars.
To pay the per diem of one bill record clerk, seventy-eight dollars.

To pay the per diem of one assistant clerk, seventy-eight dollars.

To pay the per diem of the clerk of the committee on enrolled bills, seventy-eight dollars.

To pay the per diem of the toilet room keeper, thirty-nine dollars.

Section 1-a. To pay the per diem of the members of the Senate one thousand five hundred and thirty-four dollars.

To pay the mileage of the members of the Senate, on thousand and seventy-four dollars and seventy cents.

To pay the per diem of the sergeant-at-arms for services rendered prior to the opening of the session, during the session and to be rendered in completing the work of the session, one hundred and fifty dollars.

To pay the per diem of the assistant sergeant-at-arms, sixty-five dollars.

To pay the per diem of the door-keeper, assistant door-keeper and gallery door-keeper, fifty-two dollars each, one hundred and fifty-six dollars.

To pay the per diem of the night watchman, fifty-two dollars.

To pay the mileage of the clerk of the senate, twenty-eight dollars.

To pay the mileage of the door-keeper of the senate, ten dollars.

To pay the per diem of the assistant sergeant-at-arms, sixty-five dollars.

To pay the per diem of the night watchman, fifty-two dollars.

To pay the per diem of the door-keeper, assistant door-keeper and gallery door-keeper, fifty-two dollars each, one hundred and fifty-six dollars.

To pay the per diem of the night watchman, fifty-two dollars.

To pay the mileage of the clerk of the senate, twenty-eight dollars.

To pay the mileage of the door-keeper of the senate, ten dollars.

To pay the clerk of the senate, and necessary assistants, for preliminary work performed prior to the opening of this extra-ordinary session, for work done during the session, and to be performed after the close of the session in connection with the filing of bills and papers, and indexing the senate journals and bills, as follows:

To the clerk of the senate four hundred and fifty dollars.

To the chief assistant clerk, minute clerk and supervisor of printing, two hundred and fifty dollars each, seven hundred and fifty dollars.

To the stenographer to the clerk, one hundred and twenty dollars.
To pay the per diem of the bill editor, the warrant clerk and the book-keeper seventy-eight dollars each, two hundred and thirty-four dollars.

To pay the per diem of two printing clerks and two assistants seventy-eight dollars each, three hundred and twelve dollars.

To pay the per diem of two copy holders and the senate and house bill record clerk, seventy-eight dollars each, two hundred and thirty-four dollars.

To pay the per diem of the stenographer to the president, seventy-eight dollars.

To pay the per diem of the stenographer to the finance committee, seventy-eight dollars.

To pay the per diem of the clerk to the committee on the judiciary, seventy-eight dollars.

To pay the per diem of the clerk of the committee on engrossed bills, seventy-eight dollars.

To pay the per diem of the clerk of the committee on engrossed bills, seventy-eight dollars.

To pay the per diem of three floor stenographers, sixty-five dollars each, one hundred and ninety-five dollars.

To pay the per diem of the mailing and banking page, who also served as journal and bill page, fifty-two dollars.

To pay the per diem of four floor pages, twenty-six dollars each, one hundred and four dollars.

To pay the per diem of two cloak-room keepers, thirty-nine dollars each, seventy-eight dollars.

Sec. 2. The auditor of this state is hereby authorized and directed to issue his warrants upon the treasury from time to time 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 request of the clerk of the senate and the sergeant-at-arms of the house of delegates, respectively.

CHAPTER 4.

(House Bill No. 1.)

AN ACT relating to the creation of executive and advisory state councils of defense and prescribing the powers and duties thereof.

[Passed May 21, 1917. In effect from passage. Approved by the Governor May 23, 1917.]
Be it enacted by the Legislature of West Virginia:

Section 1. The board of public works shall be and is hereby constituted an executive state council of defense, hereinafter called the executive council.

Sec. 2. There is also hereby created an advisory state council of defense, consisting of citizens appointed by the governor from time to time, not exceeding a total of fifteen members, all of whom shall serve during the pleasure of the executive council.

Sec. 3. Said councils of defense are created for the duration of the war in which the United States is now engaged, and for the period of six months thereafter and no longer.

Sec. 4. The members of the advisory council shall be appointed with reference to their special knowledge of agriculture, labor, industries, public utilities, natural resources, sanitation, finance, transportation, or other subjects relating to national or state defense.

Sec. 5. It shall be the duty of the said executive council:
1. To adopt, publish and enforce all reasonable rules and regulations governing the operation of railroads, mills, mines, manufacturing plants and other industrial works in this state and for the conservation of the resources of this state, in so far as such rules and regulations are not in conflict with the rules and regulations adopted by the council of national defense; to employ assistants; to create and appoint bureaus and committees from the advisory council and perform such other acts as may be necessary to carry out the purposes of this act.
10-a 2. To co-operate with and assist the council of national defense in the execution of the duties prescribed by an act of congress of the United States approved August twenty-nine, one
10-d thousand nine hundred and sixteen, entitled "an act making appropriations for the support of the army for the fiscal year ending June thirty, one thousand nine hundred and seventeen, and for other purposes," or any acts amendatory thereof or supplemental or additional thereto, and the orders, rules and regulations issued thereunder by the national council of defense.

3. To co-operate with councils of defense and similar agencies in other states in so far as co-operation is in harmony with the council of national defense.

4. To suppress insurrections or rebellions and to carry out within the state of West Virginia such plans of national defense as are mutually agreed upon between it and the council of national defense.

5. To cause to be taken a census and inventory of the resources of the state in men and materials, to make investigation and report to the governor the location and availability of military supplies, and the location and capacity of railroads, automobiles and all other means of transportation and convenience within the state so as to determine their availability for military purposes of the state, and to render possible the expeditious mobilization and concentration of state troops and supplies at points of defense and military advantage.

6. To give information to producers of materials as to supplies needed by such military forces.

7. And in general to take such steps as may be, in the opinion of said councils, necessary or advisable for the public defense and security; for the protection of routes of communication; for the public care and assistance of individuals and classes upon whom the hardships of war would fall most heavily; for the development of the resources of the state, particularly those from which will be derived the supplies of food and other commodities upon which the conduct of war makes a special drain; to regulate food and fuel prices; to encourage the military training of the citizens of the state, and such other measures as may be necessary to meet the exigencies of all situations occasioned by war, if not in conflict with any rule promulgated by the national council of defense.

Sec. 6. The executive council shall have the power to subpoena witnesses and require their testimony, compel the production of account books and files and all documents relative
4 to any investigation or matter which may be under consideration
5 by it.
6 In case of refusal of any person to comply with any sub-
7 poena issued hereunder, or to testify in regard to any matter in
8 which he may be required to produce account books, files, papers,
9 and documents relative to any investigation being conducted by
10 the executive council, any circuit, intermediate or criminal
11 court of the state or any judge thereof, either in term time or in
12 vacation, upon the application of said executive council or any
13 member thereof, or the governor, shall issue an order requiring
14 such person to comply with such subpoena and to testify and
15 produce account books, files, papers and documents, or either,
16 and any failure to obey such order of the court or judge thereof,
17 shall be punished by the court as a contempt of court. Upon
18 application therefor by the governor or the executive council, the
19 supreme court of appeals and intermediate courts having civil
20 jurisdiction shall have jurisdiction to issue writs of mandamus
21 or injunction in the name of the state to compel obedience or to
22 make effective any order issued by said executive council under
23 the provision of this act and shall have power to punish any such
24 who refuse to comply with the order of the governor or said ex-
25 ecutive council as a contempt of said court. Any person who
26 shall violate any such order or rule of the governor or said ex-
27 ecutive council shall be guilty of a misdemeanor and upon con-
28 viction thereof shall be fined not less than ten nor more than one
29 hundred dollars and in addition thereto may be confined in jail not
30 more than twelve months.

Sec. 7. For the purpose of co-ordinating the said councils
2 of defense and of carrying out the intentions of this act, the said
3 advisory council of defense, or any committee, bureau or mem-
4 bers thereof, are hereby empowered and authorized to make such
5 inquiries and investigations, and to perform such duties and
6 acts as may be prescribed and delegated to it by said executive
7 council of defense, and in general to render such services and
8 perform such duties as may be desired or required by said ex-
9 ecutive council. The advisory council may adopt such rules and
10 regulations as may be proper for the conduct of its meetings and
11 the regulation of its duties, with the concurrence of the ex-
12 ecutive council.

Sec. 8. The members of the advisory council shall serve
2 without compensation, but the actual and necessary expenses of
ACQUISITION OF LANDS BY FEDERAL GOVERNMENT. [CH. 5

Sec. 9. This act shall be construed as a military measure, and as supplemental to existing law and shall in no wise be so construed as to limit, abridge or repeal any of the powers and duties now vested in the governor by the constitution and laws of this state, or as repealing any statute now in force.

CHAPTER 5.

(House Bill No. 2.)

AN ACT to amend and re-enact section four of chapter one of the code of West Virginia, relating to the limits and jurisdiction of the state and acquisition of lands by the United States, and authorizing any county, magisterial district or municipality to pay for such land and present the same to the United States free of cost.

[Passed May 16, 1917. In effect from passage. Approved by the Governor May 17, 1917.]

Be it enacted by the Legislature of West Virginia:

That section four of chapter one of the code of West Virginia be amended and re-enacted to read as follows:

Section 4. In pursuance of the seventeenth clause of the eighth section of the first article of the constitution of the United States, the consent of the legislature of West Virginia is hereby given to the purchase or condemnation or acceptance as a gift, whether heretofore or hereafter made or had to the government of the United States, or under its authority, of any tract or parcel of land within the limits of the state, for the purpose of erecting thereon light houses, beacons, signal stations, post offices, custom houses, court houses, locks, dams, works for the improve-
ment of the navigation of any watercourse, armor plate manufacturing plants, projectile factories or factories of any kind or character, or any other needful buildings or structures or proving grounds, or work of public improvement whatever, or for any other purpose for which the same may be needed or required by the government of the United States. The evidence of title to such land shall be recorded as in other cases.

Any county, magisterial district or municipality, whether incorporated under general law or special act of the legislature, shall have power to pay for any such tract or parcel of land and present the same to the government of the United States free of cost, for any of the purposes aforesaid, and to issue bonds and levy taxes for the purpose of paying for the same; and in the case of a municipal corporation the land so purchased and presented may be within the corporate limits of said municipality or within five miles thereof; provided, however, that no such county, magisterial district or municipality shall, by the issue and sale of such bonds, cause the aggregate of its debt to exceed the limit fixed by the constitution of this state. And, provided, further, that the provisions of the constitution and statutes of this state, or the special act creating any municipality, relating to submitting the question of the issuing of bonds and all questions connected with the same to a vote of the people shall in all respects be observed and complied with.

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

CHAPTER 6.

(House Bill No. 4.)

AN ACT providing for a state levy on real and personal property and levying an excise tax on the incomes of corporations, for the state council of defense war fund and the militia, and to enable the state council of defense to render proper and necessary aid to the federal government in the prosecution of the present war, and such other purposes as the state executive council of defense may deem necessary.

[Passed May 26, 1917. In effect from passage. Approved by the Governor May 26, 1917.]
SEC. 1. Special levy imposed on real and personal property during present war; amount thereof.


SEC. 3. Annual special excise tax to be paid by corporations or associations engaged in business in state; amount thereof and how based; exceptions.

SEC. 4. How said tax imposed by section three shall be levied and collected; not to continue after termination of present war.

SEC. 5. Amount of special levy and excise tax to be determined by board of public works; provision as to "State Council of Defense War Fund"; how same shall be disbursed; purpose of said fund; balance remaining; how used.

Be it enacted by the Legislature of West Virginia:

Section 1. There shall be imposed on all real and personal property not exempt from taxation for the year one thousand nine hundred and seventeen and thereafter, during the continuance of the present war, a special levy not to exceed two cents on the one hundred dollars valuation.

Sec. 2. Said levy shall be laid by the board of public works and any act of the board of public works in fixing the special levy provided for by this act shall be certified by the president and secretary of said board to the clerk of the county court, the assessor and the sheriff of every county not later than the first day of August of the year for which said levy is to apply, and it shall be the duty of said officers to extend the levies so fixed by the board of public works on the land and personal property books of their county, and to collect and account for said levies in the same manner as the regular state levy is extended, collected and accounted for.

Sec. 3. In addition to the tax imposed by section five of chapter three of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session, 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, not in excess of the equivalent of one-fourth 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
SPECIAL LEVY AND EXCISE TAX.

17 banks not having a capital stock represented by shares and which 18 are operated exclusively for the benefit of their depositors; nor 19 to cemetery companies, which are organized and operated exclu- 20 sively for the benefit of their members; nor to fraternal beneficiary 21 societies, orders or associations operating under the lodge system, 22 or for the exclusive benefit of the members of a fraternity itself 23 operating under the lodge system, providing for the payment of 24 life, sick, accident, and other benefits to the members of such 25 societies, orders or associations, and dependent on such members; 26 nor to domestic building and loan associations organized and oper- 27 ated exclusively for the benefit of their members; nor to any cor- 28 poration or association organized and operated exclusively for 29 religious, charitable, scientific or educational purposes; nor to 30 business leagues, chambers of commerce, or boards of trade, or to 31 any civic league or organization organized and operated exclu- 32 sively for the promotion of social welfare, none of which said 33 organizations, savings banks, cemetery companies, fraternal 34 beneficiary societies or fraternities, building and loan associations, 35 charitable, religious, scientific or educational associations, busi- 36 ness leagues, named in this proviso, are organized for profit, and 37 no part of the net income of which inures to any private stock- 38 holder or individual.

Sec. 4. The tax imposed by section three of this act shall be 2 computed, levied, assessed, collected and paid upon the same basis 3 and in the same manner as the tax imposed by section five of chap- 4 ter three of the acts of the legislature of one thousand nine hun- 5 dred and fifteen, second extraordinary session. Provided, how- 6 ever, that no tax shall be levied, assessed or collected under this 7 act for a longer period than the end of the fiscal year after the 8 termination of the war now existing between the United States 9 and the Imperial German government.

Sec. 5. The amount of said special levy and said special 2 excise tax, within the limits herein prescribed, shall be determined 3 by the board of public works, and in the event the same shall be 4 less than the maximum amount herein prescribed, they shall 5 be fixed in the same ratio to the maximum amounts and when col- 6 lected, shall be placed in a separate fund in the state treasury 7 to be known as the “State Council of Defense War Fund.” Said 8 fund shall be disbursed from the state treasury, on the warrant 9 of the state auditor, when requisition is made by the executive 10 state council of defense, signed by the president and secretary of
11 said executive council. This fund shall be used to carry into
12 effect the law creating the state council of defense; and to pro-
13 vide for the current expenses of the militia or any other body of
14 organized troops lawfully called out by the governor of the state,
15 and the organization and equipment of any new units required
16 by the federal government or the state council of defense. Any
17 balance remaining in said fund, after the purpose of the fund has
18 been carried out and completed, may be used by the executive
19 counsel of defense to supplement the appropriation for any hos-
20 pital for the insane, or other public institution, where the regular
21 appropriation therefor shall prove insufficient, because of ex-
22 cessive prices of food or other products necessary for the main-
23 tenance of said institution; and the remainder, if any, shall be
24 placed in the general revenue of the state fund.

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

CHAPTER 7.

(House Bill No. 6.)

AN ACT relating to the protection of sheep and the conservation of
the food supply necessary for the maintenance of the people.

[Passed May 26, 1917. In effect sixty days from passage. Became a law without
the Governor's approval.]

SEC.
1. Unlawful for person keeping dog
to permit animal to run at large
or trespass on lands of another;
if sheep or domestic animals are
killed or injured, what shall con­
stitute prima facie evidence of
guilt.
2. Provision as to tags; where pro­
cured, and fee; cause for seizure
of dog; procedure if dog wears
collar bearing tag; how owner
may reclaim impounded dog;

SEC.
3. Unnaturalized resident of state
shall not own or keep dog.
4. Act not construed to re­
restrict citizen from lawful hunt­

ing.
5. Penalty for violation or provisions
of act.
6. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any person to suffer or
2 permit any dog in his possession or kept by him about his prem­
3 ises, to run at large on any unenclosed land, or trespass upon any
4 enclosed or unenclosed lands of another.
5 If any dog be suffered or permitted to run at large or trespass
6 as aforesaid, or kill or assist in killing, injuring or chasing any
CH. 7) DOG LAW. 43

7 sheep or other domestic animals out of the enclosure of the owner
8 or keeper of such dog, proof that such dog was at large at the time
9 and place of injury complained of shall be prima facie evidence of
10 liability and guilt, as hereinafter provided.

Sec. 2. The county court of every county and the council of
every municipality, shall prepare and deliver, to its assessor, sheriff,
constables, or other police officers, consecutively numbered substan-
tial aluminum or brass tags, bearing the calendar year and the
name of the county or municipality issuing such tag, which shall
be delivered by them to any citizen of the county or municipality
who may apply therefor and pay into its treasury a fee of not
more than twenty-five cents for each tag, which tags shall be
fastened upon the collars worn by the dogs owned or kept by
such citizens, and for which fee such officer shall issue a receipt
showing the name and address of the citizen and the year and
number of the tag. Such officer shall also keep a record book
showing the name and address of each citizen to whom such tags
are issued, the number of such tag so issued and the year thereof.

Any citizen may, and the sheriff, constables or other police offi-
cers of any county, district or municipality, shall seize any dog
found unaccompanied by its owner or keeper and running at large
on any road, street or other public place, or trespassing on any
premises other than the premises of the owner. If such dog is
wearing a collar bearing such tag, it shall be impounded and the
citizen or officer so seizing and impounding said dog shall im-
mediately thereafter by written notice notify the owner of such
dog as disclosed by the records herein provided for to be kept
that such dog has been seized and impounded by him and unless
such owner or keeper of such dog shall, within seven days from
the receipt of said notice claim such dog, and pay such citizen
or officer a fee of two dollars for seizing, and a fee of ten cents
for each day it is impounded, it shall be killed forthwith in any
humane manner. Provided, that any citizen or officer may kill
any dangerous or vicious dog, or any dog not registered as herein
provided for, or any dog permitted to run at large after the owner
or keeper shall have had notice not to permit such dog to run at
large, if such dog be off the premises and out of the control of its
owner or keeper. No citizen or officer shall be liable in damages
or to prosecution by reason of killing any dog as herein provided.
For every dog seized and not claimed by its owner or keeper as
aforesaid, the county court shall pay the citizen or officer entitled
thereto said fees and costs upon due proof of the seizure, im-
pounding and killing of such dog; and the owner or keeper shall be liable therefor in any action before the court or justice having jurisdiction; provided, further, that it shall be the duty of the common council of every incorporated city, town or village in this state, to provide a suitable pound for such dog or dogs so seized under the provisions of this act.

Sec. 3. It shall be unlawful for any unnaturalized foreign born resident of this state to own or keep a dog of any kind in this state.

Sec. 4. Nothing in this act shall be construed to prevent any citizen of this state from lawfully hunting with a dog or dogs on any land owned by him or by any person from whom such citizen has first secured permission to hunt with a dog or dogs; and no citizen shall hunt with a dog or dogs upon the land of another without written or verbal permission from the owner or lessee thereof.

Sec. 5. Any person violating any provision of this act or failing or neglecting to perform any duty imposed by it, shall be liable, in an action of prosecution before any court or justice having jurisdiction, for the amount of damage sustained, and also for a fine of not to exceed one hundred dollars and the cost of prosecution, or to imprisonment in the county jail not more than thirty days, or to both fine and imprisonment; and any person who shall remove from any dog a collar bearing a tag as provided for in this act, or who shall alter or remove any such tag from a dog properly registered as herein provided for, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed one hundred dollars and the cost of the prosecution, or to imprisonment in the county jail not more than thirty days, or to both fine and imprisonment, and shall be liable to the owner or keeper of such dog in a civil action for the amount of damages sustained.

Sec. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 8.

AN ACT accepting the provisions of the act of congress providing for national aid for vocational education and providing for carrying the same into effect.
SEC. 1. Provisions of act of congress relating to vocational education accepted by state of West Virginia.

SEC. 2. State treasurer designated custodian; to receive money from United States treasury and pay same upon warrant of auditor.

SEC. 3. Board of regents designated as state board to carry out provisions of act.

Be it enacted by the Legislature of West Virginia:

Section 1. That the provision of an act of congress entitled "an act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," are hereby accepted by the state of West Virginia as to:

a. Appropriations for the salaries of teachers, supervisors or directors of agricultural subjects.

b. Appropriations for salaries of teachers of vocational and industrial subjects.

c. Appropriations for the training of teachers of vocational subjects.

Sec. 2. The state treasurer is hereby designated as the custodian for vocational education and shall receive money paid to the state from the United States treasury under the provisions of said act of congress and shall pay the same upon the warrant of the auditor of state when the same is certified by the state board of control.

Sec. 3. The state board of regents is hereby designated as the state board to carry out the provisions of said act so far as the same relates to the co-operation of the states and federal government and shall have full power to do all things necessary in the formulation of plans for the promotion of education in agriculture, in trades and industries and to formulate and execute plans for the preparation of teachers of vocational subjects.
CHAPTER 9.

(House Bill No. 34.)

AN ACT to provide protection for the lives and properties of the inhabitants of the state of West Virginia, during the continuance of the war between the United States and the Imperial German government; and for that purpose to authorize, empower and direct the sheriffs of the several counties, with the consent and approval of their respective county courts, to appoint special police deputies.

[Passed May 26, 1917. In effect from passage. Approved by the Governor May 26, 1917.]

Sec. 1. Power given sheriffs to appoint special police deputies; term of service and eligibility.

Sec. 2. Upon call of governor, duty of such deputies to police and protect lives and property of citizens.

Sec. 3. Deputies have right to carry necessary firearms without bond or license; governor may remove for cause; requirements as to organization and drill.

Sec. 4. Deputy police force not required to serve at or near voting precincts; interference with election official or voter a misdemeanor; penalty.

Sec. 5. Compensation for deputies; how paid.

Sec. 6. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The sheriff of every county in the state of West Virginia shall, with the consent and approval of the county court of his county appoint not less than ten nor more than one hundred citizens thereof who are over the age of thirty-one years, as special police deputies. Such persons so appointed shall be of good moral character and voters resident within the county, and their service shall continue during the period of the war between the United States and the Imperial German government. No person shall be eligible to hold or be appointed, to said special deputy police force who is a member of, employed by, or identified with any detective agency or private police organization.

Sec. 2. Upon the call and at the direction of the governor, the deputies so appointed under the provisions of this act shall have the power, and it shall be their duty to police and protect the lives and properties of persons or citizens within their respective counties, under the direction of the sheriff thereof and if, in the opinion of the governor, any of such special deputy police force is needed to perform duty in any other county of the state of West Virginia, he shall have the right and authority to command them, or any of them, to perform such duties which, in
10 his opinion, may be necessary for the purposes aforesaid, and for
11 the preservation of peace and order therein.

Sec. 3. While on duty, the members of said special deputy
2 police force appointed as aforesaid, shall have the right and privi-
3 lege to carry visible any necessary firearms, without being required
4 to give any bond or apply for, or obtain any license, as provided by
5 section seven, of chapter one hundred and forty-eight, of "Barnes
6 Code of West Virginia," of one thousand nine hundred and sixteen;
6-a and such deputies may, for cause, be removed by the governor,
7 and while on duty, they shall be under the command and control
8 of such officers as the governor may designate and appoint; and
9 such police deputies may organize and drill for the purpose of
10 discipline and efficiency, under such rules and regulations as may
11 be prescribed and promulgated by the governor, and the governor
12 shall, within thirty days after this act takes effect, prescribe or
13 designate some form of regulation design that will distinctly
14 identify said deputy police from civilians.

Sec. 4. No member of such special deputy police force shall,
2 in any instance, be detailed for or ordered on duty at or near any
3 voting precinct where any election or primary is being held, or is
4 about to be held, nor shall any member of said force interfere in
5 any manner with any election official or voter in the discharge of his
6 duty as such, or in going to or returning from the voting precincts,
7 and any member of such force violating the provisions of this sec-
8 tion shall be guilty of a misdemeanor and, upon conviction thereof,
9 shall be fined not less than twenty-five nor more than one hundred
10 dollars and may, at the discretion of the court, be imprisoned in
11 the county jail not less than thirty nor more than ninety days, or
12 both fined and imprisoned, as aforesaid.

Sec. 5. When such special deputy police are called for ser-
2 vice by the governor, as hereinbefore provided, each member there-
3 of shall receive the sum of three dollars per day and expenses, for
4 the time actually engaged under said call, in such service, the same
5 to be paid out of the state council of defense war fund, as pro-
6 vided by law.

Sec. 6. All acts or parts of acts in conflict herewith are here-
2 by repealed.
CHAPTER 10.

(Senate Bill No. 1.)

AN ACT to prevent and punish fraud in sales of goods, wares and merchandise at public or private sale by itinerant vendors, and to regulate all such sales.

[Passed May 22, 1917. In effect from passage. Became a law without the Governor’s approval.]

SEC. 1. “Itinerant vendor” construed, for purpose of act; persons so engaged not relieved from provisions of act by association with local dealers; provisions not to apply to sales made by commercial travelers; other exceptions.

SEC. 2. Facts relating to sale to be stated in writing under oath, before goods are advertised or sold; statement to be filed in office of clerk of county court; record of statements to be kept, and same open to inspection.

SEC. 3. Special deposit to be made with county clerk before license shall be issued; time deposit shall be held.

SEC. 4. Deposits subject to attachment and execution on behalf of creditors; fines and penalties fixed by appropriate courts; provision as to settlement of claims and payment of deposit.

SEC. 5. License tax; how assessed and collected; no license issued or tax assessed for less than one year.

SEC. 6. What shall constitute violations of act; penalty for same; each day a separate offense.

SEC. 7. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the words “itinerant vendor,” for the purpose of this act, shall mean and include all persons, firms or corporations, both principals and agents, who engage or conduct within this state, either in one locality, or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise; and who, for the purpose of carrying on such business, use, lease or occupy either in whole or in part, a room, building or other structure, or who use, lease or occupy for such purpose, poses a room or rooms in any hotel or lodging house, for the exhibition and sale of such goods, wares and merchandise; and the person, firm or corporation so engaged shall not be relieved from the provisions of this act by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as part of the business of, or in the name of, any local dealer, trader, merchant or auctioneer. The provisions of this act shall not apply to sales made to persons by commercial travelers, or selling agents in the usual course of business, nor to bona fide sales of goods, wares or merchandise by sample for future delivery; nor to hawkers or peddlers in the streets, roads or highways, from
21 packs or vehicles, nor to persons selling meat or the products of 22 the farm, garden or dairy, nor to any sales of goods, wares 22-a or merchandise on the grounds of any agricultural association 23 during the continuance of any annual fair held by such associa- 24 tion; nor to any sales by societies acting for charitable, religious or 25 public purposes; nor to judicial sales directed by law, or under 26 the orders of any court; nor to the sales of the common necessi- 27 ties of life in any public market place.

Sec. 2. No itinerant vendor shall advertise, represent or hold forth a sale of goods, wares or merchandise as a bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, attorney, manufacturers, wholesale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless before so doing, he shall state in writing, under oath, to the clerk of the county in which such business is proposed to be conducted at the time he makes application for a license, hereinafter provided for, all the facts relating to the reason and character of such special sale so advertised, held forth, or represented, including a statement of the names of the persons from whom said goods, wares, or merchandise were purchased, and the date of the delivery of the same to the person applying for license; the place, if any, where said goods, wares or merchandise were previously exposed for sale, and such details as are necessary to exactly locate and fully identify all such goods, wares and merchandise proposed to be sold. And such itinerant vendor shall also include in the said statement the names and residence of the owner or owners in whose interest the business is conducted, to be kept on file in the office of the said clerk of the county court, and a record shall be kept by said clerk of all such statements, in convenient form and open to public inspection.

Sec. 3. Every itinerant vendor desiring to do business within this state shall deposit with the said clerk of the county court the sum of five hundred dollars, as a special deposit, before a license shall be issued to him, as hereinafter provided, authorizing him to do business in this state, in conformity with the provisions of this act. Said deposit shall be held by the said clerk for a period of thirty days after such itinerant vendor ceases to do business within this state, and after satisfying all claims which shall be made against him under the next following section hereof, shall return such deposit or such portion thereof as remains in his hands to the said itinerant vendor who deposited the same.
Sec. 4. The deposits so made with the said clerk shall be subject to attachment and execution on behalf of creditors whose claims arise in connection with the business conducted within this state, and to the payment of fines and penalties incurred by such itinerant vendor in violation of this act as may be fixed by the judgment of appropriate courts having jurisdiction thereof, as well as for any unpaid taxes assessed, laid or charged, by any proper authorities, upon such goods, wares and merchandise, and the said deposit or any remaining portion thereof shall not be paid to such itinerant vendor until all outstanding claims or notices of claims presented within thirty days after he ceases to do business, are settled in full.

Sec. 5. On every license to carry on such business as is contemplated, there shall be assessed an annual license tax of five hundred dollars, and such license shall be applied for and issued, and such license tax shall be assessed and collected in the same manner that other licenses and license taxes are assessed and collected under the provisions of chapter thirty-two of the code of West Virginia, and any acts amendatory thereof, and applicable hereto; provided, however, that no such license shall be issued, or such license tax shall be assessed for any period of less than one year.

Sec. 6. Every itinerant vendor who sells or exhibits for sale at public or private sale, any goods, wares and merchandise without first obtaining a license therefor, and in all other respects complying with the provisions of this act, or who makes any false statement in reference to the matter set out in the second section of this act, or who fails to comply with the requirements of any of the sections of this act, and every person, whether principal or agent, who, by circular, hand-bill, newspaper, or in any manner advertises such sale, as herein described, before proper licenses are issued to the vendor, and before he has complied with the provisions of this act, shall be guilty of a violation of this act, and shall be punished accordingly, by a fine of not less than twenty-five dollars, nor more than one hundred dollars; and each day that any violation thereof shall continue shall be deemed to constitute a separate offense, and be punishable hereunder accordingly.

Sec. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
CHAPTER 11.

(Senate Bill No. 3.)

AN ACT to provide that farm loan bonds issued under the provisions of the federal farm loan act of the congress of the United States shall be a lawful investment for savings bank deposits, for all fiduciary and trust funds, for the funds of insurance companies and of savings and loan associations, and for the workmen’s compensation fund, and that such farm loan bonds shall be accepted as security for all public deposits.

[Passed May 19, 1917. In effect from passage. Approved by the Governor May 21, 1917.]

SEC. 1. Farm loan bonds issued under act of congress of United States lawful investment for savings bank deposits, etc.; said bonds to be accepted as security for public deposits; terms.

SEC. 2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That farm loan bonds issued by federal land banks or joint stock land banks, under an act of congress approved July seventeenth, one thousand nine hundred and sixteen, entitled “An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create government depositories and financial agents for the United States, and for other purposes,” shall be a lawful investment for savings bank deposits, for all fiduciary and trust funds, for the funds of insurance companies and savings and loan associations, and for the workmen’s compensation fund. Said farm loan bonds shall be accepted as security for all public deposits on the same terms as any bonds for which the faith of the United States is pledged.

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

CHAPTER 12.

(Senate Bill No. 7.)

[Passed May 19, 1917. In effect thirty days from passage. Approved by the Governor May 21, 1917.]

An ACT to prevent idleness and vagrancy in West Virginia during the continuance of the war in which the United States is now engaged.
Be it enacted by the Legislature of West Virginia:

Section 1. It is hereby declared to be the duty of every able bodied male resident of this state, between the ages of sixteen and sixty years, to habitually and regularly engage in some lawful, useful and recognized business, profession, occupation or employment whereby he may produce or earn sufficient to support himself and those legally dependent upon him.

Sec. 2. From the time this act becomes effective, and thenceforward until six months after the termination of the present war between the United States and the Imperial German government, any able bodied male resident of this state between the ages of sixteen and sixty, except bona fide students during school term, who shall fail or refuse to regularly and steadily engage for at least thirty-six hours per week in some lawful and recognized business, profession, occupation or employment, whereby he may produce or earn sufficient to support himself and those legally dependent upon him, shall be held to be a vagrant within the meaning and effect of this act, and shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars for each offense, and as a part of such sentence and punishment such offender shall be by the trial court ordered to work not exceeding sixty days upon the public roads or streets, or upon some other public work being done by and in the county in which such person shall be convicted, or by any municipality therein. One-half of the fair value of any such labor so performed under such sentence, shall be paid by the county or municipality receiving the same toward the support of any persons legally dependent upon such vagrant, but if there shall be no such legal dependents, then no payment shall be made on account of any labor performed under such judgment. Any labor so required by a judgment of conviction hereunder shall be rendered in all
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25 respects as is now provided by law in the case of other prisoners in jail.

27 Prosecutions for vagrancy hereunder shall be instituted and conducted as other criminal prosecutions, and in no case shall the possession by the accused of money, property or income sufficient to support himself and those legally dependent upon him be a defense to any prosecution under this act. In no case shall the claim by the accused of inability to obtain work or employment be a defense to a prosecution hereunder, unless it shall be proved that the accused promptly notified the proper representative of the state council of defense of his inability to obtain employment, and requested that work or employment be found for him, and that such employment was not furnished him.

Sec. 3. All justices of the peace, mayors and police judges within the state are hereby given jurisdiction to try and punish all offenders under this act, or such prosecution may be by indictment. Each week or portion thereof that such resident shall continue a vagrant hereunder shall constitute a separate offense, and no appeal shall be allowed from any judgment of conviction for vagrancy, unless the accused shall give bond, with penalty and security to be fixed and approved by the court granting the appeal, conditioned not to violate this act during the pendency of such appeal. Any judgment for the performance of labor hereunder may be suspended by the court pronouncing the same, upon the execution by the person convicted of a bond, with the penalty and security approved by the court, conditioned to comply with the provisions of this act for one year from the date of such bond. A violation of the condition of such last mentioned bond shall entitle the state to recover the amount of the penalty thereof, and in addition thereto the convicted person shall be rearrested and required to serve the sentence formerly pronounced against him.

Sec. 4. For the purposes of this act any male person found hereunder, proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, hotels, stores or other public place, or that he is habitually intoxicated, or is addicted to the use of narcotic drugs, or is a professional gambler, or, being able bodied is supported in whole or in part by the labor of any woman or child, shall be prima facie evidence of vagrancy.

Sec. 5. All acts and parts of acts in conflict with this act, or any part hereof, are hereby repealed.
CHAPTER 13.
(Senate Bill No. 10.)

AN ACT to permit registered voters, required by military duty to this state or to the United States to be absent from their voting precincts on the day of election, to vote by registered mail.

[Passed May 23, 1917. In effect from passage. Approved by the Governor May 26, 1917.]

Be it enacted by the Legislature of West Virginia:

Section 1. Any registered voter whose participation in the military service of the state or of the United States requires him to be absent from the precinct in which he is registered, on the day of holding any primary or general election, may vote by registered mail upon compliance with the provisions of this act.

Sec. 2. Such voter shall give notice in writing to a registrar of his precinct, not less than thirty days nor more than sixty days prior to the primary or general election in which he desires to participate, of his intention to vote by registered mail, and if in a primary election, of the party ballot which he desires to vote. Said notice with an application for a ballot, shall be delivered personally to such registrar or forwarded to him by registered mail, and shall be accompanied by sufficient postage or the correct amount in legal tender, necessary for the return of the blank ballot and instruction in regard to the same, together

SEC.

1. Registered voter in military service and absent from precinct may vote by registered mail, under provisions of act.

2. Notice to be given to registrar of intention to vote by mail; other instructions as to notice and application for ballot.

3. Duty of registrar upon receipt of notice; information and instructions to be forwarded to applicant.

4. Form of certificate of registration and coupon.

5. Form of voucher or certificate.

6. Instructions to applicant upon receipt of ballot.

7. Blank ballots to be furnished registrar, properly sealed and marked; requirements as to form and color; unused ballots to be returned, together with list of names of voters.

8. Registrar to deposit ballot in sealed box; not to be opened until day of election; coupons to be filed with letter of application.

9. List of voters applying for ballots to be posted at polling place; why.

10. Sealed ballots, application and list to be delivered to commissioners of election on election day; receipt to be taken for same.

11. Box to be opened at close of balloting; procedure as names are called.

12. Disposition of empty envelopes when ballots are voted or rejected; cause for rejection to be stated in writing and signed; what shall be done with box.


14. Penalty for abetting fraud in connection with votes cast; to fraudulently sign name of qualified voter, forgery; penalty for violation of provisions of act by public official.

15. Provisions of act to have full force and effect; inconsistent acts repealed.
with a return envelope addressed in care of the voter's commanding officer.

Sec. 3. Upon receipt of such application for ballot, the registrar shall satisfy himself that the applicant is duly qualified to vote in the precinct for which said application is made, and shall enroll the name and address of the applicant, if found eligible, in a book to be provided for the purpose; and as soon as such registrar receives the copies of the official ballots provided him for the purpose, he shall make out the certificate and coupon attached, hereinafter provided for, and forward the same to the applicant by registered mail (the cost of same having been paid the registrar as hereinbefore provided,) and shall also enclose in said letter—

(a) An envelope containing the folded ballot, sealed and marked "ballot within."
(b) An envelope for resealing the marked ballot, form of which is hereinafter provided, and therein called "voucher."
(c) A properly addressed envelope for the return of said ballot to the registrar.
(d) A printed slip giving full instructions regarding the manner of marking the ballot, in order that the same may be counted, how prepared and how returned; which printed slip together with the printed envelopes herein required to be used shall be provided by the board of ballot commissioners.

Sec. 4. The certificate of registration and coupon attached shall be printed, and shall be in form or effect as follows:

This is to certify that...............................is a qualified voter at..............................Precinct No..................
District....................County, West Virginia, and entitled to vote in the election on the......day of...................., 19......
Application for ballot received....................(date), from...................(postoffice), and mailed to.............................
in care of.....................................................,
(name of commanding officer) as requested, on............................., 19......
A copy of this certificate is filed with the letter of application. Number..................
Signed..............................................,
Registrar.
Sec. 5. The voucher shall be on the back of the return envelope containing the marked ballot and shall be in form or effect as follows:

This is to certify that the enclosed ballot was received by me as per my application to the registrar of Precinct, District, County, West Virginia. The envelope marked “ballot within” was opened by me in the presence of, (name and rank of certifying officer), marked in his presence, but without assistance nor knowledge on the part of any one as to the manner in which same was prepared, and then and there sealed as provided by law.

Teste: (To be signed by officer designated for such duty.)

Date

If the ballot is to be voted in a primary election, such voucher shall also contain the oath or affirmation required by section thirteen of chapter twenty-six of the acts of one thousand nine hundred and fifteen, and when signed by the voter, the same shall have the same force and effect, and be subject to the same penalties, as if signed by the voter at the voting place in the manner provided by said section.

(Detach the coupon below and return)

Name given by voter, Color, Height, Age, Hair, Eyes. Weight, estimated, Birthplace given by voter, Occupation.

State and precinct where voter claimed to have last voted

To the best of my knowledge, the above information is correct and applicant has complied with the requirements of the law as contained in the enclosed card of instructions. I have no knowledge whatever of the marking, erasures or intent of the ballot enclosed.

(Signed)

Sec. 6. Upon receipt of such registered letter, forwarded by the registrar, the applicant shall open the sealed envelope marked
3 "ballot within" only in the presence of his commanding officer
4 or of some commissioned officer duly delegated by him for such
5 duty. He shall thereupon mark and refold the ballot without
6 assistance and without making known the manner of marking the
7 same, and shall then and there place the ballot within the
8 voucher envelope provided for the purpose, shall seal the same and
9 sign the voucher printed upon the envelope in the presence of
10 said officer who shall witness the same in writing; and such en-
11 velope shall thereupon be enclosed within the envelope directed
12 to the registrar, and it shall then and there be sealed and regis-
13 tered to the registrar. The officer witnessing the voucher shall also
14 fill out the coupon attached to the certificate of registration, and
15 shall sign and enclose the same in the said envelope addressed to
16 the registrar.

Sec. 7. It shall be the duty of the board of ballot com-
2 missioners to furnish the registrar of each precinct as soon as
3 the ballots may be prepared with a sufficient number of blank
4 ballots, prior to each primary or general election, each properly
5 sealed in an envelope marked "ballot within" and take his re-
6 ceipt for the same. Each of such ballots shall have printed at
7 the top in display type the words "absent voter's ballot," and in
8 the case of a general election such ballots shall be printed on
9 paper of a different color from the official ballot to be used on
10 the day of election. Within five days after the election each reg-
11 istrar shall return to the board of ballot commissioners all unused
12 ballots in their original sealed envelopes, together with a list of
13 the names of voters who have been furnished ballots, as provided
14 in this act.

Sec. 8. Upon the receipt of the ballot from the voter, as
2 herein provided, the registrar shall, opposite the name of the
3 voter in the book heretofore mentioned, write in ink the words
4 "deposited in sealed box by me on ................. ," and add
5 thereto his own signature; and shall thereupon deposit the en-
6 velope containing the ballot, unopened, in a sealed box to be pro-
7 vided for this purpose by the clerk of the county court, and there
8 it shall remain until the day of the election. The registrar shall
9 file the coupons enclosed by the voter with his letter of appli-
10 cation.
Sec. 9. Seven days prior to the election the registrar shall post at the polling place in his precinct a list of the voters who have applied for ballots in accordance with the provisions of this act, which list shall remain so posted during the day of election.

Sec. 10. On the day of election the registrar shall deliver the box containing the sealed ballots aforesaid, and also the letters of application with return coupons attached, and a copy of the list provided for in the preceding section, all under seal, to the commissioners of election at the precinct at which such ballots are to be cast, and shall take a receipt from said commissioners for said box and sealed papers.

Sec. 11. At the close of the regular balloting, the boxes containing such ballots shall be opened by the commissioners of election, and as each envelope is removed from the box, the name of the voter shall be called and checked as if the voter were voting in person. If found entitled to cast his vote, the envelope shall then, but not until then, be opened, and the ballot deposited in the regular box without examining or unfolding it.

Sec. 12. When all the ballots shall have been accounted for and either voted or rejected, the empty envelopes that previously contained the said ballots shall be returned to the original box, together with the sealed package of letters of application and coupons, and the rejected envelopes, if any, on which, or on a sheet of paper thereto attached, shall be plainly written the cause of rejection, signed by a majority of the commissioners of election. The box shall thereupon be resealed, and returned with the other returns of election, to the clerk of the county court, who shall keep the same unopened for one year, unless sooner ordered to be opened by a court having jurisdiction.

Sec. 13. The registrar shall receive for each voter availing himself of the provisions of this act the same fee that he receives for registering a voter, and for posting the notice required by section nine, he shall receive one dollar.

Sec. 14. Any person attempting to aid or abet fraud in connection with any vote cast, or to be cast, or attempted to be cast, under the provisions of this act, shall, upon conviction, be sentenced to the penitentiary for not less than one nor more than five years, and said offense, if committed, shall be construed to be within the jurisdiction in which the precinct at which the ballot is
7 presented to be counted is located. Any person attempting to
8 vote by fraudulently signing the name of a regularly qualified
9 voter, shall be guilty of forgery. Any public official who knowingly
10 violates any of the provisions of this act, and thereby aids or at-
11 tempts to aid in any way the illegal casting or attempting to cast a
12 vote, or who shall connive to nullify any provision of this act in
13 order that fraud may be perpetrated, shall forever be disqualified
14 from holding office in this state, and shall moreover be forever dis-
15 qualified from exercising the right of franchise.

Sec. 15. The provisions of this act shall be liberally con-
2 strued so that full force and effect may be given them; and all
3 acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 14.

( Senate Bill No. 22.)

AN ACT to punish speculation by any person or body of persons for
the purpose ofcornering the market in any food stuffs, fuel, or any
other necessities of life, and providing a penalty therefor.

[Passed May 26, 1917. In effect thirty days from passage. Became a law without
the Governor's approval.]

Sec. 1. It shall be unlawful for any person or body of
2 persons buying or selling any food stuffs, fuel or any article or ar-
3 ticles pertaining to necessities of life who, either in his individual
4 capacity or as an officer, agent, or employee of a corporation, or
5 member of a partnership, to store any such food stuffs, fuel, article
6 or articles for the purpose ofcornering the market or affecting the
7 market price thereof, or for the purpose oflimiting the supply
8 thereof to the public, whether temporarily or otherwise. Any person
9 violating any of the provisions of this act shall be deemed guilty of
10 a misdemeanor, and upon conviction thereof, shall be punished by a
11 fine of not less than one hundred dollars nor more than one thous-
12 and dollars, and may, in the discretion of the court, be confined in
13 the county jail not exceeding one year.
CHAPTER 15.
(Senate Bill No. 26.)

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

[Passed May 24, 1917. In effect ninety days from passage. Approved by the Governor May 26, 1917.]

Sec. 1. Ratification or rejection of amendment to constitution to be submitted to voters at next general election.

51. Proposed amendment: how money may be appropriated out of treasury by the legislature.

2. Amendment known as "Budget Amendment."

3. Ballot on constitutional budget amendment; instructions as to election.

Sec. 4. Certificates as to result of election; what shall be done with said certificates.

5. When certificates shall be laid before the governor; result of election declared.

6. Governor to cause amendment to be published three months before election; how cost of same shall be paid.

Be it enacted by the Legislature of West Virginia:

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

Proposed Amendment.

-Section 51. The legislature shall not appropriate any money out of the treasury except in accordance with the following provisions:

Sub-Section A.

5 Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter mentioned.

Sub-Section B.

8 First: Within ten days after the convening of the legislature, unless such time shall be extended by the legislature for the session at which the budget is to be submitted, the board of public works, which shall consist of the governor, secretary
of state, auditor, treasurer, attorney general, superintendent of
free schools and commissioner of agriculture, shall submit to the
legislature two budgets, one for each of the ensuing fiscal years.
Each budget shall contain a complete plan of proposed expendi-
tures and estimated revenues for the particular fiscal year to
which it relates; and shall show the estimated surplus or deficit
of revenues at the end of such year. Accompanying each
budget shall be a statement showing: (1) the revenues and
expenditures for each of the two fiscal years next preceding;
(2) the current assets, liabilities, reserves and surplus or deficit
of the state; (3) the debts and funds of the state; (4) an estimate
of the state's financial condition as of the beginning and end
of each of the fiscal years covered by the two budgets above
provided; (5) any explanation the board of public works may
desire to make as to the important features of any budget and
any suggestions as to methods for the reduction or increase of
the state's revenue.

Second: Each budget shall be divided into two parts, and
the first part shall be designated "Governmental Appropriations"
and shall embrace an itemized estimate of the appropriations;
(1) for the legislature as certified to the board of public works
in the manner hereinafter provided; (2) for the executive de-
partment; (3) for the judiciary department, as provided by law,
certified to the governor by the auditor; (4) to pay and dis-
charge the principal and interest of any debt of the state of
West Virginia hereafter created in conformity with the consti-
tution, and all laws enacted in pursuance thereof; (5) for the
salaries payable by the state under the constitution and laws
of the state; (6) for the aid of public schools in conformity with
the laws of the state; (7) for such other purposes as are set forth
in the constitution and laws made in pursuance thereof.

Third: The second part shall be designated "General Ap-
propriations," and shall include all other estimates of appro-
priations.

The board of public works shall deliver to the presiding offi-
cer of each house the budgets and a bill for all the proposed
appropriations of the budgets clearly itemized and classified;
and the presiding officer of each house shall promptly cause said
bill to be introduced therein, and such bill shall be known as the
"Budget Bill." The board of public works may, before final
action thereon by the legislature, amend or supplement either
SUBMITTING BUDGET AMENDMENT. [CH. 15

of said budgets to correct an oversight or in case of an emer-
gency, with the consent of the legislature, by delivering such
amendment or supplement to the presiding officers of both
houses; and such amendment or supplement shall thereby be-
come a part of said budget bill as an addition to the items of
said bill or as a modification of or a substitute for any item
of said bill such amendment or supplement may affect.
The legislature shall not amend the budget bill so as to cre-
ate a deficit but may amend the bill by increasing or diminishing
the items therein relating to the legislature, and by increasing the
items therein relating to the judiciary, but except as hereinbefore
specified, may not alter the said bill except to strike out or re-
duce items therein; provided, however, that the salary or com-
penation of any public officer shall not be increased or diminished
during his term of office; and such bill when and as passed by
both houses shall be a law immediately without further action
by the governor.

Fourth: The governor and such representatives of the
boards, officers and commissions of the state expending or applying
for state's money as have been designated by the board of
public works for this purpose, shall have the right, and when re-
quested by either house of the legislature it shall be their duty to
appear and be heard with respect to any budget bill during the
consideration thereof, and to answer inquiries relative thereto.

Sub-Section C.—Supplementary Appropriation Bills.
Neither house shall consider other appropriations until the
budget bill has been finally acted upon by both houses, and no
such other appropriations shall be valid except in accordance
with the provisions following:

(1) Every such appropriation shall be embodied in a sepa-
rate bill limited to some single work, object or purpose therein
stated and called herein a supplementary appropriation bill; (2)
Each supplementary appropriation bill shall provide the revenue
necessary to pay the appropriation thereby made by a tax, direct
or indirect, to be laid and collected as shall be directed in said
bill unless it appears from such budget that there is sufficient
revenue available; (3) No supplementary appropriation bill shall
become a law unless it be passed in each house by a vote of a
majority of the members present, and the yeas and nays recorded
on its final passage. Each supplementary appropriation bill
shall be presented to the governor of the state as provided in
93 section fourteen of article seven of the constitution and there-
94 after all the provisions of said section shall apply.
95 Nothing in this amendment shall be construed as preventing
96 the legislature from passing in time of war an appropriation bill
97 to provide for the payment of any obligation of the state of West
98 Virginia within the protection of section ten of article one of the
99 constitution of the United States.

Sub-Section D.—General Provisions.

101 First: If the “Budget Bill” shall not have been finally acted
102 upon by the legislature three days before the expiration of its
103 regular session, the governor may, and it shall be his duty to
104 issue a proclamation extending the session for such further
105 period as may, in his judgment, be necessary for the passage of
106 such bill; but no other matter than such bill shall be considered
107 during such extended session except a provision for the cost
108 thereof.
109 Second: The board of public works for the purpose of mak-
110 ing up its budgets shall have the power, and it shall be its duty,
111 to require from the proper state officials, including herein all
112 executive departments, all executive and administrative officers,
113 bureaus, boards, commissions and agencies expending or super-
114 vising the expenditures of, and all institutions applying for state
115 moneys and appropriations, such itemized estimates and other
116 information, in such form and at such times as said board
117 shall direct. The estimates for the legislative department, cer-
118 tified by the presiding officer of each house, of the judiciary,
119 as provided by law, certified by the auditor, and for the public
120 schools, as provided by law, shall be transmitted to the board of
121 public works, in such form and at such time as it shall direct,
122 and shall be included in the budget.
123 The board of public works may provide for public hearings
124 on all estimates and may require the attendance at such hearings
125 of representatives of all agencies, and all institutions applying
126 for state moneys. After such public hearings it may, in its dis-
127 cretion, revise all estimates except those for the legislative and
128 judiciary departments, and for the public schools as provided by
129 law.
130 Third: The legislature may, from time to time, enact such
131 laws, not inconsistent with this section, as may be necessary and
132 proper to carry out its provisions.
Fourth: In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, except amendments thereto heretofore made and ratified by the people, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the governor from calling extraordinary sessions of the legislature, as provided by section seven of article seven, or as preventing the legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

Sec. 2. For convenience in referring to the said proposed amendment and in the preparation of the form of the ballot herein-after provided for, said proposed amendment is hereby designated as follows: To be known as "Budget 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 eighteen, the board of ballot commissioners of each county are hereby required to place upon and at the foot of the official ballots to be voted at said election, the following:

**Ballot on Constitutional Budget Amendment.**

Adding section fifty-one to article six.

For ratification of budget amendment.

Against ratification of budget 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 ballot 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 commis-
2 sioners, or a majority of them, and the canvassers (if there be any) 
3 or a majority of them, at each place of voting, shall make out and 
4 sign two certificates thereof in the following form or to the fol-
5 lowing effect: "We, the undersigned, who acted as commissioners 
6 (or canvassers, as the case may be), of the election held at 
7 .............., in the district of .............., in the 
8 county of .............., on the .............. 
9 day of .............., one thousand nine hundred and 
10 eighteen, upon the question of the ratification or rejection of the 
11 proposed constitutional amendment to section fifty-one of article 
12 six, do hereby certify that the result of said election is as follows: 
13 Adding section fifty-one to article six. 
14 For ratification of budget amendment ........ Votes 
15 Against ratification of budget amendment ........ votes. 
16 Given under our hands this ............. day of ........ 
17 one thousand nine hundred and eighteen." 
18 The said two certificates shall correspond with each other in 
19 all respects, and contain the full and true returns of said election 
20 at each place of voting on said questions. The said commissi-
21 oners, or any one of them, (or said canvassers or one of them, as 
22 the case may be), shall within four days, excluding Sundays, 
23 after that on which said election was held, deliver one of said cer-
24 tificates to the clerk of the county court of his county, together 
25 with the ballots, and the other to the clerk of the circuit court 
26 of the county. 
27 The said certificates, together with the ballot cast on the 
28 question of said proposed amendment, shall be laid before the 
29 commissioners of the county court at the court house at the same 
30 time the ballots, poll books and the certificates of the election for 
31 the members of the legislature are laid before them; and as soon 
32 as the result of said election in the county upon the question of 
33 such ratification or rejection is ascertained, two certificates of such 
34 result shall be made out and signed by said commissioners, as a 
35 board of canvassers, in the form or to the following effect: 
36 "We, the board of canvassers of the county of .............. 
37 having carefully and impartially examined the returns of the elec-
38 tion held in said county, in each district thereof, on the ........ 
39 day of .............., one thousand nine hundred and 
40 eighteen, do certify that the result of the election in said county, 
41 on the question of the ratification or rejection of the proposed
amendment adding section fifty-one to article six is as follows:

For ratification of budget amendment.............. votes.

Against ratification of budget amendment............ votes.

Given under our hands this ............ day of ............

one thousand nine hundred and eighteen.'

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 sec-
etary 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 ascer-
tained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, or
as soon thereafter as practicable, the said certificates shall be laid
before the governor, whose duty it shall be to ascertain therefrom
the result of said election in the state, and declare the same by
proclamation published in one or more newspapers printed at the
seat of government. If a majority of the votes cast at said election
upon said question be for the ratification of the said amendment,
the proposed amendment so ratified shall be of force and effect
from the time of such ratification and be 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
printed, at a price to be agreed upon, in advance, in writing, and
the cost of such advertising shall in the first instance, if found
necessary by him, be paid out of the governor's contingent fund
and be afterwards repaid to such fund by appropriation of the
legislature.
RESOLUTIONS.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted May 14, 1917.)

Raising a joint committee to wait upon the Governor.

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

That a select committee of five be raised, composed of two members of the Senate appointed by the President, and three members of the House of Delegates appointed by the Speaker, to wait upon the Governor, jointly, and inform him that the Legislature is organized in accordance with his proclamation issued on the twenty-seventh day of April, one thousand nine hundred and seventeen, with a quorum of each house present, and is prepared to receive any communication that he may be pleased to make.

HOUSE CONCURRENT RESOLUTION NO. 3.

(Adopted May 19, 1917.)

Authorizing the auditor to issue warrants for mileage and per diem of members, officers and attaches.

Resolved, by the Legislature of West Virginia:

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

HOUSE CONCURRENT RESOLUTION NO. 5.

(Adopted May 26, 1917.)

Authorizing the janitor of the capitol to employ, under the statute, additional help during the present session of the legislature.

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

That the janitor of the capitol appoint not to exceed nine additional helpers during the present session of the legislature, who, to-
gether with the chief janitor, shall receive three dollars per day, as provided by law, one-half of which shall be paid out of the contingent fund of the House, and one-half out of the contingent fund of the Senate, upon proper warrants drawn upon the auditor by the sergeant-at-arms of the House of Delegates and by the clerk of the Senate, respectively; payable as hereinbefore provided for the payment of the janitor’s assistants.

HOUSE CONCURRENT RESOLUTION NO. 6.

(Adopted May 25, 1917.)

In recognition of the public services of Honorable Septimius Hall.

WHEREAS, It is in keeping with the policy of our democratic form of government, as well as a command of Divine Providence, that faithful service receive proper recognition;

Be it therefore Resolved by the House of Delegates, the Senate concurring therein:

That West Virginia owes a debt of gratitude to one of her sons, a distinguished member of the House of Delegates; one who has given half a century of faithful service to the welfare of his state, namely, the Honorable Septimius Hall, member of the House from the county of Wetzel. Mr. Hall began serving his state in a legislative capacity in 1872 as a member of the Constitutional Convention and for forty-five years has been almost continuously in one branch or other of our law making bodies fighting for the rights of the common people. Mr. Hall has assisted in the making of practically all the laws on our statute books, therefore contributing more perhaps than other citizen to the wonderful march of progress made by our state in the last half century. He has served faithfully and well in both branches of our law making bodies, being a most valued member of the important committees, and has always been found fighting the cause of the common people as against any selfish interests which have from time to time attempted to fasten their talons on the legal life of our beloved state. He has been noted for his generosity in dealing with the members of the party differing from his own, and, prompted by a spirit of fairness, has always fought in the open. By his honesty of purpose; by his unquestioned integrity he has made friends of those differing from him on political matters. To know him is but to love him. The greatest law book of all ages can give us no prom-
ise beyond the years our beloved friend has already passed. As we all must die, so will Mr. Hall die, yet his works will follow him and live on for all time in the everlasting laws of state written in our wonderfully fertile valleys, on our sturdy hills covered with verdant blue grass, on our rugged mountain peaks where the lightning flashes play but can not erase, yet, more enduring than all these in the hearts of a grateful people.

Therefore, be it Resolved: That we, the members of the House of Delegates, the Senate concurring therein, offer this testimonial as a memorial to a life well spent in the faithful discharge of duty and as a tribute of esteem and confidence while he is yet with us.

Be it further Resolved: That this resolution be printed in the Journals of the House of Delegates and the Senate and that the clerk of the House be and is hereby authorized to have a copy engrossed, signed by the Speaker of the House and the President of the Senate, and presented to Mr. Hall.

HOUSE CONCURRENT RESOLUTION NO. 7.

(Adopted May 26, 1917.)

Raising a joint committee to wait upon the governor.

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

That a joint committee of five, consisting of three on the part of the House of Delegates, to be appointed by the Speaker thereof, and two on the part of the Senate, to be appointed by the President thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn, sine die, having completed its labors, and ask him if he has any further communication to make.

SENATE JOINT RESOLUTION NO. 1.

(Adopted May 23, 1917.)

Adding section fifty-one to article six of the constitution of West Virginia.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following be and the same is hereby proposed as an amendment to the constitution of this state, to-wit:
Section 51. The legislature shall not appropriate any money out of the treasury except in accordance with the following provisions:

Sub-Section A.

Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter mentioned.

Sub-Section B.

First: Within ten days after the convening of the legislature, unless such time shall be extended by the legislature for the session at which the budget is to be submitted, the board of public works, which shall consist of the governor, secretary of state, auditor, treasurer, attorney general, superintendent of free schools and commissioner of agriculture, shall submit to the legislature, two budgets, one for each of the ensuing fiscal years. Each budget shall contain a complete plan of proposed expenditures and estimated revenues for the particular fiscal year to which it relates; and shall show the estimated surplus or deficit of revenues at the end of such year. Accompanying each budget shall be a statement showing: (1) the revenues and expenditures for each of the two fiscal years next preceding; (2) the current assets, liabilities, reserves and surplus or deficit of the state; (3) the debts and funds of the state; (4) an estimate of the state's financial condition as of the beginning and end of each of the fiscal years covered by the two budgets above provided; (5) any explanation the board of public works may desire to make as to the important features of any budget and any suggestion as to methods for the reduction or increase of the state's revenue.

Second: Each budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations; (1) for the legislature as certified to the board of public works in the manner hereinafter provided; (2) for the executive department; (3) for the judiciary department, as provided by law, certified to the governor by the auditor; (4) to pay and discharge the principal and interest of any debt of the state of West Virginia hereafter created in conformity with the constitution, and all laws enacted in pursuance thereof; (5) for the salaries payable by the state under the constitution and laws of the state; (6) for the aid of public schools in conformity with the laws of the state; (7) for such other purposes as are set forth in the constitution and laws made in pursuance thereof.
Third: The second part shall be designated "General Appropriations," and shall include all other estimates of appropriations.

The board of public works shall deliver to the presiding officer of each house the budgets and a bill for all the proposed appropriations of the budgets clearly itemized and classified; and the presiding officer of each house shall promptly cause said bill to be introduced therein, and such bill shall be known as the "Budget Bill." The board of public works may, before final action thereon by the legislature, amend or supplement either of said budgets to correct an oversight or in case of an emergency, with the consent of the legislature by delivering such an amendment or supplement to the presiding officers of both houses; and such amendment or supplement shall thereby become a part of said budget bill as an addition to the items of said bill or as a modification of or a substitute for any item of said bill such amendment or supplement may affect.

The legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or diminishing the items therein relating to the legislature, and by increasing the items therein relating to the judiciary, but except as hereinbefore specified, may not alter the said bill except to strike out or reduce items therein; provided, however, that the salary or compensation of any public officer shall not be increased or diminished during his term of office; and such bill when and as passed by both houses shall be a law immediately without further action by the governor.

Fourth: The governor and such representatives of the boards, officers and commissions of the state expending or applying for state's money as have been designated by the board of public works for this purpose, shall have the right, and when requested by either house of the legislature it shall be their duty to appear and be heard with respect to any budget bill during the consideration thereof, and to answer inquiries relative thereto.

Sub-Section C.—Supplementary Appropriation Bills.

Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except in accordance with the provisions following:

(1) Every such appropriation shall be embodied in a separate bill limited to some single work, object or purpose therein stated and called herein a supplementary appropriation bill; (2) Each supplementary appropriation bill shall provide the revenue necessary to pay
the appropriation thereby made by a tax, direct or indirect, to be laid and collected as shall be directed in said bill unless it appears from such budget that there is sufficient revenue available; (3) No supplementary appropriation bill shall become a law unless it be passed in each house by a vote of a majority of the members present, and the yeas and nays recorded on its final passage. Each supplementary appropriation bill shall be presented to the governor of the state as provided in section fourteen of article seven of the constitution and thereafter all the provisions of said section shall apply.

Nothing in this amendment shall be construed as preventing the legislature from passing in time of war an appropriation bill to provide for the payment of any obligation of the state of West Virginia within the protection of section ten of article one of the constitution of the United States.

Sub-Section D.—General Provisions.

First: If the “Budget Bill” shall not have been finally acted upon by the legislature three days before the expiration of its regular session, the governor may, and it shall be his duty to issue a proclamation extending the session for such further period as may, in his judgment, be necessary for the passage of such bill; but no other matter than such bill shall be considered during such extended session except a provision for the cost thereof.

Second: The board of public works for the purpose of making up its budgets shall have the power, and it shall be its duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as said board shall direct. The estimates for the legislative department, certified by the presiding officer of each house, of the judiciary, as provided by law, certified by the auditor, and for the public schools, as provided by law, shall be transmitted to the board of public works, in such form and at such time as it shall direct, and shall be included in the budget.

The board of public works may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies, and all institutions applying for state moneys. After such public hearings it may, in its discretion,
revise all estimates except those for the legislative and judiciary departments, and for the public schools as provided by law.

Third: The legislature may, from time to time, enact such laws, not inconsistent with this action, as may be necessary and proper to carry out its provisions.

Fourth: In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, except amendments thereto heretofore made and ratified by the people, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the governor from calling extraordinary sessions of the legislature, as provided by section seven of article seven, or as preventing the legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

SENATE JOINT RESOLUTION NO. 9.
(Adopted May 25, 1917.)

Memorializing the Congress of the United States to enact a law prohibiting the use of grain in the manufacture of alcoholic beverages during the present war.

WHEREAS, The civilized world is now threatened with famine on account of the frightful devastation of the world war, and the sacred duty devolves upon this great country to provide the food wherewith to avert such a calamity, and to this end every possible effort should be made to conserve the food supply of the United States; therefore be it

Resolved, by the Legislature of West Virginia:

That the Senate and the House of Representatives in Congress assembled be requested to adopt immediate measures prohibiting the use of any grain products of this country for the manufacture of alcoholic beverages during the period of the present war. Be it further

Resolved, That these resolutions be transmitted to each member of the Senate and House of Representatives from West Virginia, with
the request that they be recorded in the journals of their respective bodies.

SENATE CONCURRENT RESOLUTION NO. 1.
(Adopted May 14, 1917.)

Providing for a joint session of the houses of the Legislature.

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

That the two houses meet at once in joint assembly, in the hall of the House of Delegates, and that an invitation be extended to His Excellency, Governor John J. Cornwell, to be present and deliver in person his special message to this legislature.

Be it further Resolved, That a joint committee consisting of two members of the Senate and three members of the House of Delegates be appointed by the presiding officers of the respective bodies to wait upon the Governor and notify him of the action of the two houses.

SENATE CONCURRENT RESOLUTION NO. 2.
(Adopted May 19, 1917.)

Congratulating the patriotic sons of West Virginia who have "rallied 'round the flag."

WHEREAS, A state of war exists between the United States of America and the Imperial German government; and

WHEREAS, Many of the most virile young men of West Virginia have "rallied 'round the flag." Now, therefore, be it

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

That we commend the action of our patriotic sons who have enlisted in the defense of democracy, and feel proud of the fine example of loyalty they have exhibited to the people of the great American republic in this crisis in her history. We congratulate them upon their splendid devotion to the cause of right, justice, freedom and humanity and wish them God's blessing in the work in which they are engaged.

The clerk of the senate is directed to send by registered mail an attested copy of this resolution to Hon. Roy E. Parrish, a member of
RESOLUTIONS.

the Senate of West Virginia, at Fort Benjamin Harrison, Indiana, to be read by him to the sons of West Virginia now there in the officers' reserve corps.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted May 26, 1917.)

Providing for the printing and distribution of advance copies of the acts of the Second Extraordinary Session of one thousand nine hundred and seventeen.

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, five thousand advance copies of the acts of this session, properly head-noted, and with full table of contents, and in paper binding, for distribution among the members of the legislature, judges of the various courts of the state, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the clerks of the two houses, as soon as possible after the adjournment of this session. Upon receipt of the same, the clerks shall, without delay, forward by mail or express to each member of the Senate and House of Delegates, at least twenty-five of said advance copies, and one copy to each of the officials hereinbefore enumerated.

For the extra work provided for in this resolution, the time of said clerks and one assistant clerk from each house is extended for thirty 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 the sergeant-at-arms of the House, and the Auditor is hereby authorized and directed to pay the same.
OFFICIAL DIRECTORY
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>JOHN J. CORNWELL</td>
<td>Romney</td>
<td>Hampshire</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>HOUSTON G. YOUNG</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>State Super. of Free Schools</td>
<td>M. P. SHAWEY</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>Auditor</td>
<td>JOHN S. DARBY</td>
<td>Cottageville</td>
<td>Jackson</td>
</tr>
<tr>
<td>Attorney General</td>
<td>E. T. ENGLAND</td>
<td>Logan</td>
<td>Logan</td>
</tr>
<tr>
<td>Assistance</td>
<td>FRANK LIVELY</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td></td>
<td>HENRY A. NOLTE</td>
<td>Wheeling</td>
<td>Ohio</td>
</tr>
<tr>
<td></td>
<td>CHARLES RITCHIE</td>
<td>Keyser</td>
<td>Mineral</td>
</tr>
<tr>
<td>Treasurer</td>
<td>WM. S. JOHNSON</td>
<td>Mt. Hope</td>
<td>Fayette</td>
</tr>
<tr>
<td>Commissioner of Agriculture</td>
<td>J. A. STEWART</td>
<td>Morgantown</td>
<td>Monongalia</td>
</tr>
<tr>
<td>State Tax Commissioner</td>
<td>WALTER S. HALLANAN</td>
<td>Barboursville</td>
<td>Cabell</td>
</tr>
<tr>
<td>Librarian</td>
<td>BEN H. OXLEY</td>
<td>Charleston</td>
<td>Kanawha</td>
</tr>
<tr>
<td>Commissioner of Banking</td>
<td>S. P. SMITH</td>
<td>Charleston</td>
<td>Kanawha</td>
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<tr>
<td>Commissioner of Health</td>
<td>S. P. JEPSON</td>
<td>Wheeling</td>
<td>Ohio</td>
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<tr>
<td>Adjutant General</td>
<td>JOHN C. 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>S. B. MONTGOMERY</td>
<td>Tunnelton</td>
<td>Preston</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. VIGUERNEY</td>
<td>Belington</td>
<td>Barbour</td>
</tr>
<tr>
<td>Pardon Attorney</td>
<td>J. E. CULTIP</td>
<td>Sutton</td>
<td>Braxton</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>Residence</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. B. Stephenson, President</td>
<td>Charleston</td>
<td>Kanawha County</td>
</tr>
<tr>
<td>J. M. WILLIAMSON, Treasurer</td>
<td>Moundaville</td>
<td>Marshall County</td>
</tr>
<tr>
<td>J. S. LAKIN, Member</td>
<td>Terra Alta</td>
<td>Preston County</td>
</tr>
</tbody>
</table>

PUBLIC SERVICE COMMISSION

<table>
<thead>
<tr>
<th>Name</th>
<th>Residence</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. F. MORGAN</td>
<td>Fairmont</td>
<td>Marion County</td>
</tr>
<tr>
<td>E. G. RIDER</td>
<td>Sutton</td>
<td>Braxton County</td>
</tr>
<tr>
<td>GEO. R. C. WILES</td>
<td>Williamson</td>
<td>Mingo County</td>
</tr>
</tbody>
</table>

STATE ROAD COMMISSION

<table>
<thead>
<tr>
<th>Name</th>
<th>Residence</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. D. WILLIAMS</td>
<td>Marlinton</td>
<td>Pocahontas County</td>
</tr>
<tr>
<td>T. S. SCANLON</td>
<td>Huntington</td>
<td>Cabell County</td>
</tr>
</tbody>
</table>
### UNITED STATES SENATORS

<table>
<thead>
<tr>
<th>Name</th>
<th>Postoffice</th>
<th>County</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATHAN GOFF</td>
<td>Clarksburg</td>
<td>Harrison</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>HOWARD SUTHERLAND</td>
<td>Elkins</td>
<td>Randolph</td>
<td>March 4, 1923</td>
</tr>
</tbody>
</table>

### REPRESENTATIVES IN CONGRESS

<table>
<thead>
<tr>
<th>District</th>
<th>Name</th>
<th>Postoffice</th>
<th>County</th>
<th>Term Expires</th>
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<tbody>
<tr>
<td>First</td>
<td>M. M. NEELY</td>
<td>Fairmont</td>
<td>Marion</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>Second</td>
<td>GEORGE M. BOWERS</td>
<td>Martinsburg</td>
<td>Berkeley</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>Third</td>
<td>STUART F. REED</td>
<td>Clarksburg</td>
<td>Harrison</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>Fourth</td>
<td>HARRY C. WOODYARD</td>
<td>Spencer</td>
<td>Roane</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>Fifth</td>
<td>EDWARD COOPER</td>
<td>Bramwell</td>
<td>Mercer</td>
<td>March 4, 1919</td>
</tr>
<tr>
<td>Sixth</td>
<td>ADAM B. LITTLEPAGE</td>
<td>Charleston</td>
<td>Kanawha</td>
<td>March 4, 1919</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 Groves Connor, 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. Meloney, Clerk, Richmond, Va.
Claude M. Dean, 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
A. T. Barrett, Clerk, Parkersburg
John H. Conrad, Deputy Clerk, Parkersburg
Austin C. Merrill, Deputy Clerk, Philippi
George E. Boyd, Jr., Deputy Clerk, Wheeling
A. C. Nadenbousch, Deputy Clerk, Martinsburg
S. R. Harrison, Jr., Deputy Clerk, Clarksburg
Stuart W. Walker, District Attorney, Martinsburg
H. H. Byer, Assistant, Philippi
J. J. P. O'Brien, Assistant, 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
Pearl Mason, Office Deputy, Parkersburg
John D. Moore, Field Deputy, Fairmont
J. M. Short, Field Deputy, Wheeling
E. W. Athey, Field Deputy, Martinsburg.
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>George E. Boyd, Jr.</td>
<td>United States Commissioner</td>
<td>Wheeling</td>
</tr>
<tr>
<td>Dorr Caato</td>
<td>United States Commissioner</td>
<td>Parkersburg</td>
</tr>
<tr>
<td>James T. Dailey</td>
<td>United States Commissioner</td>
<td>Kingwood</td>
</tr>
<tr>
<td>H. A. Downs</td>
<td>United States Commissioner</td>
<td>Martinsburg</td>
</tr>
<tr>
<td>Austin C. Merrill</td>
<td>United States Commissioner</td>
<td>Philippi</td>
</tr>
<tr>
<td>Albert M. Lohn</td>
<td>United States Commissioner</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Glenn Hunter</td>
<td>United States Commissioner</td>
<td>Morgantown</td>
</tr>
<tr>
<td>J. H. Siler</td>
<td>United States Commissioner</td>
<td>Berkeley Springs</td>
</tr>
<tr>
<td>Chas. R. Lilly</td>
<td>United States Commissioner</td>
<td>Grafton</td>
</tr>
<tr>
<td>J. P. Kirby</td>
<td>United States Commissioner</td>
<td>Fairmont</td>
</tr>
<tr>
<td>James W. Coberly</td>
<td>United States Commissioner</td>
<td>Elkins</td>
</tr>
<tr>
<td>T. A. Brown</td>
<td>Referee in Bankruptcy</td>
<td>Parkersburg</td>
</tr>
<tr>
<td>W. Frank Stout</td>
<td>Referee in Bankruptcy</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>O. E. Wyckoff</td>
<td>Referee in Bankruptcy</td>
<td>Grafton</td>
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<tr>
<td>B. L. Butcher</td>
<td>Referee in Bankruptcy</td>
<td>Fairmont</td>
</tr>
<tr>
<td>M. H. King</td>
<td>Referee in Bankruptcy</td>
<td>Elkins</td>
</tr>
<tr>
<td>J. Ben Brady</td>
<td>Referee in Bankruptcy</td>
<td>Kingwood</td>
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<tr>
<td>Wilbur H. Thomas</td>
<td>Referee in Bankruptcy</td>
<td>Martinsburg</td>
</tr>
<tr>
<td>J. W. Cummins</td>
<td>Referee in Bankruptcy</td>
<td>Wheeling</td>
</tr>
<tr>
<td>T. P. Jacobs</td>
<td>Referee in Bankruptcy</td>
<td>New Martinsville</td>
</tr>
</tbody>
</table>

Counties composing the Northern District—Barbour, Berkeley, Brooke, Cabell, 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>Title</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benjamin F. Keller</td>
<td>District Judge</td>
<td>Charleston</td>
</tr>
<tr>
<td>Edwin M. Keatley</td>
<td>Clerk</td>
<td>Charleston</td>
</tr>
<tr>
<td>Albert M. Fitzwater</td>
<td>Deputy Clerk</td>
<td>Charleston</td>
</tr>
<tr>
<td>R. L. Gosling</td>
<td>Deputy Clerk</td>
<td>Huntington</td>
</tr>
<tr>
<td>P. D. Horan</td>
<td>Deputy Clerk</td>
<td>Bluefield</td>
</tr>
<tr>
<td>F. Witcher McCullough</td>
<td>District Attorney</td>
<td>Huntington</td>
</tr>
<tr>
<td>Lon H. Kelley</td>
<td>Assistant</td>
<td>Sutton</td>
</tr>
<tr>
<td>William E. Ross</td>
<td>Assistant</td>
<td>Bluefield</td>
</tr>
<tr>
<td>Wm. Osborne</td>
<td>United States Marshal</td>
<td>Charleston</td>
</tr>
<tr>
<td>John H. Campbell</td>
<td>Chief Office Deputy</td>
<td>Charleston</td>
</tr>
<tr>
<td>L. H. Oakes</td>
<td>Office Deputy</td>
<td>Charleston</td>
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<tr>
<td>Alphonse M. Foose</td>
<td>Office Deputy</td>
<td>Huntington</td>
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<tr>
<td>G. C. Rutherford</td>
<td>Office Deputy</td>
<td>Huntington</td>
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<tr>
<td>H. T. Lemon</td>
<td>Office Deputy</td>
<td>Beckley</td>
</tr>
<tr>
<td>J. H. Mitchell</td>
<td>Office Deputy</td>
<td>Welch</td>
</tr>
<tr>
<td>Jas. A. Farley</td>
<td>Office Deputy</td>
<td>Williamson</td>
</tr>
<tr>
<td>Nina G. Cornwell</td>
<td>Office Deputy</td>
<td>Charleston</td>
</tr>
<tr>
<td>V. C. Champe</td>
<td>United States Commissioner</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Joseph M. Crockett</td>
<td>United States Commissioner</td>
<td>Welch</td>
</tr>
<tr>
<td>Howell M. Tanner</td>
<td>United States Commissioner</td>
<td>Bluefield</td>
</tr>
<tr>
<td>J. P. Douglass</td>
<td>United States Commissioner</td>
<td>Huntington</td>
</tr>
<tr>
<td>A. M. Sikes</td>
<td>United States Commissioner</td>
<td>Huntington</td>
</tr>
<tr>
<td>E. C. Eagle</td>
<td>United States Commissioner</td>
<td>Hinton</td>
</tr>
<tr>
<td>J. H. Gadd</td>
<td>United States Commissioner</td>
<td>Princeton</td>
</tr>
<tr>
<td>H. M. Patterson</td>
<td>United States Commissioner</td>
<td>Beckley</td>
</tr>
<tr>
<td>Joseph Ruffner</td>
<td>United States Commissioner</td>
<td>Charleston</td>
</tr>
<tr>
<td>John A. Thayer</td>
<td>United States Commissioner</td>
<td>Charleston</td>
</tr>
</tbody>
</table>
OFFICIAL DIRECTORY

Howard C. Smith .......... United States Commissioner .......... Charleston
O. O. Sutton .......... United States Commissioner .......... Sutton
Grover C. Worrell .......... United States Commissioner .......... Mullens
Paris D. Yeager .......... United States Commissioner .......... Marlinton
W. G. Mathews .......... Referee in Bankruptcy .......... Charleston
Thos. A. Sheppard .......... Referee in Bankruptcy .......... Huntington
R. A. Blessing .......... Referee in Bankruptcy .......... Pt. Pleasant
C. W. Flesher .......... Referee in Bankruptcy .......... Gassaway
Arthur F. Kingdom .......... Referee in Bankruptcy .......... Bluefield
H. A. Bolin .......... Referee in Bankruptcy .......... Hinton
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>
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<tbody>
<tr>
<td>Wm. N. Miller</td>
<td>Parkersburg</td>
<td>Wood</td>
<td>Dec. 31, 1928</td>
</tr>
<tr>
<td>Geo. Poffenbarger</td>
<td>Point Pleasant</td>
<td>Mason</td>
<td>Dec. 31, 1914</td>
</tr>
<tr>
<td>Harold M. Ritz</td>
<td>Bluefield</td>
<td>Mercer</td>
<td>Dec. 31, 1928</td>
</tr>
<tr>
<td>L. Judson Williams</td>
<td>Lewisburg</td>
<td>Greenbrier</td>
<td>Dec. 31, 1920</td>
</tr>
<tr>
<td>Chas. W. Lynch</td>
<td>Clarksburg</td>
<td>Harrison</td>
<td>Dec. 31, 1924</td>
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CIRCUIT COURTS


<table>
<thead>
<tr>
<th>Counties</th>
<th>Commencement of Terms</th>
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<tbody>
<tr>
<td>Hancock</td>
<td>Second Monday in March, third Monday in June and first Monday in November</td>
</tr>
<tr>
<td>Brooke</td>
<td>Third Monday in February, first Monday in June and second Monday in October</td>
</tr>
<tr>
<td>Marshall</td>
<td>Second Tuesday in February, last Tuesday in May and second Tuesday in October</td>
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<tr>
<td>Ohio</td>
<td>Last Monday in March, first Monday in September and fourth Monday in November</td>
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SECOND JUDICIAL CIRCUIT—P. D. Morris, Judge, New Martinsville.

<table>
<thead>
<tr>
<th>Counties</th>
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<tbody>
<tr>
<td>Wirtzal</td>
<td>Second Tuesday in January, first Tuesday in May and third Tuesday in September</td>
</tr>
<tr>
<td>Tyler</td>
<td>Fourth Tuesday in February, third Tuesday in June and first Tuesday in November</td>
</tr>
<tr>
<td>Doddridge</td>
<td>Third Tuesday in March, second Tuesday in July and fourth Tuesday in September</td>
</tr>
</tbody>
</table>
THIRD JUDICIAL CIRCUIT—Homer B. Woods, Judge, Harrisville.
Commencement of Terms.

Counties.
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 first Tuesday in December.

FOURTH JUDICIAL CIRCUIT—Walter E. McDougall, Judge, Parkersburg.
Commencement of Terms.

Counties.
Wood....................... Fourth Monday in January, fourth Monday in April and second Monday in October.
Wirt........................ First Monday in January, first Monday in June and second Monday in September.

FIFTH JUDICIAL CIRCUIT—W. H. O'Brien, Judge, Ripley.
Commencement of Terms.

Counties.
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.
Commencement of Terms.

Counties.
Cabell..................... First Monday in January, first Monday in May and third Monday in September.
Lincoln................... First Monday in March, fourth Monday in June and first Monday in December.
Putnam.................... Third Monday in March, third Monday in July and third Monday in November.

SEVENTH JUDICIAL CIRCUIT—P. H. Napier, Judge, Wayne.
Commencement of Terms.

Counties.
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.
Wayne..................... Second Monday in February, second Monday in May, second Monday in August and second Monday in November.

EIGHTH JUDICIAL CIRCUIT—Isaiah C. Herndon, Judge, Welch.
Commencement of Term.

Counties.
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.
OFFICIAL DIRECTORY

NINTH JUDICIAL CIRCUIT—JAMES H. MILLER, Judge, Hinton.

Counties: Raleigh, Summers.

Commencement of Term: Third Monday in February, first Monday in May, fourth Monday in August and first Monday in December.
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: Clay, Kanawha.

Commencement of Term: First Monday in January, first Monday in April, third Monday in June and second Monday in October.
Second Monday in February, second Monday in May, second Monday in September and fourth Monday in November.

ELEVENTH JUDICIAL CIRCUIT—WM. L. LEE, Judge, Fayetteville.

Counties: Fayette.

Commencement of Term: First Tuesday in January, first Tuesday in April, first Tuesday in July and third Tuesday in September.

TWELFTH JUDICIAL CIRCUIT—WM. S. O'BRIEN, Judge, Buckhannon.

Counties: Upshur, Webster.

Commencement of Term: Second Monday in March, first Monday in July and second Monday in November.
Third Tuesday in January, fourth Tuesday in May and third Tuesday in September.

THIRTEENTH JUDICIAL CIRCUIT—HAYMOND MAXWELL, Judge, Clarksburg.

Counties: Lewis, Harrison.

Commencement of Term: First Monday in March, first Monday in July and first Monday in November.
First Monday in January, first Monday in May and first Monday in September.

FOURTEENTH JUDICIAL CIRCUIT—WILLIAM S. HAYMOND, Judge, Fairmont.

Counties: Marion.

Commencement of Term: Second Monday in March, first day of June and second Monday in November.

FIFTEENTH JUDICIAL CIRCUIT—NEIL J. FORTNEY, Judge, Kingwood.

Counties: Taylor, Preston.

Commencement of Term: Second Tuesday in January, fourth Tuesday in April and second Tuesday in September.
Second Tuesday in March, second Tuesday in June and third Tuesday in November.

SIXTEENTH JUDICIAL CIRCUIT—F. M. REYNOLDS Judge, Keyser.

Counties: Grant, Mineral, Tucker.

Commencement of Term: First Tuesday in April, second Tuesday in July and third Tuesday in November.
Third Tuesday in January, third Tuesday in April, fourth Tuesday in July and third Tuesday in October.
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 Monday in January, second Monday in April and second Monday in September.
Randolph............. Third Tuesday in February, third Tuesday in May and third Tuesday in October.

TWENTIETH JUDICIAL CIRCUIT—S. H. SNATT, Judge, Marlinton.

Counties. Commencement of Terms.

Greenbrier.......... Third Tuesday in January, second Tuesday in May and second Tuesday in September.
Pocahontas......... First Tuesday in April, first Tuesday in August 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............. Third Monday in January, third Monday in May and third Monday in October.

TWENTY-SECOND JUDICIAL CIRCUIT—JAMES DAMRON, Judge, Williamson.

Counties. Commencement of Terms.

Mingo.............. Second Monday in January, second Monday in April, second Monday in July and first Monday in September.
Wyoming............. Second Monday in February, second Monday in May, second Monday in August and second Monday in November.

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.
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## COUNTY OFFICERS

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